

Mayor Patrick L. McCrory **Mayor Pro Tem Susan Burgess**
Michael Barnes John W. Lassiter
Nancy Carter Don Lochman
Andy Dulin James Mitchell, Jr.
Anthony Foxx Patrick Mumford
Patsy Kinsey Warren F. Turner

CITY COUNCIL MEETING

Monday, September 24, 2007

In addition to the previously advertised public hearing items, Key Businesses have asked that the time sensitive items listed below not be deferred.

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19	22	South Corridor Light Rail Project Change Order and Amendments
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CITY COUNCIL AGENDA

Monday, September 24, 2007

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

- Mayor and Council may ask questions about Consent I and Consent II agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

2. CATS KBE Recruitment Update

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

- The City Manager will review the Chief Transit Official recruitment process and address any questions the Mayor and Council members may have.

Attachment 1

Memorandum on Recruitment Process for Chief Transit Official

3. Airport Advertising Management Contract

Resource: Jerry Orr, Aviation

Time: 15 minutes

Synopsis

- Staff will review the history the Airport Advertising Management Contract since the Airport took the function in-house in 1999.
- Also, staff will highlight financial details of recommended contract with Charlotte Regional Visitors Authority.

Future Action

- This contract is item 18, page 21 of this agenda.

4. Arena Outparcel One

Resource: Jim Schumacher, City Manager's Office

Time: 10 minutes

Synopsis

- When acquiring land for the arena in 2002, the City Council elected to purchase the entire block bounded by Fifth, Brevard, Sixth, and the rail corridor. The excess land would allow flexibility in the realignment of Fifth Street, and assembly of the full block would facilitate later sale of the land for new development.
- The cost of the land was \$7 million and the source of funding was the hotel/motel tax. Proceeds received in excess of \$7 million or less are restricted to the statutory purposes of the hotel/motel tax, which is hospitality and tourism.
- In July 2003 City Council earmarked proceeds from the sale of Outparcel One for tourist related expenses.
- City Council reserved the first \$2 million of the Outparcel One sale proceeds for the Whitewater project in the FY2007 budget.
- Outparcel One was used for contractor field offices during construction of the arena, saving rental costs, and a portion has recently been used by Archer Western as a staging area for construction of the light rail corridor.
- Lincoln Harris Properties, LLC, has submitted a purchase contract for the assembled land. Staff will review the terms of the offer and options for proceeding with the sale.

Future Action

- The October 8 Business Agenda will include a recommendation for sale of the assembled parcel.

5. CMPD Metro Division Station

Resources: Keith Parker, City Manager's Office

Time: 15 minutes

Synopsis

- Through staff research and analysis of potential locations for a new CMPD Metro Division Station, the location at Beatties Ford Road and Renner Street (just north of Oaklawn Avenue) was selected for the development of the new station.
- This site was selected by staff in conjunction with CMPD and the City Manager's Office as it was the only sufficiently sized property (approximately 1.95 acres) that would:
 - Provide enough space for a 11,900 SF building and 95 secured parking spaces
 - Provide easy access to Beatties Ford Road for dispatch

- Meet the desired needs of the community to have a police station in the area
- Displace the fewest possible number of residents and businesses
- City Real Estate staff notified all of the property owners, via telephone and in writing, of the City's intent to purchase these parcels. After appraisals were completed, offers were provided to the property owners. Negotiations followed shortly after these offers were made. During those negotiations, City staff was able to reach agreements to purchase the properties within the allotted Real Estate budget, enabling planning for the station to move forward.

Future Action

- The Contracts for Purchase of these properties are item 20, page 24 of this agenda.

6. Answers to Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

- Staff responses to questions from the beginning of the dinner meeting.

**6:30 P.M. CITIZENS FORUM
MEETING CHAMBER**

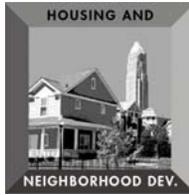
**7:00 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER**

CONSENT

- **Consent agenda items 23 through 42 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

8. Public Hearing on Amendments to the City's Sign Ordinance



Action: Conduct a public hearing on amendments to Chapter 10 Section of the Charlotte City Code entitled "Signs Within Public Rights-of-Way and On Public Property" as recommended by the Housing and Neighborhood Development Committee.

Committee Chair: Susan Burgess

Staff Resources: Walter Abernethy, Neighborhood Development
Michael Jenkins, Neighborhood Development

Explanation

- The intent of the proposed ordinance amendment is to impose higher penalties on sign violators as an incentive for greater compliance with the regulations.
- The current City Code provides a \$25 penalty for signs posted illegally within the public rights-of-way.
- Proposed changes to the Charlotte City Code would:
 - Provide for escalating penalties from \$100 to \$1,000 per illegal sign
 - Provide ordinance authority for Code Enforcement staff to cite businesses or individuals who may benefit from the illegally posted signs, even though the sign(s) may not have actually been placed by the business or person cited
 - Allow Code Enforcement staff to cite businesses, not just individuals
- The ordinance is scheduled to become effective on January 1, 2008.
- Fines will go to General Funds revenues.
- After the public hearing, the ordinance will be referred back to the Housing and Neighborhood Development Committee to consider comments from the public hearing and make a final recommendation to the City Council. The timetable anticipates that Council will take action on the ordinance in October/November 2007.

Committee Action

- On April 23, 2007, the City Council referred the issue of signs to the Housing and Neighborhood Development Committee, after hearing complaints from a citizen in a public forum. The citizen suggested higher fines and more rigid enforcement to address the growing number of signs in the public rights-of-way.
- On May 23, 2007, the Housing & Neighborhood Development Committee reviewed the types of signs outlined in Chapter 13 of the Zoning Ordinance and Chapter 10 of the City Code, Section 212 "Signs within the public rights-of-way and on public property". The Committee also identified issues generated by such signs and explored enforcement methods used by other cities. Staff presented recommendations for changes to the ordinance.

- On June 18, 2007, after discussion and review of staff's recommendations, the Housing & Neighborhood Development Committee directed staff to provide additional options for civil penalties and to determine whether penalties should escalate.
- On July 23, 2007, the Housing & Neighborhood Development Committee voted unanimously (Burgess, Barnes and Lochman) to accept staff's recommendation for the ordinance changes and to schedule a public hearing for September 24, 2007.

Attachment 2

Proposed Sign Ordinance

9. Public Hearings and Approvals of Double Oaks Redevelopment Memorandum of Understanding, Neighborhood Revitalization Strategy Area Designation and Section 108 Loan Guarantee

- Action:**
- A. Conduct a public hearing on amending the City's Consolidated Plan to designate the Double Oaks Redevelopment area as a Neighborhood Revitalization Strategy Area,**
 - B. Conduct a public hearing on a \$10 million Section 108 Loan Guarantee for the Double Oaks Redevelopment,**
 - C. Authorize the City Manager to execute a Memorandum of Understanding (MOU) with the Charlotte-Mecklenburg Housing Partnership, Inc. for the Double Oaks Redevelopment,**
 - D. Approve submitting the request for designation to the U. S. Department of Housing and Urban Development (HUD), and**
 - E. Approve filing an application with U. S. Department of Housing and Urban Development for a Section 108 Loan Guarantee.**

Staff Resource: Stanley Watkins, Neighborhood Development

Policy

- On September 24, 2003, the Mixed Housing Development Policy was adopted by City Council.
- On May 29, 2007, the City's FY2008 Consolidated Plan was approved by City Council. The Plan identified the need for affordable, safe and decent housing for low and moderate-income families. The Plan reaffirmed the three basic goals of the city's Housing Policy, which are as follows:
 - Preserve the existing housing stock
 - Expand the supply of affordable housing

- Support family self-sufficiency initiatives
- The Consolidated Plan also proposed undertaking a feasibility analysis of the redevelopment of the Double Oaks Apartments.

Public Hearing and Action on Neighborhood Revitalization Strategy Area Designation

- A public hearing is required to amend the City's Consolidated Plan to designate the Double Oaks project area as a Neighborhood Revitalization Strategy Area.
- The designation will allow increased flexibility in the use and administration of federal funds for housing and economic development activities in the area. For example, low and moderate income housing eligibility can be monitored and reported on an area wide basis instead of for each individual household.
- Designation as a Neighborhood Revitalization Strategy Area requires meeting three criteria: the area must be contiguous, primarily residential, and at least 70% of the individuals in the area must be considered low and moderate income (80% or less of the Charlotte Area Median Income, which is \$51,520 for a household size of four).
- The Double Oaks Redevelopment area is contiguous. Approximately 55% of the land area is currently used or zoned for residential, and 84.1% of the population is estimated to be low and moderate income based on the 2000 Census.
- Staff held a public meeting at the Anita Stroud Senior Center on September 4, 2007 pursuant to the Consolidated Plan's Citizen Participation Plan. Over 100 people attended and there was no objection voiced about the proposed designation.

Public Hearing and Action on Section 108 Loan Guarantee

- The purpose of the public hearing is to obtain citizen input regarding an application for a \$10 million Section 108 Loan Guarantee.
- The funds will be used to assist in permanent financing for acquisition of the Double Oaks Apartments.
- Federal regulations require at least one public hearing prior to submission of the Section 108 Loan Guarantee Application.
- The Section 108 Loan Guarantee stipulates that in case of default on the original loan, the City will use CDBG funds to pay off the loan. Under HUD regulations, the City can pledge up to five times its annual approved HUD allocation as security, minus any outstanding Section 108 commitments and/or principal balance on any Section 108 loans.
- According to the above parameters, the City can apply for up to \$20.1 million. Currently, the City receives \$4.7 million annually in CDBG funds, which permits borrowing up to \$23.5 million. The City currently has \$3.4 million in outstanding Section 108 loans.
- Staff held a public meeting at the Anita Stroud Senior Center on September 4, 2007 pursuant to the Consolidated Plan's Citizen Participation Plan. Over 100 people attended and there was no objection voiced about the proposed loan guarantee.
- The Section 108 Loan Guarantee application will be filed with HUD pending Council's approval.

- After HUD approval of the loan, the City Council will be required to conduct a second public hearing prior to dispensing the funds.
- Next steps for City Council will be the approval of the Synthetic Tax Increment Financing Framework.

Memorandum of Understanding

- Pursuant to the Council approval of the Double Oaks Redevelopment Concept and Financing Strategy on July 23, 2007, staff prepared a MOU between the Charlotte-Mecklenburg Housing Partnership, Inc. and the City of Charlotte to govern the relationship moving forward.
- The MOU encompasses the key elements included in the Double Oaks Concept and Financing Strategy, and specific actions and timetables associated with each element.
- Below is a summary of key elements:

<u>City Assistance*</u>	<u>Type</u>	<u>Amount</u>	<u>Source</u>
Section 108 Loan Guarantee (land acquisition)	Loan	\$10,000,000	Federal loan back by local CDBG funds
Housing Trust Fund Set Aside (rental housing)	Loan	\$ 5,000,000	2008 and 2010 Future Housing Trust Bonds
Sub-Total Loans		\$15,000,000	
Synthetic Tax Increment Financing (for Section 108 debt service)	Grant	\$ 3,500,000	Future development tax revenue
Infrastructure (roads, sidewalk, curb & gutter, street amenities, etc)	Grant	\$ 6,000,000	To be determined as part of the FY09 Capital Budget, per Council's July 23, 2007 action.
Relocation Assistance (for current residents)	Grant	\$ 500,000	CDBG Funds
Land Donation (1.3 acres)	Grant	\$ 55,800	City Asset
Sub-Total Grants		\$10,055,800	
Total		\$25,055,800	

*The redevelopment is a \$59.6 million project, which is expected to yield approximately \$120 million in housing and commercial development.

Background

- The Double Oaks Redevelopment project is a mixed income and mixed use development on 98 acres of land located along the Statesville Avenue Corridor. The project is roughly bounded by Statesville Avenue, tributary of Stewart Creek, Interstate 77 and LaSalle Street.

- The Double Oaks Apartments comprise 70 acres of the proposed development. Built in 1949, the apartments have 570 units with only about two-thirds of the units occupied. The apartments are in various states of deterioration. Rents range between \$300 and \$450 per month.
- The redevelopment includes 940 residential units and approximately 108,000 square feet of non-residential development. At least 51% of the units will be available for households earning 80% or less of the area median income, which equates to \$51,520 for a household size of four. This is the U.S. Department of Housing and Urban Development's standard for low-income housing eligibility.
- The Double Oaks Redevelopment is projected to cost \$59.6 million, and to generate approximately \$120 million in public and private development. The projected city investments of approximately \$25 million consist of loan guarantees, loans and grants.
- On April 9, 2007, the City Council approved the Charlotte-Mecklenburg Housing Partnership's request to work with city staff to develop a financing plan for the redevelopment of the Double Oaks Apartments.
- On June 25, 2007, the City Council referred the proposal to the Housing and Neighborhood Development Committee for review and recommendation.
- On July 23, 2007, the City Council approved the Double Oaks Redevelopment Concept as a priority. Council also approved the proposed financial strategy, excluding the infrastructure proposal, and directed the City Manager to include infrastructure funding as part of the FY09 Capital Budget excluding consideration of approved Neighborhood Improvement Projects.

Attachment 3

Memorandum of Understanding for the Double Oaks Redevelopment Project

Double Oaks Neighborhood Revitalization Strategy Area Report
Section 108 Loan Guarantee Application

10. Public Hearing on Resolution to Close a Portion of Hubbard Road

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

Staff Resource: Linda Poissant, 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.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Hubbard Falls, LLC

Right-of-Way to be abandoned

A portion of Hubbard Road

Location

Located within the Derita/Statesville Road Community Organization beginning approximately 800 feet from the intersection of Hubbard Road and Sugar Creek Road continuing approximately 1,350 feet northeastwardly to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the realignment of Hubbard Road and the construction of the proposed single family Hubbard Falls subdivision

Notification

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

Adjoining property owners

H. Duncan Vail – No objection

Terry W. Godwin & Lynn S. Godwin – No objection

Neighborhood/Business Associations

Brookstone HOA – No objection

Cheshunt HOA – No objection

Clearbrook HOA - No objection

Clovard Park HOA - No objection

David Cox Road HOA - No objection

Davis Lake (Legacy at) - No objection

Davis Lake Community Association - No objection

Davis Ridge HOA - No objection

Derita/Statesville Road Community Organization – No objection

Devonshire Neighborhood Association - No objection

Farmington Owners Association Inc. - No objection

Forestview HOA - No objection

Harrington Woods – No objection

Harris Pointe HOA - No objection

Hubbard Glen HOA – No objection

Hunter Acres Park Association, Inc. - No objection

Kelsey Glen Community Watch - No objection

Kelsey Glen Neighborhood Association – No objection

Mallard Grove HOA – No objection
Mallard Ridge HOA - No objection
Norcroft/Sweetwater HOA - No objection
Northeast Coalition of Neighborhoods - No objection
Prosperity Region Area Management - No objection
Radbourne HOA - No objection
Rockwell Park Association, Inc. - No objection
University City YMCA - No objection
Wellington HOA - No objection
Winchester Neighborhood Association – No objection

Private Utility Companies – No objections

City Departments –

Review by City departments 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 4

Map
Resolution

11. Public Hearing on Resolution to Close Portions of Iris Drive and Ivey Drive

Action: **A. Conduct a public hearing to close portions of Iris Drive and Ivey Drive, and**

 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, 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.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Morningside Village, LLC – Kevan Andrews, P.E.

Right-of-Way to be abandoned

Portions of Iris Drive and Ivey Drive

Location

Located within the Commonwealth Morningside Community.

Iris Drive – beginning from McClintock Road continuing approximately 946 feet northwestwardly to its terminus at parcel #129-021-06

Ivey Drive – beginning from Iris Drive continuing approximately 200 feet southeastwardly to its terminus before Morningside Drive

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of the Morningside Village Subdivision Project. Rezoning petition #2006-026 was approved by City Council on April 17, 2006.

Notification

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

Adjoining property owners – None

Neighborhood/Business Associations

Brian Creek-Commonwealth – No objection

Chantilly Neighborhood Association – No objection

Citizens Council for Equal Opportunity– No objection

Commonwealth Morningside NA– No objection

Commonwealth Park– No objection

Country Club Heights Neighborhood Association – No objection

Dwyer Solutions – No objection

Echo Hill Neighborhood Association – No objection

Merry Oaks Neighborhood Association – No objection

Plaza Central Partners – No objection

Plaza Midwood Neighborhood Association – No objection

Private Utility Companies – No objections

City Departments –

Review by City departments 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 5

Map

Resolution

ZONING

12. Rezoning Petition 2007-136

Action: Render a decision on proposed rezoning 2007-136, by Mecklenburg County, for a change from UMUD, urban mixed-use district to UMUD-O, urban mixed use district, optional for approximately 3.29 acres located between W. 4th Street, W. Martin Luther King Jr. Boulevard, S. Graham Street and S. Mint Street.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The decision on this petition was deferred from September 17th to September 24th to allow time to resolve the Storm Water issues.
- The Zoning Committee voted unanimously to recommend approval of this petition upon resolution of the Storm Water issues to staff's satisfaction.
- Storm Water Services and the Land Development division staff have met to discuss storm water quantity control. There were previous meetings between Land Development staff and the petitioner for the approach to control measures. The approach seems feasible to both Storm Water Services and Land Development staff, therefore, Storm Water Services has no additional comments.

Attachment 6

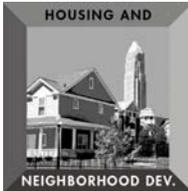
Zoning Committee Recommendation
Staff Analysis
Site Map

POLICY

13. City Manager's Report

- Update on Drought Conditions
- Update on City Procurement Audit Process

14. Charlotte Housing Authority's Payments In Lieu of Taxes Grants



Action: Approve the Housing and Neighborhood Development Committee recommendation to renew the 10 year Payment in Lieu of Taxes (PILOT) Agreement, which grants back payments on CHA properties.

Committee Chair: Susan Burgess

Resources: Charles Woodyard, Charlotte Housing Authority
Stanley Watkins, Neighborhood Development
Richard Woodcock, Neighborhood Development

Explanation

- Local housing authorities are tax-exempt organizations. However, the U. S. Department of Housing and Urban Development (HUD) requires housing authorities to enter into PILOT agreements to partially offset the cost of public housing expenses.
- PILOTs are local agreements where the Charlotte Housing Authority (CHA) pays 10% of the shelter rent (total rents minus utilities) for housing development properties that it owns instead of paying property taxes. These agreements are authorized by North Carolina General Statutes.
- The City and CHA entered into the first PILOT agreements in 1968 and updated the agreement in 1986 and 1996. Mecklenburg County has also participated by entering into separate agreements.
- As part of the agreement, the City grants back PILOT payments to CHA to help underwrite the expenses of expanding the CHA housing stock. The 1986 agreement assisted the Stepping Stone Housing Development and the 1996 Agreement supported the transitional housing program. The proposed agreement will support the CHA affordable housing development.
- The CHA owns 22 public housing properties and the current agreement returns to it about \$50,000 annually. The PILOT payments are low because the rents charged by CHA reflect residents' ability to pay.
- This PILOT agreement is separate and apart from the September 10th Council action regarding First Ward Place, Arbor Glen and Park at Oaklawn, which included ownership by private Limited Liability Corporations instead of being solely owned by the CHA.
- Attached is an updated copy of the proposed CHA Payment In Lieu of Taxes Cooperation Agreement.

Committee Action

- The Housing and Neighborhood Development Committee reviewed the proposed agreement on September 12, 2007. The Committee sought clarification regarding the application of PILOT, purpose of the PILOT grant, usage of the grant funds and the amount of the PILOT grant. The Committee voted unanimously to approve renewal of the Charlotte Housing Authority (CHA) payments in Lieu of Taxes (PILOT) Agreement for a 10 year period. Committee members in attendance: Burgess, Foxx, Barnes and Lochman.

Funding

Annually, CHA will make the required PILOT payments and the City will grant the payments back to CHA.

Attachment 7

Charlotte Housing Authority Payment in Lieu of Taxes Cooperation Agreement
Current list of Charlotte Housing Authority Properties

15. Belmont Neighborhood Retail Development

- Action:**
- A. Approve the Economic Development & Planning Committee's recommendation to pursue development of mixed-use retail center at Parkwood & Pegram, and**
 - B. Authorize the City Manager to pursue the purchase and demolition of three vacant, non-conforming convenience (C) stores for residential redevelopment.**

Committee Chair: John Lassiter, Economic Development & Planning

Staff Resource: Tom Flynn, Economic Development Office

Explanation

- In March 2007 City Council referred the issue of retail development in Belmont to the Economic Development and Planning Committee
- The Economic Development & Planning Committee recommends:
 - Pursue developing a mixed use retail/office development at Parkwood and Pegram and a market-based partnership with local business owners that may wish to become tenants in the new retail center. The Committee vote on this recommendation resulted in a 3-1 vote in favor (For: Lassiter, Dulin and Mitchell, Against: Lochman, Absent: Carter).
- The Committee also discussed a staff recommendation to purchase and demolish three vacant, non-conforming C-stores and sell the land to CHA or Belmont Community Development Corporation (CDC) for infill housing. The Committee vote on this recommendation resulted in a 2-2 tie (For: Lassiter and Mitchell, Against: Lochman and Dulin, Absent: Carter)
- These actions will implement the retail portion of the Belmont Revitalization Plan with the goal of stabilizing the neighborhood by:

- Removing blight
- Providing better retail opportunities
- Promoting housing opportunities
- Addressing non-conforming uses
- Estimated cost of land for retail development is \$377,000 to \$467,000
- Estimated cost to purchase three vacant, non-conforming C-stores is \$417,000 to \$467,000.
- Source of funds for these acquisitions is \$1.1 million in Capital Investment Plan Neighborhood Improvement Bonds approved by the voters in 2005.
- Additional City investment of a \$1 million loan to gap finance the private development of the retail center is available from the City's Development and Revitalization Fund.

Committee Discussion

- In discussing the staff recommendation the Committee members raised the following issues:
 - Proximity of the proposed new retail center to the existing C-stores and the nearest grocery stores
 - Costs and funding model for development of the new retail center
 - Reduction in scope of purchase from seven C-stores to three, vacant and non-conforming C-stores.
 - Neighborhood support for the C-store acquisition and the new retail center
 - Process for purchasing vacant non-conforming C-stores.
 - Technical and financial assistance available to the remaining C-store owners that may wish to transition to other businesses in the new retail center.

Next Steps

- If Council approves pursuing the development of a mixed-use retail center at Parkwood and Pegram, the next steps are:
 - Engage Belmont residents in retail market study
 - Engage Belmont CDC in Parkwood & Pegram redevelopment partnership
 - Option land for retail development
 - Develop complete retail feasibility analysis and review with ED&P
 - Recommend developer solicitation process to City Council
- If Council approves authorizing the City Manager to pursue the purchase of the three vacant, non-conforming C-stores, the next steps include:
 - City Real Estate negotiating with owners of vacant non-conforming C-stores
 - City Council approval of all purchases
 - Staff negotiating the sale of remaining land to CHA or Belmont CDC with City Council approval of each sale
 - Staff engaging existing C-store owners regarding technical and other assistance for retraining and relocation opportunities

Funding

Neighborhood Improvement Bonds

Attachment 8

September 5, 2007 presentation to ED & Planning Committee Meeting

16. Urban Street Design Guidelines

Action: Approve the Transportation Committee's recommendation to adopt the Urban Street Design Guidelines (USDG).

Committee Chair: Pat Mumford

Staff Resource: Norm Steinman, Transportation

Explanation:

- The Transportation Action Plan (TAP), adopted by City Council in 2006, includes the goals, objectives, policies and programs/projects necessary to accommodate Charlotte's projected growth, while protecting the City's quality of life. The USDG are the "streets" component of the TAP – the USDG describe the planning and design of Charlotte's streets to support implementation of the TAP.
- Staff from the Charlotte Department of Transportation (CDOT), Charlotte-Mecklenburg Planning Department (Planning), Engineering and Property Management (EPM), and Charlotte Area Transit System (CATS) have been developing and refining the technical elements of the Urban Street Design Guidelines for over five years.
- In addition to successive rounds of technical analysis, the preparation of the USDG has been based on extensive cycles of public participation. Over 300 people have attended public briefings, workshops and interviews, while over 1200 people have responded to web-based surveys about the USDG or design elements included in the USDG. The vast majority of these people, including a 2005 Stakeholder Group, have supported or favored the USDG's recommendations.
- After an initial series of meetings with the Transportation Committee during 2005, followed by subsequent revisions and review of the document, the USDG were referred back to Committee in May 2007.
- During the past three months, staff have presented the following information to the Transportation Committee:
 - USDG Policy Recommendations Summary
 - Revisions to the USDG draft documents dated Spring 2005 and July 2007
 - Results from recent public involvement efforts related to review of the July, 2007 draft of the USDG document. These efforts included two Public Briefings on July 19th, a Public Comment session before the full Council on July 23rd, a web-based survey and meetings with a variety of groups representing development interests.

Committee Discussion

- On September 12, 2007, Council's Transportation Committee unanimously endorsed the USDG and the USDG Policy Recommendations Summary for City Council's approval at the September 24, 2007 meeting. Committee members present were Mumford, Barnes, Burgess, Turner and Carter.

Attachment 9

Urban Street Design Guidelines Policy Recommendations Summary
Summary of Revisions to the July 2007 USDG Draft

BUSINESS

17. Division Wrecker Services

- Action:**
- A. Approve the award of Division Wrecker Services Contracts for an initial term of five years with the seven following service providers:**
 - Charlotte Towing & Transport
 - Dellinger Wrecker Service
 - Heafner's Towing & Recovery, Inc.
 - Hunter Auto and Wrecker Service
 - Larry Campbell's Towing & Recovery
 - Southern Star of Charlotte, Inc.
 - Williams Wrecker

 - B. Authorize the City Manager to approve up to two, one-year renewal options contingent upon the service providers' satisfactory performance.**

Staff Resources: Ken Miller, Charlotte-Mecklenburg Police Department
Kay Elmore, Business Support Services

Explanation

- The towing and storage of motor vehicles is a critical service to the efficient operation of the City.
- The City contracts with private wrecker service companies to meet the needs of Charlotte-Mecklenburg Police Department (CMPD), Charlotte Department of Transportation (CDOT) and Neighborhood Development Code Enforcement Division (CED):
 - The primary benefits of using wrecker services for CMPD are public safety, roadway systems effectiveness, prompt and effective community policing, and citizen service.
 - Through the use of wrecker services, CDOT most effectively manages downtown traffic patterns and parking opportunities for citizens either doing business in and around the Center City or visiting for recreational purposes.
 - Access to professional wrecker services allows CED to promote public safety, community health, improvement and beautification within our neighborhoods.
- The major benefits to citizens for wrecker services are as follows:
 - Prompt response for calls for service through CMPD for wrecked or disabled vehicles
 - Contracted pricing for standard towing services and storage on all vehicles under 8,500 lbs. (Gross Vehicle Weight)
 - Contracted standards for insurance including garage keepers' liability
 - Contracted standards for fencing, lighting, and other storage lot security features
 - Contracted standards for criminal records checks on wrecker services staff

- Contracted standards for hours of operation and payment acceptance
- Customer standards and performance requirements
- The current contracts were awarded by Council in October 2001 for five years with two optional one-year extensions; staff decided not to exercise the second one-year extension.
- During 2007, a redistricting initiative within CMPD significantly modified the boundaries used to dispatch calls for Police services throughout the County.
- In order to efficiently manage and respond to the needs of citizens and other City departments for wrecker services, the geographical boundaries used to dispatch calls for wrecker services were modified from the existing “zone” boundaries to the newly drawn “division” boundaries.
- Staff decided to have the wrecker service areas mirror the 13 police division configuration which was implemented in January 2007; this would reduce confusion and provide a number of benefits including enhanced service delivery and improved accountability.
- The staff recommendation is to award contracts to seven wrecker service companies to serve the 13 divisions. Thirteen new contracts are requested for award.
- On August 27th, Council received a dinner briefing on the wrecker services request for proposal process.

Selection Process

- A Request for Proposals (RFP) was issued on May 4, 2007 for Division Wrecker Services for the City of Charlotte.
- The City received 13 proposals on June 8, 2007 and conducted evaluations during June, July and August.
- The Evaluation Team was comprised of staff representatives from Procurement Services, CMPD, CDOT and Neighborhood Development/ Code Enforcement.
- Evaluation Criteria included:
 - Background and experience of the wrecker company, including references, background checks and prior contract performance
 - Operational qualifications such as equipment and personnel
 - Customer service philosophy
 - Facility, including lot size, storage capability and security
 - Business processes
 - Financial viability
- The Evaluation Team has completed a comprehensive and detailed evaluation process and are confident that the seven companies recommended for award will satisfactorily provide the needed services for CMPD, CDOT, CED and the citizens of Mecklenburg County in a professional, prompt, customer friendly, seamless manner at a reasonable cost.
- Council received Recommendations and Supporting Documentation Books on Friday, September 14, 2007.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated. Three of the seven Service Providers, Heafner’s Towing & Recovery, Larry Campbell’s Towing and

Williams Wrecker, are currently certified or in the process of applying for a Small Business Enterprise designation with the City's SBO Program. Each of these firms will be acting in a primary capacity and will not act as subcontractors.

Funding

The cost of services provided under this contract are paid directly by vehicle owners.

18. Airport Advertising Management Contract

Action: Approve a contract with the Charlotte Regional Visitors Authority (CRVA) for management of the Airport Welcome Center and advertising program.

Staff Resource: Jerry Orr, Aviation

Airport Advertising Program

- On June 26, 2006 City Council approved a five-year management contract with Departure Media to provide advertising sales at the Airport.
- Upon execution of the contract, Departure Media notified the Airport Director that it could not honor the terms of the five-year contract.
- Subsequently, on October 23, 2006, Council awarded a one-year management contract to Departure Media to provide advertising sales at the Airport.
- Between June 2006 and July 2007, staff reassessed how best to generate revenue for the airport and how best to promote Charlotte and promote events/facilities located in Charlotte.
- On July 11, 2007, the CRVA Board approved a contract with the City to manage the Airport advertising program using its Visit Charlotte staff and one additional sales person beginning November 1, 2007.
- The Airport will pay CRVA all pre-approved expenses (including the cost of an on-site sales person) plus 5% of all gross advertising revenue. CRVA has the option to absorb the staffing cost for the on-site sales person and change its compensation structure to receive reimbursement for approved expenses plus 10% of gross advertising revenue.
- Airport advertising revenues are estimated at \$2,500,000 in the first year. The Airport's annual share of advertising revenues is estimated at \$2,285,000.

Airport Welcome Center

- On January 1, 2008, CRVA will staff and operate the Airport Welcome Center. CRVA will gradually increase the services available at the Welcome Center, such as lodging reservations, maps and written directions to specified locations, literature on local tourist attractions, tickets to local events, and merchandise promoting Charlotte.
- During the first six months that CRVA operates the Welcome Center, the Airport will reimburse CRVA the cost of staffing, which is estimated to be \$32,000. Thereafter, CRVA will staff and operate the Welcome Center at no

charge to the Airport, relieving the Airport of roughly \$69,000 per year in staffing and operating costs.

- The term of the agreement is from November 1, 2007 through October 31, 2012. The agreement is terminable by either party for any reason upon 90 days written notice.

Disadvantaged Business Enterprise

The federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

Funding

Aviation Operating Budget

19. South Corridor Light Rail Project Change Order and Amendments

- Action:**
- A. Approve a contract amendment with STV, Inc. in the amount of \$1,513,335 for construction management services,**
 - B. Approve a change order with Archer Western Contractors in the amount of \$1,425,373 for Contract 4 (Roadbed, Bridges and Track), and**
 - C. Adopt a budget ordinance appropriating \$2,938,708.**

Staff Resource: Ron Tober, Charlotte Area Transit System

Explanation

- At the October 2, 2006 meeting, Council was presented with a new Project Estimate at Completion (EAC) of \$462.7 million. Information was provided describing the necessity of issuing several change orders over the coming months to meet the November 26, 2007 project completion date. Funds associated with these requested Council actions were included in the new project EAC and are being funded under the Full Funding Grant Agreement.
- Funds associated with these requested Council actions were included in the new project EAC and are being funded under the Full Funding Grant Agreement.

Action A: Construction Management Services Contract Amendment

- The contract amendment for STV will cover the extended completion timeframe for the Project (from April 2007 to November 2007) and will allow STV to provide construction management services and contractor claim support services as required through the construction and contract close out period for the South Corridor Project. The closeout period is assumed to extend to February 2008.

– Extended construction management services	\$1,172,044
– Contractor claim support	<u>\$ 341,291</u>
Total	\$1,513,335

Action B: Archer Western Contractors Change Order

- The requested amendment increase of \$1,425,373 to Archer Western Contractors' (AWC) Roadbed, Bridges and Track (RBT) contract will go towards payment of \$2,327,022 in known change orders. The existing contract contingency balance of \$901,649 plus \$1,425,373 requested in this action will provide sufficient contract coverage to process the change orders.
- These funds are needed to allow the contractor to be paid for required changes to contract plans and specifications resulting from designer errors and omissions, changing field conditions, design improvements and third party requirements.
- The amended contract value will be \$120,234,869. The RBT contract is now 98% complete. This will be the last change order for AWC on this contract except for the satisfaction of any claims that may materialize from the contractor

Action C: Budget Ordinance

- The \$2,938,708 will be reimbursed to the Full Funding Grant Agreement when mitigation funds are received from the sale of property at the Scaleybark Station to Pappas Properties. The transit fund balance will advance funds to the project, and once reimbursements are received, they will replenish the fund balance and retain the \$462.7 million EAC.
- There remains \$646,292 of additional revenue from the sale of the Scaleybark Station property unappropriated at this time (\$3,585,000 property sale price less \$2,938,708 for the contract amendments). This additional revenue may be appropriated later if necessary.

Disadvantaged Business Enterprise Opportunity (STV)

Established DBE Goal: 11%

Committed DBE Goal: 11%

This is an amendment to the original contract awarded by Council June 23, 2003. The DBEs identified were: GNA Design Associates, Inc., Zapata Engineering and Altura Environmental.

Disadvantaged Business Enterprise Opportunity (Archer Western)

Established DBE Goal: 20%

Committed DBE Goal: 20%

This is an amendment to the original contract awarded by Council February 21, 2005. DBE firm identified was: The Artis Group, Inc.

Funding

Rapid Transit Capital Investment Plan

Attachment 10

Budget Ordinance

20. CMPD Metro Division Land Acquisition

- Action:**
- A. Approve the acquisition of six parcels of land to be assembled as the site for the new CMPD Metro Station Division Office along Beatties Ford Road, and**
 - B. Authorize the City Manager to execute each of the six contracts for the acquisition of these parcels.**

Staff Resources: Eric Johnson, Engineering and Property Management
Lynnea Pulver, Engineering and Property Management

Background

- For several years, CMPD's Metro Division has been searching for a location for the construction of a new Division office to be located between Five Points and I-85 along Beatties Ford Road in order to properly serve the policing needs of the community.
- Several locations and building options have been examined over the past few years. Placement along the Beatties Ford Road corridor was vital in that it would provide a strong visible presence in the community. Furthermore, the local community expressed the desire to have a police station in the immediate vicinity of the 1100 block of Beatties Ford Road.
- The property to be acquired encompasses most of the land bounded by Beatties Ford Road to the west, Oaklawn to the south, Renner to the north and Fairmont to the east.
- This was determined to be the only location along Beatties Ford Road that would support CMPD's needs due to the following:
 - Lack of sufficient vacant land in the area
 - Desire to displace as few citizens and businesses as possible
 - Land area needed to accommodate the appropriate sized building
 - Land area needed to supply an appropriate number of parking spaces

Acquisition of parcels of land for CMPD Metro Station Division Office

- Following are the property owners, addresses and contract amounts for the CMPD Metro Station Land Acquisition:
 - Paula Wilson, 2105 Renner Street, \$125,000
 - Bessie Cheeks, 1127 Fairmont Street, \$21,950 + \$22,500 relocation
 - The Ceasar Corp., 1116 Beatties Ford Road, \$240,000
 - Ardelia Wilson, 1121 Fairmont Street, \$45,300
 - Myrtle Williams, 1117 Fairmont Street, \$102,500
 - Pauline Avant, 1108 Beatties Ford Road, \$292,000
- The parcel at 1115 Fairmont Street is listed under Property Transactions, page 46, as it must be condemned due to the inability to find living heirs. The appraised value of this property is \$19,175. The house on this property was ordered demolished via In Rem Remedy on August 27, 2007.
- Property values were determined by independent appraisals. Title searches, surveys and Phase I environmental investigations have all been completed on each property. Closing will occur within 30 days of Council approval.

Funding

Government Facilities Capital Investment Plan

Attachment 11

Aerial Map of properties

21. Mayor and Council Topics

Council members may share information and raise topics for discussion.

22. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

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 (SBO) Program's 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 contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

23. Various Bids

A. 64-inch West Water Main

CMU

Action

Award the low bid of \$18,485,104.50 by Thalle Construction Co., Inc. of Hillsborough, North Carolina, for construction of approximately 20,000 linear feet of water main. Construction begins in the vicinity of Airport Center Parkway, running along Remount Road to Baltimore Avenue. Construction scheduled for completion in March 2009.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.16

Thalle Construction Co. met the established SBE goal and committed 7.16% (\$1,323,700) to the following SBE firms: Union Paving, Hazel Holmes Trucking, Stinson Trucking and The Carolina Landworks.

B. FY08 Sanitary Sewer Pipe Cleaning CMU**Action**

Award the low bid of \$796,977 by Video Pipe Services, Inc., Newfield, New Jersey. Project includes sewer line cleaning of approximately 100,000 linear feet of sanitary sewer lines, plus any necessary by-pass pumping and closed circuit television inspection.

Small Business Opportunity

Pursuant to Part B, Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

C. Maintenance Facility Asphalt Paving Project Aviation**Action**

Award the low bid of \$213,008 by Blythe Construction, Inc. of Charlotte, North Carolina. This contract will provide for the paving of the maintenance equipment parking area at the Aviation Department's off-site facility on Wilkinson Blvd. The project will allow the Airport to more efficiently stage, maintain and dispatch all of its vehicular assets and their associated functions in a central location.

Small Business Opportunity

Pursuant to Part B, Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

D. Rozzelles Ferry Road Streetscape Landscaping EPM**Action**

Award the low bid of \$109,727.39 by Taylor's Landscaping Service, Inc. of Monroe, North Carolina. Trees will be installed within the medians and street trees will be installed in key locations within the planting strips along Rozzelles Ferry Road from the Rozzelles Ferry Road / W. Trade Street intersection to Stewarts Creek. Construction completion is scheduled for first quarter of 2008.

Small Business Opportunity

Pursuant to Part B Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

E. Harlee Avenue/Stafford Drive Realignment EPM**Action**

Award the low bid of \$883,933.60 by United Construction, Inc. of Charlotte, North Carolina. This project consists of road construction, resurfacing, drainage, curb and gutter and sidewalk. The project will align Harlee Avenue with Stafford Drive at a single, signalized intersection at Wilkinson Boulevard. This project is part of the Westside Strategy Plan and is funded through the 2000 Road Bond. The project was on hold for

more than three years while the Southwest Water Main was being constructed. Construction completion is scheduled for the third quarter of 2008.

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 7.13%

United Construction exceeded the SBE established goal and committed 7.13% (\$63,000) to the following SBE firms: ACS Pavement Marking, Inc., Bardwil Trucking, LLC and Happy Jack Trucking, Inc.

**F. Replacement and Installation of Glass Panels at CATS
CATS Bus Shelters CATS**

Action

Award a one year unit price contract to Carter's Glass and Surgery, Inc. of Charlotte, North Carolina for the replacement of damaged panels and for the installation of new glass panels at bus shelters. The estimated annual budget for glass replacement is approximately \$90,000. The cost incurred during FY08 will depend on the actual number of glass panels that will need to be replaced. Authorize the City Manager to renew the contract for four additional one-year terms.

Small Business Opportunity

Pursuant to Part B, Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

G. Refuse Rearloader Body SWS

Action

Award the low unit price bid of \$42,064 by Nu-Life Environmental, Inc. of Easley, South Carolina. for a rearloader body, for the term of one year and authorize the City Manager to renew for two additional one-year renewal terms. Anticipated expenditure for FY08 is \$126,192.

Small Business Opportunity

Pursuant to Appendix Section 18 of the SBO Program, no SBE goals are established for purchases of goods and equipment.

24. Refund of Property and Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,519.67.

Staff Resource: Chip Harris, Finance

Attachment 12
Resolution
List of property tax refunds

. In Rem Remedy

For In Rem Remedy #A-C, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Field Observation:

- A. 3015 Clemson Avenue (Neighborhood Statistical Area 44 – North Charlotte Neighborhood)
- B. 5247 Grafton Drive (Neighborhood Statistical Area 142 – Shannon Park Neighborhood)
- C. 2723/25 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

Field Observation:

A. 3015 Clemson Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3015 Clemson Avenue (Neighborhood Statistical Area 443 – North Charlotte Neighborhood).

Attachment 13

B. 5247 Grafton Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5247 Grafton Drive (Neighborhood Statistical Area 142 – Shannon Park Neighborhood).

Attachment 14

C. 2723/25 Tuckaseegee Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2723/25 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 15

CONSENT II

26. Charlotte Bobcats Arena Retail Space Lease

- Action:** **A. Approve the terms of the Letter of Intent from A & J Enterprise, LLC to operate a Fatburgers franchise, and**
- B. Adopt a resolution authorizing the City Manager to execute the Lease Agreement for the restaurant to occupy street level retail space at 333 East Trade Street, Suite D.**

Staff Resources: Eric Johnson, Engineering and Property Management
 J. R. Steigerwald, Engineering and Property Management

Explanation

- The plans for the Charlotte Bobcats Arena envisioned street-level retail along Trade Street. On February 13, 2006, the City Council approved the lease agreements for Matt's Chicago Dogs, Dunkin Donuts/Baskin Robbins and Red's Carolina BBQ.
- Red's Carolina BBQ dropped its interest in the summer of 2006 due to business and financial reasons. Matt's Chicago Dog dropped out in January 2007 due to personal and financial reasons.
- Bellacino's Pizzas and Grinders submitted a letter of intent that was approved by City Council on January 8, 2007, to replace Red's Carolina BBQ.
- Bellacinos' Pizzas and Grinders and Dunkin Donuts/Baskin Robbins have completed their up-fits and they are open.
- Proceeds from these leases are dedicated to the annual capital maintenance reserve fund for the arena.
- This is the final space in the Bobcats Arena that the City has responsibility to lease.

Proposed Terms of Letter of Intent from A & J Enterprise, LLC

- Leases approximately 1,976 square feet of vacant street-level retail space of the Charlotte Bobcats Arena located at 333 E. Trade Street, Suite D
- Terms of Lease Agreement:
 - Ten year initial term with two, five-year options to renew.
 - Initial rent would be \$45,448 annually and increasing annually in lease years two through five by \$0.50 per square foot. Rent adjusts annually by 2% in years six through ten of the initial lease term. Should the Tenant exercise the options to renew, the annual increase would continue at 2% per year.
 - Tenant receives an upfit allowance of \$59,280 plus an adjustment for special exhaust equipment of \$7,400 for a total of \$66,680.
 - "Net" lease where Tenant pays a pro rata share of water, chilled water and sewer as this is supplied to the entire building. Tenant agrees to pay a reasonable fee for fire alarm monitoring if the operator of the Bobcats Arena requests it. Tenant is to pay for all electricity, natural gas, telephone, cable and internet access for the space.

- Tenant is to submit plans for improvements for the City's approval prior to beginning construction.

Funding

Arena Capital Account

Attachment 16

Letter of Intent

Resolution

27. Set Public Hearing Date for Voluntary Annexation

Action: Adopt a resolution setting public hearing for October 8, 2007 for a Voluntary Annexation.

Staff Resources: Jonathan Wells, Planning
Mike Boyd, City Attorney's Office

Policy

City Annexation Policy and State Annexation Statutes

Explanation

- A voluntary annexation petition has been received for property in Charlotte's extraterritorial jurisdiction immediately outside the current City limits.
- Petitioners and properties are:
 - Centex Homes for the Ardrey Chase subdivision
 - Crosland LLC for a portion of the Ardrey Crest subdivision
 - Sally A. Patterson for a vacant parcel of land not involved in either
- Properties are adjacent to one another and represent one single petition.
- Properties are located in the Marvin Road/Wade Ardrey Road area south of current City limits.
- The petition properties are largely vacant, although Centex Homes has begun construction of utilities, roads and homes within the Ardrey Chase subdivision.
- The petitioned properties cumulatively share boundaries with current City limits.
- Public hearings are required prior to City Council taking action on annexation requests.
- The purpose of the required public hearing is to obtain public input on this requested voluntary annexation.

Consistency with City Council Policies

- Consistent with voluntary annexation policies approved on March 24, 2003.
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not have undue negative impact on City finances or services.

- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

Public Hearing Date

- The resolution sets Monday October 8, 2007 as the date for public hearing on the voluntary annexation.
- City Council will be asked to take action on voluntary annexation at conclusion of public hearing.

Attachment 17

Resolution

Map

28. Justice Assistance Grant

Action: Adopt a budget ordinance appropriating \$994,697 from the U.S. Department of Justice for the 2007 Justice Assistance Grant (JAG).

Staff Resource: Darrellyn Kiser, Charlotte-Mecklenburg Police Department

Explanation

- The City of Charlotte received \$994,697 from the Department of Justice for the 2007 JAG Grant.
- This grant program replaced the Local Law Enforcement Block Grant in 2005.
- Grant funds can only be used for specific law enforcement purposes and cannot supplant any funds in the Police Department's budget.
- By law, the Mecklenburg County Sheriff's office must receive a portion of the funds; the designated portion is \$275,234.
- CMPD's share of the funds (\$719,463) will be used for projects including:
 - Police Cadet Program
 - Salaries for temporary Crime Lab employees
 - Purchase of a Sky Watch Eagle Mobile Tower
 - Overtime funds for problem solving projects
- A detailed spending plan is attached.

Funding

U.S. Department of Justice grant; no matching funds required

Attachment 18

2007 JAG Grant Spending Plan

Budget Ordinance

29. North Carolina Department of Transportation Aviation Grants

- Action:** **A. Adopt a resolution accepting two North Carolina Department of Transportation (NCDOT) grants in the amount of \$500,000 for FY2006 and \$500,000 for FY2007, and**
- B. Adopt a budget ordinance to appropriate funds received from the North Carolina Department of Transportation (NCDOT) grants in the amount of \$1,000,000.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Each year, the NCDOT Division of Aviation allocates funds for the State's Aid to Airports grant program to the State's airports.
- Charlotte's allotment from this fund is \$500,000 each for FY2006 and FY2007, for a total of \$1,000,000.
- These grants will fund a portion of the Ramp E expansion project.
- In 2002, 2003 and 2005, City Council accepted Federal Aviation Administration (FAA) Airport Improvement Program grants totaling \$15,935,239 for the expansion of Ramp E, which provides additional aircraft parking area for Concourse E.
- The FAA grants provide 75% funding for the project. The remaining 25% is funded with a previous NCDOT grant and 2004 General Airport Revenue Bond proceeds.
- These grants will displace 2004 General Airport Revenue Bonds previously allocated to the project.

Funding

NCDOT Grants

Attachment 19

Resolution

Budget Ordinance

30. Weed and Seed Initiative Budget Ordinance

- Action:** **Adopt a budget ordinance appropriating a grant award of \$225,000 in federal funds for the Charlotte Weed and Seed Initiative.**

Staff Resource: Stephanie Small, Neighborhood Development

Explanation

- On July 24, 2007 the U.S. Department of Justice announced that the City of Charlotte had been awarded a third year Weed and Seed Grant in the amount of \$225,000.

- The Weed and Seed Initiative represents a collaborative effort among the U. S. Justice Department, City of Charlotte and Charlotte Mecklenburg Police Department.
- The Weed and Seed strategy entails “weeding out” negative community influences such as crime, unemployment and truancy, and “seeding” the community with restorative programs, including employment/training, drug intervention/treatment programs, nuisance abatement and youth enrichment opportunities.
- The initiative targets the Central Avenue Corridor between Briar Creek Road and Eastland Mall and the West Boulevard Corridor between West and Wilkinson Boulevards. (See attached map)
- The two targeted areas were chosen by the Weed and Seed Steering Committee in 2003. The selection was based on a consultant’s needs assessment. On July 25, 2005, City Council approved the targeted areas.
- The goals outlined in the Weed and Seed Initiative include:
 - Reduce armed robberies
 - Expand awareness and access to community policing efforts
 - Improve apartment complex safety
 - Raise awareness in the international community of existing social services
 - Improve relations among residents and diverse populations
 - Improve perception of safety
- The Weed and Seed Initiative will be operated by the Neighborhood Development Key Business and staffed by two full-time temporary employees from an office located in Eastland Mall.
- A Steering Committee made up of residents and business owners along the Central Avenue Corridor will work with the City to implement the program.

Background

- The Charlotte Weed and Seed Strategy was initiated in nine neighborhoods along the West Boulevard Corridor in 1998.
- The neighborhoods included: Arbor Glen, Pinecrest, Ponderosa/Wilmont, Reid Park, Revolution Park, West Boulevard, Westover Hills, Wilmore and Wingate.
- Four elements of the City’s Weed & Seed strategy are:
 - Law Enforcement
 - Community Policing
 - Prevention/Intervention/Treatment
 - Neighborhood Restoration
- Over the five-year grant period the West Boulevard Corridor received approximately \$700,000 in funds to support the Weed and Seed strategies.
- Residents participated in various training and activities designed to promote self-sufficiency (individual tutoring, guidance in goal setting and the importance of school); to provide a linkage to employment and training services; and to offer exercise and health related classes.
- During this initiative there was a 57% reduction in the overall crime rate along the West Boulevard Corridor.
- The Central Avenue Corridor is the second site selected for the Weed & Seed Initiative.

- The Central Avenue Corridor grant represents recognition of the earlier success of the Weed and Seed Initiative in this community.
- Over the past two years, the Central Avenue Corridor has received \$400,000 in funding from this initiative.
- As a result of programs funded by Weed and Seed there has been a 29% reduction in robberies and the Truancy Intervention Program led to a 65% decrease in truant students.

Funding

U.S. Justice Department Weed and Seed Grant

Attachment 20

Budget Ordinance

Weed and Seed Steering Committee

Map of Weed and Seed Areas

31. Corporate Aviation Hangar

Action: **A. Approve a contract with Randolph and Sons Builders, Inc. of Charlotte, North Carolina in the amount of \$2,323,000 for the construction of a corporate hangar, and**

B. Adopt a budget ordinance appropriating \$2,323,000 from the Airport Fund Balance.

Staff Resource: Jerry Orr, Aviation

Explanation

- In September 2006, Council awarded a contract with Pease Associates to design a 25,700 square foot group storage hangar located in the Airport's Corporate Aviation Area.
- This contract will provide for the construction of an additional 25,700 square foot storage hangar.
- The hangar will be located in the general aviation area, owned by the Airport and managed by Wilson Air Center, the Airport's current Fixed Base Operator.
- Fees for aircraft storage will repay the cost of providing the hangar.

Small Business Opportunity

Established SBE Goal: 7 %

Committed SBE Goal: 6.96 %

Randolph and Sons did not meet the SBE Goal or the Minimum Good Faith Effort points. Pursuant to Part B, Section 6.2 of the SBO Policy, the SBO Program Manager has waived non-compliance. They committed 6.96% (\$161,700) of the total contract amount to the following SBEs: Cochrane Steel, Inc (\$65,200) and State Construction (\$96,500).

Funding
Airport Fund Balance

Attachment 21
Budget Ordinance

32. Storm Water Maintenance FY2004 E Renewal #3

Action: Approve Renewal #3 for \$1,063,530 with Showalter Construction for continued construction of FY2004 E Storm Water Maintenance Contract.

Staff Resource: Steve Canter, Engineering and Property Management

Renewal #3 with Showalter Construction

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance using existing and adjusted unit prices in accordance with the contract.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.
- Council approved the original contract for \$1,063,530 on April 12, 2004.
- Council approved Renewal #1 for \$1,063,530 on October 24, 2005.
- Council approved Renewal #2 for \$1,063,530 on January 08, 2007.
- The total contract amount to date including Renewal #3 will be \$4,254,120.
- This is the final renewal for this contract and future contracts for this area will be re-bid.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3.3%

Showalter met the established SBE goal and committed 3.3% (\$35,000) to the following SBE firm: On Time Construction, Inc.

Funding
Storm Water Capital Investment Plan

33. Utility Management System Software Technical Maintenance and Support Contract

Action: Authorize the annual renewal payment of \$256,721 for software maintenance and support to Ventyx for the Banner/Advantage Utility Billing System.

Staff Resource: Chip Harris, Finance

Explanation

- The Advantage system (formerly Banner) is used to bill and collect approximately \$280 million annually for Water, Sewer and Storm Water related services.
- The Advantage software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance. This support service ensures the uninterrupted operation of the Utility Billing and Management System.
- The amount of this payment last year was \$247,882. The increase of \$8,839 for this year reflects a contractual increase based on CPI of 2.36% (\$5,850) and an additional \$2,989 for a new license associated with the recent system upgrade.
- This payment covers the contract period of November 1, 2007 through October 31, 2008.

Small Business Opportunity

Pursuant to Part C, Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Utility and Storm Water Operating Budgets

34. Utility Revenue Recovery Professional Services

Action: Adopt a budget ordinance appropriating \$2,000,000 from the Water and Sewer Operating Fund for revenue enhancement professional services from Utilities Revenue Management Company (URM) of Houston, Texas.

Staff Resource: Doug Bean, Utilities

Explanation

- The revenue enhancement program focuses primarily on the use of water and sewer that is not billed.
- Phase One of the Utilities revenue enhancement program began four years ago with an in-house audit of billing reports.
- On March 27, 2006, Phase Two of the program began when Council approved a three-year contract with URM to provide technical assistance for revenue enhancement.
- Utilities staff revised the contract estimate based on an increased level of recovery activity after the May 2007 budget recommendation. This budget ordinance appropriates the funds so that the contract payments may be processed.
- URM was selected for this project, using the Council approved process, based on previous experience and past work done with other utility organizations throughout the country.

- Over \$2.5 million of revenues has been collected since the contract with URM began.
- URM has been paid \$1.2 million on the contract to date.
- Collections by URM are expected to be an additional \$4,000,000 in FY 2008, thus resulting in estimated contract payments of \$2,000,000 to URM, per the March 27, 2006 contract.
- URM will provide and oversee all work tasks that have direct revenue producing implications. For example
 - Selection of customers to audit, based on statistical analysis of billing data
 - Meter test, calibration, and repair
 - Submitting finding to Utilities staff for follow-up billing or collections

Funding

Water and Sewer Operating Fund Balance

Attachment 22

Budget Ordinance

35. Water and Sewer Utility Projects Corrosion Protection Services

Action: Approve a contract in the amount of \$200,000 with Russell Corrosion Consultants, Inc. for providing corrosion protection services for various water and sewer utility-related projects.

Staff Resource: Doug Bean, Utilities

Explanation

- Corrosion control is needed to prevent the deterioration of metal pipe caused by reactions between the pipe and corrosive soils.
- Without corrosion control, metal pipe will lose its outer layers and get thinner and thinner until it eventually ruptures.
- Studies of the construction site can measure the risk of corrosion, and allow for a custom-designed protective system. The specific type of system will depend on the kind of pipe material being used and the severity of the corrosive soil.
- Typical corrosion control systems include:
 - Installation of a polyethylene casing around the pipe
 - Installation of electrodes to attract corrosive forces away from the pipe
- This contract provides funding for the following items:
 - Appropriate corrosion control measures for water and sewer pipelines and facilities, including field and laboratory analysis
 - Development of specifications, plans and details for corrosion control systems for specific utility projects

- Corrosion control system field inspection services and performance of minor repairs and maintenance-related work on existing corrosion protection systems
- Russell Corrosion Consultants, Inc. was selected using the Council approved qualifications-based selection process.

Small Business Opportunity

Pursuant to Part C, Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Water and Sewer Operating Budget

36. Southwest Water Transmission Main, Phase C

Action: Approve professional services agreement with Kimley-Horn in the amount of \$874,019.40 for design, surveying, and easement map preparation for Phase C of the Southwest Water Transmission Main.

Staff Resource: Doug Bean, Utilities

Explanation

- The Utilities Capital Investment Plan includes the construction of a large water main from the Franklin Water Treatment Plant to York Road to meet water capacity demands in the southwest service area of Mecklenburg County.
- Construction of the water transmission main is being constructed in three phases:
 - Construction of Phase A from the Franklin Plant to the Airport is nearing completion
 - Phase B from Airport to Shopton Road West is in final design and bidding
 - Phase C begins just south of I-485 at Shopton Road West, ending at York Road
- Phase C is the final phase of the Southwest Water Transmission Main.
- This agreement provides for:
 - Design
 - Surveying
 - Easement map preparation
- Kimley-Horn was selected using the Council approved qualifications-based selection process.

Small Business Opportunity

Pursuant to the SBO Program Policy for professional services contracts, the City negotiated a Committed SBE goal with the successful proposer. Kimley-Horn committed 5.4% (\$47,405) to the following SBE firms: On Target Utility Locate Services and Hinde Engineering.

Funding
Water Capital Investment Plan

37. Utility Laboratory Equipment

- Action:**
- A. Approve the purchase of utility laboratory equipment, known as an Inductively Coupled Plasma Mass Spectrometer (ICPMS), without competitive bidding, as authorized by the previously bid or “piggybacking” exemption of G.S. 143-129(g), and**
 - B. Approve a contract with Perkin Elmer for the purchase of an ICPMS in the amount of \$159,170.69.**

Staff Resource: Doug Bean, Utilities

Explanation

- This is a replacement item for existing laboratory equipment used in the measurement of heavy metals in water and wastewater samples for both state and federal regulatory compliance. The instrument will process 3000+ required metals tests per month.

Exemption of Competitive Bidding

- G.S. 143-129(g) allows local governments to purchase without competitive bidding from a person or entity that has, within the past 12 months, contracted to furnish an item to any other public agency. The contract must be one that was entered into following a public bid process substantially similar to the one contained in G.S. 143-129.
- The City of Glendale, Arizona approved the purchase of this equipment through a competitive bid process on September 27, 2006 in the amount of \$159,170.69. The vendor is willing to extend that price to Utilities.
- Three informal quotes were recently received from vendors that ranged from \$170,000 to \$204,000.

Small Business Opportunity

Pursuant to Appendix Section 23.2 of the SBO Policy, this contract is exempt from the Small Business Opportunity Program.

Funding
Utilities Operating Budget

38. Airport Hybrid Bus Purchase and Clean Fuel Advanced Technology Grant

- Action:**
- A. Approve the purchase of two DesignLine 35 foot low floor turbine/electric hybrid buses at a unit price of \$440,000 each,**
 - B. Adopt a resolution accepting a North Carolina State University (NCSU) grant in the amount of \$40,000 for the purchase, operation and evaluation of two Designline Turbine/Electric hybrid buses, and**
 - C. Adopt a budget ordinance to appropriate funds received from the North Carolina State University grant to the Aviation Department's capital outlay budget.**

Staff Resource: Jerry Orr, Aviation

Turbine/Electric Hybrid Buses

- On August 27, 2007, City Council awarded a five-year contract to DesignLine for acquisition of turbine/electric hybrid buses for CATS.
- The Aviation Department wants to purchase two 35-foot DesignLine buses, equipped to meet Airport needs, from the August 27th contract.
- In June 1995, the Aviation Department acquired three natural gas powered buses for parking shuttle use with assistance from a \$54,000 grant. However, these buses had a number of limitations including reduced seating, increased maintenance, more frequent fueling and additional support facilities.
- The DesignLine Proprietary "Series Hybrid" system does not have the same limitations common with other designs. It uses a 30 kilowatt auxiliary power unit in conjunction with regenerative braking to charge a battery bank which powers all electrical accessories as well as the electric drive train. The uniqueness of an airport shuttle system with very short distance stops will enhance the bus's effectiveness.
- The two DesignLine buses proposed for acquisition will be manufactured in New Zealand but will meet all federal safety standards. Any future acquisitions should be from the DesignLine's proposed manufacturing plant in Charlotte.
- The bus is up to 6,000 pounds lighter than possible competitors resulting in less greenhouse emissions. The vehicle designs allow for over a 90% reduction in greenhouse gases.
- The negotiated purchase price of \$440,000 per unit includes a three-year unlimited mileage, bumper-to-bumper warranty.

North Carolina State University Clean Fuel Advanced Technology Grant

- In conjunction with the North Carolina Solar Center at NCSU, the Aviation Department developed an acquisition and testing plan to evaluate a new proprietary turbine/electric powered bus. While up to 30 vehicles are in operation around the world along with two in private operation in this country, the proprietary system has not been in U.S. public operations to date.

- The two vehicles are to be delivered in October 2007 and the evaluation period of three years will begin upon receipt. Periodic reports will be submitted to the North Carolina Solar Center at NCSU. Public reports, demonstrations and releases will be integrated into the evaluation process. Information will be shared with CATS and airports with busing operations throughout the United States.
- The \$40,000 grant will be allocated to the capital outlay budget from which the buses would be acquired.

Disadvantaged Business Enterprise Opportunity

DesignLine International Holdings, LLC is in compliance with the Federal Transit Administration's (FTA) regulation 49 CFR Part 26.45 which requires DBE certification from Transit Vehicle Manufacturers as a condition of being authorized to bid on transit procurements funded by FTA.

Funding

Airport Capital Equipment Fund

Attachment 23

North Carolina State University Press Release
Budget Ordinance

39. Refuse Rearloader Trucks

Action: Approve a unit price contract with Charlotte Truck Center for a Single-axle Cab & Chassis at \$89,809 and a Tandem-axle Cab & Chassis at \$95,870 for a term of one year and authorize the City Manager to renew the agreement for two additional one-year terms. Anticipated expenditure for FY07/08 is \$1,323,997.

Staff Resources: Rudy Payton, Business Support Systems
Mehl Renner, Business Support Systems

Explanation

- The low bid received from Volvo & GMC Truck Center is deemed non-responsive due to non-compliance with the specifications requirement for either a CAT C7 or a Cummins ISC type engine. Volvo & GMC offered an Isuzu 7800 engine.
- The Isuzu engine does not meet appropriate specification requirements and shop personnel do not have the necessary maintenance repair qualifications for an engine not standard to the fleet that would require special parts support as well.
- The refuse truck cab & chassis units per this contract represents seven replacements and seven additions to the fleet for the total FY07/08 cost of \$1,323,997.
- The smaller single-axle cab & chassis equipment will be more functional for construction and alley way collection operations.

Small Business Opportunity

Pursuant to Appendix 18 of the SBO Program, no SBO goals are established for purchases of goods and equipment.

Funding

Capital Equipment Fund

40. Light Rail Vehicle Mover

Action: Approve the purchase of a used Rail Car Mover from S.W.N.G., Inc. located in Franklin Park, Illinois, for a total cost of \$118,450.

Staff Resource: Jim Zingale, Charlotte Area Transit System

Explanation

- CATS requires the purchase of a rail car mover to move disabled Light Rail Vehicles (LRV's) in the yard and shop and to serve as a backup if LRVs have to be moved on the mainline. The rail car mover will be fitted with couplers and will be able to be used on both roadways and rail tracks.
- Per NCGS [143-129(e)(10)] the purchase of used apparatus, supplies, materials, or equipment by local governments is excluded from the competitive bidding requirements.
- CATS issued an invitation to bid for a refurbished Rail Car Mover and received no response. After a search for a rail car mover to meet CATS specifications S.W.N.G., Inc. offered a used 1986 Swingmaster Model 18IT meeting specifications for a total cost of \$118,450.
- The estimated life for this unit is 10 years or more.
- Cost for a new Rail Car Mover is approximately \$300,000.

Small Business Opportunity

Pursuant to Appendix 18 of the SBO Program, no SBO goals are established for purchases of goods and equipment.

Funding

Rapid Transit Capital Fund

41. Property Transactions

Action: Approve the following property acquisitions (A-B) and adopt the condemnation resolutions (C).

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

For property transaction B, 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.

Acquisitions

- A. Project:** I-277 Caldwell Interchange, Parcel # 38
Owner(s): First Baptist Church Of Charlotte
Property Address: 300 South Davidson Street
Property to be acquired: 6,223.29 sq. ft. (.143 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$116,600
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: UMUD
Use: Commercial
Tax Code: 125-071-10
Total Parcel Tax Value: \$0
- B. Project:** South Corridor Light Rail, Parcel # 332
Owner(s): Norfolk Southern Railway Company
Property Address: 206 South Brevard Street
Property to be acquired: 4,382 sq. ft. (.101 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$28,925
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: UMUD
Use: Commercial
Tax Code: 125-014-06
Total Parcel Tax Value: \$4,272,600

Condemnations

- C. Project:** Metro Division Office, Parcel # 7
Owner(s): Known And Unknown Heirs Of Thomas A. Moore And Wife, Mamie W. Moore (Deceased) et al And Any Other Parties Of Interest
Property Address: 1115 Fairmont Street
Property to be acquired: Total Combined Area of 3,834 sq. ft. (.088 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$19,175
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. The property owners are deceased, therefore City staff is unable to negotiate settlement.
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 075-071-17
Total Parcel Tax Value: \$46,100

42. Meeting Minutes

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

- August 27, 2007 Business Meeting
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