AGENDA

Meeting Type:	B
Date:	09/27/99

City of Charlotte, City Clerk's Office

CHARLOTTE.

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick D Cannon
David Erdman
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Tim Sellers
Sara Spencer

Council Agenda

OFFICE COPY

CITY COUNCIL MEETING
Monday, September 27, 1999

5:00 p.m.

Conference Center
Dinner Briefing
(See Table of Contents)

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

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

1999 Council Retreat Priorities

Top Priorities for 1999

Transportation Plan

Policing Evaluation and Direction

State Roads Action: Increased Funding

Transit Plan and 1/2¢ Sales Tax: Implementation

West Side Strategic Plan Implementation

High Priorities for 1999

Corridor Plan

Planning for the City: The Economic Development and the Center City Plan

Court System: Expansion

Business Retention Strategy and Action Plan

Community Strategic Plan for Housing

Neighborhood/Business Revitalization Strategy

Eastside Strategic Plan

CITY COUNCIL AGENDA

Monday, September 27, 1999

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Right-of-Way Agreement for District Cooling in Uptown Charlotte

Staff: Tom Flynn

Presenter: Bill Drury, Duke Solutions

Time: 30 minutes

Attachment 1

2. Restructuring Government Committee Report: Bulky Trash Collection

Committee Chair: Charles Baker

Staff: Wayman Pearson

Time: 10 minutes

Attachment 2

3. CWAC Committee Reports

A. Wingate Development Plan
B. Workforce Investment Act (WIA)
C. Weed and Seed Crime Commission Grant

Committee Chair: Rod Autrey

Staff: Stanley Watkins

Time: 30 minutes

Attachment 3

6:30 P.M. CITIZENS FORUM

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

CONSENT

4. **Consent agenda items 15 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: Vi Alexander Lyles

PUBLIC HEARING

5. Public Hearing for Proposed Amendments to Floodway Regulations

Action: **Conduct a public hearing to hear comments on proposed amendments to the Floodway Regulations.**

Explanation:

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

- Charlotte-Mecklenburg Storm Water Services staff has drafted proposed amendments to the floodplain regulations based on recent watershed study results.

- The proposed changes were presented to the City Council on September 13, 1999. The changes are described below, followed by the staff and Stormwater Advisory Committee (SWAC) recommendations.

  1. Addition of an Interim Flood Policy to increase the elevation requirements for new construction along all FEMA regulated streams until revised flood maps are adopted. The increase is 5.7 feet above existing elevation requirements based on the increases seen in the two watershed studies. Staff and SWAC concur with this amendment.

  2. Revise the definition of "substantial damage" to allow more homes and buildings to qualify as damaged structures and therefore be eligible for Federal funding assistance for floodproofing. Staff and SWAC concur with this amendment.

3. Revise the definition of "floodway" to allow more area for the free flow of water by limiting the amount of fill that can be placed in the floodplain. Current regulations allow 50 percent of the floodplain to be filled.

   - Staff recommends revisions to the regulations to allow 25 percent of the floodplain to be filled. SWAC recommends revisions to the regulations to allow 35 percent of the floodplain to be filled.

   - The floodplain filling discussion (i.e. difference in percent of required fill) was introduced during that public hearing. SWAC and staff agree that the amount of floodplain filling should be more restrictive than current regulations, however, SWAC and staff have not been able to agree on the degree of restriction.

Citizen Input:

- The SWAC held a public hearing on August 5, 1999 on the Interim Flood Policy. After the hearing, SWAC voted unanimously to recommend approval of the Interim Flood Policy to City Council and Mecklenburg County Board of Commissioners (BOCC). Real Estate and Building Industry Coalition (REBIC) also endorsed the Interim Flood Policy.

- The BOCC approved the interim flood policy and substantial damage definition revision on September 8, 1999. The BOCC held a public hearing on the floodplain filling revision on September 22, 1999. A report of the hearing results will be included in the September 24, 1999 Council-Manager Memorandum.

- Adoption of the proposed revisions to the floodplain regulation is scheduled for Council's October 11, 1999 agenda.

Attachment 4
Background
Draft Interim Flood Policy

6. Public Hearing To Close A Portion of Kirkwood Avenue

Action: **Conduct a Public Hearing to abandon a portion of Kirkwood Avenue.**

Staff Resource: Scott Putnam

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

Explanation: North Carolina General Statue 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and is requesting this Council Action in accordance with the statue.

Petitioner:
Mr. Sam Salloum

Right-of-way to be abandoned:
A portion of Kirkwood Avenue

Location:
The entire cul-de-sac portion of Kirkwood Avenue

Reason:
To incorporate the right-of -way into a large parcel to be owned by the petitioner for proposed new development.

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

Adjoining property owners - No objection
Neighborhood Associations - No objection
- Dilworth Community Development Association

Private utility Companies - No objection

review by City Departments has identified no apparent reason this closing would:

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

Attachment 5
Map

7. Public Hearing To Close A Portion of Columbine Circle

Action: **Conduct a Public Hearing to abandon a portion of Columbine Circle.**

Staff Resource: Scott Putnam

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

Explanation:

- North Carolina General Statue 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and is requesting this Council Action in accordance with the statue.

- Staff is continuing to work with an affected property owner in the area. Staff recommends that the public hearing be opened and continued on the October 11, 1999 Council Agenda.

Petitioner:
Dr. Donald G. Joyce

Right-of-way to be abandoned:
A portion of Columbine Circle

Location:
From the intersection of Columbine Circle and Clematis Drive approximately 250 feet to its terminus.

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

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

Adjoining property owners - No objection
Neighborhood Associations - No objection
- Carmel Park Neighborhood Association

Private utility Companies - No objection

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

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

Attachment 6
Map

POLICY

8. City Manager's Report

9. Housing Development in Wingate

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

A. Use RFP process for housing development in the Wingate neighborhood; and

B. Approve a resolution to conduct negotiated sale of property in the Wingate neighborhood.

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Area: City Within A City

Policy: The CWAC Strategic Plan supports increasing home ownership opportunities in threatened and fragile neighborhoods to foster neighborhood stabilization. The City's Housing Policy Plan calls for an increase in the supply of housing for low and moderate-income families. In June 1996, the City completed the Wingate Neighborhood Action Plan, which provides a road map for the City's revitalization of this neighborhood.

Explanation:

- The City owns approximately six acres in the Wingate neighborhood which would allow 30-40 homes to be constructed, depending on the type and style of housing developed. The type of housing may include single family as well as townhouse for sale development.

- The Committee recommends that a RFP process be undertaken to solicit qualified for-profit and non-profit builders/developers to design, build, market and sell houses to low and moderate-income families in the Wingate neighborhood.

- Once a successful proposal is selected, Council will be asked to approve the selection and any accompanying financial proposal.

- The Committee reviewed three options for proceeding with development in Wingate. Those options included:

  1. Transfer/Sell the land to a non-profit development entity to undertake the project. (Direct sale to non-profits is permissible under the General Statues)

  2. Develop a RFP for non-profit and for-profit developers to bid and manage development of the project

  3. The City competitively bids and manages the project

- The Committee recommends Option 2, a RFP process, because this would allow both for-profit and non-profit developers to submit proposals. This approach has the potential of generating a number of creative solutions to meeting the needs for low and moderate-income housing. A summary of the City and the successful bidder responsibilities is attached.

- The Committee is also proposing that Council adopt a resolution permitting the City to engage in negotiated sales for properties in the Wingate neighborhood. This action will allow the City to quickly complete the sale of land to low and moderate-income homeowners and conduct sales to the most successful bidder. This action is in accordance with recent modification to the City Code permitting such sales to take place.

- A negotiated sale is contemplated because the City may have to write down the acquisition cost of properties in the Wingate neighborhood in order to make the homes affordable to low and moderate-income families. An example is attached.

Committee Discussion:

- On September 15, 1999, the City Within A City Committee, unanimously recommend approval of the RFP process and the negotiated sale resolution. Councilmembers Rod Autrey, Tim Sellers and Sara Spencer voted in the affirmative. Councilmembers Patrick Cannon and Mike Jackson were absent.

- The Committee discussed the outcome of the City's settlement with Don Henderson of Steve Nancy Homes and the process to move forward.

  - Proposals can be submitted on the entire development package as well as a portion of the development package
  - The City should make sure proper management is in place to oversee the entire project
  - Staff should seek proposals from a wide audience of developers / builders to minimize the amount of property write-down
  - Modular homes builders should be included in the RFP process.

Community Input:

Staff received input from local for-profit and non-profit builders on the RFP.

Attachment 7
Background
Resolution For Negotiated Sale in Wingate
Wingate Property Ownership Map
Summary of RFP Requirements
Illustrative Financial Analysis

10. FY 2000 Workforce Investment Act Transition Funds

Action:

Approve the City Within A City Committee recommendation to:

A. Accept the FY 2000 Workforce Investment Act (WIA) Transition Funds in the amount of $33,528, that will facilitate planning for the implementation of the Workforce Investment Act; and

B. Adopt a budget ordinance and appropriate the $33,528 FY 2000 WIA Transition Funds.

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Areas: City Within A City and Economic Development

Policy: The City Within A City and Economic Development Focus Areas emphasize preparing people for quality employment and meeting the workforce needs of employers. Activities under the Job Training Plan are part of the City's overall neighborhood revitalization strategy and are coordinated with those of partner agencies through the Workforce Development Board.

Explanation:

- In 1998, the Workforce Investment Act (WIA) was signed into law for the purpose of consolidating existing federal job training programs into a one-stop delivery system. North Carolina will implement WIA on January 1, 2000.

- To facilitate planning for WIA implementation, the Transition funds will be used to offset costs incurred by Workforce Development Board (WDB) members, WDB Executive Director, and staff involved with required planning activities. Those activities include the development of a local five-year operational plan and selection of additional One-Stop (JobLink) operators.

- A Job Training Plan Administrative Adjustment incorporating the WIA Transition funds was submitted to the State on August 23, 1999.

- The five-year Workforce Development Plan for Charlotte-Mecklenburg will be submitted to City Council for review in October 1999.

Committee Discussion: On September 15, 1999, the City Within A City Committee was presented the FY2000 WIA Transition Funds request. The Committee voted 3-0 (Rod Autrey, Sara Spencer and Tim Sellers) to recommend acceptance of the FY2000 WIA Transition Funds. Councilmembers Patrick Cannon and Mike Jackson were absent.

Funding: U.S. Department of Labor

11. Weed & Seed Crime Commission Grant

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

A. Accept second year funding for the North Carolina Governor's Crime Commission Grant in the amount of $87,593 to assist in a family intervention strategy for the Weed and Seed Initiative; and

B. Adopt a budget ordinance in the amount of $87,593.

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Area: City Within A City

Policy: The Governor's Crime Commission grant supports the City Within A City (CWAC) strategy and the Westside Strategic Plan by: 1) decreasing juvenile crimes and improving academic success in school age children through after-school enrichment programs, and 2) strengthening neighborhoods and increasing resident participation through community leadership development training, literacy, GED, family management, and conflict resolution programs.

Explanation:

- The North Carolina Governor's Crime Commission grant funds the teen director and four teen counselors for the Weed and Seed Strategy. The grant provides for the prevention, intervention, and treatment element of the Weed and Seed initiative through the West Boulevard Family Support project.

- The objectives of the West Boulevard Family Support Project are to:

  - improve academic success of children
  - increase parental involvement
  - reduce juvenile crimes
  - improve and increase services delivered
  - increase meaningful activities for youth during out of school hours
  - increase leadership classes for adults

- The program met all of its objectives in the first year.

- The North Carolina Governor's Crime Commission grant will be administered by YMCA of Greater Charlotte. The YMCA will provide matching funds in the amount of $29,197 and will pick-up approximately $125,000 in expenses that were covered in the first year of the grant. The City will be the fiscal agent.

Background:

- City Council approved the first year funding on July 27, 1998 in the amount of $100,000.

- During the first year, the grant funded the community advocate position and numerous projects. Accomplishments for the first year are included in the attachment.

Committee Discussion:

- On September 15, 1999, the City Within A City Committee was presented the second year funding request for the Weed and Seed Crime Commission Grant. The Committee voted 3-0 (Rod Autrey, Sara Spencer and Tim Sellers) to recommend the second year of funding for the Weed and Seek Crime Commission Grant. Councilmembers Patrick Cannon and Mike Jackson were absent.

Attachment 8
First Year Accomplishments
1999 Grant Application & Budget
Second Year Project Goal, Objectives and Activities

12. Cable Television Services Competition

Action: **Approve the Restructuring Government Committee's recommendation to authorize the City Manager to use an informal process to seek cable television services competition.**

Committee Chair: Charles Baker

Staff Resource: Susan Johnson

Focus Area: Restructuring Government

Explanation:

- City Council referred this issue to the Restructuring Government Committee on April 12, 1999 at the request of Councilmember Don Reid.

- Time Warner Cable currently has a non exclusive contract to serve the City that expires in 2010. As of June 30, 1999, Time Warner reported serving 151,873 subscribers in the City and an additional 18,961 in the unincorporated areas of the County.

- In response to the Committee's request, staff conducted a survey of fifteen cities having cable television competition. The survey indicated competitive environment has resulted in the following positive impacts in these communities:

  - Cable TV rates were below national averages and have stabilized since the competitor began their operations.

  - Increased attention was offered by the cable operator to adding new cable services and rate packages.

  - Improvement was seen in the cable operator's customer service attitude and a corresponding decrease in customer complaints resulted.

- On September 3, 1999, the Restructuring Government Committee met to review the survey information and to consider the following two options:

  1. Initiation of a formal Request for Proposal process.

  2. Execution of an informal process to encourage competitive cable providers to do business in Charlotte.

     - Advertisements in industry trade periodicals.

- Letters sent directly to companies that have the potential to provide cable services to Charlotte, including those companies who currently provide telephony and other fiber optic transmission services in the Charlotte area.

Committee Discussion:

- The Committee voted 3-0 to approve staff's recommendation that Council proceed with the informal process to seek a competitor to Time Warner Cable. The three votes were from Charles Baker, Don Reid, and Sara Spencer. Mike Jackson and Malachi Green were not in attendance.

- Council subsequently heard a presentation by City staff at their dinner meeting on September 13, 1999.

- Should a prospective provider identify themselves, staff will negotiate the required franchise agreement with them for submittal to Council for approval. Council would then have the option to either approve the agreement or have the proposal/agreement reviewed by the Restructuring Government Committee.

Attachment 9
Questions and Answers
Background of Citizens Oversight Committee for Cable Television
Restructuring Government Committee Meeting Minutes
Cable TV Competition Issues Summary
Cable TV Competition Survey Executive Summary
Cable TV Competition Survey

13. West Quadrant Bulky Trash Collection

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

A. Use $154,723 in Solid Waste Services' FY2000 operating budget for a bulky item program in the west quadrant; and

B. Direct staff to develop an ordinance whereby the City can collect unscheduled curbside bulky items and levy fines on violators.

Staff Resource: Wayman Pearson

Focus Area: Restructuring Government

Policy: Competition

Explanation

- The FY2000 budget includes $154,723 for a pilot bulky item program in four neighborhoods. The budget stated that Council's Restructuring Government Committee would review the program and provide recommendations.

- The Committee reviewed a staff plan to use $154,723 for bulky trash collection in the west quadrant and to reconfigure the current Saturday clean-up program to address special needs in the north, south and east quadrants.

- Bulky item crews collect materials from an average of 134 locations each day. In the south, north and east quadrants, the majority of residents call in and schedule their bulky items for collection. In the west quadrant, scheduled set outs average 117 per day; however, over 50% of actual set outs at the curb are either unscheduled or illegal items.

Committee Discussion:

- The Committee discussed the need to discourage curbside bulky trash violations by levying fines on violators of the ordinance. Solid Waste Services and the City Attorney's Office were requested to develop a proposal for the Committee's consideration.

- Councilmembers Charles Baker, Don Reid, Sara Spencer and Mike Jackson concurred (4-0) with staff's recommendation to:

  - Spend $154,723 for bulky trash collection in the west quadrant.

  - Direct Solid Waste Services and the City Attorney's Office to develop an ordinance which allows the City to collect unscheduled curbside bulky trash and levy fines on violators. Staff will bring back a proposed ordinance to the Restructuring Government Committee.

Funding: Solid Waste Services FY2000 Operating Budget

Attachment 10
September 7, 1999, Restructuring Government Committee Agenda and Minutes

BUSINESS

14. Appointments to Boards and Commissions

Action: **Vote on blue paper ballots and give to City Clerk at dinner.**

CITIZENS TRANSIT ADVISORY GROUP

Appoint one citizen to serve a position for two years, and one citizen to serve one year, beginning immediately. On August 23, Council made additional nominations, left the nominations open, and voted to make appointments on September 27.

1. Peter Ackling, nominated by Councilmembers Cannon & Wheeler
2. Dean Bartlett, nominated by Councilmember Autrey
3. Robert Bischoff, nominated by Councilmember Rousso
4. John F. "Pete" Bleynat, nominated by Councilmember Cannon
5. Mike Castano, nominated by Councilmember Reid
6. Mark Cramer, nominated by Councilmember Autrey
7. C. Morgan Edwards by Councilmember Greene
8. John Greer, nominated by Councilmember Baker
9. Clay Grubb, nominated by Councilmember Jackson
10. Rick Hood, nominated by Councilmember Jackson
11. Clark Jackson, nominated by Councilmember Autrey
12. Mark Loflin, nominated by Councilmember Spencer
13. Laura McClettie, nominated by Councilmember Majeed
14. Barbara McKittrick by Councilmember Greene
15. Ira Pierce by Councilmember Reid
16. John D. Porter by Councilmember Sellers
17. Jerry Reese, by Councilmember Rousso
18. Nancy Ryan by Councilmember Baker
19. John Walker by Councilmember Jackson
20. John "Whit" Wilkes, nominated by Councilmember Spencer

Attachment 11

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid, and have met MWBD criteria.

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

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

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

CONSENT

15. Various Bids

A. North Mecklenburg Water Treatment Plant – Chlorine Gas Scrubber Addition CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low single prime bid of $560,490 by DS Atlantic Contracting Co., of Winston-Salem, North Carolina. This project provides for safety upgrades for the containment area, such as eye washes; instrumentation and controls for integrating the emergency sensors and alarms into the plant's control center; and an expansion of the HVAC system.

MWBE Status:	Amount	% of Project	Project Goals
BBE	$0	0%	3%
HBE	$48,961	9%	0%
WBE	$0	0%	3%

MWBE Compliance: Yes. DS Atlantic has made a good faith effort.

B. Water and Sewer Main Construction - FY 00 Contract #9 - Street Main Extensions **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $780,801.20 by McDaniel Construction Contractors, Inc. of Bostic, North Carolina.

MWBD Status:	Amount	% of Project	Project Goal
WBE	$780,801.20	100%	6%

MWBD Compliance: Yes. McDaniel Construction is a certified WBE and can self-perform.

C. Water and Sewer Main Construction - FY 00 Contract #8 - Street Main Extensions **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $879,938.90 by Tar Heel Construction Company of Denver, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	5%
WBE	$0	0%	6%

MWBD Compliance: Yes. Tar Heel Construction Company has made a good faith effort.

D. Sanitary Sewer Construction - FY 00 Contract #10 - Street Main Extensions **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $795,496.70 by Utilityworks, Inc. of Stanfield, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	5%
WBE	$0	0%	6%

MWBD Compliance: Yes. Utilityworks, Inc. has made a good faith effort.

E. Sanitary Sewer Construction – Performance Road Pump Station and Force Main **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $433,821.81 by BRS, Inc. of Richfield, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	5%

MWBD Compliance: Yes. BRS can self-perform all construction activities.

F. Lawyers Road Widening **E&PM**

Recommendation: The City Engineer recommends the low bid of $467,936.48 by Boggs Paving of Monroe, North Carolina. This project will widen Lawyers Road from Idlewild Road North to Rolling Oak Lane.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$27,857.50	6%	6%
WBE	$23,130.25	5%	5%

MWBD Compliance: Yes.

16. Approve Resolution of Intent to Abandon Street and Set Public Hearing - A Portion of Glenkirk Road

Action:

A. Adopt the Resolution of Intent to abandon a Portion of Glenkirk Road; and

B. Set a Public Hearing for November 8, 1999.

Attachment 12
Map

17. Set Two Public Hearings on Implementing the City's Regulatory Extraterritorial Jurisdiction and Proposed Change of Zoning Jurisdiction

Action:

A. Set a public hearing for November 8, 1999 to hear comments on a proposed extraterritorial jurisdiction (ETJ); and

B. Set a public hearing for November 8, 1999 to hear comments on proposed change of zoning jurisdiction from the County to the City within the ETJ areas.

Explanation:

- Exercising the ETJ would allow the City to have regulatory responsibility over a number of functions in the area up to one mile outside the City limits. These functions include rezoning decisions and land development review. ETJ allows the City to establish the character of an area that eventually becomes part of the City. Decisions on how land develops impacts the City's cost and ability to deliver services.

- Council voted to proceed with the public input process on June 14, 1999. The public input process includes mapping and description of boundaries, notification, and a public hearing.

- The extensive ETJ mapping and description process is complete. The notification process is to begin after this resolution is approved.

- Four public information meetings in the ETJ area are being arranged prior to the formal public hearing on November 8, 1999.

Community Input:

Extensive public notification of a public hearing for affected residents is required. Each landowner in an ETJ area must receive three notices (through a combination of mailings and newspaper notices) informing them of the formal public hearing. If ETJ is exercised, the Board of Commissioners has the ability to appoint one person to the Zoning Board of Appeals and one person to the Planning Commission to ensure elected representation.

Attachment 13
Current Schedule
Map of ETJ Area

18. Refund of Certain Taxes

Action:

A. Approve adoption of a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $2,963.43; and

B. Adopt a resolution authorizing the refund of business privilege license payments made in error in the amount of $968.91.

Attachment 14
Resolution
List of Refunds

CONSENT II

19. Acceptance of Police Grant Award and Information System Change Order

Action:

A. Approve a cooperative agreement between the Charlotte-Mecklenburg Police Department and the U.S. Department of Justice to implement a NIBRS (National Incident Based Reporting System) compliant records management system for the Police Department;

B. Adopt a budget ordinance appropriating $236,950 in federal funds for the NIBRS project; and

C. Approve contract amendments, in the amount of $495,675, to a contract with Oracle Corporation, for the development of software for the Police Department's Information System.

Explanation:

- Police agencies throughout the country report crime to the FBI through the Uniform Crime Reports System (UCR). The FBI is enhancing the current crime reporting system to improve the quantity, quality, and methodology of the reported crime data. Currently, the system includes only raw numbers regarding reported offenses. The enhanced system will require police agencies to provide information on the circumstances involved in crimes such as homicide and aggravated assault. The end result will be a more comprehensive analytical profile of crime in cities reporting to the FBI.

- The U.S. Department of Justice has chosen to provide funding to assist three large and medium sized police agencies in converting to the enhanced crime reporting system which will be known as NIBRS (National Incident Based Reporting System). The three departments will be showcased to demonstrate that the conversion to NIBRS can be successfully implemented in larger police agencies. The Charlotte-Mecklenburg Police Department is one of the agencies selected for the showcase project.

- The State has mandated that all North Carolina police agencies that report crime convert to the new system within three years. The Justice Department funding will enable the Police Department to complete the work ahead of schedule. No City matching funds are required for the grant.

- The Police Department has contracted with Oracle Corporation for the development of the department's Knowledge Based Community Oriented Policing System (KBCOPS). Council approved the contract on February 23, 1998. As the project has evolved, it has been necessary to make some changes to the original contract to broaden the scope of Oracle's work.

- A contract amendment in the amount of $209,250 will allow Oracle to make the information system compliant with NIBRS. This change will be funded under the NIBRS U.S. Department of Justice grant.

- A contract amendment in the amount of $286,425 will allow Oracle to modify the KBCOPS database so that domestic violence information can be integrated into the investigative information system. Oracle will also develop a juvenile arrest component for the information system. These changes will be funded under the COPS MORE 98 grant from the U.S. Department of Justice.

- These contract amendments are consistent with the Police Department's Master Information System Plan. The contract amendments are summarized below:

System	Amount
NIBRS	$209,250
KBCOPS	286,425
Total	$495,675

20. Sexually Oriented Businesses Implementation Ordinance and Resolution

Action:

A. Adopt an ordinance authorizing the Charlotte-Mecklenburg Police Department to access SBI/DCI (State Bureau of Investigation / Division of Criminal Information) criminal history information for use in background checks of owners and operators of sexually oriented businesses; and

B. Adopt a resolution authorizing an amendment to the Charlotte-Mecklenburg shared programs interlocal agreement providing for Police Department administration and enforcement of the County Sexually Oriented Businesses Ordinance.

Explanation:

- At its August 23, 1999 meeting, Council approved an ordinance requiring the licensing of sexually oriented businesses. The Mecklenburg County Board of Commissioners was scheduled to adopt a similar ordinance on September 22. The ordinances provide for the denial of a license if the owners or operators of the business have been convicted of a sexually oriented crime within certain time parameters.

- The Police Department is responsible for issuing, denying, and revoking licenses to operate sexually oriented businesses. In order to conduct thorough background checks, the Police Department wishes to access the SBI/DCI Criminal History Record database to obtain criminal histories on the owners and operators of such businesses.

- State law requires that Council pass an ordinance authorizing the Police Department to use the SBI/DCI database for this purpose. The County Commission will take action on a similar ordinance to authorize records checks for sexually oriented business license owners and operators in the unincorporated areas of Mecklenburg County.

- The resolution would authorize an amendment to the shared programs interlocal agreement so that the Police Department could administer and enforce the County ordinance in the unincorporated areas of Mecklenburg County.

Attachment 15
Ordinance
Resolution

21. Colony Road Extension, Phase II - Change Order #1

Action: **Approve change order #1 to the Colony Road Extension, Phase II contract with Crowder Construction Company of Charlotte, North Carolina for an amount not to exceed $200,000.**

Explanation:

- Council awarded the original contract to Crowder Construction for $5,150,380.21 on November 23, 1998, to construct 2.2 miles of two-lane, two-way median divided roadway and a bridge over McAlpine Creek.

- The project is currently 75% complete and 50% ahead of schedule.

- This change order will provide left turn lanes to Rea Croft Drive, lengthen the right turn lane on Rea Road at Colony Road, and add curb and gutter and storm drainage. This additional work is needed to accomodate a new single-family development. The developer's rezoning was contingent upon these improvements and the developer has donated the land for the improvements.

- Colony Road Extension, Phase II was included in the 1996 Street Bond referendum.

Attachment 16
Map

22. Graham Street Widening – Engineering Services Contract

Action: **Approve an agreement with TGS Engineers, Inc. (TGS) for $300,166.40 for engineering services for the Graham Street Widening Project.**

Explanation:

- This agreement will provide planning and design services for the Graham Street Widening Project from Liddell Street to Plymouth Avenue and along Statesville Avenue from North Graham Street to Oliver Street. Services will include public involvement, conceptual and final plans, and NCDOT coordination.

- This project was approved by Council for improvements and is included in the City FY99-FY03 Capital Investment Plan (CIP). The road project is identified as a high priority in the 2015 Transportation Plan due primarily to congestion and safety concerns.

- Funding for this project was included in the November 1998 voter-approved $98.3 million Street Bonds.

- This agreement may be amended in the future for construction administration services.

- The fees are comparable to fees paid by the City for similar work.

- TGS was selected using the Council-approved process.

MWBD: MWBD participation is 6% WBE

23. Provincetowne Storm Drainage Improvements - Design Services Contract

Action: **Approve design services for $216,822 with Dames & Moore, Inc. of Charlotte, North Carolina for the Provincetowne Storm Drainage Improvement Project.**

Explanation:

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

- This expenditure of $216,822 is for Amendment No. 3 to the agreement with Dames & Moore, Inc. Information on contract expenditures related to this project is provided below.

Date	Phase of Work	Amount
09/12/96	Planning Services	$72,024
12/09/97	Surveying / Conceptual Design	$77,914
01/25/99	Design Services (Colony Woods, Provincetowne)	$162,848
09/27/99	Design Services (Williamsburg)	$216,822
(Future bids - to begin Fall, 2000)	Construction	$2,300,000 (Estimate)

- The design services for Williamsburg are more extensive than Colony Woods and Provincetowne. The residents, through a petition assessment approved by Council March 22, 1999, have requested curb and gutter along their streets. This will require a closed storm drainage system design. The residents have agreed to pay the incremental cost of the construction of the curb and gutter.

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

Funding: Storm Water Capital Program

24. Catawba River Raw Water Pumping Station Expansion – General Construction Change Order No. 1

Action: **Approve Change Order #1 for $1,074,000 with Hickory Construction Company for general construction work at the Catawba River Raw Water Pumping Station.**

Explanation:

- Expansion of the Catawba River Raw Water Pumping Station includes adding a new pumping cell, located in Mountain Island Lake. The cell will have three, 50 million gallons per day, vertical turbine pumps. This cell will pump into the new 120-inch raw water transmission main. When the contract is complete, the Charlotte Mecklenburg Utilities Department will have four pumping cells available for raw water delivery with a total capacity of over 250 million gallons per day.

- The contractor encountered rock during their sheet pile driving operation for installation of the cell and had to redesign the excavation which required additional survey work and soil borings. The pump station was relocated to avoid rock removal and the sheet pile wall was changed from a compression wall to a tension wall.

- Change Order #1 will provide labor and equipment to to relocate the new cell to the east.

- With this change order the Hickory Construction Company contract will increase from $9,491,100 to $10,565,100.

25. Six Mile Creek Pump Station and Force Main - Change Order #3

Action: **Approve Final Adjusting Change Order #3 with J.S. Haren Company which includes approval of miscellaneous change order requests, settlement of claims, waiver of liquidated damages and approves final payment.**

Explanation:

- Change Order #3 is the final adjusting change order with the single prime contractor, J.S. Haren Company (JSH) for the project. It also serves to settle any and all claims between JSH and the City. The project was substantially complete on July 17, 1998, which was over one year behind schedule. Details of this settlement are as follows:

  - JSH agrees to resolve all subcontractor / supplier disputes or any other outstanding claims on the project prior to final payment.
  - JSH and the City agree that this change order waives the right to any claims, lawsuits, or disputes on this project.
  - JSH agrees to provide all closeout documentation required by contract as part of this change order.
  - The City agrees to waive all liquidated damages for substantial and final completion.
  - The City agrees to pay JSH for miscellaneous work previously preformed by the contractor, which has been held pending resolution of the construction dispute, including retainage.
  - The City agrees to complete all remaining punch list items which JSH has either failed to repair or has inadequately repaired. These items are primarily cosmetic.

26. Concourse A Expansion - Architectural Design Services Contract

Action:

A. Adopt a Budget Ordinance to appropriate $300,000 to fund the design contract and associated expenses for the expansion of Concourse A; and

B. Award an architectural design contract to The Freelon Group of Charlotte in the amount of $275,000 to expand Concourse A.

Explanation:

- Concourse A accommodates Delta, ComAir, American, TWA, Continental, Northwest, and United Airlines. The 1999 General Airport Revenue Bonds provide funds to expand the concourse by 15,500 square feet to add three additional gates. Initially, these gates will be City controlled, although Delta, Northwest, and Continental have expressed interest in leasing additional gates. The construction is estimated at $5,000,000.

- Request for Qualifications were sent to over 50 firms that were listed in the List of Approved Architects and Engineers. Nine architectural firms submitted qualifications. A selection committee comprised of three Airport Advisory Committee members (Eric Locher, Manning Kimmel, and Ralph Easterling) and one staff member (Jerry Orr, Aviation Director) reviewed qualifications and selected The Freelon Group. The Freelon Group was selected based on their past experience with airport terminal facility expansion projects of this nature.

- The Budget Ordinance detail is as follows:

Design Contract:	$275,000
Surveying:	15,000
Geotechnical:	10,000
Total:	$300,000

Funding:

1999 General Airport Revenue Bonds Issue. The bond debt service will be repaid through airport landing fees.

27. Airport Property Exchange

Action: **Recommend approval of a resolution authorizing a land exchange between the City and CK Airport Commerce Center (CK Airport.)**

Explanation:

- CK Airport recently acquired approximately 23 acres of land located near the intersection of Horseshoe Lane and West Boulevard on which they plan to develop approximately 300,000 square feet of office/warehouse space. The City owns the adjacent property.

- It is mutually beneficial for the Airport and CK Airport to exchange parcels to facilitate future development for both parties. An independent appraiser has appraised both parcels. The City will exchange 1.5327 acres (valued at $355,000) for the following:

Land (0.86588 acres)	$73,600
Public road improvements	93,600
Loss of West Boulevard access	55,800
Monetary consideration	132,000
Total	$355,000

- Benefits to the City are:
  - Acquisition of CK Airport's parcel will provide right-of-way property acquisition for the proposed West Boulevard relocation.
  - Acquisition of parcel will preserve right-of-way for the proposed Intermodal Rail Facility Corridor.
  - CK Airport will be financially responsible for the relocation of Horseshoe Lane. (The City plans to accomplish this project when West Boulevard is relocated in 2001.)

Attachment 17
Map

28. Property Transactions

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

Acquisitions:

A. **Project**: 120" Raw Water Main Catawba Station to Franklin Treatment Plant, Parcel #48, 49, & 50
Owner(s): Maxwell Development Company & Murphy Development Company
Property Address: 6000 Old Plank Road
Property to be Acquired: 61,146 sq.ft. (1.438 ac.) temporary construction easement
Improvements: Large trees
Purchase Price: $55,160
Remarks: A temporary construction easement is needed for construction of the 120" Raw Water Main. The purchase price was established by a certified, independent appraiser.
Zoned: R-3
Use: Single Family Dwelling
Total Parcel Tax Value: $321,990
Tax Code: 035-081-08; 035-081-11; 035-081-12

B. **Project**: Bucknell/Chilton Storm Water Project, Parcel #17
Owner(s): John F. Cornelius & Carla W. Cornelius
Property Address: 2127 Queens Road East
Property to be Acquired: 786 sq.ft. (.018 ac.) permanent drainage easement and 673 sq.ft. (.015 ac.) temporary construction easement
Improvements: Large tree & landscaped buffer
Purchase Price: $18,000
Remarks: This area is needed for a storm water improvement project. The compensation was established by an appraisal.
Zoned: R-3
Use: Single Family Dwelling
Total Parcel Tax Value: $473,100
Tax Code: 175-022-45

C. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #7-A
Owner(s): Herbert Ted Auten, Hazel H. Auten, William W. White & Agnes Auten White
Property Address: 5041 Sunset Road
Property to be Acquired: 16,892.57 sq.ft. (0.388 ac.) permanent easement and 18,273.42 sq.ft. (0.42 ac.) temporary construction easement
Improvements: Trees, Gravel lot
Purchase Price: $49,200
Remarks: The areas are needed for construction of intersection improvements for Beatties Ford/Sunset Road. Acquisition price is based on an independent, certified appraisal.
Zoned: B-1
Use: Vacant
Total Parcel Tax Value: $338,250
Tax Code: 039-291-28

D. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #37
Owner(s): Johnny C. Phifer & wf., Yvonne H. Phifer
Property Address: 4322 Sunset Road
Property to be Acquired: 8,964.65 sq.ft. (0.2058 ac.) permanent and 5,401.44 sq.ft. (0.124 ac.) temporary construction easement
Improvements: Trees, parking spaces
Purchase Price: $26,900
Remarks: The areas are needed for construction of intersection improvements for Beatties Ford/Sunset Road. Acquisition price is based on an independent, certified appraisal.
Zoned: B-2
Use: Commercial
Total Parcel Tax Value: $582,680
Tax Code: 041-221-12

E. **Project:** FAR Part 150 Property Acquisition
Owner(s): John Darby Jones Heirs
Property Address: 1001 Lakeview Drive
Property to be acquired: .748 acres
Improvements: vacant land
Purchase Price: $30,000
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement
Zoned: R3
Use: Vacant land
Tax Value: $7,250
Tax Code: 141-231-10(141-055-71)

F. **Project**: 120" Raw Water Main Catawba Station to Franklin Treatment Plant, Parcel #37
Owner(s): Elnora Abernethy Estate c/o Walter Abernethy
Property Address: 6815 Pleasant Grove Road
Property to be Acquired: Temporary construction easement 150,000 sq.ft. (3.44 ac.)
Improvements: Fences, pole barn, cattle pasture & landscaping buffer
Purchase Price: $31,500
Remarks: Temporary construction easements are needed for a 120" raw waterline. The compensation amount is based upon current land values on appraisals made in the area.
Zoned: R-3
Use: Single Family Dwelling
Total Parcel Tax Value: $532,150
Tax Code: 035-181-08

Condemnations:

G. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #6
Owner(s): Jerry Wayne Withrow & any other parties of interest
Property Address: 5031 Beatties Ford Road
Property to be Acquired: 26,767.61 sq.ft. (.615 ac.)
Improvements: None
Purchase Price: $40,700
Remarks: This area is needed to complete intersection improvements at Beatties Ford Road and Sunset Road. The compensation is based on an independent, certified appraisal. Staff has yet to reach an agreement with the property owner after numerous contacts.
Zoned: B-1
Use: Commercial
Total Parcel Tax Value: $91,480
Tax Code: 039-291-24

H. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #17
Owner(s): J. C. Brookshire Estate and any other parties of interest.
Property Address: 5040 Beatties Ford Road
Property to be Acquired: 32,029.66 sq.ft. (.735 ac.)
Improvements: None
Purchase Price: $40,150
Remarks: This area is needed to complete intersection improvements at Beatties Ford Road and Sunset Road. The compensation is based on an independent, certified appraisal. Staff has yet to reach an agreement with the property owners after numerous contacts.
Zoned: B-2
Use: Commercial
Total Parcel Tax Value: $248,620
Tax Code: 041-221-03

I. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #18
Owner(s): J. P. Todd, Jr. & Nancy Kiker and any other parties of interest.
Property Address: 5100 Beatties Ford Road
Property to be Acquired: 63,292.68 sq.ft. (1.453 ac.)
Improvements: One story commercial building
Demolition Requested: Yes
Purchase Price: $110,350
Remarks: The area is needed for the construction of intersection improvements at Beatties Ford Road and Sunset Road. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: B-1
Use: Vacant
Total Parcel Tax Value: $672,590
Tax Code: 037-372-09

J. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #43 & 44
Owner(s): Tosco Corporation and any other parties of interest.
Property Address: 4530 Sunset Road
Property to be Acquired: 3,267 sq.ft. (0.075 ac.) temporary construction easement.
Improvements: Trees, Signs
Purchase Price: $2,600
Remarks: The area is needed for construction of intersection improvements near Beatties Ford/Sunset Road. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.
Zoned: B-2
Use: Service Station
Total Parcel Tax Value: $549,030
Tax Code: 041-233-20

K. **Project**: 1997 Annexation Steele Creek East, Parcel #3
Owner(s): Donald C. Potter, Jr. & any other parties of interest.
Property Address: Downs Road
Property to be Acquired: 54,948.25 sq.ft. (1.26 ac.)
Improvements: Trees
Purchase Price: $6,000
Remarks: The areas are needed for the construction of a sanitary sewer line. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: I-2
Use: Industrial
Total Parcel Tax Value: $817,570
Tax Code: 205-061-14

L. **Project**: Andover Road CIP, Parcel #6
Owner(s): Stanley C. Archibald, III & any other parties of interest.
Property Address: 2235 Vernon Drive
Property to be Acquired: 6,225 sq.ft. (0.143 ac.)
Improvements: Landscaping
Purchase Price: $18,625
Remarks: A permanent drainage and sanitary sewer easement is required to make storm drainage improvements on this property. After numerous contacts and meetings an agreement has yet to be reached with the property owner. Compensation is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family
Total Parcel Tax Value: $321,750
Tax Code: 181-072-02

M. **Project**: Andover Road CIP, Parcel #9
Owner(s): Billie T. Reid and any other parties of interest.
Property Address: 1419 S. Wendover Road
Property to be Acquired: 2,625 sq.ft. (0.060 ac.)
Improvements: Landscaping
Purchase Price: $19,750
Remarks: A permanent drainage easement is required on this property to make storm drainage improvements. After numerous contacts, an agreement has yet to be reached. The compensation amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family
Total Parcel Tax Value: $527,610
Tax Code: 181-072-42

N. **Project**: Back Creek Tributary to Back Creek Church Road, Parcel #1
Owner(s): William Arther Myers, Jr. & wf., Lucy Mae S. Myers & any other parties of interest
Property Address: University City Blvd.
Property to be Acquired: 25,918.8 sq.ft. (0.595 ac.)
Improvements: None
Purchase Price: $9,700
Remarks: The areas are needed for the construction of a sanitary sewer line for Back Creek Tributary to Back Creek Church Road. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.
Zoned: I-2
Use: Industrial
Total Parcel Tax Value: $859,000
Tax Code: 051-141-04