AGENDA

Meeting Type:	BUSINESS
Date:	07/25/1994

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, July 25, 1994

5:00 p.m.

Centers & Corridors Land Use Vision

Conference Center

- **1995 Annexation Recommendation**
- **Public Services Committee Report: Services Contracting and Asset Management Guidelines**
- ~~**Roll-Out Garbage Customer Service**~~

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

Formal Business Meeting

CITY COUNCIL AGENDA
Monday, July 25, 1994
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Item No

5 cons Cons unan

MINUTES

1. Consider approval of Minutes of the May 23 Budget Presentation and Regular Meeting and the Budget Workshop on May 31, 1994. ✓ I — 36 ✓

Consent - Pull 27A+D - 32A - 47H - 42 - 25K - 27H
41 - 43 - 46 - 47 E+F

m/w/ite approve Remainder of consent unan.

CONSENT ITEMS

2 Agenda items 25 through 47 may be considered in one motion except for those items removed from the consent agenda as a result of a Councilmember making such a request of the City Clerk prior to the meeting

Staff Resource. Julie Burch

PUBLIC HEARING

3. NFL Stadium Parking Deck Financing

Action.

A) Conduct a public hearing relative to financing a portion of the NFL Stadium Parking Deck with an installment payment contract, and

B) Adopt two resolutions concerning the NFL Stadium Parking Deck The first resolution authorizes an installment contract, in an amount not to exceed $12,500,000, and related financing documents to finance a portion of the NFL Stadium Parking Deck The second resolution authorizes the various business documents with Duke Power and Richardson Sports

Res # 10
B 32
P-393

Res # 11
B-32
P-403

Staff Resource W Carey Odom

To Excuse Ella + Pat w/ Campbell unan
, close Hearing w/ camp unan
Move A + B w/ camp unan

Grant

Item No

Explanation of Request.

To proceed with this financing, a public hearing is required on the proposed financing The various financing documents and agreements with Duke Power include the following

Financing Documents

- Installment Payment Contract
- Trust Agreement
- Preliminary Official Statement (and subsequent official statement)
- Deed of Trust and Security Agreement
- The Underwriters, the Contract of Purchase and related Letter of representation

Business Documents

- Development Agreement
- Parking Facility Management Agreement
- Site Lease Agreement
- Parking Facility Lease Agreement
- Richardson Sports Parking Lease Agreement

Funding

Certificates of Participation

Background

On June 13, 1994 Council authorized staff to proceed with the actions necessary to finance the NFL Stadium Parking Deck with an Installment Payment Contract in an amount not to exceed $10 5 million and also approved a Memorandum of Understanding with Duke Power Company

Since the June 13, 1994 action by Council, Duke Power has received contract bids The bids came in higher than expected resulting in the need to increase the not to exceed amount from $10 5 million to $12 5 million Both staff and Duke Power feel that the actual amount of financing will be considerably less, but to avoid bringing this before Council again, an increased amount is requested

4. Public Hearing to Abandon Persimmon Street, an Alleyway and a Portion of Heath Court

Action:

A) Conduct a Public Hearing to abandon Persimmon Street, an alleyway and a portion of Heath Court, and

B) Adopt a Resolution to Close.

Staff Resource: Scott Putnam

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

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

Background

Petitioners
City of Charlotte Engineering and Property Management Department/Clark D Readling

Right-of-Way to be Abandoned:
Persimmon Street, an alleyway and a portion of Heath Court

Location
Persimmon Street - westwardly from Hawthorne Lane to Louise Avenue

Alleyway - northwardly from Persimmon Street approximately 137 feet to its terminus

Heath Court - southwardly from Persimmon Street southwardly approximately 40 feet

Res # 17
B-32
P. 409

to close Hearing
w/h/ comp
unan
to ADOPT
comp / w/h
unan.

CDS

Reason
To incorporate the right-of-way into adjacent property to facilitate the future implementation of the Central Yard Master Plan for the City of Charlotte and parking facilities for the Salvation Army

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

Adjoining property owners - No objection
Mr Daniel K Meigs - initial concerns have been satisfactorily resolved

Neighborhood/Business Association(s) - No objection
Belmont Development Corporation
Belmont Neighborhood Strategy Task Force

Private Utility Companies - No objection

City Departments -
Review has identified no apparent reason this closing would
1 Be contrary to the public interest, or ,
2 Deprive an individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299

Attachment 1
Vicinity Map

5 **Public Hearing to Abandon Two Alleyways Between East Fifth and East Seventh Streets**

B#37 P-414

Action: A) Conduct a Public Hearing to abandon two Alleyways between East Fifth and East Seventh Streets, and

B) Adopt the Resolution to Close

Staff Resource. Scott Putnam

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

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

Background

Petitioners
Lee R McLaren, K & C Investments, Jacqueline G Levister, G Howard & Louise K Webb, Ellen Rubenstein/Michael Evans Chelmis, Baxter T McRae, Jr , William G Staton, Lynn Andrew Teague, William Henry Curtis, Courtney T Elliott, W Wolfe

Res # 13

Right-of-Way to be Abandoned
Two Alleyways

to close Comp | who unan

Location
Between East Fifth and East Seventh Streets

To adopt who | Comp unan

Reason
To incorporate the right-of-way into adjacent property to enable the Elizabeth Community Association to retain a grant to repair and renovate the alleyways known as the Elizabeth Trolley Path All abutting property owners have agreed to provide an easement for this purpose

CDT

94-51
To Deny
Council must
to approve
Jack / Reid
6 votes to
Deny

Wke
Sam
Cam
Spencer
MAJ
MAT

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

Adjoining property owners - No objection
All petitioners are abutting property owners

Neighborhood/Business Association(s) - No objection
Elizabeth Community Association

Private Utility Companies - No objection

City Departments -
Review has identified no apparent reason this closing would

1 Be contrary to the public interest, or ,
2 Deprive an individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299

Attachment 2
Vicinity Map

ZONING

6 Decision on Rezoning Petition No 94-51 by Neuse, Inc for a change in zoning for approximately 28,273 square feet located on the northeasterly corner of the intersection of Remount Road and Wilkinson Boulevard from O-2 to B-2

Council deferred this decision to July 25 at their July 18 meeting for more information

The Zoning committee recommends that this petition be approved

Attachment 3

To Deny 6 votes Wke Sam Cam Spencer MAJ MAT

Item No Denied 7-5

7 **Decision on Petition No 94-58 by Metrolina Real Estate Group for a change in zoning for approximately 8 2 acres located along the northeasterly corner of the intersection of W T. Harris Boulevard and Idlewild Road from R-4 to R-17MF(CD)**

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

Council deferred this item to July 25 at their July 18 meeting because of the 3/4 rule

The Zoning Committee recommends that this petition be approved as modified

Attachment 4

To Deny
Comp/Mart

7 - Comp Mart 5 vs Cont Wha Spencer McG

5 - Not deny V. Roberson Boulter Jackson Reid McC

POLICY

8 "Centers and Corridors" Land Use Vision

Action Approve resolution supporting the "Centers and Corridor" Land Use Vision as a policy to guide local planning initiatives and capital investments.

Staff Resource. Martin R Cramton, Jr and Joe Lesch

Explanation of Request

Res #14
B-37
P-117

Second who
1 No Vote
Reid

- The Land Use and Quality of Life Subcommittee developed a land use vision document and supporting resolution which has been adopted by the full Committee of 100

- The "Centers and Corridors" Land Use Vision calls for the higher density developments to be focused along the major corridors and centers in the region

- The vision would maximize the use of existing transportation and infrastructure while providing the opportunity for fixed guideway transit in those corridors

- The centers and corridors land development pattern is the basic framework by which the other subcommittees have based their efforts

- The Committee of 100 is asking that all local governments in the region adopt the "Centers and Corridors" Land Use Vision as a policy guide to local planning and capital investment decisions

- Mecklenburg County Commissioners unanimously adopted the resolution on July 11 Cabarrus County and the Town of Mooresville have adopted it also

planning

Background: The Committee of 100, formed by the City Council and County Commission in 1993, was charged with developing a community consensus on a land use and transportation vision for the region, and to recommend an organizational structure and revenue source for implementation The Committee of 100 created sub-committees to accomplish the task, which included Land Use and Quality of Life, Environmental, Transit, Roads, and Finance Sub-Committees

Attachment 5
Resolution

9 City/County Political Consolidation

Action: **Adopt political consolidation principles developed by a joint committee of Councilmembers and Commissioners and agree to appoint a Charter Drafting Committee as the next step in the proposed process**

Policy **At City Council's retreat in February, Council agreed to consider political consolidation with Mecklenburg County The first step in this consideration was the development of principles by a joint committee of Councilmembers and Commissioners**

Explanation of Request City Council is asked to adopt the following principles, developed by the joint committee, as a framework for the Charter Drafting Committee

Principle 1 Size and Form - 8 districts, 3 at-large for a total of 11 voting members Districts drawn to a balance of 4 considered "Democratic" and 4 considered "Republican"

To approve with addition of principle 11- adding information comp | where cost

Sub to deny Scan | Spencer 2 votes to deny motion 9 yes same 2 no or 5. nay

Item No.

Principle 2 Council Manager System

Principle 3 Partisan Elections

Principle 4 Election method - Nominated and elected by district, and at-large as currently done

Principle 5 Minority representation - 3 of 8 districts to be drawn as minority districts

Principle 6 Towns - Each town will have the option of staying as it is, or becoming part of the metropolitan government

Principle 7 Part time elected officials

Principle 8 Mayor - Elected at-large with voting, veto and appointment powers currently held by the Office of the Mayor

Principle 9 Two year terms, unless Charter Commission recommends four year terms

Principle 10 Service Districts to match higher level of services in urban area to the higher level of taxes needed to support those services

A more detailed description of these principles is provided in the attachment

If City Council approves these principles, the joint committee recommends that Council and Commission would then appoint a 12 member Charter Drafting Commission Each body would 4 - 4 appoint four people, two of whom must be from their own membership The Mayor and Commission Chairman would also appoint four - 2 Each persons All of these appointments would be equally split between Democrats and Republicans

The joint committee proposes that the Charter Drafting Commission write a Preliminary Charter for the Council and Commission to review in December 1994 If approved, a Charter Commission would then educate the public, hold public hearings and make appropriate changes to the proposed Consolidated Charter A referendum would be held in November 1995 on the proposed Consolidated Charter

The County Commission approved these principles on July 11th

Attachment 6
June 3, 1994 memo from Joint Council/Commission Committee to City Council and County Commission

10 Public Services Committee Recommendation on Services Contracting and Asset Management Guidelines

Action	**Approve Public Services Committee recommendation to adopt Guidelines for Services Contracting and Asset Management**
Committee Chair	**Don Reid**
Staff Resource:	Del Borgsdorf
Policy:	**Services Contracting and Asset Management Policy approved October 25, 1993. Attachment includes a copy of Council's policy statements.**
Explanation of Request.	• The Privatization/Competition Advisory Committee has been working for the past four months in developing guidelines for privatization/competition

Motion to approve Guidelines Reid/Jack
2 No - Sears & MAJead

City Mgr.

- These Guidelines provide a framework for the City to follow in contracting out services (competing with the private sector, evaluating bids and proposals, etc) and managing the City's assets (appraising and selling properties, designating "public purpose" of assets, etc)

- On July 7 and 11 the Public Services Committee reviewed and discussed these guidelines

- These guidelines are attached Also attached is a matrix comparing staff's guidelines which were presented at Council's retreat in February and the guidelines approved by the Privatization/Competition Advisory Committee

Background.

The Privatization/Competition Advisory Committee was appointed on February 28, 1994 City staff presented guidelines for Services Contracting to Council at the retreat in February 1994, and Council referred these guidelines to the newly-formed Committee

In response to discussions with the Public Services Committee, staff will bring back to the City Council within 30 days timetables and staffing impact for addressing the Asset Management guidelines

Attachment 7
City Council Policies for Services Contracting and Asset Management

Guidelines for Services Contracting and Asset Management drafted by the Privatization/ Competition Advisory Committee

Comparison of Competition Guidelines

BUSINESS

11. City Manager's Report
Customer Service Plan for Roll Out Garbage

12. New Mecklenburg/Union Thoroughfare Plan

Action: Consider adoption of a new Mecklenburg-Union Thoroughfare Plan and direct the City's representative to the Mecklenburg/Union Metropolitan Planning Organization (MPO) on this issue

Staff Resource. R N Pressley, Jr

Policy:

mec/ser
urban

- On December 14, 1992, Council authorized the Mayor to sign a Memorandum of Understanding for cooperative, coordinated, and comprehensive transportation planning among the 14 jurisdictions composing the Mecklenburg/Union MPO

- Charlotte and the other members of the MPO are responsible for carrying out an urban transportation planning process, that is consistent with Federal legislation, in order to remain eligible for Federal and State highway and transit funds

Explanation of Request:

- As part of the development of the 2015 Transportation Plan, the Mecklenburg-Union Technical Coordinating Committee (TCC)--composed of staff members from Charlotte, Mecklenburg County, the other Mecklenburg and Union Towns, and Union County--recommends

  1) changes to the 1988 Charlotte-Mecklenburg Thoroughfare Plan (a product of the 2005 Transportation Plan) approved by Council on January 23, 1989

2) designation for the first time of thoroughfares in the western portion of Union County which was added to the Mecklenburg urban area in 1992 based on 1990 Census data

- The attached map and lists describe the recommended revisions to the Thoroughfare Plan, with the changes in Charlotte listed separately

- The TCC held public meetings on July 12 (Matthews), July 13 (Charlotte), and July 14 (Davidson) to obtain citizen comments on the proposed changes Meeting attendees did not object to any of the proposed changes in Charlotte Several Cornelius and Huntersville residents expressed concerns at the Davidson meeting about some of the Plan additions in north Mecklenburg

Background

The Mecklenburg/Union MPO must adopt a new long-range plan by December 18, 1994 which complies with the planning requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

The TCC began work on the long-range transportation plan update in June 1992 The recommended changes to the Thoroughfare Plan for Charlotte are minor and are based on travel simulation model results for 2015

Later this year, staff will present other elements of the 2015 Transportation Plan to Council for approval The TCC is incorporating the proposals of the "Committee of 100" into the Mecklenburg/ Union long-range plan

Attachment 8
Map of Thoroughfare Plan Changes
Recommended Changes to Thoroughfare Plan for Charlotte
Recommended Changes to Thoroughfare Plan for rest of Mecklenburg County

13 Police and Fire Physical Fitness Contract

Action.

A) Approve a one-year contract with Work Physiology Associates for $79,860 to administer physical fitness programs for Police and Fire Department personnel, with the intention to renew for a second year dependent upon satisfactory performance, and

B) Approve a budget ordinance eliminating two positions

ORD# 13-A p-395
113-B-115
Scan ance
uror

Staff Resource

William H Wilder

Policy.

Privatization/Competition of City Services and Human Resources Philosophy

Explanation of Request

- City Staff are exploring opportunities for competition This contract is similar to a practice that IBM and other companies have used wherein existing employees are given the chance to provide their services via a contract and the positions are eliminated In two years, the contract will be placed out for competitive proposal

- Both the Police Department and the Fire Department have had physical fitness programs for their employees for over ten years The purpose of these programs is to assure that employees are physically fit to perform their required duties

- There are two positions (professional physical fitness coordinators) which have been responsible for coordinating these programs One of these positions is assigned to the Police Department and the other position is assigned to the Fire Department

- Work Physiology Associates has proposed to do the work which has previously been done by the two City positions Work Physiology Associates is a company which has been formed by an employee who previously held one of these positions and by another individual who is currently an employee in the other position

- Work Physiology Associates has proposed to administer the fitness programs for $79,860 This is approximately $13,500 less than what was allocated for the administration of the fitness programs in the Police and Fire Departments combined

- Research by the Reason Foundation shows that "privatization via employee ownership" has the potential to be a successful form of privatization

- Further, the Reason Foundation writes that one government policy that promotes "employee buyouts" is to award the contract to the new firm for the initial contract period

- A copy of the Reason Foundation information is attached

- It is recommended that the City Manager be authorized to execute a contract with Work Physiology Associates to

  1 Administer fitness programs for the Police and Fire Departments, and

2 Develop and validate a job related physical ability test for Police personnel (the Fire Department already has such a test)

- It is recommended that the contract be for a one year period, with the City's intention to renew the contract for an additional year based on satisfactory performance of the contractor

Funding. The contract will be funded by the savings created by eliminating the two Physical Fitness Coordinator positions

Attachment 9

14 Employee Assistance Program Contract

Action. **Approve a one-year contract with Presbyterian Hospital to administer an Employee Assistance Program for the Employees of the City of Charlotte with the intention to renew for a second year dependent upon satisfactory performance.**

Staff Resource· William H Wilder

Policy· **Human Resources Philosophy**

Explanation of Request

- Since 1988, the City has contracted with a private organization to administer the Employee Assistance Program

- An Employee Assistance Program provides counseling and related assistance for employees who have personal problems which adversely affect job performance Among the problems which are covered under the Employee Assistance Program are alcoholism, drug addiction, emotional distress and

S and not man.

Human Resources

marital/family problems Many employers provide Employee Assistance Programs as a means for maintaining and/or restoring employee productivity

- City staff has completed a competitive bidding process to administer the Employee Assistance Program Five organizations submitted proposals

- It is recommended that Presbyterian Hospital, the program contractor since 1988, be retained to administer the program for the following reasons

1 ***Satisfactory Service*** Key Business Executives and other employees indicate they are pleased with the level of service they have received from Presbyterian Presbyterian's staff includes males, females and minorities Employees, including those from the Fire and Police Departments, appear to have developed a level of comfort in seeking help from the Program

2 ***Experience*** Other employers who have contracted with Presbyterian Hospital as their Employee Assistance Program provider have had positive experience These employers include Mecklenburg County, the Charlotte-Mecklenburg School System, Belk Store Services, Charlotte Transit, Hoechst Celanese, and Sandoz Chemicals The Employers' Association also contracts with Presbyterian Hospital to provide EAP services to smaller employers

3 ***Competitive Price:*** Presbyterian Hospital's price for administering the City's EAP program continues to be very competitive The recommended contract price for FY95 is $14 04 per employee per year This fee represents no increase over the per employee price for the last four years The total number of employees covered per month will vary, but it is anticipated that the total annual cost should not exceed $69,000

- Only one contractor, Corporate Health International, submitted a bid lower than Presbyterian's (approximately $5,000 less per year) However, City staff reviewing the proposal and interviewing the provider determined that their experience with an organization the size of the City was not as comprehensive and as broad as Presbyterian's Additionally, staff expressed concern because this provider had only one site in the immediate Charlotte area, with two additional sites in surrounding counties Presbyterian has four sites available within the immediate Charlotte area, two of which are located at strategic points within Mecklenburg County Finally, start up costs to orient City supervisors and employees to a new EAP provider far outweighed the relatively small amount of savings

Background. For FY94, 410 individuals have used the EAP and there have been 1106 counseling sessions Data provided by Presbyterian Hospital and feedback from both supervisors and employees indicates that the EAP objectives are being met

15 Medical Services Contract

Action: Approve a one-year contract with First Charlotte Physicians to provide pre-placement physicals, to provide treatment for employees injured in the course of their employment, and serve as the City's Medical Director for all other medical issues The contract would have a provision to renew for one year at a time for two subsequent years (3 years total) dependent upon satisfactory performance

Staff Resource Daniel J Pliszka

Policy Privatization/Competition of City Services and Human Resources Philosophy

Explanation of Request

Do approve comp/ctc wkar.

- The City contracted with Dr Stephen Naso as Medical Director until December of 1993 when he resigned Following his resignation, there was an interim contract with Nalle Clinic for these services, which expires July 31, 1994

- In 1993 an evaluation of Employee Medical Services concluded that the responsibility for all Workers' Compensation services should be consolidated under the Risk Management Division and all medical services should be subjected to competition in the private sector A bid specification was developed to seek a new medical director, provider of pre-placement physicals, and Workers' Compensation treatment

- Requests for qualifications were sent to 13 medical providers, 8 responses were received, 5 providers were asked for additional information and were interviewed

- The criteria used in making a decision were stability, locations, experience, cost, and connections within the medical community of

DIM

Charlotte No one proposal was best in all categories First Charlotte is recommended as the provider best meeting the criteria and services to be provided

- First Charlotte Physicians submitted a joint proposal with Charlotte Orthopedic Specialists The significant strengths of their proposal include

  - An excellent depth of experienced physicians

  - Six locations spread throughout the City

  - The physician proposed to serve as Medical Director, Dr David M Peterson, has been in practice for 16 years and has 5 years of Occupational Medicine experience

  - A 10% discount from the North Carolina Industrial Commission Fee Schedule and a 10% discount on Hospital charges These discounts would have saved the City $92,000 or more in FY 1992, $131,000 or more in FY 1993, and $113,000 or more in FY 1994

  - Flexibility to design a system around City needs

Funding

The cost for the recommended contract is funded in the FY 1995 budget at $1 5 million

Background

The City experiences some 1,000 Workers' Compensation claims per year The goal in this program is to achieve savings in both medical treatment and in the reduction of lost work days As a point of reference, the City spent approximately $2 0 million in FY 1993 and $2 4 million in FY 1994 in Workers' Compensation expenses

16 Contract for Legal Services - Helms, Cannon, Hamel & Henderson

Action: Approve a $155,000 fixed-priced contract between the City and Helms, Cannon, Hamel & Henderson, P A for legal services needed to carry out certain Community Development activities

Staff Resource J W Walton and Henry Underhill

Policy· Frequently the City uses private contracts to perform specialized work.

Explanation of Request

- Due to the increased volume of legal services required to carry out over $15 million in Community Development activities, the City Attorney has determined that it is less costly to retain the services of a contract attorney rather than adding attorneys to city staff

- Since January 1993 the law firm of Helms, Cannon, Hamel & Henderson has opened 349 City files, for a 1993 average of 225 files By comparison, the workload for 1992 involved 100 City files Therefore, the workload has more than doubled This is due to increased activity in the City Within a City Loan/Equity Program and increased partnership with neighborhood based organizations such as Reid Park CDC, Belmont CDC, Northwest Corridor CDC, Grier Heights Economic Foundation and Wilmore Neighborhood Association

- During the last 18 months, the legal work has included such items as preparing contracts for the rehabilitation of the 309 units and the Wilmore Neighborhood Association's Community Center (Other specific projects are listed in the Attachment)

- The contract attorney is also responsible for collecting delinquent loans through necessary legal action

Vote on main motion to approve
7-4 (Same 4 as above)

- The legal services being provided by the contract law firm includes the use of 3 full-time attorneys and a legal assistant

- Without these services, the Neighborhood Development Department would be unable to close loans and complete contracts for community development activities

- In October 1993 the Community Development Department requested proposals for legal services from nine law firms Four firms responded and were ranked according to criteria established by staff (Evaluation of proposals is provided in the Attachment) Helms, Cannon Hamel & Henderson was awarded a $45,000 six-month contract by the City Manager based on the highest ranking and the recommendation of the City Attorney

- Due to the number of loans and contracts, a retainer contract is more economical than an hourly contract

- The legal services required for community development activities range from preparing acquisition and rehabilitation contracts to disbursing funds for loan escrow accounts A more complete listing of required services is provided in the Attachment

- The City Attorney's Office will continue to provide legal services for other Community Development activities

Attachment 10
List of Specific Projects
List of Legal Services
Evaluation of Proposals
Contract

17 **Mallard Crossing Water System Purchase**

Action: Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving the Mallard Crossing Subdivision. Purchase price is $190,000.

Staff Resource Doug Bean

Policy The Annexation Program of CMUD's Extension Policy provides for the extension of the municipal water system to meet fire protection requirements

Explanation of Request

Scal/Comp Cman.

- Mallard Crossing Subdivision is a section of the Wexford Development located in the UNCC Area, which was annexed in 1993
- State annexation law requires the City provide fire protection within two years of annexation
- As an alternate to installing a parallel system, CMUD recommends the purchase of the Carolina Water System serving Mallard Crossing
- It would cost CMUD $111,732 to run a parallel system to serve Mallard Crossing
- The advantages to the City's purchase of the system in Mallard Crossing are
  - It would avoid disruption to the community by eliminating the need to install a parallel water system
  - CMUD would acquire 102 new customers The estimated annual revenue derived from the new customers would be $12,240

CMUD

- There would not be any cost to the 102 Carolina water customers to become CMUD customers If a parallel system was installed and the resident elected to connect to the City water system, the current connection fee would be $710 per customer

- CMUD would install fire hydrants on the existing system to meet annexation requirements

- Mallard Crossing is the only water system owned by **Carolina Water** in the 1993 annexation areas

- Mallard Crossing is on the CMUD sewer system

- The North Carolina 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

18 Roll-Out Garbage Implementation - City Code Amendments

Action — **Approve amendments to City Code Articles 2 and 3 (Health and Sanitation Code) to implement Roll-Out Garbage Collection Services**

Staff Resources: Wayman Pearson and Henry Underhill

Explanation of Request — The proposed amendments to City Code Articles 2 and 3 specify the following

- the type of container to use,
- materials to be collected, and
- how materials are to be set out

whl Seconded unan.

Solid waste

Background

- In June 1993 City Council approved the change to roll-out garbage collection
- August 1, 1994 is the implementation date for roll-out garbage collection

19 Charlotte-Mecklenburg Housing Partnership - Innovative Housing Construction Contract

Action **Approve a housing support contract totaling $2,944,552 with the Charlotte-Mecklenburg Housing Partnership--Housing Construction**

Staff Resource J W Walton

Policy

Scan/ cannot urban.

The City's Comprehensive Housing Affordability Strategy (CHAS), approved by City Council on October 23, 1993 establishes a priority policy to provide housing support services for low income people This policy was also reviewed and reaffirmed at Council's July 12, 1993 Housing Workshop On July 5, 1994, council reviewed these policies again

Explanation of Request:

This contract is funded annually from the City's Innovative Housing Fund The program evaluation is in the Council Library and is referenced in the Manager's Recommended Budget on page 173

- Charlotte-Mecklenburg Housing Partnership--Housing Construction contains a 47% increase The increase is composed entirely of FY94 CDBG carryover money and projected program income The objectives focus on completing work on the Partnership's share of the 309 housing units and on the Genesis and Seversville neighborhoods Two new objectives are added for the carryover and projected income funds

FY95 Contract Amount $2,944,552

CP

NOTE One additional contract, for the Charlotte Housing Authority--Self-Sufficiency Program is still in negotiation and will be brought to Council in August or September

Funding.

Innovative Housing Fund	$ 500,000
Community Development Block Grant	1,500,000
CD Block Grant FY94 Carryover	600,552
FY95 Projected Program Income	344,000
	$2,944,552

Background. During the FY94 budget deliberations, City Council decided that a complete review of the City's current housing policies was necessary before developing a plan for the Innovative Housing fund money A Housing Workshop was held July 12, 1993 At that workshop, Council reaffirmed existing Housing Policies and established a broad policy framework in a attempt to clarify roles and improve coordination

Attachment 11

20 **Appointments to "Our Region Tomorrow" Study Committee**

Action **Appoint three representatives (no more than one elected official) to the "Our Region Tomorrow" Study Committee**

Resource. Lee Armour, Centralina Council of Governments

Explanation of Request.

Campbell nominated Wheeler
Reid nominated Jackson

- The primary goal of the OUR REGION TOMORROW Study is to develop strategies and policies which recognize future growth and development trends but strive to maintain and enhance the area's quality of life

- The Study will be conducted in a strategic planning format Initially, municipal and county governing boards will be asked to make appointments to a Future Visions

Boyd Carter

Committee (FVC) This Committee will be in charge of overseeing the project and identifying the most important or significant areas of concern upon which the Study is to focus Areas of study which the Committee could select include recreation, transportation, public safety, tourism, the environment, etc

Background. On June 13, Centralina Council of Governments (COG) briefed Council on the role of the COG in serving the eight county region which comprises their geographic area At the briefing, Vice-Chairman Clayton Loffman and former COG member Peter Keber described the proposed Strategic Planning Study for the region which will eventually be a two-year long process They requested that the City of Charlotte appoint three members to this study committee to assist in developing the program One member could be a member of City Council but the other two individuals should be established, responsible citizens from the local community

Attachment 12

21 Boards and Commissions

A NOMINATIONS

1 SPIRIT SQUARE BOARD OF DIRECTORS
One appointment beginning immediately and ending June 30, 1995 to fill an unexpired term Council requested nominations be left open

(a) Kay Stewart Cantrell by Councilmember Wheeler
(b) Paul Parker by Councilmember Reid

(c) Suzanne Parker by Councilmember Jackson
(d) Holly Scheppegrell by Councilmember McCrory

Attachment 13

Appointed by acclamation
unan. Joyce Bradley

2 TAXICAB REVIEW BOARD, OPERATING PERMIT CLASSIFICATION
One appointment to fill a regular three year term beginning September, 1994

Attachment 14

B APPOINTMENTS

1 AIRPORT ADVISORY COMMITTEE
One regular three year appointment beginning August 1, 1994 to represent the west side of Charlotte

(a) Ralph Easterling, Sr by Councilmembers Spencer & Majeed
(b) Anna Hood by Councilmember Scarborough

Attachment 15

2 BOXING COMMITTEE
One regular three year appointment beginning August 1, 1994

(a) Leo Johnson by Councilmember Scarborough
(b) Greg Finnican by Councilmember Reid

Attachment 16

3 HISTORIC LANDMARKS COMMITTEE
Two regular three year appointments beginning July, 1994

(a) John Apple by Councilmember Spencer
(b) James Bryant III by Councilmember Reid
(c) Lindsay Daniel by Councilmember Baker
(d) Glenda Durrell by Councilmember Jackson
(e) Barry Lee Miller by Councilmember Spencer
(f) Milton Silver by Councilmember Reid
(g) Dana Tabor by Councilmember McCrory

Attachment 17

4 NEIGHBORHOOD MATCHING GRANTS COMMITTEE /NON-PROFIT CATEGORY

One appointment representing a non-profit entity to fill an unexpired term beginning immediately and ending April, 1996

(a) Bonnie Allen by Councilmember Scarborough
(b) Dwayne Collins by Councilmember Martin
(c) James Mitchell by Councilmember Majeed
(d) Susan Russell by Councilmember Wheeler

Attachment 18

5 PLANNING COMMISSION
One appointment beginning immediately to fill an unexpired term ending June 30, 1995

(a) Keith Dacus by Councilmember Baker
(b) Pat Dayton by Councilmember Spencer
(c) Guy Gordon by Councilmember Jackson
(d) Mike Hinshaw by Councilmember Reid
(e) John Tabor by Councilmember McCrory
(f) Karen Woods by Councilmember Scarborough *

*Ms Woods currently serves on both the Certified Development and Housing Appeals Boards She is aware she must resign one of these positions if she is appointed to the Planning Commission

Attachment 19

6 UPTOWN DEVELOPMENT CORPORATION
Two regular three year appointments beginning September, 1994 to represent business

(a) Mark Bernstein by Councilmember Baker
(b) Mark Copeland by Councilmember Jackson
(c) Cassie Dillon by Councilmember Jackson
(d) Chuck Duncan by Councilmember Wheeler
(e) David Fairbaugh by Councilmember McCrory
(f) Dr Wanda Gunthrie by Councilmember Scarborough
(g) Bill Martin by Councilmember Reid
(h) David Thompson by Councilmember McCrory
(i) Robert Quinn by Councilmember Reid

One regular appointment to represent a non-profit entity

(a) Bob Davis by Councilmember Scarborough
(b) Chief Dennis Nowicki by Councilmember Wheeler

Attachment 20

22. Set Date for City Attorney's Annual Evaluation

Action mat / Scar unan	Recommend adoption of a motion scheduling an Executive Session for Monday, August 22, at 4 00 p m for the purpose of conducting the annual performance evaluation of the City Attorney
Explanation of Request	Each year, the Mayor and City Council conduct an evaluation of the City Attorney's job performance Henry Underhill's last evaluation was on July 26, 1993

23 Set Date for City Clerk's Annual Evaluation

Action	Recommend adoption of a motion scheduling an Executive Session for one of the following dates for the purpose of conducting the annual performance evaluation of the City Clerk
Scar / mat unan	OPTION 1 - Monday, August 22 at 3 00 p m prior to the proposed City Attorney's evaluation and Council's Business Meeting OPTION II - Wednesday, September 7 at 3 30 p m prior to Council's Workshop
	Each year the Mayor and City Council conduct an evaluation of the City Clerk's job performance Brenda Freeze's last evaluation was July 26, 1994, and her merit date is July 6, 1994

Item No

24. Executive Session

Action: Adopt a motion to hold an executive session at the conclusion of the meeting for the purpose of conferring with the City's Attorneys concerning the proposed settlement of a lawsuit, as permitted by the State's Open Meeting Law

10:45 Adjourn

Item No

Approve Consent
Scan/Comp
Unan

CONSENT I

25 Various Bids

A. Convention Center Marquee — Purchasing

Recommendation: The Purchasing Director recommends that the low bid of $103,000 by Daktronics, Inc. of Brookings, SD be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	N/A	0	10%
WBE	N/A	0	3%

Purchas. 19

Compliance There were no known MWBE bidders

B. Storm Water Maintenance FY95-A — Engineering and Property Management

Recommendation: The City Engineer recommends that the low bid of $262,495 from United Construction Company of Charlotte, North Carolina be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$262,495	100%	6%
WBE	$0	0%	3%

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

EMS.

C Cherry Community Storm Drainage Improvements, Phase I — Engineering and Property Management

Recommendation The City Engineer recommends that the low bid of $242,453 12 from Blythe Development Company of Charlotte, North Carolina be accepted

EMS.

MWBE Status	Amount	% of Project	Proj Goals
MBE	$17,300	7 4%	7%
WBE	$ 7,400	3 2%	3%

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

D. Water Distribution Project - 1993 Annexation NC16/NC27 **CMUD**

Recommendation: The Utility Director recommends that the low bid of $1,143,391 29 by W M Paris & Associates, Inc of Charlotte, North Carolina be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$0	0%	6%
WBE	$0	0%	3%

CMUD

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

E. Sanitary Sewer Project - 1993 Annexation - NC16/NC27 **CMUD**

Recommendation The Utility Director recommends that the low bid of $2,158,213 81 by Sanders Brothers, Inc of Charlotte, North Carolina be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$ 14,000	0 7%	3%
WBE	$203,000	9 4%	2%

Compliance Yes - The Contractor will exceed the established contract goals for WBE participation and made good faith efforts to meet MBE goals for this project

CMUD

F. **Sanitary Sewer Project - 1993 Annexation - US29/NC49, Providence Road/Providence Road West, and York Road/Beam Road** **CMUD**

Recommendation The Utility Director recommends that the low bid of $1,173,639 37 by Trans-State Construction Company of Denver, North Carolina be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$0	0%	4%
WBE	$0	0%	3%

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

CMUD

G. **Sanitary Sewer and Water Distribution Project - Meta Road and Shearwater Point Drive** **CMUD**

Recommendation: The Utility Director recommends that the low bid of $254,285 33 by W M Paris & Associates, Inc of Charlotte, North Carolina be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$0	0%	9%
WBE	$0	0%	6%

CMUD

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

H. **Sanitary Sewer and Water Main Construction - FY95 Contract #101 - Street Main Extensions** **CMUD**

Recommendation· The Utility Director recommends that the low bid of $1,041,920 by R H Price, Incorporated of Charlotte, North Carolina be accepted

MWBE Status WBE PRIME CONTRACTOR

	Amount	% of Project	Proj Goals
MBE	$3,000	0 3%	6%
WBE	$1,038,920	99 7%	3%

Compliance· Yes - The Contractor is a certified WBE

CMUD

I. **Sanitary Sewer and Water Main Construction - FY95 Contract #102 - Street Main Extensions** **CMUD**

Recommendation. The Utility Director recommends that the low bid of $1,054,245 75 by McDaniel Construction Contractors, Incorporated of Spindale, North Carolina be accepted

MWBE Status	WBE PRIME CONTRACTOR Amount	% of Project	Proj Goals
MBE	$0	0%	6%
WBE	$1,054,245 75	100%	3%

Compliance Yes - The Contractor is a certified WBE

CMUD

J **McAlpine Creek Residuals Management Facility - Residuals/Lime Mixers Procurement** **CMUD**

Recommendation The Utility Director recommends the low bid of $62,418 by RDP Company of Plymouth Meeting, Pennsylvania be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$0	0%	0%
WBE	$0	0%	0%

Compliance Due to the specialized nature of this work, there are no known MWBE firms available to supply this equipment

CMUD

K **Airport Gasoline Storage Tank System** **Aviation**

Recommendation The Aviation Director recommends the low bid of $72,800 by Jones and Frank Corporation of Norfolk, VA be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$5,000	6 86%	N/A
WBE	$3,600	4 94%	N/A
DBE TOTAL	$8,600	11 8%	15%

Compliance Yes

Aviation

Item No Whe/Scar unan.

L Plant Mix Asphalt for Street Maintenance CDOT

Recommendation. The Transportation Director recommends the low adjusted bids(*) as follows

Summary of Bids:

Hot Mix

		Actual Bid
Section I		
Rea Construction	Charlotte, NC	$332,480 00
Section II		
Rea Construction	Charlotte, NC	$810,207 50
Section III		
Rea Construction	Charlotte, NC	$427,885 00
Section IV		
Blythe Construction	Charlotte, NC	$359,667 00

Cold Mix Asphalt

Rea Construction	Charlotte, NC	$158,000 00

(*)The adjusted bid considers travel time and expense for City crews

MWBE Status	Amount	% of Project	Proj Goals
MBE	0	0	10%
WBE	0	0	3%

Purchasing

Compliance Yes There are no known MWBE vendors

26 Refund of Certain Taxes

Action Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $1,515 42

Attachment 21

Res # 6 Book 32 P. 384

Item No

ORD # 4 #103-X B-45 P-386

27 In Rem Actions

A. 2805 Mayfair Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2805 Mayfair Avenue (West Boulevard Neighborhood) which is located in the City Within a City boundaries

Attachment 22

Mc/wh TO APPROVE Sub. Reid/MAS 30 DAYS 6.0 FOR SUB. 3 votes MAS Reid - Baker - Mayor - unanimous vote on main

B. 408 Jones Street

ORD # 6 #105-X B-45 P-388

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 408 Jones Street (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries

Attachment 23

C 200 Lakewood Avenue

ORD # 7 #106-X B-45 P-389

Action. Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 200 Lakewood Avenue (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries

Attachment 24

D. 3712 Simmons Street

Action Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3712 Simmons Street (Westerly Hills Neighborhood) which is located in the City Within a City boundaries

Attachment 25

ORD # 5 #104-X P-387 B-45 Mc/wh Sub TO DE 30 days Reid/MAS 3 pm Reid MAS Baker Vote on MAIN - unan.

Item No

E 212 Halsey Street

ORD# 8
#107-X
B-45
P-390

Action

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 212 Halsey Street (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries

Attachment 26

F 2014½ Rozzelles Ferry Road

Action

ORD# 9
#108-X
B-45
P-391

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2014½ (a/k/a 2010½) Rozzelles Ferry Road (Smallwood Neighborhood) which is located in the City Within a City boundaries.

Attachment 27

G. 2929 Morning Drive

Action

ORD# 10
#109-X
B-45
P 392

Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2929 Morning Drive (West Boulevard/Reid Park Neighborhood) which is located in the City Within a City boundaries

Attachment 28

ORD# 1
#100-X
B-45
P 383

H 1336 Ferncliff Road

Action

A) Adopt an ordinance authorizing the use of In Rem Remedy to repair the dwelling at 1336 Ferncliff Road which is located in the City Within a City boundaries, and

B) Approve an In Rem Home Repair loan to A. Melvin Solomon and wife, Ruth, in the amount of $32,607 to finance the cost of the repairs

Attachment 29

motion Reed - not accept
Jack | Reed - bring back
Clow up + bring back
sub. motion as where
to place card
Baker | Scott
7 yes

CAMP
CAMP
MAYS
Spencer
Baker
Wise
Scott

4 NO Jack Reid Mont Mc

ORDT 2 #101-A B-35 P-384 TO APPROVE

1. 1200 Eastway Drive

Action

A) Adopt an ordinance authorizing the use of In Rem Remedy to repair the dwelling at 1200 Eastway Drive (Shamrock Gardens Neighborhood) which is located in the City Within a City boundaries, and

B) Approve an In Rem Home Repair loan to Kathleen Bartlett in the amount of $11,020 to finance the cost of the repairs.

Attachment 30

SUB. Sock Seal where repairable to clean up basing it property prior to need sock mat for maid Council vote 8 yes, 3 no, same 3

28. Resolution of Intent to Abandon Street and Set Public Hearing - Alleyway South of East 18th Street

RES# 7 B-37 P-387

Action

A) Adopt the Resolution of Intent to abandon a portion of an Alleyway south of East 18th Street, and

B) Set a Public Hearing on August 22, 1994

Attachment 31
Vicinity Map

DOT

29. Resolution of Intent to Abandon Street and Set Public Hearing - Alleyway Northwest of North Long Street

8

Action

A) Adopt the Resolution of Intent to abandon a portion of an Alleyway northwest of North Long Street, and

RES# B-37 P-389

B) Set a Public Hearing on August 22, 1994

Attachment 32
Vicinity Map

DOT

Item No

30 Set Public Hearing Concerning Name for Meeting Space in the New Convention Center

Action — Set a public hearing on August 22, 1994 to receive input on naming the major meeting space in the New Convention Center in honor of Senator Jim Richardson

31 Set Public Hearing Concerning Community Development Block Grant

Action — Set a public hearing on August 22, 1994 to receive citizens' input on the proposed use of $1,621,375 of Community Development Block Grant (CDBG) Section 108 loan guarantee funds for Mecklenburg Mill

CONSENT II

32 Various Bids

A. North Mecklenburg Water Treatment Plant - Contract #2 - Intake and Raw Water Transmission Main - General Construction and Electrical Work — CMUD

Recommendation

A) The Utility Director recommends that the bid of $7,743,840 00 by Lee Construction Company of Charlotte, North Carolina be rejected because of a material irregularity that, in the opinion of the City Attorney, is not waivable

B) Recommend City Council award the low, responsive, responsible combined Multi-Prime bids submitted by Gilbert Southern Corporation of College Park, Georgia and Port City Electric Company of Mooresville, North Carolina for a combined total of $8,085,272 76

Bates/Wise - To award Bid to the Low Bidder - Lee Const. Co. Lenan.

Explanation The City Attorney's Office reviewed Lee's bid and believes that the difference between the original bid form used by Lee and the bid form used by all other bidders is a material difference that cannot be waived Lee's use of the wrong bid form provided it with the ability to compare its bid with all other bids and, upon a determination that its bid was too low, contend that its bid was not responsive and not binding because it was based on factors such as the wrong completion date Such a possibility -- even if a bidder does not intend to pursue that course of action -- provides the bidder with an unfair advantage over all other bidders

MWBE Status GILBERT SOUTHERN

	Amount	% of Project	Proj Goals
MBE	$ 263,000	3 4%	8%
WBE	$1,177,200	15%	6%

Compliance Yes - The Contractor will exceed the established contract goal for WBE participation and made good faith efforts to meet the MBE goals for this project

CMUD

Item No

MWBE Status: PORT CITY ELECTRIC

	Amount	% of Project	Proj Goals
MBE	$0	0%	3%
WBE	$0	0%	1%

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

Summary of Bids

Single Prime	Lee Construction Co	$7,892,556 00
	Gilbert Southern Co	$8,125,256 76
	Crowder Construction Co	$8,455,467 00
*Multi-Prime General	Lee Construction Company	$7,743,840 00
	Gilbert Southern Company	7,979,396 76
	Crowder Construction Company	8,338,013 00
	J S Haren Construction Co	9,953,160 00
	Republic Contracting Corp	13,770,000 00
	Dellinger, Inc	14,198,400 00
*Multi-Prime Electrical	Port City Electric Co	$105,876 00
	Ind-Com Electric Company	116,892 00
	Watson Electrical Construction Co	131,044 00

B. Police/Fire Academy Burn Pits — **Engineering and Property Management**

Recommendation The City Engineer recommends that the negotiated bid of $254,044 66 from Moretti Construction Company of Charlotte, North Carolina be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$19,006	7 9%	7%
WBE	$19,807	8 2%	4%

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

Explanation Due to the complicated nature of this work (heat resistant concrete, water collection and recirculating system, gas piping, controls and valves used to ignite and control a fire of pressurized liquid propane and natural gas), and the current bidding market, there was little bidder interest in the project Consequently, only one bid was received on the original bid date The project was re-advertised as required by NC General Statute and one bid was received The bid was reviewed by Engineering and Property Management and is reasonable for the work to be performed The negotiated bid is $22,860 26 less than the original bid

33 Convention Center, Finishes, Change Order No 5

Action	**Approve Change Order No 5 to the Convention Center Finishes contract with Cecil Malone for $451,153**
Staff Resource	David Garner
Explanation of Request	Change Order No 5 is a combination of various changes, additions, substitutions of materials, and clarifications to the plans made as the project progresses and conflicts and omitted work are identified This change order was expected and is $100,000 less than the amount that had been estimated and carried in our current budget projections Significant changes and their amounts include

- $100,000 for the substitution of interior and exterior wall systems as part of cost saving efforts The change increased the amount of work for Cecil Malone while decreasing the work for the precast concrete contractor which resulted in an overall savings to the project of $2 2 million The majority of the cost for this change was covered in Change Order No 1 in August 1993 At that time, only an estimate of the amount of material to be changed was known

Ex-8

- Final field conditions have required various changes to be made to the interior finishes These include changes of wall and ceiling types, the addition of rooms and doors, changes to door types, and additional insulation and expansion joint covers at a total additional cost of $186,000

- Changes in the specifications to a larger wall thickness in some areas of the buildings as required for additional wind resistance support at an additional cost of $165,000

Background

- On June 14, 1993 - Council approved the contract with Cecil Malone for $9,572,700

- August 23, 1993 Council approved Change Order No 1 for $625,000 as partial payment for the replacement of precast concrete panels with alternate wall systems and other finishes

- December 13, 1993 - Council approved Change Order No 2 for $105,989 for an additional operable wall

- April 12, 1993 Change Order No 3 for $20,000 was charged against contract contingency to accelerate the manufacturing of metal door frames needed to begin masonry work in some areas of the building

- June 13, 1994 - Council approved Change Order No 4 for $250,000 for additional supervision and equipment needed to compress the finishing schedule in order to complete the project by December 23, 1994

- Approval of Change Order No 5 will increase the contract sum from $10,553,790 to $11,004,943

Attachment 33
Project Budget Update

Item No

34. Convention Center Dance Floor and Staging

Recommendation The Purchasing Director recommends that the bid of $265,721 53 to Sico North America, Inc, of Minneapolis, MN be accepted The low bidder did not meet specifications

Explanation Specifications not met by Stage Right Corporation include the deck rests, is stored, and is transported on the frames at all times, stage unit height adjustment must have auxiliary power source, and the units shall match room units currently in use at the Charlotte Convention Center

Summary of Bids

• Sico North America, Inc	Minneapolis, MN	$265,721 53
• Stage Right Corporation	Clare, MI	$206,913 00

MWBE Status	Amount	% of Project	Proj Goals
MBE	N/A	0	10%
WBE	N/A	0	3%

Compliance. Yes There were no known MWBE bidders

Purchasing

35 Aviation Engineering Design Services Contract

Action Award contract to W K Dickson Co , Inc , in the amount of ~~$130,452~~ $130,000 for engineering design services for ~~four~~ three new high speed taxiways

No Contract

Staff Resource: T J Orr

Explanation of Request This contract provides the engineering design services for four high speed taxiways that have been identified in the Airport Capacity Enhancement Plan The following is a breakdown of the lump sum fees

Preliminary Design	$ 3,072
Design Phase	72,680
Bidding Phase	8,000
Construction Administration	46,248
TOTAL	$ 130,000

Aviation

This fee is 4 8% of the estimated construction costs of $2 8 million and funding of the project will be provided by a future FAA Grant The balance will be repaid through landing fees

Background The need for this project is identified in the Airport Capacity Enhancement Plan and will reduce aircraft delays

Does not Require a Budget Ordinance

36. Airport Properties Tornado Damage Budget Ordinance

N G.

Action:

Scott Cannon

A) Accept insurance proceeds amounting to $193,943 97 to cover tornado damage to Airport properties and,

B) Authorize payment of $104,700 to Beam Construction Company to repair the tornado damage to Burlington Air Express facility.

Staff Resource: T J Orr

Explanation of Request.

- Aviation Department had four properties damaged during a tornado in March These properties were

  (1) **Burlington Air Express Building,** which was completed in May 1993, has a replacement cost of approximately $1,054,000 This building is occupied by Burlington Air Express to support their air freight operation at Charlotte The facility must be repaired as soon as possible Loss to be covered by insurance proceeds is $108,787 02

  (2) **Johnson Control Building,** which was acquired through the Airport's Master Plan Land Acquisition and was valued at $263,775, is temporarily used for storage until such time as the facility can be demolished to accommodate future air

AVIATION

cargo development This building will be demolished and the tenant relocated Loss to be covered by insurance proceeds is $54,128 95

(3) **Church of God** properties, which was acquired as a result of a law suit settlement, received damage to the HVAC System due to lightning This property will be occupied by The Bible College for at least five years The HVAC repairs have been completed Loss to be covered by insurance proceeds is $11,640

(4) **Animal Shelter Kennels**, which were recently occupied, are valued at $75,000 These facilities will be repaired Loss to be covered by insurance proceeds is $19,388

- In accordance with the City's insurance policy, the insurance proceeds are paid to the City, and the City is responsible for implementing appropriate repairs

- Due to the extent of the loss at the Burlington Air Express facility, it is necessary for City Council to authorize payment to Beam Construction Company for their repairs to the Burlington Air Express facility

- Because of a planned building expansion, an end wall will not be repaired Therefore, the payment to Beam has been reduced to $104,700

Background

The City's insurance adjuster has been working with a local contractor, Beam Construction Company, to make emergency repairs to the Burlington Air Express facility so that it could continue to operate as an air cargo facility while determining the extent of the loss incurred The adjuster selected Beam Construction since they

were the General Contractor on the recently completed building in order to maintain the warranties for the City

Beam Construction Company completed all emergency repairs in a timely manner and then, in working with the insurance adjuster, ordered supplies and materials to make the permanent repairs to the facility These permanent repairs are currently underway

37. Airport Advertising Concession

Action: **Approve 4-Year, 364-Day agreement with Ackerley Airport Advertising, Inc to handle the Airport Advertising Concession for all public advertising in the passenger terminal**

Staff Resource: T J Orr

Explanation of Request

- The Advertising Concessionaire handles all sales, display design and installation, and collection of revenue for all advertising in the public spaces of the terminal
- Request for Proposals (RFP) were advertised in December, 1993 to handle the Airport Advertising Concession
- Two companies submitted proposals

  - Ackerley Airport Advertising, Inc
  - InterSpace Airport Advertising

- RFP stated that 55% of gross revenues be submitted to the Airport with a $240,000 minimum annual guarantee, and award of the concession would be based upon overall business plan with emphasis on creativity and appearance of advertising fixtures

AUTATION

- A Selection Committee comprised of representatives of Airport staff, Airport's Architectural firm, City Manager's Office, Airport Advisory Committee and consultant from Airport's concession advisor reviewed the proposals and interviewed the two proposers

- Key elements of proposal that weighed Selection Committee's decision included

  - Overall business plan
  - Creativeness and appearance of advertising fixtures
  - Financial stability
  - Previous experience
  - Marketing plan
  - Maintenance plan
  - DBE participation

- Ackerley Airport Advertising, Inc received unanimous approval from the Committee. Ackerley has committed to a 20% local DBE participation

38. Airport Art Contract

Action

Approve a contract in the amount of $165,000 with artist George Greenamyer to provide a large kinetic sculpture in the terminal building expansion at the airport.

Staff Resource: T J Orr

Policy: **The Airport Art Program is an element of the Public Art Program previously approved by Council.**

Explanation of Request

The Airport Art Program identifies major spaces in the terminal complex suitable for significant artworks and a process for acquiring those artworks That process has been used to select George Greenamyer to produce a narrative, kinetic

AVIATION

artwork for the new terminal addition This contract includes development of a concept with two reviews, the artist's design fee, all materials, fabrication and installation of the work

Background

The Airport Advisory Committee and the Public Art Commission have recommended this contract for approval

$50,000 has been appropriated every other year beginning in FY 1989 to fund the Airport Art Program at the airport

An Airport Art Master Plan was completed in 1990 establishing guidelines and procedures for the Airport Art Program

Under the Council approved Public Art program, the Public Art Commission selects the artist and art and the Council's role is to approve the contract

In 1992 a selection committee recommended by the Public Art Commission considered five public art consultants and selected Jennifer Murphy to (subsequently hired by Arts & Science Council) administer the project

Murphy was contracted by the airport to submit for committee review public artists whose art works were installed in airports, transportation center, or major public space The committee reviewed slides of the works of 71 public artists and selected eight to be interviewed The Committee reviewed these eight's past work and proposed concepts for this project and selected George Greenamyer

39. Contract Renewal - Corporate Personnel Consultants and Temporaries, Inc.

Action: Renew contract with Corporate Personnel Consultants and Temporaries, Inc for one (1) additional year as provided for in the contract dated June 14, 1993 at the annual rate per job class agreed upon Actual expenditures for FY94 come to $164,000.

Staff Resource Dave Cooke

Explanation of Request

- Bids for temporary personnel services were solicited in February of 1993 Corporate Personnel Consultants and Temporaries, Inc provided the best combination of price and services
- The Invitation to Bid provides a one year renewal option Renewal of existing contract would save time and the expense of soliciting bids
- In April of 1994 a city-wide survey was conducted to evaluate current temporary staffing services The results yielded satisfactory ratings among City departments for services provided by Corporate Personnel Consultants and Temporaries, Inc

Dave Cooke

40. U.S. Treasury Department - Budget Ordinance

ORD# 11
H 110-A
B-45
P-393

Action Adopt an amendment to the Fiscal Year 1995 Budget Ordinance that will appropriate $1,178,100 for the payment of arbitrage rebate to the United States Treasury Department

Staff Resource W Carey Odom

Budget

Item No

Explanation of Request

Tax regulations allow the City to invest its bond proceeds prior to their expenditure for capital projects To the extent they are invested at a rate higher than the rate the City pays for the bonds, it must be paid back (rebated) to the U S Treasury (90% at first computation date) The City is required by the 1986 Tax Reform Act to make payment within 60 days of its June 1, 1994 Computation Date Council is requested to appropriate $1,178,100 from funds previously reserved (set aside) to make the City's payment

Funding

Reserve for Arbitrage Liability

Background.

The 1986 Tax Reform Act requires the City to pay the U S Treasury its "profits" on the investment of proceeds Each year the City has calculated the amount due and sets it aside in a reserve account During the 5 year computation period the City has earned $5,919,292 25 that is $1,312,031 73 over the amount that is allowed 90% of this amount is now due

41 **Mecklenburg Mill - Budget Ordinance**

Action

Rec'd Comm mgr.

Adopt an ordinance to fund a $500,000 bridge loan to First Meridian Management, Inc (Jim Mezzanotte) for interim financing of the Mecklenburg Mill in North Charlotte

Explanation of Request

ORD # 3
102-X
B-45
P-385

- On June 27, 1994 City Council approved a $500,000 bridge loan to First Meridian Management, Inc for interim financing of the Mecklenburg Mill from existing Community Development Block Grant (CDBG) funds
- The loan will be a 30-year, 3% deferred payment loan

Budget

- Due to the fact CDBG funds cannot be advanced prior to the completion of an Environmental Impact Study, a temporary source of funding has been identified

- The temporary source of financing will be the Municipal Debt Service Fund After the completion of the Environmental Impact Study, CDBG funds will reimburse the Municipal Debt Service

42 **Resolution Introducing November 8, 1994 General Obligation Bond Referendum and Setting Public Hearing**

Post 1
B-32
P 371
Sent to
Urban

Action

Approve a resolution related to the proposed November 8, 1994 General Obligation Bond Referendum that introduces the following Bond Orders totaling $162,190,000.

- **Order authorizing $69,960,000 of Water Bonds**

- **Order authorizing $67,230,000 of Sanitary Sewer Bonds**

- **Order authorizing $25,000,000 Storm Water Bonds**

The resolution also establishes August 22, 1994 as the date for a public hearing on the referendum

Staff Resource: W Carey Odom

Explanation of Request: Approval of this resolution by Council introduces the three bond orders and sets the public hearing for August 22, 1994 After the public hearing Council will consider adopting the bond orders on the second reading

Finance

Background· On June 27, 1994 Council authorized staff to proceed with actions necessary to conduct a General Obligation Bond Referendum on November 8, 1994 Council will be requested to take one additional action on August 22, 1994 that will be the final action prior to the referendum on November 8, 1994

Attachment 34
Project Listing

ADMINISTRATIVE MATTER HERE HUH - DOES NOT NEED TO BE NUMBERED - NS

43 Order of Collection for Ad Valorem Taxes

Action: **Adopt an order of collection empowering the Office of the Tax Collector to collect the City's ad valorem taxes.**

Explanation of Request **The City-County Tax Attorney advises that the City Council adopt and that the Mayor sign an annual Order of Collection of taxes. State law requires city and county governments to take this action at this time of year in the ad valorem tax cycle**

5 cent like urban.

Attachment 35
Copy of memorandum from John C Petoskey, Tax Administrator
Copy of Order of Collection

TAX OFFICE

44 Voluntary Annexation - Set Public Hearing

Action **Adopt a resolution setting a public hearing on August 22, 1994 for a voluntary annexation**

Staff Resource. Dick Black

Policy **Voluntary Annexation Procedures**

Deferred

Item No

Explanation of Request

It is requested that City Council adopt a resolution setting Monday, August 22, 1994, as the date for a public hearing on the voluntary annexation of the IBM and YMCA properties

Background

IBM and YMCA are the owners of the property proposed for voluntary annexation The property contains approximately 75 acres and is located on the south side of W T Harris Boulevard West adjacent to the recent University Research Park Annexation (June 30, 1994) The IBM property is presently undeveloped, except for an existing private street The YMCA property is developed

The purpose for requesting annexation is to bring the entire IBM private street into the city and thus, be eligible for maintenance by the city A portion of the IBM street was annexed on June 30, 1994 as part of the University Research Park Annexation

45 **Lower Speed Limit on 8 City Streets**

Action: Adopt an ordinance to lower the speed limit on eight (8) Charlotte City streets

Staff Resource R N Pressley, Jr ,

Policy. **Neighborhood 25 MPH Program**

Explanation of Request

Request Council adopt an ordinance to lower the speed limit in accordance with Council's approved policy on the Neighborhood 25 MPH Program, on

- Airlie Street (Country Club Acres) 25 MPH
- Chadwyck Farms Drive (Chadwyck Farms) 25 MPH
- Club Road (Country Club Acres) 25 MPH
- Country Club Drive (Country Club Acres) 25 MPH
- Darnley Place (Chadwyck Farms) 25 MPH

ORD #12
#111
B-45
P-394

B-5T

- Jardiniere Court (Chadwyck Farms) 25 MPH
- Sequoia Red Lane (Chadwyck Farms) 25 MPH
- Stourton Lane (Chadwyck Farms) 25 MPH

Background

On May 14, 1984, City Council approved a policy to permit a lowered speed limit on residential streets The policy requires that the residents submit a petition signed by 75 percent of the residents or property owners on the streets and that an engineering evaluation be conducted by the Department of Transportation to determine if the lowered speed limit is appropriate

46 **Resolution for CDOT-FTA Disadvantaged Business Enterprise Goals**

Action

Adopt a resolution which sets the Department of Transportation's Disadvantaged Business Enterprise goals at 13% for projects funded in part by the Federal Transit Administration

Staff Resource

R N Pressley, Jr

Explanation of Request.

City Council is asked to

- Adopt a resolution setting the CDOT-FTA goal for Disadvantaged Business Enterprises at 13% for FY 1994 as recommended by the Department of Transportation
- Goal is based on DOT's DBE utilization to date
- There are penalties if the 13% goal is not met, therefore the goal is set at 13% even though it will most likely be exceeded
- A complete report on the DOT's DBE utilization will be presented in early fall as part of the Annual Report from the Minority Enterprise Program

Per # 2

B 32 P-377

Whel Sca unan.

DOT

Background.

- Since these regulations were enacted, the City has consistently exceeded its DBE goal

	1990	1991	1992	1993
FTA Goal	13	13	13	13
Achieved	29	17 8	23	**35**

- Federal Transit Administration (FTA) regulations require the annual submittal of DBE goals
- This goal applies only to purchases that will use some FTA funds, and does not affect the city-wide goals for Minority Business Enterprise (MBE) activities
- Fuel, tires, bus parts, and the repair of buses make up most of these purchasing opportunities
- Transit vehicles are exempted from the goal calculations

47 Recommend Approval of the following property transactions (acquisitions A-D) and adoption of the condemnation resolutions (E-H)

Acquisitions

A **Project** Carmel Road Widening, Parcel # 10
Owner(s) Bellsouth Telecommunications, Inc D/B/A Southern Bell Telephone & Telegraph Company
Property Address 6305 Carmel Road
Property to be acquired 7,345 88 sq ft (0 1686 AC) of fee plus 4,025 47 sq ft (0 0924 AC) of Temporary Construction Easement
Improvements Landscaping and sign
Tax Value $1,313,270
Purchase Price $12,900

Real Estate

Remarks This road widening project requires fee simple and temporary easement acquisition causing a loss of landscaping in addition to moving the road closer to the front of their building

Zoned O-1 Use Communications Building
Tax Code 211-201-11

B **Project** Carmel Road Widening, Parcel #31
Owner(s) Gary A Burkart & wf , Wendy P Burkart
Property Address 5829 Winburn Lane
Property to be acquired 1,785 59 sq ft (0 0409 AC) of fee and Permanent Easement plus Temporary Construction Easement of 1,963 17 sq ft (0 045 AC)
Improvements Landscaping, Trees, Shrubbery & two rail wood fence
Tax Value $135,950
Purchase Price $12,000
Remarks This road widening project requires fee simple, permanent and temporary easement acquisition causing a loss of landscaping in addition to moving the road closer to the rear of their home

Zoned R-3 Use Residential
Tax Code Part of 209-292-03

C **Project** Carmel Road Widening, Parcel # 11
Owner(s) Security Capital Atlantic Incorporated, A Maryland Corporation
Property Address 39 4 AC Carmel Road - (M9-89 Carmel Road)
Property to be acquired 27,168 04 sq ft (0 6237 AC) fee plus Temporary Construction Easement 12,610 88 sq ft (0 2895 AC)
Improvement: N/A
Tax Value $4,908,240
Purchase Price $11,900

Remarks The construction of the project causes the property's frontage along Carmel Road to be reduced in depth ranging from 13 feet +/- to 17 95 +/- feet In addition, there are two drainage easements, four down guy utility easements, temporary construction easement areas and area in existing right-of-way needed for the construction of the Carmel Road Widening Project The City's appraised offer covers these damages

Zoned 0-1 Use Vacant
Tax Code 209-241-02

D Project Carmel Road Widening, Parcel #36
Owner(s) Robert E Barth & wf , Debra S Barth
Property Address 5817 Winburn Lane
Property to be acquired 879 26 sq ft (0 0202 AC) fee, plus 1533 06 sq ft (0 0352 AC) Temporary Construction Easement
Improvements Fence, Shrubs, Landscaped area
Tax Value $146,150
Purchase Price $12,500
Remarks The property is located at the corner of Carmel Road and Meadowridge Drive North The construction on the Carmel Road project will cause the loss of a fence, shrubs, and trees along the rear property line that is parallel to Carmel Road This loss will expose their swimming pool to traffic on Carmel Road The (compensation) amount covers the damages caused by the Carmel Road project and is reflected in the appraisal report which replaces the fence and restores the Barth's privacy

Zoned R 3 Use Residential
Tax Code 209-292 01

Item No

Res #3
B-32
P-378

Condemnations

Scott Cannon
2 yes
Reid & Martin

E **Project** Neighborhood Reinvestment Reid Park, Phase II, Parcel #79
Owner(s) Johnnie L Clay & any other parties of interest
Property Address 3101 Reid Avenue
Property to be acquired 2,325 sq ft (0 05 AC)
Improvements Fence & Trees
Tax Value $21,110
Purchase Price $1 00
Remarks The project will involve the installation of curb, guttering, sidewalks and drainage systems The impact on Mr Clay's property will require donation of right-of-way to install a sidewalk Since the improvements are an enhancement, the City will not be compensating for them Mr Clay will not sign because he disagrees with the City not paying for the right-of-way Total Area 11,400 sq ft (0 26 AC), Area Acquired 1,270 sq ft (0 03 AC), Temporary Construction Easement 1,055 sq ft (0 02 AC), Remaining Area 10,130 sq ft (0 23 AC)

Zoned R-22MF Use Residential
Tax Code 145-177-01

Res #4
B-32
P-380

Wheel Cannon
1 No. Reid

F **Project** Neighborhood Reinvestment Reid Park, Phase II, Parcel #37/38/51
Owner(s) Mission Church of the Lord Jesus Christ & any other parties of interest
Property Address Vacant
Property to be acquired 6,257 sq ft (0 14 AC)
Improvements None
Tax Value $8,280
Purchase Price $1 00
Remarks The City will install sidewalk, curb and gutters and improve drainage and to improve the appearance of the neighborhood The Church has been informed of this through its pastor The pastor was also told that the City would need a portion of the church

property donated as right-of-way to enable proper installation of the improvements The pastor had assured the agent that the agreements would be signed and returned. Many attempts have been made to secure the deeds over the past several months However, no agreements have been received To avoid further delay of the project, condemnation is being requested Total Area 48,964 sq ft (1 12 AC), Area Acquired 1,391 sq ft (0 03 AC), Temporary Construction Easement 4,866 sq ft (0 11 AC), Remaining Area 47,573 sq ft (1 09 AC)

Zoned R-22 MF Use Church
Tax Code Part of 145-188-05, 06, 07

Res # 9
B 32
p. 391.

G **Project** Carmel Road Widening, Parcel # 102
Owner(s) Edward J Duffy & wf , Laura B Duffy & any other parties of interest
Property Address 4429 Carmel Road
Property to be acquired 4,381 60 sq ft (0 10058 AC)
Improvements Landscaping and Trees
Tax Value $217,950
Purchase Price $8,400
Remarks Property owners rejected the City's offer based on appraisal which included money to replace trees and landscaping in the proposed right-of-way Property owners' counter-offer was between $20,000 to $40,000 without any appraisal being performed Condemnation is being requested to resolve the value issue in court Total Area 43,750 00 sq ft (1 0044 AC), Portion To Be Acquired 1,662 52 sq ft (0 0382 AC), Temporary Construction Easement 2,719 08 sq ft (0 0624 AC), Area Remaining 42,087 48 sq ft (0 9662 AC)

Zoned R 3 Use Residential
Tax Code 211-173-14

Item No

Res #5
B-37
p-382
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uncan

H **Project** Carmel Road Widening, Parcel # 109
Owner(s) Thomas Gorman Voss & wf , Jane C Voss & any other parties of interest
Property Address 4320 Carmel Road
Property to be acquired 4,504 03 sq ft (0 1034 AC)
Improvements Landscaped area (trees, shrubs buffer)
Tax Value $159,720
Purchase Price $20,500
Remarks The parcel is located on Carmel Road The Carmel Road project will affect the front of the property with the loss of a buffered earthen berm The Voss' hired a financial consultant who determined that the value should be $34,259 His issues were considered in the City appraiser's valuation but a change in compensation was not warranted The consultant has not provided any bona fide appraisal report which would be useful for negotiations and needed if this parcel is to be litigated Consequently, we are requesting council to approve condemnation Total Area 23,646 74 sq ft (0 5429 AC) (By Deed), Acquisition Area 651 47 sq ft (0 0150 AC), Temporary Construction Easement 3,852 56 sq ft (0 0884 AC), Area Remaining 22,995 27 sq ft (0 5279 AC) (By Deed)

Zoned R-3 Use Residential
Tax Code 209-273-17

ANNOUNCEMENT

In its meeting on Monday, August 22, City Council will make nominations to fill five positions on the newly created Minority and Women's Business Development Program Advisory Committee The Mayor will appoint two representatives All appointments will be for the three and one half year duration of the program

The Advisory Committee will serve in a voluntary capacity to provide review and direction for the general performance of the program