AGENDA

Meeting Type:	B
Date:	01/25/99

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Al Rousso
Tim Sellers
Sara Spencer

OFFICE COPY

Council Agenda

CITY COUNCIL MEETING

Monday, January 25, 1999

5:00 p.m.

Conference Center
Dinner Briefing
(See Table of Contents)

6:30 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Citizens Forum**

7:00 p.m.

- **Awards and Recognitions**
- **Formal Business Meeting**

1998 Council Retreat Priorities

Top Priorities for 1998

Transportation Plan (20 years plus)

Transit Plan and Tax

Westside Strategy Plan

Community Oriented Policing: Evaluation and Direction

Connectivity: Neighborhoods and Road System: Policy Direction

High Priorities for 1998

Court System Expansion

Parking Garage / Convention Hotel

Trolley

Corridor Plan

State Roads Strategy

Airport Plan: Implementation

Neighborhood Business Revitalization Strategy and Action Plan

Business Retention Strategy and Action Plan

CITY COUNCIL AGENDA

Monday, January 25, 1999

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. **State Proposal for Uptown Rail Station**

Staff: **Patrick Simmons, NCDOT Representative**

Time: **15 minutes**

Attachment 1

2. **Update on Convention Center Hotel Negotiations**

Staff: **Tom Flynn**

Time: **30 minutes**

Attachment 2

3. **Committee Reports (by exception)**

- **City Within A City Committee: Dalton Village**

6:30 P.M. CITIZENS FORUM

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

CONSENT

4. Consent agenda items 13 through 22 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Julie Burch

PUBLIC HEARING

5. Floodplain Ordinance for the Mallard Creek Watershed

Action:

A. Hold a public hearing on the proposed changes to the floodplain ordinance in the Mallard Creek Watershed.

B. Approve a change in the Floodplain Ordinance for the City portion of the Mallard Creek Watershed to raise the building restriction line to match the Mallard Creek Study.

Staff Resource: Jeb Blackwell

Focus Area: Economic Development

Explanation:

- Charlotte Mecklenburg Storm Water Services presented a Mallard Creek watershed restudy report to the Storm Water Advisory Committee (SWAC) on December 3, 1998. SWAC recognized that without a change in regulations, houses may be built in areas with greater flood risks than previously identified. With that understanding, the SWAC voted unanimously to recommend that staff promptly draft proposed amendments to the floodplain regulations for approval by both City Council and the County Commission that would apply to the Mallard Creek Watershed.

- The proposed amendments to the ordinance in the Mallard Creek area call for using a floodplain boundary based on the future flow level plus two feet. SWAC held a public meeting January 14, 1999, to educate the public and to discuss proposed interim changes to the floodplain regulations in the rest of the City and County. The proposed amendments to the ordinance have received support from the SWAC, numerous citizens, and private developers. The proposed changes would remain in effect until better data is available for each specific creek. Updated studies are expected to be completed by March 2000.

- Due to the significance of the study and its findings, Storm Water Services decided to have the Mallard Creek report findings reviewed in detail by a third party engineering consultant. In discussions between the Real Estate and Building Industry Coalition (REBIC) and staff, REBIC has agreed to accept the Mallard Creek Study findings with the understanding that any errors found in the report will be corrected.

- State Law requires the City to conduct a public hearing before amending an ordinance addressing planning and regulation of development.

- The Mecklenburg Board of County Commissioners held its public hearing and approved the proposed amendments on January 19, 1999.

Background:

As a part of FEMA's floodplain map maintenance program, FEMA's consultant is preparing to restudy regulated floodplains in portions of Mecklenburg County. The contractor has completed the first watershed study, Mallard Creek. An Executive Summary of the Mallard Creek Watershed restudy report was provided to Council December 2, 1998. Additional information pertaining to floodplains was also presented to Council at the December 21, 1998 Dinner Meeting.

The study's main purpose was to establish updated flood elevations and floodplain boundaries along selected streams in the Mallard Creek Watershed (located in the northeastern portion of the County near the I-85 corridor). The completed study showed that the regulatory flood elevations in the Mallard Creek Watershed will change, in some cases rising significantly, due to future development in the floodplain fringe.

The engineering methods used to evaluate the conditions in the Mallard Creek Watershed have been approved by FEMA, however, the agency will not review the accuracy of the report until all of the restudies in the County have been completed. The re-mapping will begin June 1999 with an estimated completion date in December 1999. SWAC has recommended mapping for the rest of the City and County by March 2000.

Attachment 3
Proposed Floodplain Ordinance
Letters from REBIC

POLICY

6. City Manager's Report

7. Annexation Ordinance

Action:

A. Adopt a resolution authorizing economic loss payments of $30,739 to NMS, Inc. and $56,426 to Ross Sanitation Services which are solid waste collection firms providing service in the Ballantyne Area;

B. Adopt an annexation budget ordinance;

C. Establish June 30, 1999 as the effective date for the 1999 annexations; and

D. Adopt four annexation ordinances.

Staff Resources: Dick Black, Ann White, and Mike Boyd

Policy: City Annexation Policy and State Annexation Statutes

Explanation:

A. Based upon their operations in the Ballantyne Area, NMS, Inc. and Ross Sanitation Services have substantially satisfied all requirements to be eligible for a contract or an economic loss payment. In lieu of contracts to continue serving these firms' customers in the proposed annexaton area, economic loss payments are recommended.

B. The annexation budget ordinance indicates the start-up costs, first year expenditures and revenues, and funding sources to extend City services into the areas to be annexed.

- Annexation expenditures for the combined four areas are as follows:

FY00

Fund	Expenditures	Revenues	Difference
General Operating	$ 1,233,427	$1,628,609	$ 395,182
Transportation Operating	0	59,153	59,153
Powell Bill (Streets)	113,125	241,870	128,745
Water & Sewer Capital	3,564,100	3,564,100	0
All Other (PAYG, Debt Svc, Stm Water)	0	413,252	413,252
Total	$4,910,652	$5,906,984	$996,332

FY01

Fund	Expenditures	Revenues	Difference
General Operating	$ 653,679	$ 2,043,974	$ 1,390,295
Transportation Operating	0	176,636	176,636
Powell Bill (Streets)	73,513	249,127	175,614
Water & Sewer Capital	0	0	0
All Other (PAYG, Debt Svc)	0	519,805	519,805
Total	$ 727,192	$2,989,542	$2,262,350

- Expenditures for the installation of water and sewer lines in the annexation areas are included in the FY99-FY2003 Capital Investment Plan.

- Start-up costs of $717,066 are necessary in the General Fund to hire staff and buy equipment during this fiscal year in order to provide service on the first day of annexation. Funding for these start-up costs is included in the FY99 General Fund Operating Budget in the account "Reserve for Annexation".

- The annexation requires the addition of five positions in the General Fund for Solid Waste Services-Sanitation.

- One-time costs in the first year of annexation (FY00) include: $87,165 for payment of economic loss to solid waste collection firms described above in section A, and $232,086 for payment to four volunteer fire stations for debt payout.

C. The recommended date for the four (4) annexation areas to become effective is June 30, 1999.

D. State annexation statutes requires City Council to adopt an ordinance extending the corporate limits to include all, or such part, of the area described in the notice of the public hearing and which City Council has concluded should be annexed. State statute also requires that City Council must establish the effective date for annexations, which may not be less than 40 days not more than 400 days from the date of passage of the ordinance.

- The four proposed annexation areas include: Ballantyne, Sardis Road, South Boulevard/521, and West Boulevard.

Funding

General Fund Revenues, Powell Bill Revenues, Water and Sewer CIP

Background

- On September 23, 1998, City Council passed a Resolution of Intent to consider annexing the four areas. The annexation plans for the four proposed areas were approved on October 12, 1998. On November 19, 1998, City Council held public hearings on the four proposed annexation areas.

- On September 23, 1998, resolutions were adopted stating the City's intent to consider the involuntary annexation of the four areas, including Ballantyne.

- As outlined under the economic loss guidelines, if a solid waste collection firm does a specified level of business in the area and properly requests a contract to continue serving the annexation area, the City must either contract with the firm for solid waste collection services in the annexation area or pay the firm's economic loss for losing its customers through annexation. To qualify for economic loss, the amount of the economic loss has to be 12 times the firms' monthly revenue from the annexation area during the three month period preceding

the adoption of the resolution of intent. Both NMS, Inc and Ross Sanitation meet the qualifications.

- Container Corporation of Carolina (CCC) also requested a contract to continue serving certain apartment complexes in the Ballantyne Area. Solid Waste Services intends to offer CCC an amendment to its existing contract for serving apartment complexes so that no economic loss payment will be due to CCC. No other firms qualified for a contract or economic loss payment.

- All of the annexation areas will be served by the City upon the effective date of annexation. The Ballantyne and Sardis Road areas will be included in the next quadrant scheduled for competition for solid waste collection services.

Attachment 4
Resolution authorizing economic loss payments

BUSINESS

8. Dalton Village Master Plan

Action: **Approve the City Within A City Committee recommendation to:**

A. Accept the Dalton Village Master Plan;

B. Provide letter of support for the low income tax credits for the Dalton Village project; and

C. Consider as part of the City's FY2000-FY2004 Capital Investment Plan participation of $2,000,000 for infrastructure improvements for Dalton Village Phases 1-3.

Committee Chair: Rod Autrey

Staff Resource: Stanley D. Watkins

Focus Area: City Within A City (CWAC)

Policy: The CWAC Focus Area provides the general policy framework for supporting this redevelopment project. Dalton Village is located in a fragile neighborhood and the focus area strategy calls for undertaking comprehensive initiatives to address housing, infrastructure, social and crime conditions.

The FY99 Consolidated Housing Plan, approved by City Council on April 27, 1998, supports the preservation of existing housing as well as increasing the amount of low income housing. The proposed redevelopment plan renovates existing housing units and creates new housing opportunities in the area.

Explanation

- The redevelopment of Dalton Village will replace the existing 300 unit complex with a 392 unit mixed-income project. The development will create 110 family garden apartment units, 89 townhouse units, 27 duplex and triplex units, 46 elderly units in a senior building, 11 senior duplex cottages, and 109 single-family homeownership residences.

- On-site, 255 units will be available for low income families. One hundred and fifty-five (155) units will be designated as public housing replacement units - 50 elderly rental units, 70 family rental units and 35 for-sale units. One hundred (100) units on-site will be set aside as low-income tax credit units. Another 75 units, located off-site, will be made available through the Section 8 certificate program.

- The proposed 109 single family units will sell for between $90,000 and $110,000. This is consistent with recent sales in the Reid Park and Wingate communities. The 67 one-and-two-bedroom market rate rental units are expected to be leased between $525 and $625 per month.

- The redevelopment of Dalton Village is projected to cost $64.4 million dollars. Proposed financing for the project will come from the HOPE VI grant, Low Income Housing Tax Credits, City of Charlotte (infrastructure only) and private market financing. The financing includes $14.6 million in low income tax credits for which the developers, Beacon Residential Properties (BRP) and the Charlotte Housing Authority (CHA) need the City to provide a letter of support. First Union National Bank has expressed an interest in providing the private debt financing.

- The infrastructure contribution will provide needed physical improvements to make the redevelopment of Dalton Village a successful project. This capital contribution will be allocated to areas such as utilities, road and sidewalk construction, median development and other items (i.e. retaining walls, guard rails and toddler lots).

- The developers, BRP and CHA are seeking a total of $3.6 million in infrastructure improvements from the City. However, the City staff is recommending only $2 million, at this time, for Phases I-III as the result of the project review by

Planning and Engineering and Property Management. The remaining $1.6 million will be reviewed at a future date.

Background:

- The Dalton Village Community is located on 32.5 acres on the southwest corner of West Boulevard and Clanton Road. The community is also adjacent to the Reid Park neighborhood.

- The original 300-unit complex was constructed in 1970. In December 1997, CHA received a $28.8 million HOPE VI grant from the U.S. Department of Housing and Urban Development. The grant was based on the creation of a 392-unit mixed income project that will not only improve the immediate community but will be a catalyst for improvements to the entire area.

Committee Discussion:

- On January 6, 1999, the City Within A City Committee reviewed the Dalton Village Redevelopment Plan.

- The Committee voted 4-0 (Rod Autrey, Sarah Spencer, Patrick Cannon and Mike Jackson; Tim Sellers was absent) to recommend that Council:

  - Accept the Dalton Village Master Plan;

  - Provide a letter of support for the low income tax credits for the Dalton Village project; and

  - Consider City participation of $2,000,000 for infrastructure improvements for Dalton Village Phases 1-3 as part of the FY2000 Capital Improvement Budget.

- The Committee discussed the overall development plan including the various housing types and prices, infrastructure improvements and how the project relates to the adjacent community of Reid Park.

Funding: The $2,000,000 infrastructure request will be included in the FY2000-FY2004 Capital Improvement Plan.

Attachment 5
Dalton Village Revitalization
Dalton Village Housing Budget
Site Map

9. Section 108 Loan Guarantee for Shopping Center at West Boulevard and Clanton Road

Action: **Approve the City Within A City Committee recommendation to:**

A. Conduct a public hearing to receive citizen comments on the use of $2,560,000 in Community Development Block Grant (CDBG) Section 108 loan guarantee funds for the development of a shopping center at West Boulevard and Clanton Road. (These funds will be supplemented with an additional $950,000 Economic Development Initiative (EDI) grant already awarded);

B. Approve Neighborhood Development Key Business conducting a second public hearing on February 18, 1999;

C. Approve filing an application with HUD for the Section 108 loan guarantee funds; and

D. Adopt a budget ordinance to appropriate the $2,560,000 Section 108 loan guarantee funds and $950,000 for the EDI grant.

Committee Chair: Rod Autrey

Staff Resource: Stanley D. Watkins

Focus Area: City Within A City (CWAC)

Policy: The CWAC Focus Area supports the revitalization of distressed business corridors. West Boulevard is a distressed business corridor that the City is targeting for transportation and streetscape improvements.

Explanation

- The proposed 58,200 square foot shopping center, located on approximately 6.5 acres at the corner of West Boulevard and Clanton Road, will consist of a 36,000 square foot grocery store and 22,200 square feet of retail space. The project will provide needed shopping opportunities in the area and will generate approximately 120 new jobs. A recent market study by the Haddow Company determined that this location will support a retail shopping center.

- The proposed $4.6 million project will be funded as follows:

  Proposed funding consists of:

EDI Grant	$ 950,000
Private Equity	$1,096,578
Section 108 Loan w/Bank LOC	$2,558,683
	$4,605,261

- The $2,560,000 Section 108 loan guarantee and the EDI grant will make this project financially feasible. The Section 108 will be fully collateralized with a bank Letter of Credit (LOC).

- The Charlotte Housing Authority (CHA) will own the site and receive annual lease payments of $25,740 for 40 years. Beacon Residential Properties (BRP) will develop and manage the shopping center as part of the Dalton Village Hope VI project.

- On July 27, 1998, City Council approved the submission of an application for a federal EDI grant of $950,000 for the development of a shopping center at West Boulevard and Clanton Road. The City received written notification of the grant award on December 21, 1998.

- Federal regulations require that the CDBG Section 108 loan guarantee application be submitted within 60 days of the notification of the EDI grant award. In accordance with these regulations, the Section 108 application must be submitted by February 18, 1999.

Background:

- The Section 108 Loan Guarantee will make it possible to construct a full-service shopping center that will directly benefit the low and moderate-income residents in the surrounding communities, including the Reid Park neighborhood and Dalton Village. Currently, 27,000 people live within a two-mile radius of this location with no commercial center serving the community.

- The Section 108 loan guarantee stipulates that in case of a default on the original loan, the City will use its 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 balances on Section 108 loans.

- The City currently receives $4.5 million in CDBG funds, which means the City can issue up to $22.5 million in loan guarantees. The City has an outstanding Section 108 loan guarantee of $1.6 million to Mecklenburg Mills and a pending loan guarantee of $3 million to Hope Haven. Therefore, up to $17.9 million is available for additional guarantees.

- The LOC will be arranged by the development team and issued to the City for the full amount of the Section 108 Loan Guarantee. Due to the low interest rates which accompany Section 108 loans, there will be sufficient dollars to fund the annual bank LOC fees and needed reserves.

- Fannie Mae has expressed an interest in providing additional equity and First Union National Bank has expressed an interest in providing the LOC equal to the Section 108. The LOC will help protect City CDBG funds.

- BRP and CHA recently requested proposals from a number of local developers for this shopping center. Proposals are due the end of January, at which time a highly qualified and experienced retail developer will be selected for this project.

Committee Discussion:

- On January 6, 1999, the City Within A City Committee reviewed the Section 108 Loan Guarantee request for the Shopping Center at West Boulevard and Clanton Road.

- The Committee voted 4-0 (Rod Autrey, Sarah Spencer, Patrick Cannon and Mike Jackson; Tim Sellers was absent) to recommend that Council:

  - Conduct a public hearing to receive citizens' comments on the use of $2,560,000 in Community Development Block Grant (CDBG) Section 108 loan guarantee funds for the development of a shopping center at West Boulevard and Clanton Road. (These funds will be supplemented with an additional $950,000 EDI grant already awarded);

  - Approve Neighborhood Development Key Business conducting a second public hearing on February 18, 1999;

- Approve filing an application with HUD for the Section 108 loan guarantee funds; and

- Adopt a budget ordinance to appropriate the $2,560,000 Section 108 loan guarantee funds.

- The Committee discussed the financing plan; specifically the Bank Letter of Credit that would fully protect the City's Community Block Grant Funds.

Funding: Community Development Block Grant Funds

Attachment 6
Dalton Village Revitalization
Retail Proforma
Dalton Village Site Map

10. Approve List of Six Competitive Bidders and Authorize the City Manager to Negotiate One-Year Contracts for Information Technology Professional Services

Action: **Approve list of six competitive bidders and authorize the City Manager to negotiate a one-year contract with an option to renew for one year not to exceed $2.5 million between all six vendors for the provision of contract information technology professional services.**

Staff Resources: Susan M. Johnson and Chief Dennis E. Nowicki

Focus Area: Restructuring Government

Explanation

- On October 19, 1998, the Information Technology Division of Business Support Services requested responses from local vendors for the provision of contract staff in lieu of filling permanent City positions and for outsourcing staff. This approach was taken for several reasons:

- The Information Technology Division and Police are experiencing a turnover rate greater than the industry average of 19%. The IT Division alone currently has 13 vacancies in their professional staff.

- Efforts to fill these positions have been unsuccessful because of the salary differential between the City's Pay Plan for IT positions and the current market rate. Also, there is a severe labor shortage nationwide for information technology professionals, which further complicates recruitment efforts.

- Technology projects frequently have peak staffing requirements during implementation or major upgrade phases. These needs are best served by using temporary contract labor.

- To assure timely access to quality technology contract staff for the City, it would be appropriate to negotiate standard staffing contracts with several qualified technology firms. This concept of having master agreements in place with multiple vendors will help assure efficient, cost effective access to qualified technology staffing. While we expect this will replace a number of technology contracts, it may not meet all contracting needs.

- Police, Eng, IT or general fund

- Of the 22 proposals received, six finalists were selected. This selection was based upon the ability to provide multiple qualified candidates in a timely manner and the cost of service.

- The attachment provides detailed information outlining the initial competitive selection criteria. It also outlines a competitive process as services are procured from each of the six vendors.

- In the Request for Proposal, the vendors were required to respond to a sample contract. Once the concept and the six recommended vendors are approved by City Council, detailed contracts will be negotiated with each vendor and executed by the City Manager on behalf of the City.

- The six vendors recommended are as follows:

  - CDI Information Systems, a Division of CDI Corporation

  - Kelly Technical Services, a Division of Kelly Services, Inc.

  - Modis, Inc.

  - People Unlimited Consulting, Inc.

  - QuantumResources Corporation

  - Transaction Information Systems, Inc.

- The estimated annual cost for these services is $2.5 million based upon the current identified workload of Police and the Information Technology Division. Several of these projects include:

  - Remediation of existing software for Year 2000 compliance

  - Replacement of the City's network and communications infrastructure for Year 2000 compliance

  - Updating the City's desktop computers for Year 2000 compliance

  - Database development and administration for future client server systems

  - Network administration and management for City-wide applications

- Upon contract award to all six vendors, the City will be able to select temporary staff from the vendors by following the process outlined in the attachment. The contract term will be one year with an option to renew for a second year.

Funding: IT and Police FY99 Operating Budgets; Police Grant Funds; and, the Technology Fund

Attachment 7
Selection criteria for determination of six vendors and process for selecting employee for placement

7 10 B. Zoning Ordinance

11. Nominations to Boards and Commissions

Action: **Nominate candidates to serve on the following boards. Council left these nominations open on January 11. Appointments will be made on February 8.**

A. CITIZENS OVERSIGHT FOR CABLE TV

One, two-year appointment beginning April 1999. Cheryl Jones is eligible and would like to be reappointed.

One position beginning immediately to fill an unexpired term ending March 31, 2000. Shelia Stewart has resigned. Nominations on January 11 are as follows:

1. Carlton Crump by Councilmember Cannon
2. Jean Homiski by Councilmember Wheeler

Attachment 8

1. Stephanie Carter by Councilmember Majeed
2. Teresa Sellers by Councilmember Cannon

Attachment 11

E. <u>PRIVATIZATION/COMPETITION ADVISORY COMMITTEE</u>

Three, two-year positions beginning March 1999. Jefferson Brown, Dan Clodfelter and Mary Stafford are not eligible for reappointment.

1. Jerry Anderson by Councilmember Reid
2. Troy Buder by Councilmember Autrey
3. Guy Forcucci by Councilmember Autrey
4. Linette Pratt Fox by Councilmember Greene
5. Stephen Hayes by Councilmember Wheeler
6. Edward Nowokunski by Councilmember Reid

Attachment 12

F. <u>ZONING BOARD OF ADJUSTMENT</u>

One, three-year appointment beginning February 1999. George Wallace does not wish to be reappointed.

1. Jerry McMurray by Councilmember Jackson

Attachment 13

B. **CIVIL SERVICE BOARD**

Two positions beginning immediately to fill unexpired terms. One will end on May 15, 2001 and the other on May 15, 2000. Claude Alexander and Patrick Clark did not meet Council's attendance requirements. Nominations on January 11:

1. Claude Alexander by Councilmember Majeed
2. Patrick Clark by Councilmember Majeed
3. Carmen Hilton by Councilmember Wheeler
4. Tom Moore by Councilmember Autrey
5. John Offerdahl by Councilmember Autrey
6. Dr. James Samuel by Councilmember Greene

Attachment 9

C. **MINORITY/ WOMEN'S BUSINESS DEVELOPMENT**

One appointment beginning immediately and ending March 1, 2001. Must represent a majority business owner. Frank McPherson did not meet attendance requirements.

1. Mike Hampton by Councilmember Greene
2. Michael Rogers by Councilmembers Autrey and Wheeler
3. Frank McPherson by Councilmember Reid

Attachment 10

D. **PARADE PERMIT COMMITTEE**

One, three-year appointment beginning March 1999. Louise Sellers is not eligible to be reappointed.

12. Appointments to Boards and Commissions

Action: **Vote on blue paper ballots and give to Clerk at dinner so that she may announce the winners.**

A. MAYOR'S INTERNATIONAL CABINET

Two new three-year appointments beginning March 1999. One will represent an ethnic association and the other will be an open category.

Ethnic Category

1. Brilliante Acoloste by Councilmember Greene
2. Philderika Foust by Councilmember Majeed
3. Jesus Hernandez by Councilmember Spencer
4. Roger Suclype by Councilmember Jackson
5. Hans Winigerhers By Councilmember Reid

Open Category

1. Paulette Beatty by Councilmember Reid
2. Troy Buder by Councilmember Jackson
3. Kristy Davis by Councilmember Sellers
4. Wanda Davis by Councilmembers Cannon and Spencer
5. Heidi Campbell-Robinson by Councilmember Wheeler
6. Pirjo Marjukka Vihma by Councilmember Autrey

Attachment 14

B. TRANSIT ADVISORY COMMITTEE

One, three-year term beginning February 1999. May be either an express or local service passenger. James Emanuel does not wish to be reappointed.

1. Mike Castano by Councilmember Reid
2. Linette Pratt Fox by Councilmember Cannon
3. Eric Setzer by Councilmember Jackson

Attachment 15

C. <u>TREE ADVISORY COMMITTEE</u>

One position beginning immediately to fill an unexpired term ending December 1999. Michael Fleming did not meet Council's attendance policy.

1. Peter Franz by Councilmember Wheeler
2. Eric Setzer by Councilmember Jackson

Attachment 16

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 have met MWBD criteria.

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

Minority and Women Business Development Program (MWBD) Abbreviations:
BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

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

CONSENT I

13. Various Bids

A. Replacement of Recycling Vehicle Cab and Chassis — Solid Waste Services

replacing cab and chassis only

Recommendation: The Solid Waste Services Director recommends the low unit price bid of $77,597 by Southern Truck Service, Inc. of Charlotte, North Carolina. Solid Waste Services anticipates purchasing ten units. The contract is for one year with the option to renew for two additional one year periods.

MWBD Compliance: Yes

B. Replacement Recycling Vehicle Body — Solid Waste Services

Recommendation: The Solid Waste Services Director recommends the sole unit price bid of $39,425 by Lodal-South, Inc. of Rockingham, North Carolina. Solid Waste Services anticipates purchasing ten units. The contract is for one year with an option to renew for two additional one year periods.

MWBD Compliance: Yes

C. Winfield Drive Storm Water Improvement Project — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $251,999 by Shaw Group LTD. of Charlotte, North Carolina.

MWBD Compliance: Yes. Shaw Group LTD. will self-perform.

D. Water and Sewer Main Construction - FY99 Contract J - Street Main Extensions — **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $853,788.50 by Foster Utilities, Inc. of Pineville, North Carolina.

MWBD Compliance: Yes. Foster Utilities, Inc. will self-perform.

E. Construction of North Mecklenburg Elevated Storage Tank (Mallard Creek Area) — **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $3,228,750 by Pitt-Moines, Inc of Kennesaw, Georgia. This project will provide for a two million gallon elevated storage tank at Mallard Creek Church Road and I-85 for adequate storage facilities to meet fire flow requirements, equalization of the system and for emergency situations.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$0	0%	1%
WBE	$90,575	2.8%	1%

MWBD Compliance: Yes.

14. Approve Resolution Of Intent To Abandon Street And Set Public Hearing - Portions of an Alleyway North of Sunnyside Avenue between Hawthorne Lane and Lamar Avenue.

Action:

A. Adopt the Resolution of Intent to abandon portions of an Alleyway north of Sunnyside Avenue between Hawthorne Lane and Lamar Avenue.

B. Set a Public Hearing for February 22, 1999.

Staff Resource: Scott Putnam

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 has received a petition to abandon public right-of-way and is requesting this Council Action in accordance with the statute.

Petitioner:
Donald W. Powers

Right-Of-Way to be abandoned:
Portions of an alleyway north Sunnyside Avenue between Hawthorne Lane and Lamar Avenue.

Location:
From Sunnyside Avenue northwardly approximately 300 feet and ending at the alleyway running in the east/west direction between Hawthorne Lane and Lamar Avenue.

Reason:
To incorporate the right-of-way into adjacent property owned by the petitioner.

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

Adjoining property owners - No objection
Neighborhood Associations - No objections
Earle Village Residents
Piedmont Court (CHA)
Charlotte Council - Garden Clubs
Private Utility Companies - No objection

City Departments
Review has identified no apparent reason this closing would:

1. Be contrary to the public interest; or
2. Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299.

Attachment 17
Map

CONSENT II

15. Provincetowne Storm Drainage Improvements - Design Services

Action: **Approve Design Services for $162,848 with Dames & Moore, Inc. of Charlotte, N.C. for the Provincetowne Storm Drainage Improvement Project.**

Staff Resource: J. E. Blackwell

Policy: The set of policy statements recommended by the Storm Water Task force and adopted by City Council in creating the Storm Water program include, "identify and prioritize storm water quantity and quality problems" and "solve the worst storm water problems first."

Explanation:

- The Provincetowne Storm Drainage Improvement Project is a high priority capital project which encompasses three neighborhoods along Providence Road West (Provincetowne, Colony Woods, and Williamsburg). The drainage system is undersized and flooding of the roadways occurs frequently.

- This expenditure of $162,848 is for Amendment No. 2 to the agreement with Dames & Moore, Inc. Information on contract expenditures related to this project is provided below.

Date	Phase of Work	Amount
September 12, 1996	Planning Services	$72,024
December 9, 1997	Surveying/ Conceptual design	$77,914
January 25, 1999	Design Services (Colony Woods, Provincetowne)	$162,848
(Future)	Design Services (Williamsburg)	n/a
(Future)	Construction	$2,300,000 (estimate)

- The cost of these services is comparable to the cost of similar work for other storm water drainage projects.

16. Approve Contract with North Carolina Equipment Company to Provide Street Sweepers

Action: **Approve a unit price contract for $122,667 per unit with North Carolina Equipment Company to provide street sweepers to the Solid Waste Services Key Business. Purchases are anticipated subject to appropriations by City Council and identified needs. The total estimated FY99 expenditure is $368,001.**

Staff Resource: Wayman J. Pearson

Explanation:

- The purchase is for three street sweepers: one to serve as a replacement unit; one to be assigned to the I-277 loop; and, one to be assigned to the newly annexed areas.

- On September 25, 1998, unit price bids were received from Public Works Equipment and Supply, Inc., at $117,471 (Elgin Sweeper) and North Carolina Equipment Co. at $122,667 (Johnson Sweeper).

- The Elgin Sweeper offered by Public Works Equipment and Supply, Inc., (the low bidder) does not comply with one of the City's specifications with respect to the herbicide spray system. The City's specifications require herbicide "to be released and mixed at a fixed calibrated dilution rate of 50:1." The herbicide spray system offered by the low bidder is not permanently calibrated at a fixed mixture rate. Rather, the control valve that regulates herbicide flow can be easily adjusted allowing for changes in the mixture rate. By contrast, the herbicide spray system offered by North Carolina Equipment Co. (the second low bidder) cannot be altered or tampered with to change chemical additive rates.

- If the herbicide flow is not correctly calibrated, a risk posed by the low bidder's system, the City runs the risk of violating State pesticide laws. Violation of State pesticide laws could result in fines and possible revocation of the City's license to apply herbicides. The City also runs the risk that herbicides will be sprayed at a mixture rate that could damage property and be harmful to people.

- The Elgin Sweeper offered by the low bidder also does not comply with the City's specification for a 155 inch wheelbase chassis. The low bid offers a wheelbase chassis of only 133 inches. The longer wheelbase was specified for the following reasons:

  - Enable the sweeper to track better

  - Achieve maximum adherence to the curb for improved sweeping performance

  - Provide easier accessibility to fittings that must be serviced on a daily basis

  - Provide easier accessibility to the engine and transmission for servicing; and

  - Allow increased air movement for heat dissipation around the transmission

- An addendum to the City's specifications with respect to the sweeper hopper provided that "to assure maximum life, minimize downtime and maintenance, 'stainless steel' shall be utilized during construction of the body flooring, sidewalls, bulkhead and reardoor assembly." The intent of this specification was that the hopper be manufactured as a unit from 100% stainless steel.

- The sweeper hopper provided by North Carolina Equipment Co. is 100% stainless steel. The sweeper hopper offered by the low bidder is a stainless steel lined hopper. The process of welding the plating of stainless steel panels to the manufactured carbon steel hopper creates a potential for corrosion between the panels and ultimate failure. The hopper contains the wet debris and its integrity is a major component for uptime and competitive costs.

- The low bid sweeper requires a minimum 100 horsepower engine to drive the fan mechanism that creates the sweeping suction. The recommended sweeper has an 86 horsepower engine. Based upon a sweeping time of five to six hours per day, the 100 horsepower engine will use approximately $1,000 more in fuel annually based upon a fuel cost of $0.495 per gallon.

MWBD: There are no known MWBD suppliers of this equipment.

Summary of Bids:

Public Works Equipment and Supply, Inc. Monroe, North Carolina	$117,471
North Carolina Equipment Co. Charlotte, North Carolina	$122,667

Funding: Solid Waste Services FY99 Operating Budget

17. Amendment to TekSystems Technical Support Contract

Action: **Approve an amendment to the contract with TekSystems for contract labor, not to exceed $276,000.**

Staff Resource: Susan M. Johnson

Focus Area: Restructuring Government

Explanation:

- On June 8, 1998, the Information Technology Division of Business Support Services executed a contract with TekSystems to provide customer service contract labor.

- As the scope of staffing needs changed, the contract was amended to add the provision of additional services as well as to extend the contract term to September 30, 1998 with a maximum of $94,000.

- On November 9, 1998, the contract was again amended to allow for additional services in the network management area and to extend the contract term to May 31, 1999 with a maximum of $226,000.

- With the need for network management personnel to be added to the Information Technology staff and with the severe labor shortage in professionals with those qualifications, it is recommended that this staff resource be filled for the short term with temporary contract assistance.

- Providing this additional resource will require a new contract maximum of $276,000.

Funding: Information Technology FY99 Operating Budget and the Technology Fund

18. Amendment to DB Basics Technical Support Contract

Action: **Approve an amendment to the contract with DB Basics for contract labor, not to exceed $191,000.**

Staff Resource: Susan M. Johnson

Focus Area: Restructuring Government

Explanation:

- On May 22, 1998, the Information Technology Division of Business Support Services executed a contract with DB Basics to provide business process reengineering services at a cost not to exceed $50,000.

- As the scope of staffing needs changed, the contract was amended to add a visual basic developer and an Oracle database administrator to address specifically the Year 2000 issue in the Utility Billing System and the HR Peoplesoft system. In addition, the contract term was extended to January 29, 1999. The new maximum contract amount of $89,000 was established.

- Based on the complexity of the Year 2000 projects, additional time is needed from the developer and administrator. The contract must be extended from January 29 to June 30, 1999 to accomplish that goal, resulting in a new contract maximum of $191,000.

- The choice to execute this amendment, as opposed to using of one of the six information technology services contracts, was based upon:

  - Continuity of staff to ensure greatest benefit from the learning curve.

  - New contracts with the six vendors not yet being approved for negotiation.

Funding: Information Technology Operating Budget and Technology Fund

19. Revise the Five-Year Reimbursable Water Contract Between the City and Bryan Properties, Inc.

Action: **Revise the five-year reimbursable water contract between the City and Bryan Properties, Incorporated.**

Staff Resource: Doug Bean

Policy: CMUD Extension Policy - Five-Year Reimbursement Program

Explanation:

- On June 8, 1998, City Council approved a reimbursable water contract between the City and Bryan Properties, Incorporated. Bryan Properties requested a contract for the design and construction of a water main along Eastfield Road, to the Mecklenburg County/Cabarrus County line, serving their proposed subdivision.

- Bryan Properties' final subdivision design now requires the subdivision entrance to be located 1,100 feet into Cabarrus County. The Eastfield Road CIP water main will need to extend to the subdivision entrance to allow for service.

- The majority of this subdivision, which straddles the Mecklenburg/Cabarrus County line, is located in Mecklenburg County. CMU and Water And Sewer Authority of Cabarrus (WASAC) have agreed that CMU is in the best position to serve this subdivision with water. WASAC approves of this water extension into Cabarrus County to the subdivision entrance.

- The revised Eastfield Road water main will be approximately 9,850 linear feet and cost an estimated $680,000.

Funding: The applicant has deposited $94,500 with the City and will provide the balance of funds by letter of credit prior to construction. The applicant will pay the full cost of this project up front. The City will reimburse the applicant over a five-year period because it is an approved Capital Investment Plan project.

20. Sidewalk Projects

Action: **Approve agreement for $163,310.00 with Concord Engineering & Surveying, Inc. for engineering services for sidewalk projects.**

Staff Resource: David Meachum

Explanation:

- This agreement will provide for location and design surveys, analysis of alternatives, citizen involvement, and design services for the following sidewalk improvement projects:
  - Pineville/Matthews Road: from Beckmore to Hugh Forest.
  - Rea Road: from Windyrush to Providence Lane.
  - Sardis Road: from Sardis View to Brackenbury.
- Concord Engineering & Surveying, Inc. was selected using the Council-approved process.
- The cost of these services is comparable to the cost of similar work for other sidewalk improvement projects.

Funding: Fund 2010, Center 331.00, Object Code 31790

21. Property Transactions

Action: **Approve the following property acquisitions (A-F) and adopt the condemnation resolution (G-H).**

Acquisitions:

A. Project: Colony Road Extension-Phase II, Parcel #62
Owner(s): Donald K. Wood & wf., Gloria K. Wood
Property Address: 2625 Lori Lane
Property to be Acquired: 440 sq.ft. (0.010 ac.) of right-of-way, 300 sq.ft. (0.006 ac.) of permanent drainage easement, plus temporary construction easement and landscape easement.
Improvements: Shrubs

Purchase Price: $18,400
Remarks: The permanent and temporary easements are required for the Colony Road Extension project. The acquisition price is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family Residential
Total Parcel Tax Value: $209,820
Tax Code: 211-366-11

B. Project: Colony Road Extension - Phase II, Parcel #65
Owner(s): Larry C. Frick & wf., Elizabeth C. Frick
Property Address: 2626 Lori Lane
Property to be Acquired: 168 sq.ft. (0.003 ac.) of right-of-way, 312 sq.ft. (0.007 ac.) permanent sidewalk easement, plus temporary construction easement and landscape easement.
Improvements: Landscaping, trees & shrubs
Purchase Price: $11,725
Remarks: The permanent and temporary easements are required for the Colony Road Extension project. The acquisition price is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family Residential
Total Parcel Tax Value: $218,190
Tax Code: 211-367-01

C. Project: Briar Creek/Central Avenue - ATP-3, Parcel #10
Owner(s): Woodmere Condominiums Unit File No. 72-Page 1
Property Address: Central Avenue/Merry Oaks Road, 1605-A Merry Oaks Road
Property to be Acquired: Fee - 924 sq.ft. (0.021 ac.) plus temporary construction easement 2,480 sq.ft. (0.057 ac.)
Improvements: Landscaping
Purchase Price: $11,100
Remarks: The required areas are needed for the construction of street improvements along Central Avenue and Briar Creek Road. Compensation is based on an independent appraisal.
Zoned: R22 MF
Use: Condominium

Total Parcel Tax Value: $26,000+per unit
Tax Code: 095-121-27 thru 79

D. **Project:** Airport Master Plan Land Acquisition
Owner(s): Wayne and Haroleen Keener
Property Address: 8431 Freeman Drive
Property to be acquired: .642 acres
Improvements: ranch
Purchase Price: $105,000
Remarks:The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain qualities. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement
Zoned: RMH
Use: House
Tax Value: $57,760
Tax Code: 113-105-15

E. **Project:** Airport Master Plan Land Acquisition
Owner(s): Wayne and Haroleen Keener
Property Address: 8014 1st Street
Property to be acquired: .344 acres
Improvements: vacant land
Purchase Price: $7,000
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain qualities. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement
Zoned: RMH
Use: vacant
Tax Value: $2,800
Tax Code: 113-105-01

F. **Project:** Airport Master Plan Land Acquisition
Owner(s): Wayne and Haroleen Keener
Property Address: 8425 Freeman Drive
Property to be acquired: .327 acres
Improvements: vacant land
Purchase Price: $7,000
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement
Zoned: RMH
Use: vacant
Tax Value: $1,400
Tax Code: 113-105-14

Condemnations:

G. **Project**: Hoskins Road Widening, Parcel #5
Owner(s): Nga Truong & any other parties of interest
Property Address: 4130 Rozzelles Ferry Road
Property to be Acquired: 6156 sq.ft. (.1413 ac.)
Improvements: Building & asphalt paving
Purchase Price: $182,500
Remarks: The parcel is needed for Hoskins Road Widening and requires the removal of a supermarket facility and parking area. City staff has yet to reach an agreement with property owner after numerous meetings and negotiations. The compensation amount is based on two independent, certified appraisals.
Zoned: B-1
Use: Grocery store & fishmarket
Total Parcel Tax Value: $107,160
Tax Code: 039-016-03

John Poliles

pulled → deferred to 8/15

H. **Project**: 1997 Annexation-Davis Lake Area, Parcel #31
Owner(s): J. P. Realty Partners, Inc. & any other parties of interest
Property Address: 4968 W. T. Harris Boulevard
Property to be Acquired: 41,892 sq.ft. (.962 ac.)
Improvements: None
Purchase Price: $35,000
Remarks: The permanent sanitary sewer and temporary construction easements are needed to complete this project. City staff has yet to reach an agreement with the property owner after numerous meetings. Condemnation price is based on an independent appraisal.
Zoned: B-15CD
Use: Commercial
Total Parcel Tax Value: $568,300
Tax Code: 043-082-14

22. Approval of Minutes

Action: **Approve the titles and votes reflected in the Clerk's record of the January 4, 1999 Workshop Meeting and the January 11, 1999 Business Meeting.**