AGENDA

Meeting Type:	BUSINESS
Date:	01/24/1994

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Patrick McCrory*

Charles Baker *Hovie H Martin*
Stan Campbell *Don D Reid*
Patrick D Cannon *Ella Butler Scarborough*
Mike Jackson *Sara Spencer*
Nasif Rashad Majeed *Lynn M Wheeler*

Council Agenda

CITY COUNCIL MEETING

Monday, January 24, 1994

5:00 p.m **Conference Center**

- **University Village Shopping Center Loan**

6:30 p.m. **Meeting Chamber**

- **Invocation**
- **Pledge of Allegiance**
- **Citizens Hearing**

7:00 p.m. **Formal Business Meeting**

CITY COUNCIL AGENDA
Monday, January 24, 1994
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Scarborough/Cannon - Add the Revitalization Fund Loan for University Village Service Center to tonight's agenda. unan.

Item No.

Scarborough/Wheeler - Add item to agenda to set a special meeting for 1/31/94 unan.

MINUTES

1. Approve Minutes of: November 15, 1993 Disparity Study Workshop; November 19, 1993 Mayor's Crime Breakfast; November 22, 1993 Regular Meeting, and November 29, 1993 Organizational Meeting.

Scarborough/Wheeler app. unan

CONSENT ITEMS

2. Agenda items 7 through 17 may be considered in one motion except for those items removed from the consent agenda as a result of a Councilmember making such a request of the city Clerk prior to the meeting.

POLICY

3. City Manager's Report

- Recognition of John Johnson, Equipment Services Mechanic CM
- Update on Roll-Out Garbage Collection

Attachment 1

4. Commuter Bus Service Between Rock Hill and Charlotte

Action:

A) Approve the City's contributing 14 percent (up to $15,000) of the net cost of commuter bus service between Rock Hill and Charlotte, permitting service continuation for a second year, contingent upon funding by other partners.

B) Adopt a budget ordinance appropriating $15,000 from the Transportation Fund's fund balance for the project. Ord. #6

Scarborough/Wheeler approve A + B unan.

3788-X
BK 45
pg 163

Staff Resource: Bob Pressley

CDOT

Item No.

Policy:

- **In September 1991, the Mass Transit Partnership selected the Rock Hill-to-Charlotte route as the first demonstration of commuter bus service in the region. Commuter bus service was initiated between Charlotte and Rock Hill to demonstrate the need for and feasibility of mass transit as a way to reduce automobile traffic congestion on a regional scale.**

Explanation of Request:

- Approve the City's contributing 14 percent (up to $15,000) of the projected operating deficit for a second year of operation of the Rock Hill-to-Charlotte CommuteRide service if the Uptown Transportation Council, the North Carolina Department of Transportation (NCDOT), the South Carolina Department of Highways and Public Transportation (SCDH&PT) and the City of Rock Hill agree to finance another year of operation

If the other funding partners agree to finance another year of operation, the Director of Transportation recommends City financial participation in order to continue service while the "Committee of 100" considers the need for regional bus services. Average daily ridership on the Rock Hill route met expectations in October and November. CommuteRide productivity during those months equalled the productivity of the highest-ranking Charlotte Transit express routes.

Background:

In September 1992, Council's Regionalism Committee unanimously approved the City's participation in this project. In this same month, Rock Hill City Council approved a $7,500 contribution toward first-year operation.

On October 12, 1992, Council approved first-year funding for Rock Hill-Charlotte bus service of up to $15,000.

Rock Hill-to-Charlotte commuter bus service began on March 1, 1993. The Uptown Transportation Council (UTC) serves as project manager and contracts with a private transportation company, GrayLine of Charlotte, for route operation.

The attachments show the funding arrangement for the first year of operation and average daily ridership by month.

The UTC, NCDOT, and Rock Hill appear willing to contribute funds for continuing route operation for a second year. Also, the UTC is contacting SCDH&PT about possible funding for 1994-95 operations Expected contributions are:

- UTC	$50,000
- NCDOT	$18,750 - $37,500
- Rock Hill	$ 7,500
- SCDH&PT	$0-$18,750

The specific contribution from each partner will depend on fare revenues (estimated at $50,000). Charlotte's contribution will not exceed $15,000 and could be less.

- GrayLine of Charlotte has agreed to operate the service for a second year at the current annual cost of $160,000.

- During the second year, the average passenger fare will be increased from $1.00 to $1.75, increasing annual passenger revenues from $25,000 to $50,000 The fare incease may reduce ridership; however, the increase is needed to ensure full cost recovery in the second year.

Attachment 2

Item No.

5. **Purchase of Private Water System**

Action: **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving a portion of Chesney Glen Subdivision. Purchase price is $55,000.**

Staff Resource: Ben Russell

Policy: **The City generally purchases private water systems when homeowners have applied for City service through the Street Extension Program and when the existing system is sized for fire protection. This course of action is more cost effective than paralleling the existing system.**

Explanation of Request: Five requests for a water main extension within the Chesney Glen Subdivision have been received. Under CMUD's water/sewer policy, these requests will require an extension of approximately 1,300 feet of water main Chesney Glen is located in Matthews on South Trade Street and is currently served by Carolina Water Service.

As an alternate to installing new water mains that would parallel the existing Carolina system, CMUD recommends purchasing the portion of the Carolina water system in Chesney Glen Subdivision

The advantages to the City's purchase of the Carolina system in Chesney Glen are:

- This would avoid disruption to the community by eliminating the need to install a parallel water system.
- CMUD would acquire 27 new customers.
- Carolina can eliminate the Chesney Glen distribution mains without jeopardizing their wells which supply water to other developments in this area.

Martin/Reid
app.
unan.

CMUD

Item No.

- There would not be any cost to the 27 Carolina customers to become CMUD customers.
- CMUD could provide fire protection to the Chesney Glen Subdivision.
- The Town of Matthews supports this proposal.
- The N.C. Utilities Commission traditionally supports the transfer of private utilities to a municipal system. Their approval will be requested after City Council approval of this contract.

Background: The Street Extension Program of CMUD's policy provides for the extension of water mains to residential properties that desire to become a CMUD customer. Under this program, five Carolina customers in Chesney Glen initiated an extension of a CMUD main in order to disconnect from Carolina and reconnect to the City system.

5.a. - Approve 2/7/94 Workshop Agenda

Scarborough/Wheeler

app-unan

Item No.

BIL 3
9
91
Res. #5

BUSINESS

6. Worker's Compensation Self-Insurance Program

Action: Approve a resolution authorizing the City to support establishment of a Workers Compensation self-insurance program by Transit Management of Charlotte (TMC) and authorizing the Director of Transportation to execute documents required for program creation.

Staff Resource: Bob Pressley

Policy: The City has implemented a workers compensation self-insurance program for municipal employees as a lower cost alternative to high insurance premiums. The proposed program for TMC employees is identical to the City's except the City does not have to post a surety bond (not a State requirement for municipal governments).

Explanation of Request: Council is asked to approve a resolution authorizing TMC's establishment of a workers compensation self-insurance program. TMC is the private company, created by ATE Management & Service Company, which employs transit personnel.

McCoryl Scarborough
app.
Unan

The City's Division of Insurance and Risk Management (DIRM) recommends a self-insurance program for workers compensation costs because the City will save money based on TMC's recent claims experience DIRM estimated that the City would save $100,000-$200,000 annually under the recommended program even after TMC:

- pays for claims administration,
- purchases excess liability coverage for catastrophic protection
- pays $7,500 for the surety bond.

CDOT

Pull Consent #14 - Don #7 & 9 Hoyle Scarborough/Wheeler app Rest unan.

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 within the budget estimate, and have met MWBE criteria.

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

Recommend adoption of the bid list as shown. the following contract awards are all low bid and within budget estimate unless otherwise noted. Each project or purchase was authorized in the annual budget.

CONSENT I

3783-X BK 45 PG 151 Ord #1

7. In Rem - 2721 Craddock Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2721 Craddock Avenue, Apts. 1-5, (West Boulevard Neighborhood) which is located in the City Within a City boundaries.

Martin/Wheeler app. unan.

Attachment 3

CD

3784-X BK 45 PG 152 Ord #2

8. In Rem - 500 Lakewood Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 500 Lakewood Avenue (Hoskins/ Thomasboro Neighborhood) which is located in the City Within a City boundaries.

Attachment 4

CD

3785-+153
BK 45 PG 153
Ord. #3

Item No.

9. **In Rem - 7917 Park Road**

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to repair the dwelling at 7917 Park Road (Beverly Woods Neighborhood) which is not located in the City Within a City boundaries.**

Explanation of Request:

Scarborough/Martin
App.
9-2
No - Reid & Jackson

- Repair recommended because:
  - In Rem Repair cost of $6,365 is 50% of the $12,790 tax value of the structure. (An appraisal was prepared by the City's Real Estate Division to ensure that the tax value of the structure was appropriate - See Attachment. The appraised value of the structure is $54,000 - $14,000 for the structure and $40,000 for the land. Therefore, the tax value of the structure is in line with the appraised value.) This house was built in 1936 and is 58 years old.
  - acquisition and rehabilitation vs new construction is not feasible. In Rem Repair is most cost efficient

Acquisition & Rehabilitation Cost of Existing House (1896 Sq. Ft.)	Average Cost to Build a New Replacement House (1896 Sq Ft. @ $44.44/Sq. Ft.)	Cost to Repair
$205,066.95*	$84,258.24	$6,365

*Includes:

$ 48,790.00	(tax value of land and structure)
60,672.00	(estimated rehabilitation cost)

CD

604.95	(delinquent taxes)
95,000.00	(outstanding loan with American Commercial Bank)
$205,066 95	

Attachment 5

BK 32 PG 83-85 Res #1

10. Refund of Certain Taxes

Action: **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $17,327.89.**

Attachment 6

Finance

CONSENT II

11. CWAC Loan Equity Pool Program

Action: Request City Council at its January 24, 1994 meeting to approve a $275,000 increase in the City's commitment of Development and Revitalization funds to the City Within a City (CWAC) Loan/Equity Pool Program.

Staff Resource: J. W. Walton

Policy:

- On October 28, 1991 City Council approved the use of City Development & Revitalization funds to create the CWAC Loan/Equity Pool Program, a public/private venture with local participating banks aimed at creating jobs for low income citizens.

- Under the CWAC Loan/Equity Pool Program, participating banks commit 80% of the total loan amount and the City commits 20%. As a participating bank's commitment to the Program has been increased, City Council has approved an increase in the City's 20% commitment.

Explanation of Request:

- Southern National Bank has advised the City that they are increasing their original commitment of $500,000 to the CWAC Loan/Equity Pool Program by $1,000,000 for a total commitment of $1,500,000.

- Currently, Southern National Bank has approved loans totaling $431,000 and has loans in process to commit an estimated $400,000 more.

- The City's commitment to the CWAC Loan/Equity Pool Program is 20% of the total program funds to be loaned. (The participating banks commit 80%.) The City's commitment is provided by using Development and Revitalization funds

CD

- With Southern National Bank committing $1,500,000 to the program, the City's 20% contribution would be $375,000.

- Since the City has already committed $100,000 for Southern National Bank's previous commitment, the City's increased commitment is $275,000

Attachment 7

PIC 3786 pg 154-155 Ord #4

12. Regulation of Cable TV Rates

Action: **Second reading and approval of an ordinance to amend Section 6-68 of the Cable Communications Regulations of Article V of the City Code. Modifications to ordinances regarding franchises require two readings by City Council. The first reading and approval took place on January 10, 1994.**

Policy: **Local governments should be allowed to assure that consumers receive high quality, yet affordable cable television services. On October 28, 1991, City Council approved a resolution supporting federal legislation enabling local governments to regulate cable television operators.**

Explanation of Request: This ordinance incorporates within City Code the new provisions of federal law which allow the City, as the cable television franchising authority, to regulate the rates our cable operators charge for basic cable services and equipment. The amendment also requires, pursuant to federal law, that the City provide for public comment in the rate review process and allows the City Manager to fulfill necessary federal requirements related to rate regulation.

C15

The Federal Communications Commission (FCC) established the following guidelines for franchising authorities (cities/counties) who elect to regulate their cable television operators rates.

- Franchising authorities, such as Charlotte, who lack effective competition in cable television service providers, are permitted to review and regulate rates for basic tier cable television services and equipment.

- Franchising authorities make application to the FCC for rate regulation certification. The City submitted the necessary application for this certification on September 1, 1993, and was certified as of October 1, 1993.

- Franchising authorities adopt rate review procedures within 120 days after receiving rate regulation certification. The City, in order to review and regulate rates, must adopt procedures by January 29, 1994.

37 87 pg 1,562 Bk 45 Ord #5

13. Amendment to Fire Prevention and Protection Ordinance

Action: **Adopt an ordinance to amend Chapter 8 of the City Code, "Fire Prevention and Protection"**

Explanation of Request: The revisions proposed in the ordinance parallel changes in the state fire code or provide requirements necessary for a consistent, effective code enforcement program as required by state law. The revisions include:

- Adoption of the state fire code as amended from time to time.

- Empowerment of state-certified Charlotte Fire Department personnel to issue notices of violations (citations).

- An increase in the penalty for life safety "overcrowding" violations from $200 to $500.

Fire Dept

- Adoption of a section which incorporates fire department rules and regulations governing fire flow, water demand, fire hydrants, fire department connections, and unattended service stations, and authorizes the Fire Chief to amend or revise the rules and regulations from time to time.

- Deletion of fire restrictions for multi-family dwellings and carelessness with fire provisions which are now part of the state fire code.

Background:

A state fire code for North Carolina was adopted and became effective on July 1, 1991.

The state fire code supersedes all local regulations pertaining to fire safety and fire prevention.

North Carolina law requires that enforcers of the state fire code be state certified.

North Carolina law provides municipalities authority to adopt regulations pertaining to fire prevention and fire protection not covered by the state fire code.

Attachment 8

14. Law Enforcement Center Architectural Amendment #1

Action:

McCrory/Wheeler
app
unan.

That Council approve an amendment, in the amount of $56,000, to the design contract with Middleton McMillan Architect's to include the design of expansion space on the second and third floors of the LEC as an add alternate to the base bid for the project.

Eng

Explanation of Request:

- The new LEC, as currently designed and with decentralization, will handle the Police Department's space needs to the year 2002 The building is being designed with the capability of future expansion of the 2nd and 3rd floors.

- The expansion space, along with the construction of future Bureau Stations, should adequately serve the Police Department's space needs through the year 2012, according to the building program. However, the Police Department believes that, given current trends in crime, the expansion space may be needed sooner than expected.

- The amendment will authorize the architect to design the expansion space as an add alternate to the base bid for construction of the building.

- Building the expansion space at the same time as the building will be less costly than in the future, and will be less disruptive to Police Department operations and will allow us to take advantage of cost savings if bids come in below the budget.

- A determination will be made when we receive bids on whether the expansion space can be built within the available funding.

- The exterior walls and roof for the expansion space will be built if the alternate is accepted, but the interior space will be left unfinished. The interior finishes, which would require future additional funding, would be completed when the Police Department needs to actually move into this space.

Background: Council awarded the Architectural contract for the project to Middleton McMillan Architects on January 11, 1993

15. Municipal Agreement - U.S. 521

Action:

A. Approve a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to construction of US 521 from Providence Road West to I-485 (Charlotte Outer Loop).

B. Adopt resolution to authorize the Mayor to execute the Utility Agreement.

Res. #2
BK 32
PG 86

Explanation of Request:

City Council is asked to:

- Approve the Utility Agreement between the City and NCDOT for construction of US 521 from Providence Road West to I-485 (Charlotte Outer Loop) and allow NCDOT's contractor to perform water line adjustments and relocation work along the State Highway System for the project.

Background: The US 521 roadway construction project requires certain utility relocations/adjustments, and a Municipal Agreement between the City and NCDOT is required before construction improvements can proceed.

CDOT

16. Municipal Agreement - I-485

Action:

A. Approve a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the construction of the I-485 (Charlotte Outer Loop) interchange with Johnston Road Extension (Project R-0211 DD).

BK 32 PG 87 Res. #3

B. Adopt a resolution to authorize the Mayor to execute the Utility Agreement.

Explanation of Request:

City Council is asked to:

- Approve the Utility Agreement between the City and NCDOT for construction of the I-485 interchange with Johnston Road Extension and allow NCDOT's contractor to perform water and sewer line adjustments and relocation work along the State Highway System for the project.

Background:

CDOT

The I-485/Johnston Road Extension Interchange Project requires certain utility relocations/adjustments, and a Municipal Agreement between the City and NCDOT is required before construction improvements can proceed.

BK 32 PG 88 Res #4

17. Property Transactions

Recommend approval of the following condemnation resolutions.

CONDEMNATION:

A. **Project:** Carmel Road Widening, Parcel No 105
Owner(s): H Ray Burleson & wf., Martha W. Burleson and any other parties of interest.
Property Address: 4413 Carmel Road
Property to be Condemned: 6,539.93 square feet (0 1502 ac.) of Fee and Temporary Construction Easement
Improvements: Landscaping, trees, shrubs, part of berm and sprinkler system.
Price: $15,900.00
Reason for Condemnation: The property owners live on the corner of Carmel Road and Montibello Drive East. This project will affect two sides of their property.

Eng. Re

Montibello Drive East will have increased traffic due to the few median openings on Carmel Road. The property owners are very dissatisfied with the effects that this project will have on their property. They totally reject the City's offer of compensation and will present a counteroffer in court, which they expect to be substantially greater than our offer. They think the road does not need to be widened as much as plans call for. Refused City's offer based on appraisal.

Total area: 49,710.93 sq.ft (1,1412 ac)
Acquisition area. 2,747.00 sq.ft. (0.0631 ac.)
Temporary Const. Easement: 3,792.93 sq.ft. (0 0871 ac)
Area remaining: 46,963.93 sq.ft. (1.0781 ac.)
Zoned: R-3 Use· Residential

Tax Value: $232,030
Tax Code: 211-173-01

1/24/94

#19 - Approve a special Council Meeting and Public Hearing on January 31, 1994 for the purpose of discussing Crime Initiatives for the City of Charlotte and to decide on items to place before the N.C. Legislative Delegation for their possible consideration. Dinner to be at 5:30 p.m. and meeting in Chamber at 6:30 p.m.

Scarborough / Wheeler
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3. City Manager's Report

- Recognition of John Johnson, Equipment Services Mechanic
- Update on Roll-Out Garbage Collection

Attachment 1