

AGENDA

Meeting Type:	BUSINESS
Date:	05/28/1996

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

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

Council Agenda

CITY COUNCIL MEETING **Tuesday, May 28, 1996**

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.

Formal Business Meeting

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**5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER**

- 1. Children's Services Network Update**
- 2. Oakhurst Land Use and Zoning Plan**
- 3. Drug Testing Policy for Mayor and Councilmembers**
- 4. Airport Art Project**

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

CONSENT

- 5. Consent agenda items 14 through 28 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

6. Public Hearing to Close a Portion of Garris Road

- Action:**
- A. Conduct a public hearing to abandon portion of Garris 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 action in accordance with the statutes.
- Background:**
- Petitioner:**
Larry Burton, The Land Registry Co.
- Right-of-Way to be abandoned:**
A portion of Garris Road
- Location:**
From approximately 400 feet north of Stacy Boulevard to its end.
- Reason:**
To incorporate the right-of-way into the adjacent property to facilitate the development of a new residential (single family) subdivision.
- 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
- 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 individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes.

Attachment 1
Vicinity Map

POLICY

7. City Manager's Report

8. Drug Testing Policy for Mayor and Councilmembers

Action: The Council-Manager Relations Committee reviewed this item on May 13. The item will be sent in the Council-Manager Memo on Friday, May 24.

9. Oakhurst Land Use and Zoning Plan

Action: Approve the recommendation of the Economic Development and Planning Committee to adopt the Oakhurst Land Use and Zoning Plan.

Staff Resource: Jack Daniels and Stanley Watkins

Explanation of Request:

- City Council's Economic Development and Planning Committee is recommending the adoption of the Oakhurst Land Use and Zoning Plan as a policy document for land use and zoning decisions in the Oakhurst area.

- The Oakhurst Plan proposes zoning changes to 349 parcels in the community. These changes are designed to stabilize and enhance the land use future of this inner city community. The Plan proposes changes within three of four sub-areas (see attached Oakhurst Plan). Recommended zoning changes for each sub-area are:

- Area 1 - 255 parcels from R-17MF to R-5/R-6
- Area 2 - 21 parcels from R-17MF to R-4/R-6
- Area 2 - 7 parcels from R-17MF to 0-2
- Area 3 - No rezonings proposed
- Area 4 - 46 parcels from R-17MF to R-5
- Area 4 - 14 parcels from R-17MF to R-8MF
- Area 4 - 6 parcels from R-17MF to 0-2

- Adoption of the Plan by City Council does not change zoning on any property in the community. Separate zoning hearings would be required.
- The East District Plan (adopted in 1991) recommended that the Planning staff develop a land use and zoning plan for the Oakhurst area. This process began in March 1995 and the staff received input from the newly formed neighborhood association and other residents.
- Two meetings were held in the community - on May 30 (attended by over 200 people) and September 14 to receive citizen input. The Planning Committee of the Charlotte-Mecklenburg Planning Commission adopted the Plan on October 2, 1995.

Attachment 2

1. Summary of Recommended Zoning Changes for the Oakhurst Land Use and Zoning Plan
2. Oakhurst Land Use and Zoning Plan (approved by the Planning Committee of the Charlotte-Mecklenburg Planning Commission).

10. Wireless Telecommunications Tower

The Economic Development/Planning Committee reviewed this topic on May 20. This agenda item will be sent in the Friday, May 24 Council-Manager Memo.

11. Open Container Ordinance

Action: Adopt an ordinance amending Section 15-3 of the City Code making it illegal to possess an open container of beer or unfortified wine on public streets or sidewalks.

Staff Resource: Bruce McDonald, Police Attorney

Policy: Public Safety

Explanation of Request:

- The public consumption of beer and wine is illegal under Section 15-3 of the City Code. The General Assembly recently granted cities and counties the authority to prohibit the possession of open containers of beer and wine on public streets and sidewalks.
- Police officers believe that this amendment to the ordinance will be a useful tool in dealing with neighborhood problems in the vicinity of establishments that sell beer and wine. Currently an officer can take action only if he sees someone actually consuming alcohol in public; this amendment will allow the officer to take action if he sees an open container of beer or unfortified wine.
- This amendment will still allow possession and consumption from open containers at community sponsored public functions, festivals or celebrations which have the appropriate permits.

**Attachment 3
Ordinance**

12. Indecent Exposure Ordinance

Action: Adopt an ordinance amending Section 15-87 of the City Code making it illegal to willfully masturbate in any public place, including public restroom facilities, in the presence of any other person.

Staff Resource: Bruce McDonald, Police Attorney

Policy: Public Safety

Explanation of Request:

- The City's indecent exposure ordinance was recently held to be unconstitutionally vague and preempted by the state's indecent exposure statute (G.S. 14-190.9). The state statute prohibits exposure only in the presence of a person of the opposite sex. The previous ordinance was used by police officers to bring charges in situations where the defendant exposed himself to an officer, but there was insufficient verbal contact to support a charge of soliciting crime against nature.
- The proposed change to Section 15-87 of the City Code would prohibit masturbation in any public place in front of any other person, regardless of whether or not they are of the same sex.
- This change will provide police with an enforcement mechanism to deal with those individuals who avoid verbal communication in an attempt to evade a potential soliciting charge.

**Attachment 4
Ordinance**

ZONING DECISION

13. Zoning Petition #96-33

At the Zoning Meeting on Monday, May 20, Council deferred the decision on Petition No. 96-33 to the May 28, 1996 Council Meeting. The item and attachment will be sent to Council with the Friday May 24 Council/Manager Memo.

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

14. Various Bids

A. Water and Sewer Construction - CMUD FY96 Contract #15 - Street Main Extensions

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$787,187.00 by R.H. Price Construction Company of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$1,000	0.1%	2%
WBE	\$786,187	99.9%	3%

Compliance: Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women business firms. R. H. Price, Inc. has committed all available subcontract opportunities to minority and women businesses. The WBE goal has been exceeded.

**B. Water Distribution Project -
24 Inch Water Main Replacement
Along Browns Avenue**

CMUD

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$232,397.55 by R.H. Price of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$600	0.3%	1%
WBE	\$231,797.55	99.7%	1%

Compliance: Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women business firms. R. H. Price, Inc. has committed all available subcontract opportunities to minority and women businesses. The WBE goal has been exceeded.

C. Repair of City Bridges

**Engineering and
Property Management**

Recommendation: The City Engineer recommends the low bid of \$760,675.50 by Lee Construction Company of Charlotte, NC. This project repairs 63 bridges/culverts. The work includes cleaning, painting, asphalt pavement overlay, slope protection, debris removal from underneath bridge/culvert, repair of metal bridge rails, guardrails and sidewalks.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$30,447	4%	4%
WBE	\$22,820	3%	3%

Compliance: Yes

D. Franklin Park Street Improvements

**Engineering and
Property Management**

Recommendation: The City Engineer recommends the low bid of \$173,941.02 from Crowder Construction Company of Charlotte, N.C. This project will upgrade gravel roads in the Franklin Park Neighborhood off N.C. 51 near the intersection of Providence Road. The work will take place on Arboretum View, Foxwood Road, and Springs Drive. The project consists of minor drainage, aggregate base, and asphalt surface course.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$15,120.20	10%	6%
WBE	\$11,095.50	7%	5%

Compliance: Yes.

E. Sharon Road Minor Roadway Improvements **Engineering and Property Management**

Recommendation: The City Engineer recommends that the low bid of \$964,552.29 by Rea Construction Company of Charlotte, NC be accepted. This contract will construct storm drainage, curb and gutter, concrete sidewalks, driveways, wheelchair ramps, and payment widening from Greencastle Drive to Sherbrook Drive.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$30,000	3%	3%
WBE	\$37,122.25	4%	2%

Compliance: Yes

F. Druid Hills Neighborhood Improvements, Storm Drainage Phase I **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of \$1,983,001.70 by Seven Star Construction, Rock Hill, SC. This project is approximately 75% storm drainage work. The remainder is sidewalks, curb and gutter, water main construction, and sanitary sewer replacement. The project is located east of Statesville Avenue between McArthur and Holland Avenues.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$1,983,001.70	100%	4%
WBE	-0-	-0-	3%

Compliance: Yes. Contractor will self-perform all work.

G. Residential Sound Insulation

Aviation

Recommendation: Aviation Director recommends the low bid of \$337,339 by Moretti Construction of Charlotte be accepted. This project will provide storm windows, storm doors, ceiling insulation, sound baffling and other sound attenuation measures for 20 residences participating in the sound insulation program. This is part of the federally approved FAR Part 150 Noise Compatibility Program.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$2,000	.5%	10%

Compliance: Yes. Contractor showed good faith effort to solicit additional minority participation.

15. In Rem Remedy

For In Rem Remedy #A - #GG, 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% by 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 or from tenant
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. 1005-07 Belmont Avenue - Belmont
- B. 1101 Belmont Avenue, #1-#4 - Belmont
- C. 1104 Allen Street, #5-#8 - Belmont
- D. 1921 Allen Street, #1 & #2 - Belmont
- E. 1020 N. Brevard Street, A & B - Optimist Park
- F. 404-06 Heflin Street - Grier Heights
- G. 408-10 Heflin Street - Grier Heights
- H. 412-14 Heflin Street - Grier Heights
- I. 108 Orange Street - Grier Heights
- J. 3506 Ellington Street - Grier Heights
- K. 3514 Marvin Road - Grier Heights
- L. 3126 Hiram Street - Reid Park
- M. 105 S. Halsey Street - Lakewood
- N. 1608-10 Merriman Avenue - Wilmore
- O. 3918 N. Tryon Street, A-G - Sugaw Creek/Ritch Avenue
- P. 4000 N. Tryon Street - Sugaw Creek/Ritch Avenue
- Q. 509 E. Todd Lane - Todd Park
- R. 2508 Danforth Lane - Westerly Hills
- S. 230 Lee Street - Coulwood

Complaint

- T. 1421 Pegram Street, #1-#4 - Belmont
- U. 1624 Parson Street - Belmont
- V. 1636 Parson Street - Belmont
- W. 1829 Azalea Lane - Druid Hills North
- X. 2024 Oaklawn Avenue, #1-#7 - Oaklawn Park
- Y. 1201 Beatties Ford Road - Biddleville
- Z. 6120 Old Mt. Holly Road - Toddville Road

Field Observation

- AA. 808 E. 20th Street - Belmont
- BB. 412-14 Tuckaseegee Road - Seversville
- CC. 1915-17 Merriman Avenue - Wilmore
- DD. 1923-25 Merriman Avenue - Wilmore
- EE. 1562 Firth Court - Plaza-Midwood
- FF. 1015 Holland Avenue - Druid Hills
- GG. 9837 Packard Street - Sterling

A. 1005-07 Belmont Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1005-07 Belmont Avenue (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 5

B. 1101 Belmont Avenue, #1-#4

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1101 Belmont Avenue, #1-#4 (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 6

C. 1104 Allen Street, #5-#8

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1104 Allen Street, #5-#8 (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 7

D. 1921 Allen Street, #1 & #2

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1921 Allen Street, #1 & #2 (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 8

E. 1020 N. Brevard Street, A & B

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1020 N. Brevard Street, A & B (Optimist Park Neighborhood), located in the City Within a City boundaries.

Attachment 9

F. 404-06 Heflin Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 404-06 Heflin Street (Grier Heights Neighborhood), located in the City Within a City boundaries.

Attachment 10

G. 408-10 Heflin Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 408-10 Heflin Street (Grier Heights Neighborhood), located in the City Within a City boundaries.

Attachment 11

H. 412-14 Heflin Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 412-14 Heflin Street (Grier Heights Neighborhood), located in the City Within a City boundaries.

Attachment 12

I. 108 Orange Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 108 Orange Street (Grier Heights Neighborhood), located in the City Within a City boundaries.

Attachment 13

J. 3506 Ellington Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3506 Ellington Street (Grier Heights Neighborhood), located in the City Within a City boundaries.

Attachment 14

K. 3514 Marvin Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3514 Marvin Road (Grier Heights Neighborhood), located in the City Within a City boundaries.

Attachment 15

L. 3126 Hiram Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3126 Hiram Street (Reid Park Neighborhood), located in the City Within a City boundaries.

Attachment 16

M. 105 S. Halsey Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 105 S. Halsey Street (Lakewood Neighborhood), located in the City Within a City boundaries.

Attachment 17

N. 1608-10 Merriman Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1608-10 Merriman Street (Wilmore Neighborhood), located in the City Within a City boundaries.

Attachment 18

O. 3918 N. Tryon Street, A-G

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3918 N. Tryon Street, A-G (Sugaw Creek/Ritch Avenue Neighborhood), located in the City Within a City boundaries.

Attachment 19

P. 4000 N. Tryon Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 4000 N. Tryon Street (Sugaw Creek/Ritch Avenue Neighborhood), located in the City Within a City boundaries.

Attachment 20

Q. 509 E. Todd Lane

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 509 E. Todd Lane (Todd Park Neighborhood), located in the City Within a City boundaries.

Attachment 21

R. 2508 Danforth Lane

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2508 Danforth Lane (Westerly Hills Neighborhood), located in the City Within a City boundaries.

Attachment 22

S. 230 Lee Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 230 Lee Street (Coulwood Neighborhood), located in the City Within a City boundaries.

Attachment 23

T. 1421 Pegram Street, #1-#4

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1421 Pegram Street, #1-#4 (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 24

U. 1624 Parson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1624 Parson Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 25

V. 1636 Parson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1636 Parson Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 26

W. 1829 Azalea Lane

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1829 Azalea Lane (Druid Hills North Neighborhood), located in the City Within a City boundaries.

Attachment 27

X. 2024 Oaklawn Avenue, #1-#7

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2024 Oaklawn Avenue, #1-#7 (Oaklawn Park Neighborhood), located in the City Within a City boundaries.

Attachment 28

Y. 1201 Beatties Ford Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1201 Beatties Ford Road (Biddleville Neighborhood), located in the City Within a City boundaries.

Attachment 29

Z. 6120 Old Mt. Holly Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 6120 Old Mt. Holly Road (Toddville Road Neighborhood), located in the City Within a City boundaries.

Attachment 30

AA. 808 E. 20th Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 808 E. 20th Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 31

BB. 412-14 Tuckaseegee Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 412-14 Tuckaseegee Road (Seversville Neighborhood), located in the City Within a City boundaries.

Attachment 32

CC. 1915-17 Merriman Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1915-17 Merriman Avenue (Wilmore Neighborhood), located in the City Within a City boundaries.

Attachment 33

DD. 1923-25 Merriman Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1923-25 Merriman Avenue (Wilmore Neighborhood), located in the City Within a City boundaries.

Attachment 34

EE. 1562 Firth Court

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1562 Firth Court (Plaza-Midwood Neighborhood), located in the City Within a City boundaries.

Attachment 35

FF. 1015 Holland Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1015 Holland Avenue (Druid Hills Neighborhood), located in the City Within a City boundaries.

Attachment 36

GG. 9837 Packard Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 9837 Packard Street (Sterling Neighborhood), located in the City Within a City boundaries.

Attachment 37

16. Speed Limit Change

Action: Adopt ordinances to lower the speed limit on three Charlotte streets:

Colebrook Road (Oak Forest)	25 MPH
Middleton Drive (Eastover)	25 MPH
Oakwood Avenue (Herrinwood)	25 MPH

17. Set Public Hearing to Close Shady Hills Circle

Action: Set a Public Hearing for June 24, 1996 to close Shady Hills Circle.

Attachment 38
Vicinity Map

CONSENT II

18. False Alarm Ordinance Amendment

- Action:** Adopt an ordinance to clarify that the False Alarm Ordinance will not be enforced criminally.
- Explanation of Request:**
- On May 1, 1996, the Charlotte-Mecklenburg Police Department began enforcing the False Alarm Ordinance. The ordinance contemplates enforcement through the issuance of civil penalties.
 - The proposed ordinance will expressly prohibit the enforcement of the ordinance through criminal prosecution.
- Background:**
- On July 24, 1995, the City Council adopted a False Alarm Ordinance. Following an extensive public information campaign, the Charlotte-Mecklenburg Police Department began enforcing the ordinance on May 1, 1996. The ordinance provides for the issuance of civil penalties for the failure to register an alarm system and for excessive false alarms.

Attachment 39
Ordinance

19. Central Piedmont Community College South Campus, Sewer Contract

- Action:** Approve a sewer contract with Central Piedmont Community College.
- Explanation of Request:**
- Central Piedmont Community College requests a contract for the design and construction of a sanitary sewer trunk of approximately 4,000 linear feet, to serve the proposed South Campus at Ridge Road and Tank Town Road in Matthews. The estimated cost of this project is \$275,000.

- The 15 Year Reimbursable Program allows an applicant to fund capital facilities which are normally provided by CMUD. The applicant receives reimbursements based on a formula. The reimbursement is made as new development occurs along the sewer line.
- The applicant has deposited 15% of the estimated project cost with the remaining 85% to be deposited prior to construction. There is no cost to the City.

20. Mallard Creek Wastewater Treatment Plant Expansion - Professional Services Contract

- Action:**
- A. **Adopt a resolution amending the FY96-2000 CIP to include Expansion of the Mallard Creek Wastewater Treatment Plant to 12 MGD as a part of wastewater treatment plant improvements; and**
 - B. **Approve a contract with Black & Veatch to: 1) provide a Preliminary Engineering Report related to expansion of the Mallard Creek Wastewater Treatment Plant, and 2) provide design and construction management of a project to reclaim treated effluent from the plant for irrigation. The contract is for a not to exceed amount of \$706,894.**

- Explanation of Request:**
- The resolution to amend the FY96 CIP and the engineering services contract have been combined into one action since both are required to proceed with this project.
 - Expansion of the Mallard Creek Wastewater Treatment Plant to 6 million gallons per day (MGD) was completed in FY94. During preparation of the FY96 CIP, the long term need for a further expansion was identified. Since the 6 MGD capacity was considered adequate to meet treatment needs beyond FY2000, funds were not requested in the five year CIP. However, a study of the Mallard and McDowell Creek basins completed in December of 1995 has shown that the

Mallard Creek basin is growing much more rapidly than predicted. This conclusion is supported by the flow records at the plant. Flow into the plant is now expected to exceed the 6 MGD permitted capacity before the year 2000.

- A project to expand the plant to 12 million gallons per day is included in the FY97-2001 CIP. A preliminary Engineering Report is required now to identify the future capacity requirements, and the associated modifications that are needed to increase the treatment capacity. The report will include an estimated cost of engineering, construction, and project administration, and a project schedule for design and construction. An Environmental Assessment and permitting of the expansion will also be included in the work. Funding for design and construction of the expansion will be provided for in the FY97 CIP.
- On March 25, 1996, Council approved an agreement with The Tradition, LLC to provide reclaimed water from the Mallard Creek Plant for irrigation of the golf course at Mallard Creek Park. Location and construction of the Water Reuse Facility within the Mallard Creek Plant must be closely coordinated with the location and construction of the future treatment facilities at the plant. Therefore, CMUD has selected Black & Veatch to provide the design and construction management services for the Water Reuse Facility along with preliminary design services for the plant expansion.

- Background:

- The Mallard Creek Wastewater Treatment Plant was originally constructed around 1980 and expanded in 1994 to its present capacity of 6 million gallons per day. The plant serves the rapidly growing University City area of Northeast Charlotte and Mecklenburg County. Flow into the plant is expected to exceed 6 million gallons per day before the year 2000.

- CMUD has completed a study that verified the feasibility of reclaiming a portion of the treated effluent at the Mallard Creek Plant and using it as irrigation water. CMUD will construct the necessary facilities to transport the effluent to the new golf course at Mallard Creek Park. The Tradition will purchase the reclaimed water for irrigation of the golf course for a period of five years.
- The negotiated fee for these services is within the American Society of Civil Engineers guidelines for procurement of professional engineering services .

21. Rocky River Interceptor - Professional Services Contract

- Action:**
- A. Adopt a budget ordinance appropriating \$1,165,000 from prior Sewer Bond Fund savings; and**
 - B. Approve Engineering Services Contract with Hazen and Sawyer for the design and construction management of the Rocky River Interceptor for \$1,777,615.**

Policy: Agreement between CMUD and the Water & Sewer Authority of Cabarrus County (WSACC) to provide sewer service within the Rocky River Basin.

- Explanation of Request:**
- The CMUD/WSACC agreement stipulates that CMUD will fund the design and construction of approximately 88,000 linear feet of sewer interceptor along the Rocky River within Cabarrus County. In return WSACC will provide 3 million gallons per day treatment capacity to CMUD at their Rocky River Regional Wastewater Treatment Plant. This agreement provides an alternative for sewer service to northeast Mecklenburg County in lieu of CMUD building its own treatment plant at the county line.
 - The budget ordinance appropriates \$1,165,000 from unencumbered prior sewer bond fund savings and is combined with previously approved funding.

Background:

- The FY91 CIP identified the need for and provided initial funding for a wastewater treatment plant to be built on the Rocky River within Mecklenburg County. Subsequently CMUD initiated discussions with WSACC regarding a possible regional agreement whereby the needed treatment capacity could be provided at WSACC's regional plant.
- In the FY93 CIP, the focus of this project was changed to provide for construction of a sewer interceptor along the Rocky River, within Cabarrus County, as CMUD's contribution to a cooperative effort to provide sewer service to the Rocky River basin upstream of the WSACC plant. The regional agreement was approved by Council on December 11, 1995.
- Hazen & Sawyer was selected for this project through CMUD's competitive selection process. The negotiated fee of \$1,777,615 is 11% of estimated construction cost and is within the American Society of Civil Engineer guidelines for procurement of professional engineering services.

22. Purchase of Greenbrier Water System

Action: Approve contract with Mid South Water Systems, Incorporated for the purchase of the water system serving Greenbrier Subdivision. Purchase price is \$90,500.

Policy: The Street Extension Program provides for the extension of water mains to residential properties that desire to become a CMUD customer.

Explanation of Request:

- Greenbrier Subdivision was annexed into Charlotte in 1993. Greenbrier is located on Matthews-Weddington Road and was developed with Mid South water and CMUD sewer.

- The Mid South system does not provide fire protection. The Annexation Program required CMUD to parallel approximately 75% of the Mid South mains with a fire protection system.
- The Street Extension Program requires CMUD to parallel the remaining 25% of the Mid South system on an "as-needed" basis.
- Mid South has agreed to sell their entire Greenbrier system at a price equal to CMUD's cost of paralleling the remaining 25% of their system not required by the annexation.
- The advantages to the City's purchase of the Mid South system in Greenbrier are:
 - This would avoid disruption to the community by eliminating the need to install a parallel water system.
 - CMUD will acquire 136 new water customers.
 - There would not be any cost to the 136 Mid South customers to become CMUD customers.
 - The N.C. Utilities Commission traditionally supports the transfer of private utilities to a municipal system. Their approval will be requested after City Council approval.

23. Purchase of Southhall Water System

Action: Approve contract with Mid South Water Systems, Incorporated for the purchase of the water system serving South Hall Subdivision. Purchase price is \$16,800.

Policy: The Street Extension Program provides for the extension of water mains to residential properties that desire to become a CMUD customer.

Explanation of Request:

- South Hall Subdivision was annexed into Charlotte in 1993. South Hall is located on McKee Road and was developed with Mid South water.
- The Mid South system does not provide fire protection. The Annexation Program required CMUD to parallel approximately 75% of the Mid South mains with a fire protection system.
- The Street Extension Program requires CMUD to parallel the remaining 25% of the Mid South system on an "as-needed" basis.
- Mid South has agreed to sell their entire South Hall system at a price equal to CMUD's cost of paralleling the remaining 25% of their system not required by the annexation.
- The advantages to the City's purchase of the Mid South system in South Hall are:
 - This would avoid disruption to the community by eliminating the need to install a parallel water system.
 - CMUD will acquire 34 new water customers.
 - There would not be any cost to the 34 Mid South customers to become CMUD customers.
 - The N.C. Utilities Commission traditionally supports the transfer of private utilities to a municipal system. Their approval will be requested after City Council approval.

24. Environmental Contract Amendment for Proposed Runway

- Action:**
- A.** Adopt a Budget Ordinance to appropriate \$164,620 to provide funding for additional environmental work associated with the Environmental Impact Statement (EIS) for the proposed third parallel runway; and
 - B.** Approve a contract amendment in the amount of \$164,620 with Landrum & Brown for this additional environmental work.
- Explanation of Request:**
- The \$164,620 contract amendment provides a comprehensive survey conducted by an experienced archeologist to identify the presence and significance of archeological remains that may be damaged or destroyed by a new runway.
 - It will also provide a survey and identification of any buildings of architectural or historic significance.
 - The consultant initially estimated a cost of \$500,000 for this part of the study. The original EIS contract of \$675,000 reduced this amount to \$23,000 subject to more detailed evaluation by the State Historic Preservation Officer. That evaluation has confirmed a need to increase that amount by \$164,620 to produce an acceptable document.
- Funding:** This ordinance appropriates anticipated proceeds from a Federal Grant and \$41,155 from the Airport Discretionary Fund for a total of \$164,620 to the project account.
- Background:**
- On June 26, 1995, City Council approved a Memorandum of Understanding between the City and the Federal Aviation Administration which established responsibility for the forthcoming EIS.
 - On September 11, 1995, City Council approved a \$675,000 contract with Landrum & Brown for the EIS for a proposed new runway.

25. Engineering Design Services for Runway 36R Exit Taxiway

- Action:**
- A. Adopt a Budget Ordinance to appropriate \$350,000 to fund the engineering design, survey and geotechnical investigation; and**
 - B. Award engineering design contract to Talbert & Bright, Inc. for \$259,000 for the Runway R Exit Taxiway.**

Explanation of Request:

- As part of the Airport Master Plan, this project will construct an additional taxiway and improve an existing taxiway for large airplanes that will make the runway system more efficient. This contract will provide all of the professional engineering services to complete the design of this project. The cost of this improvement is estimated at \$5,100,000.
- This fee is approximately 5% of the estimated construction costs of \$5,100,000. Initially, Talbert & Bright, Inc. submitted a fee proposal of \$308,000 and was subsequently reduced to a lump sum of \$259,000 including reimbursable expenses.
- Preliminary engineering work, such as surveying and geotechnical investigations, is estimated at \$91,000.
- The Airport will fund the design of this project through discretionary funds and will be reimbursed at a later date for 75% of eligible project costs through an Federal Aviation Administration Grant.

Background:

- In 1987, the Airport Master Plan identified this proposed taxiway improvement.
- In September 1995, the Airport Capacity Enhancement Plan identified this proposed taxiway improvement and the projected annual savings of \$3,000,000 in aircraft delay when the project is completed.

26. Management Agreement with Atlantic Properties

Action: Approve a management agreement with Atlantic Properties to manage the Airport Office Center.

Explanation of Request:

- The Airport Office Center building is located on West Boulevard and was acquired on May 25, 1995 as part of the Master Plan Land Acquisition Program. The building is a “Key Man Concept” rental which leases small office space to tenants and provides a central clerical office with typing, phone answering, postage, parcel pickup and copy services.
- Subsequent to May 25, 1995, the office center has been managed by the former owner on a contractual basis and currently by the Airport and contracted temporary employee office staff.
- A Request for Proposals was advertised and 12 management companies responded requesting proposal information. Atlantic Properties was the only company to submit a proposal.
- Atlantic Properties is a Charlotte based, full-service commercial property management firm. They are the fourth largest commercial real estate firm in Charlotte and have been in business since 1978.
- Atlantic Properties will provide complete management of the airport Office Center and provide Key Man Office services to tenants. The agreement is for a one year term.
- The fee will be at least \$500 per month or 7% of gross monthly revenues, whichever is greater.

27. Property Transactions

Action: Approve the following property acquisition (A) and adopt the condemnation resolution (B-E)

Acquisition: A. **Project:** Carmel Road Widening, Parcel # 80,131 & 132
Owner(s): Carmel South Homeowners' Association, Incorporated
Property Address: 5000 Block of Carmel Road.
Property to be acquired: 11,223.43 sq.ft. (0.2576 ac.) Plus temporary construction easement of 9,327.71 sq.ft. (0.214 ac.)
Improvements: Numerous large trees, shrubs, sign and landscaping.
Purchase Price: \$51,250
Remarks: This road widening project requires fee simple, permanent and temporary easement acquisition causing a loss of landscaping, numerous trees and shrubs and entrance features on Carmel Road. Compensation is based upon two independent appraisals.

Zoned: RPUD **Use:** Residential Townhomes
1991 Tax Value: \$ 735,100 (entire parcel)
Tax Code: 211-183-59/211-184-25,26

Condemnation: B. **Project:** Beards Creek, Crooked Creek Trunk and Pump Station, Parcel # 140
Owner(s): Robert J. Swierski and any other parties of interest.
Property Address: 3225 Winding Trail, Matthews, N. C.
Property to be acquired: 4,448.75 sq.ft. (.10 ac.)
Improvements: None
Purchase Price: \$500
Remarks: A 15' wide sanitary sewer easement is needed across this property. Condemnation is requested because the property owner can not be located and because of numerous judgements and unpaid taxes on the property.

Zoned: R-15 **Use:** Residence
1991 Tax Value: \$14,400 (entire parcel)
Tax Code: 215-171-31

- C. **Project:** Chipley/Fugate CIP Project, Parcel #8
Owner(s): O. Thomas Waggoner and all parties of interest.
Property Address: 3128 Colonnade Drive.
Property to be acquired: 900 sq.ft.
Improvements: None
Purchase Price: \$2,900
Remarks: A 20' permanent easement is needed across the corner of this property. The owner's counter-offer was twice the City's offer. The City's offer was based on a certified appraisal. Condemnation is requested to construct the storm drainage improvement project.
- Zoned:** B-1 **Use:** Office
1991 Tax Value: \$15,610 (entire parcel)
Tax Code: 159-015-13
- D. **Project:** Chipley/Fugate CIP Project, Parcel #6
Owner(s): O. Thomas Waggoner and all parties of interest.
Property Address: 3131 Monroe Road
Property to be acquired: 740 sq.ft.
Improvements: None
Purchase Price: \$2,400
Remarks: A 20' Permanent Easement is needed across the corner of this property. The owner's counter-offer was twice the City's offer. The City's offer was based on a certified appraisal. Condemnation is requested to construct this storm drainage improvement project.
- Zoned:** B-2 **Use:** Office
1991 Tax Value: \$17,330 (entire parcel)
Tax Code: 159-015-06
- E. **Project:** Sanitary Sewer to Holly Creek Subdivision, Parcel # 1 of 1
Owner(s): Gerald A. Gura and Georgette F. Gura
Property Address: 8701 McCartney Way.
Property to be acquired: 3,202.85 sq.ft.
Improvements: Landscaping
Purchase Price: \$1,900

Remarks: The property owner objects to the sewer line because he believes the line can be installed on the adjoining property without impacting his property. All alternative routes studied by CMUD for the line are not practical. Condemnation is requested to avoid delay of the project. Compensation was determined by an independent appraiser.

Zoned: R-9 PUD **Use:** Residential
1991 Tax Value: \$148,660 (entire parcel)
Tax Code: 025-202-39

28. Minutes

Action:

Approve minutes as follows:

- **April 16 Joint City/County/School Board Meeting**
- **April 22 Business Meeting**
- **May 2 Budget Workshop**