AGENDA

Meeting Type:	BUSINESS
Date:	07/28/1997

City of Charlotte, City Clerk's Office

Mayor Patrick McCrory *Mayor Pro Tem Al Rousso*

Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Ella Butler Scarborough
Tim Sellers
Sara Spencer
Lynn Wheeler

Council Agenda

CITY COUNCIL MEETING

Monday, July 28, 1997

5:00 p.m. — **Conference Center**

Dinner Briefing
(See Table of Contents)

6:30 p.m. — **Meeting Chamber**

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

7:00 p.m.

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

CITY COUNCIL AGENDA

Monday, July 28, 1997

TABLE OF CONTENTS

Item No.		Page No.	Attachment No.
	5:00 P.M. DINNER BRIEFING CONFERENCE CENTER		
1.	Airport Annual Report	1	
2	Airport Retail Concessions Contract	1	1
3.	Utility Billing System	1	2
	6:30 P.M. CITIZENS HEARING MEETING CHAMBER		
	7:00 P.M. AWARDS AND RECOGNITIONS		
	CONSENT		
4.	Consent Items	1	
	ZONING DECISION		
5.	Decision on Petition #97-40	2	3

Item No.		Page No.	Attachment No.
	PUBLIC HEARING		
6.	Public Hearing to Close an Alleyway off Brookshire Boulevard	3	4
7.	Public Hearing to Close an Alleyway South of Laurel Avenue	4	5
8.	Public Hearing to Close an Unnamed Roadway off Nations Ford Road	5	6
9.	Public Hearing to Close an Alleyway between Greenwood Cliff and Harding Place	7	7
10.	Public Hearing to Close a Portion of Lorna Street	8	8
11.	Public Hearing to Close a Portion of Bascom Street	9	9
12.	Public Hearing to Close Wasena Street	11	10
	POLICY		
13.	Traffic Signal Alternatives	13	11
14.	First Ward Concept Plan	16	
15.	Third Ward Concept Plan	18	
16.	Approve Restructuring Government Committee Recommendations on Professional Services Contracts	20	12
17.	Composition of Planning Commission	23	13
18.	Sidewalk Dining Ordinance	25	

Item No.		Page No.	Attachment No.
	BUSINESS		
19.	Transit Management Contract Extension	27	
20.	1997 Council Calendar Revision	28	14
21.	Nominations for Boards and Commissions	29	15-25
22.	Appointments to Boards and Commissions	31	26-27
23.	Closed Session	34	
	CONSENT I		
24.	Various Bids		
	A Residential Sound Insulation Construction Contract A	35	
	B Residential Sound Insulation Construction Contract B	35	
	C Residential Sound Insulation Construction Contract C	36	
	D Residential Sound Insulation Construction Contract D	36	
	E Storm Water Maintenance FY98A	36	
	F Storm Water Maintenance FY98B	36	
	G Parking Lot Repair	36	
	H Reid Park Neighborhood Improvements, Phase V	37	
	I Sanitary Sewer Construction FY98 Contract #101 - Street Main Extensions	37	
	J Water and Sewer Main Construction FY98 Contract #102 - Street Main Extensions	37	

Item No.		Page No.	Attachment No.
CONSENT I CONTINUED			
Various Bids Continued			
K	Water and Sewer Main Construction FY98 Contract #103 - Street Main Extensions	37	
L	Sanitary Sewer Construction 12 Inch Sanitary Sewer to Serve Central Piedmont Community College	38	
M	Police Helicopter	38	
25.	Resolution of Intent to Abandon Street and Set Public Hearing - Old Village Drive	38	28
26.	Refund of Certain Taxes	39	29
27.	In Rem Remedy		
Public Safety			
A	2509-11 Pruitt Street	41	30
B	1020 Andrill Terrace	41	31
C	504 Centre Street/3320 Tennessee Avenue	41	32
D	3705 Sharon View Road	41	33
E	716 Billingsley Road	41	34
Complaint			
F	1226 Beatties Ford Road	42	35
G	4112 Rozzelles Ferry Road	42	36
H	1225 Berryhill Road	42	37
I	1840 Vinton Street	42	38
Field Observation			
J	1128 Montcalm Street	42	39
K	812 W 5th Street, #5-#10	43	40
L	812 W 5th Street, #5-#10	43	41
M	9829 Packard Street	43	42

Item No.		Page No.	Attachment No.
	CONSENT II		
28.	Order of Collection for Ad Valorem Taxes	44	
29.	FY97 Annual Financial Audit Services Contract	44	
30.	North Mecklenburg Water Treatment Plant - Amendment #6	45	43
31.	Mallard Creek Water Reuse Reclamation Facility Budget Ordinance	46	
32.	McDowell Creek Wastewater Treatment Plant Phase II Improvements - Change Order #1	47	
33.	Watershed Management System	47	
34.	FAA Grant Acceptance, Budget Ordinance, and Construction Contract Award	48	
35.	Airport Valet Parking Contract Award	50	
36.	Airport Land Acquisition Agreement with North Carolina Department of Transportation and Budget Ordinance	51	
37.	Sale of City Property - 2426 Danforth Lane	52	
38.	Sale of City Property - 2520 Carrington Court	54	
39.	Property Transactions	55	
40.	Meeting Minutes	59	

5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Airport Annual Report

This report is included in the July 23 Council-Manager package

2. Airport Retail Concessions Contract

Attachment 1

3. Utility Billing System

Attachment 2

6:30 P.M. CITIZENS HEARING
MEETING CHAMBER

CONSENT

4. Consent agenda items 24 through 40 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

ZONING DECISION

5. Decision on Petition #97-40

Decision on Petition #97-40 by Glen A. Roberts for a change in zoning for approximately two acres on the west side of Providence Road, between Jefferson Drive and East Barden Road from R-3 to R-8MF(CD).

A protest petition has been filed and is sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee voted to recommend approval of this petition, with the following modifications

- The number of units would be reduced to 14 by deleting the dwelling units at the southwest corner of the site

- The renderings and fence detail submitted at the Zoning Committee's Work Session would be made part of the site plan

Attachment 3

PUBLIC HEARING

6. Public Hearing to Close an Alleyway off Brookshire Boulevard

Action:

A. Conduct a public hearing to abandon an alleyway off Brookshire Boulevard; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

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

Explanation of Request

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

Background:

Petitioner:
RaceTrac Petroleum, Inc

Right-of-Way to be abandoned:
An alleyway off Brookshire Boulevard

Location:
From Brookshire Boulevard southwardly approximately 250 feet to its end

Reason:
To incorporate the right-of-way into adjacent property owned by RaceTrac Petroleum, Inc

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 Association - Brookfield Neighborhood - No objection

Private Utility Companies - No objection

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

1 Be contrary to the public interest, or,
2 Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statute

Attachment 4
Map

7. Public Hearing to Close an Alleyway South of Laurel Avenue

Action:

A. Conduct a public hearing to abandon an alleyway south of Laurel Avenue; and

B. Adopt the Resolution to Close

Staff Resource: Scott Putnam

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

Explanation of Request· 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

Background:

Petitioner:
A L Green & Co , Inc

Right-of-Way to be abandoned:
An alleyway off Laurel Avenue

Location:
From Laurel Avenue southeastwardly approximately 250 feet

Reason:
To incorporate the right-of-way into adjacent property owned by the abutting property owners

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 -
Charlotte Council of Garden Clubs - No objection
Elizabeth Neighborhood Association - No official position

Private Utility Companies - No objection

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

1 Be contrary to the public interest, or,
2 Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statute

Attachment 5
Map

8. Public Hearing to Close an Unnamed Roadway off Nations Ford Road

Action:

A. Conduct a public hearing to abandon an unnamed roadway off Nations Ford Road; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

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

Explanation of Request: 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

Background:

Petitioner:
Feld Development Corporation

Right-of-Way to be abandoned:
An unnamed roadway off Nations Ford Road

Location:
From Nations Ford Road approximately 215 feet to its end

Reason:
To incorporate the right-of-way into adjacent property owned by Feld Development Corporation

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

Neighborhood Associations -
Cedar Knoll Neighborhood Association - No Objection

Adjoining property owners - No objection

Private Utility Companies - No objection

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

1 Be contrary to the public interest, or
2 Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statute

Attachment 6
Map

9. Public Hearing to Close an Alleyway between Greenwood Cliff and Harding Place

Action:

A. Conduct a public hearing to abandon an Alleyway between Greenwood Cliff and Harding Place; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

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

Explanation of Request: 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

Background:

Petitioner:
James H Henderson

Right-of-Way to be abandoned:
An alleyway between Greenwood Cliff and Harding Place

Location:
Northeast from Harding Place approximately 290 feet to Greenwood Cliff

Reason:
To incorporate the right-of-way into adjacent properties

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 -
Charlottetown Terrace - No objection
Charlotte Organizing project - No objection
Midtown Charlotte - No objection
Cherry Community Organization - No objection
Dilworth Community - No objection

Private Utility Companies - No objection

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

1 Be contrary to the public interest, or
2 Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statute

Attachment 7
Map

10. Public Hearing to Close a Portion of Lorna Street

Action:

A. Conduct a public hearing to abandon a portion Lorna Street; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

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

Explanation of Request: 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

Background:

Petitioner:
Scott Boxberger

Right-of-Way to be abandoned:
A portion of Lorna Street

Location:
From Shenandoah Avenue northwardly approximately 150 feet to its end

Reason:
Lorna Street was closed as part of the Independence Freeway project and the adjoining property owners want to incorporate the right-of-way into their properties

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

Neighborhood Associations - Chantilly Neighborhood Association - No objection

Adjoining property owners - No objection

Private Utility Companies - No objection

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

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

Attachment 8
Map

11. Public Hearing to Close a Portion of Bascom Street

Action:

A. Conduct a public hearing to abandon a portion Bascom Street; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

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

Explanation of Request:

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

Background:

Petitioner:
Elizabeth Ann Harrison and Ethel R Adams

Right-of-Way to be abandoned:
A portion of Bascom Street

Location:
From Shenandoah Avenue northwardly approximately 150 feet to its end

Reason:
Bascom Street was closed as part of the Independence Freeway project and the adjoining property owners want to incorporate the right-of-way into their properties

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

Neighborhood Associations - Chantilly Neighborhood Association - No objection

Adjoining property owners - No objection

Private Utility Companies - No objection

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

1 Be contrary to the public interest, or
2 Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statute

Attachment 9
Map

12. Public Hearing to Close Wasena Street

Action:

A. Conduct a public hearing to abandon a portion Wasena Street; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

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

Explanation of Request: 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

Background:

Petitioner:
Scott Boxberger and D L Phillips Investments

Right-of-Way to be abandoned:
A portion of Wasena Street

Location:
From Shenandoah Avenue northwardly approximately 150 feet to its end

Reason:
Wasena Street was closed as part of the Independence Freeway project and the adjoining property owners want to incorporate the right of-way into their properties

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

Neighborhood Associations - Chantilly Neighborhood Association - No objection

Adjoining property owners - No objection

Private Utility Companies - No objection

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

1 Be contrary to the public interest, or
2 Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statute

Attachment 10
Map

POLICY

13. Traffic Signal Alternatives

Action: Approve Transportation Committee recommendations regarding three locations where traffic signals were requested:

A. Parkwood Ave. and Seigle Ave. and/or Parkwood Ave. and Pegram Street
B. Park Road at the Harris-Teeter entrance to Park Road Shopping Center
C. Park Road at South Mecklenburg High School

Committee Chair: Sara Spencer

Staff Resource: Bill Finger and Randy Jones

Policy CDOT evaluates intersections for traffic signals according to the federal and state guidelines associated with the mandated Manual On Uniform Traffic Control Devices (MUTCD) City Code 14-57(d) requires the manual be followed, except by resolution of Council

Explanation of Request:

- Citizens have approached City Council for new traffic signals at three locations The Department of Transportation informed these citizens that the locations do not meet the requirements used for signal justification The requests were forwarded to the Transportation Committee for recommendation Transportation Committee members include Sara Spencer, Chair, Lynn Wheeler, Vice-Chair, Mike Jackson, Ella Scarborough, and Al Rousso

A Parkwood Avenue - citizen concern is for pedestrian traffic
Options
1 Re-stripe Parkwood Avenue to create a 4 foot, painted median from McDowell Street to Pegram Street (cost $6,000)
2 Install 4 foot concrete median (approximately $75,000)

3 Purchase and remove building at Pegram Street to improve visibility for vehicles entering Parkwood Avenue
($26,000 plus $10,000 demolition costs)

4 Install traffic signal at Parkwood/ Seigle ($30,000)

5 Install traffic signal at Parkwood/ Pegram ($30,000)

6 Install traffic signal at both intersections of Parkwood with Seigle Avenue and Pegram Street ($60,000)

In addition, street lighting is being upgraded along Parkwood Avenue, and additional guardrail is planned for a section of road near the park

Committee recommends both Options #1 and #3. Vote was 5-0.

B Park Road at Harris Teeter Entrance to Park Road Shopping Center - citizen concern about accident (a fatality occurred there on November 8, 1996)

Options

1 Restrict left turns out of the shopping center driveway

2 Leave as is, since accident problem is not sufficient to warrant signal

3 Install traffic signal

Committee recommends Option #2 with the stipulation that it be revisited in one year if accident history warrants. Vote was 5-0.

C Park Road at South Mecklenburg High School (currently has a school signal which operates an average of two hours every school day) - citizen concern about accidents (a fatality occurred there on April 14, 1997)

Options

1 Make a protected-prohibited (arrow-only) left turn phase into the school

2 Operate signal during afternoon only

3 Take signal out and grant permit for school system to use off-duty officers
4 Continue current operation
5 Operate signal 24-hours each day

Committee recommends Option #4. Vote was 4-1 with Councilmember Scarborough supporting Option #5.

- Citizens interested in each traffic signal location appeared before the Transportation Committee and were permitted to speak whether in favor of or in opposition to the proposed traffic signal location being discussed Additional information used in CDOT's evaluation is attached

Funding: Costs associated with any option are programmed within the departmental budget

Background:

- Historically the Council has chosen to adhere to the current City policy of using the national guidelines

- The following information about traffic signals is provided

  - In the last year, CDOT received requests for traffic signals at 94 locations

  - CDOT installs about 20 new signals per year, most at major intersections

  - There is a conflict between public desire for access and dislike of delay

- Facts About Traffic Signals

  - Signals do not create safer intersections for pedestrians or motorists

  - Signals do not slow down traffic

  - Signals do not help left turns

  - When signals are closely spaced, coordination is difficult

- Signal Justification/Guidelines
  - Volumes (pedestrian & vehicular)
  - Accidents
  - Delay
  - Intersection Evaluation
  - Adequate turning lanes
  - Proximity to nearby signals

Attachment 11
Signal evaluation findings presented to the Transportation Committee

14. First Ward Concept Plan

Action:

A. Approve Council's City Within A City Committee recommendation to adopt First Ward Concept Plan; and

B. Receive as information the First Ward Implementation Program.

Committee Chair: Ella Scarborough

Staff Resources: Laura Harmon and Debra Campbell

Focus Area City Within A City and Economic Development

Explanation of Request:

- The First Ward Master Plan, the Concept Plan, provides a development framework for First Ward The Concept Plan outlines the desired land use and development characteristics for the area On June 16, the City Within A City (CWAC) Committee reviewed the First Ward Concept Plan and unanimously recommended approval Committee members present on June 16 were Ella Scarborough, Patrick Cannon, and Sara Spencer

- The Implementation Program, outlines the actions, both public and private, needed to implement the plan

- On June 23, the committee discussed the Implementation Program and received it as information ***The Implementation Program is not being recommended for approval*** Actions identified in this document will be brought to Council separately for consideration

- The goals of the plan are
  1 to create a vibrant new, mixed-income residential neighborhood in Uptown Charlotte, and
  2 to increase the value of property in First Ward and the tax base of the City of Charlotte and Mecklenburg County

Committee Discussion:

- At their June 16 meeting, Council's CWAC Committee voted 3 0 to recommend approval of the Concept Plan At their June 23 meeting, the Committee discussed the Implementation Program The Implementation Program does not require formal action by Council Committee members present on June 23 were Ella Scarborough, Patrick Cannon, Sara Spencer, Tim Sellers, and Mike Jackson The Committee voted 5 0 to forward the Implementation Program to Council as information Council members requested the following changes to the Implementation Program

  - Develop strategies to promote existing and new small businesses in First Ward, and

  - Include property owners in process to develop alternatives to UMUD zoning

Community Input:

- On November 13 and 15, 1995 a design charrette was held to gather input from property owners and other interested parties On June 10, 1996, a public hearing for the Planning Committee and City Council was held In December, 1996, five meetings with property owners were held to review and discuss plan recommendations

Background:

- The First Ward planning process was initiated in the fall of 1995 This effort has been jointly funded by the Charlotte Housing Authority, the Charlotte Center City Partners, NationsBank Community Development Corporation, and the City of Charlotte/Charlotte-Mecklenburg Planning Commission This team hired UDA Architects to create a development concept for First Ward City staff used information from UDA's report to develop the Concept Plan for First Ward

- The First Ward Master Plan was presented to the full City Council in June of 1996 Since that time, the plan has been approved by the Planning Committee of the Planning Commission and the City Council's City Within A City Committee

- The First Ward Concept Plan and the Implementation Program are included in the July 23 Council-Manager package

15. Third Ward Concept Plan

Action:

A. Approve Council's Economic Development and Planning Committee Recommendation to adopt the Third Ward Concept Plan; and

B. Receive as information the Third Ward Implementation Program.

Committee Chair: Lynn Wheeler

Staff Resources: Warren Burgess and Debra Campbell

Focus Area: Economic Development and City Within a City

Explanation of Request:

- Council is being asked to approve the Third Ward Concept Plan, which provides a development framework for the Third Ward Neighborhood by outlining the desired land use and development characteristics for the area The impact of this action will be to establish an adopted vision for Third Ward so that development will occur in a manner that is consistent with the goals of the Third Ward Plan

- On June 17, 1997 City Council's Economic Development and Planning Committee reviewed and approved the Third Ward Concept Plan by a 3-0 vote Committee members attending were Nasif Majeed, Malachi Greene, and Charles Baker

- The goals of the Plan are
  1. to maintain the character and quality of existing residential areas,
  2. to provide for new urban scale, pedestrian oriented development that strengthens the neighborhood and provides opportunities for higher density housing with a mixture of retail and office uses, and,
  3. to develop a circulation network that gives safe pedestrian and vehicular movement to all areas of Third Ward, as well as to adjacent neighborhoods and commercial districts

- ***The Implementation Program is not being recommended for approval.*** Instead, actions identified in this document will be brought to Council individually at a future date for consideration

Committee Discussion:

- Much of the committee discussion related to the issue of gentrification, the process by which lower income residents are forced out by rising land values The City's Neighborhood Development Department will be asked to develop strategies to address this problem in Third Ward and other areas where gentrification might occur

- Other discussions related to the difficulty for some Councilmembers to approve a concept that may imply their approval of the strategies to implement that concept, such as capital projects and rezoning requests Staff has separated the plan so that the concept is separate from the implementation strategies Council's action relates only to the concept

Community Input:

- The planning process began with a public meeting in March of 1995, for the purpose of receiving input into the planning process, and asking for volunteers to serve on a stakeholders committee

  The stakeholders committee worked to develop specific recommendations to address identified issues

- In March of 1996 another public meeting was held and the stakeholders presented the recommendations to the neighborhood A public hearing was held in October, at which time Council requested an additional public meeting This hearing was held in December 1996

- Copies of the Third Ward Concept Plan and Implementation Program are included in the July 23 Council-Manager Memo

16. Approve Restructuring Government Committee Recommendations on Professional Service Contracts

Action: **Approve the following recommendations of the Restructuring Government Committee:**

A. Amend the current selection process for engineering, architectural and surveying firms by requesting that rate schedules be included in Request for Qualifications (RFQ);

B. Confirm and continue the current policy for selection of Bond Underwriters;

C. Conduct an RFQ process for the selection of Bond Counsel. Limit the selection of Bond Counsel to firms with a presence in Mecklenburg County; and

D. Continue the current practice of selection of outside legal services based on experience, quality of work and cost.

Committee Chair: Charles Baker

Staff Resource: Mac McCarley

Focus Area: Restructuring Government

Policy: Policy for Procurement of Architectural, Engineering or Surveying Services (included in attached Committee Report)

Explanation of Request:

- At the August 26, 1996 City Council business meeting, Councilmembers Don Reid and Malachi Greene raised questions concerning professional service contracts and the City's procedures and policies in awarding these contracts Council referred the issue to Council's Restructuring Government Committee

- The Committee devoted four meetings to reviewing professional service contracts for architects, engineers and surveyors, bond underwriters, bond counsel, and other outside legal services

Engineers, Architects and Surveyors

- Council policy provides for the selection of engineers, architects and surveyors based on State law (NCGS 143-64) The law states that selection shall be based on "demonstrated competence and qualification and without regard to fee " The City Attorney advised the Committee that although this statute would prohibit requiring fee proposals in the qualification stage, it does not prohibit the submission of hourly rate schedules for members of the firm

- The Committee heard presentations from staff and practicing professionals on the subject The Committee discussion focused on the disclosure of rate schedules The Committee voted unanimously to request vendors to submit rate schedules along with responses to RFQs The Committee members present were Charles Baker, Don Reid, Sara Spencer and Malachi Greene The rate schedules would include hourly rates for positions in the firm The rate schedules would not be used in the selection process, but would be used after vendor selection in the negotiation process

Bond Underwriters

- Bond Underwriters provide financial expertise in marketing and selling the City's debt instruments such as bonds The Committee discussion focused on the issues of using local firms and potential cost savings under competition

- The Committee voted 3-1 (with Don Reid dissenting) to continue the current selection process, which uses local firms to market City bonds Committee members supporting the current selection process were Charles Baker, Malachi Greene, and Sara Spencer

Bond Counsel

- Bond Counsel provides the City with legal expertise related to debt instruments such as bonds Bond Counsel is chosen by City Council and reports directly to City Council The Committee discussion focused on the longevity of current bond counsel (selected in July of 1987) and the need to check the relationship and the existing arrangement

- The Committee unanimously approved the option of conducting an RFQ process The Committee also endorsed staff recommendation (4-1, with Malachi Greene dissenting) to retain a bond counsel firm with a presence in Mecklenburg County Committee members present were Charles Baker, Don Reid, Mike Jackson, Sara Spencer, and Malachi Greene

- If City Council approves this item, staff will initiate the steps necessary for the RFQ process (see attached schedule in Committee Report) The schedule provides for selection of Bond Counsel in early 1998

Outside Legal Services

- The City contracts with legal firms to provide legal expertise to the City The Committee unanimously approved (with all members present) the current practice of selection of legal services based on experience, quality of work and cost

Attachment 12
Restructuring Government Committee Report
Professional Service Contracts

17. Composition of Planning Commission

Action: **Approve recommendation of the Planning Liaison Committee to adopt a resolution amending the Charlotte-Mecklenburg Planning Commission's Interlocal Cooperative Agreement. The amendment makes the Mecklenburg Board of Education a signatory partner with two appointments.**

Staff Resources: Dick Black and Debra Campbell

Explanation of Request:

- On March 13, 1997, the Planning Liaison Committee made recommendations for changes to the Interlocal Cooperative Agreement in response to the City Council's and the Board of County Commission's request to review the Interlocal Cooperative Agreement and the composition of the Charlotte-Mecklenburg Planning Commission
- The City's Planning Liaison Committee members are Mike Jackson, Don Reid and Sara Spencer
- As an outgrowth of this request, the Planning Liaison Committee identified the need for the Charlotte-Mecklenburg Schools to more fully participate in cooperative long-range strategic planning
- Therefore, the recommendations include having the Board of Education as a signatory partner in the Interlocal Cooperative Agreement The Planning Commission would still consist of 14 voting members Four members of the Planning Commission shall be appointed by the City Council, two members shall be appointed by the mayor, six members shall be appointed by the Board of County Commissioners and two members shall be appointed by the Board of Education

Community Input: City Council held a public hearing on July 21 to receive input on this issue

Background:

- In November 1996 Lynn Wheeler, Chairman of the City Council's Economic Development/ Planning Committee, requested that a joint committee be set up to review the Charlotte-Mecklenburg Planning Commission's Interlocal Cooperative Agreement The Mecklenburg County Commission and the Charlotte City Council referred the Interlocal Cooperative Agreement review and the issue of the composition of the Planning Commission to the Planning Liaison Committee for discussion and recommendations

- On March 25, the Board of Education voted unanimously to enter into the planning process with the City and County, including selection of two appointments to the Planning Commission

- On June 23, the resolution was submitted for Council consideration as part of a three part request Two of the parts, development of a citizen's planning orientation process, from which future appointees could be chosen, and a framework/process for coordinated school and community planning, were approved Part three, adoption of a resolution amending the Interlocal Cooperative Agreement, was deferred until July 28 A public hearing on the amendment was held on July 21

- On July 15, the Board of County Commissioners approved.
  - the citizen's's planning orientation process,
  - the framework/process for coordinated school and community planning, and
  - the resolution amending the Interlocal Cooperative Agreement

Attachment 13
Planning Liaison Committee Recommendations and Historical Information

18. Sidewalk Dining Ordinance

Action: **Adopt a citywide ordinance allowing sidewalk dining.**

Staff Resource: Tom Flynn

Focus Area Economic Development

Explanation of Request:

- Uptown restaurants believe that they are losing customers to suburban restaurants which have outdoor dining Since some Uptown, Elizabeth, and Dilworth restaurants are built on zero lot lines, it is necessary for them to use City sidewalks to provide outdoor dining

- The proposed ordinance would allow outdoor dining on city sidewalks and rights-of-way provided that an encroachment agreement is executed between the restaurant/property owner and the City that includes, but is not limited to, the following conditions

  - Requirements for minimum clear space (paved) for the passageway of pedestrians and minimum clearances from driveways, fire hydrants, bus shelters/stops, crosswalks, and intersections

  - No permanent fixtures, facilities, or structures

  - No business, product, or other advertising/signing on any encroaching item

  - Sidewalks and adjacent right-of-way/private property are to be kept clean and sanitary

  - Service will be provided by a restaurant employee only

  - Must obtain comprehensive general liability insurance coverage of not less than $1,000,000 for bodily injury and property damage liability

- The encroachment agreement for sidewalk dining will cover a time period of one year

- The City will charge a $1 permit fee through June 30, 1998 Administrative costs will be monitored during this time period Staff will inform Council of any increase in the permit fees

- The proposed ordinance grants the CDOT Director authority to execute encroachment agreements for outdoor dining if these conditions are met

- At a later date, Council will be asked to consider allowing beer and wine to be served in the outdoor dining facilities

BUSINESS

19. Transit Management Contract Extension

Action: **Approve a two-year contract option with ATE Management and Service Company, Inc. for transit management services for a total amount not to exceed $853,000.**

Staff Resource: Lynn Purnell

Explanation of Request

- The City's three-year contract with ATE for transit management services ends on August 31, 1997 The 1994 agreement included an option to renew for two more years at the end of the term

- As presented at the June 23 Council dinner, Charlotte Department of Transportation (CDOT) staff recommends exercising the two-year option Under the terms of the 1994 agreement, the increase in the management fee will be 4% each year of the two year contract option, plus an additional increase, not to exceed 4% each year, based upon ATE's performance in the following areas during the preceding year

  - On-time performance
  - Number of trips completed
  - Service interruptions due to bus mechanical problems
  - Efficiency cost per mile
  - Safety number of preventable accidents

Funding: The FY98 budget includes funds for the management contract The total not to exceed amount for the first year is $410,000 and $443,000 for the second year

Background:

- ATE has managed the City's bus system since 1977 The firm is currently developing specifications or evaluating suppliers for three major capital purchases

  - Thirty-one new low-floor buses
  - New radio communications system
  - New fare collection system

- The local ATE management team will support CDOT staff in implementing the transit elements of the Five Year Transportation Plan ATE personnel also assisted in plan preparation during 1996-97

- Under ATE's management, Charlotte's bus system ranked number 9 out of 127 of the country's largest urban transit systems for efficient operation These results are from a recent study by UNCC professor David Hartgen

- In 1999, CDOT staff will issue a Request for Proposal for transit management services The Federal Transit Administration requires competitive procurement of management services every five years

20. 1997 Council Calendar Revision

Action:

A. Revise the Council Calendar by changing the date for the September Workshop and Citizens Hearing to Wednesday, September 3, 1997 at 5:00 p.m.; and

B. Change the December 1 Workshop Meeting and Citizens Hearing to the Oath of Office Ceremony.

Staff Resource: Brenda Freeze

Explanation of Request:

- Since September 1 is the Labor Day Holiday and citizens hearings are televised on the first Monday, staff recommends that Council hold its citizens hearing and workshop meeting on September 3, 1997 The County Commission has already reserved the Council Chamber for their regular Tuesday evening meeting on September 2

- Staff also recommends that Council change the citizens hearing and workshop meeting on December 1 to the Oath of Office Ceremony

Attachment 14
Revised Calendar

21. Nominations for Boards and Commissions

Action: **Council may nominate one person for each vacancy and reappoint the incumbents at this meeting if desired.**

1 **AIRPORT ADVISORY COMMITTEE**
Two, three year appointments beginning August 1997 One appointee must have an aviation affiliation and the other must reside on the west side of Charlotte Harold Carter, aviation affiliation, is not eligible to be reappointed, Ralph Easterling, west side resident, is eligible and would like to be reappointed

Attachment 15

2 **CLEAN CITY COMMITTEE**
One position to fill an unexpired term beginning immediately and ending June 30, 1998 Michael Kolb has resigned

Attachment 16

3 **DOMESTIC VIOLENCE ADVISORY BOARD**
One, three year appointment beginning September 1997 June Kimmel is not eligible to be reappointed

Attachment 17

4 **HISTORIC DISTRICT COMMISSION**
One position beginning immediately to fill an unexpired term ending June 30, 1998 Leon Orr did not meet attendance requirements

Attachment 18

5 **HOUSING AUTHORITY**
One appointment beginning immediately to fill an unexpired term (December 1997), and the next full three year term Virginia Fullwood has resigned Appointee must reside in public housing

Attachment 19

6 **MAYOR'S INTERNATIONAL CABINET**
Two, three year appointments beginning immediately and ending June 2000 One appointee should be a representative of an ethnic organization

Attachment 20

7 **SISTER CITIES COMMITTEE**
Three unexpired appointments beginning immediately and ending April 1998 Ahmad Daniels and Kimberly Mitchell have resigned Lori Frazier did not meet attendance requirements

Attachment 21

8 **STORM WATER ADVISORY COMMITTEE**
One appointment to fill an unexpired term beginning immediately and expiring April 1998 Derrick Tabor has resigned Appointee must represent a school, college, hospital or church

Attachment 22

9 **TAXICAB REVIEW BOARD**
Two, two year terms beginning September 1997 Gregory Ritch is not eligible to be reappointed in the Cab Driver category, Al Wheeler is eligible in the operating permit category and would like to be reappointed

Attachment 23

10 **WASTE MANAGEMENT ADVISORY COMMITTEE**
One recommendation to the County Commission for a three year term beginning October 1997 to represent the Chamber of Commerce James McMullan does not wish to be reappointed

One recommendation to the County Commission for a three year term beginning immediately to replace Pam Arthur, who has resigned Appointee must be a member of the Clean City Committee, and the Committee Chair recommends that Ann Kimbro be appointed

Attachment 24

11 <u>YOUTH INVOLVEMENT COUNCIL</u>
Two, three year appointments beginning August 1997 William Haggerson is eligible and would like to be reappointed, Thomas Massey does not wish to be reappointed

Attachment 25

<u>22.</u> Appointments to Boards and Commissions

A. <u>CITIZENS REVIEW BOARD</u>
Council will appoint five citizens, the Mayor and City Manager will each appoint three Council will then select the Chair and a Vice Chair from the total membership of 11 The five citizens will serve three year terms beginning immediately Please turn in the paper ballots at dinner as it will likely take several ballots to narrow the field to five

1 Marilyn Jennifer Aldridge by Councilmember Cannon
2 Stephen J Allan by Councilmember Wheeler
3 Darrell A Alleyne by Councilmember Majeed
4 McKay Belk by Councilmember Rousso - **DECLINED NOMINATION**
5 Dorcas E Berg by Councilmember Jackson
6 Bennie Foster Blair, Jr by Councilmember Jackson
7 Ray Bowley, Jr by Councilmember Baker

8 Rebecca Pelot Cherry by Councilmember Wheeler
9 Virle T Clary by Councilmember Reid
10 Patricia Ann Collins by Councilmember Cannon
11 Maxine R Crowder-Wilson by Councilmember Cannon
12 George Daly by Councilmember Majeed
13 John Davis by Councilmember Majeed
14 Jimmie Raye Elliott by Councilmember Scarborough
15 Ericka Michelle Ellis-Stewart by Councilmember Spencer
16 David W Erdman by Councilmember Scarborough
17 Elloree M Erwin by Councilmember Greene
18 Harry Exume' by Councilmember Cannon
19 Edward Lee Fazzi by Councilmember Spencer
20 Dr Marshall L Fisher by Councilmember Rousso
21 Anthony Fox by Councilmember Spencer
22 Uriah Ray Gooding by Councilmember Greene
23 Brian David Gott by Councilmember Reid
24 Dr Sandra Govan by Councilmember Scarborough
25 Frederick Haeflein by Councilmember Reid
26 Joseph Sterling Henry by Councilmember Sellers
27 Sharon B High by Councilmember Sellers
28 Calvin Daniel Jackson by Councilmember Scarborough
29 Brenda Carol Johnson by Councilmember Baker
30 Clifton E Johnson by Councilmember Cannon - **DECLINED NOMINATION**
31 Daniel Williams Jones by Councilmember Sellers
32 Reverend Norman Eugene Kerry, Jr by Councilmember Majeed
33 Vilma D Leake by Councilmember Scarborough
34 Carol Ann Linkner by Councilmember Baker

35 Russell J Loudermilk by Councilmember Reid
36 Albert Harry Mandell by Councilmember Rousso
37 Timothy Dexter Massey by Councilmember Rousso
38 Bernice J Miller by Councilmember Rousso
39 Bobby Reginald Miller by Councilmember Reid
40 John Miller by Councilmember Spencer
41 Haze Lee Moore by Councilmember Jackson
42 Morton Carol Nickell by Councilmember Jackson
43 Patricia J Norket by Councilmember Greene
44 William Robert Overhultz, Sr by Councilmember Sellers
45 Stuart K Owen by Councilmember Baker
46 Sharron White Palermo by Councilmember Wheeler
47 Robert Patterson by Councilmember Majeed
48 William Joseph Payne by Councilmember Sellers
49 Dr Robert D Ruth by Councilmember Spencer
50 Karl Norman Schul by Councilmember Baker
51 Robert W Shirley by Councilmember Wheeler
52 Carole L Stephenson by Councilmember Greene
53 Norma W Turnipseed by Councilmember Jackson
54 Suzanne Boyle Varner by Councilmember Wheeler
55 David F Williams by Councilmember Greene

Attachment 26

B. **CITIZENS COMMITTEE OF 21**

Council decided on July 21 to leave nominations open and call the City Clerk's Office this week with further nominations Any applications received will be sent in the Council-Manager package on Friday,
July 25

1 Jamie Ailiff by Councilmember Wheeler
2 Dan Clodfelter by Councilmember Spencer
3 Dot Hailey by Councilmember Spencer
4 Jane Henderson by Councilmember Spencer
5 Emory Howard by Councilmember Jackson
6 Lindsey McAlpine by Councilmember Jackson
7 Ralph McMillan by Councilmember Wheeler
8 Norman Mitchell by Councilmember Spencer
9 Alice Oliver by Councilmember Wheeler
10 Sam Smith by Councilmember Wheeler
11 Larry Talbert by Councilmember Jackson

Attachment 27

23. Closed Session

Action: **Adopt a motion to go into closed session to consult with attorneys employed or retained by the City Council to discuss matters covered by the attorney/client privilege, specifically including Adams Outdoor Limited Partnership, doing business as Adams Outdoor Advertising v. City of Charlotte.**

Introduction to CONSENT I and II

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

CONSENT I

24. Various Bids

A. Residential Sound Insulation Construction Contract A — **Aviation**

Recommendation: The Aviation Director recommends the low bid of $225,845 by Bass & Jones of Winston-Salem, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$225,845	100%	10%

B. Residential Sound Insulation Construction Contract B — **Aviation**

Recommendation: The Aviation Director recommends the low bid of $237,433 by Bass & Jones of Winston-Salem, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$237,433	100%	10%

C. Residential Sound Insulation Construction Contract C — **Aviation**

Recommendation: The Aviation Director recommends the low bid of $243,795 by Bass & Jones of Winston-Salem, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$243,795	100%	10%

D. Residential Sound Insulation Construction Contract D — **Aviation**

Recommendation: The Aviation Director recommends the low bid of $60,573 by Moretti Construction of Charlotte, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$350	5%	10%

E. Storm Water Maintenance FY98 A — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $436,675 from KIP Corporation, Inc of Charlotte, N C

MWBD Compliance: Yes Kip Corporation will self perform all the work

F. Storm Water Maintenance FY98 B — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $430,825 from United Construction Company of Charlotte, N C

MWBD Status:	Amount	% of Project	Project Goals
ABE	$430,825	100%	0%

G. Parking Lot Repair — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $149,204 55 by Sherrill and Associates, Inc of Charlotte, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$7,525	6%	3%
WBE	$6,880	5%	2%

H. Reid Park Neighborhood Improvements, Phase V — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $494,943 58 by KIP Corporation of Charlotte, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	$41,050	8 5%	8%
WBE	$17,485	4%	4%

I. Sanitary Sewer Construction FY98 Contract #101 - Street Main Extensions — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $776,461 50 by Foster Utilities, Incorporated of Pineville, N C

MWBD Compliance: Yes The Utility Department has reviewed the Contractor's MWBD documentation and determined that the Contractor will self-perform all elements of work on this project with his own forces

J. Water and Sewer Main Construction FY98 Contract #102 - Street Main Extensions — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $829,943 20 by 7 Star Construction Company of Rock Hill, S C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$829,943 20	100%	2%

K. Water and Sewer Main Construction FY98 Contract #103 - Street Main Extensions — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $933,868 80 by Utilityworks, Incorporated of Stanfield, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$18,700	2%	2%
WBE	$28,100	3%	3%

L. Sanitary Sewer Construction - 12-Inch Sanitary Sewer to Serve Central Piedmont Community College **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $261,592 12 by 7 Star Construction Company, Incorporated of Rock Hill, S C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$261,592 12	100%	3%

M. Police Helicopter **Charlotte-Mecklenburg Police Department**

Recommendation: The Charlotte-Mecklenburg Police Chief recommends the low bids meeting specifications be accepted for award to

1 Bell Helicopter of Ft Worth, Texas in the amount of $1,264,120 for one helicopter without hoist, and

2 Edwards & Associates of Bristol, Tennessee in the amount of $271,390 for a specific combination of police flight equipment

Total bid is $1,535,510

MWBD Compliance: Yes There are no known MWBD vendors

25. Resolution of Intent to Abandon Street and Set Public Hearing Old Village Drive

Action:

A. Adopt the Resolution Of Intent to abandon Old Village Drive; and

B. Set a public hearing for August 25, 1997.

Attachment 28
Map

26. Refund of Certain Taxes

Action: **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $25,648.71.**

Attachment 29

27. In Rem Remedy

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

Public Purpose:

- Eliminate a blighting influence in a City Within a City neighborhood.
- Reduce the proportion of substandard housing from 2.3% to 1% in 1997. (One of the goals of City Within a City is to continue housing preservation efforts.)
- Increase tax value of property by making land available for potential infill housing development.

Policy:

- City Within a City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

The In Rem Remedy items are listed below by category identifying the street address and neighborhood.

Public Safety

A. 2509-11 Pruitt Street (Westerly Hills)
B. 1020 Andrill Terrace (McCrorey Heights)
C. 504 Centre Street/3320 Tennessee Avenue (Oakview Terrace)
D. 3705 Sharon View Road (Governor's Square) - (Commercial Structure)
E. 716 Billingsley Road (Grier Heights)

Complaint

F. 1226 Beatties Ford Road (McCrorey Heights)
G. 4112 Rozzelles Ferry Road (Thomasboro/Hoskins)
H. 1225 Berryhill Road (Wesley Heights) - (Commercial Structure)
I. 1840 Vinton Street (Oaklawn)

Field Observation

J. 1128 Montcalm Street (Thomasboro/Hoskins)
K. 812 W. 5th Street, #1-#4 (Third Ward)
L. 812 W. 5th Street, #5-#10 (Third Ward)
M. 9829 Packard Street (Sterling)

Public Safety

A. 2509-11 Pruitt Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2509-11 Pruitt Street (Westerly Hills), located in the City Within a City boundaries.

Attachment 30

B. 1020 Andrill Terrace

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1020 Andrill Terrace (McCrorey Heights), located in the City Within a City boundaries.

Attachment 31

C. 504 Centre Street/3320 Tennessee Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 504 Centre Street/3320 Tennessee Avenue (Oakview Terrace), located in the City Within a City boundaries.

Attachment 32

D. 3705 Sharon View Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3705 Sharon View Road (Governor's Square), located outside the City Within a City boundaries.

Attachment 33

E. 716 Billingsley Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 716 Billingsley Road (Grier Heights), located in the City Within a City boundaries.

Attachment 34

Complaint

F. 1226 Beatties Ford Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1226 Beatties Ford Road (McCrorey Heights), located in the City Within a City boundaries.

Attachment 35

G. 4112 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 4112 Rozzelles Ferry Road (Thomasboro/Hoskins), located in the City Within a City boundaries.

Attachment 36

H. 1225 Berryhill Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1225 Berryhill Road (Wesley Heights), located in the City Within a City boundaries.

Attachment 37

I. 1840 Vinton Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1840 Vinton Street (Oaklawn), located in the City Within a City boundaries.

Attachment 38

Field Observation

J. 1128 Montcalm Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1128 Montcalm Street (Thomasboro/Hoskins), located in the City Within a City boundaries.

Attachment 39

K. 812 W. 5th Street, #1-#4

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 812 W. 5th Street, #1-#4 (Third Ward), located in the City Within a City boundaries.

Attachment 40

L. 812 W. 5th Street, #5-#10

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 812 W. 5th Street, #5-#10 (Third Ward), located in the City Within a City boundaries.

Attachment 41

M. 9829 Packard Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 9829 Packard Street (Sterling), located outside the City Within a City boundaries.

Attachment 42

CONSENT II

28. Order of Collection for Ad Valorem Taxes

Action: **Adopt an order of collection empowering the Office of the Tax Collector to collect the City's ad valorem taxes.**

Explanation of Request

- The City-County Tax Attorney and the County Tax Administrator advise that the City Council adopt and that the Mayor sign an annual Order of Collection of taxes State law requires city and county governments to take this action annually

29. FY97 Annual Financial Audit Services Contract

Action: **Approve a contract with Deloitte & Touche LLP for $78,500 to provide audit services for the fiscal year ended June 30, 1997.**

Policy Audit services are to be provided by an independent auditing firm on a rotating basis for periods not to exceed four years pursuant to receiving and evaluating audit proposals

Explanation of Request:

- Deloitte & Touche LLP was selected as the City's auditing firm in 1996 This will be the firm's second year to provide audit services

Funding: Various funds (General, Water and Sewer, Airport, Public Transportation, Community Development, Employment and Training, Risk Management and Storm Water)

Background:

- State law requires that the City engage a certified public accountant at the end of each fiscal year to audit the accounting records, evaluate internal controls and audit the annual financial report

30. North Mecklenburg Water Treatment Plan - Amendment #6

Action:

Approve Amendment #6 to the Professional Services Contract with Black & Veatch for extended construction management services at the North Mecklenburg Water Treatment Plant for $239,200. This amendment will increase the professional services contract with Black & Veatch from $10,575,997 to $10,815,197.

Explanation of Request:

- This amendment will provide for extended construction management services at the North Mecklenburg Water Treatment Plant including
  - inspection,
  - construction engineering, and
  - contract administration
- The North Mecklenburg Water Treatment Plant projects were scheduled for completion in May of 1996 The dredging contract (#1) and the finished water transmission main contract (#3) were completed on time The treatment plan contract (#4) is substantially complete except for plant startup
- The intake and raw water main contract (#2) is incomplete and is projected for completion in mid-August of 1997
- Due to the delay in completion of the intake and raw water main contract (#2), the plant contractor was unable to complete the normal plant start-up Start-up and system checks had to be accomplished on a special schedule using treated water supplied from the potable water system
- Construction phase services from Black & Veatch have been extended to cover the plant start-up and the extended time over-run of the raw water system contract

Funding:

North Mecklenburg Water Treatment Plant Capital Account

Attachment 43
Chronological History of Black and Veatch Amendments

31. Mallard Creek Water Reuse Reclamation Facility - Budget Ordinance

Action: **Approve a budget ordinance appropriating $129,000 from Mecklenburg County to the Mallard Creek Water Reuse Account.**

Explanation of Request:

- At the request of Mecklenburg County Park & Recreation Department, an extension of the pipeline to the Mallard Creek recreation fields was included in the reuse pipeline construction contract The cost of that portion of the contract has been reimbursed by Mecklenburg County This money needs to be appropriated and transferred to the Mallard Creek Reuse account

Background:

- On March 25, 1996, Council approved a contract with Tradition, LLC to provide reuse water from the Mallard Creek Water Reclamation Facility for irrigation of the Tradition Golf Course at Mallard Creek Park Mallard Creek Park is owned by Mecklenburg County Mecklenburg County has a long term lease for development of the golf course with Blythe Development which owns Tradition, LLC

- On May 12, 1997, City Council approved the contract with Pizzagalli Construction and Energy Erectors for construction of the reuse pumping station

- On June 9, 1997 City Council approved a construction contract with Propst Construction Company for installation of the reuse pipeline

- Construction of these projects will allow for installation of the pump station and pipeline to provide non-potable water to the Tradition Golf Course and the Mecklenburg County recreation fields in the Mallard Creek Area

- Funding for the Effluent Water Reuse Project was approved in the FY95 Capital Investment Program

32. McDowell Creek Wastewater Treatment Plant Phase II Improvements - Change Order #1

Action: **Approve Change Order #1 with Pizzagalli Construction Company for additional work at McDowell and Mallard Creek Wastewater Treatment Plants for $139,899. This change order will increase the construction contract with Pizzagalli from $14,284,608 to $14,424,507.**

Explanation of Request:

- This change order will allow installation of handrails along existing facilities (aeration basins and clarifiers) at the McDowell and Mallard Creek Wastewater Treatment Plants The handrails are required by OSHA to ensure employee safety

Funding: Sewer Capital Account

Background:

- On April 8, 1996, Council approved the original contract with Pizzagalli Construction Company for $14,284,608

33. Watershed Management System

Action: **Approve an agreement for development of a computer Watershed Management System with Hayes, Seay, Mattern & Mattern in the amount of up to $1,190,000.**

Explanation of Request:

- The contract with Hayes, Seay, Mattern & Mattern will involve the development of an integrated computer application for analyzing and managing storm water systems in Charlotte This computer system, along with computer models of each watershed in the City, will enable the staff to

  - Analyze existing drainage problem areas to identify solutions,

  - Determine the optimum sequence of constructing flood control and drainage repair projects over many years,

- Provide rainfall and waterflow information to private engineers and developers that aid in preparing plans for new development,

- Analyze the drainage impact of proposed development, and identify drainage improvements that can offset and/or compensate for drainage impacts, and

- Efficiently maintain up-to-date information on the drainage infrastructure

- The deliverable is a computer application that may also have benefits for other cities or organizations The City Attorney's office and Engineering & Property Management are negotiating issues with the consultant related to the rights to computer products that may result in future royalties to the City or a reduced, up-front cost

- Hayes, Seay, Mattern & Mattern was selected using the Council approved consultant selection process

34. FAA Grant Acceptance, Budget Ordinance and Construction Contract Award

Action:

A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of $8,353,000 for Ramp B Expansion-Phase 3 and the Airport's Part 150 Noise Compatibility Program; and

B. Adopt a $9,470,667 budget ordinance to appropriate the FAA grant and $ 1,117,667 of Airport funds for constructing Ramp B Expansion-Phase 3; and

C. Award a $3,793,507 construction contract to Blythe Development Co. of Charlotte to construct the Ramp B Expansion-Phase 3 .

Policy

Master Plan, Airport Capacity Enhancement Plan, Taxiway Capacity Initiative Study

Explanation of Request

- The FAA has offered a grant in the amount of $8,353,000 to fund the completion of a high priority Airfield Capacity Improvement Project and the Airport's Noise Compatibility Plan $3,353,000 will fund the Terminal Ramp expansion and $5,000,000 will fund the Noise program

- Each year, the FAA provides entitlement funds based on passenger enplanements FY97 entitlement funds of $6,961,350 were accepted by Council on May 12, 1997

- In addition to the entitlement funds, the FAA provides funding, at the Secretary of Transportation's discretion, to high priority airport projects on a national basis Charlotte has been offered discretionary funding of $8,353,000 this year The total FAA funds accepted to date are $15,314,350

- This action awards a construction contract to Blythe Development Co of Charlotte in the amount of $3,793,507 for the construction of the Ramp B Expansion-Phase 3 Four bids were received and the DBE goal was 21% Blythe Development's DBE participation was 18%

Funding:

This Ordinance appropriates the proceeds from this Federal Grant, $8,353,000 and $1,117,667 from the Airport Discretionary Fund for a total of $9,470,667

Background:

- In 1987, the Airport Master Plan identified the expansion of the terminal ramp to accommodate traffic growth

- In June 1995, City Council awarded a design contract for the Ramp B Expansion

- In August 1995, an FAA Taxiway Initiative Study identified $7 million in delay avoidance savings available by constructing Taxiway F and Ramp B Expansion

- In September 1995, City Council accepted a $5,000,000 FAA Grant to construct Taxiway F, the first phase of the Ramp B Expansion

- In June 1996, City Council accepted a $8,520,828 FAA Grant to construct the second phase of the Ramp B Expansion

35. Airport Valet Parking Contract Award

Action: **Award a two year contract with two, one-year options to Carolina Time for the operation of Valet Parking at the airport.**

Explanation of Request:

- This item was deferred by Council on June 23 for additional information

- On March 24, 1997 City Council approved the purchase of 47 5 acres of property owned by Queens Property on which two parking lot facilities were located One will be assimilated into the Airport Satellite Parking operation The other is a valet parking lot Because the valet lot is labor intensive and operates independently of the Airport Parking Facilities, staff recommends contracting with an operator

- Request for Proposals were advertised and two companies responded, Carolina Time (the current operator) and Special Delivery, Inc

- The Airport's objective is to optimize revenue generation capacity of the facility and provide high quality service Additional considerations include

  - Valet Parking is an optional service provided to customers who will pay for special handling No one is required to use the service

  - The RFP set a minimum annual guarantee to the Airport of $200,000 or 35% of total parking revenue, which ever is greater, plus 50% of profit from gasoline sales

- Valet parking rates are driven by the rates set in the parking deck

- Carolina Time proposes a daily rate of $8 50 Special Delivery suggested a range of $7 50 to $9 50 and recommended $7 50

- A Selection Committee consisting of Airport staff and an Advisory Committee member interviewed both companies and recommend that Carolina Time, the incumbent operator, be awarded the contract because of their 15 years of experience and local management team Special Delivery is a company formed in 1994 but currently inactive and has no apparent assets Their parent company, Airport Express Incorporated, has no experience in Valet Parking

36. Airport Land Acquisition Agreement with N.C. Department of Transportation and Budget Ordinance

Action:

A. Adopt a budget ordinance to appropriate Airport funds amounting to $4,500,000 to provide temporary funding for the Airport Master Plan Land Acquisition; and

B. Approve a Municipal Agreement with the N.C. Department of Transportation for coordination of right-of-way acquisition for the western leg of the Outer Belt and land acquisition for the Airport Master Plan.

Explanation of Request

- NCDOT's Right-of-Way agents are currently in the process of contacting property owners which will be impacted by the construction of the western leg of the Outer Belt Many of these property owners will also be affected by the proposed Airport expansion

- A coordinated acquisition effort for those parcels affected by both the Outer Belt Loop Right-of-Way and the proposed Airport expansion will provide a cost savings for both projects in addition to enhancing public relations with the affected parties by enabling homeowners to sell all of their property now

- The Municipal Agreement allows the Airport and NCDOT to coordinate certain administrative functions, i e appraisals, negotiations, relocation expenses, and share in certain related costs

- Council will be asked to authorize each acquisition individually once negotiations are complete If the State must condemn the property, Airport participation will cease at that time

Funding:

This budget ordinance will provide temporary funding for the Airport's Master Plan Land Acquisition Program, estimated to cost $68,000,000 Permanent funding will be Airport Revenue Bonds and FAA grants, and financing for this program will be financed through charges to the airlines serving Charlotte

Background:

- On April 28, 1997, City Council approved the Airport Master Plan which provides for Airport acquisition of land between the current westerly boundary and the western leg of the Outer Belt

- NCDOT has accelerated construction of the Charlotte Outer Belt It is anticipated that construction of the western leg of the Outer Belt will commence in December 1998 Right-of-Way acquisition is currently underway

37. Sale of City Property - 2426 Danforth Lane

Action:

Approve the sale of City owned property located at 2426 Danforth Lane.

Explanation of Request:

- The sale of City owned property is subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the following offer

Property Address	2426 Danforth Lane
Tax Code	061-121-06
Buyer's Names	Antoine Smith
Offer	$55,000

Background:

- In accordance with the Part 150 Plan, the Airport acquired 31 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan (less than 75 DNL)

- The Airport provided noise insulation to 2426 Danforth Lane and listed the property in the Multiple Listing Service for sale to the public at the appraised price of $53,000

- An offer to purchase was extended to the airport The offer is $55,000 with the airport paying a realty fee of 3%, closing costs up to $2000 and up to $900 toward the purchase of kitchen appliances This offer is contingent upon buyer obtaining financing The binder will be returned if the buyer is unable to obtain loan

- The prospective purchaser signs a Residential Property Disclosure Statement acknowledging 'The property is located in proximity to Charlotte/ Douglas International Airport in a noise impacted area and to an industrial park A racing engine machine shop (Panther Racing) is located in the aforementioned industrial park adjacent to the Wandawood Subdivision "

- Additionally, a perpetual easement for the flight of aircraft over the property is attached to the deed The easement covers noise vibrations, fumes, etc , so long as the noise level does not increase by more than three decibels

- The offer was advertised for 10 days in accordance with North Carolina General Statute 160A-269 for upset bid No other offers were received

38. Sale of City Property - 2520 Carrington Court

Action: **Approve the sale of City owned property located at 2520 Carrington Court.**

Explanation of Request:

- The sale of City owned property is subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the following offer

Property Address	2520 Carrington Court
Tax Code	061-101-10
Buyer's Names	Carla R Polk
Offer	$58,000

Background:

- In accordance with the Part 150 Plan, the Airport acquired 31 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan (less than 75 DNL)

- The Airport provided noise insulation to 2520 Carrington Court and listed the property in the Multiple Listing Service for sale to the public at the appraised price of $58,000

- An offer to purchase was extended to the airport The offer is $58,000 with the airport paying a realty fee of 3% This offer is contingent upon buyer obtaining financing The binder will be returned if the buyer is unable to obtain loan

- The prospective purchaser signs a Residential Property Disclosure Statement acknowledging "The property is located in proximity to Charlotte/Douglas International Airport in a noise impacted area and to an industrial park A racing engine machine shop (Panther Racing) is located in the aforementioned industrial park adjacent to the Wandawood Subdivision "

- Additionally, a perpetual easement for the flight of aircraft over the property is attached to the deed The easement covers noise vibrations, fumes, etc , so long as the noise level does not increase by more than three decibels

- The offer was advertised for 10 days in accordance with North Carolina General Statute 160A-269 for upset bid No other offers were received

39. Property Transactions

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

Acquisitions:

A. **Project** Sharon Road Widening Phase II, Parcel #10
Owner(s) Paine Webber Qualified Plan Property Fund Four, LP
Property Address 4001 Cornerwood Lane
Property to be Acquired 19,464 sq ft (446 ac) plus 2,212 sq ft (0 05 ac) of Temporary Construction Easement
Improvements Trees
Purchase Price $ 73,800
Remarks This area is needed for the road widening project along Sharon Road between Colony Road and Sharon Lane Compensation is based on a certified independent appraisal
Zoned R-17 MF **Use** Multi-Family
1991 Tax Value $2,490,760 (entire parcel)
Tax Code 177-078-35

B. **Project** Duke Power McGuire Sanitary Sewer Line, Parcel #10
Owner(s) Walnut Creek Farm Limited Partnership
Property Address 6316 Cashion Road
Property to be Acquired 78,028 60 sq ft (1 80 ac) Plus Temporary Construction Easement 58,521 45 (1 35 ac)
Improvements Pasture grass, temporary fencing and trees
Purchase Price $ 17,000

Remarks A permanent and temporary easement is needed across the middle of the property The purchase price covers damages to pasture grass, temporary fencing and trees Compensation is based on appraisal
Zoned R-3 **Use** Single-Family Residence
1991 Tax Value $ 330,470 (entire parcel)
Tax Code 013-101-15

C. **Project** Four Mile Creek Relief Sewer, Parcel #15
Owner(s) Sally W Martin, Pamela W Fraser, Deborah A Welling, Adele W Carter and Marjorie A Welling
Property Address Reverdy Lane, Matthews, N C
Property to be Acquired 32,843 sq ft (754 ac) Permanent Sanitary Sewer Easement plus 29,628 sq ft (680 ac) Temporary Construction Easement
Improvements Trees
Purchase Price $ 16,650
Remarks The area is needed to build the Four Mile Creek Relief Sewer line Compensation includes damages for loss of developable land area and tree removal
Zoned R-15 **Use** Single-Family Residential
1991 Tax Value $ 30,590 (entire parcel)
Tax Code 227-051-18

Condemnations:

D. **Project** Four Mile Creek Relief Sewer, Parcel #4
Owner(s) United Faith Assembly of God, Inc A North Carolina Non-Profit Corporation and Any Other Parties of Interest
Property Address 8617 Providence Road, Charlotte, NC 28270
Property to be Acquired 11,643 sq ft. (27 ac) Permanent Sanitary Sewer Easement plus Temporary Construction Easement of 5,174 sq ft (12 ac)
Improvements Landscaping
Purchase Price $ 4,000
Remarks This area is needed to build the Four Mile Creek Relief Sewer Compensation is based on an independent, certified appraisal The church board has refused to accept the City's offer and wants the line relocated Staff reviewed request and was unable to revise alignment to church's satisfaction

Zoned R-3 **Use** Church and Church School
1991 Tax Value $ 1,920,530 (entire parcel)
Tax Code 227-081-06

E. **Project** Four Mile Creek Relief Sewer, Parcel #7
Owner(s) Michael Alan Gold and any other parties of interest
Property Address 8389 Providence Road, Charlotte, NC 28226
Property to be Acquired 430 sq ft (010 ac) Permanent Sanitary Sewer Easement plus Temporary Construction Easement
Improvements Landscaping
Purchase Price $ 400
Remarks This area is needed to construct Four Mile Creek Relief Sewer Owner submitted a counteroffer of $2,500 without justification Compensation is based on independent, certified appraisal
Zoned R-3 **Use** Single-Family Residential
1991 Tax Value $ 639,610
Tax Code 227-081-08

F **Project** Four Mile Creek Relief Sewer, Parcel #40
Owner(s) David L Hartman and wf , Deborah J Hartman & any other parties of interest
Property Address 2720 Artesian Court
Property to be Acquired 7,537 sq ft (0 173 ac)
Improvements Trees
Purchase Price $ 4,800
Remarks A permanent easement is required to construction of a sewer line along the rear of this property Property owners do not want another line on their property After numerous contacts and meetings, an agreement has yet to be reached Compensation is based upon an independent appraisal
Zoned R-3 **Use**: Single-Family Residence
1991 Tax Value $ 139,160 (entire parcel)
Tax Code A part of 227-271-11

G **Project** Four Mile Creek Relief, Parcel # 41
Owner(s) Mary Beth Haller & any other parties of interest
Property Address 2716 Artesian Court
Property to be Acquired 5,881 sq ft (0 135 ac)
Improvements Trees
Purchase Price $ 3,500
Remarks A permanent easement is needed along the rear of this property to construct a sanitary sewer line Property owner does not want another line on her property After numerous contacts and meetings, an agreement has yet to be reached Compensation is based upon an independent appraisal
Zoned R-3 **Use:** Single-Family Residence
1991 Tax Value $ 103,480 (entire parcel)
Tax Code A part of 227-271-12

H **Project** Four Mile Creek Relief Sewer, Parcel #46
Owner(s) R L Williams & wf , Jane F Williams & any other parties of interest
Property Address 1700 Weddington Road
Property to be Acquired 48,280 sq ft (1 11 ac)
Improvements None
Purchase Price $ 8,500
Remarks: A permanent easement is required to construct a sanitary sewer line on this property Property owner does not want another sewer line on his property After numerous contacts and meetings, an agreement has yet to be reached Compensation is based upon an independent appraisal
Zoned R-15 **Use** Single-Family Residence
1991 Tax Value $ 153,080 (entire parcel)
Tax Code: 227-291-01

I **Project** Four Mile Creek & Relief Sewer, Parcel #50
Owner(s) Pulte Home Corporation & any other parties of interest
Property Address 5 980 acres Country Place, Matthews, NC
Property to be Acquired 21,858 sq ft (50 ac)
Improvements None
Purchase Price $ 3,800

Remarks A permanent easement is needed to construct a sanitary sewer line along the rear of this property After numerous contacts and meetings, an agreement has yet to be reached Compensation is based upon an independent appraisal
Zoned R-12 CL **Use:** Single-Family Residence
1991 Tax Value $ 541,950 (entire parcel)
Tax Code 227-313-99

40. Minutes

Action: **Approve minutes as follows:**

- **May 19, 1997 Zoning Meeting**
- **May 20, 1997 Budget Retreat**
- **May 20, 1997 Storm Water Public Hearing**
- **June 2, 1997 Council Workshop and Citizens Hearing**
- **June 9, 1997 Business Meeting**
- **June 10, 1997 Budget Briefing**
- **June 10, 1997 Budget Straw Votes**
- **June 16, 1997 Zoning Meeting**
- **June 23, 1997 Business Meeting**

Addendum: Request for Council Action

41. FY97 Storm Water Maintenance Contracts - Change Orders

Action:

Approve change orders on four existing storm water maintenance contracts in order to make emergency storm drainage repairs.

A. Approve Change Order #4 for $364,275.00 to the contract with United Construction Company for continued construction of FY97 Storm Water Maintenance Package B. The change order will increase the contract amount from $1,457,100.00 to $1,821,375.00.

B. Approve Change Order #2 for $369,825.00 to the contract with Blythe Development Company for continued construction of FY97 Storm Water Maintenance Package C. The change order will increase the contract amount from $739,650.00 to $1,109,475.00.

C. Approve Change Order #2 for $368,250.00 to the contract with Blythe Development Company for continued construction of FY97 Storm Water Maintenance Package D. The change order will increase the contract amount from $736,500.00 to $1,104,750.00.

D. Approve Change Order #2 for $374,025.00 to the contract with United Construction Company for continued construction of FY97 Storm Water Maintenance Package E. The change order will increase the contract amount from $748,050.00 to $1,122,075.00.

Staff Resource: Jeb Blackwell

Explanation of Request:

These change orders will enable Storm Water Services to fund additional contractor crews to perform emergency repairs at two culvert locations (Fieldcrest Drive and East Fourth Street) and provide contingency funds for additional emergency repairs likely to be needed following the storm event of July 23

EMS

These contracts are originally bid in a range that provides bidding opportunity to all licensed contractors Where the contractor's work has been of good quality, a change order is recommended to extend the contract The next regularly scheduled bidding of these contracts is scheduled for September 1997

Funding: Storm Water Services Fund 2701, Center 359 00

Background: The Storm Water Maintenance Program provides a method to perform repairs to existing drainage infrastructure identified through citizens' requests Repairs are made through yearly contracts, projects are prioritized and assigned to the contractors continuously, with payment based on unit prices

Blythe Development Company is committed to an MWBD utilization of 12 percent (6 percent each BBE and WBE) This commitment extends through this change order United Construction Company has indicated they will self-perform United Construction is certified with the City of Charlotte as an Asian-American owned business