AGENDA

Meeting Type:	BUSINESS
Date:	04/24/1995

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Patrick McCrory*

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

Council Agenda

CITY COUNCIL MEETING
Monday, April 24, 1995

5:30 p.m. **Conference Center**

- **Discovery Place Annex**

6:30 p.m. **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, April 24, 1995
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Item No.

CONSENT ITEMS

1. Approval of Minutes: March 20 Zoning Meeting

2. Consent agenda items 18 through 36 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Julie Burch

PUBLIC HEARING

3. Public Hearing and Resolution to Close Portions of Royal Court and South Davidson Street

Action:

A. Conduct a Public Hearing to abandon portions of Royal Court and South Davidson Street; 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 action in accordance with the Statutes

Background: Petitioner:
Queens Properties, Inc.

Right-of-Way to be Abandoned·
A portion of Royal Court and South Davidson Street

Location:
Royal Court - from I-277 (John Belk Freeway) southeastwardly to Euclid Avenue

South Davidson Street - from I-277 (John Belk Freeway) southwestwardly approximately 150 feet.

Reason:
To incorporate the right-of-way into adjacent property for redevelopment

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.

Neighborhood/Business Association(s) -
Dilworth Community Development Association - No objection

Private Utility Companies - No objection.

City Departments - Review has identified no apparent reason why 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 the Statutes

Attachment 1
Vicinity Map

POLICY

4. City Manager's Report

5. Notification of Rezoning Cases

Action: Approve Economic Development Committee recommendation to amend policies on notification for rezoning cases.

Committee Chair: Lynn Wheeler

Staff Resource Walter Fields

Explanation of Request:

- Late last year a group of neighborhood interests asked the Council to significantly expand the rezoning notification process The City is required by State law to do certain notification The City exceeds minimum State requirements
- Councilmember Wheeler convened a meeting of neighborhood interests and development interests
- They developed a compromise proposal which was sent to the Council's Economic Development Committee.
- The Economic Development Committee discussed the compromise proposal at its March 15 meeting and made only minor revisions.
- The recommended policy would include four steps to enhance notification of rezoning cases

1 Expand the number of parties notified
2 Mail notices substantially earlier than present policy
3 Erect "Z" signs earlier and place more signs near site, have signs up until decision is made
4. Conduct a monthly information meeting for parties interested in upcoming zoning cases

Funding: Increases in postage, material costs, and "Z" signs needed to implement the proposal will be funded from the Planning and CDOT budgets

Attachment 2

6. Roof Signs

Action: **Approve Planning Committee's recommendation to direct staff to review issues about roof signs and make a report within 180 days.**

Committee Chair: Nasif Majeed

Staff Resource: Walter Fields

Policy. City Council adopted the revised Sign Ordinance in 1988

Explanation of Request:

- A property owner, The Sandwich Construction Company, has raised a concern about the sign ordinance's prohibition of roof signs The owner has been cited for a roof sign violation
- Council referred the roof sign issue to the Planning Committee
- The Planning Committee recommends that

staff review the issue but suggests that City Council should move cautiously

- The Committee noted that the Council had discussed the sign ordinance and concerns were expressed about opening up a discussion of the entire ordinance Staff will focus on the roof sign issue

- This issue is being raised at the same time the issue of local control over billboards is being discussed by the State General Assembly. Council recently adopted a resolution opposing the proposed State action Therefore, the Committee believes Council should be cautious.

Attachment 3
Committee Background Information

7 **Summit House Zoning Text Amendment**

Action: **Approve Planning Committee recommendation to deny Summit House zoning text amendment**

Committee Chair: Nasif Majeed

Staff Resources: Mac McCarley and Walter Fields

Explanation of Request:

- Summit House filed a request to amend the Zoning Ordinance to provide for a specific type of group housing/alternative sentencing facility within the City

- If adopted the amendment would create a provision to allow up to 30 people (mothers with children) to locate in multifamily, office, institutional and business districts

- The Zoning Ordinance does not define such a use or prescribe locations for such uses After the public hearing the matter was referred to the Planning Commission where any action was deferred

- Concerns have been expressed as to whether this would "open up" these areas, often at the fragile edge of older neighborhoods, to a wide variety of other uses

- The Planning Committee, in Executive Session, received advice from their attorney regarding litigation on group homes. Upon reconvening the Committee noted the need for additional work to be done on this type of use and acknowledged that a variety of non-traditional forms of housing need to be studied However, the Committee's recommendation to Council is to deny the present amendment

Background.

- At a recent Council meeting, the matter was raised and assigned to the Planning Committee where it was discussed on March 29

Attachment 4

8. Hotel/Motel Tax Proposal

This item will be sent in the Friday, April 21, Council-Manager Memo.

BUSINESS

9. Sale of Discovery Place Annex

Action: Accept the high bid for Discovery Place Annex.

Resource: Freda Nicholson

Policy. The Capital Investment Plan policy is "to provide public assistance to cultural facility capital expansions or rehabilitation on a 50/50 matching basis "

Explanation of Request.

- At the April 10, 1995 Council meeting, action was taken to declare the Discovery Place Annex as surplus property and begin the upset bid process to sell this building
- St. Peter's Episcopal Church has offered $625,000 for this property and has deposited a 5% bid deposit.
- St. Peter's Episcopal Church proposes to use the property as a day care center
- Discovery Place, Inc would like to use the sale proceeds to construct replacement office space in conjunction with the construction of a new parking deck behind the Discovery Place facility
- Discovery Place funded a space needs analysis which indicated that the cost of replacement office space is estimated at $1 million. Discovery Place intends to supplement the sale proceeds from the Annex with their own funds and construct more efficient and lower maintenance office space
- Discovery Place is obligated to fully fund the construction of a parking deck as part of the agreement with the City for the Omnimax project.

Item No.

Property Values:

The value of the Discovery Place Annex Building has been estimated as follows

St Peter's Church Appraisal (August 1994)	$370,000
St. Peter's Church Offer (March 1995)	$625,000
Tax Value (January 1993 Assessment)	$753,030
Independent Appraisal (January 1995)	$740,000

Background

The Discovery Place Annex Building was built in 1930 It was purchased by the City in 1984 for $800,000 on a 50/50 matching basis with Discovery Place providing half the funding

The building has 11,908 square feet and is located at 121 West Seventh Street (behind the Episcopal Church)

Asset Management Process:

Under the City's asset management guidelines (adopted July 25, 1994), the process for land sales includes the following steps

- Mandatory referral - being heard at 12 00 noon on April 24, 1995

- Independent appraisal - completed in January 1995

- Review by Privatization/Competition Advisory Committee - reviewed on April 18, 1995 by sub-committee and April 20, 1995 by full Committee Their comments will be sent to Council on April 21, 1995

- Advertise/market the property legal advertisement ran April 14, 1995 and all bids will be opened April 24, 1995 at 3 00 p m

Item No

Attachment 5
Letter from Freda Nicholson, Executive Director, Discovery Place
Letter from Suzanne Coonen, Senior Warden, St. Peter's Episcopal Church

10. Youthbuild Implementation Grant

Action: **Approve submission of a joint Youthbuild Implementation Grant application between the City of Charlotte and Charlotte-Mecklenburg Housing Partnership (CMHP) and participating partners to HUD by May 5, 1995. The Grant amount totals $1 million for a period of two years**

Staff Resource. Gene Shipman

Focus Area· City Within a City (CWAC) and Community Safety

Policy

- The CWAC Strategic Plan sets forth the goals of
  - increasing educational, training, and employment opportunities for CWAC residents;
  - preserving the housing stock and increasing homeownership opportunities in CWAC; and
  - targeting resources to identified neighborhoods
- The Community Safety Plan establishes the goals of increasing employment opportunities and job skill development for at-risk youth

- The Youthbuild Program, as proposed, addresses all of the above goals and aligns with concerns expressed at the Council Mini-Retreat (April 5, 1995) to link training to areas of employer demand

Explanation of Request.

- The Youthbuild Program provides job training to at-risk youth (ages 17 - 24) in the construction trades The program as proposed will also help stabilize the Genesis Park neighborhood by preserving the housing stock, creating homeownership opportunities, and by providing youth with an alternative to crime.

- The Youthbuild application is the product of a collaboration of more than thirty agencies and organizations (see attachment)

- If the Implementation Grant is awarded, Charlotte will receive $1 million over a two-year period Sixty youth will learn construction skills and obtain their general education development (GED) degrees, and four houses will be produced

- The City received a Planning Grant in FY95 for $97,760 to design the proposed program and prepare an Implementation Grant

- Under the Implementation Grant, roles and responsibilities of the various agencies will be as follows

City of Charlotte/Neighborhood Development Key Business

Will provide as a portion of its annual grant to the CMHP, an amount equivalent to $200,000, which represents 20% of the Youthbuild Implementation Grant

Will oversee and monitor the Youthbuild Program to ensure HUD compliance

Will provide in-kind contributions such as architectural and engineering services, public improvements, and technical assistance

Charlotte-Mecklenburg Housing Partnership:

Will administer and implement the Youthbuild Program.

Will donate land and the design of floor plans (map provided in the attachment)

Will finance loans for sale of completed homes to low-income families involved in its homeownership program

Central Piedmont Community College:

Will design the academic and leadership training curriculum

Will donate a portion of the cost for instructors

Associated General Contractors:

Will design the construction training curriculum

Will assist in the coordination of the hands-on construction training and placement of program graduates

Attachment 6
Youthbuild Coalition List
Map of Donated Parcels

11. Providence Road West/Outerloop Special Project Plan Amendment

Action.

A. Amend the text of the Providence Road/Outerloop Special Project Plan to acquire, through the development process, additional right-of-way for cloverleafs on the south side of the Outerloop interchange at Providence Road; and

B. Recommend that the County Commission also adopt the City Council Plan Amendment.

Staff Resources: Laura Harmon and Walter Fields

Focus Area Transportation

Explanation of Request:

- At the March zoning dinner meeting, Council directed staff to put this plan amendment on a regular business meeting agenda
- Council requested staff to evaluate the traffic impacts at the interchange of the Outerloop and Providence Road
- A diamond interchange is currently planned for this location and CDOT indicates a cloverleaf will be needed in the future to accommodate anticipated traffic volumes
- Land has already been rezoned and/or is under development to the north of the interchange, predicated upon a diamond interchange design However, the opportunity exists on the south side of the interchange to build cloverleafs in the future if land is acquired in advance through the development process
- CDOT's analysis indicates that two cloverleafs would bring significant relief to the interchange

- Add language to the adopted Providence Road West/Outerloop Special Project Plan to this effect:

  Encourage the County to secure enough right-of-way at the interchange for two cloverleafs on the south side of the interchange through the development process, with no loss of potential development rights to the property owners where land is dedicated.

- The area affected by the text change is within the County's jurisdiction, therefore, the County would have to amend the Plan. If Council approves the language, it will be presented to the Commission as a request by Council for consideration of the text change While the land is currently in the County, it will eventually be annexed into the City

Background:

- When City Council adopted the South District Plan, a traffic study for the Providence Road/Outer Loop Interchange area was requested CDOT, with the support of Planning staff, completed this study

- The results of the study and four options for the future land use pattern were presented to Council on October 19, 1994 Council recommended that the Planning Committee of the Planning Commission review the study and make recommendations as to whether the original plan should be changed

- After several discussions on this subject, the Planning Committee made its final recommendation on the plan at its February 27, 1995 meeting

- Property owners and surrounding neighborhoods were notified of this meeting and were given an opportunity to speak to the Committee Four people spoke at the meeting

Attachment 7
South Mecklenburg Travel Demand Analysis

12. Home Depot Traffic Light

Action: **Request that the North Carolina Department of Transportation (NCDOT) authorize a traffic signal for the realigned driveway at the proposed Home Depot on Wendover Road.**

Staff Resource. Doug Gillis and Tom Flynn

Policy· The City Within A City Strategic Plan calls for the City to develop a strategy to retain and attract mixed/middle income families and individuals to City Within A City by channeling resources to recreation, shopping, infrastructure, public safety and business/job retention

Explanation of Request: Home Depot proposes to build a store on Wendover Road (map attached) As part of that proposal, they have requested a traffic signal on Wendover at a realigned driveway that would provide signalized access to Home Depot, Federal Express, and the Bi-Lo across Wendover

This realigned driveway requires access across the Federal Express property The owners of the Federal Express property support this realigned driveway, but will agree to the access only if a traffic signal is provided at Wendover

Wendover Road is a State System Road, therefore the State must agree to the installation of this traffic signal.

The benefits of this traffic signal are.

1. Provides for the realignment of the driveways

2. Increases left turn lane storage capacity into the Home Depot site that is necessary for the additional traffic

3 Provides for the appropriate sight distance requirements along Wendover Road

4 Supports the development of this site consistent with the South District Plan

5. Helps locate a large home supply retailer inside the City Within A City that currently lacks this type of large retailer

6 May help alleviate some cut through traffic impacts of this development upon adjacent neighborhoods

CDOT supports the realigned driveway but not the traffic signal because:

1. It is within 350′ of an existing traffic signal at Wendover and LaTrobe The close proximity will decrease the traffic movement efficiency of Wendover Road.

2 CDOT traffic projections do not indicate that a traffic light is warranted at the realigned driveway An unwarranted traffic light here may create a safety problem since studies and experience indicate that signalized intersections are less safe than non-signalized intersections. (A traffic study done by the developer indicates that a traffic signal will be warranted once the project is built)

Funding· Home Depot will pay the cost of installing this traffic signal

Item No.

Background. This site requires a rezoning from I-2 and R-22MF to CC and B-2 Council heard this request on April 17 and will decide this request on May 15 The developer has requested that Council approve this request prior to the rezoning decision so that the developer can present their case to the NCDOT

Attachment 8
Map

13. Solid Waste Services Qualifications Appeals

Action: **Consider appeals of the recommendations from the Privatization/Competition Advisory Committee not to accept Chambers Waste Systems, Inc. and Carolina Container Corporation as firms qualified to receive "Requests for Proposals" to deliver solid waste collection services**

Staff Resource: Del Borgsdorf

Policy Guidelines for Services Contracting adopted by Council on July 25, 1994

Explanation of Request:

- On April 10, 1995 the Privatization/Competition Advisory Committee approved the evaluation and recommendation of the Solid Waste Services Evaluation Team not to accept Chambers Waste Systems, Inc. and Carolina Container Corporation as firms qualified to receive RFPs. The Solid Waste Services Evaluation Team included representatives from

  - City Manager's Office
  - Business Support Services
  - Solid Waste Services
  - City Attorney's Office
  - Privatization/Competition Advisory Committee

- The Team received assistance from Malcolm Pirnie and NationsBanc Capital Markets (the City's consultants for this procurement process)

- Interested firms submitted information to Malcolm Pirnie and NationsBanc based on the following qualifications criteria

  - Financial Strength and Stability
  - Experience
  - Past and Pending Judgements
  - Technical Strength
  - Responsiveness to the Request for Qualifications (RFQ) and Subsequent Requests for Clarification

- The Evaluation Team reviewed analyses by Malcolm Pirnie on firms' experience, technical strength and responsiveness to the RFQ, NationsBanc on firms' financial strength and stability, and the City Attorney's Office on past and pending judgements and any other legal issues

- Based on these analyses, the Evaluation Team determined that Chambers Waste Systems, Inc and Carolina Container Corporation did not meet the qualifications stated in the RFQ

  In brief, the reasons for excluding the two firms are as follows

  - Chambers Waste Systems, Inc 's submittal did not demonstrate an acceptable level of financial stability

  - Carolina Container Corporation's submittals did not demonstrate acceptable levels of financial stability or experience.

- For more detail on the qualifications requirements and the basis on which the Advisory Committee made its recommendation, see the attached

  - RFQ and its Addendum
  - Letters requesting clarification sent to Chambers Waste Systems, Inc and Carolina Container Corp
  - Memo from the Evaluation Team recommending a short list of firms
  - The analyses of firms' qualifications by Malcolm Pirnie and NationsBanc and the City Attorney's Office

  The memo describing the appeals process is also attached

Background

- On January 26, 1995, at its regularly scheduled meeting, the Privatization/ Competition Advisory Committee discussed the proposed qualifications criteria Vendors were invited to attend and give comment Four firms offered comment BFI, Chambers, Carolina Container and Waste Management. Comments did not include recommended changes to the qualifications criteria except that certain terms be clarified and that firms' employee benefits packages be considered

- The Advisory Committee voted to approve the criteria in general with the understanding that the explanation of the criteria would be consistent with the City's typical qualifications submittals

- On February 10, 1995, the RFQ was mailed to a list of firms who had expressed interest in the project The RFQ was made available in the City's Purchasing Department so that any additional firms could obtain a copy

Item No.

- On February 23, 1995 a Pre-Qualifications Conference was held The following firms attended

  - Browning Ferris Industries
  - Chambers Waste Systems, Inc
  - Carolina Container Corporation
  - Waste Management of Carolinas

- Firms were required to submit questions or recommended changes to the RFQ to Malcolm Pirnie by March 1, 1995

- The Pre-Qualifications Conference yielded one material change The RFQ was amended to require submittal of a ten-year history of past or pending judgements. (see attached RFQ Addendum #1)

- After further consideration, the RFQ was amended again to require that firms submit past or pending judgements for the last five years instead of ten for matters that did not involve local governments The requirements for local government-related matters was amended to require disclosure regardless of how long ago the action occurred

- Firms were required to submit their qualifications to Malcolm Pirnie by March 10, 1995 Five firms submitted qualifications, one was deemed unresponsive

- On April 10, 1995, the Evaluation Team made its recommendation to the Advisory Committee The Advisory Committee approved the Evaluation Team's recommendation unanimously

Attachment 9

14 Declare City Land Surplus

Action: Declare 135 of the original 161 parcels as surplus for disposition to the private sector or County

Staff Resource: Kent Winslow

Policy: Consistent with the Asset Management Policy adopted by City Council on July 13, 1994, the City is to manage and maximize its existing portfolio of assets by "packaging" and marketing existing properties for sale

Explanation of Request:

- To date, 161 parcels have been identified by City Departments as possible surplus properties The review process has determined that 135 parcels could be sold or transferred. The remaining 26 parcels will either be held for City use or be revisited at a later date.

- Privatization/Competition Advisory and Staff recommend disposition of the 135 parcels as shown on the attached parcel summary lists

- The Mandatory Referral process recommended all but 26 parcels for disposition The parcels are either for continued City use or for review at a later date The Committee and Staff concur with their recommendation with the exception of parcel 63

- Parcel 63 is the only parcel that the Committee and Staff feel should be retained even though it was approved for sale through the Mandatory Referral process This is a 25 acre tract of land off of York Road with migrating gas problems This parcel can be declared surplus once the migrating gas problem has been resolved This work is progressing in coordination with the North Carolina Department of Transportation

Approval of this Council action begins the formal disposition process Council and/or City Manager will be asked, on future agendas, to approve all sales or transfers of properties as they are negotiated

Parcel Breakdown for Disposition·

Mandatory Referral recommendations for the 161 parcels.

A	**Sell** through independent brokers	81 pcls.
B	**Sell** balance of land, reserve road R/W	24 pcls
C.	**Donate/Sell** to County Parks and Recreation	27 pcls
D.	**Sell** - Staff to continue marketing	3 pcls
E	**Hold** - Review at later date for possible sale	19 pcls.
F	**Hold** for City use	7 pcls

Funding·

No funds are needed for this action. On a future agenda, Council will be asked to approve brokers and associated costs to dispose of the properties Costs are expected to be recouped from the proceeds of the sales

Attachment 10
Parcel summary report of 161 properties

15. May 1 Workshop Agenda

Action: Approve the following topics for the May 1 Workshop Agenda·

- Adam Police Services Area Building
- Restructuring Government
- Financing Plan for FY96 Water and Sewer Capital Improvement Projects
- Childrens Services Network
- New Urbanization/Infill Development

16. Change Council Meeting Schedule

Action: Cancel Council's June 12, 1995 meeting and schedule a replacement meeting for 7:00 p.m June 8, 1995.

Explanation of Request: Council's adopted budget calendar calls for Council to approve the FY96 Budget on June 12, 1995 However, this date now conflicts with the recently scheduled Chamber Inter-City Visit to Portland, Oregon

The June 8, 1995 meeting would be for budget approval and other high priority items that cannot be deferred to the next regularly scheduled Council Meeting on June 26 The June 8 date avoids the Chamber Inter City Visit and permits the Mayor to attend

Item No.

17 Appointments to Boards and Commissions

Action: Council will vote on paper ballots as directed and give to the City Clerk at dinner so she may announce the new committee members at this point in the meeting.

A. Auditorium-Coliseum-Convention Center Authority
One appointment for a three year term beginning April 26, 1996.

(a) Bernie Johnson by Councilmember Scarborough
(b) Barney Lawson by Councilmember Reid
(c) James Lee Montag by Councilmember McCrory
(d) William E. Simms by Councilmember Martin
(e) R Stanley Vaughan by Councilmembers Baker & Wheeler

Attachment 11

B. Boxing Committee
One appointment to fill an unexpired term and the next full term

(a) George Diehl by Councilmember Spencer
(b) Joseph J Estwanik by Councilmember Wheeler
(c) Seitu Kenyatte by Councilmember Cannon
(d) Barry O Lindenman by Councilmember Martin

Attachment 12

Item No.

C. Clean City Committee
Two regular three year appointments beginning July 1995

(a) Carl Franklin Beal by Councilmember McCrory
(b) Charlie Dean by Councilmember Reid
(c) Stephen M. Hayes by Councilmembers Wheeler and Campbell
(d) Michael Anthony Kolb by Councilmember Spencer
(e) Patrick McNeil by Councilmember Martin

Attachment 13

D. Historic Districts Committee
One regular three year appointment beginning July 1995, no category

(a) Peter Heyd by Councilmembers Martin & Reid
(b) Michael Anthony Kolb by Councilmember Scarborough
(c) Leon Orr, Jr by Councilmembers Cannon and Spencer

Attachment 14

E. Housing Appeals Board
One appointment beginning immediately Must be a resident of a rental dwelling in a City-Within-a-City area Appointment expires December 31, 1997

(a) Synora Robinson by Councilmembers Martin & Scarborough
(b) Alberta Williams by Councilmember Cannon

Attachment 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 MWBD criteria.

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

Minority and Women Business Development Program (MWBD) Abbreviations·
BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

CONSENT I

18. Various Bids

A. Water and Sewer Main Construction - FY95 Contract #110 - Street Main Extensions — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $710,110 25 by Utilityworks, Incorporated of Stanfield, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$20,000	2.8%	2%
WBE	$30,000	4 2%	3%

Compliance: Yes The Contractor has exceeded the established goal for WBE and BBE participation for this project

B Traffic Signal Control Cabinets — CDOT and Purchasing

Recommendation: The Director of Transportation and the Director of Purchasing recommend the low bid of $159,375 by Appalachian Signals and Products, Inc., of St Albans, West Virginia

Compliance. Yes MBE participation will be 12% of the funds spent for traffic signal control cabinets

C. Work Clothing — Purchasing

Recommendation: The Purchasing Director recommends the low bid of $164,302 by R & R Uniform, of Charlotte, North Carolina

Compliance: Yes. Requests were sent to two MWBD vendors, but neither bid

19. In Rem Remedy - 2032 Renner Street

Action — Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2032 Renner Street (Oaklawn Park Neighborhood) which is located in the City Within a City boundaries.

Attachment 16

20. Set Public Hearing on Annexation Agreement with the Town of Weddington and the Village of Marvin

Action: Adopt a resolution setting May 22, 1995 as the date for a public hearing on an annexation agreement with the Town of Weddington and the Village of Marvin.

21. Refund of Certain Taxes

Action· Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $12,237 17

Attachment 17

22 Resolution for Utility Agreement - Westinghouse Boulevard Widening

Action: Approve a resolution to authorize the Director of the Department of Transportation to execute a Utility Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the widening of Westinghouse Boulevard from west of Granite Street to I-77 ramp terminals and Granite Street from south of Westinghouse Boulevard to Continental Boulevard.

23 Resolution for Municipal Agreement - Providence Road Sidewalk Improvement

Action: Adopt a resolution authorizing the Director of Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT), which was approved by Council on March 27. The previously approved agreement allows the City to construct a sidewalk in the State's right-of-way along Providence Road (NC 16) between Harris Road and Sharon Lane This project is funded in the Capital Improvement Program for sidewalks.

24. Special Officer Permit

Action: Approve application for Special Officer Permit to J Shawn Franklin for use on the premises of the Aviation Department as an Airport Safety Officer I

25. Resolution of Intent to Abandon Street and Set Public Hearing - Asphalt Place

Action:

A. Adopt the Resolution of Intent to abandon Asphalt Place and,

B Set a public Hearing for May 22, 1995

Attachment 18

CONSENT II

26. Vehicle Physical Damage Repair

Action: Approve contract extension for vehicle physical damage repair not to exceed $350,000 with National Fleet Service of Hicksville, New York.

Explanation of Request: In April of 1993, bids were solicited for vehicle physical damage repair services with one bid being received. The contract included a provision that repair services could be provided for an additional term if fees remained unchanged and the work was satisfactory With that criteria being met during the first two years of the contract, a contract extension for a third year is now being requested.

There are currently no other service providers who offer this type of service.

Background:

- National Fleet Service (NFS) is a plan administrator for vehicle physical damage repair NFS provides these services

  - certifies auto shops to perform work
  - collects 3 bids for each repair
  - determines if repair estimates are reasonable
  - audits the repairs

- Based on accident history, $342,355 is necessary to cover repairs The plan administration cost is approximately $7,645 ($48 per repair).

- Average repair cost is $2,032 Last year there were 159 vehicle physical damage repairs

- Expense is only incurred for actual work performed

27. Habersham Subdivision Water System Purchase

Action: Approve contract with Carolina Water Service, Incorporated for the purchase of the water system serving Habersham Subdivision. Purchase price is $266,000.

Policy: The Street Main Extension Program provides for the purchase of private water systems when homeowners apply for City service and the new City main would parallel the private system

Explanation of Request:

- Habersham is a 154 lot subdivision located in Matthews on Idlewild Road between Margaret Wallace Road and NC 51 Carolina provides water service to the entire Subdivision

- CMUD has accepted an application for the extension of a water main from a Carolina customer and a signed petition from the remaining Habersham residents to provide water service to the Subdivision

- The Carolina system is sized for fire protection.

- The advantages to the City's purchase of the Carolina system serving Habersham are:

  - This would avoid disruption to the community by eliminating the need to install a parallel water system

  - CMUD would acquire 154 new customers

  - There would not be any cost to the Carolina customers to become CMUD customers

  - The Town of Matthews supports this proposal.

- The N C. Utilities Commission traditionally supports the transfer of private utilities to a municipal system. Their approval will be requested.

28. North Mecklenburg Water Mains - Professional Services Contract

Action: **Approve a Professional Services Contract with Hazen & Sawyer, P.C. for the surveying, design and construction management of water mains in North Mecklenburg for $559,000.**

Explanation of Request:

- The water mains are necessary in order to provide water transmission from the North Mecklenburg Water Treatment Plant to the eastern part of Mecklenburg County

- The professional services contract with Hazen & Sawyer, P.C is for surveying, design and construction management of selected water mains throughout northern Mecklenburg County This contract will include water mains along.

  - N C 73 from N C 115 to Davidson Concord Road,

  - Asbury Chapel Road, and,

  - Huntersville Concord Road.

- The consultant was selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process

- These water main projects were approved in the FY95 Capital Improvement Program

29 Town of Matthews Water Mains - Professional Services Contract

Action: Approve a Professional Services Contract with W.K. Dickson & Company, Inc for the surveying, design and construction management of water mains to serve the Town of Matthews for $334,000

Explanation of Request:

- The Town of Matthews has requested that CMUD extend water service throughout the Town of Matthews This will allow those areas to take advantage of the Street Main Extension Program once the water lines have been installed
- The Town of Matthews has sold bonds and deposited funds with the City to pay for this contract
- The professional services contract with W K Dickson & Company is for surveying, design and construction management of the water mains in Matthews
- The consultant was selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process

30 **Irwin Creek Wastewater Treatment Plant, General Contract #1, Change Order #6**

Action: **Approve Change Order #6 with Thamer Construction Company to the Irwin Creek Wastewater Treatment Plant Contract #1 - General Construction for $389,817.**

Explanation of Request: This change order will allow construction of the structures necessary for the installation of the new air blower and electrical systems

This change order provides for system capacity improvements that allow future expansions to proceed with minimum disruptions to daily plant operations. New discharge limits, effective in 1995, will make future construction difficult.

In 1991, this project began to provide upgraded treatment processes to meet new strict discharge limits In 1993, a long range plan stated that the plant could be expanded from 15 million gallons per day (MGD) to 20 MGD In recognition of that fact, CMUD staff has incorporated basic changes during current construction

Background: This change order increases Thamer's contract from $6,553,870 to $6,943,687

The original contract with Thamer for $6,431,949 was approved by Council on July 26, 1993

Change Order #1 was approved by Council on February 28, 1994 for $82,299

Change Order #2 was approved by CMUD on July 15, 1994 for $39,302

Change Order #3 was approved by CMUD on July 18, 1994 for $5,338

Change Order #4 was approved by CMUD on February 17, 1995 for $4,992

Change Order #5 was approved by CMUD on February 17, 1995 for a decrease of $10,010

31 Sugar Creek Wastewater Treatment Plant, General Contract #1, Change Order #5

Action: **Approve Change Order #5 with Summit-Beers Construction Company to the Sugar Creek Wastewater Treatment Plant Contract #1 - General Construction for $894,361**

Explanation of Request: This change order will allow construction of the structures necessary for the installation of the new air blower and electrical systems

This change order provides for system capacity improvements that allow future expansions to proceed with minimum disruptions to daily plant operations Due to new discharge limits, future construction will be difficult

In 1991, this project began to provide an expansion and upgraded treatment processes to meet new strict discharge limits In 1993, a long range plan stated the plant could be expanded from 20 million gallons per day (MGD) to 25 MGD In recognition of that fact, CMUD staff has proceeded to incorporate basic changes during the current construction

Background: This change order increases Summit-Beers contract from $9,860,658 70 to $10,755,019 70

The original contract with Summit-Beers for $9,894,137 70 was approved by Council on July 26, 1993

Change Order #1 was approved by CMUD February 10,1995 for a decrease of $10,000

Item No.

Change Order #2 was approved by CMUD on February 10, 1995 for a decrease of $40,976

Change Order #3 was approved by CMUD on February 10,1995 for $49,969

Change Order #4 was approved by CMUD on February 10, 1995 for a decrease of $32,472

32. NFL Stadium Sewer Replacement/Rehabilitation - Professional Services Contract

Action· **Approve a Professional Services Contract with Ralph Whitehead Associates, Inc for the surveying and design of the replacement/rehabilitation of the sanitary sewer trunk serving the NFL Stadium for $54,890**

Explanation of Request.

- A recent study identified the trunk line serving the NFL Stadium as needing replacement or rehabilitation During heavy rainfall, the sewer trunk line has shown an increase in infiltration Based on this study, this line would be unable to handle the proposed flow from the NFL Stadium and any additional flow from wet weather conditions without experiencing an overflow problem. Rehabilitation and/or replacement of this line would prevent potential overflows

- The professional services contract with Ralph Whitehead Associates, Inc is for surveying and design of the sanitary sewer replacement to serve the NFL Stadium

- The consultant was selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process

Background: This sanitary sewer trunk was identified in a December 1994 study as a trunk needing rehabilitation. Funding was included in the FY95 CIP.

33. Underground Storage Tanks - Environmental and Engineering Services - Amendment #7

Action: **Approve Amendment #7 to the agreement with Professional Service Industries, Inc (PSI) for $2,900,000 to provide engineering services during FY95 for the Underground Storage Tank Program bringing the total contract amount to $8,385,000.**

Explanation of Request:

- Amendment #7 for $2,900,000 includes an estimated $2,000,000 for actual clean-up costs and the replacement or upgrading of existing tanks and an estimated $900,000 for testing services to determine if leakage or contamination has occurred at the site and the preparation of clean-up plans

- Of the $5,485,000 under contract prior to Amendment #7, $1,100,000 has gone to services performed by PSI and $4,385,000 has gone to actual clean-up

- Environmental Protection Agency regulations (effective December 22, 1988) increased the levels of control for underground storage tanks This required the City to

  - determine if any leakage or contamination had occurred at any of 210 City-owned tanks,
  - determine the extent of contamination;
  - prepare and execute clean-up plans, and
  - upgrade or replace tanks to meet 1998 technical requirements

- PSI has completed work on 28 sites and is currently working on 29 other sites There are approximately 20 more sites to be evaluated and upgraded in the future

- Amendments have been added to the original agreement as funding has become available in order to keep the program on-going and to comply with the Environmental Protection Agency regulations. See attachment for details regarding amendments.

- Competitive bids are taken for the clean-up of the sites and charged back to the City at actual costs, while the testing services and plan preparation are charged on an hourly and unit price basis. The rates charged by PSI are comparable to the rates charged by other firms for similar services in this area and are in line with the allowable fees the State will reimburse.

- The amount of reimbursement acknowledged in writing by the State to date is in excess of $300,000. An additional $458,000 has been submitted to the State for reimbursement. An additional $600,000 is being prepared by PSI to be submitted Of the total amount of funds expended to date, the City expects to recover 60%

Attachment 19
Background

34 Geotechical and Construction Inspection Services for the New Charlotte Mecklenburg Police Department

Action: Approve the Agreement for Geotechnical and Construction Inspection Services with Trigon Engineering Consultants, Inc. for $72,200.

Explanation of Request

- This agreement with Trigon Engineering Consultants, Inc will provide geotechnical and construction inspection services for the Police Headquarters building and the parking garage.
- Trigon Engineering Consultants, Inc was chosen for this project using the Council approved consultant selection process
- Compensation for services performed under this agreement will be paid according to the hourly or unit price rates which are comparable to the rates generally charged for similar work in this area

35. Airport Master Plan Acquisition Budget Ordinance

Action: Adopt a budget ordinance for $900,000 to provide funding for an Airport Master Plan acquisition.

Policy Airport Master Plan

Explanation of Request.

- This budget ordinance provides supplemental funding for an Airport Master Plan acquisition In a companion action (item #36A), Council is requested to approve the acquisition of a three-story office building on approximately three acres This purchase settles a lawsuit

- The appropriation will cover the purchase price of $850,000 plus attorney fees, appraisal fees, and miscellaneous expenses These costs will be eligible for 75% Federal funding through future FAA grants

Background:

- The Master Plan recommended the acquisition of 612 acres of adjacent property to provide for future airport development To date, the Airport has spent approximately $31 million dollars acquiring the recommended property Currently, there are 272 acres remaining to acquire

- This Land Acquisition Program has been included in the Airport's Capital Improvement Program and City Council approves the purchase of each property.

- On July 2, 1993, Alvin Levine, the property owner, entered into a suit alleging damages due to the closing of Old West Boulevard

36. Property Transactions

Action: **Approve the following property acquisition (A) and condemnations (B-E).**

Acquisition:

A. **Project. Airport Master Plan Acquisition**
Owner(s): Alvin E Levine
Property Address 4101 Sentry Post Road
Property to be acquired: 3 015 acres
Improvements Three story office building
Tax Value: $1,054,910
Purchase Price $850,000

Remarks. This purchase price is a negotiated settlement of a lawsuit (Alvin E Levine vs the City of Charlotte 93-CVS-8156) where the plaintiff alleged damages due to the closing of old West Boulevard The City agreed to acquire the property based on appraised value The City had two appraisals on the property, one at $900,000 and one at $640,000 The FAA concurs in the inclusion of the property in the Airport Master Plan and will fund 75% of the cost

Condemnations:

B. Project. NFL Parking Deck Street Improvements, Parcel #1
Owner(s) Edward R McHenry, Jr , Jane L McHenry, Julia M Howard, William P Howard and any other parties of interest
Property Address. 401 South Graham Street
Property to be acquired 1,147 sq ft (0 026 AC)
Improvements. None
Tax Value· $346,510
Purchase Price. $7,700
Remarks: Negotiated settlement was not reached due to the property's location relative to the NFL Stadium Proposed development plans caused the owner to speculate that land values would increase Compensation amount offered was based upon two independent appraisals Condemnation is recommended to avoid delay of the street improvements

Zoned. UMUD Use Parking Lot
Tax Code 073-124-04

C **Project** NFL Parking Deck Street Improvements, Parcel #2 & #3
Owner(s)· George L Fitzgerald and any other parties of interest
Property Address 430, 432-434 West Second Street
Property to be acquired 6,815 sq ft (0.156 AC.)
Improvements· Vacant
Tax Value $140,600
Purchase Price· $191,550
Remarks· Negotiated settlement was not reached due to the property's location relative to the NFL Stadium. Proposed development plans caused the owner to speculate that land values would increase Compensation amount offered was based upon two independent appraisals Condemnation is recommended to avoid delay of the street improvements

Zoned· UMUD **Use**. Parking lot
Tax Code. 073-111-02 & 03

D. **Project**· NFL Parking Deck Street Improvements, Parcel #6
Owner(s) George L Fitzgerald & any other parties of interest
Property Address 309 South Graham Street
Property to be acquired. 2,985 sq.ft (0.0685 AC)
Improvements Fencing and Gravel
Tax Value: $245,760
Purchase Price· $62,450
Remarks Negotiated settlement was not reached due to the property's location relative to the NFL Stadium Proposed development plans caused the owner to speculate that land values would increase Compensation amount offered was based upon two independent appraisals Condemnation is recommended to avoid delay of the street improvements

Zoned· UMUD Use Parking Lot
Tax Code 073-111-07

E. Project NFL Parking Deck Street Improvements, Parcel #5
Owner(s) Ray N Melton & wf., Linda H Melton & any other parties of interest
Property Address 317 S. Graham Street
Property to be acquired. 3,740 sq.ft. (0 0858 AC.)
Improvements Chain-link fencing, pavement
Tax Value: $250,810
Purchase Price $64,500
Remarks· The street improvements cause the loss of a 20 foot strip of land permanently and an additional 20 feet of temporary construction easement during the construction period The owners contend the road construction is totally disruptive and their business will not be able to operate. City staff has assured the owners that continuous access to and from their property as well as temporary fencing for security will be provided. The independent appraiser determined the business can operate and the damages incurred are reflected in the appraised amount offered

Zoned UMUD Use Paint & Body Shop
Tax Code 073-111-08