

**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, November 10, 2003**

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**5:00 p.m.**

**Closed Session**

- A. City Clerk's Evaluation**
- B. City Manager's  
Evaluation Follow-up**

**7:00 p.m.**

**Meeting Chamber**

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



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## **Mayor and Council Topics**

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**5:00 P.M. CLOSED SESSION**

**A. City Clerk's Evaluation**

**B. City Manager's Evaluation Follow-up**

**ROOM 280**

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

### **CONSENT**

- 1. Consent agenda items 15 through 32 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

## 2. Installment Purchase Contract for Transit

**Action: A. Hold a public hearing concerning an installment purchase contract for up to \$90 million to fund approved CATS Capital Projects and Capital Equipment requirements; and**

**B. Approve a resolution authorizing an installment purchase contract for up to \$90 million to fund approved CATS Capital Projects and Capital Equipment requirements.**

**Staff Resource:** Greg Gaskins, Finance

**Explanation:**

On October 27, 2003 Council approved a resolution authorizing negotiation of an installment payment contract. Council also approved the November 10, 2003 Council meeting as the time and place for a public hearing concerning these bonds.

The projects and equipment to be funded include:

Buses-new and replacement	\$28,100,000
Second Bus Garage and Renovations to the first Bus Garage	51,500,000
Land-South Corridor, Park & Ride Lots and Transit Centers	5,000,000
Capitalized Interest	1,745,000
Estimated issuance expense	<u>3,655,000</u>
Total Contract	\$90,000,000

Projects and equipment have been approved by the Metropolitan Transit Commission.

**Funding:**

Transit Debt Service Fund

**Attachment 1**

Resolution

# POLICY

## 3. City Manager's Report

## 4. Plaza-Central Pedscape Plan



**Action: Approve the Economic Development Committee's recommendation to adopt the Plaza-Central Pedscape Plan.**

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Kent Main, Planning Commission

### **Explanation:**

The Plaza-Central Pedscape Plan sets forth a compact, pedestrian-oriented future for the Plaza-Central District. The process requires two steps: first, adoption of a Pedscape Plan; and second, approval of a rezoning application.

This Plan makes specific recommendations as summarized below:

Land Use: The plan is intended to replace the Central District Plan as the land use policy for the area. It also updates the Belmont Area Revitalization Plan within the Plaza-Central boundary, as was anticipated by the Belmont Plan. The Plaza-Central Plan recommends:

- Creating a compact mixed-use retail village in the vicinity of Central Avenue, The Plaza, Commonwealth Avenue, and Pecan Avenue
- Developing the Central Five Points Intersection (Central and Louise Avenues) as a second retail node to support adjoining neighborhoods.
- The remaining portions of the district are recommended for mixed use, predominantly office and residential, with retail and restaurant uses on ground floors of multi-story buildings.

### Cross Sections and Streetscape Standards:

- Streets are categorized into six "types" based on their use and traffic characteristics, with setback and cross-section requirements for each.
- Most of the street types use existing curb lines, which are adequate for present and future traffic needs.
- Option for new on-street parallel parking in some street types: recessed curb areas, with alternative tree placement to maintain spacing.
- On parts of Commonwealth Avenue and The Plaza; back-in angled parking with tree islands to remake a troublesome streetscape and take advantage of underutilized wide right of way.

**Streetscape and Pedestrian Improvements:** The plan recommends possible public investments to enhance the pedestrian environment. These include the reconfiguration of the Central Five Points intersection (Central Avenue and Tenth Street at Louise Avenue) with a new refuge island and crosswalks.

**Committee Discussion:**

City Council's Economic Development and Planning Committee discussed the draft plan on October 22. Committee members Wheeler, Graham, Carter, Cannon, and Lochman were present. The Committee voted 5-0 to refer the plan to Council for public comment. The Committee will consider its recommendation on November 5, which will be forwarded in the Council-Manager Memo on November 7<sup>th</sup>.

**Community Input:**

The Pedscape Plan is a follow-through from the 1998 Revitalization Study, which included a series of community charrettes.

Beginning in Fall 2002, three additional public meetings were held to develop the Pedscape Plan.

Staff also has met monthly with the Plaza-Central Partners, and made periodic presentations to neighborhood groups and to the Charlotte Tree Commission.

The City Council public comment session was held on October 27. A representative of Plaza-Central Partners spoke in support of the plan. In Council's discussion, overhead utility lines were cited as a concern. Staff noted that utility line placement on City streets will be a separate future agenda item.

Notices of meetings were sent to property and business owners, to neighborhood association leadership, and to prior meeting attendees.

The Draft Plaza-Central Pedscape Plan previously was provided for the October 27 Council meeting. Additional copies are available upon request from the Planning Commission.

## **5. Planning Interlocal Agreement**

This item will be sent in the November 7 Council-Manager Memo in order to reflect the November 5 County Commission decisions.

## 6. Panhandling Ordinance

**Action: Adopt an ordinance, amending Chapter 15, Section 15-24 of the Charlotte City Code, to place restrictions on the time, place, and manner in which a person can solicit funds from another person.**

**Staff Resource:** Julie Burch, City Manager's Office  
Mark Newbold, City Attorney's Office

### **Explanation:**

Over the past few years, citizens and business owners have been confronted with an increase in the number of persons panhandling in a persistent manner, particularly in the Uptown area. The increase in panhandling can be attributed to a number of factors, including the economy and the increase in the number of people who live, work, or visit Uptown. Police officers in the uptown area have observed an increase in the number of panhandlers. Charlotte Center City Partners indicate that they receive an average of five complaints per week regarding panhandling, compared to the average of five complaints per month that they received five years ago.

During the same period that panhandling complaints have increased, the community has been engaged in an effort to develop a comprehensive strategy to deal with the issues related to homelessness. In 2000, the County Commission requested an assessment of homelessness in Charlotte-Mecklenburg. The results of that report led to the formation of a task force comprised of a wide variety of stakeholders, including homeless service providers, volunteers and other community representatives. The task force sought broad community input to develop a plan to reduce the prevalence, duration and impact of homelessness.

The County Commission endorsed the homelessness plan in July 2002. The City Council endorsed the plan in August 2002.

The task force recommended that the community work toward accomplishing seven key objectives. One of the objectives was to "provide fair and reasonable solutions to addressing fears and concerns of business owners and residents about aggressive panhandling and other obtrusive or criminal behavior carried out by people spending time on the streets, some of whom are homeless." One of the recommended strategies for addressing that objective was to increase efforts to reduce panhandling.

As a result, City staff has been working to strengthen the ordinance that is currently in place. Currently, the City Code only prohibits "aggressive" begging or solicitations. In order to be in violation of the current ordinance, the panhandler must accost or force himself upon another. Accosting is defined as approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm. For purposes of the ordinance, "forcing oneself upon another" means continuing to request money

in close proximity to another or blocking the passage of the person addressed or engaging in conduct that could reasonably be construed to force or compel a person to accede to the panhandler's demands.

The proposed amendment retains the prohibition against accosting or forcing oneself upon another and adds several other restrictions that ensure citizens will not be intimidated or held captive by an aggressive panhandler. The amendment would restrict the following behavior:

- panhandling within 20 feet of a financial institution or an Automated Teller Machine (ATM)
- panhandling within 20 feet of any outdoor dining area or outdoor merchandise area
- panhandling at any transit stop or taxi stand or on a public transportation vehicle
- panhandling when a person is standing in line waiting to enter a commercial establishment
- panhandling by touching the person being solicited without the person's consent
- panhandling after dark by means of verbal communication.

These additional restrictions do not prohibit all panhandling, but place reasonable restrictions upon the time, place, and manner in which a panhandler may solicit funds. In every circumstance, the panhandler has ample alternatives to solicit funds. For example, panhandling after dark may be accomplished with non-verbal behavior such as signs, holding out hands, or the use of traditionally recognized containers for donations (e.g., cups, hats, musical instrument cases, cardboard boxes or cigar boxes). The rationale for the restrictions is twofold: First, the restrictions prevent a reasonable citizen from being intimidated at certain locations such as an ATM. Second, the panhandler will not be permitted to solicit funds in locations where citizens are a captive audience such as when they are eating in a public place or waiting for public transportation. The Attorney's Office believes that the ordinance is reasonable and protects First Amendment rights.

While the most persistent problems are Uptown, the ordinance would apply to panhandling citywide. Violation of the ordinance is a misdemeanor and, upon conviction, the offender is subject to a fine up to \$500 or imprisonment or both. Patrol officers who observe a violation in their presence will enforce the ordinance. Officers will have the discretion to provide a warning, issue a citation, or make an arrest.

The ordinance would be effective upon adoption.

The passage of the ordinance will work in concert with another related recommendation in the plan: to promote a message to the public to not give money to panhandlers. The Mecklenburg Council on Homeless has the lead

responsibility to work with stakeholders in developing and getting this message out.

**Community Input:**

The Community Task Force on Homelessness recommended an ordinance to restrict panhandling in the plan endorsed earlier by the City Council. Key stakeholders involved in the development of the plan as well as other community representatives were invited to review and comment on the proposed ordinance. Those invited to comment included the Mecklenburg Council on Homelessness, Mecklenburg County Department of Social Services, Uptown Men's Shelter, Charlotte Rescue Mission, Crisis Assistance, Urban Ministry Center, and Charlotte Center City Partners.

The relatively few comments received about the ordinance were supportive. Comments also reflected a recognition that the ordinance is only one tool to deal with issues related to homelessness and that not all panhandlers are homeless people.

**Attachment 2**

Ordinance

**7. Piedmont Courts Hope VI Application Update**



**Action: Receive a report from the Communities Within A City Committee on the status of the Piedmont Courts HOPE VI Application.**

**Committee Chair:** Patrick Mumford

**Staff Resource:** Stanley Watkins, Neighborhood Development

**Explanation:**

The Communities Within A City Committee will provide a report on the HOPE VI application process. Council will receive the report in the Council-Manager Memo on November 7, 2003. The Charlotte Housing Authority will provide a status update on the planning process to the Communities Within A City Committee on November 6, 2003.

**Background:**

On February 10, 2003, pursuant to a request from the Charlotte Housing Authority, City Council authorized staff to engage in land acquisitions up to \$1.2 million to support the HOPE VI Application; directed staff to participate in the application development process; and approved a recommendation regarding relocating some City services at the Central Yard Facility.

At a subsequent meeting on September 24, 2003, Council approved the Communities Within A City recommendation to provide \$75,000 to assist the CHA in hiring a consultant to develop the HOPE VI application. Council also

voted to support the application planning process with the understanding that the CHA will make a specific request for financial support within the next 60 days.

## 8. General Development Policies



**Action: Receive a report from Economic Development and Planning Committee providing an update on the process to review the proposed General Development Policies.**

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Kathleen Cornett, Planning

### **Explanation:**

This item is being placed on the agenda to provide the Council with an update on the status of reviewing the proposed General Development Policies. The Economic Development and Planning Committee met on November 5<sup>th</sup> to receive input, specifically from neighborhood groups. Additional information will be sent in the Friday, November 7<sup>th</sup> Council-Manager Memo.

The Planning Commission reviewed the revised draft document at their November 3<sup>rd</sup> regular meeting. The Planning Commission is scheduled to make a recommendation on November 18<sup>th</sup>.

The Committee is scheduled to make a recommendation on the proposed GDP on November 19<sup>th</sup>. Council is scheduled to take action on the proposed GDP at the November 24<sup>th</sup> business meeting.

### **Community Input:**

Approximately 600 notices were mailed out to stakeholders and other interested citizens for the November 5<sup>th</sup> Economic Development and Planning meeting.

During the development of the proposed policies, staff worked with two groups of stakeholders composed of representatives from the development community and neighborhoods. In addition, two public workshops were held in June and July 2003 to receive further input on the proposed policies. The Planning Commission held a public meeting to hear citizen comments on September 23, 2003.

Staff also scheduled three additional stakeholder meetings: October 21<sup>st</sup>, 23<sup>rd</sup> and 30<sup>th</sup>.

As a result of these meetings, staff has addressed most of the issues raised. However, there are still a few unresolved issues, and staff has drafted a

response to these and the Committee will make a decision on them at a future meeting.

A revised draft will be available on November 12<sup>th</sup> and will highlight changes made from the September 2003 draft.

## 9. 2003 Draft Disparity Study Report

**Action: Accept the 2003 Draft Disparity Study Report from MGT of America.**

**Staff Resource:** Tiffany Capers, Small Business Development Program  
Cindy White, City Attorney's Office

### **Explanation:**

In September 2002, City Council approved the contract with MGT of America to conduct a disparity study for the City of Charlotte, which would analyze the utilization of minority- and women-owned firms who received City contract dollars and the availability of minority- and women-owned firms that were willing and qualified to perform those contracts. City Council received the draft report from MGT of America Monday, October 20<sup>th</sup>.

Council is being asked to accept the draft Report. Accepting the Report allows staff including the City Attorney's Office to continue its review of the study findings. Accepting the Report does not mean that Council adopts the recommendations presented in the report for program options. An outline of Council decisions would include:

- Accepting the 2003 Draft Disparity Study Report (November 2003)
- Adopting the 2003 Disparity Study Report (November 2003)
- Considering program options upon adoption of the Report (January - 2003)
- Approving program options (March 2003)

### **Community Input:**

City Council held a public hearing on the draft Disparity Study Report Monday, October 27<sup>th</sup> to receive comments from citizens and members of the contracting community. The comments received reflected a desire by some members of the contracting community to have additional time to review the report before submitting comments to staff and City Council regarding the Report findings. Citizens were asked to send written comments to the Small Business Development Program Office by November 10, 2003.

## BUSINESS

### 10. 2004 Bassmaster Tournament Contribution

**Action: A. Adopt an ordinance to contribute \$50,000 from the Council Discretionary Account, and**

**B. Authorize the City Manager to enter into a contract with the Coliseum Authority, Charlotte Sports Commission, or such other entity that will pay the rights fee for the 2004 Bassmaster Classic Tournament.**

**Staff Resource:** Ruffin Hall, Budget and Evaluation

**Explanation:**

During the October 27, 2003 Citizens Forum, the Charlotte Sports Commission, Visit Charlotte, and the Coliseum Authority requested that the City contribute \$50,000 towards the operating costs for the 2004 Bassmaster Classic fishing tournament. The tournament will be in Charlotte from July 28-August 1, 2004. The Coliseum Authority estimates the tournament will bring in 25,000 attendees with an economic impact of \$22 million. On October 27<sup>th</sup> Council unanimously voted for the request to be on an agenda in November.

At this point, it is not certain which agency will actually pay the rights fee. For that reason, the proposed action would direct to the City Manager to contract with whatever agency will pay the rights fee and ensure that the City contribution is, in fact, used to pay a portion of the rights fee.

The following local organizers are contributing a total of \$500,000:

Auditorium-Coliseum Convention Center Authority	\$200,000
Visit Charlotte	100,000
Headquarter Hotel Rebates	50,000
Hospitality and Tourism Alliance	25,000
Charlotte Center City Partners	10,000
Rock Hill-York County Convention and Visitors Bureau	10,000
Charlotte Regional Sports Commission	5,000
City	50,000
County	50,000
<b>Total</b>	<b>\$500,000</b>

The tournament event locations include:

- Fishery at Lake Wylie
- Weigh-in at Charlotte Coliseum
- Trade Show at Charlotte Convention Center
- Kids Classic at Freedom Park

Funding for this contribution would be from the Council Discretionary Account. The current balance of the account is \$140,000.

### **Attachment 3**

Budget ordinance

## **11. Resolution of Support for Sustainable Environment for Quality of Life**

**Action: Adopt the Resolution of Support for Sustainable Environment for Quality of Life (SEQL).**

**Resources:** Council member Joe White, Council's Centralina Council of Governments Representative  
Julie Burch, City Manager's Office

### **Explanation:**

In the fall of 2000, the City received a \$100,000 EPA grant for a Sustainability Demonstration Project to bring together 26 of the region's chief elected officials to learn about air quality, water resource and land-use issues. The group developed and recommended "toolbox commitment action items" relating to air, water, and land-use measures for implementation across the region.

In spring 2002, the EPA approached Charlotte regional and local governments regarding expansion of this partnership to develop a more integrated strategy and refined tools to address air quality, other environmental issues, transportation, land-use planning, energy, and economic development.

Centralina COG has been awarded a \$275,000 grant from the Environmental Protection Agency to implement and expand regional efforts to protect the quality of life in the bi-state metro Charlotte region. The new project expands the number of participating jurisdictions from 26 to 75. The program is called Sustainable Environment for Quality of Life (SEQL).

SEQL will address the challenges of urban sprawl and air quality problems by:

- Allowing local governments the opportunity to work across jurisdictional lines in regional cooperation and collaboration, setting a standard for the nation
- Designing a regional database for improved decision-making
- Providing implementation assistance to local governments on environmental action items developed under the Charlotte/Mecklenburg Sustainability Demonstration Project

- Analyzing multiple air quality issues simultaneously, including ozone, particulate matter, and air toxics while also addressing transportation, water, land use, energy use, and economic development.

This initiative will support the region's efforts to develop integrated, long-range plans to ensure economic development and a positive quality of life for its future. The initiative also supports the Smart Growth Principles adopted by Council. The project is structured so that it will be a cooperative undertaking between Centralina and the Catawba Regional Council of Governments. Each participating jurisdiction has been asked to adopt a formal resolution of support.

On October 29, the City participated in a SEQL Regional Update with elected officials from throughout Mecklenburg County. The meeting allowed the participating entities to share their progress on the action steps. The City of Charlotte has implemented and made significant progress on all of the identified action steps. Attached is the City's SEQL Progress Report.

#### **Attachment 4**

Resolution of Support for SEQL  
City SEQL Progress Report

## **12. Mecklenburg Union Metropolitan Planning Organization Memorandum of Understanding**

**Action: Approve the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) Memorandum Of Understanding (MOU).**

**Staff Resource:** Danny Rogers, Planning

**Focus Area:** Transportation

#### **Explanation:**

The 2000 Census expanded the boundaries of the MUMPO. A new MOU is required to incorporate the new members and provide for a new voting structure.

On September 8, the Council approved the Transportation Committee's recommendation to direct the MUMPO's representative's vote on proposed amendments to the MUMPO MOU. Those amendments included: adding Monroe, Wingate, Waxhaw, Wesley Chapel and Unionville to the MPO; increasing the number of votes for Charlotte; removing the term limit for the Technical Coordinating Committee (TCC) Chair; setting minimum funding requirements for membership and adding a NCDOT public transit representative to the TCC.

The MOU adopted by MUMPO on September 17, 2003 made two minor changes to the document approved by the City Council. The ratio needed for a super-majority was changed from 2/3 to 3/4. Therefore, 30 votes (instead of 26 for 2/3) out of a total 39 votes are needed to create a super-majority. A super-majority is only required for revising the MOU or its by-laws, or to over-ride a member's position on a project that is completely within its jurisdiction on an Interstate, US or NC route. The other change affects only the Union County members. That change requires the towns to share the funding responsibilities for MUMPO with Union County. Previously, Union County contributed the full share for Union. The MOU approved by the MUMPO is attached and changes are show in bold print.

The MOU must be approved by individual jurisdictions representing at least 70% of the Urbanized Area population and the Center City (Charlotte). Thereafter, the Governor or his designee must sign it before it goes into effect. The intent is to have the approved MOU in place in time for the January 2004 MUMPO meeting.

This document does not change the funding responsibility to the City of Charlotte. However, expansion of the MPO further into Union County has lowered the share of the Mecklenburg members, thus lowering the amount the City of Charlotte will contribute.

#### **Attachment 5**

Memorandum of Understanding

### **13. Recodification of City Code**

**Action: Adopt an ordinance recodifying the City code.**

**Staff Resource:** DeWitt McCarley, City Attorney

#### **Explanation:**

In March 1999 Council authorized the City Attorney to begin recodification of the Charlotte City Code. The City Attorney's Office along with The Municipal Code Corporation reviewed the Code for obsolete provisions, internal conflicts and conflicts with the General Statutes of North Carolina, the U.S. Constitution and the North Carolina Constitution and applicable case law. A new City Code is the result of meetings with Municipal Code Corporation, the Key Business Units and divisions within the Key Business Units over the past three years. An ordinance is required for the recodification of the ordinances.

The attorneys in the City Attorney's Office worked with the Key Business Units to review the work each department performs and ensure the recodification accurately reflects the business function of each department. The goal of the recodification project was to propose corrections and

improvements, and allow staff and Council the opportunity to review both substance and procedure of current regulations. The Code Chapter revisions were completed and sent to the Municipal Code Corporation for editorial changes. All of the changes were included in a final proof and reflect the contents of the Code recodification project.

**Attachment 6**

Ordinance and Memorandum to Council

**14. Appointments to Boards and Commissions**

**Action: Vote on blue ballots and give to City Clerk at dinner.**

**A. CHARLOTTE MECKLENBURG DEVELOPMENT CORPORATION**

One, three year appointment beginning November 2003. The category is a Non-Profit Organization.

William Focht, Jr. by Council member Spencer  
Franchesca Johnson by Council member Carter  
Courtney McLaughlin by Council members Cannon, Mumford, Tabor

**Attachment 7**

Applications

**B. COMMUNITY RELATIONS COMMITTEE**

One appointment beginning immediately and serving until June 2005.

Chandra Green by Council members Cannon, Mumford  
Andrea Huff by Council member Carter  
Anthony Tindall by Council member Mitchell

**Attachment 8**

Applications

**C. FIREMEN'S RELIEF BOARD OF TRUSTEES**

One, two year appointment beginning January 2004.

Wendell Fant by Council member Cannon  
Ronald McGriff by Council member Mitchell

**Attachment 9**

Applications

**D. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

One appointment beginning immediately and serving until March 2004 and then serving the next full, two year term.

David Gable by Council member Carter

Roosevelt Gardner, Jr. by Council member Cannon

Rick Ward by Council member Tabor

**Attachment 10**

Applications

## **MAYOR AND COUNCIL TOPICS**

**At the end of the formal agenda, Council members may share information and raise topics for discussion.**

## **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, are low bid and comply with Small Business Opportunity Program Policy.

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

The City's Small Business Opportunity Program's (SBO) purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

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

Contractors and Consultants

All contractors and consultant selections follow the Council approved process unless described otherwise.

## **CONSENT I**

### **15. Various Bids**

#### **A. Hickory Grove Road Widening**

**EPM**

**Recommendation:**

The City Engineer recommends the low bid of \$4,592,345.94 by Blythe Development, Inc. of Charlotte, North Carolina. This project will widen Hickory Grove Road to four lanes and construct bicycle lanes and sidewalks from Sharon Amity Road to Highland Avenue. The new road cross section will consist of four, 11 ft. travel lanes, two, 4 ft. bicycle lanes, 4 ft. planting strips and 5 ft. sidewalks. The bicycle lanes will tie into the bicycle lanes that are currently being constructed on the Pence Road Streetscape project. This project is included in the three year "vote-to-drive" initiative. Construction is anticipated to be completed in the fall of 2005.

**Small Business Opportunity:**

Established SBE Goal: 3%

Committed SBE Goal: 4%

Blythe Development Company has committed 4% (\$196,444.39) of the total contract amount to several certified SBE firms.

**16. Resolution of Intent to Abandon Street and Set Public Hearing for Old Nations Ford Road**

**Action: A. Adopt the Resolution of Intent to abandon Old Nations Ford Road, and**

**B. Set a public hearing for December 8, 2003.**

**Attachment 11**

Map

**17. Resolution of Intent to Abandon Street and Set Public Hearing for a portion of right-of-way at the intersection of Romany Road and Harding Place**

**Action: A. Adopt the Resolution of Intent to abandon a portion of right-of-way at the intersection of Romany Road and Harding Place, and**

**B. Set a public hearing for December 8, 2003.**

**Attachment 12**

Map

## CONSENT II

### 18. YWCA Special Needs Rehabilitation Project Grant



**Action:** Approve a grant in the amount of \$320,000 to the YWCA of Central Carolinas to rehabilitate 66 housing units for its Women in Transition Facility on Park Road.

**Staff Resource:** Stanley Wilson, Neighborhood Development  
Jeff Meadows, Neighborhood Development

**Policy:**

The City's FY2004 Consolidated Action Plan identifies the need for affordable, safe and decent housing for low and moderate-income families. The Plan was approved by City Council on June 23, 2003 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.

**Explanation:**

On October 27, 2003 City Council received a report and approved placing on the November 10<sup>th</sup> agenda the YWCA of Central Carolina's funding request to rehabilitate 66 units of special needs housing. The YWCA's project (special needs and rehabilitation) is exempt from the City's Housing Locational Policy.

As part of the Housing Trust Fund's Special Needs Housing Request for Proposal (RFP) process, the YWCA requested a grant in the amount of \$320,000 to rehabilitate sixty-six units for its Women in Transition Facility. The proposed City funding will be provided through Housing Bond Funds.

On January 13, 2003, City Council approved a \$500,000 allocation for Special Needs Housing. The YWCA proposal was the only respondent to the RFP. The proposal was reviewed and met the requirements of the RFP. The YWCA proposal received 99 out of 130 points.

The improvements to the facility include bringing the building up to minimum code requirements, improving handicapped accessibility, removal of asbestos, remodeling kitchens and bathrooms, new flooring, new wall board and paint as well as ceiling treatments to modernize the facility.

The unit distribution by monthly rents and area median income (AMI) served is presented below:

Units	Monthly Program Fees	AMI Served*
17	\$320	≤ 30%
49	\$350-\$390	≤ 60%

\*Based on 2003 Area Median Income of \$64,100 with a household size of four.

The YWCA of Central Carolinas, Inc. Women in Transition Program has a full time staff; one Director, two case managers and an administrative assistance. Part time staff includes a nurse, counselor and two residence advisors. The units serve as transitional housing for single women for a minimum of four months. Through case management and other programs the women transition to permanent housing.

The units will remain affordable for 30 years and the affordability period will be secured by a deed restriction. The total rehabilitation cost per unit is \$18,545. The City investment per unit is \$4,848 for a leverage ratio of 1:3.8

**Sources and Uses of Funding:**

Sources

City of Charlotte Grant (Housing Trust Fund)	320,000
Charlotte-Mecklenburg Housing Partnership Loan	400,000
Supportive Housing Development Program Grant	400,000
Congregations/Corporations Grants	<u>104,000</u>
Total	\$1,224,000

Uses

Rehabilitation Costs	\$835,294
Soft Construction Costs	27,500
Reserve/Escrow	<u>361,206</u>
Total	\$1,224,000

The projected project schedule is shown below:

November 2003	Initial Equity and Loan Closings
November 2003	Rehabilitation Start
September 2004	Substantial Completion
October 2004	Full Occupancy

Council also received information on this project as part of the Council-Manager Memo on October 10, 2003.

**Attachment 13**

Project Summary  
Project Pro-forma

## 19. Rocky Branch Apartments II – Revenue Bond Issuance



**Action: Adopt a resolution granting the Charlotte Housing Authority's request to issue Multi-Family Housing Revenue Bonds to finance the development of Rocky Branch II Apartments.**

**Staff Resource:** Stan Wilson, Neighborhood Development  
Jeff Meadows, Neighborhood Development

### **Explanation:**

The Charlotte Housing Authority (CHA) requests that the City of Charlotte approve a resolution authorizing the issuance of multi-family housing revenue bonds in an aggregate amount, not to exceed \$9,450,000, to finance the acquisition and construction for the development of Rocky Branch II Apartments. The resolution satisfies the requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended. The Charlotte Mecklenburg Housing Partnership (CMHP) is the managing partner for the development and has requested that the CHA issue the bonds for the project.

On September 24, 2003 City Council approved a loan to the Charlotte Mecklenburg Housing Partnership in the amount of \$2,800,000 to develop Rocky Branch II Apartments. This development consists of 192 multi-family residential units located at 10412 Rozzelles Ferry Road. The development will serve households earning from less than 30% up to 80% of the area median income (\$64,100).

**Attachment 14**  
Project Summary  
Resolution

## 20. Environmental Engineering Services

**Action: A. Approve Amendment #1 for environmental engineering services in the amount of \$200,000 with S&ME, and**  
**B. Approve Amendment #1 for environmental engineering services in the amount of \$200,000 with Titan Atlantic.**

**Staff Resource:** Tim Greene, Engineering and Property Management

### **Explanation:**

The original contracts were awarded by Council in the amount of \$200,000 each on June 10, 2002. These amendments will allow these companies to perform environmental studies in connection with property acquisition for capital projects and restoration of City property to meet state and federal EPA regulations. Services may include:

- Ongoing site assessment/remediation at City-owned properties under the state EPA's Leaking Underground Storage Tank program (i.e., Fire Stations #9, #12, #16, and #26 and the Law Enforcement Center Surface Parking Lot)
- Site assessments for City property acquisitions and right-of-way purchases
- Asbestos surveys of buildings in preparation for demolition or renovation
- Support for the City's asbestos program
- Design of fuel tank systems at new Fire Stations
- Preparation of Transportation Air Quality permits for transportation projects

These firms were selected using the Council-approved selection process.

**Small Business Opportunity:**

A. S&ME SBE Goal: 0%

Committed Goal: 5%

The selection process took place in 2002 for this project, which preceded the implementation of the SBO Program for professional services. The scope of services has not been changed and the engineers do not plan to use any new or additional sub-consultants. However, one of S&ME's original sub-consultants has been certified as an SBE. S&ME has committed to a 5% SBE goal for this amendment.

B. Titan Atlantic SBE Goal: 0%

Committed Goal: 0%

The selection process took place in 2002 for this project, which preceded the implementation of the SBO Program for professional services. The scope of services has not been changed and the engineers do not plan to use any new or additional sub-consultants.

**Funding:**

Environmental Bonds

**21. North Tryon Street Sidewalk Engineering, Planning and Design Services**

**Action: Approve an amendment for \$125,000 with Kimley-Horn and Associates, Inc. for engineering, planning and design services for North Tryon Street sidewalk.**

**Staff Resource:**

Bette Frederick, Engineering and Property Management

**Explanation:**

Council awarded the original contract on February 24, 2003 for \$200,000. The original contract included sidewalk planning and design for Mallory and Brevard Streets, Gleneagles Road, and Rea Road.

This amendment will provide planning and design services for additional segments of sidewalk on North Tryon Street, a major thoroughfare. The project limits extend from Harris Boulevard to I-485. The total length of the project is approximately 2.26 miles.

The City's sidewalk program was established to construct sidewalks on both sides of all thoroughfares and on one side of all collector streets and citizen requested local streets based on need. These sidewalk projects are evaluated and ranked based on safety and total need. The North Tryon Street sidewalk identified for this contract is a high priority because the sidewalk will provide access to high volume transit stops and shelters that will be installed in this area. CATS will install the pads and shelters immediately following the completion of the sidewalk project. The sidewalk project is estimated to be completed in early 2005.

The consultant for this sidewalk project was selected using the Council-approved process.

**Small Business Opportunity:**

SBE Committed Goal: 0%

The selection process for this project took place before the implementation of the SBO Program for professional services. The scope of services has not been changed and the consultant does not plan to use any new or additional sub-consultants.

**Funding:**

Transportation Capital Investment Plan

## **22. Sixth and Graham Streets Storm Water Economic Development Project**

**Action: Authorize the City Engineer to negotiate an agreement for up to \$175,000 with Capstone Property Group, Inc. for reimbursement of construction costs for drainage system replacement at Sixth and Graham Streets.**

**Staff Resource:**

Tim Richards, Engineering and Property Management

**Explanation:**

This project meets the site consideration guidelines for the Storm Water Economic Development Program adopted by City Council in June of 1997.

Specifically, the project meets section 3A of the guidelines for on-site improvements where the on-site system is conveying public runoff.

The project includes design and construction of approximately 480 feet of storm drainage system near the intersection of Sixth and Graham Streets. The present system is under the existing building at 231 N. Graham Street and is deteriorating, making maintenance difficult, if not impossible. In order to move the system out from under the existing building and out of the area of proposed development, a new storm drainage system will be constructed in the street right-of-way of Sixth and Graham Streets. The Storm Water Economic Development Program will fund up to \$175,000. This project will provide the City with a system that is easily accessible for future maintenance.

The Sixth and Graham Street drainage improvements will allow the City to avoid costs exceeding \$365,000 for the eventual replacement of the existing pipe system.

The improvements will be designed by Geoscience Group, Inc. and constructed by Capstone Property Group, the owner of the property at Sixth and Graham Street. The City will reimburse Capstone Property Group, Inc. for its costs once the work is inspected and found to be satisfactory and upon submittal of evidence documenting the cost of construction.

**Small Business Opportunity:**

SBE Committed Goal: 0%

This contract is not a City contract and is therefore exempt under the SBE program. The developer has agreed to contact SBEs for subcontract opportunities.

**Funding:**

Storm Water Capital Investment Plan

**Attachment 15**

Guidelines for Storm Water Economic Development Program

**23. Concrete Installation and Repair 2002, Renewal #2**

**Action: Approve renewal #2 to the contract with Carolina Cajun Concrete, Inc. in the amount of \$285,836.25**

**Staff Resource:**

Tim Greene, Engineering and Property Management

**Explanation:**

The work in this contract includes removal and replacement of deteriorated curb, sidewalk, drives and pavement sections at various locations within the City limits.

The City may renew this contract in accordance with the original contract terms and conditions except that price increases may be approved at the time of renewal. This is the second of three potential renewals.

Council awarded the original contract for \$269,508.75 on June 24, 2002. Council awarded renewal #1, which included price increases to \$285,836.25 on July 28, 2003.

No unit price increases are included in Renewal #2. The new contract sum is \$841,181.25.

**Small Business Opportunity:**

Carolina Cajun Concrete is certified with the City's SBO Program. The original terms and conditions took place before the implementation of the SBO Program. The scope of service has not changed.

**Funding:**

Transportation Capital Investment Plan

**24. Resurfacing FY2003 -B, Change Order #1**

**Action: Approve Change Order #1 to the FY-2003-B Resurfacing contract with Crowder Construction Company of Charlotte, North Carolina for \$1,084,360.**

**Staff Resource:** Dieter Crago, Engineering and Property Management

**Explanation:**

Council awarded the original contract on May 12, 2003 for \$3,319,971.

This change order will provide funds for additional streets to be added to the Resurfacing FY 2003-B contract. Funding is available from the Resurfacing 2003 A contract. This action will allow for all streets identified to be completed during this years paving season.

The action will move streets from the A contract to the B contract, thereby closing out contract A.

The SBO participation goals were exceeded in the A contract. However, the goals were not met in the B contract. This change order will adjust the SBO goal attainment in contract B to 6%

**Small Business Opportunity:**

Established SBE Goal: 6%  
Committed SBE Goal: 6%

Crowder Construction Company has committed 6% (\$65,093) of the total change order amount to several certified SBE firms.

**Funding:**

Powell Bill Fund

**25. Airport Parking Deck Electrical Construction Contract**

**Action: A. Approve the low bid contract in the amount of \$1,397,300 to WB Moore Company of Charlotte for electrical construction for the Airport Parking Deck,**

**B. Adopt a budget ordinance appropriating \$1,500,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.**

**Staff Resource:**

Jerry Orr, Aviation

**Explanation:**

On August 25, 2003, Council awarded a contract to Turner Construction Company of Charlotte, North Carolina to manage the construction of a new parking deck at the Airport. This contract is the first of a series of contracts to construct this deck. This contract will provide the electrical construction work in the deck.

The Airport Advisory Committee recommends this action.

**Small Business Opportunity:**

Electrical

Established SBE Goal: 2%

SBE Committed Goal: 0%

WB Moore, the low bidder, complied with the good faith efforts; however, they were unable to attain SBE participation.

**Funding:**

Aviation Discretionary Fund Balance

**Attachment 16**

Budget ordinance

## 26. Corporate Hangar Lease Agreement

**Action:** **A. Approve an amendment to the lease with Signature Flight Support to release approximately 1.05 acres, and**

**B. Approve a lease with TAPS, Inc. or one of its members for the same 1.05 acres for construction of a corporate hangar.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

Signature Flight Support, Inc. leases a portion of Charlotte Douglas International Airport upon which it provides fixed base operator services.

TAPS, Inc. is a consortium of local businesses, including Carolinas Medical Center, Ruddick Corporation, SPX Corporation and others. TAPS is a current tenant at the Airport, but would like additional land upon which to build another corporate hangar.

Signature is willing to release approximately 1.05 acres to the City, which the City would relent to TAPS (or one of its members), who would build a corporate hangar. The proposed terms require TAPS to pay for construction of the hangar and pay the City rent on the underlying ground. After 20 years, the lease expires and the hangar becomes City property.

The Airport Advisory Committee recommends this action.

## 27. Online Crime Reporting Promotion

**Action: Adopt a budget ordinance appropriating \$6,040 in police assets forfeiture funds to be used for the promotion of online crime reporting.**

**Staff Resource:** Marla Humphries, Police

**Explanation:**

The Police Department wants to publicize the availability of online crime reporting for three categories of police reports: damage to property, larceny and larceny from vehicle. Online reporting was implemented earlier this year as one means of reducing the wait time and the call abandonment rate in the Non Emergency Police Services Unit. Online reporting, along with outsourcing some of the report taking functions and reconfiguring the automatic call distribution, has had a positive impact on wait times and abandonment rates. The Police Department believes that heightened awareness of the availability of online reporting will increase the number of users of the service.

Adams Outdoor Advertising has donated space for 100 billboards. The billboards will be located in all parts of the city. The appropriated assets forfeiture funds will be used to pay for the production cost of 100 billboard posters at a cost of \$57.65 per poster.

**Funding:**

\$6,040 from Police Assets Forfeiture Funds

**Attachment 17**

Budget ordinance

**28. Private Sale of Surplus Bus Parts**

**Action: Declare obsolete Charlotte Area Transit System (CATS) bus parts surplus and approve the sale of said parts by private negotiated sale to Chicago Transit Authority for the amount of \$10,000.**

**Staff Resource:** Susan Johnson, Business Support Services

**Explanation:**

Pursuant to North Carolina G.S. 160A-270, staff recommends the private sale of these bus parts. Mann buses are no longer manufactured. CATS has no use for these parts, because all their Mann buses have been taken out of service.

Chicago Transit Authority has offered \$10,000 for the parts. Freight and shipping charges will be paid by the purchaser.

**Attachment 18**

List of property to be declared as surplus

**29. Declaration of Withdrawal for an Alleyway off South Gardner Avenue**

**Action: Adopt a resolution stating that a 10-foot alleyway running off of South Gardner Avenue is not part of the adopted street plan (thoroughfare plan).**

**Staff Resource:** Roger Buell, Transportation

**Policy:**

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

**Explanation:**

According to North Carolina General Statute 136-96, a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal with the Register of Deeds. The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan. This unused and unopened alleyway is not part of any such plan; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution. Charlotte-Mecklenburg Utilities (CMU) has no existing utilities within the area to be abandoned that would require an easement.

**Petitioner:**

Mr. Gregory M. Motley

**Right-of-Way to be withdrawn:**

A 10-foot alleyway running off of South Gardner Avenue

**Location:**

Beginning from South Gardner Avenue continuing approximately 199 feet westwardly to its terminus at another 10-foot alleyway

**Reason:**

To incorporate the right-of-way into adjacent property owned by the petitioner for a proposed overall development plan. The petitioner, as part of the overall development plan will incorporate the adjacent properties and the withdrawn alleyway.

**Attachment 19**

Map

**30. Private Developer Funds for Traffic Signal Improvements**

**Action: Adopt a budget ordinance appropriating \$837,288.00 in private developer funds for traffic signal improvements.**

**Staff Resource:** Bill Dillard, Transportation

**Explanation:**

The following developers are fully funding the traffic signal installations/improvements as part of various land development projects:

- The Stewart/Perry Company, Inc. has contributed \$627,938 to fund the installation of traffic signals at the intersections of The Galleria & Sardis Road and The Galleria and Monroe Road.
- Continental Communities, Ltd. has contributed \$90,925 to fund the installation of a traffic signal at the intersection of Harris Blvd. and Technology Drive.

- Pulte Homes has contributed \$71,125 to fund the installation of a traffic signal at the intersection of Mallard Creek Church Road and Claude Freeman Drive.
- Portrait Homes has contributed \$47,300 to fund the installation of a traffic signal at the intersection of Tilley Morris Road and McKee Road.

CDOT staff has reviewed the requested traffic signal improvements and recommends their approval. The North Carolina Department of Transportation has already approved these projects.

**Funding:**

The budget ordinance appropriates \$837,288 in developer contributions to the capital program.

**Attachment 20**

Budget ordinance

**31. Property Transactions**

**Action: Approve the following property transactions (A) and adopt the condemnation resolutions (B-E).**

For property transactions A-C, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/improvements with certain attributes. Property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

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

**Condemnations:**

- A. Project:** South Corridor Light Rail Transit, Parcel # 207  
**Owner(s):** Hamilton Associates, L.L.C. Any Other Parties of Interest  
**Property Address:** 6335 Old Pineville Road  
**Property to be acquired:** 16,242 sq. ft. (.373 ac.)  
**Improvements:** One story brick office building  
**Purchase Price:** \$153,675  
**Zoned:** I-2

**Use:** Office  
**Tax Code:** 169-162-05  
**Tax Value:** \$162,200

- B. Project:** South Corridor Light Rail Transit, Parcel # 117  
**Owner(s):** Joseph D. Rogers and Any Other Parties of Interest  
**Property Address:** 9039 Crump Road  
**Property to be acquired:** 135,791 sq. ft. (3.117 ac.)  
**Improvements:** Two story stucco office building  
**Purchase Price:** \$511,000  
**Zoned:** I-2  
**Use:** Office  
**Tax Code:** 205-114-01  
**Tax Value:** \$276,700
- C. Project:** South Corridor Light Rail Transit, Parcel # 305  
**Owner(s):** Robert Clay Sparrow and Any Other Parties of Interest  
**Property Address:** 3114 South Boulevard  
**Property to be acquired:** 40,858 sq. ft. (.938 ac.)  
**Improvements:** Commercial Building  
**Purchase Price:** \$595,000  
**Zoned:** I-1  
**Use:** Night Club  
**Tax Code:** 147-021-13  
**Tax Value:** \$462,800
- D. Project:** NC27/Mount Holly-Huntersville Road Intersection, Parcel # 5  
**Owner(s):** Textile Cleaner and Track Service, Inc. and any other Parties of Interest  
**Property Address:** 10908 Mount Holly Road  
**Property to be acquired:** Total Combined Area of 14,569 sq.ft. (.334 ac.) of Fee Simple plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$18,225  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City Staff is recommending condemnation in order to obtain clear title.  
**Zoned:** B-2  
**Use:** Warehouse  
**Tax Code:** 031-375-04  
**Total Parcel Tax Value:** \$561,300

- E. Project:** Nevins Road Sidewalk, Parcel # 31A  
**Owner(s):** First Beneficial Mortgage Corporation and any other Parties of Interest  
**Property Address:** Nevin Road  
**Property to be acquired:** 4,650 sq.ft. (.107 ac.) of Permanent Easement plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$425.00  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City Staff is recommending condemnation in order to obtain clear title.  
**Zoned:** R-4  
**Use:** Vacant  
**Tax Code:** 045-291-03  
**Total Parcel Tax Value:** \$20,700

### 32. Meeting Minutes

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

- **October 7, 2003 Workshop**