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Sara Spencer

Council Agenda

CITY COUNCIL MEETING
Monday, March 23, 1998

5:00 p.m. — **Conference Center**

Dinner Briefing
(See Table of Contents)

7:00 p.m. — **Meeting Chamber**

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

1998 Council Retreat Priorities

Top Priorities for 1998

Transportation Plan (20 years plus)

Transit Plan and Tax

Westside Strategic Plan

Community Oriented Policing: Evaluation and Direction

Connectivity: Neighborhoods and Road System: Policy Direction

High Priorities for 1998

Court System Expansion

Convention Center Parking Garage and 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, March 23, 1998

TABLE OF CONTENTS

Item No.		Page No.	Attachment No.
	5:00 P.M. DINNER BRIEFING CONFERENCE CENTER		
1.	Coliseum and Hornets Agreement	1	1
2.	Economic Development and Planning Committee Report: Convention Center Long Range Plan	1	2
3.	Other Committee Reports (by exception)	1	
	A. Transportation Committee Report: Kuykendall Road, Traffic Calming on Minor Thoroughfares and Major Collectors, Sidewalk Repair Policy	1	
	B. City Within A City Committee Report: Job Training	2	
	6:30 P.M. CITIZENS FORUM		
	7:00 AWARDS AND RECOGNITIONS MEETING CHAMBER		
	CONSENT		
4.	Consent Items	2	

Item No.		Page No.	Attachment No.
	PUBLIC HEARING		
5.	Public Hearing to Abandon a Portion of Carmel Road	3	
	POLICY		
6.	City Manager's Report	5	
7.	Coliseum and Hornets Agreement	5	4
8.	Sidewalk Repair Policy	8	5
9.	Traffic Calming on Major Collector Streets and Minor Thoroughfares	11	5
10.	Kuykendall Road Speed Control	13	5
11.	Westside Strategic Plan Implementation	16	6
12.	Storm Water Services Pipe and Channel Policy	18	7
	BUSINESS		
13.	Contract for Auto General Liability Claims Handling Services	23	
14.	Job Training Plan for FY99	24	
15.	Northwest Corridor Community Development Corporation/Volunteers of America Loan Commitment	24	
16.	Agreement with the Urban League for Storm Water Economic Development Project	24	8
17.	Bicycle Transportation Plan	26	9
18.	Transit Grant Application, Resolution, and Budget Ordinance	28	10
19.	North Mecklenburg Water Treatment Plant Construction Litigation	30	

Item No.		Page No.	Attachment No.
	CONSENT I		
20.	Various Bids		
	A. Charlotte Transit Fare Collection System	32	
	B. Sidewalk Improvements Package #8	33	
	C. Villa Heights Neighborhood Improvements Phase II	33	
	D. Sugar Creek Wastewater Treatment Plant - Diffused Aeration System	33	
	E. Water and Sewer Main Construction - FY98 Contract #110 - Street Main Extensions	34	
	F. McAlpine Creek Wastewater Management Facility - Biosolids Equipment	34	
21.	In Rem Remedy	35	11-17
22.	Refund of Certain Taxes	37	18
23.	Public Auction for Disposal of Equipment	37	19
24.	Resolution of Intent to Abandon Street and Set Public Hearing - Portion of South College Street	38	20
	CONSENT II		
25.	Curb Replacement FY98	39	
26.	Aviation Grass Mowing and Maintenance Contracts	40	
27.	Construction Contracts for Renovation of US Airways Maintenance Facility	42	
28.	Bryan Properties, Proposed Golf Course/ Subdivision Sewer Contract	45	
29.	Mecklenburg County, Highway 521 Landfill Sewer Contract	45	

Item No.		Page No.	Attachment No.
	CONSENT II continued		
30.	Pace/Dowd Properties, Ltd., Hucks Road Sewer Contract	46	
31.	Mecklenburg County Community Development , Legranger Road Area Water and Sewer Contract	46	
32.	Regional Wastewater Agreement with Lancaster County	47	
33.	Choyce Avenue and Oakhurst Neighborhood Improvement Projects - Amendment #1	48	
34.	Engineering and Environmental Services	49	
35.	Moore's Chapel Neighborhood Improvement Project	50	
36.	Design Services for Various Storm Water Projects	51	
37.	Johnston Road Widening and Extension	51	
38.	Prosperity Church Road Widening	52	
39.	Tenth Street and Graham Street Major Intersection Improvement	53	
40.	Runnymede/Woodlawn/Selwyn Avenue Major Intersection Improvement	54	
41.	NCDOT Grant Resolution and Budget Ordinance for Regional Vanpool/Carpool Study	55	
42.	Municipal Agreement for the Improvement for Providence Road from NC 51 to McKee Road	56	
43.	Airport Property Exchange	58	21
44.	Sale of Property at 4900 Carmel Road and 4912 Carmel Road	59	
45.	Property Transactions	60	
46.	Meeting Minutes	64	

5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Coliseum and Hornets Agreement

Staff Resource: Del Borgsdorf

Time: 30 minutes

Attachment 1

2. Economic Development and Planning Committee Report: Convention Center Long Range Plan

Committee Chair: Lynn Wheeler

Staff Resource: Tom Flynn

Time: 30 minutes

Attachment 2

3. Other Committee Reports (by exception)

A. Transportation Committee Report: Kuykendall Road, Traffic Calming on Minor Thoroughfares and Major Collectors, Sidewalk Repair Policy

Committee Chair: Sara Spencer

Staff Resource: Julie Burch

B. **City Within A City Committee Report: Job Training**

Committee Chair: Rod Autrey

Staff Resource: Vi Alexander Lyles

6:30 P.M. CITIZENS FORUM
MEETING CHAMBER

7:00 P.M. AWARDS AND RECOGNITIONS

CONSENT

4. Consent agenda items 20 through 46 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. Public Hearing To Abandon Street - Portion of Carmel Road

Action:

A. Conduct a public hearing to abandon a portion of Carmel 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 this petition to abandon public right-of-way.

Petitioner:
Mr. Terence G. Green and Mrs. Antoinette D. Green

Right-Of-Way to be abandoned:
A residual portion of Carmel Road resulting from the recent widening and realignment project

Location:
West side, from Quail View Road southwardly approximately 175 feet

Reason:
To incorporate the right-of-way into adjacent property owned by the petitioner and 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
Tuckaway Park - No objection
Quailview/Asherton HOA - No objection
Carmel Forest HOA - No objection
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 the statutes.

Attachment 3
Map

POLICY

6. City Manager's Report

7. Coliseum and Hornets Agreement

Action: **Approve the City's participation in the "Amending Agreement" between the Coliseum Authority and the Charlotte Hornets for the limited purposes set forth as follows:**

1. **To authorize the Hornets to market the naming rights to the Coliseum**
2. **To authorize the City Manager to designate a representative to serve on the Policy committee**
3. **To establish a New Arena Committee**

Staff Resource: Del Borgsdorf

Focus Area: Economic Development

Policy: Retain existing businesses, in this instance, the Charlotte Hornets by working with the Authority to re-structure the current relationship to keep the team playing in Charlotte.

Explanation:

- In a May 1997 letter Hornets owner, George Shinn presented two options to City Council:

  1. Offered to buy the Coliseum for $30 million, or

  2. Lease the Coliseum with exclusive rights to manage, control and operate the Coliseum. Specifics of the lease were:

     - Annual rent $1.4 million

     - Hornets retain all revenues (including naming rights) and bear cost of facility operation

     - Five year term

- The letter clarified the team's goal to work out a suitable arrangement for a new arena.

- In June 1997 Council asked the City Manager to develop recommendations for a lease agreement with the Hornets.

- From June 1997 through March 1998 representatives of the City, Authority and Hornets negotiated. The negotiations resulted in an agreement to amend the current basketball agreement.

- On March 11, 1998 the Authority approved a new agreement.

Key Points of the New Agreement:

1. Authority retains operational control of the Coliseum.

2. Authority and Hornets work together on marketing, promotion, scheduling and booking policies.

3. Revenues are split based upon the current basketball agreement and as follows:

   - 1999-2000 Authority receives 80% of the 1st $2,000,000 and 20% of revenues over that amount. ($1,600,000 minimum);

   - 2001-2002 Authority receives 80% of the 1st $2,125,000 and 20% of the excess ($1,700,000 minimum.); and

   - 2002-2003 Authority receives 80% of the first $2,250,000 and 20% of the excess. ($1,800,000 minimum)

4. The term is July 1, 1998 through July 1, 2004.

5. City Council retains approval of the new "name" for the Coliseum.

6. Items for City Council's approval would include, in addition to naming rights, the following:

- The City Manager designates a representative to serve on the Policy Committee

- Council establishes a New Arena Committee

- The Policy Committee is a five member group consisting of two members representing the Hornets, the Authority's Managing Director, plus one additional Authority management representative and one representative of the City Manager.

- The Policy Committee is responsible for:

  - reviewing and approving the Coliseum's operating and capital budgets;

  - developing pricing, booking and event policies;

  - providing input on parking policy;

  - reviewing and approving naming rights agreements;

  - other duties as agreed upon by the parties.

- The New Arena Committee would be appointed by Mayor and Council by July 1, 1998.
  This committee's charge is to:

  - review previous studies and recommendations regarding the need for a new facility and report to Council by January 1, 1999;

  - develop one or more models for funding, financing, ownership, etc., and report to Council by July 1, 1999;

  - make recommendations to the City Council concerning public involvement on or before December 31, 1999; and

- subject to the above process, complete a development and financing plan by December 31, 2000.

Attachment 4

8. Sidewalk Repair Policy

Action: **Approve the Transportation Committee recommendation to pay for all sidewalk repair work, outside the Central Business District up to the amount of the annual budget appropriation**

Committee Chairs: Sara Spencer and Al Rousso

Staff Resource: Randy Jones

Policy: In 1962, City Council adopted a sidewalk repair policy that established a cost-sharing arrangement between the City and the property owner. Under the current program, the City contributes the labor and equipment for needed repairs and the property owner purchases the concrete. If the property owner does not participate in the program, asphalt patch is used for repair.

Explanation:

- Several Councilmembers wanted to review the sidewalk repair policy because some property owners expressed concerns about:
  - paying a portion of the repair costs;
  - having sidewalks repaired with asphalt patch if they didn't participate in the program; and
  - having asphalt patch in historic neighborhoods.
- Repair is necessary if there is a trip hazard. A trip hazard is:
  - a 1/4" separation of pavement (according to Americans with Disabilities Act guidelines);
  - significant scaling; or

- buckling

- The following options were offered to the Transportation Committee:

Option 1: City pays all repair costs without a yearly cap on the dollar amount.

- staff anticipates demand to increase
- a conservative estimate to handle the increased demand is $1,000,000
- this option would require additional staff and equipment

Option 2: City pays all repair costs with a yearly cap

- current level of service: $373,000/year
- portion homeowners currently pay: $127,000
- backlog could exceed desired 60-day response due to increased demand
- may need to continue to temporarily asphalt patch trip hazards if a major hazard is present
- no sidewalk would be permanently repaired once cap is met in a fiscal year;

Option 3: City makes repairs and assesses owners

- property owner unhappy with assessment;
- Council must approve all assessments; and
- City has never done assessments for sidewalks

Option 4: Continue current program.

- City provides the labor and equipment
- Property owner pays for the concrete

- Staff presentation also noted two special circumstances related to sidewalk repair:
  - Driveway pads. The City currently repairs residential driveway pads if the owner is ordering a significant quantity of concrete. The City stopped repairing commercial/business driveway pads approximately one year ago because of resource limitations. Commercial driveways are subject to heavier use than a residential driveway.
  - Sidewalks in the Central Business District. A survey of the CBD has found the need for approximately $2.3 million of repair work which would replace hazardous sidewalk and asphalted areas with concrete, and eliminate gaps between existing sidewalk.

Committee Discussion:

- Much of the discussion centered around the City paying for the cost of sidewalk repair with a yearly cap. Councilmember Autrey felt the dollar amount should be discussed further.
- Councilmember Jackson favors the current program. He feels these monies could be spent to build sidewalk in areas that currently have none.
- Because of the Central Business District's different needs, the Committee felt it should be discussed during the budget process possibly as a CIP project.

- The Committee recommends option #2. The motion was made for the City to pay sidewalk repair costs with a cap on the dollars spent each year in all areas except the Central Business District. Residential driveway pads still would be cost-shared with the property owner, while commercial/business driveways would be fully the responsibility of the property owner. The motion passed 3-1 with Mike Jackson dissenting.

- Committee members are: Sara Spencer and Al Rousso, Co-Chairs; Mike Jackson, Rod Autrey and Malachi Greene. Four committee members were present at the meeting: Sara Spencer, Al Rousso, Mike Jackson, and Rod Autrey.

Funding: The funding will be determined during FY99 Council Budget decisions.

Attachment 5
Transportation Committee Report

9. Traffic Calming on Major Collector Streets and Minor Thoroughfares

Action:

A. Approve the Transportation Committee recommendation to study connectivity issues and review thoroughfare plan before considering the installation of traffic calming devices on major collectors or minor thoroughfares; and

B. Allow developers to construct traffic calming devices as they build roads in business parks if these roads are in self-contained areas and built to City standards.

Committee Chairs: Sara Spencer and Al Rousso

Staff Resource: Randy Jones

Policy: On October 13, 1997, City Council approved the addition of speed humps to the Residential Traffic Calming Program which also offers traffic circles, multi way stops, and turn restrictions to assist with controlling speeds and traffic volumes in neighborhoods.

Explanation:

- CDOT has received approximately 400 requests for speed humps. In considering streets for the program, it is apparent that a number of major collector streets may qualify under Council's speed hump policy.

- Due to the importance of major collectors and minor thoroughfares to our transportation and emergency response networks, and their link to economic development, staff sought clarification from the Transportation Committee on the intended use of traffic calming devices on these type streets.

- Staff recommendations:

  - Do not place traffic calming devices on minor thoroughfares

  - Approve the Appropriate Uses Chart for Major Collector Traffic Controls

  - Approve private funding of traffic calming devices, specifically speed humps on commercial non-thoroughfare streets, at the request of the property owners on a street

Committee Discussion:

- Discussion centered around whether a decision should be made concerning this issue until the connectivity study is done and the thoroughfare plan reviewed. An exception may be streets that serve only the neighborhood versus streets that serve the general public and connect to other major roads.

- Childress Klein Properties has asked permission to build traffic calming devices into the street design for their new development LakePoint on Tyvola Road. By consensus, the Committee felt developers could construct traffic calming devices as they build roads in business parks if these roads are in self-contained areas and built to City standards.

- The Committee voted 4-0 to delay installing traffic calming devices on major collectors or minor thoroughfares until the connectivity issue is studied and the thoroughfare plan is reviewed.

- CDOT is to present a schedule for Connectivity Study and Thoroughfare Plan review. An issue paper (prepared by the Planning, Police, and Transportation Departments) will be brought back to Council prior to the April 21 budget retreat.

- Committee members are: Sara Spencer and Al Rousso, Co-Chairs; Mike Jackson, Rod Autrey and Malachi Greene. Four committee members were present at the meeting: Sara Spencer, Al Rousso, Mike Jackson, and Rod Autrey.

Community Input:

- Members of the Kuykendall Road area were in attendance at the Transportation Committee but did not speak.

- CDOT has sent letters to individuals who have requested speed humps for major collectors advising them of the delay. Some of these individuals have called our offices expressing a desire to see something done to control speeding on collector streets.

Attachment 5
Transportation Committee Report

10. Kuykendall Road Speed Control

Action: **Approve the Transportation Committee recommendation to accept the Charlotte-Mecklenburg Police Department Traffic Enforcement Plan for Kuykendall Road.**

Committee Chair: Sara Spencer and Al Rousso

Staff Resource: Randy Jones

Policy: Kuykendall Road is considered a thoroughfare. The current Neighborhood Traffic Calming Program does not permit traffic calming on thoroughfares.

Policy: Kuykendall Road is considered a thoroughfare. The current Neighborhood Traffic Calming Program does not permit traffic calming on thoroughfares.

Explanation:

- Kuykendall Road is approximately 1 ½ miles long and runs between Providence and McKee Roads. The neighborhood is requesting multi-way stops on Kuykendall Road. The street is designated a thoroughfare, and the Neighborhood Traffic Calming Program requires traffic calming techniques be used on residential and collector streets only.

- Citizens from the area appeared before Council and requested Kuykendall Road be removed from the thoroughfare plan and/or an exemption be granted so the multi-way stops can be reinstalled.

- Staff recommends Kuykendall Road remain on the thoroughfare plan.

  - Kuykendall Road's thoroughfare designation is important to future traffic flow plans as the area continues to develop.

  - Multi-way stops have not been identified as the most effective treatment for speeding problems, especially in this case where the stops are approximately ½ mile apart.

  - When Providence Road is widened, a traffic signal is planned for its intersection with Kuykendall Road.

- The Charlotte-Mecklenburg Police Department (CMPD) has developed a pilot traffic enforcement program to be used on the minor thoroughfares, and has proceeded to implement the program.

- The Enforcement Plan will use a combination of enforcement, public awareness, and engineering to achieve speed control. (See blue pages of attachment.)

Committee Discussion:

- The discussion centered around how to measure the effectiveness of an enforcement program, how to preserve any benefits from the program, and means of keeping the neighborhood informed of the efforts.

- Transportation Committee voted 4-0 to maintain the thoroughfare status on Kuykendall Road and support the Police Department in providing additional speed limit enforcement.

- Staff will report back to the committee and the neighborhood on the success of the pilot program.

- Committee members are: Sara Spencer and Al Rousso, Co-Chairs; Mike Jackson, Rod Autry and Malachi Greene. Four committee members were present at the meeting: Sara Spencer, Al Rousso, Mike Jackson, and Rod Autrey.

Community Input:

Several neighborhood residents appeared before the Committee endorsing the multi-way stops. They have concerns that excessive speeds make it dangerous for them to visit one another and retrieve mail from mailboxes along the road.

Attachment 5
Transportation Committee Report

11. Westside Strategic Plan Implementation

This item is related to a 1998 Council Retreat Priority: Westside Strategic Plan

Action:

Approve the Economic Development and Planning Committee recommendation that Council continue its support:

- **of existing initiatives on the Westside,**
- **of the Westside strategy as a top Council priority, and**
- **of the on-going role of the Assistant to the City Manager for Neighborhood Services in facilitating problem-solving in all Neighborhoods throughout the City.**

Committee Chair: Lynn Wheeler

Staff Resources: Guerdon Stuckey

Explanation:

- During the adoption process for the Airport Master Plan, the need for spokesperson/liaison/ ombudsman to represent the interests of Westside residents was identified by Council and referred to Council's Planning and Economic Development Committee for discussion. After discussing several alternative scenarios the Committee decided to support the alternative that encourages staff to continue initiatives currently underway on the Westside and encourage the Assistant to the City Manager for Neighborhood Services to increase his involvement in those activities.

Committee Discussion:

- At the beginning of the Committee's deliberations, the discussion focused primarily on establishing an ombudsman. After discussing this issue at several meetings and reviewing other possible scenarios, the committee felt the best way to address Westside issues at this time would be to support the various initiatives currently underway. The Committee's discussion focused on the following Westside and/or customer service initiatives:

  - Staff is currently working with residents and business groups to develop a Westside Strategy Plan. This plan will recommend strategies to address land use, economic development, transportation and other quality of life issues and concerns on the Westside.

  - The City is implementing and/or involved in a number of other projects on the Westside:

    a. CWAC Business Park,

    b. Neighborhood Action Plan development and implementation,

    c. Business Corridor Revitalization Plan development and implementation,

    d. Southwest District Plan Amendment,

    e. Airport Noise Overlay District.

  - The position of Assistant to the City Manager for Neighborhood Services was created to help inform residents and neighborhood organizations about accessing city services and to help them problem solve.

- Council has approved funding to support the development of an electronic information system to support a new customer service initiative called *Neighborhood Based Problem Solving*. The information system will track service requests and help staff coordinate and deliver City services more efficiently to neighborhoods.

Community Input: At the January 28 meeting, citizens were asked to comment on the various alternatives being discussed. Most comments supported the idea of continuing the current Westside initiatives. Citizens also expressed the need to address issues being identified in the Westside Strategy Plan.

Attachment 6
Economic Development and Planning Committee Report
Update of the Westside Strategic Plan presented at Council's January Retreat

12. Storm Water Services Pipe and Channel Policy

Action: **Reaffirm the Storm Water Services Pipe and Channel Policy.**

Staff Resource: Jeb Blackwell

Policy:

- Since the Storm Water program began in 1993, the operating policy has been to repair existing open channels with channel improvements and to repair existing pipe systems with pipe improvements. Because of a higher cost, open channels are replaced with pipe only under the following conditions:

1. engineering reasons require pipe
2. pipe is less expensive than channel improvements
3. pipe is not necessary but the property owner participates in a cost share to upgrade to pipe.

- This Pipe and Channel policy was reviewed and unanimously affirmed by the Storm Water Advisory Committee (SWAC) in November of 1996.

Explanation:

- Mr. Menzie bought the property at 1217 Wandering Way in 1992 and filed a request for drainage service at that time related to the eroding channel in his backyard. Since 1993, Storm Water staff have consistently offered to improve the channel or to pipe it in with Mr. Menzie paying the upgrade cost. Mr. Menzie has refused this assistance and has the concerns listed below.

Concern: The City created the channel and caused the erosion problem in his backyard as a result of the Carmel/Fairview Intersection Widening.

Staff Response:

- The City did not create the channel in question. This channel has carried water from Carmel Road and over 10 acres of neighboring property since the neighborhood was originally subdivided and developed (see attachment).

- Less than one-fifth of the area draining to the channel comes from Carmel Road. The total drainage area did not change as a result of the intersection widening project.

- When the City widened Carmel Road in 1989, the project included drainage improvement on five properties on Wandering Way Drive to offset any impact.

- The owner at that time of 1217 Wandering Way, one of the five properties, refused the City's offer to improve the channel and asked City Council to authorize installation of pipe at the City's expense. The request for pipe was rejected by Council.

- The improvements were constructed on the other four properties at that time.

Concern: Mr. Menzie has requested Storm Water Services to pipe in the channel at City expense in order to eliminate the channel running through his backyard. Storm Water Services has refused this request.

Staff Response:

- Mr. Menzie bought the property in 1992 with the channel in its current location.

- When Mr. Menzie requested service, staff offered to move him to the top of the storm water waiting list because of the history of the property. The same options available to the earlier owner were proposed to Mr. Menzie.

- A concrete-lining improvement to the channel just upstream of Mr. Menzie's property has prevented erosion effectively.

- Piping of the channel without financial participation by Mr. Menzie would be a level of service above that provided to all other property owners with this type of complaint.

- City Council has three options related to this request:

Option 1: **Staff Recommendation:** Reaffirm the current policy, which provides two alternatives:

- Improve the existing channel with a concrete lining (City cost: $10,400), or

- Replace the channel with pipe through the cost share program (City cost: $10,400, Mr. Menzie's cost: $3,100).

Implications:

- In reaffirming the current policy, Council will continue a consistent and cost effective level of service in the Storm Water program.

Option 2: Mr. Menzie has requested that an exemption to the Pipe/Channel policy be made in his case, with the City paying for the upgrade to pipe (City cost: $13,500, Mr. Menzie's cost: $0).

Implications:

- The channel on the Menzie's property is typical of drainage ditches and streams throughout the City in that it carries a mixture of runoff from public streets and runoff from private property.

- Hundreds of channel segments are repaired by Storm Water Services each year. Almost all of these property owners would prefer pipe, which is typically more expensive than channel improvements. There are currently about 2,400 qualifying requests for channel improvements on the waiting list.

- Approval of this option may result in Council hearing a large number of similar appeals.

Option 3: Change the Pipe/Channel policy (City cost unknown).

Implications:

- Large increase in cost per project and decrease in number of projects completed each year.

- New federal and state water quality requirements severely restrict piping of channels. A change in policy to increase piping of channels will lead to significant conflicts with these regulations.

Funding: Storm Water Services

Attachment 7
Chronological History of Request
Drainage Area Map
Detail of Council Options

BUSINESS

13. Contract for Auto/General Liability Claims Handling Service

Action: **Approve Auto/General Liability Claims Handling Services Contract with Preferred Adjusters, Inc. for a three-year term at an annual cost of approximately $200,000.**

Staff Resource: Dan Pliszka

Explanation:

- The Privatization Competition Advisory Committee unanimously voted to accept the recommendation of the Evaluation Committee that the contract for processing all auto/general liability claims for the City, County and School Board be awarded to the Risk Management Division.

- This contract represents a part of the Risk Management Division's bid costs when they competed with outside firms to provide Auto/General Liability Claims Handling Services to the City, County and School Board. The contract is a three-year commitment with an estimated annual cost of $200,000. Actual costs will be based on the number of claims assigned and processed by Preferred Adjusters, Inc.

- The Risk Management Division provides auto and general liability claims adjustment services for the City, County and School Board. It is necessary to have a third party claims adjustment firm to back up staff in emergency cases, high volume cases and cases of conflict between the City, County or School Board. This contractor accepts claims assigned by the division and investigates, valuates, negotiates these claims. The contractor on average handles around 15% of total claims.

- A Memo of Understanding has been approved by the City Manager confirming that the Risk Management Division was the successful bidder for Auto/General Liability Claims Handling Services.

- Preferred Adjusters, Inc. was previously selected by a Request for Proposal process. This contract represents an extension of that contract with a revised pricing structure.

Funding: Insurance Self-Funded Loss Fund

14. Job Training Plan for FY99

The City Within A City Committee will review this item on March 18. The item will be included in the Friday, March 20, Council-Manager Memo.

15. Northwest Corridor Community Development Corporation/Volunteers of America Loan Commitment

The City Within A City Committee will review this item on March 18. The item will be included in the Friday, March 20, Council-Manager Memo.

16. Agreement with the Urban League for Storm Water Economic Development Project

Action:

A. Approve a Storm Water Economic Development Project Agreement with the Urban League for $247,000 to replace a culvert on the site of the new Urban League offices on Fifth and Cedar Streets and the culvert under Cedar Street.

B. Approve Renewal #4 for $300,000 to the contract with Showalter Construction Company for continued construction of FY97 Storm Water Maintenance Package A. The renewal will increase the contract amount from $1,461,600 to $1,761,600 and cover the construction cost to replace the culvert on the Urban League site and the culvert under Cedar Street.

Staff Resource: Jeb Blackwell

Focus Area: Economic Development

Staff Resource: Jeb Blackwell

Focus Area: Economic Development

Policy: Guidelines for the Storm Water Economic Development Program.

Explanation:

- This project meets the guidelines for the Storm Water Economic Development Program adopted by City Council in June of 1997. This program is intended to promote development in the City Within a City area by assisting with the construction or repair of needed drainage facilities. The following points address those guidelines.

  - The project will replace a culvert which will allow the Urban League to construct an office building on the site. The Urban League provides job training and job placement services for disadvantaged persons in the Charlotte community.

  - The project site is on the corner of Fifth and Cedar Streets which is within the City Within a City area.

- The project replaces:

  - a large culvert (150 feet in length) which carries public runoff which runs through the property. This culvert is undersized and is failing structurally.

  - the culvert under Fifth Street which is undersized and causes street flooding.

- Replacement of the culvert on the Urban League site will cost $155,000. The Urban League will fund $35,000 and the Storm Water Economic Development program will fund $120,000.

- The Storm Water Economic Development program will replace the culvert under Cedar Street at a cost of $92,000.

- The Urban League will build a $2 million office building on the site. This investment is considerably more than Storm Water Services participation in the project.

- If the culvert on the site is not replaced, it will continue to deteriorate and become a repair problem to be addressed by the City program in the future. At that point, the City would excavate the parking lot and replace the culvert, bearing the full cost of the project.

- Once the contract with Showalter Construction is amended to add $300,000, the contractor (which is presently working in the area) will perform the work. The Urban League will make their contribution of $35,000 before work begins.

Funding: Storm Water Services

Attachment 8
Map
Storm Water Economic Development Guidelines

17. Bicycle Transportation Plan

Action: **Adopt a budget ordinance totaling $100,000 for preparation of the Charlotte-Mecklenburg Bicycle Transportation Plan.**

Staff Resource: Joseph McLelland

Focus Area: Transportation

Policy: Five Year Transportation Plan

The Bicycle Plan is a key element of the Five Year Transportation Plan approved by Council in January 1997.

Explanation:

- The Bicycle Transportation Plan will serve as the blueprint for future actions to improve bicycling conditions in Charlotte. The ultimate goal is to integrate bicycling into the region's transportation system. The Bicycle Plan was recommended by the Committee of 100 and Committee of 10.

- The Bicycle Transportation Plan will be prepared by Wilbur Smith Associates. The contract to prepare the Plan will be approved by the Manager's Office. The contract will include:

  - determining community-desired level of public support for bicycling,

  - recommending a prioritized investment program,

  - analyzing existing regulations and policies,

  - proposing changes to improve bicycle-friendliness,

  - providing a plan of public education and bicycle safety, and

  - determining on-going means of maintaining bicycle planning.

- The budget ordinance will provide the City's participation in developing the Bicycle Transportation Plan. In addition to the appropriation of $50,000 from the CIP, Mecklenburg County will contribute $50,000. The North Carolina Department of Transportation participation includes funding of the Bicycle Suitability Map - a key component of the future plan, staff participation, and reimbursement for City personnel expenses spent for planning.

- Of the $100,000 appropriated ($50,000 City / $50,000 County), $90,000 is allocated for the contract with Wilbur Smith Associates and $10,000 will be allocated for support and additional expenses in executing the contract.

Funding: Five Year Transportation Plan

Attachment 9
Summary of Consultant Selection

18. Transit Grant Application, Resolution, and Budget Ordinance

Action:

A. Adopt a resolution amending the FY98-2002 Capital Investment Plan;

B. Adopt a resolution authorizing grant applications to the Federal Transit Administration (FTA) and to the North Carolina Department of Transportation (NCDOT) for FY98 transit assistance; and

C. Adopt a budget ordinance appropriating $6,296,832.

Staff Resource: Lynn Purnell

Policy: The City's Five-Year Transportation Plan, approved by Council in 1997 includes significant expansion in transit services and customer service improvements. The Transportation Plan addresses transit needs and anticipates federal and state funding of capital related projects.

Explanation:

- This action initiates the City's annual grant application process for transit capital improvements.
- The major emphasis of the grant involves the purchase of 13 new buses needed for implementing route improvements outlined in the Five-Year Transportation Plan. The new buses will be used for:
  - Expanded express services in the Independence corridor to take advantage of the temporary express bus lanes planned in the US74 median from I-277 to Westchester Drive.

- Expanded express services in the Providence Road corridor.

- Local route extensions along Independence to Crown Point, along Providence to the Arboretum, and along Beatties Ford to the I-77/Sunset interchange. Employers in these areas have requested bus service to provide worker transportation. The extensions also support the County's Work First Plan.

- Other major projects include renovations and repairs to Charlotte Transit's Maintenance and Operations Center, which opened in 1983, plus funds for purchasing new vehicles needed to expand the vanpool program as outlined in the Five-Year Transportation Plan.

- The grant requests $110,924 in federal transit operating assistance, the maximum amount now available for this use.

- A financial summary of the grant applications is as follows:

Capital Funds		
FTA	(80%)	$5,377,466
NCDOT	(10%)	672,183
City	(10%)	672,183
TOTAL		$6,721,832

NOTE: This action's budget ordinance is $425,000 less than the grant application because the TMOC roof replacement project funding was appropriated in the mid-year Budget Ordinance (February, 1998).

Operating Funds	
FTA	$ 110,924

The FTA Operating Assistance Grant was appropriated in the FY98 Budget Ordinance.

Community Input:

- FTA regulations require the City to advertise the capital projects to be financed with federal and state funds in order that citizens can request a public hearing on the list if they have questions. This notice was published in The Charlotte Observer on March 3 and The Charlotte Post on March 5. No requests were received from citizens for a public hearing by the March 16 deadline.

- The Mecklenburg/Union Metropolitan Planning Organization (MPO) approved the FY98 list of capital projects on March 18.

Funding:

The City's FY98-2002 Capital Investment Plan includes matching funds for this grant application. The local share comes from the Transportation Fund balance.

Background:

The City applies annually for grants from the FTA and NCDOT to assist in the funding of transit improvements. FTA's formula grant program allocates funds for both capital and operating assistance but the maximum Federal contribution toward operating costs has been reduced to $110,924.

Attachment 10
List of capital improvements to be funded with grant.

19. North Mecklenburg Water Treatment Plant Litigation

Action:

Authorize the City Attorney to negotiate and execute an agreement with Horack, Tally, Pharr & Lowndes to continue to represent the City in *Port City Electric Company vs. City of Charlotte; Black & Veatch, Inc.; Brasfield & Gorrie General Contractor, Inc.; and Lee Construction Company*.

Staff Resource:

Mac McCarley

Explanation:

- The North Mecklenburg Water Treatment Plant and associated Raw Water Intake and Pipeline are now in operation.

- In large, complex construction projects like this one, it is not unusual for contractors to seek additional compensation. Each of the three contractors on this project are pursuing such claims through litigation. Some of those claims are directed at the City, some are directed against the design engineer, Black & Veatch, and still others involve claims among the contractors themselves. The City has also filed claims against two of the contractors.

- After interviewing several law firms, the City Attorney and CMUD jointly selected the law firm of Horack, Tally, Pharr & Lowndes to represent the City. The firm has been representing the City's best interests under an agreement approved by the City Attorney. The expenses of representing the City in this litigation will exceed staff authority to secure the needed legal services.

- In a confidential memo from the City Attorney's Office, additional information will be provided concerning this case. This memo will be included in the Friday, March 20 Council-Manager Memo.

Funding: Water and Sewer Capital Investment Plan

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

CONSENT

20. Various Bids

A. Charlotte Transit Fare Collection System — CDOT

Recommendation: The Transportation Key Business Executive recommends the low bid of $1,607,000 by GFI Genfare, Elk Grove, Illinois .

MWBD Status:	Amount	% of Project	Project Goals
MBE	$128,560	8%	10%
WBE	$112,490	7%	5%

MWBD Compliance: Yes.

B. Sidewalk Improvements Package # 8 — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $769,720.56 by Jones Grading & Fencing of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$769,720.56	100%	5%
WBE	$0	0%	4%

MWBD Compliance: Yes.

C. Villa Heights Neighborhood Improvements Phase II — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $943,065.90 by Shaw Group Ltd. of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	5%
WBE	$0	0%	4%
ABE	$943,065.90	100%	0%

MWBD Compliance: Yes.

D. Sugar Creek Wastewater Treatment Plant - Diffused Aeration System — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $192,324.00 by Water Pollution Corporation of Brown Deer, Wisconsin.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$0	0%	0%
WBE	$0	0%	0%

MWBD Compliance: No known MWBE vendors available.

E. Water and Sewer Main Construction - FY98 Contract #110 - Street Main Extensions **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $832,243.20 by 7 Star Construction Company, Incorporated of Rock Hill, South Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$832,243.20	100%	2%
WBE	$0	0%	3%

MWBD Compliance: Yes.

F. McAlpine Creek Wastewater Management Facility - Biosolids Equipment Purchase **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Department Director recommends the low bid of $3,398,000 by US Filter/ASDOR of Newmarket, Ontario.

MWBD Compliance: There are no known MWBD vendors.

Program Director Concur: Yes.

21. In Rem Remedy

For In Rem Remedy #A - #G, 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. 2412 Westerly Hills Drive (Westerly Hills)
B. 2812 Old Steele Creek Road (Pinecrest-commercial structure)
C. 201 Halsey Street (Lakewood)
D. 1616 Merriman Avenue (Wilmore)

Complaint

E. 308 (aka 320) Lakewood Avenue (Lakewood)

Field Observation

F. 2407 West Boulevard (Reid Park)
G. 300 S. Cloudman Street (Thomasboro/Hoskins)

24. Resolution Of Intent To Abandon Street And Set Public Hearing - Portion of South College Street

Action:

A. Adopt the Resolution Of Intent to abandon a portion South College Street; and

B. Set a Public Hearing for April 27, 1998.

Attachment 20
Map

CONSENT II

25. Curb Replacement FY98

Action:

A. Reject the low bid of $558,182.35 by Jones Grading & Fencing; and

B. Approve the second low bid of $574,927.65 by Sherrill & Associates.

Explanation:

- This contract is bid annually and represents a portion of the curb and wheelchair ramp replacement associated with the yearly resurfacing contract.

- It is extremely important that curb replacement stay on schedule and be completed on time. This project will include curb replacement on streets scheduled for resurfacing under a separate contract. It is imperative that we replace the curb for these streets before resurfacing work begins. A delay in replacing the curb or a failure to meet the curb replacement schedule would mean a delay in the resurfacing work.

- In August 1996, staff from the Engineering & Property Management Department declared Jones Grading and Fencing non-responsible. This declaration was due to their failure to complete five consecutive City projects by the contract completion date. Staff assessed Jones a total of $94,700 in liquidated damages for these projects.

- Jones is the low bidder for both Curb Replacement FY98 and Sidewalk Improvements Package #8. Staff recommends the award of Sidewalk Improvements Package #8 to Jones (item B of Various Bids page 33). Staff will closely monitor and work with Jones to achieve the successful completion of Sidewalk Improvements Package #8.

MWBD: 2% BBE (Goal: 2%), 1% WBE (Goal: 1%)

Summary of Bids:	Jones Grading & Fencing	$558,182.35
	Sherrill & Associates	**$574,927.65**
	Shaw Group	$597,067.90
	Blythe Development	$616,556.05
	Showalter Construction	$657,800.00
	United Construction	$676,500.00
	KIP Corporation	$816,750.00

Funding: Powell Bill

26. Aviation Grass Mowing and Maintenance Contracts

Action:

A. **Award the lowest responsive bid of $56,240 by Dixie Lawn of Gastonia for Contract A.**

B. **Award the low bid of $21,090 by McNeil of Mount Holly for Contract B; and**

C. **Award the low bid of $55,200 by Todd Abernathy of Gastonia for Contract C for grass mowing and maintenance of various airport locations.**

Explanation:

- The Airport annually awards contracts for grass mowing for those portions of the Airport outside the secure areas. For Contract a the low bidder withdrew their bid because of a mathematical error.

- The Airport Advisory Committee is recommending approval of these contracts.

MWBD: There was no goal for MWBD subcontracting.

Summary of Bids:

Contract A (Perimeter Roadways)

More Green For Less	$49,020* (BBE)
Dixie Lawn	$56,240
D. B. Landscape	$57,000
Lan-Scape	$57,600
Consolidated	$65,284
McNeil	$68,985
Todd Landscaping	$76,000
Landscape Management	$136,800

*Low bidder withdrew bid as permitted by State contracting laws.

Contract B (Parkway/Billy Graham)

McNeil	$21,090
Evergreen	$22,496
Lan-Scape	$22,800
D. B. Landscape	$22,800
More Green for Less	$22,800 (BBE)
Dixie Lawn	$25,460
Consolidated	$27,094
Todd Landscaping	$30,400
Landscape Management	$91,200

Contract C (Old Terminal/General Aviation)

Todd Abernathy	$55,200
Lan-Scape	$67,500
Dixie Lawn	$77,500
Consolidated	$80,000
D. B. Landscape	$96,000
Commercial Landscaping	$99,600
Todd Landscaping	$100,000
Landscape Management	$184,000

Funding: Aviation Operating Fund

27. Construction Contracts for Renovation of US Airways Maintenance Facility

Action:

Award the following construction contracts for the renovation of the US Airways Maintenance Facility at 5535 Wilkinson Boulevard:

A. Award a construction contract (Package 2) to the lowest, responsive bidder Edison Foard, Inc. of Charlotte, for $638,096;

B. Award a construction contract (Package 3) to the low bidder Edison Foard, Inc. of Charlotte, for $581,600; and

C. Award Fire Sprinkler Construction contracts to the low bidders:

Cam-Ful Industries, Inc. of Pineville, North Carolina for $374,500; and

E. Moore & Son Electric, Inc. of Charlotte, North Carolina for $73,450.

Explanation:

- On November 24, 1997 Council approved a refinancing of $86.7 million in Special Facility Revenue Bonds that were issued to construct additional US Airways maintenance facilities. The refinancing included $19 million in new bonds to fund additional facilities and the remodeling of existing facilities.

- The Airport Advisory Committee recommends this contract.

A. Construction Contract (Package 2) - Wheel and Brake Overhaul Shop (general, mechanical, electrical and plumbing)

Summary of Bids:

Deconti,Odden,Griffith, Inc.	$628,875*
Edison Foard, Inc.	$638,096
American Eastern Builders	$705,000

MWBD:

	Amount	Project %	Project Goal
BBE	$36,100	5.65	N/A
WBE	$ 8,800	1.37	N/A
DBE total	$44,900	7	15%

* Non-responsive to DBE requirements at the time of bid as required by Airport's FAA approved DBE plan.

B. Construction Contract (Package 3) - Engine Overhaul Shop (general, mechanical, electrical and plumbing)

Summary of Bids:

Single Prime:	
Edison Foard, Inc.	$581,600
American Eastern Builders, Inc.	$592,000
Multi Prime-General:	
Edison Foard, Inc.	$457,100
American Eastern Builders, Inc.	$430,500
Multi Prime Electrical:	
Progressive Electric Co., Inc.	$37,700
E. Moore & Son Electric, Inc.	$64,200
Multi Prime HVAC:	
Cam-Ful Industries, Inc.	$106,900
Multi Prime Plumbing:	
Cam-Ful Industries, Inc.	$45,000

MWBD:

	Amount	Project %	Project Goal
BBE	$21,373	N/A	N/A
WBE	$ 508	N/A	N/A
DBE total	$21,881	3.7%	15%

The total of the multi prime bids was $620,100 which is higher than the lowest single prime bid of $581,600. Therefore by North Carolina General Statute, the City can award a single prime contract.

C. Fire Sprinkler Construction contracts (Package 5) - Fire Protection (electrical, fire sprinkler protection)

Summary of Bids:

Single Prime:

Edison Foard, Inc.	$510,000

Multi Prime Fire Sprinkler Protection:

Cam-Ful Industries, Inc.	$374,500
Worsham Sprinkler Co.	$465,000

The total of the multi prime bids was $447,950 which is lower than the lowest single prime bid of $510,000. Therefore by North Carolina General Statute, the City can award multi-prime contracts.

Multi Prime Electrical:

E. Moore & Son Electric, Inc.	$73,450
Sentry Electric & Controls, Inc.	$75,000

MWBD:

Fire Sprinkler(Package 5)
Cam-Ful Industries, Inc.

	Amount	Project %	Project Goal
BBE	$0	0	N/A
WBE	$18,725	5.0%	N/A
DBE total	$18,725	5.0%	5%

Fire Sprinkler (Package 5)
E. Moore & Son Electric

	Amount	Project %	Project Goal
BBE	$3,935	5.4%	N/A
WBE	$0	0.0%	N/A
DBE total	$73,450*	100.0%	5%

* E. Moore & Son Electric is a DBE contractor, thus the DBE participation is 100%.

Funding: Aviation Capital Investment Plan

28. Bryan Properties, Inc. Proposed Golf Course/Subdivision Sewer Contract

Action: **Approve a reimbursable sewer contract between the City and Bryan Properties, Incorporated.**

Explanation: The Applicant, Bryan Properties, Inc., has requested a reimbursable contract for the design and construction of a sanitary sewer line beginning at the Cabarrus County - Mecklenburg County line and extending 3,500 feet into Mecklenburg County. This line will serve their proposed golf course/subdivision. The estimated cost of this project is $800,000.

Funding: The applicant has deposited 15% of the estimated project cost with the remaining 85% to be deposited prior to construction.

29. Mecklenburg County, Highway 521 Landfill Sewer Contract

Action: **Approve a reimbursable sewer contract between the City and Mecklenburg County.**

Explanation:

- The applicant, Mecklenburg County, has requested a 15-year reimbursable contract for the design and construction of a sanitary sewer trunk through their proposed Highway 521 Landfill property in Southern Mecklenburg County.

- This extension will provide:
  - for the collection of treated runoff from the landfill; and
  - possible elimination of a private treatment plant operated by Elon Children Homes. Elon Children Homes may apply for sewer service once the extension by Mecklenburg County has been made.

- This project provides for 3,700 linear feet of sanitary sewer lines. The estimated cost of this project is $259,000.

Funding: The applicant has deposited 15% of the estimated project cost with the remaining 85% to be deposited prior to construction.

30. Pace/Dowd Properties, Ltd., Hucks Road Sewer Contract

Action: **Approve a non-reimbursable sewer contract between the City and Pace/Dowd Properties, Ltd.**

Explanation: The applicant, Pace/Dowd Properties, Ltd. has requested a non-reimbursable contract for the design and construction of 1,800 feet of sanitary sewer trunk. This trunk will serve their proposed subdivision on Hucks Road in Mecklenburg County. The estimated cost of this project is $126,350. The applicant will pay the full cost of this project.

Funding: The applicant has deposited 15% of the estimated project cost with the remaining 85% to be deposited prior to construction.

31. Mecklenburg County Community Development, Legranger Road Area Water and Sewer Contract

Action: **Approve a non-reimbursable water and sewer contract between the City and Mecklenburg County Community Development.**

Explanation:

- The applicant, Mecklenburg County Community Development, has requested a non-reimbursable contract for the design and construction of water and sewer facilities to serve the Legranger Road Community.

- This project provides for water and sanitary sewer mains along Legranger Road, located off Mallard Creek Church Road, west of Interstate 85 North. The project consists of 2,900 feet of water line and 2,700 linear feet of sanitary sewer lines within this community.

- The estimated cost of this project is $441,300. The applicant will pay the full cost of this project.

Funding: The applicant has deposited 100% of the estimated project cost.

32. Regional Wastewater Agreement with Lancaster County

Action:

A. Adopt a resolution to approve a contract between the City of Charlotte (City) and Lancaster County Water & Sewer District (District) for the sale of water.

B. Adopt a resolution to approve a contract between the City of Charlotte and Lancaster County Water & Sewer District to treat wastewater from the District at the City's McAlpine Creek Wastewater Management Facility.

Explanation:

- John Wieland Homes wishes to build a residential development on land that lies on the Mecklenburg-Lancaster County line. Charlotte-Mecklenburg Utilities has no water mains available to serve the area and Lancaster Water & Sewer District has no sewer service in the area.

- To facilitate this development, the City and the District have negotiated agreements whereby the District will sell to the City up to 300,000 gallons per day of water from the District's system located on U.S. 521 at the County line. This will serve portions of the development located in Mecklenburg County.

- The City will resell to the District up to 150,000 gallons per day of water to serve portions of the development located in Lancaster County. The agreement includes an option to allow the City to supply its own water when City water mains are extended in the area.

- Sewer service will be provided by a pumping station at the County line and a force main that discharges to an existing CMUD sewer line in the McAlpine Creek basin. The City agrees to treat up to 130,000 gallons per day of wastewater from the District at the City's McAlpine Creek treatment facility. The agreement contains an option for the District to increase its wastewater treatment rights to 380,000 gallons per day by relocating the pumping station and constructing all facilities needed to serve an area beyond the Wieland development at the District's expense.

- Construction of the facilities to serve Wieland's development will be at Wieland's expense under a three party donated project construction agreement being negotiated among the City, the District and Wieland.

Funding: No City funds are required for this agreement and all required facilities for the project will be donated to the City and the District respectively.

33. Choyce Avenue and Oakhurst Neighborhood Improvement Projects - Amendment #1

Action: **Approve amendment #1 for $221,500 with Woolpert LLP for engineering services for the Choyce Avenue and Oakhurst Neighborhood Improvement Projects.**

Explanation:

- This amendment will assist the City in meeting goals of the work plan developed by Neighborhood Development and other Key Businesses to coordinate the Neighborhood Infrastructure Improvement Program Priorities established in the Neighborhood Action Plan.

- On March 12, 1997, the original $98,000 agreement was awarded for planning and design of the Choyce Avenue neighborhood and planning for the Oakhurst neighborhood. This amendment will provide design services for Oakhurst and construction inspection services for Choyce Avenue.

- This amendment brings the contract total to $319,500. Further amendments may be contemplated in the future to provide additional engineering services for Neighborhood Improvement Projects.

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

- Woolpert was selected using the Council-approved process.

Funding: Neighborhood Improvement Capital Investment Funds

Background:

- On November 5, 1996, the voters approved $32 million in Neighborhood Improvement Bonds.

- The Neighborhood Improvement Bonds will provide for infrastructure improvements including curb and gutter, sidewalk, lighting and minor street widening in 18 neighborhoods, including the Choyce Avenue and Oakhurst neighborhoods.

34. Engineering and Environmental Services

Action: **Approve agreement for $150,000 with Titan Atlantic Group for engineering and environmental services on various City projects.**

Explanation:

- This agreement with Titan Atlantic will provide engineering and environmental services for various City projects on an as-needed basis.

- This agreement will insure that the Underground Storage Tank (UST) program is handled in an expeditious and uninterrupted manner. The U.S. Environmental Protection Agency requires that all underground storage tanks be upgraded for spill, overfill, and release detection standards by December 22, 1998.

- Other services provided by Titan Atlantic may include: UST design, environmental site assessments, bid assistance and construction management for environmental remediation projects.

  - This agreement may be amended in the future to provide ongoing environmental services.

  - Titan Atlantic Group was selected using the Council-approved selection process.

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

MWBD: 10% WBE

Funding: Capital Investment Plan

35. Moore's Chapel Neighborhood Improvement Project

Action: **Approve agreement for $107,403 with Presnell Associates, Inc. for planning and design services for the Moore's Chapel Neighborhood Improvement Project.**

Explanation:

- This agreement will assist the City in meeting goals of the work plan developed by Neighborhood Development and other Key Businesses to coordinate the Neighborhood Infrastructure Improvement Program Priorities established in the Neighborhood Action Plan.

- Presnell was selected using the Council-approved process.

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

Funding: Neighborhood Improvement Capital Investment Funds

Background:

- On November 5, 1996, the voters approved $32 million in Neighborhood Improvement Bonds.

- The Neighborhood Improvement Bonds will provide funds for infrastructure improvements (curb and gutter, sidewalk, lighting and minor street widening) in 18 neighborhoods, one of which is the Moore's Chapel Neighborhood.

36. Design Services for Various Storm Water Projects

Action: **Approve agreement for $110,000 with Task Design Group, PA (Task) for design services for various storm water projects.**

Explanation:

- This agreement is for storm water design services for various city projects. Some of these projects have already been identified and are high priority capital projects.

- Task was selected using the Council-approved process.

- The hourly rates for these services are comparable to the hourly rates for other storm water projects.

Funding: Storm Water Services

37. Johnston Road Widening and Extension

Action: Approve agreement for $898,892 with HDR Engineering, Inc. of North Carolina for engineering services for the Johnston Road Widening and Extension Project.

Explanation:

- This agreement is for planning, design, and bid phase services. Improvements include a new bridge and the widening and extension of Johnston Road to a four-lane median divided roadway from the intersection of Tifton Road to the new I-485/US521 interchange. This agreement may be amended in the future to provide additional services such as construction administration.

- This project will allow for the continued implementation of major roadway improvements as prioritized in the 2005 and 2015 Transportation Plans.

- HDR was selected using the Council-approved process.

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

- Funding for this project was included in the November 5, 1996, voter-approved $66.4 million Street Bonds.

MWBD: 5.2% WBE

Funding: Capital Investment Plan

38. Prosperity Church Road Widening

Action: **Approve agreement for $521,088 with Presnell Associates, Inc. for engineering services for the Prosperity Church Road Widening Project.**

Explanation:

- This agreement is for planning, design, and bid phase services which will provide for the widening of Prosperity Church Road to a four-lane median divided roadway from Mallard Creek Road to a point north of Katelyn Drive. This agreement may be amended in the future to provide additional services such as construction administration.

- This project will allow for the continued implementation of major roadway widening as prioritized in the 2005 and the 2015 Transportation Plans.

- Presnell was selected using the Council-approved process.

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

- Funding for this project was included in the November 5, 1996, voter-approved $66.4 million Street Bonds.

Funding: Capital Investment Plan

39. Tenth Street and Graham Street Major Intersection Improvement

Action: **Approve agreement for $114,470 with US Infrastructure (USI) for engineering services for Tenth Street and Graham Street Major Intersection Improvement Project.**

Explanation:

- This agreement is for planning, design, and bid phase services which will provide for reconstruction of the intersection of Tenth Street and Graham Street including the addition of a left turn storage lane along southbound Graham Street. This agreement may be amended in the future to provide additional services such as construction administration.

- This project will allow for the continued implementation of major intersection improvements as prioritized in the City's Traffic Operations Plan.

- USI was selected using the Council-approved process.

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

- Funding for this intersection improvement was included in the November 5, 1996, voter-approved $66.4 million Street Bonds.

MWBD: 9.9% WBE, & 66.4% ABE

Funding: Capital Investment Plan

40. Runnymede/Woodlawn/Selwyn Avenue Major Intersection Improvement

Action: **Approve agreement for $199,808 with The LPA Group of North Carolina for engineering services for Runnymede/Woodlawn/Selwyn Avenue Major Intersection Improvement Project.**

Explanation:

- This agreement is for planning, design, and bid phase services which will provide for reconstruction of the intersection of Runnymede/Woodlawn/ Selwyn Ave. It will provide for the addition of a second northbound through lane along Selwyn Avenue. This agreement may be amended in the future to provide additional services such as construction administration.

- This project will allow for the continued implementation of major intersection improvements as prioritized in the City's Traffic Operations Plan.

- Engineering & Property Management is currently negotiating another agreement with LPA for Selwyn Avenue safety improvements.

- LPA was selected using the Council-approved process.

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

- Funding for this intersection improvement was included in the November 5, 1996, voter-approved $66.4 million Street Bonds.

MWBD: 2.5% WBE, & 20% HBE

Funding: Capital Investment Plan

41. NCDOT Grant Resolution and Budget Ordinance for Regional Vanpool/Carpool Study

Action:

A. Adopt a resolution authorizing the City to enter into an agreement with the North Carolina Department of Transportation (NCDOT) for financing a regional vanpooling/carpooling study; and

B. Adopt a budget ordinance appropriating $31,509 which includes a State share of $28,358 (90%) and a City share of $3,151 (10%).

Explanation:

- On March 6, 1998, the North Carolina Board of Transportation approved a grant of $28,358 to the City to assess the need for a regional vanpooling/ carpooling program.

- The Charlotte Department of Transportation (CDOT) will contract with 2 Plus, Inc., a Cary, NC non-profit corporation to perform this study. 2 Plus should complete the work by August 1998.

- The study will identify the organizational steps for:

  - Creating a regional vanpooling/carpooling entity, including the roles and relationships with the City's existing program and NCDOT.

  - Determining the market potential for a regional program.

  - Determining the potential for NCDOT supporting local vanpooling/carpooling functions and products through a central service center.

- Staff from Charlotte Center City Partners, Mecklenburg County, and the 20-mile ring cities will join 2 Plus, CDOT, and NCDOT on this project.

- The project is a follow-up to a $16,534 study completed by 2 Plus for CDOT and NCDOT in 1997. The initial study (90% State, 10% City funding) indicated the merits in exploring a regional vanpool/carpool effort as well as the potential for a state-wide support center for ridesharing services.

Funding: The budget ordinance appropriates the State funding and transfers the local match to the appropriate account. The local match comes from the Transportation Fund balance.

Attachment

42. Municipal Agreement for the Improvement of Providence Road from NC 51 to McKee Rd

Action:

A. Adopt a budget ordinance in the amount of $202,312 to reimburse the NCDOT for the City's share of the cost of sidewalks on the project, and

B. Adopt a resolution authorizing the Transportation Director to execute a Municipal Agreement with the NCDOT to widen and improve Providence Road between NC 51 and McKee Road.

Policy: Council has a policy to support needed NCDOT projects identified through the Metropolitan Planning Process and to support the construction of sidewalks on both sides of all thoroughfare projects.

Explanation:

- The NCDOT asks that Council adopt this resolution to express its support for the project to improve Providence Road to a four lane median divided roadway between NC 51 and McKee Road. The budget ordinance funds the City's share of new sidewalk improvements to be constructed on both sides of the project along its entire length.

- Utility relocation work already has begun on the project. The NCDOT plans to award the contract to begin construction in September, 1998. Construction is expected to be completed by the end of 2000.

Community Input:

- The NCDOT held public workshops for the project on July 30, 1991 and March 29, 1993 and a design public hearing on January 10, 1995. The NCDOT also held meetings with Messiah Lutheran Church in January 1995, with Providence Presbyterian Church in February 1995, and with Charlotte Latin School in October 1996.

- Charlotte Latin School representatives met with CDOT staff on February 18, 1998 to further share their concerns which are:

  - The fenced playground will be adjacent to the sidewalk which gives strangers greater access to the playground.

  - Sidewalk will encourage unsafe and dangerous practice of parents dropping off and picking up students on Providence Road.

  - It will give greater opportunity for vandals to have access to the campus. The school has 24-hour security.

- CDOT agreed to post "No Stopping/Standing" signs on Providence Road in front of the school when construction is complete. Since then Charlotte Latin School has not voiced objection to the proposed sidewalk.

- CDOT believes having a sidewalk on only one side of the roadway would create a dangerous situation for pedestrians.

Funding: The City's $202,312 share of the sidewalk construction costs will be funded from the Capital Investment Plan, Participation in State Roadway Projects.

43. Airport Property Exchange

Action: **Recommend approval of a resolution authorizing the exchange between the City and International Airport Center (IAC) of parcels of land of equal value.**

Explanation:

- IAC owns approximately 65 acres of land located on Yorkmont Road adjacent to the Airport's southern boundary on which they have developed 300,000 square feet or office/warehouse space and have preliminary Foreign Trade Zone approval.

- It is mutually beneficial for the Airport and IAC to exchange parcels of equal value (8.93 acres valued at $60,000 per acre for an equal value of $535,800) to facilitate future development for both (see attachment). Both parcels have been appraised by an independent MAI appraiser and determined to be of equal value.

- The benefits to the City are:

  - Acquisition of additional land on Yorkmont Road provides roadway right-of-way to install landscaping and sidewalks consistent with existing Airport development.

  - Acquisition of land provides appropriate right-of-way for Airport to construct new road to serve additional 200 acres of airport land.

  - Appropriate restructuring of property lines allow maximum utilization of property under development by IAC maximizing property taxes to the City.

- Acquiring property for future roads before development avoids costly disruption later.

- Benefits to IAC are:

  - Appropriate restructuring of property lines allows maximum utilization of property under development enhancing feasibility (profitability) of project.

Community Input: Airport Advisory Committee recommends this resolution.

Attachment 21
Map

44. Sale of Property at 4900 Carmel Road and 4912 Carmel Road

Action: **Recommend approval of sale of two lots at 4900 Carmel Road and 4912 Carmel Road.**

Policy: To maximize the City's return from its current asset portfolio by the sale of surplus City properties.

Explanation:

- At the January 26 City Council meeting, Council approved advertising two vacant lots, 4900 Carmel Road and 4912 Carmel Road, for upset bid following an offer from James DeMare of $50,000 for both lots. There were no upset bids.

- James DeMare intends to build single family homes on the lots following all applicable zoning and building regulations.

Background:

- Appraised value of the property is $54,000.

- The lots were purchased for right-of-way for the Carmel Road widening project.

45. Property Transactions

Action: **Approve the following property acquisition (A-H) and adopt the condemnation resolution (I-K)**

For property transactions A and B, 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 and house. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement.

Acquisitions:

A. Project: F.A.R. Part 150 Land Acquisition
Owner(s): Mr. and Mrs. Charles A. Shore
Property Address: 8401 Todd Road
Property to be acquired: 1.267 acres
Improvements: Ranch
Tax Value: $65,770
Purchase Price: $81,000

B. Project: Master Plan Land Acquisition
Owner(s): Ms. Mildred C. Lutz
Property Address: 6011 Wilkinson Blvd.
Property to be acquired: .183 acres
Improvements: House used as business
Tax Value: $38,710
Purchase Price: $60,000

C. Project: Master Plan Land Acquisition
Owner(s): Mr. and Mrs. Joseph L. Wilson
Property Address: part of 8211 Cathey Drive
Property to be acquired: .697 acres
Improvements: Ranch house
Tax Value: $48,600
Purchase Price: $67,700

Remarks: On July 28, 1997 Council approved a municipal agreement for NCDOT and the Airport to work together on those acquisitions that involve I-485 right-of-way and future Airport property. The NCDOT is acquiring .309 acres. The Airport is buying .697 acres of land and the house. Purchase price of entire lot and house is $73,400. The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Acquisition is eligible for federal funding.

D. **Project**: Shearer Road Water Tank Site, Parcel #1
Owner(s): Ted Wayne Ritchie & Norma T.Ritchie
Property Address: 20711 Shearer
Property to be Acquired: 174,240 sq.ft. (4.00 ac.)
Improvements: None
Purchase Price: $110,000
Remarks: The area is needed for the construction and maintenance of an elevated water tank. Compensation amount is based upon two independent certified appraisals.
Zoned: R-3 **Use**: Vacant
Tax Value: $131,500
Tax Code: 003-101-12

E. **Project**: Billy Graham/Wilkinson Boulevard-Phase I, Parcel #2
Owner(s): Susan F. Jordan (By Entirety)
Property Address: 4809 Wilkinson Boulevard
Property to be Acquired: 2,279 sq.ft. (0.05 ac.) Fee Simple Acquisition plus 2,242 sq.ft. (0.05 ac.) Sidewalk/Utility Easement plus 18,784 sq.ft. (0.43 ac.) of Temporary Construction Easement, plus 35,651 sq.ft. (0.02 ac.) apparent right-of-way
Improvements: Trees, illuminated sign board, and fencing
Purchase Price: $25,300
Remarks: These areas are needed for road widening, sidewalk and utility easements. Acquisition price is based on an independent certified appraisal.
Zoned: I-1 **Use**: Commercial
Tax Value: $245,130
Tax Code: 115-121-04

F. **Project**: Billy Graham/Wilkinson Boulevard-Phase I, Parcel #1
Owner(s): Susan F. Jordan (By Entirety)
Property Address: 4703 Wilkinson Boulevard
Property to be Acquired: 13,595 sq.ft. (0.31 ac.) right-of-way, plus 1,045 sq.ft. (0.02 ac.) permanent easement, plus 11,480 sq.ft. (0.26 ac.) of temporary construction easement.
Improvements: Commercial Building
Purchase Price: $164,415
Remarks: These areas are needed for a road and intersection realignment project. It requires the removal of a commercial building. The acquisition price was based upon two independent certified appraisals.
Zoned: I-1 **Use**: Commercial
Tax Value: $118,960
Tax Code: 115-121-02

G. **Project**: Billy Graham Wilkinson-Phase I, Parcel #9
Owner(s): Coyote Partners
Property Address: 4617 Wilkinson Boulevard
Property to be Acquired: 1,827 sq.ft. (0.04 ac.) fee simple, plus 2,959 sq.ft. (0.07 ac.) permanent easements, plus 10,133 sq.ft. (0.23 ac.) temporary construction easement.
Improvements: Business sign, trees and shrubs
Purchase Price: $16,500
Remarks: Property is needed for the Wilkinson Boulevard road widening project causing loss of land area and a business sign. Acquisition price was based on an independent certified appraisal.
Zoned: I-2 **Use**: Lounge/Commercial
Tax Value: $1,435,150
Tax Code: 115-091-09&10

H. **Project**: Water Main-Mallard Creek Church Road, Parcel #4
Owner(s): T.P.T. Inc.
Property Address: 10000 N. Tryon Street
Property to be Acquired: 2,750 + sq.ft. (.063 ac.) permanent easement plus 1,000 + sq.ft. (.023 ac.) temporary construction easement.
Improvements: None
Purchase Price: $10,850

Remarks: Easement areas are required for the construction and maintenance of the proposed water main along Mallard Creek Church Road. Compensation is based upon independent appraisal.
Zoned: B-1 **Use**: Conv. Store/Commercial
Tax Value: $462,540
Tax Code: 051-021-07

Condemnations:

I. **Project**: Steele Creek Parallel Sewer Trunk, Parcel #13
Owner(s): Alan T. Withrow, Trustee for the Withrow Family Trust and other parties of interest.
Property Address: 10400 John Price Road
Property to be Acquired: 21,232 sq.ft. (0.49 ac.)
Improvements: Trees
Purchase Price: $1,800
Remarks: A permanent and temporary easement is required to construct an additional sewer line parallel to an existing sewer line along the side property line. After numerous contacts and negotiations, City staff has yet to reach an agreement with the property owner. Compensation is based on an independent appraisal made on the property.
Zoned: RMH **Use**: Warehouse/Industrial
Tax Value: $1,607,660
Tax Code: 201-161-01A

J. **Project**: Proposed 36-inch Water Main-Asbury Chapel Road, Parcel #2
Owner(s): Sarah W. Brown, Estate & any other parties of interest
Property Address: Autumcrest Road (6.350 ac.)
Property to be Acquired: 1,457 + sq.ft. (0.033 ac.)
Improvements: Trees
Purchase Price: $460
Remarks: Permanent and temporary easements are needed for the construction of a 36-inch water line around the bridge along Asbury Chapel Road. City staff, has yet to reach an agreement after numerous contacts and conversations. Compensation is based on an independent certified appraisal.

Zoned: R3 **Use**: Vacant Land
Tax Value: $61,720
Tax Code: 021-041-21

K. **Project**: Proposed 36-inch Water Main-Asbury Chapel Road, Parcel #1
Owner(s): Jeffrey W. Brown & JoAnn Miller & any other parties of interest
Property Address: 27.150 ac. Asbury Chapel Road
Property to be Acquired: 3,347 sq.ft. (0.077 ac.)
Improvements: Electric fence
Purchase Price: $1,810
Remarks: Permanent and temporary easements are needed for the construction of a 36-inch water line around the bridge along Asbury Chapel Road. City staff has yet to reach an agreement after numerous contacts and conversations. Compensation is based on an independent certified appraisal.
Zoned: R-3 **Use**: Vacant
Tax Value: $217,440
Tax Code: 021-041-03

46. Minutes

Action: **Approve minutes as follows:**

- **February 2 Workshop**
- **February 9 Business Meeting**
- **February 16 Zoning Meeting**
- **February 17 Budget Retreat**
- **February 23 Business Meeting**