AGENDA

Meeting Type:	B
Date:	02-25-1991
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Meetings in February '91

THE WEEK OF FEBRUARY 1 - FEBRUARY 2

1	Friday, 8 30 a m	**TAXICAB REVIEW BOARD** - Law Enforcement Center, 825 E Fourth Street, Room 302
2	Saturday, 8 00 a m	**PLANNING COMMISSION RETREAT WITH MAYORS AND REPRESENTATIVES FROM SMALL TOWNS IN MECKLENBURG COUNTY** - CMGC, Conference Center

THE WEEK OF FEBRUARY 3 - FEBRUARY 9

4	Monday, 12 Noon	**CITY COUNCIL REGIONAL ISSUES COMMITTEE** - CMGC, Rooms 270-271
	Monday, 5 00 p m	**CITY COUNCIL WORKSHOP** - CMGC, Conference Center
5	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
6	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Meeting Chamber Conference Room
7	Thursday, 2 00 p m	**ADVISORY ENERGY COMMISSION** - CMGC, Room 119

THE WEEK OF FEBRUARY 10 - FEBRUARY 16

11	Monday, 3 00 p m	**CITY COUNCIL EXECUTIVE SESSION** - CMGC, Room 271
	Monday, 5 00 p m	**CITY COUNCIL/MANAGER DINNER** - CMGC, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 30 p m	**HISTORIC LANDMARKS COMMISSION** - 1221 S Caldwell Street
12	Tuesday, 8 00 a m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 2 30 p m	**HOUSING APPEALS BOARD** - CMGC, 5th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
13	Wednesday, 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** - CMGC, 8th Floor Conference Room
15	Friday, 7 30 a m	**PLANNING LIAISON COMMITTEE** - CMGC, 8th Floor Conference Room
	Friday, 12 Noon	**DIVISION OF INSURANCE & RISK MANAGEMENT** - CMGC, 10th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF FEBRUARY 17 - FEBRUARY 23

18	Monday, 5 00 p m	**CITY COUNCIL/MANAGER DINNER** CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL/PLANNING COMMISSION/Zoning Hearings** - CMGC, Meeting Chamber
19	Tuesday, 12 Noon	**HOUSING AUTHORITY/Work Session** - 1301 South Boulevard
	Tuesday, 12 Noon	**CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD LUNCHEON** - CMGC, Conference Center
	Tuesday, 2 00 p m	**HOUSING AUTHORITY** - 1301 South Boulevard
	Tuesday, 3 30 p m	**PLANNING COMMISSION/Executive Committee** CMGC, 8th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Tuesday, 4 30 p m	**COMMUNITY RELATIONS COMMITTEE** - CMGC, Conference Center
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center
20	Wednesday, 7 30 a m	**CITY/COUNTY/CHAMBER BREAKFAST** - Charlotte Chamber, 129 West Trade St
	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Meeting Chamber Conference Room
21	Thursday, 7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270

THE WEEK OF FEBRUARY 24 - FEBRUARY 28

25	Monday, 4 30 p m	**PLANNING COMMISSION/Zoning Work Session** - CMGC, 8th Floor Conference Center
	Monday, 5 00 p m	**CITY COUNCIL/MANAGER DINNER** - CMGC, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
26	Tuesday, 2 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Building, 700 North Tryon Street, Building Standards Training Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
27	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271
	Wednesday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Charlotte Convention Center, 101 South College Street, VIP-B Conference Room
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room
28	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

February 25, 1991 City Council Agenda
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CHARLOTTE

Mayor Sue Myrick | *Mayor Pro Tem Cyndee Patterson*

Stanley M Campbell
Daniel G Clodfelter
Ann Hammond
Pat McCrory
Tom Mangum
Hoyle H Martin
Roy Matthews
Ella Butler Scarborough
Richard Vinroot
Lynn M Wheeler

Council Agenda

Monday, February 25, 1991

5:00 p.m.	-	Council-Manager Dinner
6:30 p.m.	-	Citizens Hearing
7:00 p.m.	-	Council Meeting Meeting Chamber

ITEM NO.

1. Invocation by Rev. Bobby Ross of Eastway Drive Church of God.

2. Consider approval of Minutes of January 14 Briefing and Regular Meeting, January 15 Joint Meeting and January 22 Zoning Meeting.

VOTE ON CONSENT ITEMS

3. Agenda items 11 through 21 may be considered in one motion except for those items removed from the consent agenda as a result of a Council member making such a request of the City Clerk prior to the meeting.

Staff Resource Pam Syfert

POLICY

4. Recommend adoption of two changes to the rezoning process as recommended by the Planning and Public Works Committee.

Rezoning Process

On December 10, 1990 Council's agenda included a discussion of various methods for handling rezoning petitions; the agenda item is attached.

Some of the options discussed involved delegation of rezoning public hearings to the Planning Commission. This issue was referred to the Planning and Public Works Committee.

The committee met on January 7 and 30, 1991. There was a general concensus to maintain the existing rezoning hearing procedure. However, the committee recommends implementation of two changes to the current procedure to reduce the Council time devoted to rezoning hearings. Executive summary minutes of the committee meetings are attached.

Committee Recommendations

The two changes recommended are:

1) The petitioner may file with the Planning staff a written statement in support of the rezoning request, along with any supporting written material in response to or in rebuttal to the pre-hearing staff analysis.

   The petitioner's written statement will be included in the pre-hearing package sent to Zoning Committee and City Council members. The addition of the petitioner's written response to the pre-hearing package will necessitate the addition of at least one week to the rezoning process.

2) The petitioner and staff presentations during the public hearing will be eliminated in the event that no one is signed up to speak in opposition to the petition. If Council has no questions for the petitioner or staff, the hearing will be closed with no formal presentations by the staff or the petitioner. If there are questions by Council, the presentations will be limited to answering the specific questions asked.

Public Comment: Planning staff sent the committee recommendations to a representative group involved in the rezoning process and asked for comments. The letters that we receive will be sent to Council in the February 22, 1991 Council-Manager memorandum.

Council action is needed by February in order to implement committee recommendations for May public hearings.

Clearances: Planning and Public Works Committee.

Staff Resource: Pam Syfert

Attachment No. 1

5. Recommend adoption of an ordinance amending Chapter 19 of the City Code as recommended by the Planning and Public Works Committee including several amendments recommended by staff.

Sidewalk Issue: Council was concerned that it lacked flexibility with respect to granting variances for sidewalk requirements and on November 13, 1990, Council approved the unanimous recommendations of the Planning and Public Works Committee for staff to:

(1) develop amendments to Chapter 19 of the City Code (the part of the Code that deals with streets, sidewalks, etc.), including an appeal process; and

(2) develop options for a more systematic approach to sidewalk construction.

The November 13 agenda item is attached.

Council Action: Adoption of the recommended ordinance amends Chapter 19 as Council approved and includes several amendments recommended by staff.

The three additional sidewalk variances Council approved on November 13 are:

1. If at least 50% of a block frontage is developed and 50% of the block is developed without a sidewalk, no sidewalk would be required by new development, unless the site is located on a thoroughfare or a collector street.

2. Eliminate the sidewalk requirement on all dead end streets less than a thousand feet in length unless they serve as a public access to a school, park, shopping facility, multi-family development, or other community facility.

3. Require the developer to pay the City the value of the street improvements for their frontage as their share of the City project rather than exempt street improvements from sites along funded roadway projects.

The staff recommended amendments are:

1. Revisions to Section 19-4, as requested by CDOT, so that walls are specifically addressed. The revised section requires anyone building a wall along the border or bounding on any of the streets or sidewalks of the city, have the boundaries fixed and certified by the City Engineer to insure public safety as well as minimal conflicts with imminent transportation projects. The existing Section 19-4 requires this of proposed buildings, fences, sidewalks and pavement along the border or bounding any of the streets in Charlotte.

2. The opportunity to appeal the decision of the City Engineer to the City Manager. The request for appeal would be directed to the City Manager. After a full and complete hearing, the City Manager or his appointee shall render their opinion.

3. Miscellaneous consolidations or deletions to make Chapter 19 easier to read and understand.

Clearances: The proposed revisions have been reviewed and approved by the Engineering Department and the Legal Department.

Staff Resource: Julie Burch

Attachment No. 2

6. Recommend approval of the workshop topics for the March 4, 1991 Council workshop.

The following items are proposed for discussion at the Monday, March 4, 1991 Council workshop:

Discussion of MPO.
Cultural Arts Commission report.
Preliminary Capital Improvement Program policies and issues.
92-93 operating budget update.

Staff Resource Vi Alexander

7. Recommend approval of dates and times for three to four workshops to review the recommended zoning ordinance.

On December 10, 1990, Council voted unanimously to extend its decision timetable for the new zoning ordinance. A part of that timetable included three to four decision workshops in March or mid-April, 1991 to review the recommended zoning ordinance.

The workshops will be in the Conference Center (Room 267); the following dates are recommended:

Wednesday, March 6, 1991	5:00 p.m. - 6:30 p.m.	
Wednesday, March 13, 1991	5:00 p.m. - 6:30 p.m.	
Wednesday, March 20, 1991	5:00 p.m. - 6:30 p.m.	
Wednesday, March 27, 1991	5:00 p.m. - 6:30 p.m.	
Wednesday, April 3, 1991	5:00 p.m. - 6:30 p.m.	(optional date)

The City Council will separately take action on each chapter after review. After the final chapter is acted upon, a resolution would be passed setting the official adoption date for the ordinance.

Staff Resource Del Borgsdorf

BUSINESS

8. Consideration of revised Letter of Intent between the City of Charlotte and William Allen for lease of the Independence Arena.

This action is to update Council on the revised Independence Arena lease process and seek Council's guidance and approval for the latest proposal from the Independence Arena group. The lessee group has expanded to include William Allen and family members; Spectacor Management Group; and a group headed by Tom Phillips. Each entity will control 1/3 of the leasehold interest. Time is still critical to the success of the project and we are reviewing their revised proposal this week in order to have a modified Letter of Intent for Council's review and approval at the February 25 meeting. Information on this item will be sent to Council in the Friday, February 22 Council-Manager memorandum.

Staff Resource Boyd Cauble

9. Recommend approval of a lease agreement and a temporary use agreement with the Virginia Retirement System for the installation of an exterior wall cladding for the Southeastern Center building.

Park at the Square

- 1981 - funding for a park at the Square began.
- 1987 - demolition of several buildings on park property left a portion of the north wall of the Southeastern Center (formerly One Tryon Center) in an unsightly condition.
- The building was recently acquired by the Virginia Retirement System (VRS).
- VRS is willing to improve the wall and make other interior renovations of their building.
- Improvements affecting the park include new wall panels, waterproofing, two new doors accessed through the park and windows at the second and third level of their building overlooking the park.
- A strip of the park site is required to accommodate these improvements. In addition, a portion of the park site is required temporarily for construction staging.

- If lease is approved, construction of the facade can begin in late March and is scheduled to be finished in mid May, with park construction scheduled to begin immediately afterwards.

Options Option 1 is recommended.

Option 1: Approve a lease agreement with the Virginia Retirement System for use of a 1 ft. strip of park property for the construction and maintenance of Southeastern Center's facade along with the temporary right to use a portion of the park site during the construction. A summary of the major lease provisions is attached.

Advantages
Improves unsightly wall.
Resolves flooding/waterproofing issue.
Construction of facade will be done concurrently with advertisement of Plaza Park project.

Disadvantages
Park construction would be affected by any delays in facade construction.

Option 2: Do not approve a lease agreement with the Virginia Retirement System and proceed with park implementation without delay.

Advantages
Park construction would proceed without any potential for delay caused by facade construction.

Disadvantages
Will not resolve flooding/waterproofing issue.
Leaves unsightly wall which will be difficult to improve later.

Clearances Legal, Engineering and Planning staff.

Staff Resource Mike Boyd

Attachment No. 3

10. Recommend (A) approval of the Regional Issues Committee's recommendation for contracting with the UNCC Urban Institute to assist in the formation of a Mecklenburg Mass Transit Partnership and, (B) adoption of a budget ordinance for $41,500.

Regional Meetings

November 13, 1990 - City Council approved a contract with the UNCC Urban Institute for $31,500 to be used for coordinating approximately nine regional meetings and a June regional conference.

- The June conference will include all participants at the regional meetings and will be hosted by UNCC.
- We have conducted three regional meetings and have been encouraged by the cooperation from the towns we have met with as well as towns that have been contacted for future meetings.

Mecklenburg Mass Transit Partnership

February 4, 1991 - the Regional Issues Committee recommended that the agreement with UNCC be expanded to include assisting us with the formation of a Mecklenburg Mass Transit Partnership. Executive summary minutes are attached.

- The purpose of the partnership is to begin discussions with representatives of the cities and towns in Mecklenburg County and the representatives of County government in order to explore possible cooperative initiatives in transit.
- Areas for discussion are bus service, expansion of car pooling and van pooling options, and exploration of light rail alternatives.
- Attached is an outline of UNCC's work program which will cost $10,000.

Council Action

Council is requested to approve:

- the recommendation of the Regional Issues Committee for contracting with the UNCC Urban Institute for implementing the Mass Transit Partnership Work Program.

- an ordinance for $41,500 which will be used to pay for the previously approved $31,500 regionalism work program and the proposed $10,000 Mecklenburg Mass Transit Partnership program.

Funding: General Fund Contingency (balance $125,986).

Clearances: The Council request has been reviewed and approved by the City Manager's Office, the Budget and Evaluation Department, the Attorney's Office and the Charlotte Department of Transportation.

Staff Resource: Boyd Cauble

Attachment No. 4

CONSENT

GRANT APPLICATION

11. Recommend approval of the annual Emergency Shelter Grant Program application for $86,000 for homeless assistance as authorized by the Stewart B. McKinney Amendment Acts of 1987 and 1988, and adoption of a budget ordinance appropriating the estimated funding of $86,000.

Emergency Shelter Grant Program: Since 1987 the City has applied for and received funds from the Emergency Shelter Grant Program. The City has contracted with Mecklenburg County for the administration and distribution of the funds. Mecklenburg County has in turn contracted with eligible local homeless care providers to carry out the eligible activities.

Grant funds received this year will be handled as in past years.

Funding: Emergency Shelter Grant Program, Department of Housing and Urban Development.

Clearances: Community Development Department; Grant Review Committee.

PERSONNEL

12. Recommend adoption of a resolution amending the Personnel Rules and Regulations, Rule IV, Leave of Absence; Section 4, Authorized Absences with Pay - School Support Leave.

School Support Leave Policy: On May 29, 1990, City Council approved a policy of school support leave to encourage City employees to participate in school activities such as parent/teacher conferences, tutoring programs and other school support activities. The policy provides for approval of up to four hours of school support leave on a shared basis (employees charge one half of their hours to vacation and the other half is matched by the City).

Policy Expansion/ Tutoring: As follow up to the City Council retreat, this action recommends that the policy be expanded to grant qualified employees who wish to assist with tutoring programs the opportunity to use up to eight hours of shared school support leave.

Clearance: Personnel Department.

BID LIST

13. Recommend adoption of the bid list as shown. The following contract awards are all low bid and within budget estimate unless otherwise noted. Each project or purchase was authorized in the annual budget.

A. Park Road/Johnston Road Phase II — Engineering

Recommendation: By the City Engineer, based on the recommendation of consultant, Kimley-Horn & Associates that the low bid of $3,963,447.70, as submitted by Blythe Industries, Inc., be accepted for award on a unit price basis.

Project Description: This 5.5 segment of the Park/Johnston Phase II widening project widens the roadway to six lanes from Sharon Road to Smithfield Church Road, and four lanes from Park Road to Sharon Lakes Road. The project is ranked No. 2 out of eight projects in the FY 88 Charlotte-Mecklenburg Transportation Improvement Program.

Estimated Cost:	$5,000,000.00
Low Bid:	3,963,447.70
Savings	$1,036,552.30

Curb & gutter, sidewalks and bridge construction are included in the project. The remaining sections of the Park Road widening project and anticipated construction contract award dates are as follows:

Segment	Contract Award Date
2 - Smithfield Church Road Park/Johnston	April, 1991
3 - Park/Johnston Road to N. C. 51	August, 1991
4 - Sharon Road West to South Boulevard	May, 1992

Subsequent to contract award for Segment 1, the project amount balance will be $6 million. An additional $19.4 million in 1988 Street Bonds is scheduled for appropriation in FY92 to complete Segments 2 - 4.

Source of Funding: General Capital Improvement Fund - (Park Road Widening - 1988 Street Bonds).

B. FY 91 Curb Replacement — Engineering

Recommendation: By the City Engineer that the low bid of $295,661.60, as submitted by Concrete Associates, be accepted for award on a unit price basis.

Estimated Cost:	$331,000.00
Low Bid:	295,661.60
Savings	$ 35,338.40

Project Description: This project will replace deteriorated and broken curb and gutter on sections of streets that have been identified and prioritized by Street Maintenance.

Source of Funding: Powell Bill Fund - (Curb Repairs and Replacement).

C. Cherokee Road & Remington St. Storm Drain Improvements — Engineering

Recommendation: By the City Engineer, based on the recommendation of the consultant, Wells-Maniktala Associates, that the low bid of $177,796.60, as submitted by Ferebee Corporation, be accepted for award on a unit price basis.

Estimated Cost:	$188,000.00
Low Bid:	177,796.60
Savings	$ 10,203.40

Project Description: This project will replace culverts at two locations because the existing culverts are structurally and hydraulically inadequate.

Source of Funding: General Capital Improvement Fund - (Storm Drainage Improvements - Powell Bill).

D. Replacement of Tryon Street Mall Crosswalks — Engineering

Recommendation: By the City Engineer that the low bid of $137,027.80, as submitted by Asphalt Associates of Charlotte, be accepted for award on a unit price basis.

Project Description: Attached is information sent to Council in January on repair of the crosswalks. The existing crosswalks are in various stages of deterioration, due in part to the large volume of bus and delivery vehicle traffic in the area. This has caused safety concerns and increased maintenance costs. In May 1990, Law Engineering performed a study of the crosswalks and determined that the only permanent solution is to replace them with asphalt pavement.

Money recovered from the Mall construction lawsuit will be used to reimburse the Powell Bill fund.

Source of Funding: Powell Bill Fund - (Street Paving).

Attachment No. 5

E. Transit Maintenance Operations Center CDOT

Recommendation: By the City Engineer that the low bid of $480,558.26, as submitted by Ferebee Corporation, be accepted for award on a unit price basis.

Project Description: Field investigations conducted in July, 1989, revealed that the pavement of the Transit Maintenance Operations Center parking lot had cracked. Further field investigations in March, 1990 determined that the saturation of subgrade by groundwater was the primary cause of the pavement deterioration. To correct this problem, it was determined that a subdrain system would have to be installed to intercept the groundwater flow. The existing cracked slabs would either be repaired or replaced as part of the project as well.

This project will replace cracked and broken concrete slabs, provide subsurface drainage, and repair joints and cracks in the parking lot.

Source of Funding: Public Transportation Capital Improvement Fund - (TMOC - Contingency - 80% Federal, 10% State, 10% Local).

F. Freedom Park Phase I Engineering

Recommendation: By the City Engineer, based on the recommendation of Woolpert Consultants, that the base bid of $812,707.83 plus add alternate No. 1, $45,131.76, as submitted by Eagle Wood, Inc. and Atlantic Coast Contractors, A Joint Venture, be accepted for award on a unit price basis.

Project Description: This project is Phase I of the Master Plan for Improvements to Freedom Park which Council approved on October 23, 1989. The work will be to reconstruct the lake, walkways, and vehicle bridge at the lake. There will be relocation of storm drains and sanitary sewer, and water and electrical work to improve the lake's water supply.

Estimated Cost:	$850,000.00
Low Bid Park Improvements	812,707.83
Low Bid Sewer Relocation	45,131.76
Difference	($ 7,839.59)

The Freedom Park project budget includes sufficient funds to cover the difference.

Add Alternate No. 1 - Sanitary Sewer Relocation
(CMUD Funded)

Source of Funding: General Capital Improvement Fund (Freedom Park Reconstruction - Pay-As-You-Go Tax Levy and 1990 Two-Thirds Bonds). Water and Sewer Capital Improvement Fund (Sanitary Sewer Line Replacement).

G. Sharon Road/Quail Hollow Road Engineering

Recommendation: By the City Engineer, based on the recommendation of the consultant, Post, Buckley, Schuh, & Jernigan, Inc. that the low bid of $763,667.47, as submitted by Asphalt Associates of Charlotte and T. A. Sherrill, A Joint Venture, be accepted for award on a unit price basis.

Project Description: This project will realign Sharon/Quail Hollow intersection to improve traffic flow from Sharon Rd. to Quail Hollow Rd. by aligning the northern leg of the Sharon Rd. with Quail Hollow Rd. The intersection will be signalized.

Estimated Cost:	$957,100.00
Low bid:	763,667.47
Savings	$193,432.53

This intersection is included in the FY91-95 Capital Improvement Program as a TSM Intersection Improvement project. After award of the construction contract the project account balance will be $525,984. The relatively low bid can be attributed to competitive pricing in the construction industry.

Source of Funding: General Capital Improvement Fund - (TSM Intersection Improvements - 1990 Two-Thirds Street Bonds).

H. Water Distribution Project 16-Inch Water Main Along Providence Road — Charlotte-Mecklenburg Utility Department

Recommendation: Director, Charlotte-Mecklenburg Utility Department recommends that the low responsive bid by AJM Development & Utilities, Incorporated of Indian Trail, North Carolina in the amount of $211,370.25 be accepted for award of contract on a unit price basis.

Project Description: Construction of this project would continue the 16-inch water main along Providence Road from Providence Road West to the Union County line. It would provide needed water service and fire protection to the southern tip of the County.

Source of Funding: Water and Sewer Capital Improvement Fund - (Water Main Along Providence Road - 1986 Water Bonds).

I. Security Access Control — Aviation

Recommendation: The Aviation Director recommends that the failure to submit a sample access card be waived as a technicality and a contract in the amount of $159,797.00 be awarded to Johnson Controls, Inc.

Bid Summary:

Johnson Controls Inc.	$159,797.00
Long Communications	$193,856.00
JWP Electronics Systems, Inc.	$223,900.00
Watson Alarm Company	$274,985.00
T&S Fire and Security, Inc.	$291,569.00
R&E Electronics	$299,345.00
Southland Electrical Co., Inc.	$323,348.00
Maris Equipment Company	$351,402.00
SFI Electronics, Inc.	$375,825.00

Of the nine bids received, one bidder refused to accept the liquidated damage terms and one bidder did not have proper licensing. This left seven bids in competition. Of the seven contending bids, six bidders overlooked the submittal of a sample card; however, oversight of this detail is not important technically to the proper evaluation to determine acceptability of the bids.

It is recommended that Council waive this technical defect in the submission of six bids. Then the contract can be awarded to Johnson Controls as the low bidder in the amount of $159,797.00.

Project Description: Under new federal regulations the Aviation Department is required to provide a higher level of access control to the Airport facilities. This contract will provide the necessary equipment to meet the new requirements.

Source of Funding: Airport Capital Improvement Fund - (1991 Airfield Improvements).

J. Riding Lawn Mowers 52" and 72" Parks & Rec. Dept.

Recommendation: By Purchasing Director and Parks & Recreation Director that the low bid, Smith Turf & Irrigation Company, Charlotte, N. C., in the amount of $73,787.00, be accepted for award of contract.

Project Description: The proposed purchase is for four replacement 52" and five replacement 72" riding lawn mowers to be used by Park Operations Division to mow parks in the City.

Source of Funding: Capital Equipment Fund - (Parks and Recreation - Park Operations).

K. Automotive Batteries — General Services, Fire & D.O.T. Depts.

Recommendation: By Purchasing Director and General Services Director that the low bid, U. S. Battery Corporation, Charlotte, N. C., in the amount of $70,725.85, be accepted for award of contract.

Project Description: Automotive batteries are needed to replace old and worn out batteries in various City vehicles.

Source of Funding: General Fund - (Fire Department and Equipment Services Division). Public Transportation Fund - (Vehicle Maintenance).

L. Aluminum Sheets — D.O.T.

Recommendation: By Purchasing Director and Director of Department of Transportation that the low bid, Vulcan Aluminum Company, Foley, Alabama, in the amount of $76,932.00, be accepted for award of contract.

Project Description: This proposed purchase is for 1200 sheets of .080 thick x 5 foot x 10 foot aluminum sheets to be used to fabricate various quantities and sizes of street signs.

Source of Funding: General Fund - (Transportation - Operations Division).

M. Pavement Marking Material — D.O.T.

Recommendation: By Purchasing Director and Director of Department of Transportation that the low bid, Pave-Mark Corporation, Atlanta, Georgia, in the amount of $95,770.00, be accepted for award of contract.

Project Description: This proposed purchase is for 65 tons of white and 85 tons of yellow alkydthermoplastic pavement marking material to be used to mark cross-walks, stop bars, arrows, and centerlines for traffic control.

Source of Funding: General Fund - (Transportation - Operations Division).

N. 2 - Fire Tankers Fire Dept.

Recommendation: By Purchasing Director and Fire Chief that the low bid, Central States Equipment, Lyons, South Dakota, in the amount of $226,716.00, be accepted for award of contract on a unit price basis.

Project Description: One truck replaces an old truck and provides water and foam capability for I-77, I-85 and the Airport. The second truck provides extra water for a new annexation area.

Source of Funding: Capital Equipment Fund - (Fire Department) and Annexation Fund - (Fire Department).

O. 107 - Automobiles & Small Trucks Various Depts.

Recommendation: By Purchasing Director and various department heads that the low bid for each item be accepted for award of contract as follows:

Harrelson Ford Charlotte, N. C. $692,121.00
(For 70 Vehicles)

City Chevrolet Co. Charlotte, N. C. $285,783.00
(For 21 Vehicles)

Larry J. Chevrolet Charlotte, N. C. $202,973.00
(For 16 Vehicles)

Project Description: These vehicles will be used in a variety of jobs and projects in various departments. Five are new; 102 are replacement vehicles. The vehicles to be replaced are in poor condition, are less reliable and have higher maintenance costs.

All are low bid recommendations except for one 8600 GVW (gross vehicle weight) truck. The low bid of $12,404 by Harrelson Ford did not provide heavy duty brakes as specified, and it is recommended that the second low bid by City Chevrolet of $12,605 be awarded.

Source of Funding: 59 - FY91 General Capital Equipment Fund - (replacements); 6 - General Fund - (replacements); 27 - Water and Sewer Capital Equipment Fund - (26 replacements; 1 new); 15 - Water and Sewer Operating Fund - (11 replacements; 4 new).

P. Plant Mix Asphalt, Hot Mix
90,935 (est.) Tons

D.O.T.,
Street Division

Recommendation: By Purchasing Director and Department of Transportation Director that the low bidders for each section be accepted for award of contracts as follows:

		Total Amount
Crowder Construction Co.	Sec. 1	$ 310,165.00
Rea Construction Company	Sec. 2&3	$ 1,333,407.00
Blythe Industries	Sec. 4	$ 427,925.00

Project Description: Plant mix asphalt is used for street repairs and to re-surface City streets.

The bid proposal was arranged in four sections, each geographically surrounding one or more of local asphalt plants. The section distinction allows the City to consider the location of each asphalt plant when reviewing the bids for each section.

The recommendations reflect the City's estimated cost of hauling asphalt from the various plants to the midpoint of the respective sections. The midpoints were selected by the Street Maintenance Division as the most central location within each section. They represent an arbitrary job site location from which the hauling cost within each section from all prospective plant locations were determined. The cost includes both the contractor's bid price and the City's estimated cost for labor and equipment to haul the material.

Source of Funding: Powell Bill Fund - (Street Paving).

Q. Plant Mix Asphalt, Cold Mix
(4000 Tons)

Dept. of Transportation
Street Division

Recommendation: By Purchasing Director and Operations Director that the failure to sign the bid bond be waived as a technicality and that the low bid in the amount of $150,000, by Blythe Industries, Inc., be accepted for award of contract on a unit price basis.

Project Description: Plant mix asphalt is used for street repairs and to resurface City streets.

There was a waivable irregularity in Blythe's bid as the bid bond was not signed by an officer of the company. This was deemed waivable by Purchasing and Legal. Blythe was informed and subsequently signed the bond.

Source of Funding: Powell Bill Fund - (Street Paving).

R. Construction Equipment Various Depts.

Recommendation: By Purchasing Director and various department heads that the following companies be accepted for award of contract on a unit price basis.

Bid Summary:

Case Power Equipment Charlotte, N.C. $144,580.00
(Sections 1 & 6)
2 - Heavy Duty Backhoe Loaders
1 - Front End Loader

N. C. Equipment Co. Charlotte, N.C. $ 83,723.00
(Section 5)
1 - Motor Grader

Charlotte Ford Tractor Charlotte, N.C. $ 85,946.00
(Sections 15, 16, 17, 18, 19, 20)
1 - Tilt Tractor
1 - 40 HP Tractor (Farm Tires)
1 - 40 HP Tractor (Turf Tires)
2 - 62 HP Tractors
2 - Side Flail Mowers
2 - Rear Flail Mowers

Carolina Tractor & Equip. Co. Charlotte, N.C. $ 66,321.00
(Section 4)
1 - Crawler Tractor

E. F. Craven Company Greensboro,N.C. $ 55,845.00
(Sections 11, 21)
4 - Air Compressors
1 - Leaf Vacuum

Project Description: The proposed equipment replaces aging equipment used in the maintenance of City streets and other construction projects.

All are low bid recommendations except for four pieces of equipment. Detailed bid information and the reasons the four low bids are not recommended follows.

Source of Funding: FY91 Capital Equipment Fund - (Parks & Recreation); Water and Sewer Capital Equipment Fund - (Water Distribution); Water and Sewer Capital Equipment Fund - (Wastewater Collection); General Fund - (Transportation) and General Fund - (Parks & Recreation).

SECTION 5. 1 - Motor Grader.

Bid Summary:	Total Price
Rimtrax	$75,071.00
E. F. Craven	$81,963.00
N. C. Equipment	$83,723.00
Carolina Tractor	$89,714.00

Recommendation: The Purchasing Department recommends award of the contract to the third low bidder, N. C. Equipment, in the amount of $83,723.00.

The low bidder was Rimtrax (John Deere).

The John Deere unit did not meet the requirement for a rear mounted scarifier. This is a critical operational requirement for units used in an urban environment versus a highway construction-type environment. The rear mounted scarifier allows the operator more visibility and thus more control when working among buried utilities and manholes. Such care is critical today with the increased use of buried fiber optic communications. A typical fiber optic cable repair is many thousands of dollars. Contact with buried utilities also has a high probability of operator injury and equipment damage.

The unit was not within an acceptable range for reverse speed (8.2 MPH versus 24 MPH as specified) and unit weight (28,500 pounds versus 29,500 pounds).

The second low bidder was E. F. Craven (Fiat-Allis).

The Fiat-Allis machine is equipped from the factory with a front mounted scarifier. The scarifier unit could be remounted to a rear position locally, but it is believed that this non-factory modification would compromise the integrity of the scarifier and the unit's frame.

Another critical feature of the Fiat-Allis is that the turncircle gear teeth are externally mounted. This results in a shortened life as debris backs up over the moldboard and collects between the teeth and turning wheel. This is considered unacceptable from a maintenance and operational standpoint.

The unit's engine is 95.5 cubic inches less than that specified.

It was required that speed shifting and directional change be controlled by one lever. The Fiat-Allis is the only unit using two levers. This is an operational feature that affects operator fatigue and maintenance cost (clutch repair).

It was required that the moldboard have hydraulic tip control through an arc of 45 degrees. This unit allows only 27.5 degrees.

SECTION 19. 2 - Side Flail Mowers.

Bid Summary:	Unit Price	Total Price
Case	$8,000.00	$16,000.00
Charlotte Ford Tractor	$8,007.00	$16,014.00

Recommendation: The Purchasing Department recommends award of the contract to the second low bidder, Charlotte Ford Tractor, in the amount of $16,014.00. The low bidder has not sold this unit on a regular basis and does not stock any parts. The critical nature of the right-of-way Mowing Program demands product support. The mower is to be used with the tractor in section 18 and the combined cost of purchase from Charlotte Ford Tractor is lower than a mixed purchase cost.

SECTION 20. 2 - Rear Flail Mowers.

Bid Summary:	Unit Price	Total Price
Washam Equipment	$2,420.00	$4,840.00
Charlotte Ford Tractor	$2,537.00	$5,074.00
Case	$3,000.00	$6,000.00

Recommendation: The Purchasing Department recommends award of the contract to the second low bidder, Charlotte Ford Tractor, in the amount of $5,074.00. The low bidder did not meet the specifications for cutting height adjustment.

SECTION 4. 1 - Crawler Tractor.

Bid Summary:	Total Price
Case	$ 53,200.00
Rimtrax	$ 64,500.00
Carolina Tractor	$ 66,321.00
N. C. Equipment	$ 82,914.00

Recommendation: The Purchasing Department recommends award of the contract to the third low bidder, Carolina Tractor, in the amount of $66,321.00. Low bids Case and Rimtrax did not meet specifications for a hydrostatic drive, counter rotating tracks and track width. These three factors are critical in minimizing damage to private property on which the unit must work or cross. This unit will cross through or work on private property 35-40 times a year. The average repair cost of damage caused by non-counter rotating tracks is estimated at $500. per incident.

STADIUM LAND SWAP

14. (a) Authorize acceptance by the City of County-owned properties formerly used by the Magnolias nursing home and by the satellite jail; (b) Authorize the City to convey to Knight Publishing Company a portion of the old satellite jail site; (c) Authorize the City Manager to execute all documents necessary for the above referenced transactions.

Stadium Site Land Conveyances

As a part of its agreement with Richardson Sports, the City is to acquire certain property from the County and from Knight Publishing Company for the stadium site. This includes acquiring property for the relocation of a spur track line to serve Knight Publishing Company's warehouse facility. The County will convey the old Magnolia nursing home site to the City for these purposes.

Additionally, the City needs to acquire certain property presently owned by Knight Publishing and used as a parking lot located on the corner of South Mint Street and West Hill Street. In exchange, the City has agreed to acquire from the County a portion of the old satellite jail site located at the corner of South Poplar Street and West Hill Street and to convey the majority of that site to Knight Publishing to replace its lost parking.

The County will convey its property to the City in two stages.

- In the near future, it will convey (1) an easement through the Magnolias site for the spur track relocation, and (2) a portion of the satellite jail site.
- Later, it will convey (1) the Magnolias site and (2) the remainder of the jail site.

These conveyances from the County to the City will be at no cost to the City. The County will take title to the Knight Publishing parking lot on the corner of South Mint Street and West Hill Street, and convey that to the City once the franchise has been granted, or at some earlier time if deemed necessary. A map is attached showing the various properties in question.

Council Action: The City Council needs to authorize the City to accept these conveyances from the County, and to convey the portion of the old satellite jail site at the corner of North Poplar Street and West Hill Street to Knight Publishing so that it can prepare this site for parking.

Clearances: Engineering; Real Estate; Legal.

Attachment No. 6

HOUSING CODE ENFORCEMENT

15. Detailed information is attached. Funds are available and liens will be placed against the properties for the costs incurred.

A. Recommend rescind Ordinance 3093-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 426 Jones Street and adopt a new ordinance indicating the current owner (Smallwood).

B. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to repair code violations at 307 S. Torrence Street (Cherry).

C. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1704 Parson Street (Belmont).

D. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1007 McAden Street (Belmont).

E. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1101 Norris Avenue (Druid Hills).

F. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 908 Belmont Avenue (Belmont).

G. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1402 Karendale Avenue (Enderly Park).

Attachment No. 7

SALE OF LAND

16. A. Recommend sale of land to Michael O'Brien in Third Ward Neighborhood Strategy Area known as Block 23, Parcel 14 and located at 1132 Greenleaf Avenue for $7,610.00.

Third Ward Plan

The Redevelopment Plan for Third Ward provides for the disposal of acquired land for development by public or private parties.

- The minimum bid price on the parcel was $5,781.00 which is the fair reuse value of the property as determined by the appraiser.
- Two bids were received for this 12,845 square foot parcel.
- One was from The Green Leaf Group, a N.C. Limited Partnership to be formed, for $7,250.00.
- The other was from Michael O'Brien, in the amount of $7,610.00, for a proposed development of two townhouses.
- The townhouses will be frame construction with two-bedrooms, 2 1/2 baths each with an optional third unit, of one bedroom, one bath townhouse. The entire project will have a construction cost of approximately $210,000.00. The property will be landscaped to provide an attractive visual appearance.
- The disposal of this parcel will assist in meeting the objectives as set forth in the Redevelopment Plan for Third Ward.

A map is attached.

Clearances

Engineering/Real Estate, Charlotte-Mecklenburg Planning Commission and Community Development Department concur in this request. The Third Ward Neighborhood Association also concurs in this request.

Attachment No. 8

B. Recommend acceptance of $28,399.00 from the sale of land needed by the North Carolina Department of Transportation for the realignment of Coliseum Drive as part of the East Independence Boulevard road widening project.

Independence Blvd. Project

On June 13, 1988, City Council authorized the Mayor to execute a deed from the City to NCDOT for widening Independence Blvd. in front of the old Coliseum/Auditorium complex.

The second phase of the Independence Road widening project includes the realignment of Coliseum Drive along the northwesterly side of the old Coliseum. Access to the parking lot at the rear of the Coliseum will be redesigned in order to connect to the relocated Coliseum Drive.

The NCDOT will reimburse the City $28,399.00 as the acquisition cost for 5,850 sq.ft. of land and 6,850 sq. ft. of temporary construction easement. This sum includes the cost to relocate a light standard that will be in the way of the new parking lot driveway.

Council Action

Authorize the sale of a strip of land on Coliseum Drive to the NCDOT at a cost of $28,399.00. Of the revenues received, $7,200.00 is requested to be reserved for the Auditorium-Coliseum-Convention Center Authority for the relocation of the light standard. The remainder of the funds goes in the City's operating budget.

Clearances

No additional funds are needed for this property transaction.

ENCROACHMENT AGREEMENT

17. Recommend adoption of an encroachment agreement with Norfolk Southern Railway Company for construction of Westinghouse Boulevard grade crossing.

Construction Project

The City is constructing Westinghouse Boulevard Extension U S 521 to Old Nations Ford Road. As part of the roadway construction a grade crossing will be built near Culp Road.

Encroachment

City Council is asked to adopt a resolution to encroach on Norfolk Southern Railway Company's

right-of-way. Associated with the encroachment agreement is the reimbursement to the railroad of $140,390.00 for their labor and materials in reconstructing their railroad tracks.

Funding — Westinghouse Boulevard Extension Capital Account.

Clearances — Department of Transportation, Insurance and Risk Management Agency, and Engineering/Real Estate.

SPEED LIMITS

18. Recommend adoption of an ordinance to lower the speed limit on Prince George Road (Olde Georgetown) from 35 miles per hour to 25 miles per hour.

25 MPH — In accordance with Council's approved policy Prince George Road has had a petition validated and is determined by the engineering study to be appropriate for a 25 miles per hour speed limit.

SET PUBLIC HEARINGS

19. A. Recommend (1) setting a public hearing on April 8, 1991 to obtain the views of citizens on community development and housing needs associated with the expenditure of an anticipated $3,740,000 in FY92 Community Development Block Grant funds in addition to the expenditure of applicable program income, and (2) authorize the Community Development Department to conduct a second public hearing on April 17, 1991 to review current program performance and proposed activities for the FY92 Block Grant application.

B. Recommend that a public hearing be set for March 25, 1991 at 7:00 p.m. on the preliminary assessment roll for the storm drainage repairs made in the 200 and 300 block of Scofield Road.

C. Recommend adoption of a resolution providing for a public hearing on Monday, March 25, 1991, at 7:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, on an application for installation of a monument at the North Carolina Performing Arts Center.

TAX REFUND

20. Recommend adoption of a resolution authorizing the refund of certain taxes in the total amount of $14,408.13 which were assessed through clerical error or illegal levy against 63 tax accounts.

PROPERTY TRANSACTIONS

21. Recommend approval of the following property transactions and adoption of the condemnation resolutions.

1. Project: F.A.R. Part 150 Airport Noise Compatibility Program - Residential Purchase
   Owner(s): Betty V. Walker
   Property Address: 4505 Denver Avenue
   Property to be acquired: 1.065 acres
   Improvements: 2 bedrooms, 2 bath, frame residence
   Price: $54,000.00
   Remarks: Residential property acquired under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

2. Project: F.A.R. Part 150 Airport Noise Compatibility Program - Residential Purchase
   Owner(s): Wilma W. Stevens
   Property Address: 4509 Denver Avenue
   Property to be acquired: .764 acres
   Improvements: 3 bedrooms, 1 bath, brick residence
   Price: $53,000.00
   Remarks: Residential property acquired under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

3. Project: F.A.R. Part 150 Airport Noise Compatibility Program - Residential Purchase
Owner(s): Joseph D. McCorkle and wife Adele
Property Address: 7532 Whippoorwill Dr., Charlotte, NC 28217
Property to be acquired: .978 acres
Improvements: 3 bedrooms, 2 bath brick ranch
Price: $80,500.00
Remarks: Residential property acquired under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

4. Project: F.A.R. Part 150 Airport Noise Compatibility Program - Residential Purchase
Owner(s): Kate F. Foster
Property Address: 7532 Pine Oaks Drive
Property to be acquired: .957 acres
Improvements: 3 bedrooms, 2 bath, ranch w/basement
Price: $76,000.00
Remarks: Residential property acquired under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

5. Project: Park/Johnston Road Widening, Phase II, Segment II
Owner(s): Park Walk Homeowners Association, Inc.
Property Address: Park Road
Property to be acquired: 2,665 sq.ft. (0.0612 ac.) plus Temporary Construction Easement 4,929 sq.ft. (0.1132 ac.)
Improvements: Landscaped berm, lawn, shrubs, shade trees, wood fencing, irrigation system, entranceway
Price: $12,400.00
Remarks: Zoned: R-15MF (CD) Use: Multifamily

6. Project: Park/Johnston Road Widening, Phase II, Segment II
Owner(s): Park Walk Homeowners Association, Inc.
Property Address: Park Road
Property to be acquired: 1,235 sq.ft. (0.0284 ac.) and Temporary Construction Easement 7,484 sq.ft. (0.1718 ac.)
Improvements: Landscaped berm, lawn, shrubs, shade trees, wood fencing, irrigation system, entranceway
Price: $11,000.00
Remarks: Zoned: R-15MF (CD) Use: Multifamily

7. Project: Park/Johnston Road Widening, Phase II, Segment II
Owner(s): Park Walk Homeowners Association, Inc.
Property Address: Park Road
Property to be acquired: 2,095 sq.ft. (0.0481 ac.) and Temporary Construction Easement 5,085 sq.ft. (.1167 ac.)
Improvements: Landscaped berm, lawn, shrubs, shade trees, wood fencing, irrigation system, entranceway
Price: $11,400.00
Remarks: Zoned: R-15MF(CD) Use: Multifamily

8. Project: Fire Station Site #29
Owner(s): Ruth Smith Lucas
Property Address: 2211 Margaret Wallace Road, Charlotte, NC
Property to be acquired: 2 acres of a 9.45 acre parcel
Improvements: None
Price: $100,000.00
Remarks: To acquire 2 acres of land for the fire station #29 facility which will provide fire protection for newly annexed area. The total purchase price is $100,000.00. The mandatory referral was approved by the Planning Commission on January 22, 1991.
Zoned: R9 Use: Vacant

CONDEMNATIONS

9. Project: Hampton Park Phase II Sanitary Sewer
Owner(s): David Lee Kinney & Richard D. Guiney & wife Rita and any other parties of interest.
Property address: 543 Washington Blvd., Charlotte, NC
Property to be condemned: 5,453.40 sq.ft. (.12 ac.) Permanent Sanitary Sewer Right-of-Way plus 3,635.60 sq.ft. (.08 ac.) Temporary Construction Easement.
Improvements: Trees
Price: $1,550.00
Reason for condemnation: Property owners refused City's offer and appraisal evaluation. Counter offer presented by property owners was $10,000.00. Property owner could not substantiate counter offer.

10. Project: Hampton Park Phase II Sanitary Sewer
Owner(s): David Lee Kinney & Richard D. Guiney & any other parties of interest.
Property address: 543 Washington Blvd. Charlotte, NC 28215
Property to be condemned: 2,043.90 sq.ft. (0.04 ac.) of Permanent Sanitary Sewer Right-of-Way plus 1,362.60 sq.ft. (0.03 ac.) of Temporary Construciton Easement.
Improvements: Trees
Price: $600.00

Reason for condemnation: Property owners refused City's offer and appraisal evaluation. Counter offer presented by property owners was $10,000.00. Property owner could not substantiate counter offer.

11. Project: Hampton Park Phase II Sanitary Sewer
Owner(s): David Lee Kinney & Rita Shipes Guiney and any other parties of interest.
Property address: 733 Carver Drive, Charlotte, NC
Property to be condemned: 3,510 sq.ft. (.08 ac.) of Permanent Sanitary Sewer Right-of-Way plus 2,340 sq.ft. (.05 ac.) of Temporary Construction Easement.
Improvements: Trees
Price: $1,000.00
Reason for condemnation: Property owners refused City's offer and appraisal evaluation. Counter offer presented by property owners was $10,000.00. Property owner could not substantiate counter offer.

- ANNOUNCEMENTS -

In its meeting on Monday, March 25, 1991, City Council will make nominations to fill vacancies on the following committees:

1. Auditorium-Coliseum-Convention Center Authority - 2 appointments beginning April 25, 1991. Both Geraldine Sumter and John Harris are eligible for reappointment. Terms are for three years.

2. Certified Development Corporation - Six appointments beginning April 30, 1991. Peggy Jennings, Mitchell Aberman, Warren Linde, Jr., Michael Covington, and Derrick Johnson are eligible for reappointment, and H. Clayton Howze is not. Terms are for three years.

3. Civil Service Board - One appointment beginning May 15, 1991. J. Albert Hicklin is not eligible for reappointment. Terms are for three years.

4. Charlotte Clean City Committee - Seven appointments, six beginning June 30, 1991, and one for an unexpired term ending June 30, 1993. John Tomlinson, Jo Lammonds, Lorayne Fiorillo, Jeanne Trexler, and David Lewis are eligible for reappointment, and Eric Peterson is not. Linda Matney has resigned effective January 11, 1991. Terms are for three years.

5. Historic District Commission - One appointment beginning June 30, 1991. Mollie C. Davis is eligible for reappointment. Terms are for three years.

6. Housing Appeals Board - One appointment beginning April 4, 1991. Daisy Alexander is eligible for reappointment. Terms are for three years.

7. Parks Advisory Committee - Three appointments beginning June 1, 1991. H. C. (Woody) Woodward and Darryl Williams are eligible for reappointment and Larry Hale is not. Terms are for three years.

8. Charlotte-Mecklenburg Planning Commission - One appointment beginning June 30, 1991. Gloria Fenning is eligible for reappointment. Terms are for three years.

9. Spirit Square Board of Directors - One appointment beginning June 30, 1991. Hugh Durden is eligible for reappointment. Terms are for three years.

Clearances
Private Utility Companies - No objection.
This area does not have a neighborhood association.
City Departments - Review has identified no apparent reason this closing would:
1. Be contrary to the public interest; or
2. Deprive any individual owning property in the vicinity of these alleyways of reasonable ingress and egress to his property as outlined in NCGS 160A-299.

Funding No City funds are involved.

A map is attached.

Attachment No. 5

VOTE ON CONSENT ITEMS

7. Agenda items 19 through 30 may be considered in one motion except for those items removed from the consent agenda as a result of a Council member making such a request of the City Clerk prior to the meeting.

12/10/90

POLICY

8. Discussion to select a method for handling rezoning petitions.

7 24

This item was deferred at the November 26, 1990 Council meeting.

Rezoning Process Over the past several years, the rezoning process has become a significant consumer of time for City Council. As the process has become more time consuming and detail oriented, there have been discussions among various interested parties of alternative procedures for the processing of rezoning requests.

The alternatives to current practice have all revolved around the Planning Commission assuming at least some of the responsibility for conducting the public hearings.

Options Listed below are several options for Council's consideration and discussion. Also provided are the number of City 1990 rezoning petitions and text amendments that would have been heard by City Council or Planning Commission based on the various options. Except for Option E, all other options would require enabling legislation adopted by the General Assembly.

Option A - City Council would conduct the public hearing and render decisions on "major" rezoning petitions, such as large shopping centers, large residential developments or where the proposal is inconsistent with an adopted plan. Planning Commission would hold hearings and render the decision on "minor" petitions. The zoning ordinance would need to identify "major" and "minor".

To date, there have been 91 City rezoning petitions and text amendments submitted for consideration during 1990. Of these 91 petitions, 9 have sought the B-1SCD district. Therefore, under option A, City Council would have conducted the public hearing on at least these 9 petitions and Planning Commission would have conducted the 82 remaining public hearings. These numbers would change depending upon the uses or districts targeted as "major" or "minor".

Option B - Planning Commission would conduct all public hearings on rezoning petitions. The Planning Commission recommendation would then be forwarded to City Council, as well as minutes from the public hearing, for decision by City Council.

Under Option B, Planning Commission would have conducted the public hearing on each of the 91 City rezoning petitions and text amendments. City Council would, therefore, render 91 decisions.

Option C - Planning Commission would conduct all public hearings on rezoning petitions. Those petitions that result in unanimous votes by Planning Commission would not proceed further to City Council. Unanimous decisions by Planning Commission would be final. However, all petitions resulting in a split vote are forwarded along with minutes from the hearing to City Council for the final decision.

There were 26 petitions thus far in 1990 that resulted in a split vote by Planning Commission. Therefore, under Option C, Planning Commission would have conducted each of the 91 public hearings, and rendered decisions on the 65 cases that resulted in a unanimous vote. The 26 petitions not resulting in a unanimous vote would have been referred to and decided upon by City Council.

Option D - Planning Commission would conduct all public hearings on rezoning petitions and also be vested with the decision making. However, any interested party could appeal the Planning Commission's decision to City Council.

Under Option D, Planning Commission would have conducted each of the 91 hearings and rendered the decision on each petition.

Option E - Leave current process in place.

7 50 — [illegible]

9. Recommend adoption of the proposed Charlotte-Mecklenburg zoning ordinance.

8 16

New Zoning Ordinance

The City Council held public hearings on the new zoning ordinance on September 26, 1990 and October 11, 1990.

This action is for adoption of the revised zoning regulations as proposed in the Charlotte-Mecklenburg Zoning Ordinance. In addition to the adoption of the proposed regulations, the approval of the conversion table and amendment of the zoning maps will be a part of this approval.

Alternative Proposal

Alternate Approval Process

At the 12:00 noon luncheon meeting on Thursday, November 29, 1990 several Council and Board of Commissioners members discussed ideas about how they should go about making a decision on the new zoning ordinance. Those ideas included delaying action on the ordinance for an additional period of time to allow interested parties to comment on the Planning Committee's recommendations, dividing

PLANNING AND PUBLIC WORK COMMITTEE
January 30, 1991
EXECUTIVE SUMMARY

The Charlotte City Council Planning and Public Works Committee met on January 30, 1991, at 5:15 pm, in room 270-271 of the Charlotte-Mecklenburg Government Center with Chairman Dan Clodfelter presiding. Committee members Lynn Wheeler, Pat McCrory, Ella Scarborough and Tom Mangum were present. Council members Hoyle Martin and Roy Matthews were also in attendance.

Staff members in attendance were: Martin Cramton, Walter Fields and Dick Black-Planning; Vi Alexander-Budget; Wendell White, Pam Syfert, Del Borgsdorf and Darlene Shrum-City Manager's Office.

Assistant County Manager Ed Chapin was also in attendance.

Rezoning Petitions

Discussion: The committee discussed whether there is a need to delegate decision-making and hearing responsibilities for rezoning petitions. There was general consensus that many rezoning decisions have policy implications, and that rezoning matters are some of the most important issues to citizens.

The committee also discussed the feasibility of several changes to the existing rezoning process outlined in Dan Clodfelter's January 7 memo. They agreed that certain changes may reduce the time Council devotes to rezoning hearings, but did not feel that scheduling hearings every other month was feasible.

Action Taken: Motion was approved unanimously to leave the rezoning process as is and not to delegate decision-making and hearing responsibilities to the Planning Commission.

Another motion was approved unanimously to incorporate (1) a written response from the petitioner to the prehearing staff analysis in the Council's prehearing packet; and (2) elimination of the staff and petitioner presentation during the hearing in the event no one has signed up to speak in opposition and there are no questions from Council. Staff was directed to circulate the recommendations to interested parties for comments.

The committee directed staff to have Council evaluate the changes after a six month period.

Government Center Space Needs

Discussion: Martin Cramton provided the committee with background on the Government Center Space Needs Study. He indicated that direction needs to be provided by Council in order to proceed with the immediate needs for space and sites for jails (pretrial and work release) and law

enforcement center (LEC) expansion. Negotiations need to be initiated with the County concerning available options for relocating the LEC in order for the site to be made available to the County. The site has been identified by the County as their first choice for location of additional detention facilities.

Action Taken: Motion approved unanimously to continue the dialogue between City and County on a cooperative strategy for jail and law enforcement center construction, and that staff proceed to investigate available options for relocating the law enforcement center.

Meeting adjourned at 7:00 pm

PLANNING AND PUBLIC WORK COMMITTEE
January 7, 1991
EXECUTIVE SUMMARY

The Charlotte City Council Planning and Public Works Committee met on January 7, 1991, at 3:30 pm, in room 271 of the Charlotte-Mecklenburg Government Center with Chairman Dan Clodfelter presiding. Committee members Ella Scarborough and Tom Mangum were present. Committee members Lynn Wheeler and Pat McCrory were absent. Council members Hoyle Martin and Roy Matthews were also in attendance.

Staff members in attendance were: Jim Schumacher and Jim Humphrey-Engineering; Walter Fields-Planning; Pam Syfert, Julie Burch and Darlene Shrum-City Manager's Office.

A number of Wandering Way residents were in attendance.

Wandering Way Drainage Improvements

Discussion: The committee received information comparing the property owner solicited cost estimate for improvement to a City prepared cost estimate. One major cost difference related to the cost of 36" pipe installed. Staff was requested to look further into the cost of pipe. The committee also discussed the appropriateness of the City administering the design and construction contracts if the City is to maintain the installation after completion, particularly since the City is pursuing a stormwater utility.

Action Taken: Motion was approved to (1) extend the City-installed pipe system across the Jacoby and Burns property and offer to construct the concrete lined ditch across the Smith property (if Mr. Smith desires a pipe, he can fund the difference); and (2) perform a drainage study downstream of the Burns property at no cost to the property owners and offer improvements consistent with the Storm Drainage Repair Program. The City is to administer all contracts.

Rezoning Petitions

Discussion: The committee discussed options presented to Council on December 10, 1990 for reducing the amount of time Council spends on rezoning matters. Chairman Dan Clodfelter proposed a modified hearing process, rather than changing the entire process of decision-making. Staff is to review Mr. Clodfelter's proposal and respond with alternatives. Staff noted the potential for lengthening overall process time to allow for written responses to staff recommendations.

Action Taken: Follow-up meeting scheduled for January 23 (subsequently rescheduled for January 30). Staff will present their review of proposal.

Meeting adjourned at 4:35 pm

10. Recommend approval of the unanimous recommendation of the Planning and Public Works Committee for staff to: 1) develop amendments to Chapter 19 of the City Code including an appeal process, and 2) develop options for a more systematic approach to sidewalk construction.

Sidewalk Issue

Council referred to the Planning and Public Works Committee the examination of the sidewalk requirement of Chapter 19 of the City Code.

- Council was concerned that the sidewalk requirements were being applied in circumstances that did not make sense because the existing ordinance did not have enough opportunities for variances.

- The Committee discussed the piecemeal approach of sidewalk construction and the equitable application of the sidewalk requirement to sites on funded and non-funded roadway projects. There was also discussion concerning a desire for a more systematic approach to sidewalk construction.

Committee Recommendation

The following three additional sidewalk variances are unanimously recommended by the Committee:

1. If at least 50% of a block frontage is developed and 50% of the block is developed without a sidewalk, no sidewalk would be required by new development unless the site is located on a thoroughfare or a collector street.

2. Eliminate the sidewalk requirement on all dead end streets less than a thousand feet in length unless they serve as a public access to a school, park, shopping facility, multi-family development, or other community facility.

3. Require the developer to pay the City the value of the street improvements for their frontage as their share of the City project rather than exempt street improvements from sites along funded roadway projects.

Appeal Process Recommended

The Committee also recommended an appeal process be outlined for unique circumstances. Council is also asked to adopt the Committee's recommendation to direct staff to develop options to accomplish a more systematic approach to sidewalk construction. A systematic approach to sidewalk construction would involve an inventory of sidewalk needs City-wide, prioritizing locations, and determining an implementation stragety (through development, existing City programs, or new City programs.)

If Council approves the additional variances listed above, the Engineering Department and legal staff will prepare specific amendments for Council approval. If staff is instructed to pursue options for systematic construction, a task force of appropriate staff will be given the assignment.

Clearances

The proposed additional variance criteria has been reviewed by the Engineering Department and the Department of Transportation.

Committee minutes are attached.

Attachment No. 7

11. Recommend adoption of a resolution declaring the results of the November 6, 1990 General Obligation Bond Referendum.

This action is required by law.

(a) Report by the City Clerk of the canvass of the returns of the November 6 bond referendum by the Mecklenburg County Board of Elections.

(b) Adoption of resolution declaring the results of the Special Bond Referendum held on November 6, 1990.

SUMMARY OF LEASE AGREEMENT WITH VIRGINIA RETIREMENT SYSTEM

Set forth below are the major provisions of the proposed Lease Agreement between the City and the Virginia Retirement System ("VRS").

- Leased Property: one foot strip adjacent to First Southeastern Center ("FSC").
- Total Rent· $50.
- Purpose· Construction of four-story Building Facade at sole expense of VRS a cost of approximately $200,000
- Term· Initial term of 50 years with right to renew for additional term of 49 years if party wishing to renew is not in violation of lease
- Effect on Park: Appearance of Building Facade has been approved by City staff. VRS has been permitted to include access doors from the Park to two food service areas for use, as long as those areas are used exclusively for food service use.
- Maintenance of Building Facade: Sole responsibility of VRS
- Termination: Lease terminates at end of term; terminated by City after ten years, if City elects to discontinue substantial portion of Park for park use, terminated by City if VRS fails to cure any violation of the Lease, terminated by VRS upon demolition of FSC. As much of the Building Facade as possible must be removed by VRS upon termination of the Lease.
- Insurance: VRS is required to maintain reasonable insurance, subject to City review and adjustment every five years.

The construction of the Building Facade also requries the temporary use of a portion of the Park Site for construction staging. The Lease provides that the City will enter into an agreement permitting VRS' contractor the use of a portion of the Park Site for that purpose. The proposed agreement is similar to the agreement which the City reached with the contractor for the Interstate Tower. The major differences are:

- Permitted period of use: March 14th to May 20th (68 days as compared with +/- 2 years for Interstate contractor)
- Rent: No substantial rental payment ($1. as compared to +/- $200,000. for Interstate contractor)

- Leased area· Area adjacent to FSC (as opposed to area adjacent to Interstate Tower, roughly equal in size)

- Rent and damages for holding over· $500 per day (as compared to $1,000 per day for Interstate contractor)

The differences are attributable to the City's desire to encourage the construction of the Building Facade which will be a major expense to VRS. The City also recognizes that the Park Site is only impacted for approximately two months as opposed to two years in the case of the Interstate contractor The risk of a significant delay by the VRS' contractor in installing the Building Facade is much more limited than was involved in the work of constructing the Interstate Tower

There are other provisions of the Lease Agreement which are not as important as the provisions summarized above, but are worthy of consideration Unfortunately, they do not lend themselves as readily to summation These provisions are briefly described below.

Doors from the Park may only be used to access two food service areas If VRS is not able to keep a food service tenant in either area, the access door must be locked by VRS while VRS uses its best efforts as defined in the Lease to obtain a food service tenant If VRS does not use its best efforts, as defined in the Lease, to get a food service tenant, VRS' right to use the affected, access door may be terminated without terminating the entire lease

If either party is in default under the Lease, the other party must give the defaulting party a reasonable opportunity to cure the default (up to one year) If the defaulting party does not cure the default, the other party may terminate the lease or institute legal action to require the defaulting party to cure the default and/or to recover damages

Once the Lease terminates, VRS must remove as much of the Building Facade as possible. VRS will be permitted to use a portion of the Park Site in order to remove the Facade but will be required to repair or restore any damaged portions of the Park If the removal is not completed in a timely manner, VRS must pay rent for the continued use of the one-foot strip and the Park Site as well as pay specified liquidated damages.

The Lease is not subject to termination during the first ten years, unless a party refuses to cure a default. Thereafter, the City can decide to stop using a substantial portion of the Park Site for park purposes. In that event, the City must clear a 25-foot strip adjacent to the FSC and permit VRS to use that portion of the Park Site in the removal of the Building Facade If, at any time within the next five years, the City resumes the use of a substantial portion of the Park Site for park uses, the City must pay VRS' unamortized costs in designing and constructing the Building Facade, based upon a 50 year, useful life.

VRS may sell the FSC and its rights under this Lease. VRS will not be relieved of its obligations under the Lease until the buyer has agreed to assume all liability under the Lease and to obtain the specified insurance.

VRS has experienced problems with water entering its foundation wall adjacent to the Park Site since the demolition of the buildings on the Park Site The same foundation wall also cannot withstand the pressures which would be exerted against that wall from backfilling operations to bring the entire Park Site up to the grade of the Tryon Street Mall The parties agreed on an approach to solve these problems which will involve certain work being undertaken prior to beginning park construction The City will excavate a trench approximately 13 feet deep adjacent to the FCS VRS will then clean and waterproof its exposed foundation wall VRS will also penetrate its foundation wall with one or more drain lines to a sump pump in the FSC which can be used to remove any water which may collect at the base of the excavation The City will install perforated drain lines which will connect with the penetration(s) and backfill the excavated area with a light weight aggregate The design engineer for the Park assures the City that the use of light weight aggregate will avoid damage to the FSC VRS agrees that this work will resolve the issues of drainage and lateral support VRS agrees to waive any claim for water damage to the FSC and for any damage to the FSC as a result of the backfill work, if that work is performed in accordance with approved specifications If the backfill work is not properly performed and damage is caused to the FSC, the City will be responsible for those damages, subject to its rights to recover those damages from its design engineer and/or contractor

The City <u>may</u> choose to cure any default which VRS fails to cure after reasonable opportunity to do so This provides the City with the opportunity to resolve any default without being forced to terminate the lease Any costs incurred by the City in curing such a default must paid by VRS.

The FSC was constructed after the Trotter Building (prior location of Brownlee Jewelers) In constructing the FSC, its footings had to extend below the foundation for the Trotter Building The builder of the FSC agreed to construct a new and independent foundation for the Trotter Building which is supposed to extend to the same depth as the footings for the FSC There is a possibility that an independent footing for the Trotter Building was not in fact constructed but that the foundation for the FSC was simply widened to support the Trotter Building as well. If that occurred, a portion of the FSC' foundation may extend into the Park Site and may constitute an unlawful encroachment. The Lease does not attempt to resolve whether that encroachment exists, or whether VRS has any right to maintain that encroachment if, in fact, it does exist. Instead, the resolution of that dispute is reserved until the termination of the Lease.

The Virginia Attorney General is legal counsel for VRS and has issued an opinion that VRS does not have the authority to enter into certain kinds of indemnification agreements. The Lease contains several provisions requiring such indemnification Since it is very likely that VRS will sell the FSC at some future date, the City has been unwilling to remove these indemnification provisions because of any lack of authority by VRS The Lease provides that any indemnification provision will not be enforceable if VRS cannot legally comply with such a provision However, upon any transfer of the FSC and the Building Facade, the purchaser must specifically agree to be bound by these indemnification provisions, even if VRS were not

In the past, VRS did not hold title to any real property but only loaned money to the owners of property, in exchange for a secured interest in the property in the event of nonpayment. Recent problems with the real estate market have resulted in VRS taking over several properties when the loans associated with those properties went into default VRS is currently pursuing legislation through the Virginia General Assembly which would enable VRS to create wholly-owned corporations to hold title to and manage those properties Once created, one of these wholly-owned corporations will become the technical owner of the FSC and the Building Facade The Lease contemplates such a transfer but requires the completion of the Building Facade before such a transfer can be made Any wholly-owned corporation of VRS will have no greater authority to indemnify the City than VRS

HMB hb

REGIONAL ISSUES COMMITTEE
February 4, 1991
EXECUTIVE SUMMARY

The Charlotte City Council Regional Issues Committee met on February 4, 1991, at 12:00 noon, in Room 270-271 of the Charlotte-Mecklenburg Government Center with Chairman Lynn Wheeler presiding. Committee members Hoyle Martin and Richard Vinroot were present. Committee members Stan Campbell and Ann Hammond were absent.

Staff members in attendance were Martin Cramton and Dave Howard-Planning; Bob Pressley and Terry Lathrop-CDOT; Wendell White, Pam Syfert, Julie Burch, Del Borgsdorf, Boyd Cauble and Darlene Shrum-City Manager's Office.

Also in attendance were Dr. Bill McCoy, Director of the Urban Institute at UNC Charlotte, and Michael Gallis, UNC Charlotte professor of architecture and consultant in regional activities.

Rock Hill Regional Meeting Review

Discussion: Dr. McCoy reported that the regional meeting hosted by Rock Hill was very successful, and that the meeting accomplished its main goal of laying groundwork for regional cooperation. He indicated that Rock Hill officials mentioned that they would have liked for more Charlotte Councilmembers to have been in attendance.

The committee felt that it would be beneficial to have Chairman Wheeler give a brief report on the first regional meeting to Council at their next dinner meeting.

Action Taken: No action was taken.

Mass Transit Partnership

Discussion: Dr. McCoy presented a proposal for the committee's review at their December 13 meeting for the formation of a Mecklenburg Mass Transit Partnership. After their review of the proposal, the committee expressed support, but concerns were voiced about the need for other Mecklenburg municipalities to share in the funding of such a partnership. It was agreed that it would be preferable for the Charlotte to initially fund the contract, and work during the process to have the other governments contribute funding after they are able to see how the venture will benefit them.

Action Taken: The Committee recommended funding at $10,000 the Urban Institute proposal which would work towards formation of a Mecklenburg Mass Transit Partnership.

Meeting adjourned at 1:00 p.m.

UNC CHARLOTTE
The University of North Carolina at Charlotte
Charlotte, N C 28223

Urban Institute
704/547 2307

MEMORANDUM

TO: Regional Subcommittee of City Council
ATTN Mr Boyd Cauble, Assistant to the City Manager

FROM: Bill McCoy, Urban Institute, UNC Charlotte

DATE: December 13, 1990

SUBJECT: Proposal to Assist in Formation of Mecklenburg Mass Transit Partnership

A. Purpose of Partnership

The initial purpose of the Mecklenburg Mass Transit Partnership is to begin discussions with representatives of the cities and towns in Mecklenburg County, along with representatives of county government, in order to explore possible cooperative initiatives that can be taken in the transportation area. The topics of the discussions will be primarily related to mass transit options such as expansion of bus service, expansion of car pooling and van pooling options, and exploration of light rail alternatives Some preliminary talks about these issues have begun, but they tend to be in the formulative stage and are occurring in an ad hoc and unstructured way

The Charlotte City Council Subcommittee on Regionalism has requested that city staff secure a proposal from the Urban Institute for the purpose of bringing the representatives of the county, cities and towns together and facilitating the discussions The following paragraphs outline our plan to provide the requested services.

B. Proposed Urban Institute Program of Work

1. We propose that a Partnership Task Force be established with representatives--elected officials--from each city and town and from county government. The responsibility of the task force will be to explore the issues relating to formal establishment of a partnership.

2 The Urban Institute will provide facilitating services for the Task Force. As facilitators, our personnel will have the responsibility of taking care of meeting logistics and will facilitate the discussions of the Task Force with the goal of keeping the discussions on target and moving the group toward a resolution of the critical issues All discussions about these critical issues, however, will be made by the Task Force and not by Urban Institute personnel The decision rule to be used in these discussions is a modified consensus rule Consensus will be the goal, but the group will not be detained by a small minority of opposition to a proposed decision.

[illegible] North Carolina is committed to the [illegible] public [illegible] North Carolina
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3 The Task Force will be free to raise any issue that it wishes, however, the following are believed critical to the process and will serve as focal points for the discussion.

- Exploration of the need for additional service and/or a Mecklenburg Mass Transit Partnership;
- If need exists, statement of purpose of the Partnership,
- Goals and objectives of the Partnership,
- Organizational options for the Partnership;
- Funding options for the Partnership; and
- Implementation steps.

4 As soon as Task Force representatives are chosen, an initial meeting will be scheduled for the purpose of deciding organizational issues At this meeting, a convenor of the Task Force will be selected from the group, meeting time and frequency will be determined, a meeting place or places selected, and the agenda for the group will be reviewed The City Council Subcommittee needs to decide on the protocol for contacting other county governments for the purpose of inviting each to select a representative for the Task Force. Urban Institute personnel will assist in any manner possible in this task.

5 The expected time frame for this proposed work program is six months. We would suggest meeting on a three-week sequence, which would provide opportunities for eight or nine meetings during the six-month period. However, dealing with public officials who have a multitude of demands on their time, and with volatile issues, may force an expansion of the time frame. Cost estimates are based on the six-month period

6 Persons chosen to serve on the Task Force should understand from the outset that substantial time demands will occur.

7 Urban Institute personnel will prepare draft documents as requested by the Task Force and will prepare the Final Report based on the Task Force's recommendations

8 Urban Institute personnel involved in this project are:

Bill McCoy, Director
Dave Hartgen, Urban Institute Associate and Professor of Geography
Cheryl Roberts, Director of Economic Development and Planning, Urban Institute

9 In addition to facilitating services, Institute personnel can provide actual planning assistance for the Task Force such as projected demand, system modeling, data from other cities or regions, and GIS applications. We can also assist CDOT staff in providing planning information This activity is not included in the cost estimates

10 Some city, town and county staff need to be involved in the provision of technical assistance to the Task Force The Council Subcommittee will need to decide how to handle this situation due to the apprehension of the smaller municipalites to being overwhelmed by Charlotte and county staff However this issue is decided, Institute personnel will work with the technical advisory group.

11 If the provisions of this proposal are satisfactory, a contract with the City of Charlotte will be executed

C. Cost of Service

The Urban Institute will provide the facilitating service outlined in the work program for a fee of $10,000.

We will have budget discussions at each monthly workshop. In addition, beginning this week, we will have bi-weekly reports in this memo.

In the attachment, we have summarized the department's request to continue current services, a $22 million increase on a $300 million budget, or a 7.9% increase. Also noted is the request for new or expanded programs totaling $29 million. This represents a total requested increase of over $51 million between current services and new or expanded programs. Please keep in mind that this is very early in the process and we have not yet reviewed the requests or assigned priorities to them. We are simply sharing with you what the departments have submitted.

If you have questions at any point about current level, service levels, departmental priorities or other budget-related matters, please feel free to call Vi Alexander.

INFORMATION

1/30/91

Political Consolidation Committee Report

Attached is the final report from the Political Consolidation Committee. Ed Peacock will present the report to the County Commission on Monday, February 4.

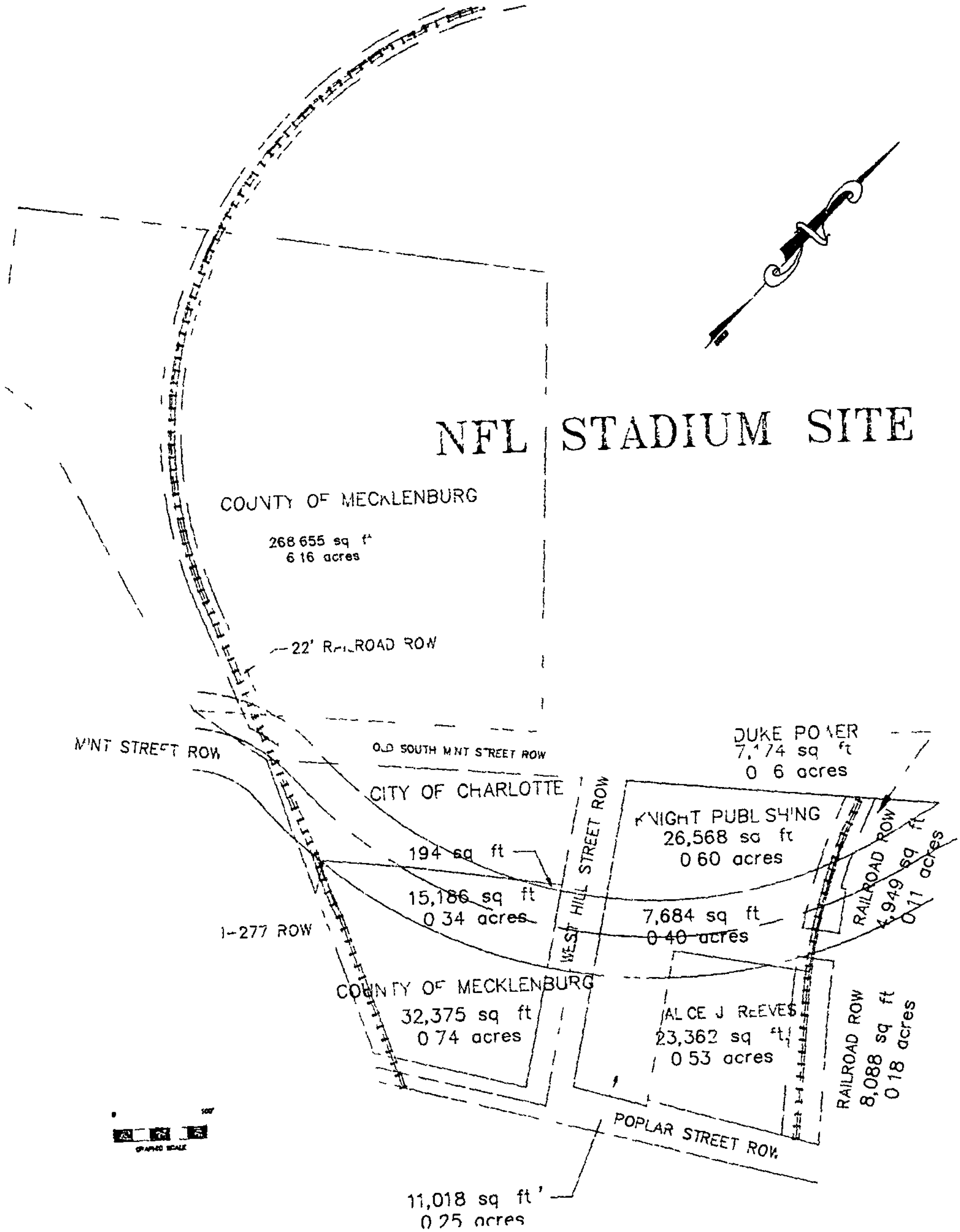
Tryon Street Mall Crosswalk Repair

Information was sent to Council a few months ago concerning the Tryon Street Mall crosswalks repair. Staff believes that the most efficient and effective way to repair the crosswalks is to replace them with asphalt. The existing crosswalks, which consist of granite bands and imprinted concrete, are not holding up to the large volume of heavy bus and delivery vehicle traffic that use the Mall. Reconstruction of the existing crosswalks will address concerns for safety, aesthetics, and increased maintenance costs. Use of asphalt to replace crosswalks on the Mall has been done successfully at The Square (Trade and Tryon Streets).

Staff believes it will be more economical to replace all crosswalks through the services of a contractor. Powell Bill funds will be used to pay for the repair work. Award of a contract is expected on February 25, 1991, with construction occurring between the weekends of March 9 and May 10, 1991. Construction work will not be allowed on March 16 (St. Patrick's Day parade) and April 26-28 (SpringFest).

To minimize disruption to pedestrian traffic and Charlotte Transit (CTS) operations, crosswalk work will be done at night and on weekends between the hours of 6:00 pm Friday and 5:00 am Monday. Because of detour requirements, intersection crosswalks will be reconstructed in pairs with work on South Tryon Street occurring at a different time than on North Tryon Street. Notices of detours and changes to CTS service will be handled by the Charlotte Department of Transportation.

NFL STADIUM SITE



HOUSING CODE ENFORCEMENT

A. Recommend rescind Ordinance 3093-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 426 Jones Street and adopt a new Ordinance indicating the current owner (Smallwood).

PROPERTY ADDRESS: 426 Jones Street; Census Tract #45; Council District #2; Neighborhood: Smallwood

PROPERTY OWNER: Eli Eliassi

BACKGROUND:

On January 28, 1991 Council adopted an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 426 Jones Street. The Ordinance listed the owner of the property as Charles F. Peterson II and wife, Lisa. The Ordinance should have indicated Eli Eliassi as the owner; however, staff was not aware of this information until after the Ordinance had been approved. The City Attorney's Office has advised that it will be necessary for Council to adopt a new Ordinance which indicates the current owner. Therefore, Council is being requested to rescind the Ordinance adopted on January 28, 1991 and adopt a new Ordinance.

Date of Inspection: 1/17/90
Reason for Inspection: Field Observation (Concentrated Code Enforcement)
Owner(s) Notified of Hearing: 1/18/90 (mail returned)
Owner(s) Notified of Hearing: 4/18/90

A title search was ordered and received on July 27, 1990. The title search revealed that there were parties in interest. The Complaint and Notice of Hearing and Findings of Fact and Order were advertised in the Mecklenburg Times.

Owner(s) Notifed of Hearing: 10/2/90
Hearing Held: 10/12/90
Owner(s) Ordered to Demolish Dwelling By: 11/14/90

Estimated Value of Dwelling: $6,000
Estimated Repair (Which is More than 65% of Estimated Value): $28,532

The repairs include: major repairs to the interior and exterior of the dwelling mainly due to fire damage. The dwelling is unoccupied.

The Civil Penalty as of February 25, 1991 will be $480. The owner has also been notified of this February 25, 1991 Council action.

B. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to repair code violations at 307 S. Torrence Street (Cherry).

PROPERTY ADDRESS: 307 S. Torrence Street; Census Tract #26; Council District #1; Neighborhood: Cherry

PROPERTY OWNER: John Adam Wylie

BACKGROUND:

Date of Inspection: 5/7/90
Reason For Inspection: Field Observation (Concentrated Code Enforcement)
Owner(s) Notified of Hearing: 8/16/90
Hearing Held: 9/27/90

A title search was ordered and received on October 5, 1990. The report revealed that there were parties in interest to the property.

The Complaint & Notice and Findings of Fact & Order were advertised in the Mecklenburg Times because all parties of interest could not be served by certified mail.

Owner(s) Ordered to Repair Dwelling By: 11/11/90
Estimated Value of Dwelling: $21,340
Estimated Repair (Which is Less than 65% of Estimated Value): $3,360

The repairs include: minor repairs on the interior and exterior of the dwelling and removing three huge damaged trees from premises. The dwelling is occupied.

The owner was notified of a Civil Penalty on November 15, 1990. The total penalty as of February 25, 1991 amounts to $1,150. The owner has also been notified of this February 25, 1991 Council action.

C. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1704 Parson Street (Belmont).

PROPERTY ADDRESS: 1704 Parson Street; Census Tract #8; Council District #1; Neighborhood: Belmont

PROPERTY OWNER: William H. Helms

BACKGROUND:

Date of Inspection: 5/19/89
Reason For Inspection: Field Observation (Concentrated Code Enforcement)

During the period from May, 1989 until June, 1990 this property was sold four times, once with an unrecorded deed. Each time registered mail was sent to schedule a hearing, the property was either sold or the mail was returned unclaimed.

Council approved a demolition ordinance on September 24, 1990 based on ownership information at the Mecklenburg County Register of Deeds Office. Since one record of ownership was not recorded at the Register of Deeds, the City Attorney has advised to start code enforcement procedures over with the new owner.

Several title searches were ordered. Each time, ownership changed shortly after the title search was received. The final title search was received on January 14, 1991.

The Complaint & Notice of Hearing and the Findings of Fact and Order were advertised in the Mecklenburg Times.

Owner(s) Notified of Hearing: 11/13/90
Hearing Held: 11/23/90
Owner(s) Ordered to Demolish Dwelling By: 1/11/91
Estimated Value of Dwelling: $8,680
Estimated Repair (Which is More than 65% of Estimated Value): $9,000

The repairs include: major structural, electrical and mechanical repairs. The dwelling is unoccupied.

The owner was notified of a Civil Penalty on January 15, 1991. The total penalty as of February 25, 1991 amounts to $450. The owner has also been notified of this February 25, 1991 Council action.

D. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1007 McAden Street (Belmont).

PROPERTY ADDRESS: 1007 McAden Street; Census Tract #8; Council District #1; Neighborhood: Belmont

PROPERTY OWNER: William H. Helms

BACKGROUND:

Date of Inspection: 5/18/89
Reason For Inspection: Field Observation (Concentrated Code Enforcement)

During the period from May, 1989 until June, 1990 this property was sold four times, once with an unrecorded deed. Each time registered mail was sent to schedule a hearing, the property was either sold or the mail was returned unclaimed.

Several title searches were ordered. Each time, ownership changed shortly after the title search was received. The final title search was received on January 14, 1991.

The Complaint & Notice of Hearing and the Findings of Fact and Order were advertised in the Mecklenburg Times.

Owner(s) Notified of Hearing: 11/13/90
Hearing Held: 11/23/90
Owner(s) Ordered to Demolish Dwelling By: 1/11/91

Estimated Value of Dwelling: $8,600
Estimated Repair (Which is More than 65% of Estimated Value): $9,230

The repairs include: major structural, electrical and mechanical repairs. The dwelling is unoccupied.

The owner was notified of a Civil Penalty on January 15, 1991. The total penalty as of February 25, 1991 amounts to $450.00. The owner has also been notified of this February 25, 1991 Council action.

E. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1101 Norris Avenue (Druid Hills).

PROPERTY ADDRESS: 1101 Norris Avenue; Census Tract #51; Council District #1; Neighborhood: Druid Hills

PROPERTY OWNER: Wade Parks & wife, Emma

BACKGROUND:

Date of Inspection: 12/12/89
Reason For Inspection: Fire
Owner(s) Notified of Hearing: 2/15/90
Hearing Held: 3/16/90
Owner(s) Ordered to Repair Dwelling By: 5/10/90 (Mail Returned)

It was learned in late April 1990 that the owner was deceased. A title search was ordered and received in November 1990. It revealed that there were no parties in interest to the property.

Due to reassessment of the property for tax value, the property was ordered to be demolished. A Findings of Fact and Order was advertised in the Mecklenburg Times.

Owner(s) Ordered to Demolish Dwelling By: 2/4/91

Estimated Value of Dwelling: $4,360
Estimated Repair (Which is More than 65% of Estimated Value): $7,700

The repairs include: major structural, electrical and mechanical repairs. The dwelling is unoccupied.

Owner is deceased, therefore no notification of Civil Penalty was issued.

F. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 908 Belmont Avenue (Belmont).

PROPERTY ADDRESS: 908 Belmont Avenue; Census Tract #8; Council District #1; Neighborhood· Belmont

PROPERTY OWNER: L. K. Farrar and wife, Marguerite

BACKGROUND:

Date of Inspection: 4/3/89
Reason For Inspection: Field Observation (Concentrated Code Enforcement)
Owner(s) Notified of Hearing: 4/6/89
Hearing Held: 5/8/89
Owner(s) Ordered to Demolish Dwelling By: 6/18/89
Upon reinspection of the property, it was determined that no repairs had been made. Also, additional violations were found.

Owner(s) Notified of Hearing: 9/19/89
Hearing Held: 10/10/89
Owner(s) Ordered to Demolish Dwelling By: 11/20/89

Title search was ordered and received November, 1989 and revealed that there were no parties in interest to the property.

Estimated Value of Dwelling: $6,680
Estimated Repair (Which is More than 65% of Estimated Value): $5,580

The repairs include: major structural and mechanical repairs. The dwelling is occupied. The occupants will be relocated prior to demolition.

The owner was notified of a Civil Penalty on November 21, 1989. The total penalty as of February 25, 1991 amounts to $4750. The owner has also been notified of this February 25, 1991 Council action.

G. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1402 Karendale Avenue (Enderly Park).

PROPERTY ADDRESS: 1402 Karendale Avenue; Census Tract #42; Council District #2; Neighborhood: Enderly Park

PROPERTY OWNER: Tommy L. Helms and Joe G. Clark

BACKGROUND:

Date of Inspection: 7/16/90
Reason for Inspection: Fire

Code enforcement action was delayed after the inspection was made due to a departmental policy giving owners time to deal with their insurance company concerning the fire.

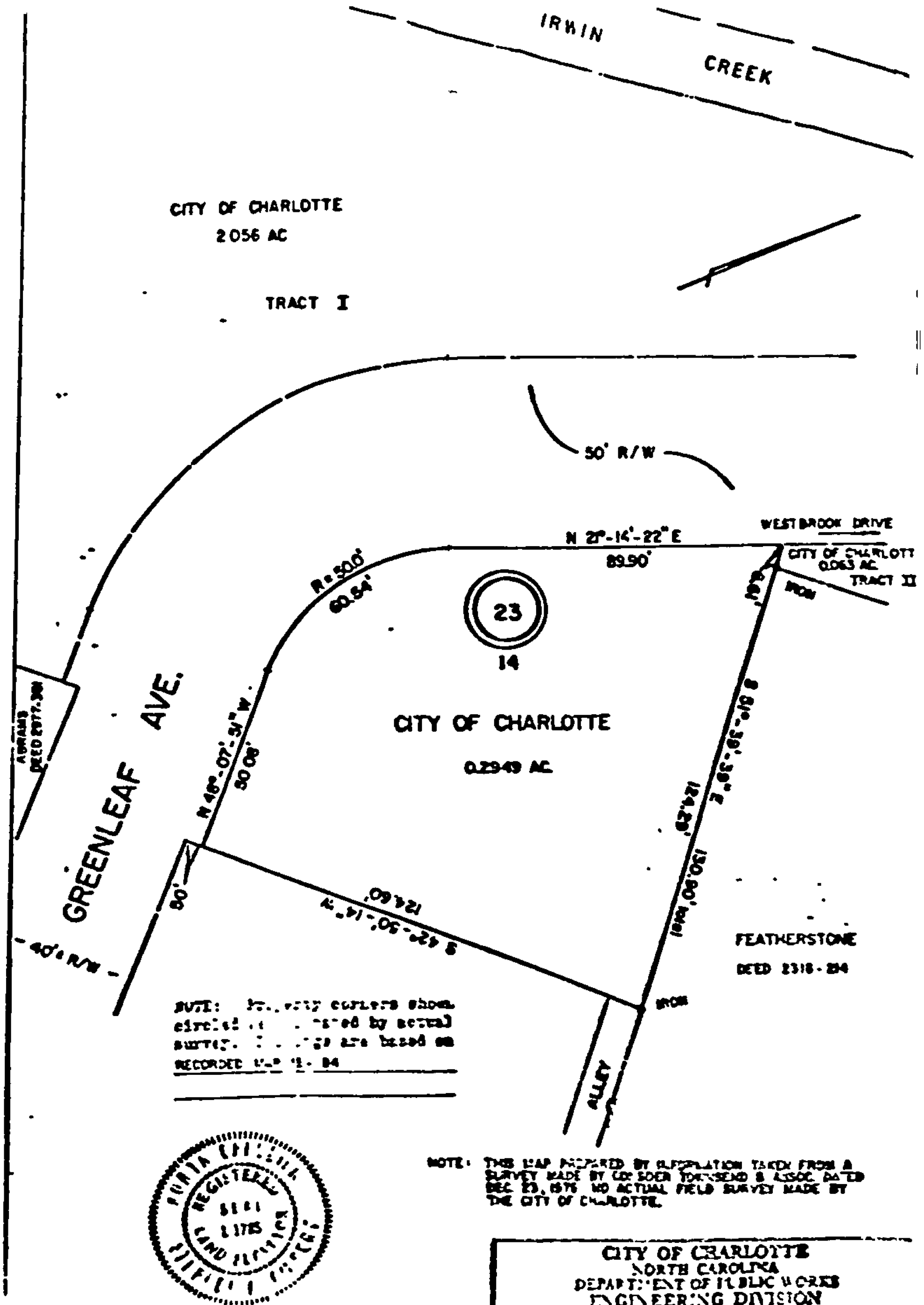
Owner(s) Notified of Hearing: 10/18/90
Hearing Held: 11/2/90
Owner(s) Notified to Demolish Dwelling by: 12/10/90

An earlier title search revealed that there were parties in interest to the property. Therefore, a hearing was held on December 10, 1990 with the parties in interest.

Estimated Value of Dwelling: $4,330
Estimated Repair (Which is More than 65% of Estimated Value): $27,375

The repairs include: major repairs to the interior and exterior due to heavy fire damage. The dwelling is unoccupied.

The owner was notified of a Civil Penalty on January 1, 1991. The total penalty as of February 25, 1991 amounts to $860. The owner has also been notified of this February 25, 1991 Council action.



NOTE: Property corners shown circled [illegible] not located by actual survey. [illegible] are based on RECORDED MAP [illegible]-84

NOTE: THIS MAP PREPARED BY COMPILATION TAKEN FROM A SURVEY MADE BY CODY SOEN TOWNSEND & ASSOC. DATED DEC. 23, 1976. NO ACTUAL FIELD SURVEY MADE BY THE CITY OF CHARLOTTE.

CITY OF CHARLOTTE
NORTH CAROLINA
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

THIRD WARD COMM.
DEVELOPMENT AREA