AGENDA

Meeting Type:	BUSINESS
Date.	12/12/1994

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Patrick McCrory*

Charles Baker
Stan Campbell
Patrick D Cannon
Mike Jackson
Nasif Rashad Majeed
Hoyle H Martin
Don D Reid
Ella Butler Scarborough
Sara Spencer
Lynn M Wheeler

Council Agenda

CITY COUNCIL MEETING
Monday, December 12, 1994

5:00 p.m. — **Conference Center**

- **Planning Committee Recommendations Concerning Group Home Zoning Text Amendments**
- SIDEWALKS

6:30 p.m. — **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, December 12, 1994
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CONSENT ITEMS

1 Consent agenda items 16 through 31 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Julie Burch

PUBLIC HEARING

2 Public Hearing on Certificates of Participation (COP)

Action:

A) Conduct a public hearing concerning a COP financing, and

B) Adopt resolutions that authorize installment payment contracts and various related financing documents for the financing of the following projects.

- Additional space in the new Law Enforcement Center (LEC) parking deck
- Police Bureau Station to be located on Wilkinson Boulevard
- Communications Tower Equipment
- Issuance expenses related to financing these three projects

The amount of the contract will not exceed $11 million

Resolut. on Wheeler/Martin Clse Hrng. Unan. Dearborne/Wheeler app. Unan.

Cont'd B-33 p 132

Staff Resource: Carey Odom

J. Nance

Item No

Explanation of Request:

In order for staff to proceed with a January 1995 sale date for this financing, Council must conduct a public hearing concerning the financing and adopt a resolution that authorizes the City to enter into the various financing documents including the following

- Installment Payment Contract
- Trust Agreement
- Deed of Trust or other collateral documents
- Preliminary Official Statement (and subsequent official statement)
- The contract of purchase with the underwriters and related letter of representations

Background:

On November 29, 1994 Council authorized staff to proceed with actions necessary to secure an installment payment contract financing on these projects Additionally, December 12, 1994 was established as the date for a public hearing on the financing Previous to these actions Council had approved the following appropriations for these projects to be funded by an Installment Payment Contract

- Law Enforcement Center (including additional space in parking deck) - $18 2 million The City sold $14 million of this in July 1993 The additional space will increase the capacity of the deck from approximately 430 spaces to approximately 890 spaces The increase in the number of spaces will increase the number of levels from four to eight The expanded deck will provide adequate parking for police personnel housed in the new building

- Police Bureau Station - $4 7 million To better serve citizens, the City is proposing to build a new Police Bureau Command Center near the intersection of Wilkinson Boulevard and Morris Field Drive The facility will house major police functions as well as provide space for other City agencies and a neighborhood meeting room

- Communications Tower Equipment - $1 2 million This project will provide better quality and more reliable voice transmissions The 800 MHZ tower will be located on Charlotte-Mecklenburg Utility Department property at 5100 Belhaven Boulevard

ZONING

3 **Decision on Petition No 94-26 by CK-Land Development, Inc for a change in zoning for approximately 22 96 acres located on the south side of Albemarle Road east of Olde Savannah Road from R-3 to CC.**

Scarborough/Cannon Deny
Subst. Camp Jackson - App.
YES- Campbell, Jackson, 4 Nayes
FAILS - PETITION DENIED

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

This petition was deferred for 30 days at the May 16 meeting

This petition was deferred to the September Zoning Meeting at the June 27 meeting

The Zoning Committee deferred action on this petition for 60 days at their July 25 meeting

This petition was deferred for 30 days at the September 19 and October 19 meetings

The Zoning Committee recommends this petition be denied

Attachment 1

Ord #5
1154-2
B-46
P-258

4 **Decision on Petition No 94-45 by Rumple Associates for a change in zoning for approximately 112 5 acres located along both sides of Rumple Road in the area of Ridgeview Drive from R-3 to R-4**

Martin/Cannon App. as Mod
No- Scarborough

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmatives votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

This petition was deferred for 30 days at the September 19 and October 19 meetings

The Zoning Committee recommends that this petition be approved as modified

Attachment 2

5. **Decision on Petition No. 94-82 by Cambridge Realty Partners for a change in zoning for approximately 4.14 acres located on the northerly side of Fairview Road east of Wintercrest Drive and across from Park South Drive from O-1 to O-2.**

Martin/Spencer Deny No-Vinroot & Jackson

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved

Attachment 3

Ord. #1195-Z Bk 26 p 131

6. **Decision on Petition No 94-89 by Roosevelt L. Davis for a change in zoning for approximately 3 18 acres located on the westerly side of East W T. Harris Boulevard south of Idlewild Road from R-9MF(CD) and R-4 with a Special Use Permit to R-17MF(CD) and termination of the existing Special Use Permit**

Scarborough/Martin App. Deny

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee recommends that this petition be approved

Attachment 4

CITY OF CHARLOTTE
FINANCIAL REPORT
FISCAL YEAR ENDED JUNE 30, 1994

Introduction - Financial Report Structure

Significant Financial Events

- **Refinancing Savings**
- **Medical Claims Cost**
- **General and Auto Liability and Worker's Compensation Funding Requirements**
- **Stormwater Operations**
- **Water and Sewer Revenues**
- **Public Transportation Grant**

Orange County, California

POLICY

7 City Manager's Report

R. MARTIN - ANNUAL REPORT
ORANGE COUNTY

8 Planning Committee Report Concerning Group Home Zoning Text Amendments

Action — **Accept the report of the Planning Committee and authorize staff to file for public hearing text amendments dealing with group home issues**

Committee Chair: **Nasif Majeed**

Staff Resources: Henry Underhill and Walter Fields

Explanation of Request

- On September 26, 1994, the Mayor and City Council received advice from their attorneys concerning potential litigation by the United States alleging violations of the 1988 Fair Housing Act Amendments The alleged violations relate to the application of the City's zoning ordinance to the placement and operation of group home facilities for disabled persons in residential areas. The Mayor and Council authorized City staff to propose possible amendments to the City's zoning ordinance Initial consideration of these proposed amendments were assigned to the Council's Planning Committee

Reid/Wheeler appoint a strong, independent, aggressive private attorney on this & get another opinion and defer the public hearing until that opinion received.
No- Baker, Cannon, Majeed, Scarborough + Spencer
6-5

Reid/Martin Let Public Hearing Process begin, but do not hold public hearing until opinion received.
No- Cannon, Scarborough, Wheeler

Legal

- On November 15, 1994, the Planning Committee met and considered several proposed text amendments to the zoning ordinance Generally, the proposed amendments include changes to the spacing requirements between group homes, the definition of a group home, off-street parking requirements, and increases in the number of zoning districts allowing group homes Background information and the actual text amendments are attached (The staff has made further refinements to the text amendments since the committee meeting Added language is indicated by italics with deletions indicated by striking through the deleted language)

- The Committee voted unanimously to refer the matter to the full Council for its consideration

- Two concerns were expressed by members of the committee with respect to the proposed amendments

  - One of the concerns expressed dealt with the proposal to lower off-street parking requirements for group homes in single-family zoning districts from three parking spaces to two parking spaces

  - The other concern expressed dealt with whether there were sufficient federal, state and local health regulations that adequately addressed the disposal of medical wastes by group homes

- The staff has added a provision that group homes must comply with all federal, state and local licensing requirements and health regulations in their operation In addition, existing laws and regulations on the subject of disposal of medical waste are attached for Council's review

- If City Council chooses to pursue text amendments regarding the group home issues, the following is the process involved

  - Finalize the draft text amendments by Planning staff

  - Notification of interested parties

  - Legal advertisement

  - Public hearing at which citizens may voice opinions and concerns

  - Planning Commission recommendation

  - Decision by City Council

- The above process normally takes approximately 3-1/2 months from start to completion

Other Issues

- Council also referred issues raised by Councilmember Reid to the Planning Committee A copy of Reid's October letter is attached The Committee felt these issues should be reviewed by the full Council, if desired

Attachment 5

9. **Recommendation of Public Services Committee Concerning the City's Sidewalk Construction Policy**

Action:	**Adopt recommendations of the Public Services Committee establishing a new sidewalk construction policy**
Committee Chair:	Don Reid
Staff Resource:	Bob Pressley
Policy.	Transportation is a key City Council Focus Area Development and approval of a new sidewalk policy is a specific transportation goal to encourage pedestrian travel and improve safety
Explanation of Request	To approve a sidewalk construction policy for use by staff in programming walkway projects in the City's Capital Improvement Program (CIP) The Public Services Committee recommends the following option for spending sidewalk funds
Summary of Committee Recommended Policy	• Add sidewalk along roadways when the walkway will address safety/liability problems • If the need for a sidewalk is about the same for two streets--one inside the CWAC boundary and one outside--, walkway will be added first to the roadway in the CWAC area <u>Build the highest-ranking sidewalk projects first regardless of the street type to which the walkway is being added</u> This approach emphasizes sidewalk construction along thoroughfares where the potential for vehicle/pedestrian conflicts is greatest

Attached is a prioritized list of 31 sidewalk projects that would be funded using this policy with the $3 5 million in the FY 95-99 CIP

Reid/McCrory & priorities
Base on safety
sidewalks

Subst Spencer/Scarborough
app 50/50 split
Yes: Cannon, Campbell, Mayed,
Martin, Scarborough & Spencer

DOT

Alternative Policy Option:

The Committee also considered the following option recommended by CDOT

- First two elements are same as the Committee's recommendation

- Divide the sidewalk construction funding equally between thoroughfare and non-thoroughfare walkway projects Although this approach results in lower-priority sidewalk projects being accelerated, it increases significantly the amount of walkway built along collector/neighborhood streets

Attached is a list of the 16 thoroughfare and 48 nonthoroughfare projects that would be constructed with the same CIP funding of $3 5 million using staff's proposal This approach results in construction of 10 residential sidewalk projects for which the City has received citizen petitions

Background·

- In September 1992, Council suspended the residential sidewalk program pending completion of a citywide sidewalk survey

- In March 1994, CDOT completed the survey Using the sidewalk inventory, CDOT has identified a need for eventually adding walkway to 570 miles of Charlotte streets (representing about 30 percent of the city's roadway system) The estimated cost is $100 million

- In response to the Public Services Committee's request on November 2, CDOT staff developed a single sidewalk priority list using safety as the primary criterion When this ranking was completed, there were only two nonthoroughfare sidewalk projects among the 30 segments to be done first

Attachment 6

Item No

10 Recommendation of Public Services Committee Concerning the City's Sidewalk Repair Policy

Action: Adopt the recommendation of the Public Service Committee to reaffirm the City's sidewalk repair policy

Committee Chair: Don Reid

Staff Resource. Bob Pressley

McCrory/Scarborough
Keep current policy & deal with sidewalks in budget process.

Policy

In 1962 Council adopted a sidewalk repair policy that established a cost-sharing arrangement between the City and the property owner Under this policy, the City contributes labor and equipment for needed repairs while the property owner purchases the concrete This represents a 50/50 split in the cost of concrete sidewalk repairs

Explanation of Request

The Public Services Committee recommends the existing sidewalk repair policy be continued

coming under

- The Charlotte Department of Transportation (CDOT) will continue to absorb the labor and equipment costs for concrete repairs, about $30,000 annually

- CDOT will continue to make repairs with asphalt when abutting property owners refuse to purchase the necessary concrete, at a cost of about $200 for the average repair Residents of historic neighborhoods often complain about the appearance of these asphalt repairs

Background.

- Because Council had not discussed the City's sidewalk repair policy for over 30 years, CDOT staff reviewed the current policy with the Public Services Committee on November 2 Staff presented two other options to the existing process

1) Use existing authority in the City Charter to require property owners to pay the full cost of sidewalk repairs through assessment

2) The City assumes the entire cost of making concrete repairs CDOT no longer would do asphalt patching CDOT estimates the annual cost of this change to be $100,000 This assumes that the number of repair locations increases significantly when citizens know that the City bears all costs

- Between April 1993 and March 1994, approximately 100 of 140 homeowners shared in the cost of making concrete repairs to sidewalks The City used asphalt at the other 40 locations

- The City becomes aware of the need for sidewalk repairs by homeowner request, city employee observation, or citizen complaint

NA - PLAZA - MIDWOOD POST OFFICE

11 Recommendations of Transportation Committee Concerning Barton-Aschman's Study of Charlotte Transit

Action. **Accept Barton-Aschman's final report summarizing its analysis of Charlotte's Public Transit Services as recommended by the Transportation Committee**

McCrory | Martin Receive Report

Committee Chair: Stan Campbell

Staff Resource Bob Pressley

unan.

DOT

Policy:

Transportation is a key City Council Focus Area The areas addressed by the Barton-Aschman recommendations support specific goals for innovative and experimental transit, improved mobility uptown, and increased service for the disabled

Explanation of Request

Harvey Joyner of Barton-Aschman Associates discussed the consultant's recommendations for the City's transit services at the Transportation Committee's November 16 meeting The committee unanimously accepted Barton-Aschman's final report The report's executive summary is attached

Highlights of the report are as follows

- Charlotte Transit's performance compares very favorably to peer systems in operational effectiveness and efficiency

- The existing fixed-route, radial transit service pattern remains the most appropriate, basic route structure for Charlotte, however, there are opportunities to begin supplementary new service concepts in conjunction with pruning the existing system to eliminate nonproductive route segments

- Barton-Aschman concurs with the "Committee of 100's" recommendation of an up to-one percent sales tax as a means of providing a significant, stable funding source for regional transportation improvements

- Charlotte already makes substantial use of private contractors in providing local transit service, and all new transit services should be subjected to competitive bidding to secure the best service for the lowest cost

11A **Plaza-Midwood Post Office**

Action: **Support the Plaza-Midwood Neighborhood's effort to keep open the Plaza-Midwood Post Office and direct staff to send a resolution showing Council's support to the Postmaster**

Explanation of Request:

Councilmember Spencer requested at the last Council meeting that Council consider supporting the Plaza-Midwood neighborhood's efforts to keep open the Plaza-Midwood Post Office The County Commission has already gone on record in support of this effort.

Background:

The Plaza-Midwood Post Office is located on Thomas Avenue and serves the following neighborhoods Commonwealth/Morningside, Belmont, Chantilly, Elizabeth and Plaza-Midwood Concerned residents believe that the post office is a vital piece to their shopping district, which is starting to make a comeback They also believe it is complimentary to the streetscape improvements and other City Within A City efforts currently underway in the neighborhood.

They have requested that Council support their position and inform the Postmaster of Council' support.

Martin/Spencer
app.

Second Baker/Reid
Defer until we
get a response from
Post Office
No - Scarborough, Spencer
Majeed

CDOT staff will work with the Transit Advisory Committee to develop a recommended FY 96-97 transit service program for Council consideration as part of budget preparation Full implementation of the consultant's recommendations will depend on the availability of funds

Background.

- In October 1993, Council awarded a $150,000 contract to Barton-Aschman to study the City's public transit service and to recommend any improvements

- Barton-Aschman provided technical assistance to the "Committee of 100 " Mr Joyner participated in all meetings of the Transit Service Alternatives subcommittee The consultant's proposals are consistent with the "Committee of 100's" final recommendations

- Barton-Aschman presented interim reports to Council at the March, June, and July 1994 Council workshops Mr Joyner reviewed the consultant's final recommendations at the September 7 Council Workshop

Attachment 7

11A - PLAZA - MIDWOOD POST OFFICE

BUSINESS

12. Purchase of Land for a Police Bureau Command Center and City Service Facility

Campbell/Martin - app. unan.

Action: Approve the purchase of 6.3 acres of land near the intersection of Wilkinson Boulevard and Morris Field Drive for $465,000 The purpose is to build a Police Bureau Command Center/City Service Facility

Staff Resource: Kent Winslow

Policy. The Community Safety Plan (CSP) listed decentralizing police and other City services as a way to decrease total crime Decentralization addresses stated objectives of

MORRIS FIELD & WILKINSON

- strengthening partnerships between residents, business owners, and police to reduce crime and increase the perception of community safety, and
- helping individuals become self-sufficient through greater accessibility to needed services

Explanation of Request. The Police Department recommends purchase of this site for the first of three Bureau Command Centers

The purchase is contingent upon the three parcels being rezoned from a mix of I-1 and R-22 (MF) to O-1 A nonrefundable binder fee of $15,000 will be provided to the property owner and applied toward the purchase price of the land

There is no known opposition to the rezoning request The rezoning hearing will be February 20, 1995

Real Estate

Background:

The Bureau Command Center will provide space for the following police functions

1 One Patrol District and appropriate support space
2 Command staff for the Police Bureau
3 Investigations
4 Property control and records
5 School Resources and D A R E
6 Crime Prevention

The CSP specifically included funds for City services other than police to colocate in the Bureau Command Center Other service providers to occupy space in the facility are

7 CDOT (transit)
8 CMUD (accept fees for services and provide information on the utility system)
9 Customer Service (general information and referral)
10 Finance (bill payments)
11 Human Resources (employment information)
12 Neighborhood Services (work with community groups on a wide range of subjects and activities)
13 Community Development (housing inspection)
14 Community Improvement (litter code enforcement)

Council reviewed the City Service Facility concept and site selection process at their June 6 workshop Council authorized staff to proceed with the Phase II Environmental Assessment and Mandatory Referral Process

Funding for the Bureau Command Center and City Service Facility was appropriated in the FY94 and FY95 budgets

The Planning Commission approved the Mandatory Referral on the property on June 27, 1994

A Phase II Environmental Assessment, preliminary subsurface investigations, and analytical tests on the soil and groundwater were completed on September 15, 1994, and the site was determined to be acceptable for purchase

Attachment 8
Map

13. Purchase of the Hidden Hills and Farmwood 18 Subdivisions Water System

Action: **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Hidden Hills and Farmwood 18 Subdivisions Purchase price is $173,000.**

Whitley/Cannon
app. unan.

Staff Resource: Doug Bean

Policy: The Street Extension Program provides for the extension of water mains to residential properties

Explanation of Request: CMUD has received 10 applications for water service in Hidden Hills and Farmwood 18 Five applicants are Carolina Water Service customers and five are on individual wells that have direct access to a Carolina water main Hidden Hills and Farmwood 18 are adjoining subdivisions located on Lebanon Road in Mint Hill and are currently served by Carolina Water

CMUD

As an alternative to installing new water mains that would parallel part of the existing Carolina system, CMUD recommends the purchase of the Carolina system

The advantages to the City's purchase of the Carolina system in Hidden Hills and Farmwood 18 are

- This would avoid disruption to the community by eliminating the need to install a parallel water system
- CMUD would acquire 99 new customers
- There would not be any cost to the 94 Carolina customers to become CMUD customers The five applicants on individual wells have paid the standard service connection fees
- Upon acquisition of the system, CMUD would install fire hydrants in the Hidden Hills and Farmwood 18 Subdivisions
- The N C Utilities Commission traditionally supports the transfer of private utilities to a municipal system Their approval will be requested after City Council approval of this contract
- The Town of Mint Hill supports this request
- Funds are available to purchase this system

Item No

14 January 9 Workshop Agenda

Action: Approve the following topics for the January 9 Workshop

- Council Retreat Initiatives
- FY96 Budget
- Charter Drafting Committee Status Report
- Solid Waste RFP Prequalification Criteria
- Wastewater Treatment Long Range Plans and Alternatives

Wheeler/Reid
app.
Unan.

Joel E Burch

15 Closed Session

Action: Adopt a motion to hold a closed session at the conclusion of the meeting pursuant to G S § 143-318 11(3) for the purpose of conferring with the City Attorney concerning litigation against the City of Charlotte filed by Southern Sanitation, Inc , Jack King d/b/a King's Garbage Service; K & S Sanitation Services, Inc ; and Taylor's Garbage Service.

No CLOSED SESSION

Wheeler/Cannon
approve payment of $60,000 as full settlement of all claims of a lawsuit against the City of Charlotte by King's Garbage Service, Southern Sanitation, Inc. Garbage Service, Taylor's Garbage Service, and K+S Sanitation Services, Unan.

Legal

Martin/Wheeler
~~BH~~ Adjourn
Unan
9:15 p.m.

Introduction to CONSENT I and II

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

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

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

Minority and Women Business Development Program (MWBE) Abbreviations

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

Pull Consent 16A, 16B, 16E, 22, 24, 26
Scarborough/Wheeler
App Rest.

16 Various Bids

A. Video Equipment (Replacement equipment used to support programming on the City's Government and Training Channels) — Business Support Services

Recommendation The Business Support Services Director recommends the low bid of $84,217 by Technical Video Systems of Winston-Salem, NC

MWBE Compliance Yes There were no known MWBE's

Reid/Martin app. unan

Purchasing

Item No

B. **Cars and Light Trucks** — **Business Support Services**

231 vehicles relate to item 20

1-P - Police Cars

Martin/Cannon affirm.

Recommendation· The Business Support Services Director recommends the following low bids

Harrelson Ford	Charlotte, NC	$2,253,806 45
City Chevrolet	Charlotte, NC	$ 951,505 00
Town & Country Ford	Charlotte, NC	$ 275,383 02
Earl Tindol Ford	Gastonia, NC	59,558 00
		$3,540,252 47

MWBE Compliance· Yes The request was advertised and sent to one BBE, however, no bids were received

Purchasing

C. **Radio Tower** — **Business Support Services**

Recommendation· The Business Support Services Director recommends the low bid of $99,722 by A&K Tower of Winston-Salem, NC

MWBE Compliance· Yes There are no known MWBE vendors for this equipment

Purchasing

D. **Water Distribution Project - Farmwood Subdivision - Area B** — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $147,387 50 by BRS, Incorporated of Richfield, NC

MWBE Compliance Yes The Contractor will perform all work with his own forces

CMUD

Item No.

E **CMGC/City Hall Security Services** — **Engineering and Property Management**

Martin Pahelu app. - unan.

Recommendation: The City Engineer recommends award to the low bidder, Weiser Security Services of Charlotte for $106,847 24

MWBE Compliance: Yes Typical subcontracting opportunities do not exist in this contract, therefore, no goals were stated All certified MWBE firms ~~who~~ perform this scope of work were invited to bid as prime.

Engineering

F **North Tryon Street Sidewalk Improvements** — **Engineering and Property Management**

Recommendation The City Engineer recommends the low bid of $244,235 25 by United Construction of Charlotte, NC

MWBE Status.	Amount	% of Project	Project Goals
BBE	$0	0%	3%
WBE	$15,000	6 5%	2%
ABE	$217,053	93 5%	0%

Compliance: Yes Contractor's good faith efforts to meet project goals have been reviewed and found to meet the requirements and intent of the MWBE Program The low bidder is a certified ABE

Eng.

G. **Cherry Neighborhood Street Repairs** — **Engineering and Property Management**

Recommendation. The City Engineer recommends the low bid of $144,784 50 by Sherrill and Associates of Charlotte, NC

MWBE Status.	Amount	% of Project	Project Goals
BBE	$7,135	5 2%	4%
WBE	$8,585	6 3%	2%
NBE	$7,415	5 4%	0%

Compliance Yes Contractor has complied with the requirements and intent of the MWBE Program by exceeding the established contract goals

Eng.

Item No

H. **East Harris Boulevard/Idlewild Road North Intersection Improvements** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $129,973 62 by United Construction Company of Charlotte, NC

MWBE Status.	Amount	% of Project	Project Goals
BBE	$0	0%	5%
WBE	$0	0%	3%
ABE	$129,973 62	100%	0%

MWBE Compliance· Yes Contractor has complied with MWBE Program provision that allows performance of all work with contractor's own forces The low bidder is a certified ABE

Eng.

I **Convention Center Furniture, Furnishings, and Equipment Package 300 (Trash/Recycling Receptacles)** — **Business Support Services**

Recommendation. The Business Support Services Director recommends the low bid of $64,851 44 by Miller Services of Charlotte, NC

MWBE Status	Amount	% of Project	Proj Goals
BBE	$0	0%	10%
WBE	$64,851 44	100%	3%

MWBE Compliance Yes The successful vendor is WBE

Purchasing

17 **Refund of Certain Taxes**

Action. **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error for $45,134 15.**

Attachment 9

Resolution
B-33
P-99

Finance

Item No.

18 Speed Limit Change

Action: Adopt an ordinance to lower the speed limit on two Charlotte streets.

Ord. #1 #190 B-44 P-124

Hopeton Road (Quail Hollow Estates)	25 MPH
Rosecliff Drive (Rosecliff)	25 MPH

DOT

19 Set Public Hearing for Amendment to Housing Code

Action: Set January 17, 1995 for a public hearing to obtain the views of citizens on a proposed amendment to the Charlotte Housing Code. The amendment would require owners to repair or demolish property at their own expense under the threat of criminal penalty.

Attachment 10

CR

20 Auction Resolution

Action: Adopt resolution declaring various vehicles, equipment, parts and supplies surplus, and approve them for sale at public auction on Saturday, January 21, 1995, at 10 00 a.m. pursuant to G S 106A-270

Res. #2 B-33 P 102

Purchasing
Karen King

CONSENT II

CMUD

21 Resolution for CMUD Water Supply Plan

Action: Adopt a resolution approving the Charlotte-Mecklenburg Utility Department's Water Supply Plan

Explanation of Request:

Res #3
B-33
P-112

G S 143-355(1), adopted by the North Carolina General Assembly in 1989, requires local governments that operate public water supply systems to develop and approve a Local Water Supply Plan

Guidelines establishing minimum requirements, and a schedule, for development of Local Water Supply Plans were published by the North Carolina Department of Environment, Health and Natural Resources (DEHNR) in May of 1993

A draft plan was submitted according to the established schedule, and revisions were made to reflect DEHNR comments

On November 10, CMUD received notice from DEHNR that the Water Supply Plan met all requirements of the statute, and that it was ready for adoption The deadline for submitting the adopted Plan is January 1, 1995

The Water Supply Plan reflects the Five Year Capital Improvement Program and Ten Year Needs Assessment approved by Council in June of 1994

A copy of the plan is available in the Council Library

22 Convention Center, Use of Interest Earnings

ORD #2
#191-X
B. 24
P. 125

Action:

Adopt a budget ordinance appropriating $2,000,000 from the Convention Center interest earnings to cover cost associated with the termination of the Storefront and Curtainwall contractor

Scarborough/Spencer
app.
Urban.

Explanation of Request

In May, Council approved the termination of the Curtainwall contractor and the subsequent assignment of this work to Fluor Daniel, our Construction Manager

This assignment to Fluor Daniel was originally expected to require an estimated $1 2 million in additional project funds to complete the work within our original schedule As the work has progressed, we have identified other additional costs of more than $800,000 that can be attributed to the default of the curtainwall contractor

We intend to seek recovery of all the additional costs from the terminated contractor's bonding company, and have begun this process

Because this legal action could take a long time, we are requesting this additional appropriation from interest earnings As reported in previous Convention Center monthly status reports, additional funding is needed to cover our cash flow until we recover this money

To date, the project contingency allowance has been used to pay four claims totalling over $1 3 million These funds are needed to replenish our contingency and to cover construction costs associated with completing the project

Eng.

23 **Convention Center, Finishes Contract, Change Order #7**

Action: **Approve Change Order # 7 to the Convention Center Finishes contract with Cecil Malone for $335,281 increasing their contract from $11,034,230 to $11,369,511**

Explanation of Request: This change order addresses two contract changes with Cecil Malone

- Settlement of a claim by J P Enterprises (JPE), a subcontractor of Cecil Malone, for additional compensation for the application of acrylic wall coating ($178,332) JPE requested the compensation due to errors in their bid for wall preparations Fluor Daniel estimates that the work will involve $90,000 in materials and total up to $200,000 beyond their bid amount of $32,000 To proceed with the work, we recommend the project pay JPE's material and labor costs to complete the work JPE has agreed to the settlement which does not include any overhead or profit

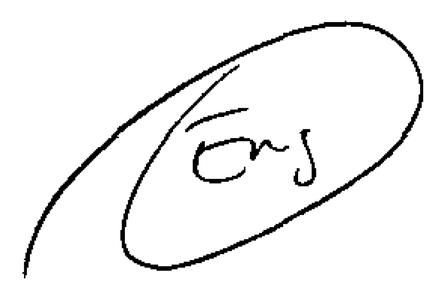
- The remainder of the change order ($156,949) is for changes and additions to doors, hardware, walls, and carpet as requested by the Convention Center Authority

- A budget summary will be included in the December 9 Council-Manager Memo

- A MWBE (BBE) firm will receive 53% of this change order ($178,332)

- Background on previous change orders is attached

Attachment 11



Item No.

24. Resolution for Special Order by Consent - Sugar Creek Wastewater Treatment Plant

Action: **Adopt a resolution authorizing staff to proceed with actions necessary to sign a Special Order by Consent Application for the Sugar Creek Wastewater Treatment Plant**

Resol #4
B-33
p-114

Explanation of Request

The Sugar Creek Plant is currently being expanded from 15 million gallons per day (MGD) to 20 MGD During this period of extensive construction, there are periods of power interruptions, disrupted control systems and entire treatment units are unavailable for service that occasionally prevent the plant from meeting its permit limits Since the problems are related to inherent deficiencies of the plant rather than operation or maintenance problems, staff will request a "Special Order by Consent" (SOC) to allow conditional compliance for a set time

Wheeler/Cannon
app.
unan.

A SOC is an agreement between the City and the State that allows us to have higher discharge limits and not be fined We in turn agree to set a schedule for final compliance Once the SOC has been negotiated with the State, it must go to City Council for approval

The City of Charlotte, as the applicant, must submit a resolution from Council authorizing staff to sign the application The resolution must accompany the SOC application package

Background.

It is not expected that the SOC will have any impacts on expansion of the system or land development activities The SOC is a way that the State can recognize that there are problems and allow us time to correct the problems instead of taking more substantial enforcement actions

Cmto

25. Irwin Creek Wastewater Treatment Plant, Electrical Contract #4, Change Order #3

Action: Approve Change Order #3 to the Irwin Creek Wastewater Treatment Plant Contract No 4 - Electrical with Energy Erectors, Ltd for $1,315,796

Explanation of Request:

- This change order will allow construction of improvements to the plant electrical system This work will allow for more efficient distribution of power at the plant and it will accommodate future upgrades/expansions

- There is increased expansion capacity with the new system If the plant is expanded or additional sludge or wastewater processes are added, the new system can safely accommodate those additional loads

- In 1993 it was determined that the plant could be expanded to treat higher loadings from local Irwin Creek basin businesses Based on this determination, CMUD staff requested a new evaluation from Gannett Fleming, the plan design engineers The evaluation revealed that

  The City should seek a change in the volt power delivered to the plant site by Duke Power from 2300 volt power to 4160 volt power

  - 4160 volt power is the "standard" or "common" voltage consistent with Duke Power's service to similar facilities

CMUD

- The 4160 volt system is a grounded power system that provides both improved safety and reliability over the 2300 volt system It reduces the possibility of voltage problems that can damage equipment and create safety hazards

- The higher volt system is more efficient because there is less voltage drop in the system Therefore, power costs will be lower

- There is an overall decreased power company billing with the 4160 volt services

Background: This change order increases Energy Erectors's contract from $3,268,899 to $4,599,937 11

The original contract with Energy Erectors for $3,268,899 was approved by Council on August 23, 1993

Change Order #1 was approved by the CMUD Director with no change to the contract amount

Change Order #2 for $15,242 11 was approved by the CMUD Director for additional duct work to the main sewage pumping station

26 Deny Refund of Certain Taxes

Action. Adopt a motion to deny the refund of property taxes assessed because of a mathematical or appraisal error

Finance

Item No

Explanation of Request:

- These property taxpayers have requested retroactive refunds back to the year in which the mathematical or appraisal error was made Attached is a listing of the taxpayers and the refund amount each has requested

- North Carolina Statute 105-381 provides that a taxpayer may request a refund of taxes paid The City-County Tax Office has reviewed several taxpayer requests and decided that these claims are not eligible for a refund

- The City-County Tax Attorney recommended that the claims be denied based on North Carolina Statute 105-287 These claims are based on mathematical or appraisal errors which according to North Carolina Statute 105-287 are not eligible for a retroactive refund

- An example would be property appraised at 11 acres instead of 10 acres An adjustment can only be made in the year the variance is determined

- North Carolina Statute 105-381 states that the governing board must act on these requests and notify the taxpayer when the refund is denied Attached is a copy of the City-County Tax Attorney's opinion

Mayor/wheeler
Rectify all 4
Subst. Jackson/wheeler
Refer to Union 1/17

Attachment 12

27 Mecklenburg/Union Thoroughfare Plan Resolution

Action: **Adopt a resolution approving the Mecklenburg/Union Thoroughfare Plan and recommending its adoption by the North Carolina Board of Transportation (NCDOT)**

Res # 5
B. 33
P. 116

DOT

Item No

Explanation of Request

The North Carolina Department of Transportation (NCDOT) provided the attached resolution that must be adopted by each of the member jurisdictions of the Metropolitan Planning Organization (MPO) before the NCDOT can approve the Plan

Charlotte's portion of the Thoroughfare Plan, adopted by the MPO on November 16, 1994, is identical to the one approved by Council on July 25 The only changes to the initial plan were made in Huntersville, Davidson, and Cornelius

Background.

The new Mecklenburg/Union Thoroughfare Plan is a product of the 2015 Transportation Plan process The new thoroughfare plan supersedes the one adopted by Council in January 1989 developed as part of the 2005 Transportation Plan

28. Tandem Trailer Truck Route Designation for Brookshire Freeway/Boulevard Between I-77 and I-85

Action

Adopt a resolution supporting the designation of Brookshire Freeway/Boulevard (NC 16) between I-77 and I-85 as a tandem trailer truck route

Explanation of Request

The North Carolina Department of Transportation (NCDOT) has determined that Brookshire Freeway/Boulevard (NC 16) between I-77 and I-85 meets the public convenience, safety, and capacity criteria to be designated as a tandem trailer truck route General Statute 20-115 1 requires that the City of Charlotte concur in the designation The Charlotte Department of Transportation recommends that City Council adopt the attached resolution After the City Council's adoption of the resolution, the NCDOT will conduct a public hearing and consider comments received before making the designation

Res # 6
B-33
P-117

DOT

Background: The designation will allow drivers of tractor trucks towing tandem trailers to access I-77 and to connect between I-77 and I-85 via Brookshire Freeway/Boulevard rather than being required to use the two Interstate Routes

29 Airport Condemnation Settlement

Action:

ORD #3
#192-X
B-46
P-124

A) **Adopt a budget ordinance appropriating $6,189,466 to provide funding for the acquisition of Airport Park 160 as an administrative settlement of pending condemnation litigation, and**

B) **Approve the acquisition of Airport Park 160 as an administrative settlement of condemnation litigation**

Explanation of Request:

- In September 1991, the City acquired 40 4 acres of property identified in the Master Plan from Airport Park 160, a general partnership consisting of members of the Aubrie J Elam family for $3,349,979 through condemnation

- The parties have agreed to settle the pending litigation for $6,189,466 by the City acquiring
  - seven office warehouse distribution buildings with 117,190 s f of rentable space designed for and primarily occupied by freight forwarders, and
  - 16 2 acres of land not previously involved in the Master Plan

Aviation

- The Federal Aviation Administration has concurred in the administrative settlement and has found that it is eligible for 75% Federal participation under the Master Plan The airlines also concur in this settlement

- City Council approved this settlement in an Executive Session on July 25 pending FAA and airline approval

30. Amend City Code § 1-7 Concerning Criminal Fine

Action: **Adopt an Ordinance to Amend City Code § 1-7 General Penalty, to comply with North Carolina General Statutes (NCGS) § 14-4 concerning Criminal Fine**

Explanation of Request:

- NCGS § 14-4 makes violation of an ordinance a criminal misdemeanor subject to a fine of not more than $500 or imprisonment for not more than 30 days

- City Code § 1-7 states that the fine is $50 or imprisonment for not more than 30 days

- Effective January 1, 1995, NCGS § 14-4 drops the imprisonment and provides that a fine not exceed $50, unless the ordinance expressly states that the maximum fine is greater than $50

- The amendment to City Code § 1-7 eliminates the imprisonment, since NCGS § 14 4 will no longer permit that, and expressly makes the maximum fine $1,000

ORD #
#193 B-46
P-127

Legal

Item No.

31 Property Transactions

Action: Approve the following property transactions and adopt the condemnation resolutions

Acquisitions:

A **Project** Airport Master Plan Acquisition
Owner(s) Berryhill Baptist Church
Property Address Old Dowd Road, Charlotte
Property to be acquired 4 279 Acres
Improvements House, Church & Parking Lot
Tax Value $1,015,770
Purchase Price $1,100,000
Remarks Purchase price is an administrative settlement The appraised fair market value of this property was determined to be $1,049,500 The Church offered to sell for $1,216,000 The Airport negotiated a settlement that includes free occupancy for five years by the Church similar to the Church of God lawsuit settlement and avoided a condemnation lawsuit The FAA concurs in this settlement and will fund 75% of the cost

Aviation

B **Project** F A R Part 150 Land Acquisition
Owner(s) Mr and Mrs Robert C Nichols
Property Address 4311 McKinley Drive
Property to be acquired 204 acres
Improvements 3 Bedroom, 1 Bath, Brick ranch
Tax Value $44,580
Purchase Price $51,000
Remarks The purchase was determined by an independent appraiser and was reviewed by a second appraiser Each appraisal takes into consideration the specific attributes of the house The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform

av. of or

Acquisition and Relocation Act of 1970. The owners are eligible for relocation benefits Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

C **Project F A R Part 150 Land Acquisition**
Owner(s) Mr Curtis Grey
Property Address 3319 East Willow Lane
Property to be acquired 25 acres
Improvements 2 Bedroom, 1 Bath, Ranch
Tax Value Church Property N/A
Purchase Price $22,000
Remarks The purchase was determined by an independent appraiser and was reviewed by a second appraiser Each appraisal takes into consideration the specific attributes of the house Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 The owners are eligible for relocation benefits Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

D **Project Carmel Road Widening, Parcel No 3**
Owner(s) Prefco V Limited Partnership, A Connecticut Limited Partnership (First Union National Bank - Tenant)
Property Address 6420 Carmel Road
Property to be acquired 10,189 96 sq ft (0 2339 AC) plus Temporary Construction Easement of 6,854 51 sq ft (0 1574 AC)
Improvements Landscaping, trees, rotunda hollies and crepe myrtles
Purchase Price $53,300

Eng/RE

Remarks First Union National Bank sold and leased back the property for a branch bank The acquisition will move the road closer to the front of their business and will somewhat restrict the traffic flow in and out The widening project will cause the loss of numerous landscaping features and improvements that is reflected in the appraised compensation amount
Zoned O-1 Use Branch Bank
Tax Code 209-241-10

E **Project. Carmel Road Widening, Parcel No 107**
Owner(s) Sam P Nixon and wf , Bessie B Nixon
Property Address 4328 Carmel Road
Property to be acquired 1,525 39 sq ft (0 0350 AC) of fee simple plus 1,005 45 sq ft (0 0231 AC) of Temporary Construction Easement
Improvements Landscaping, trees, shrubs and brick wall - Quail Run Neighborhood sign
Tax Value $166,920
Purchase Price $16,000
Remarks The property owners live on the corner of Carmel Road and Montibello Drive West This project will affect two sides of their property, causing a loss of landscaping and buffer in addition to moving the road closer to the front of their residence

Zoned R-3 Use Residential
Tax Code 209-273-16

Eng | RC

F. **Project Carmel Road Widening, Parcel No 106**
Owner(s) Ki Joo Cho and wife Kyung Sook Cho
Property Address 4400 Carmel Road
Property to be acquired 1,507 21 sq ft (0 0346 AC) of fee simple plus 987 65 sq ft (0 0227 AC)
Improvements Landscaping, trees, shrubs and brick wall - Quail Run Neighborhood Sign
Tax Value $152,450
Purchase Price $16,000
Remarks The property owners live on the corner of Carmel Road and Montibello Drive West This project will affect two sides of their property, causing a loss of landscaping and buffer in addition to moving the road closer to the front of their residence

Zoned R-3 Use Residential
Tax Code 209-272-11

G **Project Milton Road Widening, Parcel No 25**
Owner(s) Jack W Evans & wf , Brenda J Evans
Property Address 4501 Belle Plaine Drive
Property to be acquired 2,326 sq ft (053398 AC) fee and easements plus 2,439 sq ft (055992 AC) Temporary Construction Easement
Improvements Fencing, Sign, Trees
Tax Value $51,830
Purchase Price $13,300
Remarks This road widening causes loss of land on two sides of the property and increased proximity of the dwelling to the right-of-way on Milton Road, plus loss of landscape items, as reflected in the appraised amount offered

Item No.

Zoned R-4 Use Single Family/Residential
Tax Code 107-023-01

Res. #7
B-33
p- 118

Condemnations· H

Wheeler/Boarborough
app'
No- JACKSON

Project Deer Park Subdivision Sanitary Sewer Right-of-Way, Parcel No 1 of 1
Owner(s) Mildred Newitt Hogoboom and any other parties of interest
Property Address 5 68 ± acres off Axis Court (York Road Area)
Property to be acquired 1,561 00 sq ft (0 036 AC) plus Temporary Construction Easement of 1,560 00 sq ft (0 035 AC)
Improvements None
Tax Value $12,370
Purchase Price $100
Remarks The subject parcel is located off Axis Court which is off York Road The project requires the acquisition of a 15′ wide Permanent Sanitary Sewer Easement and a 15′ Temporary Construction Easement After numerous phone conversations with property owner and her attornies, the City's offer based on appraisal was refused Most of parcel is located in flood plain area

Zoned R-3 Use Vacant
Tax Code 201-301-05

Eng/RC

I. **Project**. Carmel Road Widening, Parcel No. 111
Owner(s) W Bradley Blair, II & wf , Cynthia Sue Blair and any other parties of interest
Property Address 4312 Carmel Road
Property to be acquired 2,070 89 sq ft (0 04754 AC)
Improvements Landscaping, trees & shrubs used as buffer
Tax Value $179,280

Res. #8
B-33
p- 120

Eng/RC

Item No

Purchase Price $7,300
Remarks The subject property fronts on Carmel Road This project requires the acquisition of a six foot strip of land along the front causing the loss of a buffer consisting of trees and shrubs The two property owners through their representatives have not come to agreement with each other over the City's offer based upon appraisal After numerous personal contacts and phone conversations, a mutual settlement cannot be reached and Condemnation is requested

Zoned R-3 Use Residential
Tax Code 209-273-18

ANNOUNCEMENTS

In its meeting on Tuesday, January 17, City Council will make nominations to fill positions on the following Boards and Commissions

1 Charlotte-Mecklenburg Stormwater Advisory Committee
One regular three year appointment beginning April 2, 1995 Richard Swain is eligible and would like to be reappointed

2 Citizens Oversight for Cable Television
One appointment beginning immediately to fill an unexpired term ending March 31, 1995, and the next full term Robin Smith has resigned

Two regular two year appointments beginning April 1, 1995 David Barley is eligible for reappointment and would like to be considered Glenda Durrell is not eligible

3. Parade Permit Committee
Two regular three year appointments beginning April 1, 1995 Davis Liles and Rita Vinson do not wish to be reappointed

4. Spirit Square Board of Directors
One appointment to fill an unexpired term ending June 30, 1997 Duncan Gray did not meet attendance requirements

5 Transit Advisory Committee
One regular three year appointment beginning February 1, 1995 to represent the local service passenger category Wade Alley is eligible for reappointment and would like to continue serving