AGENDA

Meeting Type:	BUSINESS
Date:	02/27/1995

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot	*Mayor Pro Tem Patrick McCrory*
Charles Baker	*Hoyle H Martin*
Stan Campbell	*Don D Reid*
Patrick D Cannon	*Ella Butler Scarborough*
Mike Jackson	*Sara Spencer*
Nasif Rashad Majeed	*Lynn M Wheeler*

Council Agenda

CITY COUNCIL MEETING
Monday, February 27, 1995

5:00 p.m. — **Conference Center**

- **Proposed Sewer Agreement with Cabarrus County**
- **North Charlotte Special Project Plan**
- **Charlotte-Mecklenburg Police Department Headquarters**

6:30 p.m. — **Meeting Chamber**

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

7:00 p.m. — **Formal Business Meeting**

CITY COUNCIL AGENDA
Monday, February 27, 1995
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CONSENT ITEMS

1. 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: Julie Burch

POLICY

2. City Manager's Report

3. Public Safety Committee Recommendations on Cruising

   This item will be forwarded to Council in the February 24 Council-Manager Memo.

4. Supplemental Legislative Request for the North Carolina General Assembly

   Action: Recommend approval of three additional items submitted since Council approval of the original Legislative Package for the General Assembly

   A Revisions to the Charlotte Firefighters' Retirement System Act

B. **Amendment to Section 9.22 of the City Charter decreasing the required bid deposit from 5% to 1% for the purchase of housing by low or moderate income owners.**

C. **Technical Amendments to the City Charter**

Staff Resource: *Boyd F Cauble*

Explanation of Request

Council is requested to approve the addition of three items to our Legislative Package for the Mecklenburg Delegation's consideration.

A. Revisions to the Charlotte Firefighters' Retirement System Act

- The Charlotte Firefighters' Retirement System includes 17 retirees that currently receive retirement benefits of less than $10,000 per year. Generally speaking, these are service or disability retirees who retired more than 20 years ago Time and inflation has substantially reduced the value of their retirement benefits

- The Board of Trustees' ability to improve these benefits has been complicated because some of these retirees receive annual benefits greater than their annual wages from the City of Charlotte when they retired

- The Internal Revenue Code places limitations on the maximum benefit a retirement system can pay, however, the Code does permit the payment of up to $10,000 annually regardless of any other limitations

- The Board of Trustees unanimously recommends the adoption of the proposed legislative amendment to increase the minimum monthly benefit from $720 ($8,640 annually) to $833 33 ($10,000 annually) and referral to the North Carolina General Assembly for approval

B Amendment to Section 9 22 of the City Charter decreasing the required bid deposit from 5% to 1% for the purchase of housing by low or moderate income owners

- Currently, in trying to dispose of Airport acquired houses, several low and moderate income buyers have been disqualified because they did not have $2500 in cash to put down on a $50,000 house Reducing the required bid deposit from 5% to 1% would allow these potential homebuyers an opportunity for first time homeownership

- A 1% deposit for low and moderate income owner occupied purchases is not an unattainable or unreasonable amount The decreased requirement will continue to safeguard the City against frivolous offers and will allow low and moderate income families a reasonable opportunity for homeownership

- We propose the bid deposit reduction be implemented City-wide for low and moderate income housing purchases in addition to Airport surplus housing

C. Technical Amendments to the City Charter

- During the Consolidation Committee Study, several contradictions and inaccuracies were detected in the existing City Charter As part of the final Charter clean-up, various technical amendments to the Charter have been proposed for approval by the North Carolina General Assembly

- All the proposed Charter revisions are technical in nature and will remove contradictions and inconsistencies between various sections of the Charter and will also clarify several other stand alone sections of the Charter

Attachment 1

5. March 6 Workshop Agenda

Action: **Approve the following topics for the March 6 Workshop**

- **Focus Area Updates**
  - **Community Safety· Police Tax Equity, and**
  - **Restructuring Government**
- **Alternatives for the Old Convention Center**

BUSINESS

6. Mid Year Budget Ordinance for FY95 Budget

Action: Adopt the Fiscal Mid Year Budget Ordinance Reflecting Changes to the Annual Ordinance Adopted in June 1994 and Reflecting Accounting Changes Necessary to Comply with Generally Accepted Accounting Principles.

Staff Resource: Vi Alexander

Policy: As approved by City Council, staff has held non-emergency budget changes until this mid year ordinance in an attempt to reduce the number of ordinances throughout the fiscal year Some of these changes are technical accounting changes Others are to provide additional funding for projects which are in need of action before the next fiscal year

Explanation of Request:

General Fund

Section 1 appropriates the City's match for the State of NC Drug Court Grant ($118,563) The match comes from anticipated expenditure savings in the Police operating budget

Section 2 appropriates $35,000 from Assets Forfeiture Funds for the administrative fees associated with forfeited vehicle procurement

Transit

Section 3 appropriates $29,268 in additional grant revenue from US and NC DOT to reflect the actual amount received for Transportation Department Planning Also, other grant estimates are adjusted to reflect actual amounts, for a net increase of $884,498 This amount is comprised of a decrease in the US Federal Transportation Administration Grant of $144,514 and a net increase in the NC Operating Assistance Grants of $1,029,012

Capital Projects
Sections 4 and 5 revise the sources of funding on various Water and Sewer Capital Projects which were funded in the Annual Ordinance. The Fund's total appropriations do not change.

Section 6 appropriates $49,270 to the Water and Sewer Capital Projects Fund- McAlpine Creek WWTP Composting Complex from a grant from the US EPA

Sections 7 and 8 appropriate $1,600,000 to the Storm Water Construction Fund from 1994 Storm Water Bonds ($1,000,000) and the Storm Water Operating Fund fund balance ($600,000)

Section 9 appropriates $550,000 to the General Capital Project - NFL Practice Field - from Duke Power ($500,000) and the State of NC ($50,000)

Convention Center
Section 10 appropriates $271,500 from the Convention Center Capital Project Fund for transfer to the Convention Center Debt Service Fund

Section 11 corrects the source of funding of $275,405 previously transferred to the Convention Center Debt Service Fund The correct source is the Convention Center Tax Fund rather than the Reserve Fund

Miscellaneous Funds
Section 12 appropriates $173,785 from the City's Housing Fund to 1) cover the large increase in expenses related to emergency relocations resulting from house fires and 2) fund a study to determine the feasibility of rehabilitating the City-owned Clinton Square/Wilkerson Apartments

Section 13 appropriates $1,621,375 from the Federal CDBG Section 108 Loan Guarantee Program to the Mecklenburg Mill Development Project in the Community Development Fund.

Section 14 corrects the transfer of $127,000 for Animal Shelter building rent from the Municipal Debt Service Fund to the General Fund

Section 15 appropriates $48,246 in interest earned on the Performing Arts Center Account to the same Account

Section 16 appropriates $183,825 from Aviation Operating Fund fund balance for transfer to the Aviation Debt Service Fund

Section 17 appropriates an additional $596,145 in the Aviation Discretionary Fund for payment of excess revenues to the Airlines according to the 1985 Bond Order. Also appropriated is the transfer of an additional $4,431,255 from the Aviation Operating Fund to the Aviation Discretionary Fund based on the FY94 closeout of Aviation Revenues and Expenses These funds will be reserved for future distributions

Section 18 appropriates $1,547,366 from Aviation fund balance to replace federal grant revenues less than originally anticipated for land acquisition projects

Sections 19 and 20 appropriate additional estimated interest earnings in various funds for transfer to the Municipal and Water and Sewer Debt Service Funds ($1,739,750 and $693,725, respectively)

Section 21 appropriates $758,525 from the Municipal Debt Service Fund for debt payments on the Football Stadium Parking Deck and Public Safety Construction Projects (LEC, Bureau Station, and Radio Tower)

Sections 22, 23 and 24 make technical accounting changes in the General and Municipal Debt Service Funds for which no change in the Funds' bottom line appropriation is made

Background· In late February of each fiscal year, City Council is requested to consider an ordinance adjusting for changes which have occurred since adoption of the Annual Ordinance the previous June. Most of these corrections are technical accounting changes. Others distribute private contributions, grants, and interest earnings to the appropriate accounts.

Attachment 2
Ordinance

7 Interlocal Agreement with the Town of Huntersville for Planning Services

Action: **Adopt a Resolution authorizing an Interlocal Agreement between the City of Charlotte and the Town of Huntersville for the Charlotte-Mecklenburg Planning Commission to provide subdivision review services for the Town of Huntersville and approve the Interlocal Agreement.**

Staff Resource: Linda Beverly

Explanation of Request. With the adoption of an Interlocal Agreement between the City of Charlotte and the Town of Huntersville, the Charlotte-Mecklenburg Planning Commission can provide subdivision review services for the Town of Huntersville

Funding: The service will be funded from review fees paid by developers The Charlotte-Mecklenburg Planning Commission has the authority in the Interlocal Agreement to establish the appropriate fees

Background:

- The Town of Huntersville extended their subdivision ordinance jurisdiction into their extraterritorial jurisdiction (ETJ) in December 1994 Planning staff was contacted by the Town of Huntersville to provide subdivision review services because the Town does not have sufficient staff to administer their subdivision ordinance within the extended ETJ area

- The Planning Staff currently has a similar Interlocal Agreement with the Town of Pineville which was approved by City Council on March 28, 1994

- The Planning Staff does not expect a workload problem at this time due to re-organization and completion of some major projects

- The Interlocal Agreement provides for service termination upon thirty days notice if workload priorities change

- The Town of Huntersville has adopted and signed the Resolution and Interlocal Agreement

Attachment 3
Resolution authorizing an Interlocal Agreement between the City of Charlotte and the Town of Huntersville
Interlocal Agreement between the City of Charlotte and the Town of Huntersville

8. North Charlotte Special Project Plan

Action. **Adopt the North Charlotte Special Project Plan**

Staff Resource: Carol Morris

Policy City Within A City and Economic Development

Item No

Explanation of Request:

Planning staff, in conjunction with Neighborhood Development and a study group of North Charlotte residents, completed the plan in the fall of 1994 The Planning Committee of the Planning Commission subsequently approved the plan, and City Council then referred the plan to its Planning Committee. At its November 22,1994 meeting, City Council's Planning Committee recommended approval of the plan subject to staff developing a matrix of the plan recommendations which identifies the City resources needed to implement the plan. The matrix has been completed by staff

Funding.

The majority of the plan recommendations will be implemented through existing staff and existing operating and capital budgets. Other sources of funding are identified on the attached matrix

Background:

North Charlotte is a turn of the century mill community that is in transition The proposed North Charlotte Plan provides a holistic approach to dealing with a variety of neighborhood issues neighborhood safety; housing, with an emphasis on home ownership; commercial revitalization, community appearance, community relations, and traffic and circulation

The neighborhood organization was highly involved with the development of the plan and will continue to be involved with its implementation Various City departments (Neighborhood Development, Police, and CDOT) worked with Planning and the neighborhood to develop the recommendations

Attachment 4
North Charlotte Plan as approved by the Planning Committee
Matrix of North Charlotte Plan Resource Requirements

9 Charlotte-Mecklenburg Police Department (CMPD) Construction Contract Awards and Budget Ordinances

Action:

A. Approve 22 construction contracts in the amount of $21,658,545.31 for building and parking deck construction and communications systems equipment for the CMPD.

B. Adopt a budget ordinance appropriating $400,090 from the General Fund fund balance for the construction of expansion space on the second and third floors of the CMPD. Approve bid alternate number one which provides for the construction of this additional space

C. Adopt a budget ordinance appropriating $181,800 from the General Fund fund balance for Art for the CMPD

Staff Resources: David Garner and Jack Boger

Policy: Community Safety

Explanation of Request:

A Based on the recommendation of the staff coordinating group, the Architect and Construction Manager, the City Engineer recommends that the construction contracts for the CMPD be awarded to the contractors listed on page 13

Value Engineering

To stay within the construction budget, extensive cuts were made to the project in the design phase In addition, several bid alternates were developed to allow further evaluation of the project

The contracts and request for funding for expansion space and the fresco art (painting on plaster) are recommended as the final result of all value engineering in the project

The staff coordinating group and the Public Art Commission recommend funding these items

Any additional cost reductions would negatively impact operational efficiencies, operating and maintenance costs, and how the building fits in and relates to the neighboring community

MWBE Goals:

When bids were received, the overall MWBE commitments on the project were as follows.

African American	$382,025	2%
Native American	$155,563	1%
Hispanic	$ 13,500	0.1%
Non-Minority Women	$1,997,142	10%

Since bids were received, we have obtained additional commitments to use MWBE firms which are currently under consideration for certification with the City Eventual approval of these firms as subcontractors on the project will increase the overall project commitment by the following amounts

African American	$254,840	1%
Non-Minority Women	$382,954	2%

We expect to improve on these commitments and will continue to work with the contractors to involve additional MWBE firms in the construction of the project

More details of MWBE participation on the project are included in the attachment

Contracts for furniture, fixtures, and equipment will be bid in May 1995 and Council will be asked to award these contracts in June 1995

Contracts Requested for Award by Council

Bid Package Description	Contract to be Awarded to:	Contract Amount
Asphalt Paving	Crowder Construction Co	$39,586 20
Concrete	Hall Contracting Corp	$2,811,932
Parking Deck Precast Concrete	Exposaic Industries, Inc of NC	$3,452,314
Building Precast Concrete	Columbia Concrete Products	$1,273,283
Structural Steel and Metal Deck	Steel Fab, Inc	$1,374,960
Masonry	Hall Contracting Corp	$ 487,560
Roofing	Carolina Commercial Roofing, Inc	$ 270,626
Windows and Louvers	Harris / Cartner Wall Systems, Inc	$ 633,613
Drywall, Ceilings, and Misc	Bonitz Contracting Co , Inc	$1 786,441
Painting	McGowan Painting Contractors, Inc	$ 201,811
Architectural Millwork	Garfield Corporation	$ 253,980
Stone and Tile	David Allen Co , Inc	$ 156,478
Flooring	Bonitz Contracting Co , Inc	$ 265,404
Laboratory Casework	Blankenship Associates, Inc	$ 168,694
Elevators	Montgomery, KONE, Inc	$ 472,506
Plumbing and Fire Protection	Heyworth Plumbing Co , Inc	$1,694,542
Heating, Ventilating, and Air Conditioning	Mechanical Industries, Inc	$1,848,438
Electrical and Security Systems	Regency Electric Company, Charlotte Office, Inc	$1,969,209
Communications Systems	Johnson Controls Integration Services, Inc	$1,423,919 11
Ornamental and Misc Metals	Davis Steel and Iron Co , Inc	$900,273
Lockers	McDonald Enterprises, Inc	$76,280
Landscape and Irrigation Co	Samson Landscape and Irrigation Co	$96 696
Total Contract Awards		**$21,658,545 31**

Expansion Space: B The Police Department recommends that a Budget Ordinance appropriating $400,090 in additional funds for the CMPD be adopted This will allow the acceptance of bid alternate number 1 which provides for the construction of 9330 square feet of expansion space.

This building will serve as the Central Headquarters for the department and other space needs for the department will be met through use of other facilities This building is programmed and designed to meet the space needs in the Central Headquarters to the year 2002 without expansion The recommended expansion will provide space to the year 2012 specifically for investigations and administrative support

The architect and construction manager have advised that this is a good price for this expansion and that substantial savings will be realized by building it now rather than in the future. Construction will be more expensive and difficult and have an impact on the Police Department's operations if it is done after the building is occupied

This alternate includes exterior finishes only Completion of interior finishes will require additional funding and will be done when the Police Department needs the space

Contracts requested for award by council for the expansion space

Bid Package Description	Contractor	Alternate Amount
Concrete	Hall Contracting Corp	$50,000
Building Precast Concrete	Columbia Concrete Products	$43,477
Structural Steel and Metal Deck	Steel Fab, Inc.	$80,441
Windows and Louvers	Harris / Cartner Wall Systems, Inc	$44,762
Drywall, Ceilings, and Misc.	Bonitz Contracting Co ,Inc	$63,473
Painting	McGowan Painting Contractors, Inc	$7327
Architectural Millwork	Garfield Corporation	$1800
Flooring	Bonitz Contracting Co ,Inc	$2397
Plumbing and Fire Protection	Heyworth Plumbing Co , Inc	$22,744
Heating, Ventilating, and Air Conditioning	Mechanical Industries, Inc	$23,756
Electrical and Security Systems	Regency Electric Company Charlotte Office, Inc	$30,500
Ornamental and Misc Metals	Davis Steel and Iron Co , Inc	$29,413
Total Contract Awards		**$400,090**

Public Art C In November 1993, Council approved the use of project funds for art if the project came within budget

The Police Department has reviewed the proposed artwork - a fresco by artist Ben Long The art will enhance the way the building is perceived by the public The art would be a significant value to the community at a fraction of the normal cost associated with this type of art

Project Funding:

Source	Amount
Mecklenburg County Contribution	$21,250,000
City Certificates of Participation and Interest Earnings	$18,114,871
Total	$39,364,871

Background·

A. Architect and Construction Manager contracts were awarded in January 1993

City Council approved the schematic and design development plans in October 1993 and March 1994, respectively

City Council approved contracts for site demolition and site excavation in February 1994 and September 1994, respectively.

B City Council approved an amendment to the architect's contract in January 1994 to include the design of 9330 square feet of expansion space as a bid alternate

C On November 8, 1993 City Council approved the use of $181,800 in Art Funds for the project provided that the building was within budget when bids were received

Attachment 5
Consent agenda items for construction contracts for the CMPD

List of bid alternates for the project

10. EZ Rider North and West Contract

Action: Authorize the Director of Transportation to execute a two-year contract for up to $650,000 with Carolina Sightseeing Tours, Inc. for operation of EZ Rider North and West services.

Staff Resource: Bob Pressley

Focus Areas: City-Within-A-City, Economic Development and Transportation

Policy: Operation of EZ Rider neighborhood service is an action step under the goal of developing alternative means of transportation to improve access of residents to jobs, services, and neighborhood activities This goal is found in the City-Within-A-City, Economic Development, and Transportation Focus Areas

Explanation of Request

- EZ Rider is a neighborhood-based van service providing direct connections for North and West Charlotte residents to nearby shopping areas, social service agencies, recreation centers, and work sites In 1993, neighborhood leaders from North Charlotte and the Amay James/West Boulevard Task Force proposed EZ Rider service to meet transportation needs in their communities

- Because the City's initial contract for EZ Rider operation ends on February 28, we solicited proposals in late December from private companies for continued operation

- A proposal selection committee evaluated three proposals received on February 2, and selected Carolina Sightseeing Tours, Inc (CST) based on their experience, cost, and vehicle availability/suitability The company performed well when operating the Westinghouse and Carowinds routes between April and October 1994 The

company also has done a good job in operating the Rock Hill CommuteRide service for the Uptown Transportation Council for the past two years

- CST has been certified as a woman-owned business enterprise by the Airport The City should approve a similar certification for the company next month

- Attached are ridership graphs for the four EZ Rider routes showing that the two North routes exceeded the standard of eight riders per hour in January The two West routes were approximately 20 percent below the standard

- Charlotte Department of Transportation (CDOT) staff will continue to evaluate route usage against the ridership standard of eight passengers per hour adopted by Council in 1993 (copy attached) CDOT staff will work with Neighborhood Development, Johnston YMCA, etc to maintain and reach this standard for all EZ Rider routes over the next four months

- The City may terminate the agreement at any time by providing 30 days written notice to the operator

Funding: The FY95 budget includes funds for EZ Rider operations. The FY96-97 budget would include funds for continued operation

Background.

- Members of the Amay James/West Boulevard Task Force have stressed the benefits of EZ Rider West service and have suggested route changes designed to increase usage Johnston YMCA staff have performed a similar role for EZ Rider North service

Attachment 6
Neighborhood Development Services Evaluation Criteria
EZ Rider Route Productivity

11. Airport Parking Deck Design and Construction Settlement

Action: **Approve a settlement agreement with Odell Associates, Metric Constructors, Inc. and Metromont Materials Corporation to resolve all claims in connection with design and construction of the Airport parking deck.**

Staff Resource: Jerry Orr

Explanation of Request: The City has negotiated a settlement of disputed claims regarding recommended repairs to the Airport parking deck with Odell, Metric and Metromont.

Recommended repairs are as follows

- Repairs related to expected maintenance to the structure for which the City is alleged to be responsible
- Repairs resulting from defective design and/or defective materials and/or installation for which Odell, Metric and Metromont are alleged to be responsible

The agreement specifies the following

- Odell, Metromont and Metric agree to provide architectural services, engineering services and general construction services totaling $325,186 Of that amount, the City agrees to pay Odell and Metric a total of $242,630 for design, construction services, and materials

Funding: Airport Operating Fund

Background:

- September 1989 - Parking deck completed
- April 1991 - Residual construction problems reviewed with Odell, Metric and Metromont
- November 1992 - Weld connection failure and a precast panel collapses over the covered walkway of the parking deck Metric and Metromont repair weld connection failure.
- February 1993 - Failed concrete ledge reviewed with Odell City retained Dana Rucker, an independent engineering firm, to review all design drawings and specifications for the parking deck This firm also inspected the deck for structural integrity
- July 1993 - Dana Rucker recommends a plan of correction for discovered defects and assigned responsibilities between City and contractors
- August 1993 Law Engineering and Dana Rucker report on weld connection problems on covered walkways Metromont repairs all weld connections at covered walkways

Item No.

12. James N. Miller Compensation Claim

Action: Consider request of James N. Miller for Compensation

Staff Resource: Dan Pliszka

Explanation of Request:

- Mr Miller spoke to City Council about his claim against the City on February 13 Council requested that this item appear on the next agenda
- James Miller claims to have stepped into a hole by the sidewalk in front of 2706 Dr Carver Road on July 18, 1993 Mr Miller later said it was a manhole
- The claims adjuster who photographed the location found a 20 inch deep hole at the edge of the sidewalk, but a nearby manhole was found to be in good condition and closed According to CDOT records, the hole by the sidewalk in question had never been reported until Mr Miller submitted his claim
- In the past, the City has denied claims for sidewalk falls for which the City is not legally liable The reasoning behind the present policy is that there is no authority to pay public funds in the absence of liability
- Even with proper notice, the City has some protection from this type of claim if there was some contributory negligence on the part of the claimant
- While we sympathize with Mr Miller, our third party claims administrator was correct in denying the claim to both Mr Miller and his attorney, P Wayne Drummond, Jr , of Harris and Drummond The City staff does not recommend changing policy or paying this claim

13. Privatization of Distribution of City Code Supplements

Action: Approve privatization of the sale of new code books and distribution of City Code supplements with Municipal Code Corporation, and simultaneously increase price of Code Book to $260 and price of Supplementation Subscription to $80 per year.

Policy: Competition/Privatization

Staff Resource Brenda Freeze

Explanation of Request:

- Privatization of this function would free up at least a day, and sometimes as much as three days of staff time, depending on the length of the supplement received (approximately quarterly). This time could be spent copying ordinances and resolutions into the permanent books, computerizing older minutes for more efficient search and retrieval, and other tasks as needed It will also release a storage area now used for additional codes and supplements since Municipal Code Corporation will store all but a few of these extra copies Five or ten will be kept on hand for emergency needs

- The purchase price of a City Code Book of the City of Charlotte has been $100 and $20 a year for supplements since 1985 Each year in January, the City Clerk's Office sends billing notices to existing subscribers for the City Code to pay for Code supplements for that year Generally there are four (approximately one per calendar quarter) Presently there are 74 outside subscribers, and they have not been billed for 1995, pending this request for change Most of the subscribers are law firms, developers, local colleges, Duke Power, various law libraries, architectural and engineering firms

- The cost of supplements from October 1, 1993 through January 6, 1995, was a total of $22,162 71, paid from the City Clerk's line item budget for printing and publishing. The individual supplements were $8,589.80, $3,781 29, $2,701 98, $1,359 13, and $5,730 51 These figures show that the City has been subsidizing the cost of supplements and the sale of the book If this service is privatized with Municipal Code Corporation, the cost will no longer be subsidized

- Based on figures from the Municipal Code Corporation concerning the size of our Code Book and the supplements received, the charge should be $250 to $300 for the bound Code and $75 to$100 for supplement subscription

- Upon approval of this item, Municipal Code Corporation can take over supplementation immediately, and bill for the first six months of 1995 at $40 Then they will bill again for July 1, 1995 to June 30, 1996 at $80, realigning this function to the City's fiscal year

Attachment 7
Proposal from Municipal Code Corporation

14 Appointments to Boards and Commissions

A <u>Our Region Tomorrow· Nominations and Appointments</u>
Centralina Council of Government wants Council to appoint two citizens for each of the three following study areas Work Force Preparation, Infrastructure, and Cohesiveness and Collaborative Action among Jurisdictions Since this is an ad-hoc committee, Council may nominate and appoint at the same meeting

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 MWBE 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 (MWBE) Abbreviations:

BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

CONSENT I

15. Various Bids

A. Fire Hydrants — CMUD

Recommendation. Purchasing Director recommends that the low bid of $70,274 14 from Pump and Lighting Supply Company, Charlotte, NC, be accepted.

Compliance. Yes One BBE was on bid list, but declined to bid

B. York Road Park Light Standards Up-Fit — Engineering and Property Management

The bids will be opened February 23 This item will be included in the Council-Manager Memo on Friday, February 24

C. **Aviation Fuel Storage and Distribution System** **Aviation**

Recommendation: Aviation Director recommends that the low bid of $212,169 by Southeastern Petroleum, Charlotte, NC, be accepted

MWBE Compliance: Yes No known MWBE vendors for this equipment

D. **STS Full Size Paratransit Vans** **CDOT, Special Transportation**

Recommendation: Transportation Director recommends that the low bid of $233,373 by Ilderton Dodge, High Point, NC, and the low bid by Tindol Ford, Gastonia, NC of $280,000 be accepted

MWBE Compliance: Yes No known MWBE vendors for this equipment.

16. **In Rem Remedy**

A **1931 Union Street**

Action **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1931 Union Street (Villa Heights Neighborhood) which is located in the City Within a City boundaries.**

Attachment 8
Background
Analysis
Picture
Map

B. 803-05 Parkwood Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 803-05 Parkwood Avenue (Villa Heights Neighborhood) which is located in the City Within a City boundaries.

Attachment 9
Background
Analysis
Picture
Map

C. 3230 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3230 Rozzelles Ferry Road (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries.

Attachment 10
Background
Analysis
Picture
Map

17 Resolution of Intent to Abandon Street and Set Public Hearing - High Avenue and a Portion of Greenwood Avenue

Action.

A Adopt the Resolution of Intent to abandon High Avenue and a portion of Greenwood Avenue; and

B. Set a Public Hearing on March 27, 1995.

Attachment 11

18. Resolution of Intent to Abandon Street and Set Public Hearing - A Portion of Alley off the Plaza

Action:

A. Adopt the Resolution of Intent to abandon a portion of an Alleyway off The Plaza; and

B. Set a Public Hearing on March 27, 1995

Attachment 12

19. Speed Limit Change

Action: Adopt an ordinance to lower the speed limit on six Charlotte streets to 25 mph

Arnold Drive (Markham Village)
Burgin Street
Enfield Road (Markham Village)
Markham Court (Markham Village)
Medford Drive
Quail Hill Road (Quail Hollow Estates)

20. Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $6,357 59

Attachment 13

CONSENT II

21. Cable Television Franchise Agreement

Action: Second reading and approval of ordinances to transfer the City's cable television franchise agreements with (1) Time Warner Entertainment Company, L.P. (Cablevision) and (2) Vision Cable of North Carolina (Newhouse) to Time Warner Entertainment-Advance/Newhouse Partnership.

Policy: City Ordinance, Section 6-58, "Transfer of ownership or control" of the City's Cable Communications Regulatory Ordinance and the Federal Cable Act of 1992, Section 617 provisions require City approval of the sale, transfer, lease, assignment or disposition of any franchise

Explanation of Request: In accordance with Federal Law and City regulations, City Council is requested to approve the transfer of the two existing franchise agreements to the new partnership

The first reading of this ordinance was on February 13

22. Municipal Agreement - Brick Noise Walls Along US 74 Freeway for Chantilly and Commonwealth/Morningside Neighborhoods

Action: A. Approve a Supplemental Municipal Agreement between the City and NCDOT which upgrades the noise walls along US 74 adjacent to the Chantilly and Commonwealth/Morningside neighborhoods from concrete pile and panel to brick

B. **Adopt the resolution to authorize the Director of Transportation to execute the Supplemental Municipal Agreement**

C **Approve a budget ordinance totalling $137,050**

Explanation of Request:

- Through federal regulations, the NCDOT was required to assess and mitigate impacts of the US 74 Widening Project on historic properties in the Elizabeth Neighborhood The NCDOT had to negotiate a Memorandum of Agreement with Historic Elizabeth Neighborhoods Foundation, Inc (HENF) before the project could go to construction During negotiations with HENF, the NCDOT agreed to construct brick noise walls rather than the standard concrete pile and panel walls.

- Representatives of the adjacent Chantilly and Commonwealth/Morningside Neighborhoods also asked the NCDOT to build brick walls rather than concrete pile and panel walls between Pecan and Wasena Avenues The NCDOT agreed to do so if the City paid for the difference in costs, which would be based on prices supplied by the successful bidder for the US 74 Widening Project

- The budget ordinance appropriates $137,050 in Street Bonds from the Participation in State Bonds Capital Project

Item No.

23 Mowing Service Contract Renewals

Action:

A) Approve renewal for $104,722.56 to Elmwood and Ninth Street Cemeteries with Phillip's Lawn Maintenance, Inc. (formerly Cecil's Landscaping) which will increase the contract amount from $99,735.84 to $104,722.56.

B) Approve renewal for $84,924 to Median Mowing East District with John L. Todd Landscaping which will increase the contract amount from $68,070 to $84,924 This increase includes the addition of eight mowing locations to the original contract. The cost of the additional locations was determined by the existing unit prices in the contract

C) Approve renewal for $84,170.34 to Median Mowing South District with Dixie Lawn Service which will increase the contract amount from $78,120 to $84,170.34. This increase includes the addition of four mowing locations to the original contract The cost of the additional locations was determined by the existing unit prices in the contract.

Policy Competition/Privatization

Explanation of Request Items A through C extend mowing contracts for the second year of a three year contract All contracts were competitively bid in 1994, with a bidder response of three to four firms per bid We decided to renew the contracts rather than rebid because

- The negotiated increase in the unit cost of the work is still less than those proposed by the second lowest bidders when the contract was originally bid one year ago, and

- Additional staff costs would be incurred to rebid the work

Background: These contracts provide grounds maintenance and mowing services in cemeteries and grass medians and street right-of-way shoulders throughout the City that were performed in the past by City forces Last year the City accepted competitive bids on eight mowing contracts from 23 grass mowing firms

24. Storm Water Maintenance Formal Packages 94E Change Order #2 and 95A Change Order #1

Action:

A. Approve Change Order #2 for $250,000 to the contract with Blythe Development Company (94E) which will increase the contract amount from $661,727 50 to $911,727 50.

B Approve Change Order #1 for $250,000 to the contract with United Construction Company (95A) which will increase the contract amount from $262,495 to $512,495

Explanation of Request:

- Extending these contracts recognizes good performance by the contractors and good unit prices in the original bids These contracts are initially bid in the range of $250,000 in order to provide bidding opportunity to all licensed contractors The bid unit prices are valid for one year

- Good productivity by the contractor has resulted in the original contract amount being expended in less than one year Where the contractor's work has been good quality, a change order is recommended to extend the contract

- Change Order #2 for Blythe Development Company will provide funds to continue remedial repair work under this contract, and will extend the contract approximately five months past the original one year period

- Change Order #1 for United Construction Company will provide funds to continue remedial repair work through the original one year period.

Background. The Storm Water Maintenance Program provides a method to perform repairs to existing infrastructure identified through citizens' requests

Repairs are made through yearly contracts; projects are prioritized and assigned to the contractors continuously, with payment based on unit prices

25. Coliseum Center Tract III - Amendment #1

Action: **Approve Amendment #1 to the Agreement with RUST Environment & Infrastructure, formerly SEC Donohue, for $133,946 to provide engineering services for a ground water cleanup system increasing the contract amount to $180,706**

Explanation of Request.

This amendment provides funds to implement a ground water cleanup system at the Tract III site.

The implementation will include the following
- installation of new monitoring wells,
- completion of the design for the cleanup system,
- preparation of equipment and construction specifications,
- installation of the cleanup system, and
- preparation of an operations manual

Funding·

The majority of these costs are reimbursable under the State Trust Fund Reimbursement Program

Background:

On May 12, 1986, the City purchased the land from NCDOT for the Tyvola Road Extension project After the purchase, the City discovered the land was contaminated by petroleum products that leaked from underground storage tanks See attached Mayor and Council Communication Memo for additional history

On December 11, 1992, the City Engineer approved the original agreement with SEC Donohue for $46,760 to determine the nature and extent of the contamination and to begin design of a remediation system at the Coliseum Center Tract III

There will be a future contract for the maintenance and monitoring of the cleanup system

Attachment 14
Mayor and Council Communication Memo

Item No.

26. Sale of City Property - 2408 Danforth Lane

Action: Approve the sale of City owned property located at 2408 Danforth Lane.

Explanation of Request. Council is requested to approve the sale of City owned property subject to compliance with the provisions of the North Carolina General Statutes and pursuant to the terms of the following offer.

Property Address·	2408 Danforth Lane
Tax Code.	061-121-09
Buyer's Name.	Johnny Mae Brown
Offer·	$51,000

Background.

- In accordance with the Part 150 Plan, the Airport acquired 13 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zone Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan

- The Airport provided noise insulation to 2408 Danforth Lane and listed the property in Multiple Listing Service for sale to the public on December 2, 1994 The sales price was determined by a MAI appraisal

- An offer to purchase was extended through an independent realtor The offer is 98% of the asking price

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

- The buyer will pay $51,000 The City will pay closing costs up to $1350 and realtor's fee of $1530

Item No.

27. **Property Transactions**

Action: **Approve the following property transactions and adopt the condemnation resolution.**

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

Acquisitions:

A. **Project F.A.R. Part 150 Land Acquisition**
Owner(s) Mr Mark Whittington
Property Address 2333 Newberry Street
Property to be acquired 525 acres
Improvements 2 Bedroom, 1 Bath, Ranch
Tax Value $47,780
Purchase Price $68,500

B. **Project: F.A.R Part 150 Land** Acquisition
Owner(s) Mr Grady Luke
Property Address 140 East Willow Lane
Property to be acquired 25 acres
Improvements· 2 Bedroom, 1 Bath, Ranch
Tax Value. Church Property
Purchase Price $18,000

C. **Project: Carmel Road Widening, Parcel #46**
Owner(s): Harry Grimmer & Company, Inc.
Property Address: 5820 Carmel Road
Property to be acquired: 21,875.32 sq ft (0.50218 AC) plus Temporary Construction Easement of 7,814 01 sq ft (0 1793 AC)
Improvements: Trees
Tax Value: $228,570
Purchase Price: $41,900
Remarks: This road widening project requires fee simple, permanent and temporary easement acquisition causing the loss of a strip approximately 35' wide across front of property plus two down guy easements The compensation offered and accepted is reflected in the appraisal report
Zoned: R-5 **Use:** Vacant
Tax Code: 209-291-01

D. **Project Idlewild Road North Sidewalk, Parcel # 1 of 1**
Owner(s) G & M Development Company, Inc
Property Address 07 Idlewild Road
Property to be acquired 8,836 sq ft (0 202 AC) plus existing right-of-way of 4,102 sq ft (0 094 AC)
Improvements None
Tax Value: $234,570
Purchase Price $15,750
Remarks The area was acquired in fee simple and will be made a part of the Harris Boulevard/Idlewild Road North Project Compensation amount includes damages from loss of developable units for this multi-family zoned property due to the loss of land area
Zoned R-17MF **Use** Vacant
Tax Code 133-242-05

28. Receive the Annual Report of the Charlotte Firefighters' Retirement Association

Attachment 15