AGENDA

Meeting Type:	BUSINESS
Date:	10/24/1994

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, October 24, 1994

5:00 p.m. — **Conference Center**

- **Reid Park Revitalization**
- **Community Development and Housing Committee Report**
- **Public Services Committee Report**

6:30 p.m. — **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, October 24, 1994
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Item No

MINUTES

1. Approve Minutes of: September 19, 1994 Zoning Meeting

Wheeler/Martin
aff. Min.
unan.

CONSENT ITEMS

2. Consent agenda items 12 through 22 may be considered in one motion except those items removed by a Councilmember Items are removed by notifying the City Clerk before the meeting.

Staff Resource Julie Burch

POLICY

3 City Manager's Report

4. Community Development and Housing Committee Recommendations Concerning Housing Rehabilitation and Repair Loan

Action: Accept the recommendations of the Community Development and Housing Committee to

Scarborough/Cannon
aff.
unan.

A Establish a Council policy requiring homeowners to clean up their properties and remove excess belongings where necessary prior to receiving City financial assistance for home rehabilitation or repair, and

B Consider exceptions to the policy when recommended by the Community Development Director

CD

Item No

Committee Chair: Ella Scarborough

Staff Resource: J W Walton

Policy:

- Charlotte's Comprehensive Housing Affordability Strategy (CHAS) approved by City Council on October 25, 1993 states that the City of Charlotte and local housing providers will pursue programs and activities that address the following priorities

  - Preserving existing housing,
  - Strengthening neighborhoods and community-based organizations,
  - Promoting self-sufficiency,
  - Promoting housing affordability; and
  - Expanding affordable housing

- On October 12, 1987, City Council approved the rehabilitation program to preserve existing housing

Explanation of Request

- This issue arose at City Council's July 25, 1994 meeting concerning a home repair loan that included funds for clean up and removal of excess belongings

- The issue of whether the City should require owners to clean up their properties before receiving City assistance was referred to the Community Development and Housing Committee for consideration

- The Community Development and Housing Committee recommends that

  - the administrative practice be established as a Council policy that homeowners are required to clean up their properties and improve housekeeping skills before receiving financial assistance,

- the Community Development Director has the flexibility to request that cleanup assistance or removal of excess belongings be a part of a loan, with the justification for exception to policy clearly identified in the Request for Council Action, and

- appropriate referrals to assist the homeowner and plans for the long-term care of the property be part of the services rendered in the exceptional cases

Funding: Federal Community Development Block Grant or HOME funds

Background·

- On October 3, 1994, the Community Development and Housing Committee met and considered the problem of poor housekeeping and accumulation of excess belongings by some housing rehabilitation borrowers

- At the October 3 Committee meeting, staff explained that it has been an administrative practice, but not Council policy, that homeowners be required to clean up their properties and improve housekeeping skills as part of the loan process before receiving the loan

- In the past 10 years there have been two known exceptions to this practice, where the loan brought before Council included funds for cleanup and removal of excess belongings One of the two exceptions was the one approved by Council on July 25, 1994

5 Community Development and Housing Committee Recommendations Concerning the Community Relations Committee's (CRC) Role

Action: Approve recommendations from the Community Development and Housing Committee to.

Scarborough/Martin
App with revisions - 2/
① Have CRC chair appoint 3/
+ CR committee appoint 3/ City
② + Review chapter 12 of City
code + define functions and
authority of CRC + its
structure.
vrnn.

A Initiate a process for reviewing Chapter 12 of the City Code (the Human Relations Ordinance) for possible revision,

B. Appoint an "Action Committee" for the review process consisting of 15 members; and

C Authorize the CRC to continue to use presently budgeted staff and funds for purposes included in Section 12-17 of Chapter 12 while the review takes place

Committee Chair: Ella Scarborough

Staff Resource Willie Ratchford

Policy.

- Chapter 12 of the City Code (the Human Relations Ordinance) calls for the creation of the Charlotte Mecklenburg Community Relations Committee
- The Committee was originally established by Mayor Stan Brookshire on July 1, 1961 In 1969 the Committee became a joint body of the City and the County

Explanation of Request:

- At the City Council meeting on August 22, 1994 CRC asked Council to
  - initiate a process for reviewing Chapter 12 of the City Code for possible revision,
  - include members designated by the CRC Chair in the review process, and

CRC

- authorize the Committee to use presently budgeted staff and funds for the work described as "Community Harmony"

- Some Community Harmony functions are to

  - study problems concerning human and community relations and to make the results available to the public,

  - promote equality for all citizens,

  - promote understanding, respect and goodwill among all citizens, and

  - provide channels of communication among the racial, religious and ethnic groups in the County

- Council referred CRC's request to the Community Development and Housing Committee for a recommendation

- On October 3, 1994 the Community Development and Housing Committee approved the following recommendations to City Council

  A *Initiate a process for reviewing* Chapter 12 of the City Code (Human Relations Ordinance) for possible revision, paying particular attention to the definition of the functions and authority of the CRC and its structure

  B Appoint an "Action Committee" for the review process consisting of 15 members to be appointed as follows

Item No

- Mayor - 2
- City Council - 3
- County Commission Chair - 2
- County Commission - 3
- Community Relations Committee Chair - ~~3~~ 2
  CR Committee appoint 3

The Action Committee will select the Chair

C Authorize the Community Relations Committee to continue to use presently budgeted staff and funds for purposes included in Section 12-17 of Chapter 12 while the review takes place (This would include the activities in the proposed budget as described in "Community Harmony")

- Action Committee's Report will be presented to Council on or before February 15, 1995

6 Public Services Committee Recommendations Regarding Privatization and Competition

Action.

Reid/Cannon app. unan.

Approve the following recommendations from City Council's Public Services Committee on items related to Privatization and Competition

A City Council request the State raise the limit for the City to perform construction and maintenance projects from $75,000 to $200,000

B The City, as a competitive bidder, will not have to include the price of a performance bond in its bid; will not have to be a "licensed" contractor to bid, and will comply with the MWBE program

C Requests for Proposals (RFPs) will be referred to the Public Services Committee and then to City Council only when staff and the Privatization/Competition Advisory Committee disagree on an issue, or when policy direction may be required. Staff will provide a calendar of services scheduled for competition, provide verbal reports on progress at Public Services Committee meetings, and make available copies of RFPs upon Councilmembers' requests.

D Contracts will be awarded based on the lowest cost and highest quality service whether provided by City forces or by the private sector

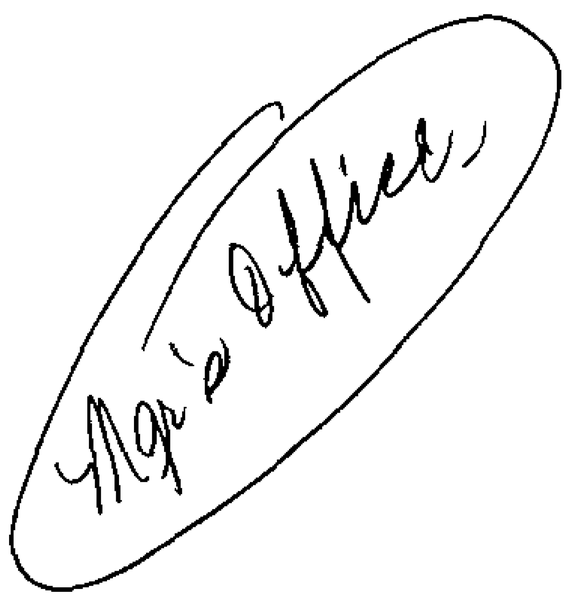
Committee Chair. Don Reid

Staff Resource· David Cooke

Policy. Services Contracting and Asset Management Guidelines adopted July 25, 1994

Explanation Request: The City Council's Public Services Committee has met twice with staff and representatives of the Privatization/Competition Advisory Committee to discuss issues related to privatization and competition

Following is a list of the issues that were discussed, as well as the Public Services Committee's recommendation for each



A **State law related to competitive bidding on construction and maintenance projects.** State law currently prohibits the City from performing work on construction or maintenance projects that exceed $75,000 (This dollar limit has been in effect since 1979) The law limits competition as it precludes the City from competing on projects that may be packaged together for purposes of economies of scale but exceed $75,000 as a package This issue was referred to the Privatization/Competition Advisory Committee and staff for recommendation (see attachment) It is also the opinion of the Advisory Committee that this dollar limitation is "contrary to the guidelines' attempt to ensure a level playing field "

Recommendation The Public Services Committee recommends that City Council request the State raise the limit for the City to perform construction and maintenance projects from $75,000 to $200,000

B **Costing methodology used by the City in preparing cost estimates** Several questions were raised during the annexation street widening bid process including whether the City had to include the cost of a performance bond, should be required to be a licensed contractor, or was required to comply with the MWBE program Questions were also raised about the process itself Staff and the Advisory Committee intend to follow the guidelines as adopted by Council in all privatization and competition efforts

Recommendation The Public Services Committee recommends the City

- will not have to include the price of a performance bond in its bid,
- will not have to be a "licensed" contractor to bid, and
- will comply with the MWBE program

C. **Roles of the City Council, the Public Services Committee and the Privatization/Competition Advisory Committee** Staff and the Advisory Committee have been working together to develop two Requests for Proposals (RFPs) for Special Transportation Systems (STS) and Solid Waste The STS RFP has been completed and is ready to be issued, and there are no outstanding issues between staff and the Advisory Committee (both agree). Typically, City Council does not review RFPs before their issuance

Recommendation The Public Services Committee recommends that RFPs be brought to the Public Services Committee and then to City Council only when staff and the Advisory Committee disagree on an issue, or when policy direction may be required The Committee also recommends staff provide a calendar of services scheduled for competition, provide verbal reports on progress at Public Services Committee meetings, and make available copies of RFP's upon Council members' requests

D **Criteria used in awarding contracts.** Council's goal for services contracting states "highest quality services at the lowest cost, *whether provided by City forces or by the* private sector" Questions had been raised about MWBE participation and lowest cost (As reflected in Recommendation B, the City will comply with the MWBE program)

Recommendation The Public Services Committee recommends that the Council goal be reaffirmed in that contracts will be awarded based on the lowest cost and highest quality service

Other Issues

The Public Services Committee has requested the Privatization/Competition Advisory Committee bring additional recommendations to the Committee regarding other legal issues (where State law may hinder competition), as well as suggestions on how Council will measure the success of the privatization and competition efforts of staff and the Advisory Committee Following the receipt of these recommendations and further discussion, the Public Services Committee will bring forth additional recommendations for Council to consider

Background: City Council referred several privatization and competition issues to the Public Services Committee because of the competitive bid efforts in annexation streets widening The competitive process raised questions and issues regarding the City's ability to bid, as well as procedural and cost methodology questions

Attachment 1
Memo from Privatization/Competition Advisory Committee

7 Review of Police Discipline Procedures

Action. Consider three options for the review of police disciplinary procedures

Staff Resource: Chief Dennis Nowicki

Explanation of Request:

Scarborough/Wheeler
App. Opt. 2
No - Majed

Sebat, Cannon/Majed
App. Opt. 3
Yes - Cannon, Majed

Police Dept.

At its October 10, 1994 dinner meeting, Council asked the Police Chief to prepare several options for the review of police disciplinary procedures that will address both citizen concerns and the department's desire to use the most effective process for complaint investigation

The following are three options for Council to consider

Option 1

Continue to use the six existing measures for investigation of complaints.

- Internal police investigation - Internal Affairs accepts all citizen complaints, including those submitted anonymously and conducts the initial investigation of all allegations of police misconduct Results of these investigations are reported to the Chief of Police for appropriate corrective action

- City Manager/City Council - The City Manager and City Council may request investigation of incidents reported to them by citizens The Police Department will investigate and take appropriate corrective action

- Community Relations - A representative from Community Relations attends all "A" level (most serious allegations of misconduct) disciplinary hearings to insure that the process is fair to both the police officer and the citizen complainant In addition, Community Relations accepts complaints from citizens and refers those complaints back to the Police Department for investigation and appropriate corrective action The Police Department reports its findings back to Community Relations

- Civil Service Board - is charged with reviewing any case in which an officer is cited for more than 30 days suspension or termination and for any case in which an officer appeals the disciplinary action imposed by the Chief of Police

- F B I and U S Attorney - If the citizen believes his civil rights have been violated, the FBI has jurisdiction under the authority of the Federal Civil Rights Protection statute to investigate civil or criminal complaints for review by the U S Department of Justice

- Court System - A citizen who believes his rights have been violated has the opportunity for civil redress by suing the police officer and the Police Department through the court system

The Police Department conducts an on-going analysis of citizen complaints to identify trends in police officer behavior, training needs and areas of confusion in departmental policies and procedures That analysis is forwarded to the Chief for appropriate action

Option 2

Delay a decision until after the results of a study conducted by the Police Executive Research Forum (PERF) are received. The study is scheduled to begin in January, 1995 and will compare four models for the investigation of police misconduct Several of the models include the use of some form of civilian review boards. The models will assess the impact on the following six goals of investigation

Goals of Misconduct Investigations

- thorough and fair investigation of citizen complaints,
- reduced incidence of improper police behavior,
- satisfaction to individual citizens who file complaints,
- creation of a positive image for the police agency, resulting in enhanced community satisfaction,
- maintenance of good morale among police officers, and
- maintenance of effective departmental operations

Charlotte-Mecklenburg Police Department has been working with PERF in pursuing this study The study scope includes involvement from police personnel at all levels of the organization and extensive community input A more detailed outline of the study is presented in the Attachment

Option 3

Direct the City Manager to prepare a proposal and implementation plan for citizen oversight of the Police Department's response to citizen complaints of police misconduct, to be brought back to Council for consideration

Winston-Salem has used a Citizen Police Review Board since 1993 The board serves as an advisory board to the City Manager and the Public Safety Committee The board reviews appeals of police complaints, conducts appeal hearings and issues findings of fact to the City Manager

The Winston-Salem model is only one form of citizen oversight The ordinance establishing the Winston-Salem board and other information regarding its operating procedures is in the Attachment, along with limited information from Orlando and Nashville Under both options 2 and 3, Council will receive additional information on other cities' handling of this issue

Attachment 2
Description of PERF study
Winston-Salem information

BUSINESS

8. Great Food Services Economic Development Loan

Action. Approve a $108,750 loan to Great Food Services to help finance upfitting construction costs, equipment, inventory and start-up capital for a Burger King franchise at Charlotte/Douglas International Airport.

Staff Resource: J W Walton

Policy.

Scarborough | Martin aye.
No- Jackson, McCrory, Reid + Wheeler

- On October 2, 1978 City Council adopted an ordinance to establish the Economic Development Revolving Loan Fund, with amendments to the program approved by Council in 1984, 1986 and 1990

- The purpose of the program is to provide loans for the startup or expansion of small and/or minority businesses, with emphasis on the City Within a City area, to create business and employment opportunities for low to moderate income persons and to promote economic development

Explanation of Request:

- Great Food Services has been chosen as the Disadvantaged Business Enterprise (DBE) to operate and own a Burger King franchise at Charlotte/Douglas International Airport as part of the Airport's food court expansion

- On October 6, 1994 the Economic Development Revolving Loan Committee unanimously approved a loan for $108,750 to Great Food Services to help finance

  - upfitting construction costs,
  - equipment, including furniture and fixtures,
  - inventory, and
  - start-up capital

CD

- The Economic Development Loan was made because

  - Capital/equity needs of a new business will be met The financing amount needed to make this deal viable is $108,750

  - Jobs will be created for persons living in the City Within a City area earning 80% or less of median income Up to 15 full-time and 20 part-time jobs will be created

- The total project cost is $725,000 The proposed funding is

Southern National Bank	$507,500	(70%)
City ED Loan	$108,750	(15%)
Borrower's Equity	$108,750	(15%)
	$725,000	

- Great Food Services has secured a private sector loan from Southern National Bank (under the Small Business Administration's Loan Guaranty Program) to finance 70% of the total project costs Approval of the Southern National loan is contingent upon approval of the City's loan

- The $507,500 bank loan will be for five years at an interest rate equal to the lender's prime plus 1% (If the loan were made today, the rate would be 8 75% based on a prime rate of 7 75% The monthly payment would be $10,783)

- The City loan term is 5 years fully amortized with an interest rate of 6% The monthly payment will be $2,102

- Benefits to the City for the loan being made include

  - job creation for low-to moderate income persons, and
  - expanded sales tax base

- Great Food Services is a newly formed company made up of seven members, with Jacqueline Ford serving as President and Managing Partner Ms Ford has 8 years of food service experience The other members bring extensive managerial and business expertise to the company A copy of Ms Ford's resume and financial statements for all Great Food Services' partners has been placed in the Council Library

  Attachment 3
  Background
  Bank Commitment Letter

9 **Contract with Police Executive Research Forum**

Action: Scarborough | Wheeler App. unan.

Approve a $76,672 contract with the Police Executive Research Forum to conduct an organizational study of the Charlotte-Mecklenburg Police Department.

Staff Resource Chief Dennis Nowicki

Policy: The City's Community Safety Plan contains the goal "to ensure the most efficient utilization of public resources in combating crime "

Explanation of Request. After the consolidation of the Charlotte and Mecklenburg County Police Departments, the City Manager set aside funds to conduct an organizational study of the newly consolidated department to insure that its resources are appropriately allocated to address the Council's and community's public safety priorities

Police Dept.

The Police Executive Research Forum (PERF) will conduct an organizational study of the department that focuses on

- Development of an organizational structure that will support the community policing philosophy throughout the department and complements the decentralization of police services,

- Identification of functions that the department needs to perform that are not performed now and, conversely, functions currently performed that should be eliminated or transferred elsewhere, and

- Development of an organization that supports the empowerment of employees at all levels of the organization

Personnel from PERF will spend approximately 40 days on site at the Police Department to help departmental personnel conduct a self-assessment of the organization The process will be highly interactive with employees at all levels of the organization involved in discussions and work groups The PERF staff will

- assist in identifying problems that impede the department's transition to community policing,

- provide comparative information from other police departments,

- facilitate the discussions of the reorganization work groups,

- conduct special analyses to assist Police Department staff in understanding barriers to change and how to overcome them, and

- develop measures to evaluate the results of the organizational changes

The contract costs of $76,672 cover the services of four senior PERF staff members, costs of travel to Charlotte, and operating expenses for the study

Funding: This expense is shared equally with the County, through the consolidation agreement Funds were reserved in the FY94 budget and carried forward

10. Appointments to Boards and Commissions

ONE # TO BE APPT

Appointments

A Certified Development Corporation

1 David Francis Bennett by Councilmember Baker
2 Malcolm Graham by Councilmember Martin
3 Samuel Long by Councilmember Jackson
4 Carol Mason by Councilmember Majeed
2ND BALLOT * 5 David Thompson by Councilmember Reid

Attachment 4

ONE # TO BE APPT.

B Citizens Oversight for Cable Television

1 John Breeding by Councilmember Reid
2 Sidney Evans by Councilmember Majeed*
1ST BALLOT * 3 Stephen Sellers by Councilmember McCrory
4 Robert Thomas by Councilmember Campbell

* Did not receive application as requested

Attachment 5

C Historic District Commission ONE RESIDENT

1 John Harmon by Councilmember Reid*

1ST BALLOT * 2 Frank Hirsch by Councilmember Spencer

*Moved out of district - no longer qualifies

Attachment 6

D Historic Landmarks Commission ONE ~~[illegible]~~ TO BE APPT.

1 Stephen Cox by Councilmember McCrory

2ND BALLOT * 2 Patrick Spencer Hamrick by Councilmember Reid

3 Isaac Heard, Sr by Councilmember Majeed*

4 B J Hendrix by Councilmember Spencer

5 Jennifer Miller by Councilmember Baker*

*Mr Heard declined nomination, Ms Miller's nomination withdrawn

Attachment 7

E Spirit Square Board of Directors ONE # TO BE APPT

1ST BALLOT * 1 Lorrie Henry by Councilmember Reid

2 Robert Kennedy by Councilmember McCrory

3 Sally Van Allen by Councilmember Wheeler

Attachment 8

F Tree Advisory Commission TWO

1 Jeffrey Hardin by Councilmember Campbell

2 Stephen Neal Honaker by Councilmember Baker

1ST BALLOT * 3 Hardin Minor by Councilmember Spencer

4 Pamela Pearson by Councilmember Wheeler

1ST BALLOT *5 Stephen Vermillion by Councilmember Jackson

6 Michael Craig Wilkinson by Councilmember Reid

Attachment 9

G Zoning Board of Adjustment ONE

1 Ken Hammond by Councilmember Jackson

2 Jeffrey Hardin by Councilmember Campbell

3 Patrick Hunter by Councilmember Scarborough

2ND BALLOT *4 Dick Stoever by Councilmember Spencer

5 Don Whelchel by Councilmember McCrory

Attachment 10

11 **Closed Session Motion**

Action: Adopt a motion to hold a closed session on Monday, November 7, at a time to be determined for the purpose of interviewing candidates for the City Attorney's position as permitted by the G S. § 143-318.11(a) (6)

Explanation of Request: A Council Planning Committee meeting has been scheduled for 3 30 p m on November 7 If Council adopts this motion, the Planning Committee meeting will be rescheduled

Scarborough/Martin
app. 3:30 on 11/7
& Cancel Planning
Comm. Meeting
unan.

Cannon/Wheeler
adjourn - unan.
9:35 p.m.

Item No. Pull - 12B, 17, 21, 15

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

Scarborough/Wheeler Rest App. Lyon

CONSENT I

12 Various Bids

A Irwin Creek and Sugar Creek Wastewater Treatment Plants - Single Stage Centrifugal Blower

CMUD

Recommendation· The Utility Director recommends that the low bid of $606,427 by Turblex, Incorporated of Springfield, Missouri be accepted

MWBE Status

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

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

B Irwin Creek and Sugar Creek Wastewater Treatment Plants - Multi-Stage Centrifugal Blower

CMUD

Recommendation The Utility Director recommends that the low bid of $577,639 by Lamson Corporation of Syracuse, New York be accepted

Campbell/Reid - Defer & evaluate numbers provided by Mr. Carrington YES- Campbell, Reid, Jackson

Subst. Baker Scarborough App. No Campbell, Reid, Martin, Jackson

MWBE Status

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

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

13. **In Rem Remedy**

A. 105 Marmion Road

Action: **Adopt an ordinance authorizing the use of In Rem Remedy to demolish the dwelling at 105 Marmion Road (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries**

Ord. #1 #163-X B-46 P-83

CD

Attachment 11

B. 2725 Craddock Avenue, Apts 1-3

Action **Adopt an ordinance authorizing the use of In Rem Remedy to demolish the dwelling at 2725 Craddock Avenue, Apts. 1-3 (Wingate Neighborhood) which is located in the City Within a City boundaries**

Ord. #2 #164-X B-46 B-83

CD

Attachment 12

14. **Refund of Certain Taxes**

Action **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error for $3,789 72**

Res #1 B-33 P-62

Attachment 13

Finance

CONSENT II

15 City/County Consolidation Budget Ordinance

Ord. #3 #165-X B-216 p. 84

Action: Adopt a budget ordinance appropriating $35,000 from the General Fund Contingency These funds are designated for projects associated with the City/County Consolidation Charter Drafting Committee (approved at the August 22, 1994 City Council meeting)

Scarborough/Wheeler app. Uzan.

Staff Resource: Pam Syfert

Explanation of Request. On August 22, 1994, City Council approved a City/County Consolidation Charter Drafting Committee Funds totalling $35,000 are needed to cover contracts and expenses associated with the work of the committee The City and County will contribute $17,500 each

Mgr's Office

Funding: The General Fund Contingency balance is $89,400

16 Graham Street and Dalton Avenue Sidewalks

Engineering and Property Management

Recommendation The City Engineer recommends that the bid submitted by Pioneer Development Company, Inc be rejected as non-responsive and that the lowest responsible bid of $305,891 46 from Shaw Group, LTD of Charlotte, North Carolina, be accepted on a unit price basis

Explanation: The bid submitted by Pioneer Development Company, Inc (a minority-owned business), was accompanied by an invalid bid bond N C General Statute 143-129 requires that all bids over $50,000 be accompanied by a bid security of 5% of the amount bid The statute allows for the filing of a "bid bond that is executed by a corporate surety licensed under the laws of North Carolina to execute such bonds" The bond submitted by Pioneer was issued by an **individual surety**, which is not recognized by the state of North Carolina

Eng

Besides the invalid bid security, Pioneer was declared a non-responsive bidder by Engineering and Property Management in November 1993, because of poor performance and payment problems on prior City projects In the declaration of non-responsiveness, Pioneer was informed that they would have to meet certain conditions to be considered responsive on future City projects. Pioneer has failed to satisfy any of the conditions set forth in the declaration

The City Attorney recommends the Pioneer bid be rejected

Summary of Bids

Pioneer Developers	$249,146 70
Shaw Group, LTD	$305,891 46
Ferebee Corporation	$330,068 65
Blythe Development	$652,981 89

MWBE Status

	Amount	% of Project	Proj Goals
MBE	$0.00	0%	3%
WBE	$305,891 46	100%	2%

Compliance· Yes Contractor has complied with MWBE Program provisions that allows performance of all work with contractor's own forces Shaw Group, LTD is a certified WBE

17 FY94 Community Development Block Grant Carryover Funds Budget Ordinance

Dept #4 $1,166-X B-16 p-85

Action. $3,501,815
Adopt a budget ordinance reprogramming ~~$3,501,814~~ in FY94 Community Development Block Grant (CDBG) Funds that is consistent with the FY95 adopted budget

Scarborough/Wheeler app' unan'

Staff Resource: J W Walton

Policy: Charlotte's Comprehensive Housing Affordability Strategy (CHAS) approved by City Council on October 25, 1993 states that the City of Charlotte and local housing providers will pursue programs and activities that address the following priorities

CD

- Preserving existing housing,
- Strengthening neighborhoods and community-based organizations,
- Promoting self-sufficiency,
- Promoting housing affordability, and
- Expanding affordable housing

Explanation of Request:

- $3,501,815 ~~$3,501,814~~ in CDBG program funds unspent at the end of FY94 need to be appropriated by budget ordinance

- Most of the unspent funds were in the following categories

  - termination of the contract for the Anderson/Culbertson housing project,

  - unspent funds from the FY94 Charlotte-Mecklenburg Housing Partnership contract,

  - projected loan to the Westover Partnership for the demolition and construction of the Westover Shopping Center, and

  - relocation activities

- The carryover funds will be used for the following planned activities in FY95

  - fund the FY95 Charlotte-Mecklenburg Housing Partnership contract for $2,601,850 (this contract was approved by City Council on July 25, 1994),

    proposed loan to the Westover Partnership for the demolition and construction of the Westover Shopping Center (subject to Council approval), and

- proposed loan to Bethlehem Center for the financing gap for their Project Head Start Program (subject to Council approval)

Background.

- The City applies annually for CDBG funds Since Charlotte's Community Development Program began in 1975, Charlotte has received $100 47 million in CDBG funds

- On April 25, 1994 City Council approved the City's CDBG Grant Application for $5,521,951

- With FY94 carryover funds of ~~$3,501,814~~ $3,501,815, the total amount of CDBG funds available for FY95 will be $9,023,765

18 New Convention Center, HVAC, Change Order #1

Action· **Approve Change Order No 1 to the Convention Center HVAC contract with John J Kirlin of North Carolina, Inc for $185,558.**

Staff Resource. David Garner

Explanation of Request: Change Order No 1 covers various revisions to the heating, venting, and air conditioning (HVAC) system due to changes made to the structural and architectural design and from unforeseen differences between the design and actual field conditions Such changes are routine for projects of this size and complexity

This Change Order covers over 35 requested changes made by the Architect from March 17, 1993 through March 3, 1994 The prices have been negotiated by the Construction Manager and the Architect over the past several months

Eng.

Background:

- On January 11, 1993, Council approved the contract with John J Kirlin for $8,766,343
- Upon approval of this Change Order, Kirlin's contract will increase from $8,766,343 to $8,951,901

BUDGETED

Attachment 14
Budget Summary Update

19. New Convention Center, Site Demolition 2, Change Order #2

Action: **Approve Change Order No 2 to the Convention Center Site Demolition 2 contract with Jones Grading and Fencing, Inc. for $201,888.**

Staff Resource: David Garner

Explanation of Request

This Change Order provides for removal of an additional 673 tons of soil contaminated with a hazardous waste - paint lacquer The old Young Ford Body Shop is the site The amount of contaminated soil discovered after construction began was much greater than indicated from previous subsurface testing The Construction Manager has advised us that the $300 per ton cost for disposal is a good price

The cost of removal of the contaminated soil is not eligible for reimbursement from the State because the contamination is not a petroleum product We will work with the Attorney's Office to seek recovery for this cost from the previous property owner

Background.

- On June 14, 1993, Council approved the contract with Jones Grading and Fencing for $149,940
- Change Order No 1 for $14,645, has been previously approved by the City Engineer

Eng.

BUDGETED

- Upon approval of this change order, Jones' contract will increase from $164,585 to $366,473

20 Sewer Evaluation Survey and Facility Plan for North Mecklenburg Area - Professional Services Contract

Action. **Approve Professional Services Contract with Camp Dresser & McKee (CDM) to conduct a Sanitary Sewer Evaluation Survey and to develop a Sanitary Sewer Facility Plan for the North Mecklenburg Area for $500,000**

Staff Resource: Doug Bean

Explanation of Request· This contract will

- provide evaluation of the sanitary sewer system in the McDowell Creek and Mallard Creek drainage basins,
- extend the computer model to include these basins, and,
- develop a long range Facility Plan that identifies capital project needs within these basins

Background

- Heavy rainfall is the principal cause of sewer system overflows It is important to reduce sewer overflows and the associated capital cost
- In September 1990, CMUD began a 5 - 7 year Sanitary Sewer Evaluation Survey/Sewer Rehabilitation/Flow Equalization program with a goal of eliminating overflows in the sewer systems CDM was selected as the consultant for this program
- Because the most severe overflows occur in

CMUD

the older sewer systems in central and southern Mecklenburg County, the initial efforts were limited to those major drainage basins (McAlpine Creek, McMullen Creek, Briar Creek, Irwin Creek, Sugar Creek, Paw Creek, and Long Creek) CDM was directed to begin with these basins with the intent to add the Mallard and McDowell Creek basin studies later

- This program will identify specific facility improvements that are required to assure adequate future collection system capacity This contract is a planned extension of the ongoing work with CDM, which was approved in the FY95 Capital Improvement Program

Attachment 15

21 **Westinghouse and Carowinds Transit Services Contract**

Action: Authorize the Director of Transportation to execute a two-year contract for up to $170,000 with Ross Charters, Inc. for operation of the Westinghouse and Carowinds routes.

Cannon/ Seaborough app.

Staff Resource: Bob Pressley

Policy Reid Jackson

No - McCrory

Continue private operation of selected transit services and provide transportation for "City-Within-A-City" residents to employment opportunities

Explanation of Request

- Since 1988, the City has used private providers to operate transit services between Uptown Charlotte and

CDOT

- Arrowood Industrial Park--to provide access to this suburban employment center primarily for residents of the "City-Within-A-City" area, and

- Paramount's Carowinds--to support the Employment and Training Division's Summer Youth Employment Program

- A Proposal Selection Committee chose Ross Charters, Inc to begin operation of the Westinghouse and Carowinds services on November 1, 1994

- The Selection Committee evaluated the proposals using the following criteria

  - experience with similar fixed-route operations,
  - proposed personnel abilities/experience,
  - two-year contract price,
  - vehicle suitability and quality/ maintenance capabilities,
  - safety records/training programs, and
  - proposal quality and completeness

- The Selection Committee chose Ross Charters based on the following

  - The company submitted the lowest daily cost for bus operation on both the Westinghouse and Carowinds services

  - Ross also proposed a reduced daily price for operating a new 29-seat minibus If the proposed minibus can accommodate peak passenger loads on both routes, the City's two-year price could decrease by as much as $20,000 (from $170,000 to $150,000)

- Although Ross has not previously provided transit services for the City, the company operated bus service for Mecklenburg County from 1985 to 1987 County staff was complimentary of Ross's performance during this period

- Ross Charters is a minority-owned business

Funding: The FY95 budget includes funds for Westinghouse and Carowinds route operation

Background

- On August 12, the Charlotte Department of Transportation (CDOT) mailed a Request for Proposal to 22 transportation providers CDOT also advertised for proposals in both the Charlotte Observer and the Charlotte Post, generating four more requests for the proposal

- On August 25, Charlotte Department of Transportation held a pre-proposal conference attended by seven persons representing five companies

- On September 16, CDOT received five proposals, which were forwarded to the Proposal Selection Committee composed of

  - Mike High, Charlotte-Mecklenburg DBE Officer,
  Ann White, Budget Analyst,
  - Gus Psomadakis, Employment & Training Director,
  - Margaret Swenson, CDOT's Transportation Alternatives Manager, and
  - Terry Lathrop, CDOT's Deputy Director

- Ridership on the Westinghouse route in September was 884 passengers, or 10 5 riders/trip. The fare is $1 15 Total cost per passenger is $5 25 Net cost per passenger is $4 10

- During June, July, and August, over 4,000 youth workers used the Carowinds service, , an average of nine passengers/trip The fare is $1 15. Total cost per passenger is $4 15. Net cost per rider is $3

22 **Approve the following property transactions and adoption of the condemnation resolutions**

Acquisitions:

A Project: F.A.R Part 150 Land Acquisition
Owner(s) Mr and Mrs Ralph Hill
Property Address 2514 Danforth Lane
Property to be acquired 228 acres
Improvements Brick ranch
Tax Value $45,080
Purchase Price $51,000
Remarks The purchase price was determined by an independent appraiser and was reviewed by a second appraiser The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 The owners are eligible for relocation benefits Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

Aviation

B. **Project· Carmel Road Widening, Parcel #73**
Owner(s) Cole B Chastain & wf , Alena L Chastain
Property Address 5335 Carmel Road
Property to be acquired 4,899 60 sq ft (0 1125 AC) plus Temporary Construction Easement of 3,842 05 sq ft (0 0882 AC)
Improvements Landscaping, trees and shrubs
Tax Value $116,210
Purchase Price $36,000
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 front of their residence Acquisition price was determined by independent appraisers

Zoned R-3 Use Residential
Tax Code 211-184-04

Eng/R.E.

C **Project· Carmel Road Widening, Parcel #1**
Owner(s) Stephenson Park Associates Limited Partnership
Property Address 6548 Carmel Road
Property to be acquired 3,525 67 sq ft (0 0809 AC) of Fee and Permanent Easement plus Temporary Construction Easement of 4,439 51 sq ft (0 1019 AC)
Improvements Trees, landscaping, shrubs & sign
Tax Value $2,727,290
Purchase Price $47,110
Remarks Stephenson Park Associates owns and manages Quail Hollow Center located at the corner of Carmel Road and Highway 51 The acquisition will impact the office park by restricting the traffic flow in and out of their property through their main driveway from Carmel Road and Little Avenue The road widening project will cause the loss of numerous landscaping features and improvements as reflected in the appraised compensation amount

Eng/R.E.

Zoned O-1 Use Office Park
Tax Code. 209-242-01

D **Project**: Carmel Road Widening, Parcel #2, 4, & 134
Owner(s) Pizzagalli Development Company
Property Address 7421 Carmel Executive Park - 7422 Carmel Road
Property to be acquired 3,216 33 sq ft (0 073 AC) of Fee and Permanent Easement plus Temporary Construction Easement of 14,158 43 sq ft (0 3250 AC)
Improvements Landscaping, sign, light posts, tree wells, trees, red tips, hollies, junipers and sprinkler system
Tax Value $4,475,500
Purchase Price $91,645
Remarks Pizzagalli Development Company owns and manages Carmel Executive Park located at the corner of Carmel Road and Highway 51 The acquisition will affect the office park by restricting the traffic flow in and out of their property through their main driveway from Carmel Road The road widening project will cause the loss of many landscaping features and improvements as reflected in the appraised compensation amount

Eng/R.E.

Zoned O 1 Use Office Park
Tax Code 211-201-04, 40, & 43

E **Project. North Mecklenburg Raw Water Line, Parcel #17**
Owner(s) Doris V Pennington
Property Address Oliver Road
Property to be acquired· 46,565 64 sq ft (1 06 AC) plus Temporary Construction Easement of 19,819 80 sq ft (455 AC)
Improvements Trees
Tax Value $217,360
Purchase Price $20,000

Eng/R.E

Remarks This Raw Water Line Project requires 46,565 64 sq ft (1 069 AC) of fee simple acquisition and 19,819 80 sq ft (455 AC) of Temporary Construction Easement along the north side of the property causing loss of trees and severance damages The compensation amount is based on fair market value appraisal

Zoned R-3 Use Single-Family/Vacant
Tax Code 009-011-08

Condemnation· F **Project Neighborhood Reinvestment/Reid Park - Phase II, Parcel #82** Res # 2 B-93-0-64

Owner(s) Cynthia D Ardrey and any other parties of interest
Property Address 3100 Ross Avenue
Property to be acquired 1,537 sq ft (0 04 AC)
Improvements None
Tax Value $25,440
Purchase Price $1 00
Remarks The project involves the installation of curb, guttering, sidewalks and drainage systems The property owner is being asked to donate right of way to properly install a sidewalk along Coronia Street The property owner feels she should be paid for the right of way The City is not compensating for right of way on this project since the improvements are an enhancement to the property Condemnation is being requested to avoid delay of the project Total Area 11,400 sq ft (0 26 AC), Area Acquisition 422 sq ft (0 01 AC), Temporary Construction Easement 1,061 sq ft (0 02 AC), Area Remaining 10,333 sq ft (0 24 AC)

Zoned R 22MF Use Residential
Tax Code 145-177-20

Eng/R.E

Item No.

Rec #3
B-33
P-46

G **Project** South Blvd /Archdale Dr /Old Pineville Rd , Parcel #12
Owner(s) Lemberg Syndicate and Charlotte Joint Venture and any other parties of interest
Property Address 5801-31 South Boulevard
Property to be acquired 17,414 sq ft (40 AC)
Improvements Landscaping and trees
Tax Value $2,800,150
Purchase Price $43,824
Remarks This amended condemnation is needed to include an additional 31 sq ft for a permanent down guy easement that was not determined to be needed in the original request The original condemnation was approved on May 23, 1994 Compensation for the entire acquisition area includes the loss of 44 parking spaces and 12 trees Total Area 618,108 sq ft (14 190 AC), Area in Existing Right of Way 7,164 sq ft (0 164 AC), Portion to be Acquired 4,761 sq ft (0 109 AC), Temporary Construction Easement 5,458 sq ft (0 125 AC), Permanent Down Guy Easement 31 sq ft (0 001 AC), Area Remaining 606,183 sq ft (13 916 AC)

END R.E.

Zoned B-15CD Use Dept Store/ Commercial
Tax Code Part of 173-012-01 A & B