

Mayor Patrick McCrory

Nancy Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon

Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL MEETING
Monday, January 13, 2003

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

7:00 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
10.	Federal Legislative Agenda for 2003	12	5
11.	State Legislative Agenda for 2003	13	6
12.	Roadway Access Through Elmwood Cemetery	14	7
13.	Arena Agreements and Land Acquisition	15	
14.	Intergovernmental Relations Process	16	8
15.	FY2004 Budget Process and Calendar	16	9

Business

16.	Process for Staff Input into Zoning Petitions	18	10
17.	Non-Emergency Police Services Crime Reporting Contract	18	
18.	Gleneagles Road Widening Project	21	11
19.	Sale of General Obligation Bonds	21	12
20.	Regional Environmental Action Plan	22	13
21.	Nominations to Boards and Commissions	23	14-20

Consent I

22.	Various Bids		
A.	Spirit Square Chiller-Cooling Tower Replacement	26	
B.	Charlotte-Mecklenburg Government Center (CMGC) Air Control Terminals Replacement	26	
C.	Janitorial Paper Products	27	
D.	Vehicle Radio Equipment Installation and Removal Services	27	
E.	Ultraviolet (UV) Disinfection System Equipment for Sugar Creek and Irwin Creek WWTP	27	
F.	Water and Sewer Main Construction-FY03 Contract 1-Street Main Extensions	27	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
	G. Water and Sewer Main Construction- FY03 Contract 2-Street Main Extensions	28	
23.	Refund of Taxes	28	21

Consent II

24.	Adaptive Systems Corporation Contract Extension	29	
25.	Amendment to Transit DBE Consultant Services Agreement	30	
26.	North Mecklenburg Water Treatment Plant Upgrades-Electrical Construction Contract	31	
27.	Water Environmental Center	33	
28.	Vegetation Management Services	33	
29.	Ashley Park/Westerly Hills Neighborhood Improvements	34	
30.	Briar Creek/Woodland Neighborhood Improvements and Cyrus Storm Drainage Improvements	35	
31.	Westover Hills Neighborhood Improvement	36	
32.	Charlotte Convention Center Parking Lot Improvements	36	22
33.	Airport CLT News Construction Contract	37	23
34.	Airport Passenger Loading Bridges Change Order	38	24
35.	Airport Automated Parking System Upgrade	39	
36.	Repair to City Bridges	40	
37.	Designation of Authorized Agents for Disaster Assistance	40	25
38.	Property Transactions	41	
39.	Meeting Minutes	44	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Arena Agreements and Land Acquisition

Committee Chair: Lynn Wheeler

Resources: Pam Syfert, City Manager
Curt Walton, Assistant City Manager
Mac McCarley, City Attorney
Cindy White, City Attorney's Office
Jim Schumacher, City Engineer

Time: 90 minutes

Synopsis of Presentation:

During this time Council will review arena documents negotiated between staff and attorneys for new NBA team. At the January 6th workshop, Council was briefed on these documents. The Economic Development and Planning Committee will develop recommendations on January 8th for Council's consideration on January 13th. This agenda item (#13) will be included in the Friday, January 10th Council-Manager memorandum.

2. Options for Transportation Committee Briefings on Public Transit Matters

Committee Chair: Sara Spencer

Resource: Ron Tober, Charlotte Area Transit System (CATS)

Time: 10 minutes

Synopsis of Presentation:

At the December 19 Retreat, Council asked that staff bring back options for engaging and briefing the Council Transportation Committee on major transit-related issues. Topics of interest mentioned by Council members included bus system operations and South Corridor planning and implementation, including land use and station area planning. Staff will present options for involving the Transportation Committee in transit matters important to the City. Council is asked to provide direction about how to proceed.

3. Public Safety Committee Report: Request for Future Presentation on Homicide Investigations

Committee Chair: Patrick Cannon

Staff Resource: Darrel Stephens, Charlotte-Mecklenburg Police

Time: 5 minutes

**7:00 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER**

CONSENT

- 4. Consent agenda items 22 through 39 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

5. Public Hearing and Resolution to Close a Portion of Johnston Road

Action: A. Conduct a public hearing to close a portion of Johnston Road, and
B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.

Petitioner:

Continental Communities/Charlotte LLC

Right-of-Way to be abandoned:

A portion of Johnston Road

Location:

Located within the Atkins Circle mixed-use development beginning on the west side of Johnston Road, directly across from North Community House Road at Johnston Road

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner in order to eliminate the “stub out jog” (3,083 square feet) of Johnston Road at the intersection of North Community House Road

Notification:

In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners – The petitioner, Continental Communities/Charlotte LLC

Neighborhood/Business Associations - None

Private Utility Companies – No objections

City Departments –

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 1

Resolution

Map

6. Public Hearing and Resolution to Close a Portion of Cliffwood Place

Action: A. Conduct a public hearing to close a portion of Cliffwood Place, and

B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.

Petitioner:

Citiline, LLC/Tim Crawford

Right-of-Way to be abandoned:

A portion of Cliffwood Place

Location:

Located within the Wilmore Neighborhood Community beginning from West Tremont Avenue continuing north approximately 488 feet to its terminus at the property line of Daren K. Tietsort and Ray H. Williams

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner in order to better utilize his properties and improve the maintenance of the area

Notification:

In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Daren K. Tietsort – No objections

Ray H. Williams – No objections

Joseph L. Hicks – No objections

Lalla M. Gribble – No objections

Neighborhood/Business Associations

Wilmore Neighborhood Association – No objections

Dilworth Community Development Association – No objections

Strawn Apartments Residents Organization – No objections

Revolution Park Neighborhood Association – No objections

Westover Hills – No objections

Private Utility Companies – No objections. Easements are provided to utility companies to maintain their existing facilities as requested.

City Departments –

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 2

Resolution

Map

7. Public Hearing on Proposed Ordinance Regarding Non-Consensual Tows on Private Property



Action: Receive public comments on a proposed ordinance to regulate the fees charged for non-consensual vehicle tows on private property.

Committee Chair: Patrick Cannon, Public Safety Committee

Staff Resources: Vi Alexander Lyles, Assistant City Manager
Mark Newbold, Police Attorney

Explanation:

The City Council and the Police Department have received a substantial number of complaints from citizens regarding excessive charges when their vehicles have been towed from private property without their consent. While the City regulates the fees for tows from public streets, wrecker companies may charge any amount of money they choose for tows from private property. The same issue applies to booting companies that apply boots in private parking lots. Disputes between citizens and wrecker and booting company personnel over towing and service fees have resulted in breaches of the peace that require police intervention.

The Public Safety Committee has explored the option of developing an ordinance that regulates the fees that can be charged for non-consensual trespass towing and booting on private property. Trespass towing is the towing or removal of a vehicle, without the consent of the vehicle owner, that is parked on a private parking lot without the property owner or agent's consent. The Committee has reviewed a number of drafts of the proposed ordinance. At its December 11, 2002 meeting, the Committee voted to approve the attached draft ordinance and move forward with receiving public comments so that all points of view could be incorporated into the final ordinance to be recommended to Council.

The draft ordinance has several key provisions:

- Requirements for signage in private parking lots that prohibit unauthorized parking and provide information on how and when a towed vehicle may be recovered. Similar signage is required for private lots that use booting companies. Signage will include the universal symbol that indicates that parking is not permitted.
- Sets a maximum fee of \$100 for the trespass towing of a Class A vehicle (any vehicle with a gross weight up to and including 9,000 pounds) from a private parking lot and a maximum storage fee of \$10 per day that can begin accruing when a vehicle has been stored on a wrecker lot for 24 hours. The fees are inclusive of all towing charges. Tows for vehicles with a gross weight over 9,000 pounds are not regulated under this ordinance.
- Prohibits towing services from towing a vehicle or collecting a fee if the person in control of the vehicle returns to the scene prior to the tow and agrees to move the vehicle.
- Requires towing companies to have someone on call 24 hours per day to release a vehicle.
- Requires towing companies to notify Non-Emergency Police Services of a tow from a private parking lot within 30 minutes of the tow.
- Sets fees for booting on private property. If the booting occurs on a parking lot that rents its spaces, the fee will be the cost of the parking space for the time it was occupied plus \$25; the fee will be no higher than \$50 if the booting occurs on a lot that does not charge for parking.
- Establishes civil penalties for violation of the ordinance as well as an appeals process.

The public comments will enable the full Council to hear the differing points of view regarding the ordinance. Staff will then make revisions to the ordinance based upon the public input and will take the revised ordinance back to the Public Safety Committee who will then vote on recommending adoption of the ordinance to the full Council.

Committee Discussion:

The Public Safety Committee met four times to discuss the proposed ordinance. The emphasis of all their discussions was the development of an ordinance that balanced the interests of all stakeholders: private property and parking lot owners, citizens whose cars are towed or booted, and the wrecker and booting companies.

After their initial review of the ordinance, the Committee directed staff to meet with stakeholders and to take their input into account in making revisions to the ordinance. The Committee also directed staff to recommend a fee schedule that fairly compensates the wrecker companies for their work while addressing the citizen complaints of excessive charges and hidden fees. The Committee also wished to address issues related to citizens having difficulty locating and gaining access to towed vehicles.

The version of the ordinance that is presented for Council review was unanimously approved by the Committee at their December 11 meeting. Council members Cannon, Mitchell, Cogdell, and Tabor were present. Council member Wheeler was absent.

Community Input:

Staff met with a group of approximately 40 stakeholders on October 30, 2002. Staff also sent information to stakeholders by mail and solicited written comments on the ordinance. Some stakeholders, primarily the wrecker and booting companies, did not see the need for the ordinance and felt that the City should not regulate their fees. They felt that if an ordinance was passed, the fee schedule should take into account the costs incurred by the wrecker companies, including their equipment costs. Private parking lot owners wanted to ensure that they would be able to recover the cost of the parking spaces occupied by unauthorized vehicles.

The Police Department sent letters to stakeholders who attended the October 30 meeting, notifying them of the date that Council would receive public comments on the ordinance.

Attachment 3

Draft Ordinance

POLICY

8. City Manager's Report

9. FY2003 Housing Trust Fund Allocation



Action: Approve the Communities Within A City Committee recommendation for the FY2003 allocation of \$12,640,316 in housing bond funds.

Committee Chair: Patrick Mumford

Staff Resources: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Policy:

The City's FY2003 Consolidated Action Plan identifies the need for affordable, safe and decent housing for low and moderate-income families. The Plan was approved by Council on May 13, 2002 and reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing and support family self-sufficiency initiatives. On November 26, 2001, Council approved the Housing Trust Fund policy recommendation establishing the Housing Trust Fund.

Explanation:

On November 5, 2002, Charlotte voters approved a \$20 million bond issue for Affordable Housing. The City Council's appointed Housing Trust Fund Advisory Board met and prepared its recommendation to City Council for the expenditure of \$12,640,316 of the bonds in FY2003. The allocation recommendations are shown on the following page:

FY 2003 Bond Allocation		
Category	Funds Allocated	Percent of Funds
Multi-Family (Rental) – Rehabilitation and new construction of multi-family housing that serves households earning 60% or less of the area median income (AMI).	\$7,640,316	60%
Innovative Homeownership – Ownership development representing innovation in design and/or materials in construction, serving households earning 80% or less than AMI.	\$500,000	4%
Special Needs Housing – Rehabilitation and construction of housing to serve the elderly, disabled or homeless populations, serving households earning 80% or less than the AMI.	\$500,000	4%
Transit Station Development – Allocation to a City fund to acquire land in transit station areas to develop affordable housing units.	\$4,000,000	32%
Total	\$12,640,316	100%

The allocation includes \$12 million from the 2002 voter approved bonds and \$640,316 in uncommitted funds from the FY2002 two-thirds Housing Bonds. The remaining \$8 million in voter approved bond funds are scheduled for allocation in FY2004.

Pursuant to Council approval, competitive Request for Proposals (RFPs) will be issued for Multi-Family, Special Needs and Innovative Homeownership funding categories. Development Teams will receive a copy of the RFP document, evaluation criteria, loan/grant guidelines and a funding application.

The Transit Station Development category will acquire land in approved transit corridors for future affordable housing developments. These acquisitions will be coordinated with CATS and the City's Economic Development Initiative in transit corridors.

Committee Discussion:

On December 11, 2002, the Communities Within A City Committee voted unanimously to recommend approval of the FY2003 funding allocation. The Committee discussed the minimum 20% set-aside for affordable units within a mixed income development. The Committee also discussed the Charlotte Housing Authority's application to the Housing Trust Fund (as a non-profit applicant) competing with all applications and weighing in the evaluation criteria to address households earning 30% or less of the area median income.

The Committee reviewed and acknowledged how the Housing Trust Fund allocation recommendations compared with the information released during the Bond campaign.

During the bond campaign, the City's draft information on how the \$20 million housing bond money could be spent was included in the printed bond-

marketing brochure. The information was originally produced to satisfy the Local Government Commission, which has the sign-off in North Carolina of all local government proposed bonds. The released draft information was as follows:

Summary of Information Which Appeared in Bond Brochure		
New Rental Construction	\$9,000,000	45%
Rental Rehabilitation	5,000,000	25%
Special Needs Housing	1,000,000	5%
Homeownership Down Payment Assistance	2,000,000	10%
Transit Station Development	3,000,000	15%
	\$20,000,000	100%

The bond campaign information allocated the total \$20 million. The Housing Trust Fund Allocation is a one-year allocation (FY2003) and does not differ significantly. The one-year allocations are the same for Rental Housing (new construction and rehabilitation) and Special Needs Housing. The annual allocation for Transit Station Development was increased by \$1 million and the annual Homeownership allocation decreased by \$500,000.

Committee members present were Patrick Mumford, James Mitchell and Don Lochman. Committee members Sara Spencer and Patrick Cannon were absent. Council member Malcolm Graham was also present.

Background:

The Housing Trust Fund Advisory Board was established with the following responsibilities:

- Overseeing the City of Charlotte Housing Trust Fund operations
- Recommending to City Council annual funding priorities for the Trust Fund
- Creating or collaborating with tax-exempt entities to solicit private funds
- Monitoring the Housing Trust Fund performance
- Providing an annual report to City Council

The Housing Trust Fund Advisory Board members are; Paul Woollard, Chair, Brian Simpson, Vice Chair, Jeff Bradsher, Rickey Hall, Anthony Lindsey, Patrick McNeely and Tom Reddin. Some of the highlights of the Advisory Boards work plan consist of electing the Chair and Vice Chair, adopting rules and procedures, developing four sub-committees (Guidelines Committee, External Partnership Committee, Coordination Committee and a Homeownership Innovation Committee), developing the FY2003 funding allocation and developing loan/grant guidelines.

Funding:

The FY2003 funding allocation is funded with 2002 City Housing Bond Funds and FY2002 two-thirds Housing Bonds.

Attachment 4

City Loan and Grant Guidelines for Housing Development

10. Federal Legislative Agenda for 2003

Action: Approve the 2003 Federal Legislative Agenda.

Resources: Boyd Cauble, City Manager's Office
Roger Gwinn, The Ferguson Group

Explanation:

The City of Charlotte and Mecklenburg County hired a Washington lobbyist firm, The Ferguson Group (TFG), to assist the City and County's federal elected officials in obtaining special federal appropriations and funding for local public projects. The City and County's funding priorities have been transit, economic development, education, the environment, storm drainage, health and human services, and criminal justice. Attached is a status report listing TFG's accomplishments to date.

Also attached is the 2003 federal work program for TFG. The proposed federal agenda is the result of interviews with local key business executives, city staff and local elected officials. The following are highlights of our 2003 federal agenda:

- Transit Funding
 - \$62 million in "new starts" designation
 - \$20 million for "buses and bus facilities"
 - Designations for corridor studies
- Economic Development
 - Beatties Ford Road corridor funding
 - Shopping center façade improvements
 - Funding for housing and economic development along the Independence Boulevard corridor
- Homeland Security
 - Secure interagency funding for the ALERT team and emergency communications
- Justice
 - Secure funding for the Criminal Justice Information System
 - Complete funding for crime lab and forensics investigations
- Education and Health and Human Service
 - Obtain funding for County demonstration programs
- Environmental Protection
 - Secure funding for "Breathe Initiative" implementation

-
- Seek funding for wastewater phosphorous removal
 - Continue surface water management funding
 - Secure funding for stream bank stabilization for Little Sugar Creek

In addition TFG will assist with grant applications, program initiatives and federal rule changes.

TGF is prepared to discuss last year's accomplishments and the 2003 objectives with Council.

Attachment 5

The Ferguson Group Status Report
Proposed 2003 Federal Legislative Agenda

11. State Legislative Agenda for 2003

Action: Approve the North Carolina Legislative Agenda for the year 2003.

Staff Resource: Boyd Cauble, City Manager's Office

Explanation:

During the Council Workshop on January 6th, Council received presentations from City staff regarding the proposed 2003 North Carolina Legislative Agenda.

Currently, the City's local legislative package includes requesting approval for:

- Photographic speed measuring system
- Emergency Fund for Law Enforcement Officers of Mecklenburg County
- Funding for air quality model
- Use of piggyback contracts for public transit purposes
- Non-Discrimination Ordinance

Council is also asked to endorse and work for passage of statewide issues related to:

- DNA collection for felony convictions
- DNA collection for attempted felony
- Court issued warrants for misdemeanor non-appearance
- Special obligation bonds
- Project development financing
- NC Tourism Development Act

Council is requested to approve the proposed 2003 legislative program and authorize staff to coordinate the program with the Mecklenburg Delegation and other individuals and organizations.

Attachment 6

Proposed 2003 North Carolina Legislative Agenda

12. Roadway Access Through Elmwood Cemetery



Action: Approve the Economic Development and Planning Committee's recommendation to perform a cursory review of the feasibility of roadway access through Elmwood Cemetery to serve 30-acres of property along Seaboard Street.

Committee Chair: Lynn Wheeler

Staff Resource: Danny Pleasant, Transportation

Explanation:

In November 2002, Noah Lazes approached the Charlotte Department of Transportation (CDOT) and Engineering and Property Management to seek their input on the possibility of connectivity via Elmwood Cemetery to a 30 acre parcel of land along Seaboard Street. Noah Lazes had requested that CDOT review the possibility of connectivity via Elmwood Cemetery to this 30 acre tract because of his desire to develop the property. Several ideas for development have been mentioned ranging from an amphitheater to a baseball stadium to other entertainment based developments. CDOT was not in a position to enter into an extensive review of connectivity options, since no City Council direction had been given to explore such possibilities.

As a result, Mr. Noah Lazes contacted Council members to seek their permission for City staff to assist in the review of this connectivity option through Elmwood Cemetery. At their December 9, 2002 meeting, the Charlotte City Council referred the issue of connectivity via Elmwood Cemetery to the Economic Development and Planning Committee.

Committee Discussion:

At their meeting on December 18, 2002, the Economic Development and Planning Committee heard the discussion on this issue. Noah Lazes addressed the Committee and indicated that he and his transportation consultants had done extensive work to show that connectivity to his 30-acre parcel through Elmwood Cemetery was both feasible and practical. As part of his presentation, he asked Mr. Pop Sadler of the Greenville Neighborhood Association to comment. Mr. Sadler indicated that he and many residents of the Greenville Neighborhood were in favor of this connectivity through Elmwood Cemetery because of their difficulty in accessing downtown destinations under the current road network. Mr. Lazes concluded by

describing the other no-cost-to-the-public benefits his solution offered, such as curb and gutter, new gateway entrance signs, and attractive fencing.

Mr. Lynn Weis and Mr. Jim Shannonhouse of the Friends of Fourth Ward spoke in opposition to connectivity through Elmwood Cemetery because of the negative impact this would have on the cemetery. Mr. Weis and Mr. Shannonhouse asked that this option be rejected because of the impact to graves, to trees, to the historic significance of the cemetery and to the attractive solitude that the cemetery offers to adjacent residents.

Danny Pleasant, Deputy Director of CDOT, then reviewed the feasibility and practicality of this possible connection through a series of slides and pictures. His presentation raised a number of issues that would have to be addressed and resolved if this connectivity was to be evaluated, and to date, this total evaluation has not been undertaken. The issues needing more study include:

- land use
- impact to graves and trees
- impact on operation of the cemetery
- engineering constraints on the road concerning width, elevations and tie-in to existing roads
- historic designation possibilities for the cemetery
- the multimodal facility impacts to the cemetery
- future NCDOT plans, which include a proposed connection to Graham Street that could provide access for this 30 acre parcel

Mr. Pleasant's conclusion was that it would take several hundred hours of staff time to evaluate all of the relevant issues.

After considerable discussion, the Economic Development and Planning Committee voted unanimously (Wheeler, Graham, Lochman, Carter and Cannon) to recommend that staff perform a cursory review to determine the feasibility of a road connection through Elmwood Cemetery to this 30 acre parcel. Some involvement and input from many departments of the City as well as from the developer, the Greenville Neighborhood, Friends of Fourth Ward, the Historic Landmarks Commission and NCDOT would be warranted as part of this cursory review. It is estimated that this cursory review could take 200 plus hours of collective staff time from all departments of the City.

Attachment 7

CDOT PowerPoint Presentation at the December 18, 2002 ED/Planning Meeting

13. Arena Agreements and Land Acquisition

This item will be reviewed by the Economic Development and Planning Committee on Wednesday, January 8th. The Committee's recommendation will be included in the Friday, January 10th Council-Manager memorandum.

14. Intergovernmental Relations Process

Action: Consider the roles and structure of an Intergovernmental Relations Group.

Staff Resource: Boyd Cauble, City Manager's Office

Explanation:

At the January 6th Council Workshop, Council discussed the intergovernmental relations process. The discussion concluded by agreeing to place the item on the January 13th Council Agenda for formal discussion and/or action.

Attachment 8

Current Intergovernmental Relations Liaison Group Description
Proposed Charlotte Legislative Advocacy Committee Description

15. FY2004 Budget Process and Calendar

Action: Approve the Budget Committee's recommended process for development of the FY2004 and FY2005 Strategic Operating Plan and the FY2004-2008 Capital Investment Plan.

Committee Chair: Lynn Wheeler

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation:

The recommended FY2004 Budget Process and Calendar includes:

- Four half-day budget retreats from March thru June from 3:00 p.m. to 6:00 p.m.
- Budget presentation on Monday, May 12, 2003
- Joint Storm Water Public Hearing with Mecklenburg County on Tuesday, May 20, 2003
- Public hearing on the budget on Tuesday, May 27, 2003
- Council adjustments to Manager's recommended budget on Wednesday, June 11, 2003
- Televised Council straw votes on Wednesday, June 18, 2003
- Budget adoption on Monday, June 23, 2003

Committee Discussion:

The Budget Committee met on January 6, 2003 and unanimously (Wheeler, Tabor, Cogdell) recommended the attached calendar and process for 2003. The Committee recommended June 23, 2003 as the date for budget adoption. The Annual Conference of Mayors meeting is scheduled June 6 – June 10, 2003.

Attachment 9
Budget Calendar

BUSINESS

16. Process for Staff Input into Zoning Petitions

Action: Approve amending the rezoning process to include additional City Council updates at the City Council Zoning Dinner meeting.

Staff Resource: Keith MacVean, Planning

Explanation:

City Council expressed a desire to review the current rezoning process as to how the staff updates the Council. This action amends the rezoning process to include additional City Council updates at the City Council Zoning Dinner Meeting. The updates will be approximately 3 weeks after the application deadline and approximately 8 weeks after the application deadline. In addition, the Planning Director will be available to answer questions on cases for which a major land use impact memo has been written. A timetable will be handed out indicating the hearing dates for all petitions that are discussed.

Staff provided an outline of the current rezoning process and the opportunities for staff input at the December 2, 2002 and January 6, 2003 City Council Workshops. The proposed modifications to the rezoning process are a result of those meetings.

Attachment 10

Rezoning Process Time Line

17. Contract for Non-Emergency Police Services Crime Reporting

Action: Authorize the City Manager or her designee to negotiate a contract and four subsequent one-year renewals, with Unisys Corporation to provide telephone report taking services for the Non-Emergency Police Services Unit. The contract is not to exceed \$267,372 per year.

Staff Resources: Chief Darrel Stephens, CMPD
Major Maurice Keith, CMPD

Explanation:

In 1980 the Police Department created the Non-Emergency Police Services Unit (NEPS) to take reports by telephone for those offenses where the presence of an officer in the field has no impact on the ultimate outcome of the case. The goal was to provide faster service for citizens and to free police officers to respond to emergency calls for service and engage in more

proactive policing activities. A productivity study commissioned by the Police Department in the late 1970's recommended the creation of the unit as a way of making more effective use of the department's manpower resources.

Over time, the workload for NEPS has increased with the unit now taking 30,000-35,000 offense reports per year, comprising approximately 40% of all offense reports taken by CMPD. In addition, NEPS has become the primary public information line for CMPD, averaging 20,400 calls per month.

The NEPS Unit is staffed by 28 non-sworn employees and 9 police officers. The current staffing levels have not kept pace with the workload demands, despite efforts to adjust work schedules such as closing down the unit on the midnight shift and redeploying those personnel to other shifts. Currently, NEPS experiences a call abandonment rate that averages 39.3%. Citizens may be on hold for a wait time that averages eleven and one-half minutes and can be as long as 45 minutes during periods of peak service demand.

The Police Department had an outside consultant conduct a study of NEPS. The consultant recommended a service level of answering 90% of non-emergency calls within 3 minutes. To do so would require hiring 23 additional personnel; leasing space to relocate the expanded unit; purchasing additional computers, workstations, and software licenses; and adding additional telephones and lines. The estimated cost of those improvements for the first year would be \$875,380. On-going personnel costs would be approximately \$780,000 per year.

In an effort to provide better service to NEPS customers without incurring the expense of adding personnel, the Police Department has identified several initiatives to help control the unit's workload. The most significant of these initiatives is outsourcing report taking in three categories: Larceny from Vehicle, Larceny, and Damage to Property. These three call categories comprise almost 45% of the current reports taken by NEPS and are the least complex of the reports taken by phone. In most of these cases, there is no suspect and few, if any, solvability factors.

Under the new system, NEPS personnel will continue to answer all incoming calls. They will use a series of questions to identify what offense occurred and will transfer those calls involving outsourced reports to Unisys in a manner that will be seamless to the customer. NEPS personnel will continue to take reports that do not qualify for outsourcing. Examples of those reports are vehicle theft, fraud, thefts of firearms or motor vehicle tags, and supplements to existing reports.

The Unisys personnel performing under this contract will be trained by CMPD personnel and will be held to specific performance standards outlined in their contract. Among these standards will be answering 90% of calls transferred to Unisys within 30 seconds and making 100% of corrections to reports within 24 hours.

By outsourcing a significant number of police reports through the contract, the Police Department will make immediate improvements in customer service without incurring the expense of hiring additional personnel and expanding the space occupied by NEPS. The Police Department anticipates that the outsourcing will have a positive impact on both wait times and call abandonment rates in NEPS.

This outsourcing project is one of the first steps in transitioning to a more efficient method of handling non-emergency calls for service. This will be a necessary component of any future 311 system implemented by the City. The Police Department is also creating an Internet reporting mechanism for larceny, damage to property, and larceny from vehicle. This will be an additional way to reduce the volume of calls received by NEPS, ultimately reducing the wait time for citizens.

The Police Department worked with the Procurement Services Division to develop a Request for Proposals (RFP) for the outsourcing of the report taking function in the three call categories. The RFP was issued on September 2, 2002. The City received three proposals that were reviewed by an evaluation committee comprised of Police and Business Support Services employees.

The committee evaluated the proposals based upon:

- technical qualifications, experience, and approach
- financial qualifications
- cost effectiveness and value
- acceptance of the terms of the contract

The evaluation committee voted unanimously to award the contract to Unisys Corporation. The initial term of the contract is one year with the City having the option to renew for four additional consecutive one-year terms.

The contract costs are based on a per report cost with an estimated 1350 reports taken by Unisys per month. The contract value will not exceed \$267,372. Once the contract is approved, the Police Department anticipates being able to begin transitioning these reports to Unisys in April 2003.

On December 9, 2002 Council received a dinner briefing on this topic.

Funding:

Police Operating Budget

18. Gleneagles Road Widening Project

Action: A. Adopt a resolution amending the FY2003-2007 Capital Investment Plan to add Gleneagles Road Widening,

B. Adopt a budget ordinance transferring \$1,050,000 from various project savings for Gleneagles Road Widening, and

C. Approve the City Engineer's recommendation to accept the low bid of \$349,637.26 by Ferebee Corporation of Charlotte, North Carolina.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

This project will construct sidewalk and widen Gleneagles Road from two lanes to three lanes between Ballantyne Court and Bar Harbour Lane. The project also includes storm drainage, and curb and gutter. These actions are required to accelerate the project to coincide with the Wachovia Championship golf tournament.

This action awards the low bid of \$349,637.26 made by Ferebee Corporation of Charlotte, North Carolina.

The project will be completed by the end of April.

On September 9, 2002, Council awarded the design contract to Kimley-Horn Associates for \$129,425.

Funding:

The budget ordinance transfers \$1,050,000 from several projects funded with Street Bonds that have been completed or are nearing completion and have identified project savings. Included in the transfer is \$200,000 from the Sidewalk Program to fund sidewalk in conjunction with construction of the project. This ordinance also includes funds for land acquisition and contingency.

Attachment 11

Resolution

Budget Ordinance

19. Sale of General Obligation Bonds

Action: Approve a resolution that provides for the sale of previously authorized general obligation bonds for Streets, Neighborhood Improvements and Housing.

Staff Resource: Greg Gaskins, Finance

Explanation:

Voters approved the street bonds in 1998 and 2000, the neighborhood improvement bonds in 2000 and the housing bonds in 2002. The bond resolution is a legal document that Council is required to approve before the City can sell bonds. Approval of this resolution accomplishes the following:

- Authorizes the sale of the bonds and establishes the amount, date and purpose of each issue
- Establishes the form of the bonds and directs the manner of execution
- Ratifies actions taken by the Local Government Commission on behalf of the City relative to the sale of the bonds
- Ratifies the Official Statement relative to the sale of the bonds

The bond amounts are:

Street	\$80,000,000
Neighborhood Improvement	15,000,000
Housing	<u>5,000,000</u>
	\$100,000,000

Funding:

Municipal Debt Service Fund

Attachment 12

Resolution

List of Projects

20. Regional Environmental Action Plan

Action: Receive as information an Environmental Action Plan developed by Regional Chief Elected Officials through an Environment Protection Agency (EPA) Demonstration Project Grant.

Staff Resource: Boyd Cauble, City Manager's Office

Explanation:

In October 2000, the US EPA awarded the City of Charlotte a \$100,000 Regional Sustainability Demonstration Project Grant. The grant project, awarded to the City and led by Mayor Patrick McCrory, brings together the chief elected officials from 15 cities and 11 counties in the Charlotte-Mecklenburg Region to discuss environmental issues of mutual interest and concern.

The regional grant project, the first of its kind funded by the EPA, promotes environmental sustainability on a regional basis focusing on a holistic approach for addressing multiple pollutants. The grant project included eight meetings of elected officials and key staff members over an 18 month period. Each meeting highlighted different environmental issues including Smart Growth initiatives, Brownfield development, air quality, and water resources.

During the grant period, the regional chief elected officials developed a variety of ideas and actions to improve the overall environmental health of the region. The grant participants completed the project by adopting 25 specific actions to serve as the Region's *Environmental Action Plan*. The action plan includes 13 initiatives to enhance air quality, six initiatives to promote Smart Growth, and six initiatives to better support the area's water resources. Each participating chief elected official agreed to present the action plan to their respective City Councils and County Commissions to seek implementation action in each jurisdiction.

The grant project was concluded with a presentation of the *Environmental Action Plan* to EPA Administrator Christine Whitman during her visit to Charlotte on October 30, 2002. The results of the project were captured in a video presentation that will be shown as part of this agenda item.

City staff is evaluating each action item and will report back to Council with recommendations for each. Many of the action items have already been implemented or are in progress.

The EPA committed to funding a Phase II of the sustainability effort, which will be coordinated by the Centralina Council of Governments (COG) and their South Carolina counterpart. The COG will assist local governments in implementing the suggested action items and creating consensus on additional steps to address regional environmental problems.

Attachment 13

Water Quality Action Items

Air Quality Action Items

Smart Growth Action Items

21. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

A. BUSINESS ADVISORY COMMITTEE

One appointment as recommended by the Charlotte Chamber to replace Thomas Winstead, who has resigned. The Chamber is recommending Johnnie Wallace to fill this position which will begin immediately and serve until April 2004.

Attachment 14

Applications

B. KEEP CHARLOTTE BEAUTIFUL

One appointment beginning immediately and serving until June 2004 to replace Elizabeth Rosen, who has resigned.

Attachment 15

Applications

C. MAYOR'S INTERNATIONAL CABINET

Two positions for three terms beginning March 2003. One will represent an ethnic association and the other is an open category. Robert Ett, open category, is not eligible for reappointment; Pirjo Vihma, representing the ethnic association, is eligible and would like to be considered for reappointment.

Attachment 16

Applications

D. PARADE PERMIT COMMITTEE

One appointment beginning immediately and serving until March 2004. William Wilson has resigned.

Attachment 17

Applications

E. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

Five appointments beginning March 2003. Raphael Basisa, Clark Jackson and Katie Tyler are all eligible to be reappointed; however, Ms. Tyler does not wish to be reappointed. Ed Nowokunski and Thomas Tini are not eligible to be reappointed.

Attachment 18

Applications

F. TRANSIT SERVICES ADVISORY COMMITTEE

Two appointments for three years beginning February 2003. One will represent a suburban employer served by Charlotte Transit, and James Blank does not wish to be reappointed to this position. The other is a neighborhood organization leader; Laura Blue does not wish to be reappointed for another term.

Attachment 19

Applications

G. ZONING BOARD OF ADJUSTMENT

Three appointments for three years beginning February 2003. Darrell Bonapart is eligible but does not want to be reappointed; Lawana McAllister and Bill Sturges are not eligible to serve another term.

Attachment 20
Applications

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget and are low bid.

Consent II consists of routine items that have also been approved in the budget, but may require additional explanation.

Contracts awarded to Minority and Women Business Development (MWBD) certified companies are noted. The MWBD abbreviations are as follows:

ABE – Asian American

BBE – African American

HBE – Hispanic

NBE – Native American

WBE – Non-Minority Women

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit. DBE is race neutral.

Contractors and Consultants

All contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

22. Various Bids

A. Spirit Square Chiller-Cooling Tower Replacement EPM

Recommendation:

The City Engineer recommends the low bid of \$302,390 by Action Mechanical Contractors of Charlotte, North Carolina. This project will replace existing water chillers, leaking cooling towers, and associated pumps with two 130-ton chillers and cooling towers, and modify the existing plate/frame heat exchanger.

B. Charlotte-Mecklenburg Governmental Center (CMGC) Air Control Terminals Replacement EPM

Recommendation:

The City Engineer recommends the low bid of \$281,600 by Mechanical Contractors of Charlotte, North Carolina. This project will replace the existing sequenced air duct and fan powered air terminal units in the Charlotte Mecklenburg Government Center.

C. Janitorial Paper Products **BSS**

Recommendation:

The BSS/Procurement Services Director recommends award of the low bid unit price contract to American Chemical, Inc. for providing Bay West janitorial paper products to the Charlotte-Douglas International Airport and other Key Business Units as required in the estimated annual amount of \$203,550. This contract is for a term of one year. City staff may renew for three additional one-year terms for a four year total of approximately \$814,200.

D. Vehicle Radio Equipment Installation and Removal Services **BSS**

Recommendation:

The Key Business Executive for Business Support Services recommends award of the contract for Vehicle Radio Equipment Installation & Removal Services to 7Mary3, Charlotte, North Carolina, in the estimated annual amount of \$95,074. City staff may renew for two additional one-year terms for a three year total of \$285,222. This establishes a contract for the installation and removal of radio and data communications equipment, emergency response equipment, and Mobile Video Recorder system equipment in City-owned public safety vehicles.

E. Ultraviolet (UV) Disinfection System Equipment for Sugar Creek and Irwin Creek WWTP **CMU**

Recommendation:

The Charlotte-Mecklenburg Utilities Director recommends award of a low bid contract for \$1,175,900 to Wedeco Ideal Horizons of Charlotte, North Carolina for providing Ultraviolet Disinfection System Equipment for the Sugar Creek and Irwin Creek Waste Water Treatment Plants.

F. Water and Sewer Main Construction–FY03 Contract 1-Street Main Extensions **CMU**

Recommendation:

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$1,038,745.95 by Dellinger, Inc. of Monroe, North Carolina. The award is being made on a unit price basis for a period of one year with three one-year renewal options. This bid provides labor, equipment, pipes and erosion controls.

**G. Water and Sewer Main Construction–FY03
Contract 2 - Street Main Extensions**

CMU

Recommendation:

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$995,060.95 by Sanders Utility Construction Company, Inc. of Charlotte, North Carolina. The award is being made on a unit price basis for a period of one year with three one-year renewal options. This bid provides labor, equipment, pipes and erosion controls.

23. Refund of Taxes

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical error in the amount of \$8,240.81, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in made in the amount of \$11,927.94.

Attachment 21

Resolutions

List of Refunds

CONSENT II

24. Adaptive Systems Corporation Contract Extension

Action: A. Approve a budget ordinance appropriating \$297,143 from Water and Sewer operating fund balance, and

B. Approve a 21-month contract extension with Adaptive Systems Corporation totaling \$520,000 for professional services related to completion of the utility billing and management system business processes improvements. The contract amount will be expended according to the following schedule: \$297,143 in FY03, \$148,571 in FY04, and \$74,286 in FY05.

Staff Resource: Doug Bean, Utilities
Greg Gaskins, Finance
Susan Johnson, Business Support Services

Explanation:

During 2002, the primary objective of the utility billing and management system improvement process was to increase revenue collection. In 2003, the improvements will be focused on increasing customer service and reducing operational costs. To accomplish this goal and to continue the improvement and enhancement of the remaining key business processes using the BANNER system, the City needs the assistance of Adaptive Systems Corporation (ASC) and requests a 21-month extension to ASC's contract totaling \$520,000 dollars.

The ASC contract extension will provide a detailed analysis of key business processes such as service order management, billing cycle reduction, meter maintenance, and industrial waste billing. As indicated in the December 20 Council-Manager Memorandum, the process improvement effort will also include the analysis and redesign of the water billing center processes in order to enhance customer service and reduce customer complaints. This will be accomplished by reducing the number of customer calls and will result in a reduction in the number of service orders generated.

During the initial BANNER implementation, post-implementation, and upgrade, ASC has provided project management services and has gained an extensive knowledge of the operation of the system and the City's specific business processes. ASC specializes in business process review and improvement projects and has demonstrated the capability to assist the City to significantly improve key business processes and achieve considerable measurable savings. Because of ASC's experience with the City and expertise in process improvement projects, they are in a unique position to continue to assist with improvements to our business processes.

Background:

In August 2001, Council approved a \$360,000 contract with Adaptive Systems Corporation (ASC) to conduct a comprehensive review of the business processes associated with the use of the system. Three key business processes (bad debt, storm water billing and master billing) have thus far been redesigned and are scheduled for implementation in January 2003.

The redesigned processes will increase operational efficiency and enhance customer service. The actual annual revenue gain using the new processes will be an estimated \$2,100,000 and will be realized over the next three years. In addition, an estimated one-time revenue gain of \$2,500,000 will be realized by December 2003. This revenue gain will be generated by back billing customers and reducing bad debt write-offs.

Estimation	One Time Revenue Gain	Annual Revenue Gain
Bad Debt Process	\$1,500,000	\$1,100,000
Storm Water Process	\$1,000,000	\$1,000,000
Total Actual Projections	\$2,500,000	\$2,100,000

Funding:

Water & Sewer Utility Operating Fund

25. Amendment to Transit DBE Consultant Services Agreement

Action: A. Approve an amendment to the agreement with Ken Weeden Associates, Inc. to provide services to CATS Disadvantaged Business Enterprise program, and

B. Authorize the City Manager to negotiate and execute annual contract amendments up to \$161,208.08 annually for up to four additional years.

Staff Resource: Dee Pereira, Charlotte Area Transit System (CATS)

Explanation:

The Charlotte Area Transit System (CATS) receives significant capital funds from the USDOT Federal Transit Administration (FTA). FTA requires any Grantee receiving \$250,000 or more in FTA planning, capital, and/or operating assistance in a fiscal year to have a Disadvantaged Business Enterprise (DBE) Program that meets the requirements of USDOT regulations.

On December 10, 2001, Council approved a one year agreement with Ken Weeden & Associates to provide DBE program assistance in an amount not to exceed \$150,000 with up to four additional, one year renewals. The

Consultant has met the requirements of the scope of services for year one of the contract. CATS would like to continue to receive assistance in meeting its DBE objectives.

In FY2001, CATS annual goal for DBE participation in federally funded capital projects was 13%. CATS achieved 15% participation. The annual goal for DBE participation for FY2002 was 15.6%. CATS achieved 10% participation because many of the contracts planned for FY2002 were not executed. The annual goal for DBE participation for FY2003 is 10%.

Key areas of service include:

- Certifying and registering vendors in compliance with federal and state regulations
- Conducting statistical analysis of data, site investigations and resolving disputes
- Performing desk audits to determine vendor conformance to Small - Business Administration standards and guidelines
- Monitoring contractor and subcontractor compliance with DBE commitments
- Outreach and reporting

DBE%: 100%

Ken Weeden & Associates is a certified DBE firm.

Funding:

CATS Operating and Capital Budget

**26. North Mecklenburg Water Treatment Plant Upgrades—
Electrical Construction Contract**

Action: A. Approve an agreement with American Casualty Company of Reading, Pennsylvania to complete the electrical construction at the North Mecklenburg WTP, and

B. Approve a contract with Energy Erectors, Inc. as the replacement electrical contractor for completion of the North Mecklenburg Water Treatment Plant Upgrades in the amount of \$332,067.

Staff Resources: Doug Bean, Utilities
Mike Boyd, City Attorney's Office

Explanation:

The original electrical contractor for the North Mecklenburg Water Treatment Plant Upgrades, Southern Industrial Services, Inc. (SIS), defaulted, and was, therefore, terminated for abandoning the project. In coordination with the Surety for SIS, American Casualty Company of

Reading, Pennsylvania, the City has secured a contract with Energy Erectors to replace SIS. The original contract amount with SIS of \$721,287 was increased by change order to a total of \$805,252. The encumbered unpaid amount remaining to pay the electrical work on this project totals \$382,793.44.

The proposed agreement with the surety company defines the City's and the surety's respective responsibilities in paying for the completion of the work that SIS was required to perform.

The major terms of this agreement provide:

- The City accepts American Casualty's recommendation that the City contract with Energy Erectors, Inc., the contractor replacing SIS on the project
- The City will use the unpaid amount on the original contract with SIS to pay Energy Erectors for its work.
- If such unpaid amount is not sufficient to compensate Energy Erectors for completing the electrical work on the project, American Casualty will pay Energy Erectors to complete the work.
- If such unpaid amount exceeds the amount owed to Energy Erectors, the balance will be paid to American Casualty, subject to the items listed below:
 - American Casualty will pay SIS's unpaid subcontractors for their work to date and is responsible for securing their continued cooperation and participation in the project. American Casualty will be responsible for paying these subcontractors for their remaining work on the project.
 - American Casualty will pay the additional costs incurred by the City (additional engineering and legal fees) and the general contractor on the project as a result of SIS's default and the delay in completing the electrical work on the project. The parties agree that those costs will not exceed \$129,000. This payment is made in lieu of any liability under the original contract with SIS for liquidated damages.
 - The parties acknowledge that Energy Erectors will be responsible for providing performance and payment bonds so that the surety on those bonds will be responsible for Energy Erectors' performance, not American Casualty. The bonds issued by American Casualty will remain in full force and effect with respect to the work already performed by SIS and the remaining work to be performed by the subcontractors originally retained by SIS.

Because this project was competitively bid, the City is not required to rebid the contract to replace SIS.

The amount of the contract with Energy Erectors is \$332,067.

Funding:
Water Capital Investment Plan

27. Water Environmental Center

Action: A. Approve a budget ordinance transferring \$100,000 from project savings in Developer Constructed Water Projects to the North Mecklenburg Water Education Center, and

B. Award a contract to Streamline LLC of Mooresville, North Carolina for their low bid of \$444,400.

Staff Resource: Doug Bean, Utilities

Explanation:

The Water Environmental Center will have a collection of permanent educational and environmental displays related to all aspects of water, water treatment, and wastewater treatment. The displays and exhibits will be in a dedicated space that will provide an opportunity for community involvement through the inclusion of an education center at the North Mecklenburg Water Treatment Plant.

This project has received a \$475,000 federal grant to fund design and construction of exhibits and displays of a water and environmental education center. The Center will be operational in September 2003. Charlotte-Mecklenburg Utilities will schedule tours during the year. Initially, Utilities will work with regional public and private school systems. We are currently discussing opportunities with Discovery Place to include this facility in their educational activity program.

On September 5, 2002, the City Manager approved a \$94,440 contract to Gelbach Designs. This contract has provided design of the displays and exhibits to be built in the construction contract. Additional funds are required for construction and engineering costs.

Funding:
Water Capital Investment Plan

28. Vegetation Management Services

Action: Approve an agreement for \$125,000 with Carolina Wetland Services for vegetation management services.

Staff Resource: Steve Sands, Engineering & Property Management

Explanation:

Storm Water Services performs capital improvement projects, stream and wetland restoration projects, and pond rehabilitation projects that reduce flood damage and improve water quality. Vegetation serves as an integral part of each project to ensure its success. For example, a wetland uses specific aquatic plants to improve pollution removal.

A restored stream uses vegetation to provide shade for the stream and fish, and roots to prevent channel-bank erosion. Each project must have a vegetation management plan designed by scientists/biologists to fit the specific project needs. The vegetation management plan must include monitoring and maintenance recommendations to ensure that the intended vegetation lives and is not overwhelmed by other undesirable vegetation such as kudzu.

This agreement is for professional consulting services related to the vegetation management needs of Storm Water Services. The consultant's services will include the development of specific planting, monitoring, and maintenance plans for vegetation associated with Storm Water Services projects.

The consultant for these services was chosen using a qualification based selection process.

Funding:

Storm Water Services Capital Investment Plan

29. Ashley Park/Westerly Hills Neighborhood Improvements

Action: Approve amendment #3 for \$358,864 with Armstrong Glen P.C. for engineering services for the Ashley Park/Westerly Hills Neighborhood Improvement Project.

Staff Resource: Steve Sands, Engineering & Property Management

Explanation:

In November 2000, citizens approved the Neighborhood Improvement Bond referendum to fund the Neighborhood Improvement Program (NIP). This program was established to help maintain, stabilize and revitalize neighborhoods through comprehensive infrastructure improvements such as curb and gutter, storm drainage and sidewalks. Based on the NIP ranking, Ashley Park/Westerly Hills was identified as one of 22 high priority neighborhoods. The Columbus Circle Storm Drainage Improvement Project in the same area as this NIP project and was combined to minimize disruption to the neighborhood.

On February 12, 2001, Council approved an agreement with Armstrong Glen for \$243,870 for the planning phase of the Ashley Park and Westerly Hills

NIP. On August 27, 2001, Council approved amendment #1 for \$129,860 to provide storm water planning for the Columbus Circle Storm Drainage Improvement Project located within the Ashley Park neighborhood. On July 22, 2002, Council approved Amendment #2 for \$249,814 for the design phase services for the NIP. Amendment #3 will provide design phase services for the Columbus Circle Storm Drainage Improvement Project to reduce house and street flooding. This will bring the total contract cost to \$982,408.

The Columbus Circle Storm Drainage Improvement Project construction is scheduled to be completed with the neighborhood improvement project in early 2006.

Funding:

Storm Water Capital Investment Plan

30. Briar Creek/Woodland Neighborhood Improvements and Cyrus Storm Drainage Improvements

Action: Approve amendment #3 for \$226,648 with Woolpert LLP for engineering services for the Briar Creek/Woodland Neighborhood Improvement Project and Cyrus Storm Drainage Improvement Project.

Staff Resource: Steve Sands, Engineering & Property Management

Explanation:

In November 2000, citizens approved the Neighborhood Improvement Bond referendum to fund the Neighborhood Improvement Program (NIP). This program was established to help maintain, stabilize and revitalize neighborhoods through comprehensive infrastructure improvements such as curb and gutter, storm drainage and sidewalks. Based on the NIP ranking, Briar Creek/Woodland was identified as one of 22 high priority neighborhoods. The Cyrus Storm Drainage Improvement Project is in the same area as this NIP project and was combined to minimize disruption to the neighborhood. The Cyrus Storm Drainage Improvement Project will reduce the frequency of house and street flooding by improving the major storm drainage system that runs parallel to Carolyn Drive.

On May 14, 2001, City Council approved the original agreement for engineering and storm water planning services for \$153,582. On December 7, 2001, the City Manager approved amendment #1 for \$93,103 to add storm water planning services for the Cyrus Storm Drainage Improvement Project. On February 11, 2002, City Council approved amendment #2 for \$131,381 for design services for water line and neighborhood improvements. Amendment #3 will provide funding for engineering design for the Cyrus Storm Drainage Improvement Project. This will bring the total contract cost to \$604,714.

The Cyrus Storm Drainage Improvement Project construction is scheduled to be completed by summer of 2005.

Funding:

Storm Water Capital Investment Plan

31. Westover Hills Neighborhood Improvement

Action: Approve change order #2 for the Westover Hills Neighborhood Improvement Project contract with United Construction Company of Charlotte, North Carolina for \$355,629.75.

Staff Resource: David Meachum, Engineering & Property Management

Explanation:

Council awarded the contract on February 11, 2002 for \$882,206. Council awarded change order #1 on November 11, 2002 for \$219,040.50 for additional water main, drainage structures, stone and select backfill material. This work is substantially complete.

Change order #2 will provide for cleaning and lining 5,850 linear feet of existing six inch water main, which is necessary to address water quality and flow concerns. The six inch water main cleaning and lining was not part of the original contract. Additional concrete curb, sidewalk, driveway, and asphalt roadway were included to complete construction. Change order #2 work will be done in the spring.

Prices for this change order are based on existing contract unit prices and negotiated prices for new items. The prices are appropriate for the work.

The new contract sum is \$1,456,876.25.

Funding:

Water and Neighborhood Improvement Capital Investment Plans

32. Charlotte Convention Center Parking Lot Improvements

Action: A. Adopt a budget ordinance transferring \$175,000 from Convention Center Fund Balance, and
B. Award contract for Convention Center Parking Lot Improvements to United Construction, Inc. of Charlotte, North Carolina for \$131,159.60.

Staff Resource: David Meachum, Engineering & Property Management

Explanation:

This property at 501 South Caldwell Street (former Cadillac Dealership) was purchased by the Convention Center for future expansion. In the interim, the site will be used for surface parking. Improvements are necessary to provide access to the site, and to comply with UMUD requirements. The project includes traffic control; erosion control; concrete curb and gutter, driveway and sidewalk construction; minor drainage; asphalt paving; pavement marking lines; aluminum decorative fencing and tree planting.

This action awards the low-bid of \$131,159.60 to United Construction, Inc. The remainder of funds transferred is for staff time and contingency.

The improvements will be complete in spring 2003.

Funding:

Convention Center Fund Balance balance

Attachment 22

Budget Ordinance

33. Airport CLT News Construction Contract

Action: A. Adopt a budget ordinance in the amount of \$245,000 from the Airport Discretionary Fund Balance, to be repaid from the proceeds of future General Airport Revenue Bonds, and

B. Award a low bid contract in the amount of \$197,000 to The Bowers Group of Charlotte, North Carolina for the construction of the CLT News concession on Concourse E.

Staff Resource: Jerry Orr, Aviation

Explanation:

On February 25, 2002, Concourse E opened with 26 gates designed for regional aircraft.

On August 26, 2002, Council awarded a management agreement with HMS Host, the Airport's master concessionaire, to manage a newsstand/gift shop (CLT News) and two additional concessions on Concourse E. HMS Host will operate the facilities for a flat annual rate of \$20,000 and 20% of net profit. The management agreement requires the City to reimburse HMS Host for the cost of the architectural and engineering fees spent by HMS Host for the

design of CLT News. This project will upfit 740 square feet of space located on Concourse E for CLT News.

The Airport Advisory Committee recommends this action.

Funding:

In order to provide interim funding until permanent financing is secured, this action appropriates \$245,000 from Aviation Fund Balance, to the Aviation Capital Investment Plan. These funds will be replaced upon issuance of future General Airport Revenue Bonds. The bonds will be repaid from Airport concession revenue. Of that amount, \$197,000 is to pay the construction contract, \$22,000 is to reimburse Host for design fees and the balance is for anticipated future design/contract administration fees and contingency.

Attachment 23

Budget Ordinance

34. Airport Passenger Loading Bridges Change Order

Action: A. Adopt a budget ordinance appropriating \$723,924 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds, and

B. Award a change order to Dew Bridge of Ontario, Canada in the amount of \$723,924 for installation of three additional passenger loading bridges and ground power units.

Staff Resource: Jerry Orr, Aviation

Explanation:

This change order will provide three passenger loading bridges for gates on the new Concourse E. These bridges will be purchased using the same unit price and terms and conditions as the bridges bid in May 2002. The Airport will recover its costs through user fees paid by the airlines.

Background:

On February 25, 2002 the new Concourse E opened with 26 gates designed for regional jet aircraft.

On May 13, 2002, Council awarded a contract to the low bidder, Dew Bridge of Ontario, Canada to furnish and install two passenger-loading bridges on the new Concourse E.

On August 26, 2002 Council approved a change order to the contract to install three additional bridges.

Funding:

In order to provide interim funding until permanent financing is secured, this action appropriates \$723,924 from Aviation Fund Balance to the Aviation Capital Investment Plan. These funds will be replaced upon issuance of future General Airport Revenue Bonds. The bonds will be repaid from Airport concession revenues.

Attachment 24

Budget Ordinance

35. Airport Automated Parking System Upgrade

Action: Approve an upgrade agreement with Ascom Transport Systems, Inc. for \$227,500 to upgrade the airport's automated public parking system.

Staff Resource: Jerry Orr, Aviation

Explanation:

The current automated parking system includes an on-line computer, which provides management and revenue control of all entrance gates, ticket dispensers, cashier terminals and inventory equipment. This agreement with Ascom will provide replacement of 12 existing cashier terminals and the addition of a 13th cashier terminal to accommodate projected parking expansion.

The existing terminals are up to 20 years old and parts availability has been very difficult. The replacement pc-based cashier terminals will enhance the current revenue control system by allowing all public points of exit to reflect the latest technological level in the industry. Due to the proprietary nature of the computer software, only Ascom can provide software support and other services required.

The Airport Advisory Committee recommends this action

Background:

The parking revenue control system was installed in 1982 for \$818,000 and expanded in 1988 for \$1,169,180 to include the parking decks, then again in 1999 for \$774,532 to include the satellite parking lots.

Funding:

Airport Operating Fund

36. Repair to City Bridges

Action: Approve an agreement for \$227,867 with HDR Engineering, Inc. of the Carolinas (HDR) for engineering services for Bridge Repairs.

Staff Resource: Gus Jordi, Transportation

Explanation:

The Federal Highway Administration mandates that bridges/culverts be inspected every two years. On June 10, 2002, the City approved an agreement with HDR to inspect city bridges/culverts. This agreement will provide funds for design, bid phase, and construction administration services for repairs noted from the inspection contract with HDR.

Funding:

Transportation Capital Investment Plan

37. Designation of Authorized Agents for Disaster Assistance

Action: Approve a resolution designating a primary and a secondary applicant agent for the City of Charlotte in executing and administering a Disaster Assistance Agreement with the State of North Carolina in relation to the December 2002 Winter Storm.

Staff Resource: Gregory McDowell, Internal Audit

Explanation:

To recover its eligible expenses related to the recent ice storm, the State requires the City to designate a primary and a secondary agent to act on behalf of the City in processing the necessary forms to apply for the assistance and to submit cost reports for the approval of the State and FEMA representatives. Internal Audit is coordinating the cost documentation efforts of involved departments. The City Auditor and another member of his staff would serve as the City's agents.

Attachment 25

Resolution

38. Property Transactions

Action: Approve the following property acquisitions (A-E) and adopt the condemnation resolutions (F-I).

NOTE: Condemnation Resolutions are on file in the City Clerk's Office.

Acquisitions:

- A. **Project:** NC49/Graham/US 29 Interchange Connector-Phase I, Parcel # 8
Owner(s): Golden Eagle Industries, Inc.
Property Address: 7825 and 7833 Tyner Street
Property to be acquired: Total Take
Improvements: Vacant Land
Purchase Price: \$140,400
Remarks: This acquisition is required for the NC49/Graham/US 29 Interchange Connector-Phase I Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: I-1
Use: Vacant Land
Tax Code: 101-152-26
Total Parcel Tax Value: \$127,600
- B. **Project:** Freedom Drive Widening, Parcel # 401
Owner(s): Jerry E. Smith and Wife, Judy J. Smith
Property Address: 3807 Freedom Drive
Property to be acquired: Total Take - 84,071 sq.ft. (1.93 ac.) of Fee Simple
Improvements: Single family dwelling and garage
Purchase Price: \$119,000
Remarks: This acquisition is required for the Freedom Drive Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-012-17
Total Parcel Tax Value: \$100,170
- C. **Project:** Statesville Avenue Widening, Parcel # 86
Owner(s): Glorious Church of God of the Living Apostolic Faith of America, Inc.
Property Address: 3600 Jessie Street
Property to be acquired: Total Take
Improvements: Existing building used as church
Purchase Price: \$225,000

Remarks: This acquisition is required for the Statesville Avenue Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review.

Zoned: I-1

Use: Institutional (Church)

Tax Code: 077-054-06

Total Parcel Tax Value: \$91,280

D. Project: Albemarle Road/W.T. Harris Interchange, Parcel # 123

Owner(s): Heirs of Rubye Dardan Hagler

Property Address: 8515 W.T. Harris Boulevard

Property to be acquired: 80,586 sq.ft. (1.85 ac.) in Fee Simple

Improvements: Vacant Land

Purchase Price: \$249,000

Remarks: Total acquisition of this property is required as part of the Albemarle Road/W.T. Harris Interchange Project. The purchase price is based on an appraisal made by a certified, independent appraisal.

Zoned: R-17MF

Use: Vacant Land

Tax Code: 109-171-05

Total Parcel Tax Value: \$84,620

E. Project: Southwest Water Transmission Main, Parcel # 32

Owner(s): Calvary Chapel of Charlotte

Property Address: 524 and 516 Melynda Road

Property to be acquired: 28,084 sq.ft. (0.645 ac.) of Permanent Easement plus 24,172 sq.ft. (0.555 ac.) of Temporary Construction Easement

Improvements: None

Purchase Price: \$12,750

Remarks: This acquisition is required for the Southwest Water Transmission Main Project. Compensation was established by an independent, certified appraisal and an appraisal review.

Zoned: R-5

Use: Office

Tax Code: 057-123-05, 08, 10 and 057-122-20

Total Parcel Tax Value: \$373,680

Condemnations:

F. Project: Southwest Water Transmission Main, Parcel # 42

Owner(s): Robert Keith Lewis and Wife Joan Lewis and Any Other Parties of Interest

Property Address: 1721 Toddville Road

Property to be acquired: 11,053 sq.ft. (0.254 ac.) of

Permanent Easement plus Temporary Construction Easement

Improvements: Trees

Purchase Price: \$7,650

Remarks: This acquisition is required for the Southwest Water Transmission Main Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 059-104-17

Total Parcel Tax Value: \$88,540

- G. **Project:** Long Creek Pump Station and Force Main, Parcel # 38
Owner(s): Brookmere Homeowners Association, Inc. and Any Other Parties of Interest
Property Address: Ballina Way
Property to be acquired: 11,485 sq.ft. (.264 ac.) of Permanent Sanitary Sewer Easement plus Temporary Construction Easement
Improvements: None
Purchase Price: \$900
Remarks: This acquisition is required for the Long Creek Pump Station and Force Main Project. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 031-486-98
Total Parcel Tax Value: \$0
- H. **Project:** Long Creek Pump Station and Force Main, Parcel # 14
Owner(s): David S. Mullaney and Wife, Barbara G. Mullaney and Any Other Parties of Interest
Property Address: 10409 Harwood Lane
Property to be acquired: 11,086 sq.ft. (.254 ac.) of Permanent Sanitary Sewer Easement plus Temporary Construction Easement
Improvements: None
Purchase Price: \$925
Remarks: This acquisition is required for the Long Creek Pump Station and Force Main Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 031-141-05
Total Parcel Tax Value: \$236,030

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- I. Project:** Marsh Road Area Storm Water Improvements, Parcel # 15
Owner(s): Joel E. Moore and Wife, Cassandra Moore and Any Other Parties of Interest
Property Address: 3646 Annlin Avenue
Property to be acquired: 4,081 sq.ft. (0.094 ac.) of Permanent Drainage Easement and Temporary Construction Easement
Improvements: None
Purchase Price: \$3,750
Remarks: This acquisition is required for the Marsh Road Area Storm Water Improvements Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 149-103-10
Total Parcel Tax Value: \$140,690

39. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- **November 25, 2002 Business Meeting**
- **December 2, 2002 Workshop**