AGENDA

Meeting Type:	B
Date:	12-13-1982

City of Charlotte, City Clerk's Office

Charlotte

Public Service & Information Department
City Hall, 600 E Trade Street
Charlotte, North Carolina 28202
704/374 2395

Meetings in December '82

DECEMBER 1 - DECEMBER 4

1	Wednesday, 3 30 p m.	POLICE COMMUNITY RELATIONS AWARDS TASK FORCE/COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000, E. Morehead St.
	Wednesday, 4.30 p.m.	COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E. Morehead Street
2	Thursday, 2 00 p.m.	TAXICAB REVIEW BOARD (Hearing/Closed) - City Hall, Council Chamber

THE WEEK OF DECEMBER 5 - DECEMBER 11

7	TUESDAY, 2 00 p.m.	TAXICAB REVIEW BOARD (Hearing/Closed) - City Hall, Council Chamber
	Tuesday, 4 00 p.m.	CITY COUNCIL LONG RANGE FUNDING COMMITTEE - City Hall, Second Floor Conference Room
	Tuesday, 6 00 p.m.	CHARLOTTE ADVISORY PARKS COMMITTEE - Park Center, 310 N. Kings Drive
	Tuesday, 7 30 p.m.	PLANNING COMMISSION - Cameron-Brown Building, First Floor Conf. Room
8	Wednesday, 5 30 p.m.	CHARLOTTE SISTER CITIES COMMITTEE - City Hall Annex, Training Center
	Wednesday, 7:30 p m.	HISTORIC PROPERTIES COMMISSION - Commission Office, 218 N Tryon St.
9	Thursday, 4 00 p.m.	CITY COUNCIL TRANSPORTATION COMMITTEE & PLANNING COMMISSION (Short Range Transportation Action PLan) - Cameron-Brown Building, First Floor Conference Room
10	Friday, 12 Noon	PRIVATE INDUSTRY COUNCIL - Chamber of Commerce, 129 W. Trade St.
11	Saturday, 8 30 - Until	CITY COUNCIL RETREAT - Johnson C. Smith University

THE WEEK OF DECEMBER 12 - DECEMBER 18

13	Monday, 12 Noon	CITY COUNCIL/MANAGER LUNCHEON - City Hall Annex, Training Center
	Monday, 2 00 p.m.	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m.	CITY COUNCIL MEETING - City Hall, Council Chamber
14	Tuesday, 8 00 a m.	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room
	Tuesday, 9 00 a.m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, First Floor Conference Room
	Tuesday, 2 00 p.m.	TAXICAB REVIEW BOARD (Hearing/Closed) - City Hall, Council Chamber

(Continued on back)

THE WEEK OF DECEMBER 12 - DECEMBER 18 (Continued)

15	Wednesday, 8 30 a.m.	CIVIL SERVICE BOARD - City Hall, Third Floor Conference Room
	Wednesday, 12 Noon	INSURANCE & RISK MANAGEMENT COMMITTEE - Cameron-Brown Building, Sixth Floor Conference Room, Finance Department
16	Wednesday, 7 30 a.m.	CITY COUNCIL/MECKLENBURG DELEGATION (Presentation of City Lesgislative Package) - Sheraton Center, 555 S. McDowell Street
	Wednesday, 11 00 a.m.	AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY - Civic Center Conference Room
	Wednesday, 1 30 p.m.	FIREMENS RETIREMENT SYSTEM - Cameron-Brown Building, Sixth Floor Conference Room, Finance Department
	Wednesday, 3 00 p.m.	ADVISORY ENERGY COMMISSION - City Hall, Third Floor Conference Room

THE WEEK OF DECEMBER 19 - DECEMBER 25

20	Monday, 6 00 p.m.	CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room
21	Tuesday, 2 00 p.m.	HOUSING AUTHORITY - 1301 South Boulevard
22	Wednesday, 4 00 p.m.	ELECTRICAL ADVISORY BOARD - Cameron-Brown Building, Building Inspection Conference Room
24	Friday	ALL CITY OFFICES CLOSED FOR CHRISTMAS HOLIDAY.

THE WEEK OF DECEMBER 26 - DECEMBER 31

27	Monday	ALL CITY OFFICES CLOSED FOR CHRISTMAS HOLIDAY.

Charlotte

Monday, December 13, 1982

12:00 noon	-	Council/Manager Luncheon Executive Session Training Center
2:00 PM	-	Citizens Hearing
2.30 PM	-	Presentation on Neighborhood Preservation
3.00 PM	-	City Council Meeting Council Chamber City Hall

ITEM NO.

1. INVOCATION BY THE REVEREND RICHARD P. SHAW OF ALBEMARLE ROAD PRESBYTERIAN CHURCH.

2. CONSIDERATION OF APPROVAL OF MINUTES OF NOVEMBER 15 AND NOVEMBER 22, 1982.

PUBLIC HEARING

3. A. CONDUCT A PUBLIC HEARING TO CONSIDER THE SALE OF LAND LOCATED AT 915 GREENLEAF AVENUE IN THIRD WARD TO MOTION, INC. AT A SALES PRICE OF $600.

   B. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING THE SALE OF LAND LOCATED AT 915 GREENLEAF AVENUE IN THIRD WARD TO MOTION, INC. AT A SALES PRICE OF $600.

council agenda

Mayor Eddie Knox Mayor Pro Tem Harvey B Gantt

Dave Berryhill
Charlie S Dannelly
Laura Page Frech
Ron Leeper
Ralph Reiss McMillan
Pamella G Patterson
Edwin B Peacock, Jr
George K Selden, Jr
Herbert Spaugh Jr
Minette Conrad Trosch

3. (continued)

On September 15, 1982 a proposal to purchase 2,788 square feet of land located at 915 Greenleaf Avenue was received from Motion, Inc. in Third Ward. A fair market value of $600.00 has been established for the land by a committeee of three professional real estate appraisers and which price has been agreed upon by the City and the developer. In accordance with the North Carolina General Statutes, the City Council must conduct a public hearing prior to approving a sale of land to a non-profit association or corporation organized and operating exclusively for charitable or religious purposes.

The adjoining property was purchased and rehabilitated by Motion, Inc. for residential use, but there was insufficient room to permit construction of a driveway. Consequently, Motion, Inc. proposes to purchase a 20 foot strip on the east side of the improved property to allow construction of a driveway. This proposal is in accordance with the Redevelopment Plan.

POLICY AGENDA

4 DISCUSSION ON THE COLONY ROAD MEDIAN.

The following is the chronology of events surrounding the Colony Road decision.

- In August of 1979 City Council approved the temporary installation of a barricade on Colony Road to reduce the effects of cut-through traffic. The authorization was granted following receipt of a petition by residents and a study conducted by the then Traffic Engineering Department.

- On March 31, 1980, following six months of tests and study, a recommendation was received by City Council to make the temporary closing of Colony Road permanent. A public hearing was set for May 12, 1980. On April 28, 1980, the public hearing was rescheduled for May 19, 1980. On May 19, 1980, City Council heard a public hearing on the permanent closing of Colony Road. Thirty-nine (39) persons spoke regarding the matter.

On June 2, 1980, City Council reconsidered the closing of Colony Road and, after considerable discussion, referred the matter to the Council Transportation Committee which met on Thursday, June 12, 1980. The Council Transportation Committee adopted a resolution recommending that City Council approve three (3) alternatives.

(1) Permit parking on both sides of Colony Road from the entrance road to Myers Park High School to Selwyn Avenue except from 8:00 a.m. to 3:00 p.m. on the west side.

4. (continued)

(2) Close the median opening where southbound vehicular traffic turns left from Colony Road at the intersection with the entrance to Myers Park High School.

(3) Alter the traffic signal at Runnymede Lane and Colony Road to favor northbound left turns onto Runnymede and penalize northbound through traffic by providing a short fixed green signal.

On June 16, 1980, all three alternatives were individually approved by the City Council.

City Council re-opened discussion of the Colony Road median at its meeting on November 22. Following this discussion the Charlotte Transportation Department was asked to work with school bus safety officials for the school system to develop a solution for Council review at the next regular business meeting. Attached is a report from the Transportation Department which outlines three options and their implications. These options are:

Option 1 - No Modifications
Option 2 - Modify median to permit left/right turns at main school entrance.
Option 3 - Remove and install multi-way stop signs on Colony Road.

Superintendent of Schools Jay Robinson has also presented a variation of Option 2 which would modify the median to permit right turns only at main school entrance. A letter from the Superintendent explaining this option will be forwarded to City Council on Friday.

Attachment No. 1

5. RECOMMEND APPROVAL OF A UNANIMOUS RECOMMENDATION FROM THE OPERATIONS COMMITTEE TO ENDORSE A PLAN FOR A PRIVATE RECYCLING CENTER (OPTION 3).

Over the last seven (7) months various public and private recycling and source separation programs have been discussed by the Operations and Ad Hoc Solid Waste Committees. The impetus for these discussions was the County's implementation of a landfill fee for all landfill users with an exemption for individuals who had separated recyclable materials. Subsequently, the County Commissioners through the Ad Hoc Committee and in another meeting with Mayor Knox and several Council-members, asked the City to consider a recycling and/or source separation program as a preliminary step toward possible consolidation of solid waste disposal activities.

The Operations Committee considered three (3) options·

5. (continued)

o Option 1 - Pilot Program for Weekly Curbside Collection of Newspapers: Concurrent with regular curbside collection, households would be offered an opportunity to recycle newspapers on a weekly basis. Bundled newspapers were to be placed at the curb and collected by residential refuse collection crews on their routes each Wednesday and delivered to the landfill. To determine costs and project revenues a six month pilot program involving approximately 2,000 residences was proposed. Total estimated cost is $5,200 which includes fitting racks for paper on six (6) trucks and a public education program.

o Option 2 - Private Enterprise Alternative for Recycling at the Landfill (PEARL). Developed by the Charlotte Clean City Committee PEARL is a preliminary plan for accomplishing increased recycling in Charlotte and Mecklenburg County by a cooperative effort between the City government and a private party or parties who will operate a recycling center at the landfill under contract to the City. The operator would receive all profits. While individuals could use this center, it is primarily for private haulers. City involvement would be limited to providing space (land only) for such a center at the landfill, site improvements such as roads and appropriate signage. The operator(s) would be responsible for any buildings, personnel, materials, sorting, etc.

o Option 3 - Private Recycling Center: Under the direction of Owens-Illinois in Toledo, Ohio, a non-profit consortium of distributors, bottlers, packagers, a newspaper and retail grocery establishments have formed a multi-materials theme-oriented recycling center. The recycling center is a private operation at which individuals, civic groups, and religious and charitable organizations sell recyclable materials. The consortium members finance and operate the recycling center located on private property. Although the members consult with local government and businesses, responsibility for the center is handled by its board of directors.

The Charlotte Clean City Committee has met with representatives of Owens-Illinois (Charlotte and Toledo) and potential members of a local consortium. There is considerable enthusiasm from the private sector for this, and CCCC members are continuing to study this program's feasibility. Committee heard comments from Bruce Brodt, Mecklenburg Citizens Committee on Recycling, and Roger Suiter, Clean City Committee, regarding their joint meeting to review these options and their recommendations are as follows:

o Option 1 - "...while there is some support with modifications of the City's curbside proposal, we request that no action beyond continued study be taken until private recycling center (Option 3) has been thoroughly pursued."

o Option 2 - "It is recommended that further planning is needed before active implementation and that the basic concept should be disclosed to the public in order to gain the benefits of their input, especially comments from the business community. The joint CCC and MCCR committees request continued City staff assistance in the planning of the PEARL concept.

5. (continued)

o Option 3 - "After viewing a film on the Toledo Center and considerable discussion, the bottlers and distributors proposed to immediately fund a fact-finding trip to Toledo by the Clean City Committee Business and Industry members. Their proposal was accepted and the trip is scheduled for December 10. The sentiment, on behalf of all those in attendance, was strong that the center concept should be rapidly and vigorously pursued and that any attempt to introduce simultaneous recycling programs would seriously dilute available resources and would indicate a lack of direction and resolve to the financial backers of the center and confuse the public."

In discussion, the Committee members pointed out that a private recycling center (Option 3) would be beneficial to City and County residents and would not place the City in competition with existing paper drives, and provide the opportunity for multi-material recycling.

The Committee approved a motion by Councilmember Selden that: Option 1 (curbside newspaper collection) be dropped from further consideration; Option 2 (PEARL) be recommended for further study by the CCCC (with a recommendation on project feasibility to come from City staff) and that City Council approve Option 3 (a private recycling center) in principle, assuming a positive report from the field trip to Toledo.

Attached for City Council review is additional staff detail on the three options.

Attachment No. 2

6. RECOMMEND THE FOLLOWING ACTIONS RELATIVE TO THE DEVELOPMENT OF THE INDEPENDENCE PLAZA PARK.

A. APPROVAL OF DESIGN CRITERIA AND PROCESS FOR SOLICITING PRIVATE DEVELOPMENT PROPOSALS FOR INDEPENDENCE PLAZA PARK.

In April of 1981 the voters approved a $1.2 million bond issue for the development of Independence Plaza Park. Since that time downtown development has dramatically increased land costs in the Uptown area. Recent estimates indicate that land acquisition, legal fees and demolition costs for the eight land parcels involved in the Independence Plaza Park will cost $1.1 million. This will leave only $100,000 of the authorized bond funds for park construction. Skidmore, Owings and Merrill have estimated that construction of the improvements will cost $1.4 million.

The Project Management Team made a number of recommendations for providing additional construction funds, including solicitation of proposals for private participation. City Council is being requested to authorize the City Manager to solicit proposals for private participation in accordance with the following design criteria:

6. (continued)

- That major entryways, pavillions or vertical elements be constructed on an axis formed by a line from the center of the Trade-Tryon Street intersection and the center point of the water feature in the plaza.

- That any structures on the south or west sides of the park be situated at least 40 feet from edge of the fountain pool.

- That a public area or walkway be included at the front of the structured area and be of a width adequate to accommodate tables or other outdoor furniture.

- That the ground level of the structure be of an open face design. This may be accomplished by the use of an open doorway or glass curtain spanning the width of the structure.

On December 6 City Council previewed these planning and design objectives and raised questions for discussion within the City Council Planning and Public Works Committee. The committee meeting has been scheduled for Wednesday, December 8 and a report will be submitted to City Council on Friday.

Under the staff recommendation, the deadline for private development proposals would be noon, Friday, January 14. Proposals would be evaluated by the Project Management Team for conformance to the planning and design objectives and for financial advantages. Additional weight will be given to those proposals providing funds for operation and promotion of the Transit Mall. A recommendation for Council action would follow later in the month.

B. ADOPTION OF THE FOLLOWING CONDEMNATION RESOLUTIONS:

1. A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ALBERT S. ROUSSO AND WIFE, DORIS H. ROUSSO, (BROWNLEE JEWELERS, INC., TENANT, AND ANY OTHER TENANTS IN POSSESSION UNDER ORAL OR WRITTEN UNRECORDED LEASES) LOCATED AT 108 SOUTH TRYON STREET, IN THE CITY OF CHARLOTTE FOR THE INDEPENDENCE PLAZA PARK PROJECT.

2. A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONG TO ZOE CAVALARIS (THOMAS CAVALARIS, MARITAL INTEREST; SUNIL YE, LESSEE), LOCATED AT 109 WEST TRADE STREET, IN THE CITY OF CHARLOTTE, FOR THE INDEPENDENCE PLAZA PARK PROJECT.

These represent the remaining condemnation actions for property required in the Independence Plaza Park Project. The design team has completed their study of the park plan and concluded that the acquisition of the Rousso and Cavalaris properties are necessary to the develop-

6. (continued)

ment of the Plaza. The Technical Coordinating Committee and the Project Management Team also evaluated the design team's report and concur in its findings. The project schedule necessitates that a determination on the acquisition be made soon in order that the project not be delayed in the event of a contested condemnation.

7. CONSIDER APPROVAL OF THE FOLLOWING LAST RESORT GRANT ACTIONS TO PROVIDE COMPARABLE REPLACEMENT HOUSING FOR COMMUNITY DEVELOPMENT TARGET AREA CODE DISPLACEES.

A. A LAST RESORT GRANT IN THE AMOUNT OF $4,163.00 FOR THE JESSIE LEWIS FAMILY TO ENABLE THE COMMUNITY DEVELOPMENT DEPARTMENT TO ADAPT A DUPLEX AT 1721-23 MAIN STREET FOR USE AS A SINGLE-FAMILY UNIT ADAPTED FOR THE PHYSICALLY HANDICAPPED.

The Jessie Lewis Family is eligible for last resort assistance as a target area code displacee. The family was added to the Cherry Code Enforcement workload on August 3, 1981. There are four adult members in the household. Ms. Lewis cares for her elder parents and a disabled brother. The mother is confined to a wheelchair, and the father uses a walker.

Staff have been unsuccessful in their attempts to locate a three or four bedroom unit equipped for the handicapped. However a Moderate Rehab duplex owned by the Cherry Community Organization and located at 1721-1723 Main Street is now available and could be occupied by the Lewis family if adapted for use by the handicapped.

The Charlotte Housing Authority has approved the family for both of the two bedroom units and the CCO Board has approved the modification if CCO does not have to incur the cost.

The use of Section 8 moderate rehabilitation will insure that the family will be able to afford the monthly rental payments.

The Lewis family has lived in Cherry for 15 years and would like to remain in the community since it is convenient to Ms. Lewis' place of employment and it is close to medical facilities.

The Last Resort Grant of $4,163.00 will be used as direct payment to the contractor for expenses incurred in the adaptation of this unit.

Last Resort Housing assistance is authorized under Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) to allow a displacing agency broad latitude in the provision of replacement housing opportunities in cases where the assistance otherwise available under the Uniform Act is determined to be insufficient. Last resort assistance may be used to eliminate barriers or otherwise modify an existing unit for occupancy by a

7. (continued)

handicapped person. A resolution adopted by the Charlotte City Council on June 28, 1982, extended last resort assistance to target area code displacees under the optional coverage provisions of CDBG regulations. All requests for last resort assistance must be approved by the Charlotte City Council on a case-by-case basis.

B. A LAST RESORT GRANT IN THE AMOUNT OF $5,085.28 FOR THE LOUISE SELLERS FAMILY TO ENABLE THE COMMUNITY DEVELOPMENT DEPARTMENT TO RELOCATE THIS DISPLACED FAMILY TO A SIX-BEDROOM HOUSE AT 118 MARTIN STREET IN THE FIVE POINTS NEIGHBORHOOD STRATEGY AREA.

The Louise Sellers' family is eligible for last resort assistance as target area code displacees. The family was added to the Five Points Code Enforcement workload on November 26, 1980, and there are 8 members in the household. The family requires a six (6) bedroom unit, and neither the Housing Referral Staff nor the family, itself, had been able to locate a six (6) bedroom comparable replacement rental unit until the house at 118 Martin Street became available.

The family could not be registered for Section Eight Exising Housing nor for Traditional Public Housing because six (6) bedroom units are not available under either program nor was staff successful in securing a house which the family could afford to purchase.

On several occasions Housing Referral Staff discussed the possibility of the family splitting and moving to separate replacement units, but the family wants to remain together. The family cannot be forced to move separately unless they have been provided with the opportunity to select from at least three (3) comparable replacement units available on the private market.

The Uniform Relocation Assistance Act requires that a household pay no more than twenty-five (25) percent of its gross monthly income for rent and utilities for a four (4) year period. Accordingly, the Sellers' family can afford monthly payments for rent and utilities of no more than $204.17.

The six (6) bedroom house at 118 Martin Street which has been rehabilitated and made standard will rent for $400 per month and with Utilities, the total monthly housing cost will be $539.28, or $335.11 more per month than what the household can afford to pay.

The amount of this request ($5,085.28) when added to the Local Optional Assistance previously authorized by Council ($11,000) will provide Last Resort assistance in an amount sufficient to enable the Sellers' family to afford to rent the unit at 118 Martin Street for the four (4) years required under the Uniform Act. (A total amount of $16,085.28)

The total replacement housing payment will be paid in forty-eight (48) monthly installments to the family. Replacement housing payments under Last Resort Assistance are an eligible Community Development Block Grant expense.

8. DISCUSSION OF INTERIM AGREEMENT FOR PROVIDNG SEWER SERVICES TO THE TOWN OF DAVIDSON.

On September 20, 1982, City Council adopted an interim agreement with the Town of Davidson which contained the following provisions:

- The Town of Davidson would divert a minimum of 10,000 gallons per day of untreated sewage from its collection system into the North Mecklenburg #201 Sewage Treatment System. The City agrees to accept all untreated sewage into the North Mecklenburg system so diverted by the Town.

- Davidson agrees to pay to the City through CMUD for such treatment at the City's standard rates in effect throughout the term of this Interim Agreement as residents of Mecklenburg County not residing within the City.

- Davidson agrees to abide by the CMUD regulations now in existence or hereafter adopted with respect to industrial and toxic waste entering the sewage system.

- The Interim Agreement shall terminate automatically on the ninetieth day from and after the date of execution of this Interim Agreement. Immediately upon the termination of this Interim Agreement, the connection of the Town to the North Mecklenburg system shall be disconnected by the City at the sole expense of the Town. Thereafter, the City shall have no obligation to accept or treat any sewage of the Town by reason of this Interim Agrement.

9. RECOMMEND APPROVAL OF PROPOSED TRANSIENT OCCUPANCY TAX BILL FOR INCLUSION AS A LOCAL BILL IN THE 1983 LEGISLATIVE PACKAGE FOR THE CITY OF CHARLOTTE.

This bill proposes a 3% tax on the revenue from the rental of any sleeping rooms or lodging furnished by any hotel, motel, inn, tourist camp or other such accommodation in Mecklenburg County. The tax would not to apply to sleeping rooms or lodging furnished by charitable, educational, benevolent or religious institutions or organizations not operated for profit.

The revenues received from the tax would be dedicated to convention and visitor promotion; the construction, operation, and maintenance of visitor-related facilities (i.e., Civic Center, Discovery Place), and to funding visitor-related activities (i.e., arts and cultural events and festivals). Following the subtraction of administrative expenses, not to exceed 3%, revenues would be divided between promotion efforts and visitor-related facilities and activities on a sliding scale. The revenues would be divided 50% promotion and 50% facilities and activities for the first million dollars of tax revenues; 35% promotion and 65% facilities and activities for the

9. (continued)

second million; and 25% promotion and 75% facilities and activities for revenues received above two million dollars.

It is anticipated that promotion revenues would be allocated under contract to a third party and that the City and County would develop an interlocal agreement that would divide the non-promotion revenues on the basis of annual budget contributions to the uses allowed in the Transient Occupancy Tax Bill. The FY 83 division is approximately 17% County and 83% City.

The Metrolina Innkeepers Association estimated that an occupancy tax could generate total revenues of approximately $2,900,000 in 1985. After subtracting administrative costs, $1,053,250 would be allocated to promotion and $1,759,750 to visitor-related facilities and activities. Applying the FY 83 City/County budget ratio of 83%/17% to the non-promotional revenues, the City would receive $1,460,593 and the County would receive $299,157 for visitor related facilities and activities.

The proposed bill has been approved by the City Council Long Range Funding Committee. The bill has not yet received final approval by the County Commission in their Legislative Package. A report explaining the proposed tax and its public benefits is attached in addition to a draft of the Bill.

Attachment No. 3

10. CONSIDERATION OF APPOINTMENT TO THE CHARLOTTE HOUSING AUTHORITY.

The following nominations were made on November 22 for a five-year term expiring December 17, 1987:

A) Kitty Huffman, nominated by Councilmember Frech.
B) John W. Byers, Jr., nominated by Councilmember Berryhill.
C) John Huson, nominated by Councilmember McMillan. Mr. McMillan has since advised that Mr. Huson has requested that his name be withdrawn.

Attachment No. 4

11. CONSIDERATION OF APPOINTMENT TO FILL CITY COUNCIL SEAT ON BOARD OF DIRECTORS OF THE UPTOWN DEVELOPMENT CORPORATION.

Councilmember Berryhill's term expires December 31, 1982; appointment is for one year.

Mr. Berryhill has served two terms, having been appointed March 2, 1981 and reappointed January 11, 1982. The attendance record for the first three quarters of 1982 indicates he has attended 5 out of 8 meetings, with one absence being excused.

BUSINESS AGENDA

12. CONSIDER AUTHORIZATION FOR STAFF TO INITIATE NEGOTIATIONS WITH MINT HILL FOR AN AGREEMENT THAT WILL PERMIT THE EXTENSION OF CITY WATER/ SEWER FACILITIES TO SERVE PROPERTY INSIDE THE CORPORATE LIMITS OF MINT HILL, BASED ON A REQUEST FROM RALPH SQUIRES COMPANY.

The current Connection Policy approved by City Council regarding connections to existing Charlotte-Mecklenburg Utility Department mains within the corporate limits of other municipalities in Mecklenburg County does not permit the type of service line extension that is being requested here by the Squires Company. City staff, with City Council authorization, will need to draft an agreement that would allow construction of a main service line within the Town of Matthews in order for this request to be handled.

The chronological order of events concerning this request from Ralph Squires Company is as follows:

1. June 27, 1980: Ralph Squires Homes requested a contract with the revenues of approximately $2,900,000 by 1985.

   City to construct a pump station on Lawyers Road at Irvings Creek, a pressure line along Lawyers Road to Wilson Grove Road and a gravity line along Lawyers Road to the City's McAlpine Creek Outfall. The property to be served by this pump station was totally in Mecklenburg County, but was surrounded by the incorporated limits of Mint Hill.

2. February 9, 1981. Council approved a contract with J.R.S. Enterprises Inc. for the construction of a 450 GPM pump station, 4,050 feet of 8-inch sewer force main, and 5,905 feet of 10-inch gravity sewer main to serve Lawyers Station. Estimated cost is $200,000.00.

3. July 2, 1981: Ralph Squires Homes requested a contract for the extension of gravity sewer lines into Lawyers Station Subdivision, Phase I.

4. October 12, 1981: Council approved a contract with Ralph Squires Homes for the construction of sewer lines to serve Lawyers Station Subdivision, Phase I.

5. July 1, 1982: The town of Mint Hill annexed all of Ralph Squires property, including Phase I of Lawyers Station.

6. November 9, 1982: Ralph Squires Homes requested a contract for the extension of gravity sewer mains into Lawyers Station, Phase II. Phase II is totally within the incorporated limits of Mint Hill. The Charlotte-Mecklenburg Utility Department cannot process Squire's request since the City does not have an agreement with Mint Hill for extending utility lines to serve property with the town limits.

ITEM NO.

12. (continued)

Attached for your information is a map and letter from the Attorney representing J.R.S. Enterprises, Inc.

Attachment No. 5

13. RECOMMEND THE FOLLOWING ACTIONS RELATIVE TO A REQUEST FROM THE TOWN OF MATTHEWS FOR EXTENSION OF 350' OF AN 8-INCH MAIN THROUGH AN AREA WITHIN THE CORPORATE LIMITS OF CHARLOTTE.

A. APPROVAL OF A SECOND FEED AND METERING POINT FOR TOWN OF MATTHEWS WITH PROVISION THAT THE METERING POINT BE LOCATED AT TOWN LIMIT ON N.C. 51 RATHER THAN AT THE REQUESTED LOCATION ON SARDIS ROAD AT CHARLOTTE CITY LIMITS.

B. AUTHORIZE THE STAFF TO DEVELOP A CONTRACT WITH THE TOWN OF MATTHEWS WHEREBY MATTHEWS WOULD PAY FOR AN ADDITIONAL EXTENSION OF 350' AND DEDICATE THE REMAINDER OF THE LINES TO CHARLOTTE.

An outline of the facts related to this request are shown below:

- The City of Charlotte currently serves Town of Matthews through single feed on Monroe Road.
- Original plans for a second feed provided for extension to be entirely within Town Limits of Matthews.
- The second set of plans were submitted several months later that provided for extension along Sardis Road outside limits of Matthews.
- The Town of Matthews has completed extension of a water main from vicinity of N. C. 51 northwest to Charlotte City Limits.
- The current request from the Town of Matthews is for extension of 350' of 8-inch main through an area within corporate limits of Charlotte to a proposed metering point at Charlotte City Limits boundary.
- The agreement between City of Charlotte and Mecklenburg County provides that the Charlotte-Mecklenburg Utility Department shall have the duty and responsibility for planning, construction, operation and maintenance of water and sewer systems throughout jurisdictions of the City of Charlotte and Mecklenburg County. Consequently, the City position is to locate the metering point at the town limit on N.C. 51 rather than at the requested location on Sardis Road. This recommendation is consistent with established City policy and standards.

13. (continued)

Attached is a map and a letter from the Mayor of the Town of Matthews.

Attachment No. 6

14. A. RECOMMEND ADOPTION OF A RESOLUTION APPROVING A BELOW-MARKET INTEREST RATE REHABILITATION LOAN PROGRAM (UPTOWN CHARLOTTE RE-DEVELOPMENT LOAN AGREEMENT PROGRAM - NUMBER 1) FOR REDEVELOPMENT AREAS 1, 2, 3 AND 4 IN THE UPTOWN AREA, AND A SECURITY AGREEMENT BETWEEN THE CITY AND CHARLOTTE UPTOWN DEVELOPMENT CORPORATION AGENT FOR THE PARTICIPATING LENDERS.

The CUDC has prepared for City Council approval an Uptown Charlotte Redevelopment Area Loan Program Agreement between the City of Charlotte, Charlotte Uptown Development Corporation and 15 local banks and savings and loans. These 15 lenders have committed the aggregate sum of $5 million to the City as required for the funding of permanent mortgage loans and for operating the loan program designed to encourage property improvement and rehabilitation in the uptown area. The key components of the agreement are.

- The amounts advanced by the lenders to the City during the first six months of the loanprogram will bear interest at the rate of 70% of the annual prime rate, adjusted on the date of each change in the prime rate, and the City's mortgage lons made during the first six months period will bear interest at the rate charged by the lenders to the City plus not more than 1.5% per annum. During each succeeding six month period the interest will be determined by agreement between the lenders and the City but in any rate will be less than 90% of the prime rate and will be adjusted on the date of each change in the prime rate.

- The rate at which the funds are loaned to the end borrowers cannot exceed by more than one and one-half percent the rate at which the City borrows from the participating lenders. It is currently anticipated that the funds would be loaned to the end borrowers at approximately one-fourth of one percent to three-fourths of one percent of the loan above the rate at which funds are borrowed from the participating lenders by the City. This additional charge would be to compensate the loan servicing agent.

  The principal amount of each Mortgage Loan shall be payable in equal monthly installments assuming an amortization period of fifteen years, with the unpaid principal amount due and payable at the end of ten years.

- The City's obligation for repayment of the lender's loans will be evidenced by a non-negotiable promisory master note for $5 million. The note shall be a limited obligation of the City payable solely from monies to be derived from the loan program

14. (continued)

and the agreement. Neither the credit nor the taxing power of the City will be pledged for repayment of the loan.

- The CUDC, on behalf of the City shall process loan applications, issue commitments and make and service the mortgage loans through a servicing agent. The City alone shall determine to whom loans will be made, in what amounts, and whether the loans comply with all criteria for loans under the loan program other than the criteria as to sufficiency of collateral and credit-worthiness. The City and the lenders committee shall determine the credit-worthiness of a borrower. The maximum amount to loaned per applicant under the consortium agreement is $1 million.

- On the basis of competitive bidding, one lending institution will be selected to service the end loans. That institution would collect payments from the end borrowers and would make payments to the lending institutions on the loan from the lending institutions to the City. CUDC would be responsible to see that the lending institution which is chosen as the servicing agent properly performs its duties and functions under the loan pooling agreement.

B. RECOMMEND ADOPTION OF A RESOLUTION APPROVING THE UPTOWN CHARLOTTE REDEVELOPMENT SEPARATE LOAN AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE CHARLOTTE UPTOWN DEVELOPMENT CORPORATION.

The "Separate Loan" Program is intended to serve the same public purposes as the Uptown Charlotte Redevelopment Loan Program - Number 1 by dealing with the willing lenders and borrowers whose proposed rehabilitation projects would further the aims of the Redevelopment Plan. The only exception is that under the provisions of the "Separate Loan" Program, a "Separate Loan" will be a long-term commercial mortgaGe loan made to a separate borrower by the City with money derived from an individual lender rather than from the $5 million loan pool.

C. I. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOHN CROSLAND COMPANY, RELATING TO THE FINANCING OF THE REDEVELOPMENT OF A PROJECT ON THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE OF THE CITY OF CHARLOTTE NOT EXCEEDING $450,000 THEREFORE.

14. (continued)

C. II. RECOMMEND ADOPTION OF A RESOLUTION APPROVING AND AUTHORING THE ISSUANCE OF THE $450,000 CITY NOTE (235 SOUTH BREVARD STREET REDEVELOPMENT PROJECT) OF THE CITY, APPROVING THE FORM AND AUTHORIZING THE SALE OF THE CITY NOTE PURSUANT TO A CITY NOTE PURCHASE AGREEMENT, AUTHORIZING THE LOAN OF THE PROCEEDS OF THE CITY NOTE TO JOHN CROSLAND COMPANY, AUTHORIZING EXECUTION AND DELIVERY OF THE CITY NOTE PURCHASE AGREEMENT, THE LOAN AGREEMENT, THE ASSIGNMENT, THE GUARANTY AND THE SECURITY AGREEMENT, APPROVING THE FORM AND AUTHORIZING ENDORSEMENT AND PLEDGE OF THE NOTE, APPROVING THE FORM OF THE DEED OF TRUST AND AUTHORIZING EXECUTION AND DELIVERY OF CLOSING CERTIFICATES, ALL IN CONNECTION WITH FINANCING AN UPTOWN REDEVELOPMENT PROJECT.

These actions are necessary to approve a "separate borrower" loan in the amount of $450,000 to the John Crosland Company for the renovation of property located at 235 South Brevard Street (Redevelopment Area No. 3) for commercial space. The monies are to be loaned to the City of Charlotte by First Union National Bank.

A committee composed of members from the Charlotte Uptown Development Corporation has been established to review commercial redevelopment projects on behalf of the City of Charlotte. The Charlotte Uptown Development Corporation Committee members are Willian J. Veeder, Linda H. Lilien, Martin R. Cramton, Jr., and Michael Schneiderman. The Committee has reviewed the project and finds that it complies with the objectives, conditions, and requirements of the Uptown Redevelopment Plan and recommends approval of the loan by the City Council.

D. I. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH CROSLAND-ERWIN & ASSOCIATES, RELATING TO THE FINANCING OF THE REDEVELOPMENT OF A PROJECT IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, COUNTY, NORTH CAROLINA, AND AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE OF THE CITY OF CHARLOTTE NOT EXCEEDING $900,000 THEREFORE.

D. II. RECOMMEND ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF THE $900,000 CITY NOTE (127 EAST TRADE STREET REDEVELOPMENT PROJECT) OF THE CITY, APPROVING THE FORM AND AUTHORIZING THE SALE OF THE CITY NOTE PURSUANT TO A CITY NOTE PURCHASE AGREEMENT, AUTHORIZING THE LOAN OF THE PROCEEDS OF THE CITY NOTE TO CROSLAND-ERWIN & ASSOCIATES, AUTHORIZING EXECUTION AND DELIVERY OF THE CITY NOTE PURCHASE AGREEMENT, THE LOAN AGREEMENT, THE ASSIGNMENT, THE GUARANTY AND THE SECURITY AGREEMENT, APPROVING THE FORM AND AUTHORIZING ENDORSEMENT AND PLEDGE OF THE NOTE, APPROVING THE FORM OF THE DEED OF TRUST AND AUTHORIZING EXECUTION AND DELIVERY OF CLOSING CERTIFICATES, ALL IN CONNECTION WITH FINANCING AN UPTOWN REDEVELOPMENT PROJECT.

ITEM NO.

14. (continued)

These actions are necessary to approve a "separate borrower" loan in the amount of $900,000 to John Crosland & Associates for the renovation of property at 127 East Trade Street (Redevelopment Area No. 2) for commercial and retail space. The monies are to be loaned to the City of Charlotte by First Union National Bank.

The Charlotte Uptown Development Corporation Committee has reviewed the project and finds that it complies with the objectives, conditions, and requirements of the Uptown Redevelopment Plan and recommends approval of the loan by the City Council.

The Committee also recommends that the owners of the building which fronts along the Transit Mall Project meet with the City Engineering Department and the transit mall consultants to ensure the materials used between the building and public sidewalk are compatible.

E. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING THE ENTERING INTO OF AN AGREEMENT RELATING TO THE ISSUANCE BY THE CITY OF ITS NOTE IN THE PRINCIPAL AMOUNT OF $1,750,000 AND THE ISSUANCE BY THE CITY OF THE $1,750,000 CITY NOTE (227 NORTH TRYON STREET PROJECT) AUTHORIZING THE LOAN OF THE PROCEEDS OF THE CITY NOTE TO 227 NORTH TRYON STREET ASSOCIATES, AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF THE NOTE PURCHASE AGREEMENT, THE LOAN AGREEMENT, THE ASSIGNMENT AND APPROVING THE FORM OF DEED OF TRUST AND SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND ENDORSEMENT OF COMPANY NOTE AND AUTHORIZING EXECUTION AND DELIVERY OF CLOSING CERTIFICATES, ALL IN CONNECTION WITH FINANCING AN UPTOWN DEVELOPMENT PROJECT.

This action is necessary to approve a "separate borrower" loan in the amount of $1,750,000 to 227 North Tryon Street Associates for the renovation of property located at 227 North Tryon Street (Redevelopment Area No. 2) for commercial office space. The monies are to be loaned to the City by the Branch Banking and Trust Company.

The Charlotte Uptown Development Corporation Committee has reviewed the project and finds that it complies with the objectives, conditions, and requirements of the Uptown Redevelopment Plan and recommends approval of the loan by the City Council.

The Committee also recommends that the owners of the building which fronts along the Transit Mall Project meet with the City Engineering Department and the project consultant to ensure the materials used between the building and the public sidewalk are compatible.

15. A. RECOMMEND APPROVAL FOR THE PURCHASE AND RENOVATION OF THE GROUND MAINTENANCE FACILITY VACATED BY EASTERN AIRLINES AT THE OLD AIRPORT TERMINAL BY THE CITY OF CHARLOTTE, FOR REUSE BY PIEDMONT AIRLINES UNDER A FIFTEEN-YEAR LEASE AGREEMENT.

15. (continued)

B. RECOMMEND ADOPTION OF AN ORDINANCE APPROPRIATING $144,250 FROM THE AIRPORT OPERATING FUND BALANCE TO FUND PURCHASE AND RENOVATION.

City Council is requested to approve the purchase, in the amount of $72,250 of Eastern Airlines' rights, title and interests to its maintenance building and associated improvements in the old terminal area at the airport. Additionally, City Council is requested to appropriate airport funds in the amount of $72,000, to cover the proposed renovation costs which include installing masonry veneer exterior walls and a new roof and facia.

Piedmont Airlines will enter into a fifteen (15) year lease agreement with City for use of the vacated maintenance facility. They will pay the City annual rental fees of $31,026 in addition to handling all operating and maintenance costs associated with the building. The annual rental fee will return $465,390 to the City over the payback period. Piedmont will use the renovated facility for support activities such as airline catering, crew staging, and cargo and maintenance operations.

16. RECOMMEND THE FOLLOWING ACTIONS TO PROVIDE FOR THE SPIRIT SQUARE PARKING LAND ACQUISITION.

A. A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FROM THE ACQUISITION OF PROPERTY BELONGING TO FRED F. HASTINGS, SR. AND WIFE, LOTTIE I. HASTINGS; FRED F. HASTINGS, JR. AND WIFE, PEGGY L. HASTINGS AND (PURE OIL COMPANY, LESSEE) LOCATED AT 317-319 NORTH COLLEGE STREET, IN THE CITY OF CHARLOTTE FOR PARKING AT SPIRIT SQUARE.

B. A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO STANLEY M. STEINBERGER AND CHARLES W. GLICK AND (CROWN CENTRAL PETROLEUM CORPORATION, LESSEE) LOCATED AT 325-329 NORTH COLLEGE STREET, IN THE CITY OF CHARLOTTE FOR PARKING AT SPIRIT SQUARE.

In an executive session on November 22, 1982, City Council informally decided to proceed with condemnation on both parcels referenced above. In the interim, it was decided that the Spirit Square Board of Directors would be contacted to determine whether or not Spirit Square would assume the responsibility for paying any additional cost over and above the $205,900 (now available from Spirit Square contributions) that might result from proceeding with the condemnation actions. Conversations have been held with the Spirit Square Board and a Board representative will be available at the City Council meeting to present the Board's position.

* * * * * * * * *

The City Attorney advises that Agenda Items No. 17 through 31 may be considered in one motion. However, any member of Council may request an item be divided and voted on separately.

* * * * * * * * *

17. RECOMMEND APPROVAL OF BIDS AS SHOWN:

A. Cast Iron Soil Pipe & Fittings — Utility Department

Recommendation: By Utility Director and Purchasing Director that the low bid, Ferguson Enterprises, Inc., Charlotte, N.C., in the amount of $27,112.19, be accepted for award of contract on a unit price basis.

Bid Summary:

Ferguson Enterprises, Inc.	Charlotte, N.C.	$27,112.19
Parnell-Martin Company	Charlotte, N.C.	27,629.22
Noland Company	Charlotte, N.C.	27,678.13

Project Description:
This action will establish the annual contract to assure systematic delivery of Cast Iron Soil Pipe & Fittings for City operations.

Source of Funding:
Water and Sewer Operating - Sewer Laterals, Maintenance and Construction Materials.

B. 2,637 - Water Meters — Utility Dept.

Recommendation: By Utility Director and Purchasing Director that the low bids meeting specifications be accepted for award of contracts to the following companies:

Neptune Water Meter (for	2,550 Residential Water Meters)	$53,570.00
Hersey Products,Inc.(for	87 Commercial Water Meters)	79,697.50

Bid Summary
Bidders included Neptune, Badger, Rockwell and Hersey. Neptune represents the low bid meeting all City specifications for 5/8" and 1" Disc and Compound; Hersey, the low bid meeting all City specifications for 1 1/2" to 10" Turbines.

17. B. (continued)

Project Description:
This action establishes a new annual contract to assure systematic delivery of water meters for City operations. Water meters are bought on an as needed basis and paid for out of an inventory account. If a new meter is installed, cost is charged to customer in fee. Larger turbine type meters are used mostly for industrial and commercial buildings.

Source of Funding:
Water and Sewer Operations - Water Shop Inventories.

C. 4 - Vans,W/Wheelchair Lifts Transportation Dept.

Recommendation: By Transportation Director and Purchasing Director that all bids received be REJECTED because no vendor was completely responsive to City specifications and each bid a seat which was not specified.

Confusion arose in the bid process because several exceptions to the specifications were granted (through addenda to all vendors,) after the bid was let. These exceptions were made in order to secure a sturdier and longer-lasting vehicle and to allow staff to compare bids on the basis of useful life of certain components. But bid responses revealed so wide a range in products offered that a fair analysis and contract award was not possible. The Urban Mass Transportation Administration requires that life cycle costing be used in purchasing all rolling stock.

Bid Summary:

Brockton Dodge, Inc.	Brockton, Ma.	$ 74,100.00
Bud Industries, Inc.	W. Warwick, R.I.	75,928.00
Superior Coach Sales	Dallas, Tx.	91,648.00
National Coach Corp.	Gardena, Ca.	95,492.00
Ilderton Dodge-Chrysler-Ply.	High Point, N.C.	101,679.52
Thomas Built Buses	High Point, N.C.	109,387.04
Flxette Sales, Inc.	Evergreen, Ala.	119,788.00
Coach & Eqpt. Mfg. Corp.	Penn Yan, N.Y.	129.836.00

Project Description:
These vans equipped with wheelchair lifts will be used to implement the Special Transportation Service.

Source of Funding:
Funding is provided by a capital grant from the Urban Mass Transportation Administration.

---

17. (continued)

D. Vitrified Clay Pipe — Utility Dept.

Recommendation: By Utility Director and Purchasing Director that the only bid received, Pomona Pipe Products, Greensboro, N.C., in the amount of $68,451.00, be accepted for award of contract on a unit price basis.

Bid Summary:

Pomona Pipe Products	Greensboro, N.C.	$68,451.00

Project Description:
Vitrified Clay Pipe is used for the construction and repair of sewer main lines.

This contract is needed to establish an annual contract to assure systematic delivery of pipes. Other manufacturers in the region were contacted, however, Pomona Products was the only company to submit a bid. The amount of the new contract is 7% higher than the contract held by Pomona Products last year.

Source of Funding:
Water and Sewer Operating - Sewer Field Operations, Maintenance and Construction Materials.

E. Margaret Wallace Road Culvert at Campbell Creek
Project No. 512-78 013 — Engineering Dept.

Recommendation By the City Engineer that the low bid of $99,899.95 as submitted by T. K. Wilson Construction Company, Inc. be accepted for award on a unit price basis.

Bid Summary:

T. K. Wilson Const. Co., Inc., Bessemer City,NC	$99,899.95
Appletuck & Associates, Rutherfordton, NC	105,283.57
John H. Brinkley, Thomasville, NC	112,800.98
Hickory Construction Co., Inc., Pineville, NC	114,492.48
Blythe Industries, Inc., Charlotte, NC	119,797.60
Crowder Construction Company, Charlotte, NC	125,903.05
Beckham Construction Company, Charlotte, NC	139,520.79

Project Description:
This project will include the construction of a four barrel, reinforced concrete box culvert to replace the existing bridge over Campbell Creek.

Source of Funding:
General Capital Improvement Fund, Bridge Replacement Program.

---

17. (continued)

F. Automobiles & Small Trucks Various Depts.

Recommendations:

1. The Police Chief and Purchasing Director recommend that the low bid, Young Ford, Inc., Charlotte, NC, in the amount of $65,426.94, be accepted for award of contract on a unit price basis for 9 unmarked automobiles.

2. The Park & Recreation Director and Purchasing Director reco- that the low bid, Young Ford, Inc., Charlotte, NC, in the amount of $22,108.98, be accepted for award of contract on a unit price basis for 3 Park Ranger Automobiles.

3. The Park & Recreation Director, Utility Director and Purchasing Director recommend that the low bid, Young Ford, Inc., Charlotte NC, in the amount of $17,958.60, be accepted for award of contra on a unit price basis for 3 - Sub-Compacts.

4. The Community Development Director and Purchasing Director recommend that the low bid, Young Ford, Inc., Charlotte, NC, in the amount of $12,192.40, be accepted for award of contract on a unit price basis for 2 station wagons for the Community Development Department.

5. The Utility Director and Purchasing Director recommend that the low bid, City Chevrolet Company, Charlotte, NC, in the amount of $7,521.35, be accepted for award of contract on a unit price basis for 1 station wagon for the Utility Dept.

6. The Utility Director, Operations Director and Purchasing Director recommend that ALL BIDS BE REJECTED and permission be granted to re-advertise for 2 - 4-wheel S-Blazers for the Utility & Landfill operations. Two bids were received but none was responsive to all City specifications.

7. The Utility Director and Purchasing Director recommend that the low bid, City Chevrolet Company, Charlotte, NC, in the amount of $130,419.60, be accepted for award of contract on a unit price basis for 20 - Mini-Pick-up Trucks.

8. The Operations Director, Utility Director and Purchasing Director recommend that the low bid, City Chevrolet Company, Charlotte, NC, in the amount of $13,484.82, be accepted for award of contract on a unit price basis for 2 - 6000 Pick-Ups.

9. The General Services Director and Purchasing Director recommend that the low bid, City Chevrolet Company, Charlotte, NC, in the amount of $7,234.21, be accepted for award of contract on a unit price basis for 1 - 6000 Cargo Van.

ITEM NO.

17. (continued)

10. The Utility Director, City Engineer and Purchasing Director recommend that the low bid, City Chevrolet Company, Charlotte, NC, in the amount of $16,906.76, be accepted for award of contract on a unit price basis for 2 - 6800 Cargo Vans.

11. The Police Chief and Purchasing Director recommend that the low bid, City Chevrolet Company, Charlotte, NC, in the amount of $8,763.74, be accepted for award of contract on a unit price basis for 1 - 7500 Cargo Van.

12. The Transportation Director and Purchasing Director recommend that the low bid, LaPointe Chevrolet Co., Charlotte, NC, in the amount of $24,750.00, be accepted for award of contract on a unit price basis for 3 - 8600 GVWR Pick-Up, Cab & Chassis, with Towing Package.

13. The Transportation Director and Purchasing Director recommend that the low bid, Young Ford, Inc., Charlotte, N.C., in the amount of $24,140.55, be accepted for award of contract on a unit price basis for 3 - 8600 GVWR Pick-Up Cab & Chassis.

14. The Utility Director, General Services Director and Purchasing Director recommend that the low bid meeting specifications, City Chevrolet Company, Charlotte, N.C., in the amount of $16,415.40, be accepted for award of contract on a unit price basis for 2 - 10,000 GVWR Cab & Chassis.

15. The Utility Director and Purchasing Director recommend that the only bid meeting specifications, City Chevrolet Company, Charlotte, N.C., in the amount of $18,689.90, be accepted for award of contract on a unit price basis for 2 - 10,000 GVWR Truck Cab & Chassis.

16. The Fire Chief and Purchasing Director recommend that the only bid, Young Ford, Inc., N.C., in the amount of $18,911.24, be accepted for award of contract on a unit price basis for 2 - 6000 Cargo Vans.

17. The Police Chief and Purchasing Director recommend that the only bid, Young Ford, Inc., Charlotte, N.C., in the amount of $23,109.66, be accepted for award of contract on a unit price basis for 2 - 7600 GVWR 15 Passenger Van.

18. The Fire Chief and Purchasing Director recommend that the only bid, Young Ford, Inc., Charlotte, N.C., in the amount of $10,546.49, be accepted for award of contract on a unit price basis for 1 - 8600 GVWR 5 Passenger Van.

Bid Summary:
A complete bid tally is available through the Office of the City Clerk.

17. F. (continued)

Project Description:
These purchases represent the annual replacement program for City vehicles.

Source of Funding
General Fund (Lease - Purchase), Water and Sewer Operating Fund, and Community Development Fund - Autos and Self-Propelled Equipment.

G. Sanitary Sewer Construction 1980 Annexation - Coulwood Area — Utility Dept.

Recommendation:
Charlotte-Utility Director recommend the low bid by Hickory Construction Company, Inc., of Hickory, N.C. in the amount of $440,255.20 be accepted for award of contract on a unit price basis.

Bid Summary.

Hickory Construction Company	Hickory, NC	$440,255.20
Sanders Brothers, Inc.	Charlotte, NC	499,090.00
Rea Brothers, Inc.	Pineville, NC	501,592.88
Lockwood Construction Co.	Pineville, NC	549,613.60
George W. Sparks Const. Co.	Clemmons, NC	592,689.04
Rand Construction Co.	Richfield, NC	598,934.40
RDR, Inc.	Stanfield, NC	630,042.25
Trans-State Const. Co.	Denver, NC	632,259.60
C.F.W. Construction Co.	Fayetteville, TN	641,369.20
Dellinger, Inc.	Monroe, NC	704,438.40
Abernethy Construction Co.	Lincolnton, NC	776,519.60
Propst Construction Co.	Concord, NC	825,400.00

Project Description:
This project would extend sewer service to the Coulwood Annexation Area.
Source of Funding:
Sewer Construction - Coulwood Area.

Budget Ordinance

18. RECOMMEND ADOPTION OF AN ORDINANCE APPROPRIATING REVENUES IN THE AMOUNT OF $156,885 TO SUPPORT SEVERAL SPORTS PROGRAMS IN THE PARKS AND RECREATION DEPARTMENT.

These funds represent participant fees collected for various sport programs sponsored by the Parks and Recreation Department, (i.e., the City Amateur Golf Tournament, the City Open Tennis Tournament, Adult Softball, Adult Basketball, and the Life, Be In It, Fun Run. as well some concessions revenue. This money will be used to pay officials and fees, to purchase trophies, and to cover other expenses associated with handling these year round sport events.

ITEM NO.

Pay Plan Amendment

19. RECOMMEND ADOPTION OF A RESOLUTION AMENDING THE PAY PLAN TO ADD THE CLASSIFICATION OF MIS TECHNICAL SUPPORT ANALYST, PAY RANGE 21 ($20,754-26,488 ANNUALLY).

The Personnel Department has completed a review of one Computer Programmer Analyst II position assigned to the Technical Support Division of the MIS Department. The review indicates the need to establish an additional classification title to more clearly define the duties and responsibilities of the incumbent as they relate to the technical support function.

Specifically, the incumbent's duties are geared toward systems-level programming work rather than applications programming which is typical of the Computer Programmer Analyst class series. Comparison with structures of other cities indicates that a separate classification has frequently been established for the specialized duties of systems-level programming.

This amendment does not change the pay scale for the affected position, therefore, no additional cost is involved.

Condemnation Settlement

20. RECOMMEND APPROVAL OF PROPOSED SETTLEMENT IN THE CONDEMNATION ACTION CITY OF CHARLOTTE VS. SOUTHERN FACILITIES, INC., 1979 ANNEXATION-MT. HOLLY ROAD AREA (PARCEL #3-58) IN THE TOTAL AMOUNT OF $11,000, REQUIRING AN ADDITIONAL DEPOSIT OF $8,700.

On September 12, 1980, the City of Charlotte filed a condemnation in the above-captioned action. The City condemned a 15 foot wide sanitary sewer easement extending for 1,353 linear feet across a 15.82 acre tract. The 1,353 linear feet easement severed the parcel leaving 12.3 acres west of the easement and 3.06 acres to the east of the easement.

The City based its deposit on an appraisal estimating the damage to be $2,300. However, this appraisal did not attribute any damage to the 3.06 acres east of the easement. A second appraisal was ordered by the City which indicated total damages amounting to $13,250.

It is the position of the City Attorney's office and the Real Estate Division opinion that the higher appraisal much more realistically assesses the damage that occurred. It is also their belief that the failure of the first appraisal to give any damage value to the 3.06 acres and to offer such a low damage amount would result in the Court dismissing any serious consideration of it.

20. (continued)

It is therefore recommended that the City deposit an additional $8,700 for a total settlement of $11,000. There are sufficient funds in the 1979 Annexation-Mt. Holly Road Capital Improvement Project to cover the additional deposit.

Municipal Agreement for Traffic Signal Installation

21. RECOMMEND ADOPTION OF A RESOLUTION TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE CITY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF TRAFFIC SIGNALS AT I-77 NORTHBOUND EXIT RAMP AND LA SALLE STREET.

This intersection is a high-accident location which warrants signalization. The North Carolina Department of Transportation will reimburse the City a maximum of $8,500 for installing the traffic signal, or 90% of project costs, with remaining costs to be paid from funds already approved in the Charlotte Department of Transportation budget.

Encroachment Agreements

22. RECOMMEND APPROVAL OF AN ENCROACHMENT AGREEMENT WITH CARMEL COMMONS, LTD. TO PERMIT AN ENCROACHMENT ACROSS AN EXISTING CITY WATER LINE RIGHT-OF-WAY THAT SERVES THE CARMEL COMMONS SHOPPING CENTER.

The encroachment consists of a brick wall and a covered sidewalk constructed by Carmel Commons across the City's 20 foot water line right-of-way. The City Attorney's Office has recommended and approved the encroachment agreement to idemnify and hold the City harmless from any liability caused by the existence of the brick wall and covered sidewalk.

Land Sales

23. A. RECOMMEND APPROVAL FOR THE SALE OF LAND LOCATED AT 1401 WINNIFRED STREET IN THE WEST MOREHEAD NEIGHBORHOOD STRATEGY AREA TO JOHN V. MOORE AND WIFE, BARBARA M. MOORE, FOR THE AMOUNT OF $39,545.80.

The Redevelopment Plan for West Morehead provides for the disposal of acquired land for development by public or private parties. The minimum bid price on this parcel was established at $39,545.80, the fair reuse value of the property as determined by the review appraiser based on two appraisal reports by professional appraisers in private practice. Bids were received and publicly opened at the Real Estate Division on November 16, 1982. Only one bid was received, that being from John V. Moore and wife, Barbara M. Moore in the amount of $39,545.80 for 28,247 square feet of land for the proposed development of two 6,000 square foot geneial purpose office/warehouse facilities. The construction will be of a dark exterior utility brick similar to that used in the adjoining building and will be available for one or more tenants each.

ITEM NO.

23. (continued)

B. RECOMMEND APPROVAL FOR THE SALE OF LAND TO MOTION, INC. LOCATED AT 245 VICTORIA AVENUE IN THE THIRD WARD NEIGHBORHOOD STRATEGY AREA FOR THE AMOUNT OF $1,750.

The Redevelopment Plan for the Third Ward Neighborhood Strategy Area provides for the disposal of land acquired for development by public or private parties. The minimum bid price on the parcel was established at $1,500, the fair reuse value of the property as determined by the review appraiser based on two appraisals by competent appraisers in private practice. Bids were received and publicly opened at the Real Estate Division on November 1, 1982. Only one bid was received, that being from Motion, Inc. in the amount of $1,750 for 4,250 square feet of land for proposed development of a single family frame structure containing approximately 850-1200 square feet with three bedrooms and a bath or bath and one-half.

C. RECOMMEND APPROVAL OF AN AMENDMENT TO CONTRACT FOR SALE OF LAND LOCATED AT 1100 GREENLEAF AVENUE IN THE THIRD WARD NEIGHBORHOOD STRATEGY AREA TO ALBERT HOLLOWAY, JR. TO ALLOW ADDITIONAL TIME FOR THE PURCHASER TO OBTAIN MORTGAGE FINANCING.

On May 24, 1982, City Council approved this land sale to Albert Holloway, Jr. at a price of $1,201.00. The parcel contains 5,232 square feet and will be the site for relocating an existing structure from 420 North Smith Street. Mr. Holloway requested that an Amendment extending the delivery date of the deed from December 1, 1982 to February 1, 1983, or on such earlier date as the parties may mutually agree in writing, be approved to provide additional time to obtain necessary mortgage financing for the rehabilitation of the existing structure.

D. RECOMMEND APPROVAL OF AN AMENDMENT TO CONTRACT FOR SALE OF LAND IN FIRST WARD URBAN RENEWAL AREA TO AMERICAN FAMILY HOMES, INC. LOCATED AT 216 NORTH MCDOWELL STREET TO EXTEND THE DELIVERY DATE OF THE DEED FROM JANUARY 1, 1983 TO JULY 1, 1983.

On January 5, 1982, a bid opening was held and one bid was received from American Family Homes, Inc. for the purchase of land located at 216 North McDowell Street. The City Council approved the sale at a sales price of $130,500.00 on February 8, 1982. This parcel containing 64,855 square feet is to be developed as an office condominium complex. On November 11, American Family Homes, Inc. requested an amendment to the Sales Contract to provide additional time to presell fifty percent of the space in Phase L. This is a requirement of the lending institutions prior to providing mortgage financing for this type development. At the present time, six percent (or 8,040 square feet) of the space has been committed. Construction plans have been approved and the developer is making a diligent effort to presell the required space.

23. (continued)

E. RECOMMEND APPROVAL FOR ADVERTISEMENT OF AN OFFER TO PURCHASE CITY-OWNED PROPERTY LOCATED AT 1005 ELIZABETH AVENUE.

On May 24, 1982, City Council declared subject property surplus and approved the advertising for sale by the sealed bid process with a $10,000 minimum bid. The property was advertised but no bids were received. At this time, staff has negotiated a sale for the property and has a written offer of $9,200.00 with a 5% deposit. The proposed purchaser would use the property for a medical office. This parcel contains 2,984 square feet and is zoned B-2.

Under GS 160A-269, a final negotiated offer is presented to City Council for permission to advertise stating the offer and leaving the offer open 10 days after the advertisement to receive any upset bids. Should an upset bid be received, the 10 days advertising process must again be implemented.

Third and Fourth Ward Loan Programs

24. A. RECOMMEND APPROVAL OF A LOAN FOR PERMANENT FINANCING TO PURCHASE PROPERTY IN THE THIRD WARD AREA UNDER THE THIRD WARD LOAN PROGRAM AS SHOWN BELOW:

James E. & Susan A. McNicholas at Unit #12, Cedar Street Commons, in the loan amount of $64,100 at an appraised value of $67,500.

The loan application has been reviewed by the City Loan Officer, Community Development Department, and contains sufficient information to form the basis for approval.

The Third Ward Loan Agreement between the City and North Carolina National Bank in the amount of $15,000,000 was entered into on December 14, 1981. The interest rate on loans under the program is 11 3/4%

B. RECOMMEND APPROVAL OF AMENDMENT #2 TO THE THIRD WARD/FOURTH WARD LOAN PROGRAM EXTENDING THE DEADLINE FOR ADVANCING FUNDS FROM OCTOBER 1, 1982, TO DECEMBER 31, 1982. THIS ADDITIONAL THREE-MONTH EXTENSION WOULD EXTEND THE MAXIMUM TERM OF THE LOAN TO DECEMBER 1, 1997.

In December, 1980, City Council approved an agreement with North Carolina National Bank to provide $15,000,000 in low-interest mortgage funds. The program provided $3,000,000 for Third Ward and $12,000,000 for Fourth Ward. On May 24,1982, Council approved Amendment #1 to extend the program from June 1, 1982, to October 1, 1982.

This second amendment, extending the deadline for advancing funds to December 31, 1982, is necessary in order to allow loans to be closed under the Third Ward/Fourth Ward Loan Program.

ITEM NO.

24. (continued)

The proposed amendment was submitted to the City by the attorney for North Carolina National Bank and has been approved as to form by the City Attorney.

C. RECOMMEND APPROVAL OF AMENDMENT #4 TO THE THIRD WARD LOAN AGREEMENT (CLARKSON STREET PROGRAM) EXTENDING THE DEADLINE FOR ADVANCING FUNDS FROM JANUARY 1, 1983, TO MARCH 1, 1983. THIS ADDITIONAL THREE-MONTH EXTENSION WOULD EXTEND THE MAXIMUM TERM OF THE LOAN TO FEBRUARY 1, 2013.

In December, 1980, City Council approved the $1,000,000 low-interest construction and permanent mortgage fund loan program with a consortium of four Savings and Loan Associations: First Federal, Home Federal, Mutual and North Carolina Federal. All prior amendments were extensions to allow additional time for loan closing and for sale of the units.

This fourth amendment, extending the deadline for advancing funds to March 1, 1983, is necessary in order to allow the servicing agent, North Carolina Federal, to close the five loans approved by City Council and to allow the developer to sell two additional units under Phase I.

The proposed amendment was submitted to the City by the consortium of four savings and loan associations and is recommended by the savings and loan association servicing the loan program. The City Attorney has approved the amendment as to form.

D. RECOMMEND APPROVAL OF THE FOLLOWING SUBSTITUTE MORTGAGORS UNDER THE THIRD WARD LOAN PROGRAM:

1. Roselyn V. Little & John T. & Helen P. Little at 246 S. Clarkson St., in the loan amount of $77,300, at an appraised value of $87,500, the original borrower, John A. Savage and approved by Council on September 13, 1982.

2. William M. & Joan B. Adams at 225 S. Clarkson Street in the loan of $74,600, at an appraised value of $85,250, original borrower, Theodore Hall and approved by Council on September 13, 1982.

Any loans committed prior to December 21, 1981 under the Third Ward or Fourth Ward Loan Programs may be extended to a substitute mortgagor

The loan applications have been reviewed by the City Loan Officer, Community Development Department, and the loan applications contain sufficient information to form the basis for approval.

Utility Contracts

25. RECOMMEND APPROVAL OF CONTRACTS FOR THE CONSTRUCTION OF WATER AND/ OR SANITARY SEWER MAINS AS SHOWN:

A. Contract with The Mathisen Company, for the construction of 1,902 linear feet of 8-inch sanitary sewer mains to serve Tamaron II Subdivision, located north of Idlewild Road and east of Independence Boulevard, inside the Charlotte City Limits, at an estimated cost of $41,844, at no cost to the City.

B. Contract with First Colony Corporation, for the construction of 1,980 linear feet of 8-inch sewer mains to serve Twelve Oaks, Phase VI Subdivision, located north of Westinghouse Boulevard, south of Brown Grier Road and west of Sandy Porter Road, outside the Charlotte City Limits, at an estimated cost of $43,560, at no cost to the City.

C. Contract with John Crosland Company, for the construction of 1,637 linear feet of 8-inch sewer mains to The Kneighton Lane Subdivision, located south of Mineral Springs Road, east of Sugar Creek Road and north of I-85, inside the Charlotte City Limits, at an estimated cost of $36,014.00, at no cost to the City.

D. Contract with The Dowd Company, for construction of 840 linear feet of 8-inch water mains, 750 linear feet of 6-inch water mains and 500 linear feet of 2-inch water mains to serve The Carysbrook Subdivision, located south of Alexander Road and east of Providence Road, outside the Charlotte City limits, at an estimated cost of $26,360.00, at no cost to the City.

E. Contract with the First Colony Corporation, for construction of 490 linear feet of 8-inch water main, 1,230 linear feet of 6-inch water main and 685 linear feet of 2-inch water main to serve Twelve Oaks Subdivision, Phase VI, located north of Westinghouse Boulevard, south of Brown Grier Road and west of Sandy Porter Road, outside the Charlotte City Limits, at an estimated cost of $28,300.00, at no cost to the City.

F. Contract with John Crosland Company, Inc., for the construction of 1,591 linear feet of 8-inch sanitary sewer mains to serve Chestnut Lake XII Subdivision, located north of Idlewild Road, south of Lawyers Road and west of McAlpine Creek, inside the Charlotte City Limits, at an estimated cost of $35,002.00, at no cost to the City.

ITEM NO.

Resolutions

26. A. RECOMMEND ADOPTION OF A RESOLUTION OF INTENT TO MAKE STORM DRAINAGE IMPROVEMENTS TO THE FOXCROFT ROAD MEDIAN BETWEEN RED FOX TRAIL AND SEDLEY ROAD ASSESSING THE COST OF MATERIALS TO THE PROPERTIES ABUTTING DIRECTLY UPON THE IMPROVEMENTS, AND CALLING A PUBLIC HEARING ON THE MATTER FOR JANUARY 10, 1983.

Foxcroft Road is a residential street located in southeast Charlotte. Between its intersections with Red Fox Trail and Sedley Road,depressed medians are used to transport stormwater runoff from the surrounding neighborhood. Foxcroft Road and the medians were constructed as part of the initial subdivision development in the early 1950's and ultimately accepted for City maintenance as part of the 1974 annexation.

Over the past years, these medians have been the subject of citizen concern. Residents of the area consider the channel a hazard to motorists and an unsightly condition adversely affecting the character of the neighborhood. In an effort to have the median improved, a group of area residents submitted a petition to the City Clerk on November 10, 1982. The petition requests the installation of approximately 1,780 feet of storm drain pipe to enclose the open channel which will include median landscaping. The depressed medians currently require a certain level of routine maintenance and enclosing them would reduce maintenance needs and improve the overall appearance of the street.

The Foxcroft Road petition is submitted under the provisions of Section 7.102 of the City Charter and Chapter 160A, Article 10 of the General Statutes of North Carolina. These Statutes provide that where a majority of street frontage to be improved sign a petition, all or portion of the cost may be assessed upon all properties along the street frontage to be improved. The subject petition requests that 100 percent of the material cost, estimated at $116,200, will be assessed against the lots directly fronting the proposed improvements. All other costs such as labor, engineering and administration, estimated to be $138,800, would be borne by the City. The total project cost is estimated at $255,000.

Funds are available in the 1978 Storm Sewer Bond account to cover the costs of improvements. Material costs would be assessed to all property owners and recovered over a ten (10) year period at eight (8) percent annual interest on the unpaid balance through the individual property tax bills.

Prior to the public hearing, all affected property owners will be notified of the proposed improvements and public hearing date.

The subject petition presented was signed by eighteen of twenty-nine property owners representing 62% of those subject to assessment. The petition has been filed by the City Clerk and signatures verified by the Engineering Department. The Resolution of Intent has been approved as to form by the City Attorney.

26. (continued)

B. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING THE EXCHANGE OF CITY-OWNED PROPERTY FOR PROPERTY OWNED BY ROBERT B. MILLER AND SARALYN T. MILLER ACCORDING TO AN OPTION AGREEMENT FOR THE SARDIS ROAD WIDENING PROJECT.

On October 11, 1982, Council approved an Option Agreement with Robert E. Miller and wife,Saralyn T. Miller, for the acquisition of 15,675 square feet of property for the Sardis Road Widening Project. One of the terms of the Option Agreement was that the City would deed 22,377 square feet of adjacent residual property. The residual property was acquired by the City from the Providence Day School and had an appraised value of $5,250 and will not be used for the Sardis Road Widening Project. The property to be acquired from the Millers has an appraised value of $5,486 and the proposed exchange is for land only. The school has indicated no interest in re-acquiring the property remnant.

Pursuant to the North Carolina General Statutes 160A-271, the City may exchange real property belonging to the City for other real property by private negotiations if the City receives full and fair consideration in the exchange. This General Statute requires that public notice be given of Council's intent to consider this exchange. The public notice describes the properties to be exchanged, states the values of the properties and announces Council's intent to consider authorizing the exchange of properties.

C. RECOMMEND ADOPTION OF A RESOLUTION TO HOLD A SPECIAL PUBLIC HEARING ON TUESDAY, JANUARY 18, 1983 AT 6:00 PM IN THE BOARD ROOM OF THE EDUCATION CENTER TO CONSIDER TEN REZONING PETITIONS RESULTING FROM CITY COUNCIL APPROVAL OF THE DILWORTH SMALL AREA PLAN.

As a result of City Council approval of the Dilworth Small Area Plan on September 27, 1982, the Planning Commission has studied the affected area and as a result has been divided into 10 separate subareas for rezoning consideration. There are ten specific rezoning petitions associated with the plan implementation.

A special meeting is requested for January 18, 1983 to consider these ten rezoning petitions only, since the regular zoning hearings for January 17, 1983 have been cancelled because of the Dr. Martin Luther King holiday.

D. RECOMMEND ADOPTION OF A RESOLUTION CALLING FOR A JOINT HEARING OF THE CITY COUNCIL, COUNTY COMMISSION AND PLANNING COMMISSION TO CONSIDER REZONING PETITION # 82-90 AT 2.00 PM ON MONDAY, JANUARY 10, 1983 IN THE COUNTY OFFICE BUILDING.

ITEM NO.

26. D. (continued)

A rezoning request has been filed by McGuire Properties, Inc. to rezone about 200 acres of property along Quail Hollow Road from R-15 to R-15 MF (CD). Approximately 17.773 acres lie within the City with the remainder located within Mecklenburg County. The Planning Commission is recommending a joint public hearing be held on this petition at the beginning of the regularly scheduled County zoning hearing meeting on January 10, 1983.

Contracts

27. A. RECOMMEND APPROVAL OF CONTRACTS WITH ZOLLIE A. COLLINS, STUART W. ELLIOTT, WALLACE D. GIBBS AND JACK LOCKE ENGAGING THEIR SERVICES AS EXPERT APPRAISAL WITNESSES IN PREPARATION FOR AND TRIAL OF AIRPORT NOISE LITIGATION, AT A TOTAL EXPENDITURE NOT TO EXCEED $100,000.

Since the opening of the new North-South Runway at the airport on June 19, 1979 over 250 property owners have instituted suits against the City to recover damages alleged to result from aircraft noise. Trials in these suits are scheduled to begin in May, 1983 and the City's attorneys are presently engaged in extensive preparation in anticipation of these trials which involve claims in excess of $20 million dollars.

The City Council is being asked to approve four contracts with appraisers each being paid on an hourly basis and involving a maximum expenditure of $25,000 each.

On June 28, 1982 City Council appropriated $100,000 from the Airport Operating Fund Balance to be used for appraisers' fees in the airport noise litigation defense.

The attorneys defending the City in this litigation participated in the selection of these appraisers. The airlines have been advised and concur with the necessity of retaining appraisers to serve as expert witnesses in this litigation.

B. RECOMMEND APPROVAL OF A CONTRACT IN AMOUNT OF $121,055 TO LOW BIDDER, COLITE INDUSTRIES, INC., TO FURNISH AND INSTALL ADDITIONAL INTERIOR AND EXTERIOR SIGNAGE AT THE AIRPORT.

Odell Associates, as part of the new terminal design project, created a signage program including both interior and exterior signs. The original signage contract was completed at a cost of $357,368. Now that the terminal has been operating for seven months, the architect and airport staff agree that additional interior and exterior signage are needed to help move airport users in and about the terminal. This contract provides all labor, materials and equipment necessary to install additional graphics. Interior and exterior signage features white letters on a black background with exterior graphics mounted

27. B. (continued)

on brushed aluminum supports. The exterior graphics include two 4' x 50' overhead directional signs for the entrance road and parking lot, ninety-six additional regulatory signs, fourteen additional directional and informational signs for parking lots, six lane signs for exit plaza and four curbside banners for information. Interior additions include directional signage to the observation deck and administrative offices, four elevator flag signs, and two 6' x 18" directional banners on the East Concourse.

Since only two bids were received at the formal bid opening on November 3, 1982, the bids were returned and the project was re-advertised with the bid opening on November 17, 1982. Two bids were received and since the work was readvertised, laws and regulations applicable to General Contracting in the State of North Carolina allow opening of bids even if less than three bids are received. The bids were:

Colite Industries Inc.	$121,055
Cummings, Inc.	146,832

No MBE goal was established for this work. Funds are available in the new terminal project contingency to cover costs.

C. RECOMMEND APPROVAL OF CONTRACT WITH RA-CON, INC. IN THE AMOUNT of $23,393.00 FOR EMERGENCY REPAIRS AT PAW CREEK-LONG CREEK WASTEWATER PUMP STATION.

On March 32, 1982, Council approved $21,082.00 for emergency repairs to the Paw Creek-Long Creek Wastewater Pump Stations. The repairs were required when several major mechanical failures occured.

Engineering studies of the stations determined that the installation of surge control devices was the most logical method of eliminating future failures. In order to test this method, surge control devices were installed on one-half of the pumps. Excellent results have been achieved and now staff is requesting an additional $23,393.00 to complete the installation of surge control devices on the remaining pumps.

The only firm that can furnish the required equipment in the dimensions that will fit into the existing structure is RA-CON, Inc.

Emergency purchase is recommended for this equipment in accordance with the State Statute #143-169, in the interest of Public Health and Safety.

Funds are available for this purpose as approved bv City Council on February 8, 1982.

ITEM NO.

27. (continued)

D. RECOMMEND APPROVAL FOR EXECUTION OF A CONTRACT WITH AIR SURVEY CORPORATION OF RESTON, VIRGINIA FOR 1983 TOPOGRAPHIC MAPPING USED IN DOING PRELIMINARY ENGINEERING ANALYSES ON MOST CITY PROJECTS, AT A COST OF $43,450.

Each year the City awards a contract for maintaining and upgrading its topograhic mapping system. The system at this time consists of almost 350 base maps with a complete replacement value of almost $650,000. A certain portion of these maps are updated each year to avoid one large lump sum payment for this service. The recommended contract provides for five new map sheets and for updating of 53 existing sheets.

These maps are the basic planning tools used in doing preliminary engineering analyses on almost all projects. They provide information on streets, stream flow, buildings, trees, and utilities. The maps are used by all City Departments and are sold to the public.

Proposals were received on October 22 from six different firms with the lowest cost proposal being submitted by Air Survey Corporation of Reston, Virginia.

Property Transactions

28. RECOMMEND APPROVAL OF PROPERTY AND RIGHT OF WAY ACQUISITIONS:

A. Acquisition of 9,262.50 square feet plus temporary construction easement, at 1703 Gum Branch Road, from Annie Mae Black, for $1,000.00, for 1980 Annexation Sewer - Coulwood Area. (Easement)

B. Acquisition of 796 square feet plus temporary construction easement, at 300 E. 36th Street, from Vernon Realty Company, Inc., for $1,000.00, for E. 36th Bridge Replacement Project.

C. Acquisition of 863 square feet plus temporary construction easement, at 200 E. 36th Street, from Vernon Realty Company, Inc., for $1,000.00, for E. 36th Bridge Replacement Project.

D. Acquisition of 256 square feet plus temporary construction easement, at 3300 Benard Avenue, from Charles E. Jetton and wife, Martha N., for $300.00, for E. 36th Bridge Replacement Project.

E. Acquisition of 644 square feet plus temporary construction easement, at 315 E. 36th Street, from Herrin Brothers Coal and Ice Company, for $500.00, for E. 36th Bridge Replacement Project.

28. (continued)

F. Acquisition of 1,725 square feet temporary, at 622 Rama Road, from Howard C. Montgomery and wife, Anne E. Montgomery, for $3,000.00, for Sardis Road Widening Project. (Construction Easement)

G. Acquisition of 1,400 ± square feet of temporary construction easement, at 630 Rama Road, from Pedro Pastrana and wife, Myrtelina Rodriguez, for $1,000.00, for Sardis Road Widening Project. (Construction Easement)

H. Acquisition of 1,000 ± square feet of temporary construction easement, at 636 Rama Road, from Robert M. Corbit, for $500.00, for Sardis Road Widening Project. (Construction Easement)

I. Acquisition of 336.40 square feet plus temporary construction easement, at 412 West Eighth Street, from Rajesh Giare and wife, Manjula, for $1.00, for Fourth Ward Drainage Improvement Project. (Easement and Alleyway Release)

J. Acquisition of an alleyway, at 518 N. Graham Street, from H. J. Scheirich Company, for $1.00, for Fourth Ward Drainage Improvement Project. (Alleyway Release)

K. Acquisition of 20,996 square feet of land and one single story frame building, at 407-413 South Cedar Street, from W. R. Stroupe and Vivian F. Stroupe, for $50,710.00, for Third Ward Area Project. (Option)

L. Acquisition of 12,000 square feet of land and four single family frame structures, at 1411 W. 5th Street, 220, 222, 224 Frazier Avenue, from Margaret L. Wilhelm c/o William Henry Wearn, Sr., Guardian, for $23,000.00, for Five Points Area - Low income housing sites. (Option)

M. Acquisition of 2,400 square feet of land and one single family frame structure, at 214 Frazier Avenue, from Margaret L. Wilhelm c/o William Henry Wearn, Sr., Guardian, for $5,400.00, for Five Points Area - Low income housing sites. (Option)

N. Acquisition of 4,450 square feet of land and one single story frame duplex, at 422-24 N. Summit Avenue, from Willis I. Henderson, Sr., and wife, Alice Q. Henderson, for $10,400.00, for Five Points Area - Street Improvements and Multi-family Housing. (Option)

O. Acquisition of 2,335 square feet plus temporary construction easement, at 5607 Sardis Road, from James P. Hammond, Jr. and Ann A. Hammond, for $6,200.00, for Sardis Road Widening Project. (Option)

ITEM NO.

28. (continued)

P. Acquisition of 752 square feet plus 536 square feet for permanent drainage easement, at 210 Hargett Court, from William W. Pogue, Jr., and Linda N. Pogue, for $7,000.00, for Sardis Road Widening Project. (Option)

Q. Acquisition of 4,960 square feet of land, 250 linear feet of underground sprinkler system and 2,750 ± square feet of temporary construction easement, at 626 Livingston Drive, from Rachel H. Hood, for $7,500.00, for Sardis Road Widening Project. (Option)

R. Acquisition of an alleyway, at 509 N. Pine Street, from Marc Ben Joseph and wife, R. Ben Joseph, for $1.00, Fourth Ward Drainage Improvement Project. (Alleyway Release)

29. RECOMMEND APPROVAL OF AN ADDITIONAL AWARD OF $650.00 TO THE THOMAS F. KERR & COMPANY, INC. AS PARTIAL REIMBURSEMENT FOR IMPROVEMENTS MADE TO PROPERTY LOCATED AT 408-14 NORTH SUMMIT AVENUE IN THE FIVE POINTS NEIGHBORHOOD STRATEGY AREA DURING THE OPTION PERIOD.

On February 4, 1982 the Thomas F. Kerr & Company, Inc. signed an option to sell to the City of Charlotte property located at 408-14 North Summit Avenue. This property contains approximately 9,350 square feet and is improved with four (4) single family frame structures which are occupied. The price agreed to at this time was $17,350.00. The property is within the Five Points Neighborhood Strategy Area and is designated to be assembled for low rent housing. In January, 1982 Housing and Urban Development restricted the Community Development Department from any acquisition which caused the displacement of people. On March 3, 1982 which caused the Community Development Department to request that the option be held until further notice. The Housing and Urban Development sanctions were lifted in June, and City Council approved the option on July 12, 1982. During the interim option period, the plumbing facilities were determined by Building Inspection to be below minimum standards and required upgrading in order for the houses to remain habitable.

During August the closing attorney was sent the necessary documents for the seller to deed the property to the City of Charlotte. The property owner notified the closing attorney that due to the $1,800 repair cost to the plumbing systems, they would not sell their property to the City at the original agreed upon price. The Thomas F. Kerr & Company, Inc. has now agreed to accept an additional payment of $650.00 as partial reimbursement for the required improvements, making a total settlement of $18,000.00.

The option by the Thomas F. Kerr & Company, Inc. was for 90 days and could only be cancelled upon 30 days written notice after the expiration date. To this date, no cancellation notification has been received and the option remains in effect. On October 18 the property owner agreed to continue this offer with the $650.00 additional payment for a period of 120 days.

30. Special Officer Permit Application

RECOMMEND APPROVAL OF A SPECIAL OFICER PERMIT APPLICATION FOR USE ON THE PREMISES OF THE CHARLOTTE PARK & RECREATION DEPARTMENT TO DAVID T. MILLER.

Additional Uptown Redevelopment Area Loan

31. RECOMMEND ADOPTION OF AN RESOLUTION APPROVING AND AUTHORIZING THE ENTERING INTO OF AN AGREEMENT RELATING TO THE ISSUANCE BY THE CITY OF ITS NOTE IN THE PRINCIPAL AMOUNT OF $350,000 AND THE ISSUANCE BY THE CITY OF THE $350,000 CITY NOTE (328 NORTH TRYON STREET PROJECT), AUTHORIZING THE LOAN OF THE PROCEEDS OF THE CITY NOTE TO BURTON A. GELLMAN, AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF THE NOTE PURCHASE AGREEMENT, THE LOAN AGREEMENT, THE ASSIGNMENT AND APPROVING THE FORM OF DEED OF TRUST AND SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND ENDORSEMENT OF BORROWER NOTE AND AUTHORIZING EXECUTION AND DELIVERY OF CLOSING CERTIFICATES, ALL IN CONNECTION WITH FINANCING AN UPTOWN REDEVELOPMENT PROJECT.

This action is necessary to approve a "separate borrower" loan in the amount of $350,000 to Burton A. Gellman for the renovation of property located at 328-332 North Tryon Street (Redevelopment Area No. 2) for restaurant and office space. The monies are to be loaned to the City by City National Bank.

The Charlotte Uptown Development Corporation Committee has reviewed the project and finds that it complies with the objectives, conditions, and requirements of the Uptown Redevelopment Plan and recommends approval of the loan by the City Council.

The Committee also recommends that the owners of the building which fronts along the Transit Mall project meet with the City Engineering Department and the project consultants to ensure the materials used between the building and the public sidewalk are compatible.

SCHEDULE OF MEETINGS
DECEMBER 13 - 17, 1982

Monday, December 13	CHRISTMAS TREE DECORATING CEREMONY City Hall Lobby	11:30 a. m.
	EXECUTIVE SESSION/LUNCHEON Training Center	12:00 noon
	CITIZENS HEARING	2:00 p. m.
	PRESENTATION ON NEIGHBORHOOD PRESERVATION and FILM ON TOLEDO RECYCLING CENTER	2:30 p. m.
	CITY COUNCIL MEETING Council Chamber, City Hall	3:00 p. m.
Tuesday, December 14	PLANNING & PUBLIC WORKS COMMITTEE 2nd Floor Conference Room City Hall	4:00 p. m.
Thursday, December 16	LEGISLATIVE BREAKFAST Sheraton Center	7:30 a. m.
	OPERATIONS COMMITTEE 2nd Floor Conference Room City Hall	4:00 p. m.

Attachments

Item No. 4 #1

Request for Council Action

Charlotte

To the City Council

From the City Manager

Action Requested To Reconsider Action of June 16, 1980 When Traffic Restraints Were Authorized on Colony Road to Deter Cut-Through Traffic.

Responsible Department Transportation

This request should be organized according to the following categories. Background, Explanation of Request, Source of Funding, Clearances, Bibliography.

BACKGROUND

In August, 1979 City Council approved the temporary installation of a barricade on Colony Road to reduce the effects of cut-through traffic. This authorization was granted following receipt of a petition by residents and a study conducted by the then Traffic Engineering Department.

On March 31, 1980, following six months of tests and study, a recommendation was received by City Council to make the temporary closing of Colony Road permanent. A public hearing was set for May 12, 1980. On April 28, 1980, the public hearing was rescheduled for May 19, 1980. On May 19, 1980, City Council heard a public hearing on the permanent closing of Colony Road. Thirty-nine (39) persons spoke regarding the matter.

On June 2, 1980, City Council reconsidered the closing of Colony Road and, after considerable discussion, referred the matter to the Council Transportation Committee which met on Thursday, June 12, 1980. The Council Transportation Committee adopted a resolution recommending that City Council approve three (3) alternatives (see attached copy of Council Transportation Committee meeting of June 12). On June 16, 1980, Councilmember Tom Cox, Chairman of the Council Transportation Committee moved approval of the three alternatives. Following discussion, all three alternatives were individually approved.

EXPLANATION

Recently received information indicates that a number of citizens would favor the reopening of Colony Road. A public hearing would not be necessary since the original median closure did not require a similar hearing.

SOURCE OF FUNDING

No funding required.

For Office Use Only

Date Submitted November 12, 1982

Agenda Date Requested November 22, 1982

Consequences if Agenda Date is Delayed or Action is Deferred Not applicable.

Contact Person for Questions
from the City Manager's Office B. A. Corbett, Jr.

Authorized by

Department Head

Approved by

Assistant City Manager

List Attachments

City Council Meeting Minutes
Council Transportation Committee Meeting Minutes

COLONY ROAD

General

A public hearing was held on November 22, 1982 at the regular City Council meeting to discuss the need to modify neighborhood through traffic controls on Colony Road. This report responds to questions posed by City Council as a result of the public hearing. Figure 1 shows the street system in the vicinity of the barricaded section of Colony Road. Figure 2 shows the location of existing barricades on Colony Road.

Options for Modifying Through Traffic Controls on Colony Road

Option 1 - No modifications

Option 2 - Modify barricades to permit left/right turns at main school entrance.

Option 3 - Remove barricades and install multi-way stop signs on Colony Road.

Each option is discussed below in terms of the effect of its implementation on:

a) through traffic on school property
b) school bus operation
c) neighborhood through traffic, and
d) the general public

Option 1 - No Modifications

a) No change would occur in through traffic on school property.
b) No change would occur in school bus operations.
c) Neighborhood through traffic will continue at the current level.
d) The effect the barricades have on the general public would not change.

Option 2 - Modify Barricades

a) Traffic would continue to travel through the school property since southbound Colony Road would still be barricaded. Wrong-way and U-turn movements at the barricade location would increase since motorists could more easily circumvent the modified barricade to continue southbound on Colony Road.

b) School bus drivers would be able to make left/right turns at Colony Road and the main school entrance.

c) Neighborhood through traffic would increase to some degree since motorists would find it easier to circumvent the barricade which was installed to discourage southbound travel.

d) The general public would not be affected significantly by modification of the median.

Option 3 - Remove Barricades and Install Multi-Way Stop Signs

A councilmember has proposed that multi-way stop signs be installed at Colony Roa Road and Rockbrook Drive, Picardy Place, and Roswell Avenue.

a) The volume of traffic traveling through the school should decrease since Colony Road would be open again to two-way traffic.

b) School bus drivers would be able to use the main entrance unrestricted.

c) Neighborhood through traffic would increase since southbound trips on Colony Road would no longer be deterred by a barricade. Multi-way stop signs will not reduce through volumes on Colony Road.

d) The general public would find it easier to use Colony Road as an alternative route to designated thoroughfare streets. A multi-way stop at Colony Road and Rockbrook Drive could impact the traffic signal operation at Colony Road and Runnymede Lane if the stopping and queueing of northbound traffic were to impede traffic flow through the intersection. Installation of multi-way stops at Picardy Place and Roswell Avenue would require parking removal and installation of overhead flashing beacons. The beacons are necessary due to the large trees on Colony Road that would limit stop sign visibility.

Traffic Accident Experience

Reported traffic accident experience on Colony Road has not been perceptibly affected by installation of the current barricades. During the year before barricades were installed, nine (9) accidents were reported as occurring on Colony Road, two (2) of which involved injuries. During the year Colony Road was completely closed, six (6) accidents were reported, three (3) of which involved injuries. During the two years following installation of the current barricades, an average of seven (7) accidents, two (2) of which involved injuries, have been reported. Accidents occurring on private property are not included in the figures above. Also, no school bus accidents were reported as occurring on public right-of-way.

Traffic Volumes

In 1979, before barricades were installed, the average annual daily traffic (AADT) on Colony Road at Normandy Road was 5500 vehicles per day. After the current barricades were installed, counts were made October, 1980 indicating an AADT of 3000 vehicles per day on Colony Road at Normandy Road. Projection of a recent, 12-hour manual count at Colony Road and the main school entrance indicates current volumes on Colony Road at Normandy Road are approximately 3,400 vehicles per day.

Installation of barricades on Colony Road have not perceptibly changed traffic volumes on Chilton Place. Before barricades were installed, the 1979 AADT on Chilton Place was 2700 vehicles per day. While Colony Road was completely closed, volumes were measured at 3,100 vehicles per day. A 1981 count indicated 3,100 vehicles per day. A volume of 4,000 vehicles per day, 40 percent of which is through traffic, must exist before a street qualifies for a neighborhood through traffic study.

Implementation

If action is taken to modify current traffic controls on Colony Road, appropriation of funds will be requested for work not currently funded.

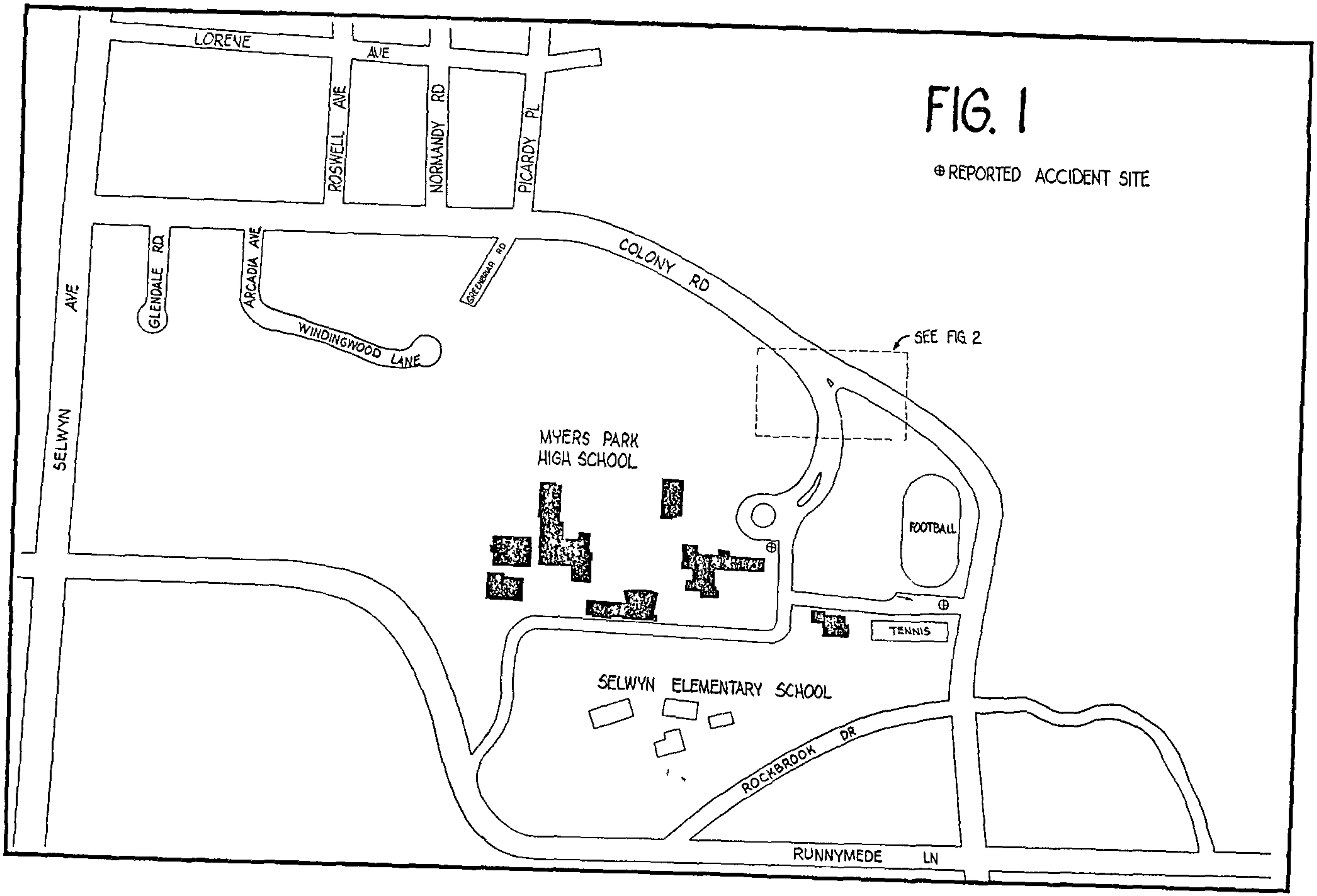
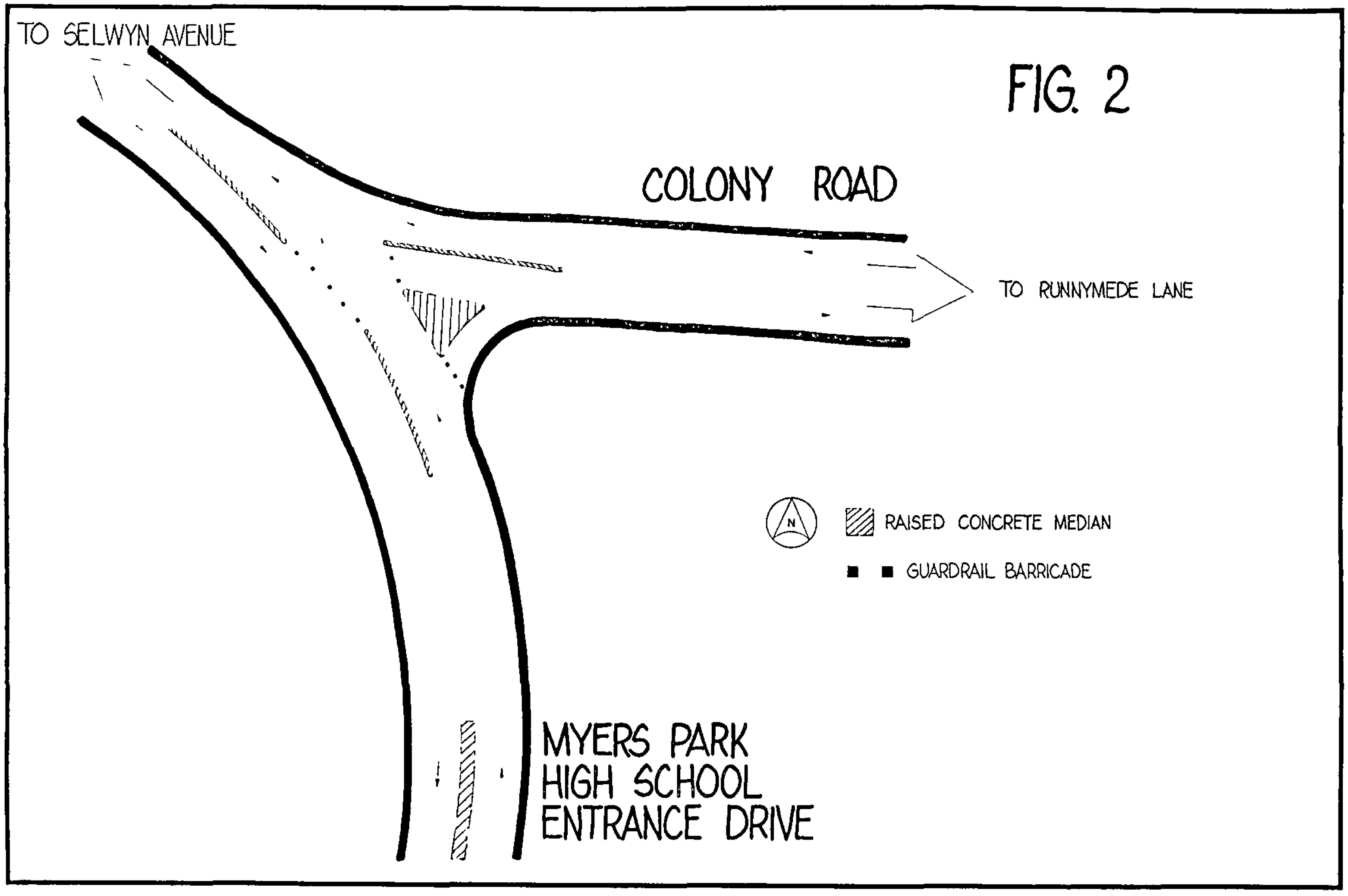


FIG. 1
⊕ REPORTED ACCIDENT SITE
LORENE AVE
ROSWELL AVE
NORMANDY RD
PICARDY PL
COLONY RD
GREENBRIAR RD
GLENDALE RD
ARCADIA AVE
WINDINGWOOD LANE
SELWYN AVE
SEE FIG. 2
MYERS PARK HIGH SCHOOL
FOOTBALL
TENNIS
SELWYN ELEMENTARY SCHOOL
ROCKBROOK DR
RUNNYMEDE LN


TO SELWYN AVENUE
FIG. 2
COLONY ROAD
TO RUNNYMEDE LANE
N
RAISED CONCRETE MEDIAN
GUARDRAIL BARRICADE
MYERS PARK
HIGH SCHOOL
ENTRANCE DRIVE

OPTION 1

PILOT PROGRAM FOR WEEKLY CURBSIDE COLLECTION OF NEWSPAPER

PROGRAM

To determine costs and project revenues a six month pilot program involving approximately 2,000 residences is recommended.

Concurrent with regular curbside collection, households will be offered an opportunity to recycle newspapers on a weekly basis. Participants must bundle newspapers in stacks up to 12" high and tie them with string. Materials must be at the curb by 7:00 a.m.

OPERATION

Residential refuse collection crews will be responsible for collecting newspapers on their routes each Wednesday. Newspapers will be delivered to the landfill and loaded into a trailer (provided by a paper company). Each crew will be responsible for transferring the paper collected on its route.

COST

Four packer trucks (2 regular, 2 backup) will have to be fitted with special racks to hold newspaper. Motor Transport estimates that this can be done for approximately $1,200.

During the pilot program information would be delivered door-to-door to all households in the target areas. Such information would include: 1) notification of inclusion in the pilot program; 2) a "how to" form giving collection information; and 3) materials to be distributed after program start up such as a reminder about the program and feedback on amounts collected. In addition signs can be affixed to each truck involved in the program to promote public awareness. Depending on the number of pieces and the materials used, approximately $4,000 would be needed for an effective program.

TOTAL COST ESTIMATE

Racks for Paper	$1,200.00
Public Information Program	4,000.00
	$5,200.00

ADVANTAGES

- Offers regular, easy opportunity to recycle a fairly common waste product.
- Shows a commitment on behalf of the City in support of recycling.
- May heighten awareness of solid waste disposal problems.

DISADVANTAGES

- Creates additional workload for residential refuse crews (unloading paper at landfill).
- Groups which currently recycle may think government is interfering with their projects. (However, since there is no anti-scavenging law, a municipal program may actually help groups collect more paper).
- Potential for public misunderstanding because if the paper is rained or snowed on, it will have to be landfilled.

OPTION 2

PRIVATE ENTERPRISE ALTERNATIVE FOR RECYCLING AT THE LANDFILL (PEARL)

PROGRAM

PEARL is a preliminary plan for accomplishing increased recycling in Charlotte and Mecklenburg County by a cooperative effort between the City Government and a private party or parties who will operate a recycling center at the landfill under contract to the City. The operator would receive all profits.

While individuals could use this center, it is primarily for private haulers.

OPERATION

City involvement would be limited to providing space (land only) for such a center at the landfill, site improvements such as roads and appropriate signage. The operator(s) would be responsible for any buildings, personnel, materials, sorting etc.

COST

As noted above, the City would provide land, site improvements and signage. Cost estimates are not available.

STATUS

The Charlotte Clean City Committee, which originated the PEARL concept, has identified one or more individuals with an interest in exploring this. If the City Council wishes to pursue this option, the committee will work through the Operations Department to further investigate the financial feasibility and cost of the project and report its findings to the Department.

OPTION 3

PRIVATE RECYCLING CENTER

PROGRAM

Under the direction of Owens-Illinois in Toledo, Ohio, a non-profit consortium of distributors, bottlers, packagers, a newspaper and retail grocery establishments have formed a multi-materials theme-oriented recycling center. The recycling center is a private operation at which individuals, civic groups, and religious and charitable organizations sell recyclable materials.

OPERATION

The consortium members finance and operate the recycling center located on private property. Although the members consult with local government and businesses, responsibility for the center is handled by its board of directors.

COST

There are no expenses for local government.

STATUS

Owens-Illinois has made a presentation to the Charlotte Clean City Committee, Mecklenburg Citizens Committee on Recycling, local beer distributors, soft drink bottlers and a representative of Knight Publishing Company. On December 10, CCCC members will visit the Toledo operation to learn more about the center. While there is a high level of interest in the Charlotte business community, no commitments have been made.

ADVANTAGES

- There is no government involvement.
- Responsibility for solid waste management would be shared assumed by individuals and the private sector.
- Increase public awareness of the solid waste disposal problem.
- Cash incentives.
- A one stop multi-materials center would be a convenience to recycling participants.
- The uniqueness of such a center in Charlotte would draw a lot of media attention and assist in the public education.
- The market for aluminum, glass, bi-metal cans and newspapers is well defined in the Metrolina area.

DISADVANTAGES

- Possible conflict with existing recycling enterprises (this could be diffused by a materials sale to them in bulk).
- One center would not sufficiently serve the broader Metrolina area.
- The market for PET (polyester resin bottles) is presently nonexistant in Charlotte (the market research on this is continuing).

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested Recommend approval of a proposed Transient Occupancy Tax Bill and inclusion of the proposed Bill in Charlotte's 1983 Legislative Package.

Responsible Department Minette Trosch, Chairman of Long Range Funding Committee

This request should be organized according to the following categories Background, Explanation of Request, Source of Funding, Clearances, Bibliography

City Council is being asked to approve the Transient Occupancy Tax Bill and to include it in the City's 1983 Legislative Package. The proposed bill has been unanimously approved by the City Council's Long Range Funding Committee. The bill proposes a county-wide 3% tax on the revenue from the rental of rooms (with some exemptions) and proposes that the tax revenues be divided according to use, i.e., promotion (potentially by a third party), and visitor-related facilities and activities. Following the approval of City Council and the County Commission, an inter-local agreement will be developed to govern the division of those revenues not dedicated to promotion between the City and the County.

Benefits of Proposed Tax

The reasons for proposing this tax include.

(1) It is Council's policy to pursue a diversification of revenue sources in order to decrease dependency on property tax revenues. The Metrolina Innkeepers Association estimates 1985 Occupancy Tax revenues to be approximately $2,900,000. Under the proposed structure for dividing revenues among approved uses and after subtracting administrative costs, $1,053,250 would be allocated to promotion and $1,759,750 to visitor related facilities and activities (i.e., Coliseum, Discovery Place, Mint Museum). If the non-promotion revenues were divided between the City and the County on the basis of each government's current budget support of approved uses, the City would receive approximately $1,460,593 and the County would receive $299,157.

(2) Charlotte hotels and motels are facing a potential 53 percent increase in the number of rooms by 1985. However, the number of conventions projected through 1983 and beyond has not increased significantly. This 'occupancy gap' reveals an unrealized potential in economic activity from visitors and could produce a hardship on the hotel/motel industry.

(3) The Occupancy Tax will enable Charlotte to compete more successfully for out of town convention dollars. Conventions have a significant impact on the local economy. For example, the 1988 International City Management Convention to be held in Charlotte is estimated to have a total local economic impact of between five and six million dollars.

Charlotte has a competitive disadvantage in pursuing these convention dollars due to a small budget for promotional efforts. The Chamber of Commerce Convention and Visitor Bureau 1982 budget is $134,000 The average budget of twenty southeastern competing cities is $672,550. In 1981, Louisville and Cincinnati each had Convention and Visitors Bureau budgets of over $1,300,000.

(4) Increased visitor and convention activity has historically stimulated employment for workers at the lower skill levels. In 1980, the local hospitality industry employed over 15,000 people with payrolls of over $70 million.

(5) Additional convention and visitor activity stimulates increases in other local revenues, e.g., sales tax. It has been estimated that Charlotte-Mecklenburg received $3.8 million dollars in sales tax revenues from travel/hospitality industry activity in 1981.

Explanation of Bill

Highlights of the proposed bill follow

(1) The bill authorizes the City of Charlotte and Mecklenburg County to collect and retain a single 3 percent tax.

(2) The tax may be approved and adopted by an act of City Council and the County Commission following a public hearing.

(3) The tax will not apply to charitable, educational, benevolent or religious institutions or organizations operated not for profit.

(4) The penalties for non-payment or late payment are the same as apply to the state sales tax.

(5) The revenues of the tax are dedicated to convention and visitor promotion, the construction, operation and maintenance of visitor-related facilities (i.e., Civic Center, Coliseum), and, to visitor-related activities such as, but not limited to, arts and cultural events and festivals.

(6) The revenues will be divided between the allowed uses. After the subtraction of administrative costs not to exceed 3 percent of the revenues collected, the first million dollars will be divided 50/50 between promotional efforts (assumed to be carried out by a third party under contract to the City) and visitor-related facilities and activities. The second million dollars of net proceeds will be divided with 35 percent being allocated to promotional efforts and 65 percent being allocated to visitor-related facilities and activities. Any amount above the second million dollars of net proceeds will be divided 25 percent to promotional efforts and 75 percent to visitor-related facilities and activities.

The division of funds represents a compromise of the local Inkeepers Association's position which required that all tax revenues be allocated to promotion efforts and the City's former position that these revenues be deposited in the general fund without restriction on use.

(7) It is anticipated that the promotional program will be carried out under contract to the City. In accordance with current practices, that contract will be subject to financial and performance audits.

Interlocal Agreement

Following the approval of the Transient Occupancy Tax Bill, an interlocal agreement will be prepared which will address the mechanics of tax collection and the division of those revenues not dedicated to promotion between the City and the County. The division of these non-promotion tax revenues would be based upon each government's relative contribution to visitor-related facilities and activities as allowed in the Transient Occupancy Tax Bill. This division would be determined annually according to each government's allocation to approved uses For FY83, that division would be approximately 17% County/83% City.

Legislative Considerations

The City Attorney has ruled that the bill may be pursued as either a state-wide local option bill or as a local bill. The Long Range Funding Committee recommends the local bill alternative.

Efforts to gain enabling legislation currently face the opposition of the State travel and hospitality industry. A number of occupancy tax bills have been introduced unsuccessfully in the past. All have met stiff resistance from the State travel industry due to a fear that the tax would dampen tourism and that the revenues would be placed in the municipalities' general fund without any direct benefit to the Travel Industry.

Realizing the need to develop a strong united front, the Long Range Funding Committee took the following steps

(1) The Committee met with representatives from the Metrolina Innkeepers Association and the Chamber of Commerce and adopted a compromise position on the size of the tax and the division of the tax revenues,

(2) The Committee is receiving the support and assistance of Senator Ben Tison in developing a legislative strategy,

(3) Members of the Committee have met informally with representatives of the County Commission to discuss a bill that could be jointly supported. The Board of County Commissioners has not yet given final approval to this Bill in their Legislative Package.

(4) Discussion has been held with the North Carolina League of Municipalities which is supporting a Transient Occupancy Tax in the League's Legislative Package.

If this Bill received the Council's approval, all parties will work to develop the support of other interested North Carolina cities and of influential groups and organizations.

MAIL RECEIVED

DEC 3 1982

OFFICE OF
CITY MANAGER

FIFTH DRAFT -- BILL
(12/23/82)

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE TO LEVY A TRANSIENT OCCUPANCY TAX

THE GENERAL ASSEMBLY OF NORTH CAROLINA ENACTS:

Section 1 It is the purpose and intent of this act to provide Mecklenburg County and the City of Charlotte the authority to levy a transient occupancy tax as hereinafter set forth.

Section 2 The Mecklenburg County Board of Commissioners for persons, firms, corporations, associations and facilities described below located within the area of the County outside the city limits of Charlotte and the Charlotte City Council for persons, firms, corporations, associations and facilities described below located within the city limits of Charlotte are hereby authorized, after not less than ten (10) days public notice and after a public hearing held pursuant thereto, to, by ordinance impose and levy a tax not to exceed three percent (3%) of the gross receipts of any person, firm, corporation or association derived from the rental of any sleeping room or lodging furnished by any hotel, motel, inn, tourist camp or other similar accommodation now subject to the three percent (3%) sales tax levied by the State of North Carolina The tax shall not apply to any room or rooms, lodgings or accommodations supplied to the same person for a period of ninety (90) continuous days or more after the passage of such ninety (90) day period The tax shall also not apply to sleeping rooms or lodgings furnished by charitable, educational, benevolent or religious institutions or organizations not operated for profit.

Section 3 (a) Such tax, if levied, shall be due and payable to the County and City in monthly installments on or before the 15th day of the month next succeeding the month in which the tax accrues. Every person, firm, corporation or association liable for the tax imposed pursuant to this act shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the County and City, a true and correct statement showing the total gross receipts derived in the preceding month from rentals upon which the tax is levied Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of the calendar month set by the County Commission and City Council in the ordinance levying the tax.

(b) Any person, firm, corporation or association who fails or refuses to file the return required by this act shall pay a penalty of Ten Dollars ($10 00) for each day's omission.

(c) In case of failure or refusal to file the return or pay the tax for a period of thirty (30) days after the time required for filing such return or for paying such tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due, in addition to the penalty prescribed in subsection (b) hereof, with an additional tax of five percent (5%) for each additional month or fraction thereof until the occupancy tax is paid.

(d) Any person who willfully attempts in any manner to evade the occupancy tax, if levied on any person required to pay the occupancy tax, or to make a return and who willfully fails to pay such tax or make and file such return, shall, in addition to the penalties provided by law be guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment

Section 4. The proceeds derived by Mecklenburg County and the City of Charlotte from the tax levied pursuant to this act may be expended only for activities and programs aiding and encouraging convention and visitor promotion, for acquiring, constructing, financing, maintaining and operating convention centers, civic centers, museums, coliseums and auditoriums, including off-street parking facilities for use in conjunction therewith and for visitor-related programs and activities including, but not limited to, arts and cultural events and festivals; provided however, that at least fifty percent (50%) of the first One Million Dollars ($1,000,000) of net proceeds from the tax in a fiscal year, at least thirty-five percent (35%) of the second One Million Dollars ($1,000,000) of net proceeds from the tax in a fiscal year, and at least twenty-five percent (25%) of the net proceeds in excess of Two Million Dollars ($2,000,000) from the tax in a fiscal year shall be allocated for activities and programs aiding and encouraging convention and visitor promotion. "Net proceeds" shall mean gross proceeds less direct costs for administrative and collection expenses not to exceed three percent (3%).

Section 5. Mecklenburg County and the City of Charlotte are hereby authorized to contract with any person, agency, association or corporation to undertake or carry out any of the activities and programs for which the tax proceeds levied by this act may be expended. Any contract entered into pursuant to this section shall contain provisions requiring an annual financial audit of any funds expended and a performance audit of contractual obligations.

Section 6. All laws and clauses of laws in conflict with this act are hereby repealed

Section 7 This act shall apply only to Mecklenburg County and the City of Charlotte

Section 8. This act shall become effective upon ratification.

CITY OF CHARLOTTE, NORTH CAROLINA

BACKGROUND AND PERSONAL DATA ON CANDIDATES FOR APPOINTMENT TO COMMITTEES, COMMISSIONS, BOARDS AND AUTHORITIES

COMMITTEE, COMMISSION, BOARD OR AUTHORITY Charlotte Housing Authority

NAME: Catherine "Kitty" Huffman SEX & RACE F W

ADDRESS: 1709 Fountain View 28203 (home) DISTRICT NO. 3

—— (business)

TELEPHONE: 332-2003 (home); —— (business)

EDUCATIONAL BACKGROUND Altoona High School, Altoona, PA 1937

Altoona School of Commerce, Altoona, PA 2939

EMPLOYMENT

Present Employment. Retired (The National Conference of Christians & Jews)

Job Title: Executive Director Duties Performed Full responsibility for programs, fiscal matters, preparing budget, supervising staff, working with board of directors

MEMBERSHIPS/BACKGROUND INFORMATION

Current and past memberships in organizations and offices held. J.C.Smith Univ. Friends the Library-Chairperson; Bethlehem Center-Board Member; Youth Services Action Board-Chairperson; men's Political Caucus-Talent Bank Chairperson; Mecklenburg Church Women United-President & Vice-resident; Committee on Justice & Social Change, NC Synod, Lutheran Church in Amer.-Member; Munici-l Information Review Board-Vice-chairperson; Governor's Council on the Holocaust-Member; Clergy Laity Concerned-Treasurer; Mecklenburg Council pf PTAs & PTSAs-Secretary & Chairperson of four ifferenct committees; St. Mark's Lutheran Church-Sunday School teacher, Bible School Supt., cial Ministries Com. member, women's auxiliary Pres.; Charlotte Emergency Shelter-Operations Com.

Interests/skills, areas of expertise: Human relations, group dynamics, social services, grantsmanship, interest in people, ability to communicate with people with differing backgrounds

COMMENTS: I have a very special interest in serving on the Charlotte Housing Authority because I feel that my business training, my involvement in the religious and civic affairs of of our community over a period of 30 years, as well as having been raised in a home which, due to the early death of my father, depended heavily on outside assistance give me a background which would enable me to make a meaningful contribution to this body.

Date. December 1, 1982

Catherine Huffman
Signature

11/82 Office of the City Clerk

MEMORANDUM November 5, 1982

TO: Council and Mayor

FROM: Laura Frech, Councilmember

On November 22, 1982, I plan to nominate Kitty Huffman for the position which will be open on the Housing Authority. I think you all know Kitty, you know that she has considerable experience in community service and community activities. I think Kitty would bring great strength to this board. I hope you all will be able to support this nomination and vote for Kitty as a member of the Housing Authority.

Laura Frech

Laura Frech

LF/csm

CITY OF CHARLOTTE, NORTH CAROLINA

BACKGROUND AND PERSONAL DATA OUTLINE ON CANDIDATES FOR APPOINTMENT TO COMMITTEES, COMMISSIONS, BOARDS AND AUTHORITIES

COMMITTEE, COMMISSION, BOARD OR AUTHORITY: Housing Authority

NAME John Welborn Byers, Jr. SEX & RACE W/M

ADDRESS 2432 Danbury Street 28211 (home) DISTRICT NO 5

1110 E Morehead Street, PO Box 36007 28236 (business)

TELEPHONE 366-4738 (home) 372-4500 (business)

EDUCATIONAL BACKGROUND

Bachelor of Science Degree in Commerce, UNC-Chapel Hill - 1948

Graduate Central High School, Charlotte - 1940

EMPLOYMENT

Present Employment C D. Spangler Construction Co and Spangler Realty Co.

Job Title Vice Pres , Rental Mgr., Marketing Director Duties Performed

MEMBERSHIPS/BACKGROUND INFORMATION

Current and past memberships in organizations and offices held

Home Builders Assoc of Charlotte - Pres. 1960, Parade of Homes Chmn , Membership Chmn , Secretary
National Association of Home Builders - National Director - 2 years

Interests/skills, areas of experties Thirty four years experience in housing construction and management

COMMENTS

Date November 29, 1982

John W Byers
Signature

I hope that you will note John's background and leadership qualities. John has good judgment and will be fair to all parties. I think it is important that we appoint someone with top leadership qualities since we are losing our chairman, Pete Peterson.

Dan Berryhill

Oct 1981
City Clerk

John Welborn Byers, Jr.

Home	2432 Danbury Street Charlotte, North Carolina 28211 Telephone. (704) 366-4738	Born Age	Charlotte, North Carolina 60 Married, 4 children

Business 1110 E. Morehead Street
P O Box 36007
Charlotte, North Carolina 28236
Telephone (704) 372-4500

Experience: Vice President, Rental Manager, Marketing Director - C D Spangler Construction Company & Spangler Realty Company, Charlotte, North Carolina, July 12, 1948, to present

Education Bachelor of Science Degree in Commerce, The University of North Carolina at Chapel Hill, June 1948. Graduate - Central High School, Charlotte, June 1940

Military Service World War II United States Army Air Corps, April 5, 1943 - March 1, 1946.

Other Experience/
Trade Associations

Home Builders Association of Charlotte

President 1960, Vice President, Parade of Homes Chairman, Membership Chairman, Secretary.

National Association of Home Builders

National Director - 2 years.

Representative North Carolina Housing Industry Advisory Council - 2 years

National Association of Realtors - Realtor

Charlotte Board of Realtors.

President 1968, Vice President 1967, Secretary 1966. Served on various committees, Director 3 terms.

North Carolina Association of Realtors - State Director - 2 terms Served on various committees.

Graduate - Realtors Institute - University of North Carolina at Chapel Hill, 1952.

Charlotte Realtors Educational & Research Foundation, Inc. - Director 4 years.

Charlotte Property Management Bureau:

President & Chairman, 1951, 1973, 1980, Secretary 1950, Board of Governors 8 years.

Other Experience/ Activities

United Way Campaign - Group Chairman - Active 10 years

United Arts Fund Campaign

Heart Association Campaign

Charlotte Chamber of Commerce - Major, Contact Club

Personal.

Member Myers Park Baptist Church
Member Myers Park Country Club

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested Consider a recommendation from CMUD for the City to initiate negotiations with Mint Hill for an agreement that will permit the extension of City water/sewer facilities to serve property inside the corporate limits of Mint Hill, based on a request from Ralph Squires Company.

Responsible Department Charlotte-Mecklenburg Utility Department

This request should be organized according to the following categories. Background, Explanation of Request, Source of Funding, Clearances, Bibliography

The chronological order of events concerning this request from Ralph Squires Company is as follows:

1. June 27, 1980: Ralph Squires Homes requested a contract with the City to construct a pump station on Lawyers Road at Irvings Creek, a pressure line along Lawyers Road to Wilson Grove Road and a gravity line along Lawyers Road to the City's McAlpine Creek Outfall. The property to be served by this pump station was totally in Mecklenburg County, but was surrounded by the incorporated limits of Mint Hill.

2. February 9, 1981: Council approved a contract with J.R.S. Enterprises Inc. for the construction of a 450 GPM pump station, 4,050 feet of 8-inch sewer force main, and 5,905 feet of 10-inch gravity sewer main to serve Lawyers Station. Estimated cost is $200,000.00.

3. July 2, 1981: Ralph Squires Homes requested a contract for the extension of gravity sewer lines into Lawyers Station Subdivision, Phase I.

4. October 12, 1981: Council approved a contract with Ralph Squires Homes for the construction of sewer lines to serve Lawyers Station Subdivision, Phase I.

5. July 1, 1982: The town of Mint Hill annexed all of Ralph Squires property, including Phase I of Lawyers Station.

6. November 9, 1982: Ralph Squires Homes requested a contract for the extension of gravity sewer mains into Lawyers Station, Phase II. Phase II is totally within the incorporated limits of Mint Hill. The Charlotte-Mecklenburg Utility Department cannot process Squire's request since the City does not have an agreement with Mint Hill for extending utility lines to serve property with the town limits.

cc: Files

ELL/ae

For Office Use Only

Date Submitted November 29, 1982

Agenda Date Requested December 13, 1982

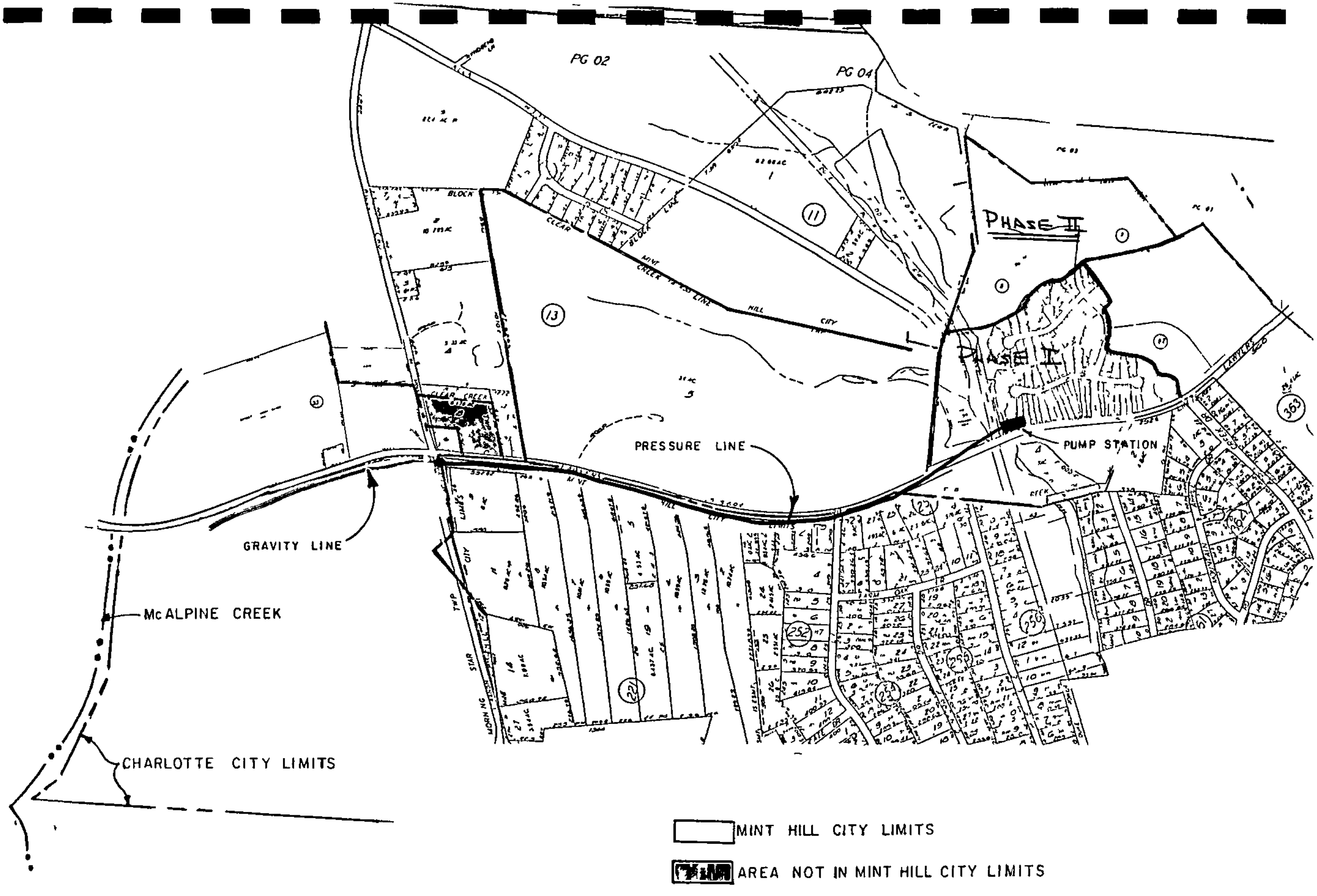
Consequences if Agenda Date is Delayed or Action is Deferred Would prevent applicant's schedule for subdivision development.

Contact Person for Questions from the City Manager's Office Joe C. Stowe, Jr., Director

Authorized by Joe Stowe
Department Head

Approved by CMC
Assistant City Manager

List Attachments


PG 02
PG 04
PHASE II
PHASE I
PRESSURE LINE
PUMP STATION
GRAVITY LINE
McALPINE CREEK
CHARLOTTE CITY LIMITS
MINT HILL CITY LIMITS
AREA NOT IN MINT HILL CITY LIMITS

Law Offices

PARHAM, HELMS & KELLAM

LEWIS H. PARHAM, JR.
NEAL G HELMS
W J KELLAM JR.
JAMES H MORTON
RALPH C HARRIS JR.
RALPH R. McMILLAN

215 EXECUTIVE PARK
831 BAXTER STREET
Charlotte, North Carolina 28202
377-1511
AREA CODE 704

December 1, 1982

The Honorable Eddie Knox, Mayor
City of Charlotte and
Charlotte City Council Members
City Hall
Charlotte, North Carolina

Re: Extension of C-MUD Sewer Main to Lawyers Station

JRS Enterprises, Inc. has requested the Charlotte-Mecklenburg Utility Department (hereinafter called "C-MUD") for a contract to extend sewer within its Lawyers Station subdivision.

This request has been denied because Lawyers Station is now in the town limits of Mint Hill and C-MUD expressed that it has no authority to extend sewer within the corporate limits of any one of Mecklenburg's six (6) small towns.

For the following reasons, we hereby request that if, in fact, that is the case, the City Council grant a variance of this policy to allow sewer extensions within Lawyers Station:

1. On February 9, 1981, a sewer contract was presented to Charlotte City Council to allow a $200,000.00, two-mile sewer extension to serve Lawyers Station through use of a pumping station. (By requirement of C-MUD, this pumping station was designed to serve not only Lawyers Station, but an area of approximately 275 acres or 1100 dwelling units.) <u>At this time, Lawyers Station was not a part of the Mint Hill corporate limits, but was, along with an adjoining tract, totally encapsulated by the town limits</u>. (See attachment A).

Mayor Troy Pollard of Mint Hill appeared at this meeting to protest the sewer extension into an area which would certainly be a part of Mint Hill at some future date.

Over Mint HIll's protests, Charlotte City Council approved the sewer extension on this date. (See attachment B).

2. On February 27, 1982, C-MUD provided the Mecklenburg Environmental Health Department with a letter agreeing to accept and treat the sewer effluent from Lawyers Station. (See attachment C).

3. In March, 1981, Mint Hill attempted to gain special legislation from the North Carolina Legislature which would allow Mint Hill to annex Lawyers Station prior to its meeting statutory requirements for annexation. Mint Hill was unsuccessful in this attempt.

4. In June, 1981, the Town of Mint Hill filed suit against the City of Charlotte and JRS Entrprises, Inc. requesting that the Superior Court enjoin construction of the sewer line pursuant to the sewer contract between the City of Charlotte and JRS Enterprises, Inc. referenced in paragraph 1. Mint Hill obtained an ex-parte injunction which was dissolved by Judge Frank Snepp at the preliminary hearing. Mint Hill subsequently appealed Judge Snepp's ruling to the North Carolina Court of Appeals and the Supreme Court. Both Courts affirmed Judge Snepp's ruling.

5. While awaiting trial of the main issue in the lawsuit referenced in paragraph numbered 4, Mint Hill began annexation proceedings on a strip of land around Lawyers Station which was 20 feet wide by approximately 6,000 feet long. Mint Hill achieved its density as the result of a rental house which was located within Lawyers Station. JRS filed an action in the Superior Court to enjoin this annexation. During the course of the proceedings, Mint Hill attempted to zone the annexed property and JRS filed a motion to enjoin the zoning. JRS's motion was granted by Judge William Grist. In order to terminate the litigation set forth in this paragraph and in paragraph 4 and to proceed with the development of Lawyers Station, the parties to the lawsuit entered into a compromise agreement which resulted in a slight revision of the subdivision plan, the approval of same by the Charlotte-Mecklenburg Planning Commission, and the agreement of the Town of Mint Hill to accept such zoning in exchange for the agreement of JRS to have its property annexed by the Town of Mint Hill.

6. Phases II and III were subsequently redesigned, informally approved by Mint Hill, and submitted to the Charlotte-Mecklenburg Planning Commission for approval in October, 1981. Planning Commission approval was granted in November, 1981, based in part on C-MUD's agreement to accept and treat the sewer effluent. (See attachment D).

7. On October 12, 1981, Charlotte City Council approved the contract for sewer main extension to serve Section I of Lawyers Station, Phase I. (See attachment E.)

8. Formal application was made for voluntary annexation into Mint Hill and Mint Hill agreed to accept the development plan approved by the Charlotte-Mecklenburg Planning Commission. Lawyers Station officially became a part of Mint Hill on July 1, 1982.

Mint Hill has cooperated in every way with the development of Lawyers Station since the compromise agreement. Mint Hill anticipated that the entire project was to be developed with C-MUD sewer service now.

In light of the foregoing, and particularly in view of Mayor Pollard's appearance before the City Council, and the City of Charlotte being named as a party to the injunction action by the Town of Mint Hill, City officials were aware that Mint Hill intended to annex the property which is now known as Lawyers Station as soon as annexation laws would permit. All parties were, or should have been, aware that Mint Hill would annex all of the land constituting the project prior to the complete development of same.

Accordingly, the situation which now exists is that in reliance upon the sewer extension agreement, JRS Enterprises, Inc. has expended approximately $1,000,000.00 in constructing sewer lines, both outside and within the project, and in constructing streets and other improvements within the project. At no time was it anticipated by any party that C-MUD sewage service would be furnished to only a part of the project. The project cannot be completed without C-MUD sewer services and unless extension agreements are entered into between Charlotte and JRS Enterprises, Inc., work on the project must cease, with the resulting hardship to JRS Enterprises, Inc. For the foregoing reasons, we respectfully request that C-MUD be authorized to continue to provide sewer service extensions to Lawyers Station subdivision until the project is completed.

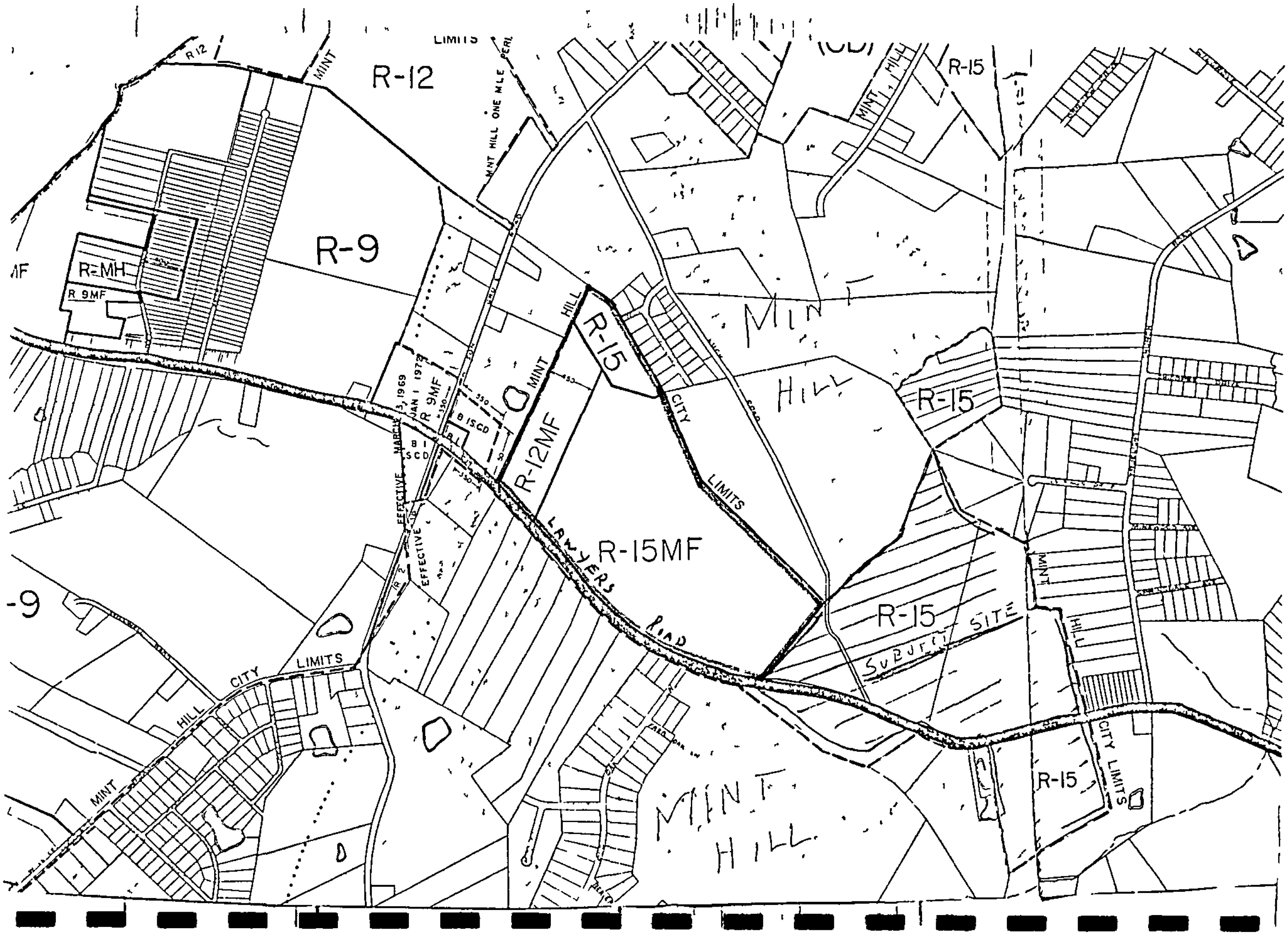
Very truly yours,

PARHAM, HELMS & KELLAM

By: Lewis H. Parham, Jr.
Lewis H. Parham, Jr.

gd
Enclosures

ATTACHMENT A



ATTACHMENT B

SEWER CONSTRUCTION CONTRACT

CONSTRUCTION BY APPLICANT

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

EFFECTIVE: February 9, 19 81

J R S ENTERPRISES, INCORPORATED
APPLICANT

THIS CONTRACT, made and entered into this the 31st day of December, 19 80, between J.R.S. Enterprises, Incorporated, whose address is Post Office Box 25178, Charlotte, said County and State, hereinafter referred to as the "APPLICANT", and the CITY OF CHARLOTTE, a municipal corporation of said County and State, hereinafter referred to as the "CITY":

WITNESSETH

THAT WHEREAS, the Applicant desires to construct sanitary sewer lines to serve certain properties outside of the corporate boundaries of the City, and such sanitary sewer lines to be outside of the City and to be constructed at the Applicant's own proper cost and expense; and,

WHEREAS, the Applicant has requested permission from the City to connect these certain sanitary sewer lines to the City's sanitary sewerage system, said sanitary sewer lines and location of connection to the City's system being more particularly described as follows.

Proposed Lift Station, Force Main, And Gravity Sewer Main To Serve Lawyers Station Subdivision

Gravity Sewer Main In Lawyers Road

Proposed 10" sanitary sewer beginning at a proposed manhole to be built on the McAlpine Creek Outfall where it intersects Lawyers Road, thence, running in a southeasterly direction along the northern side of Lawyers Road a total distance of approximately 5,900 linear feet to a proposed manhole approximately 600 linear feet southeast of the intersection of Wilson Grove Road and Lawyers Road.

Force Main

Proposed 8" force main beginning at the end of the proposed gravity main, thence running along the northern side of Lawyers Road a total distance of approximately 4,050 linear feet to a proposed lift station where Lawyers Road crosses Irving Creek.

Lift Station.

Proposed 450 GPM factory built pumping station with a total dynamic head capacity of 91 feet with all accessories required to furnish complete system that meets all Charlotte-Mecklenburg Utility Department requirements.

Proportional share of previous contracts: None

Contract	Date	Payable To	Cost
		TOTAL	

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, the day and year first above written.

ATTEST:

WITNESS

BY: Howard G. Cain
APPLICANT

CITY OF CHARLOTTE, NORTH CAROLINA

ATTEST:

CITY CLERK

BY
MAYOR

APPROVED AS TO FORM.

BY Henry W. Underhill Jr.
CITY ATTORNEY

ATTACHMENT C

CHARLOTTE MECKLENBURG
UTILITY DEPARTMENT
ENGINEERING DIVISION

5100 BROOKSHIRE BOULEVARD
TELEPHONE 704 399 2551

City of Charlotte

Charlotte • North Carolina 28216

February 27, 1981

Mr. T. W. Bivens, Director
Environmental Health Division
Mecklenburg County Health Division
1200 Blythe Boulevard
Charlotte, North Carolina 28203

SUBJECT: Sanitary Sewer To Serve Lawyers Station Subdivision

Dear Mr. Bivens:

We have a request from J.R.S. Enterprises for a letter regarding sewer service to the proposed Lawyers Station Subdivision.

This matter has been investigated and the Charlotte-Mecklenburg Utility Department agrees to accept the flow from this project for transmission to the McAlpine Creek Wastewater Treatment Plant for treatment, contingent upon final acceptance and issuance of a discharge permit from the appropriate County, State, or Federal Agency, whichever might have control.

Very truly yours,

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT

Earl Lineberger, P. E.
Chief Engineer

cc: W. C. Odell
Files

WCO/ds

ATTACHMENT D

CHARLOTTE MECKLENBURG
UTILITY DEPARTMENT
ENGINEERING DIVISION

5100 BROOKSHIRE BOULEVARD
TELEPHONE 704 399 2551

City of Charlotte

Charlotte, North Carolina 28216

October 27, 1981

Mr. T. W. Bivens, Director
Environmental Health Division
Mecklenburg County Health Division
1200 Blythe Boulevard
Charlotte, North Carolina 28203

SUBJECT: Sanitary Sewer To Serve Lawyers Station, Phases II & III

Dear Mr. Bivens:

We have a request from Ralph Squires Homes for a letter regarding sewer service to the proposed Lawyers Station, Phases II and III.

This matter has been investigated and the Charlotte-Mecklenburg Utility Department agrees to accept the flow from this project for transmission to the McAlpine Creek Wastewater Treatment Plant for treatment, contingent upon final acceptance and issuance of a discharge permit from the appropriate County, State, or Federal Agency, whichever might have control.

Very truly yours,

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT

for Earl L. Lineberger, P. E.
Chief Engineer

cc: J. E. Lentz
Files

JEL/ds

ATTACHMENT E

CHARLOTTE MECKLENBURG
UTILITY DEPARTMENT
ADMINISTRATION DIVISION

5100 BROOKSHIRE BOULEVARD
TELEPHONE 704 399 2221

City of Charlotte

Charlotte, North Carolina 28216

October 20, 1981

Ralph Squires Homes
Post Office Box 25178
Charlotte, North Carolina 28212

SUBJECT: Lawyers Station Subdivision - Contract No. 621-81-375

Gentlemen:

We are attaching herewith a fully executed copy of the contract between Ralph Squires Homes and the City of Charlotte for sanitary sewer to serve the subject location. This copy is for your files.

The attached contract was approved by City Council on October 12, 1981.

Very truly yours,

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT

R. D. Campbell

R. D. Campbell, P. E.
Director

cc W. C. Odell
J. W. Sailers
Files

Attachment

ELL/ae

Sewer Contract No.
621-81-375

SEWER CONSTRUCTION CONTRACT

CONSTRUCTION BY APPLICANT

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

EFFECTIVE: October 12, 1981

RALPH SQUIRES HOMES
APPLICANT

THIS CONTRACT, made and entered into this the 15 day of September, 1981, between Ralph Squires Homes, whose address is Post Office Box 25178, Charlotte, said County and State, hereinafter referred to as the "APPLICANT", and the CITY OF CHARLOTTE, a municipal corporation of said County and State, hereinafter referred to as the "CITY":

WITNESSETH

THAT WHEREAS, the Applicant desires to construct sanitary sewer lines to serve certain properties outside of the corporate boundaries of the City, and such sanitary sewer lines to be outside of the City and to be constructed at the Applicant's own proper cost and expense; and,

WHEREAS, the Applicant has requested permission from the City to connect these certain sanitary sewer lines to the City's sanitary sewerage system, said sanitary sewer lines and location of connection to the City's system being more particularly described as follows:

Proposed 8" sanitary sewer to serve Lawyers Station Subdivision:

LAWYERS ROAD TRUNK:

Beginning at an existing pump station on Irvins Creek; thence, in a southwesterly direction a distance of approximately 24 linear feet to a proposed manhole #1 in Lawyers Road; thence in a southeasterly direction a distance of approximately 320 linear feet to a proposed manhole #2; thence in a northeasterly direction a distance of approximately 325 linear feet to a proposed manhole #3 in the cul-de-sac of Grand Junction Road; thence in a northeasterly direction a distance of approximately 100 linear feet to a proposed manhole #4; thence, in a northeasterly direction a distance of approximately 145 linear feet to a proposed manhole #5; thence in a northeasterly direction a distance of approximately 155 linear feet to a proposed manhole #6 in the cul-de-sac of Topeka Drive; thence in a northeasterly direction a distance of approximately 90 linear feet to a proposed manhole #7; thence in a northeasterly direction a distance of approximately 135 linear feet to a proposed manhole #8.

GRAND JUNCTION ROAD:

Beginning at a proposed manhole #3 in the western cul-de-sac; thence, in a southeasterly direction a distance of approximately 205 linear feet to a proposed manhole #9; thence in a southeasterly direction a distance of approximately 275 linear feet to a proposed manhole #10; thence in a southeasterly direction a distance of approximately 190 linear feet to a proposed manhole #11 at the intersection of Lawyers Station Road; thence, in a southeasterly direction a distance of approximately 380 linear feet to a proposed manhole #12 in the eastern cul-de-sac; thence, in a southwesterly direction a distance of approximately 145 linear feet to a proposed manhole #13; thence, in a southeasterly direction a distance of approximately 170 linear feet to a proposed manhole #14.

TOPEKA DRIVE:

Beginning at a proposed manhole #6 in the cul-de-sac; thence, in a northeasterly direction a distance of approximately 160 linear feet to a proposed manhole #15; thence, in a southeasterly direction a distance of approximately 130 linear feet to a proposed manhole #16; thence, in a northeasterly direction a distance of approximately 125 linear feet to a proposed manhole #17 at the intersection of Iron Horse Court; thence, in a northeasterly direction a distance of approximately 335 linear feet to a proposed manhole #18 at the intersection of Lawyers Station Drive; thence in a northeasterly direction a distance of approximately 250 linear feet to a proposed manhole #19; thence, in a northeasterly direction a distance of approximately 185 linear feet to a proposed manhole #20; thence, in a northeasterly direction a distance of approximately 120 linear feet to a proposed manhole #21 at the intersection of Boxcar Court; thence, in a northeasterly direction a distance of approximately 110 linear feet to a proposed manhole #22.

IRON HORSE COURT:

Beginning at a proposed manhole #17 at the intersection of Topeka Drive; thence in a northeasterly direction a distance of approximately 130 linear to a proposed manhole #23 in the cul-de-sac.

LAWYERS STATION DRIVE:

Beginning at a proposed manhole #11 at the intersection of Grand Junction Drive; thence, in a southeasterly direction a distance of approximately 310 linear feet to a proposed manhole #25; thence, in a southeasterly direction a distance of approximately 125 linear feet to a proposed manhole #26 at the intersection of Alchison Drive.

BOXCAR COURT:

Beginning at a proposed manhole #21 at the intersection of Topeka Drive; thence, in a southeasterly direction a distance of approximately 190 linear feet to a proposed manhole #24 in the cul-de-sac.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, the day and year first above written.

ATTEST:

WITNESS

BY: J. Ralph Sayre
APPLICANT

CITY OF CHARLOTTE, NORTH CAROLINA

ATTEST:

CITY CLERK

BY: Eddie Knox
MAYOR

APPROVED AS TO FORM:

BY: Henry W. Underhill Jr.
CITY ATTORNEY

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested Approval of second feed and metering point for town of Matthews with provision that the metering point be located at Town Limit on N. C. 51 rather than at the requested location on Sardis Road at Charlotte City Limits.

Responsible Department Charlotte-Mecklenburg Utility Department

This request should be organized according to the following categories Background, Explanation of Request, Source of Funding, Clearances, Bibliography

Facts related to this recommendation:

1. City of Charlotte currently serves Town of Matthews through single feed on Monroe Road.

2. Original plans for second feed provided for extension to be entirely within Town Limits of Matthews.

3. Second set of plans were submitted several months later that provided for extension along Sardis Road outside corporate limits of Matthews.

4. Town of Matthews has completed extension of water main from vicinity of N. C. 51 northwest to Charlotte City Limits.

5. Town of Matthews current request is for extension of 350' of 8-inch main through area within corporate limits of Charlotte to proposed metering point at Charlotte City Limits boundary.

6. Agreement between City of Charlotte and Mecklenburg County provides that the Charlotte-Mecklenburg Utility Department shall have the duty and responsibility for planning, construction, operation and maintenance of water and sewer systems throughout jurisdictions of the City of Charlotte and Mecklenburg County.

cc: Files

JCS/ae

For Office Use Only

Date Submitted November 29, 1982

Agenda Date Requested December 13, 1982

Consequences if Agenda Date is Delayed or Action is Deferred Would extend the time period in providing Matthews with a second service connection to the City system.

Contact Person for Questions from the City Manager's Office Joe C. Stowe, Jr., Director

Authorized by Joe Stowe
Department Head

Approved by CMN
Assistant City Manager

List Attachments

TOWN OF MATTHEWS

P O Box 398
MATTHEWS, N C 28105

Clay Lefler Mayor

BOARD OF COMMISSIONERS
Gary B. Udinsky Mayor Pro-Tem
Vicky R Baucom
Eula F Outen
Mack R Shronce
Kenneth H. Wise

NOV 15 1982

OFFICE OF
CITY MANAGER

Mr. O. Wendell White
City Manager
600 East Trade Street
Charlotte, N.C. 28202

Re: Sardis Road Water Main

Dear Mr. White:

Thank you for your letter dated November 2, 1982. In response, let me point out to you that the Town of Matthews was not a party to your referred "merger agreement" between the County and the City reflecting the operations of the water and sewer department. Therefore, if Matthews was not a party, how can it violate the terms of that agreement? Secondly, cities and towns in North Carolina are given the authority under N.C.G.S. 160A-312 to operate a water and sewer system beyond its corporate limits. This same authority applies to the Town of Matthews which has historically provided water and sewer service to residents within Mecklenburg County not within the corporate limits of Matthews. I might point out also that Chapter 153A of the General Statutes which is the enabling legislation for counties does not give the county the exclusive jurisdiction to provide water and sewer service to county residents.

Therefore, we find it very difficult to understand how CMUD can take the position that Matthews' request for a master meter connection is in violation to a contract it is not a party to, how CMUD can take the position that they have exclusive jurisdiction to provide service and, further, how a master meter located within the municipal limits of the Town of Matthews interferes with CMUD providing utility services to its other customers. We simply do not feel that this is a difficult situation at all.

Very truly yours,

Clay Lefler

Clay Lefler, Mayor

cc: Mayor Eddie Knox
Charlotte City Council
Matthews Town Council

OFFICE OF THE CITY MANAGER

600 EAST TRADE STREET

City of Charlotte

Charlotte, North Carolina 28202

November 2, 1982

The Honorable Clay Lefler
Mayor
Town of Matthews
Post Office Box 398
Matthews, North Carolina 28105

SUBJECT Sardis Road Water Main

Dear Mayor Lefler:

Mayor Knox asked me to respond to your August 26 letter regarding a master meter connection along Sardis Road. The Utility Department informed me that your Town Engineer submitted a set of plans in January which showed a proposed water main extending from Sardis Road entirely within the Town of Matthews and requiring only a metered connection to CMUD's system on Sardis Road. Our Utility Director assured him that this could be done expeditiously after application was made.

However, according to CMUD, no application was made and several months later, another set of plans was received showing the proposed main extending not through the Town of Matthews, but into Mecklenburg County along Sardis Road. Your Town Engineer was informed at that time that CMUD considered the new plan to be a violation of the merger agreement wherein CMUD was made responsible for providing service in the unincorporated areas of the County, and that any master meter along the Sardis Road Route would require a contract to be approved by the Charlotte City Council.

Since CMUD interprets the water main you're extending to be in its jurisdiction and, therefore, subject to its review, supervision and construction, we are facing a difficult situation regarding your request for service.

By copy of this letter, I am making the City Council aware of your request. We will certainly take it under consideration.

Sincerely,

O. Wendell White
City Manager

OWW:cm

cc: Mayor Eddie Knox
Charlotte City Council

TOWN OF MATTHEWS

P O Box 398
MATTHEWS, N C. 28105

Clay Lefler Mayor

BOARD OF COMMISSIONERS
Gary B Udinsky Mayor Pro-Tem
Vicky R Baucom
Eula F Outen
Mack R. Shronce
Kenneth H. Wise

MAIL RECEIVED
SEP 0 2 1982
OFFICE OF
MAYOR

August 26, 1982

Mayor Eddie Knox
The Charlotte City Council
600 East Trade Street
Charlotte, N.C. 28202

Dear Mayor Knox and Councilmen:

During the latter part of December and early January the Town Engineer for the Town of Matthews and the Town's Water Commissioner approached the Director of the Charlotte-Mecklenburg Utility Department requesting a master meter connection for a water line running along Sardis Road. At that time the officials of Matthews were told that it would not be a problem and that the application or request should be approved in the very near future.

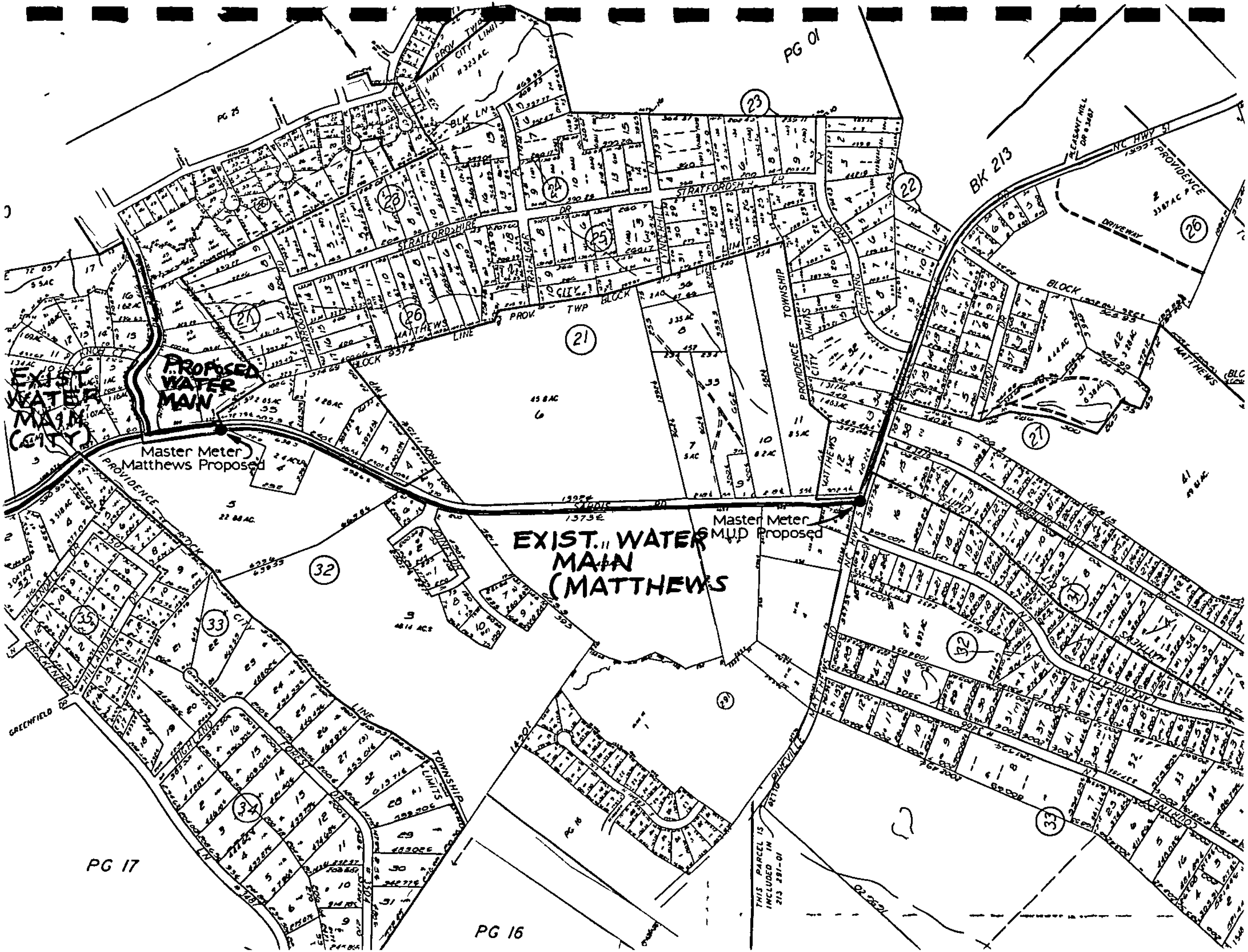
It is now almost September, 1982, and Matthews has still not received approval for a master meter connection to the water line along Sardis Road. Matthews has already undertaken construction of the said water line and construction will be completed in the very near future. All we are seeking is a master meter connection to the CMUD line in the area. Please inform me what the Town of Matthews can do to expedite the process.

Very truly yours,

Clay Lefler

Clay Lefler
Mayor

CRB:ac
cc: Matthews Town Commissioners


PG 01
PG 25
PG 17
PG 16
BK 213
PROPOSED WATER MAIN
EXIST. WATER MAIN (CITY)
Master Meter Matthews Proposed
EXIST. WATER MAIN (MATTHEWS
Master Meter CMUD Proposed
PROVIDENCE ROAD
STRATFORDSHIRE
STRATFORDSHIRE DR
HARROGATE
MATTHEWS LINE
PROV. TWP BLOCK
CITY LIMITS
TOWNSHIP LIMITS
PROVIDENCE TOWNSHIP
NC HWY 51
PROVIDENCE
BLOCK
MATTHEWS
DRIVEWAY
HILLANDALE DR
HIGHLAND FOREST DR
GREENFIELD
PINEVILLE
THIS PARCEL IS INCLUDED IN 213 281-01