AGENDA

Meeting Type.	BUSINESS
Date	08/28/1995

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, August 28, 1995

5:00 p.m. — **Conference Center**

- **NFL Update**
- **Asset Management Update**
  - **Use of Old Convention Center for Smithsonian Exhibit**
  - **Coliseum Property - Tract 1**

6:30 p.m. — **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, August 28, 1995
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Item No.

CONSENT ITEMS

1. Approval of Minutes:
   - June 1 Budget Workshop,
   - June 5 Council Workshop,
   - June 6 Budget Workshop,
   - June 8 Regular Meeting,
   - June 19 Zoning Meeting,
   - June 26 Regular Meeting,
   - July 6 Special Meeting,
   - July 17 Zoning Meeting,
   - July 24 Regular Meeting, and
   - August 7 Council Workshop

2. Consent agenda items 18 through 41 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 to Abandon a Portion of Cherry Street.

   Action:
   A. Conduct a Public Hearing to abandon a portion of Cherry 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 (CDOT) has received a petition to abandon public right-of-way and requests this action in accordance with the statutes.

Item No.

Background.

Petitioner:
Central Carolina Bank/James T. Bolt

Right-of-Way to be Abandoned:
A portion of Cherry Street

Location:
Cherry Street between Third and Fourth Streets

Reason:
To incorporate the right-of-way into adjacent property on which a new bank is currently under construction.

Notification:
In accordance with City policy 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) -
Cherry Community Organization.

Private Utility Companies - No objection.

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

1. Be contrary to the public interest; or ,
2. Deprive an individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes

Attachment 1
Vicinity Map

The following four actions are related to the authorization and sale of various City of Charlotte general obligation bonds.

- Item #4 relates to the authorization and sale of Refunding Bonds to refinance the City's 1992 Water & Sewer and Public Improvement Bonds.
- Item #5 relates to the authorization of $23 million two-thirds bonds for Water & Sewer Projects.
- Item #6 relates to the sale of the $23 million of two-thirds bonds along with bonds previously approved by the voters.
- Item #7 relates to the sale of $3,315,000 of 1988 Parks & Recreation Bonds previously approved by the voters.

4. Public Hearing Concerning Refinancing Series 1992 General Obligation Water and Sewer Bonds and Public Improvement Bonds

Action: Take final actions necessary for the authorization and sale of bonds to refinance all or part of the principal amounts of one or more of the City's General Obligation Water & Sewer Bonds, Series 1992 and Public Improvement Bonds, Series 1992.

A. Conduct a public hearing concerning the bond authorization,

B. Approve a resolution that adopts the bond order, and

C. Approve a resolution providing for the sale of the Refunding Bonds.

Staff Resource: Richard Martin

Policy: N.C. General Statutes provide for the sale of Refunding Bonds to refinance prior bonds sales at lower interest rates.

Explanation of Request Under current market conditions (interest rates) refinancing either the Water & Sewer or the Public Improvement Bonds would produce marginal savings. The savings on refinancings are very sensitive to market conditions and a minor decline in rates could produce significant savings. Staff wants to be in a position to move quickly if rates move in our favor. In addition, a regular bond sale has been scheduled with the Local Government Commission for September 19, 1995. By combining the Refunding (refinancing) Bonds with this sale the City will realize savings on sale expenses.

Background On June 23, 1992 and September 29, 1992 the City closed on bond issues of $58,700,000 and $14,275,000 respectively. These issues have interest rates that are close to prevailing rates making refinancing a possibility. The Finance Department will continue to monitor various market factors and will make a decision closer to the September 19, 1995 sale date.

On July 24, 1995 Council established August 28, 1995 as the date for a public hearing on the Refunding Bonds Authorization and introduced the bond order.

5. Public Hearing Concerning Authorization for $23 million of Two-Thirds General Obligation Bonds for Water and Sewer Projects.

Action: **Take the necessary actions to authorize $23 million of two-thirds General Obligation Bonds for Water and Sewer Projects.**

A. Conduct a public hearing concerning the bond authorization, and

Item No.

B. **Approve a resolution that adopts the following bond orders:**

- **$15,830,000 Sanitary Sewer Bond Order**
- **$7,170,000 Water Bond Order**

Staff Resource: Richard Martin

Policy. The City's 1996-2000 CIP includes an option to partially fund Water & Sewer Projects with two-thirds bonds.

Explanation of Request: This Council Action is the third step in the legal process to authorize $23 million of two-thirds General Obligation Bonds for Water & Sewer Projects. This third step includes conducting a public hearing and adopting the bond orders ($15,830,000 for Sanitary Sewer Bonds and $7,170,000 for Water Bonds).

Funding: Water & Sewer Revenues

Attachment 2

6. Resolution Authorizing Sale of General Obligation Bonds Including Two-Thirds Bonds

Action: **Adopt a resolution that provides for the sale of previously authorized General Obligation (G.O.) bonds (streets, storm water drainage, water and sewer) and two-thirds water and sewer bonds. These bonds will provide funds to continue the City's approved Capital Investment Plan.**

Staff Resource: Richard Martin

Policy: The current (1996-2000) and prior CIP's included funding from General Obligation bonds.

Item No.

Explanation of Request:

- The bond resolution is a legal document required before the City can sell bonds. The adoption of the resolution accomplishes the following:

  - Authorizes the issuance (sale) of the bonds and establishes the amount, date and purpose of each issue.

  - Establishes the form of the bonds and directs the manner of execution of the bonds.

  - Ratifies actions taken by the Local Government Commission on behalf of the City relative to the sale of the bonds.

  - Ratifies the Official Statement relative to the sale of the bonds

  - The bond amounts are:

Streets	$29,380,000
Storm Water	1,000,000
Water & Sewer (G O.)	24,000,000
Water & Sewer (2/3)	23,000,000
	$77,380,000

Funding:

Revenues previously dedicated to the payment of debt service.

Background: Through the City's normal bond sale and capital expenditure planning cycle, bond sales of authorized bonds are scheduled on a cash flow needs basis as identified by the administering departments. The most recent cash flow analysis indicates the need for a bond sale at this time. The purposes and amounts are listed as an attachment.

Attachment 3
List of bonds to be sold

7. **Resolution Authorizing Sale of 1988 Parks and Recreation Bonds**

Action: **Adopt a resolution that authorizes the sale of $3,315,000 Parks & Recreation Bonds that were approved by the voters in November 1988.**

Staff Resource: Richard D. Martin

Policy: The July 1992 Parks & Recreation Consolidation Agreement provides that the County will bear the full cost of repaying any City general obligation debt sold at the County's request after July 1, 1992

Explanation of Request. Mecklenburg County has requested that the City sell the remaining $3,315,000 1988 City Parks & Recreation Bonds at its next sale. In order to sell these bonds Council must adopt a resolution that provides for the sale. The City has scheduled a General Obligation bond sale with the Local Government Commission for September 19, 1995.

Funding: Mecklenburg County will reimburse the City for debt service on these bonds.

Background:

On November 8, 1988 City voters authorized $9,500,000 of Parks & Recreation General Obligation Bonds. Of this original $9,500,000 amount, $3,315,000 remains unsold. This authorization will expire on November 7, 1995 unless the bonds are sold or Council approves an extension of the authorization A sale of other bonds has been scheduled for September 19, 1995

The $3,315,000 is planned for the following projects.

Revolution/Clanton Park -	$2,565,000
Barcliff/Fourseasons Neighborhood Park -	$150,000
Neighborhood Park Planning and Improvement -	$600,000

Item No.

ZONING DECISION

8. Decision on Zoning Petition No. 95-50 by Bomar Enterprises

Action:	Decision on Petition No. 95-50 by Bomar Enterprises for a change in zoning for approximately 13.3 acres located on the southwesterly corner of the intersection of Philemon Avenue and East Craighead Road from I-1 to I-2(CD).
Explanation of Request:	This petition was deferred for 30 days at the July 17 zoning meeting The Zoning Committee recommends approval as modified. Attachment 4

POLICY

9. City Manager's Report

10. Schedule Public Hearing for September 18 on a Proposed Ordinance Concerning Temporary Definitions for Certain Adult Uses

Action:	Approve the Planning Committee's recommendation to schedule a public hearing for September 18 on a proposed amendment to the Zoning Ordinance that would establish temporary definitions for certain adult uses.
Committee Chair:	Nasif Majeed

Staff Resource: Mac McCarley, City Attorney

Explanation of Request:

- In response to attempts by owners/operators of adult businesses to circumvent the Council's policy regarding adult bookstores, the City Attorney has drafted an amendment to the Zoning Ordinance that would tighten the temporary definitions of "adult bookstore" and "adult mini motion picture theatre."

- While the amendment would not guarantee that additional adult uses could not open in the protected zone, the draft definitions would make such attempts significantly more difficult.

- Since the change in definition would be through an amendment to the Zoning Ordinance, a public hearing is required before adoption.

- If Council wants this to happen immediately, Council may ask the Zoning Committee to give a recommendation on September 18 so that Council may also vote then.

Background:

- Recently, several adult businesses have opened or existing establishments have converted to adult uses within the 1,500 foot zone of protection for schools, playgrounds, child care centers, places of worship and residentially zoned or used property. The operators of these establishments have done so by relying on ambiguities in the ordinance definition of "adult establishment "

- The City Attorney has convened an Adult Establishment Task Force that is developing recommended permanent solutions to the problem of inappropriate location and operation of adult establishments. The City Attorney expects to present a package of policy recommendations to the City Council within the next six months

- The City Attorney has drafted temporary definitions of certain adult uses in order to lessen the likelihood that additional attempts to circumvent the Council's policies will occur.

- On August 17, the Planning Committee reviewed the draft ordinance amendment and recommended Council schedule a public hearing on the changes.

Item No.

BUSINESS

11. Grant Applications to the FTA/NCDOT for Financial Assistance

Action:

A. Adopt a resolution authorizing the filing of capital grant applications to the Federal Transit Administration (FTA) and to the North Carolina Department of Transportation (NCDOT) for financial assistance, and

B. Adopt a budget ordinance appropriating $12,250,000.

Staff Resource. Bill Finger

Policy: Improving transit services is integral to meeting City goals in economic development, City-Within-A-City, and community safety. Transitioning to a fully-accessible Charlotte Transit by 1997 is a strategy in the Transportation Focus Area Work Plan

Explanation of Request:

- Each fall the City submits grant applications to the FTA and NCDOT for financial assistance under a formula-based program. This October we will apply for approximately $2 million in capital funds for routine replacement of maintenance equipment, computers, service vehicles, and buses plus $1.3 million in Federal operating assistance.

- The capital grant applications request funds to modernize and improve accessibility for the disabled to Charlotte Transit by

  - purchasing 31 forty-foot buses to replace buses, operated since 1982, that are not equipped with wheelchair lifts.

- replacing an outdated radio/communications system. The radios are no longer made or repaired by the manufacturer.

- replacing the fare collection system with a system which incorporates "smart card" technology. The new system will permit use of "stored value" fare cards rather than the monthly or weekly passes now in use.

- retrofitting 40 buses with wheelchair lifts in order to comply, by 1997, with requirements of the Americans with Disabilities Act.

Funding:

- The total cost of the improvements is $12,250,000.

  - We are applying to the Federal Transit Administration for $9,800,000, 80% of the cost.

  - The North Carolina Department of Transportation will provide 10%, $1,225,000.

  - The City's share is also 10%, $1,225,000. These funds are programmed in the FY96-2000 Capital Investment Plan for FY96

Background:

- Although we are seeking this funding under a Federal discretionary program, FTA officials have indicated that we have a good opportunity for grant approval. Approval is likely because Federal funds are being used to replace or modify existing equipment.

- The attached provides background information on Charlotte Transit operations and funding

Item No.

Attachment 5
Charlotte Transit Fast Facts

12. Sale of Property (Coliseum Tract I)

Action. **Authorize the sale of the 26.66 acres located adjacent to the Charlotte Coliseum to Crescent Resources Inc., subject to public advertisement for other bidders.**

Policy: Asset Management goal #2 calls for improved management of existing assets by packaging and marketing existing property for sale. Asset sales will be dedicated to the Capital Investment Plan

Staff Resource: Boyd Cauble

Explanation of Request: Crescent Resources proposes to purchase the 26.66 acres for the fair market value of $2,100,000 to develop a hotel and business park

We are requesting approval to advertise this proposal for 10 days in compliance with state statutes on disposition of government properties.

Background: Coliseum Tract I is one of four tracts of coliseum land identified as surplus and ready to sell. The vacant wooded tract of land adjoins the Coliseum property and has good visibility to Billy Graham Parkway. Sugar Creek separates the property from Tracts II and III which has hampered earlier development of the property.

In the agreement with Crescent Resources Inc , they would construct a bridge to provide more direct access to the site from Tyvola Road.

Crescent Resources would also commit to construct a 250 room quality hotel on eight of the 26 acres in conjunction with The John Q Hammons Company by the fourth quarter of 1997.

The hotel is expected to generate a major appeal to the coliseum area which would stimulate interest in developing the remaining property for an office park or corporate headquarters.

Financial Terms: The property has been appraised by independent commercial real estate appraisers having a low value of $1.6 million and a high value of $2.3 million.

The purchase price is $2,100,000 or $78,770 per acre Half of the proceeds will be paid at closing ($1,050,000). The balance will be paid in five annual principal payments with 6% annual interest.

Crescent will be responsible for all infrastructure costs which includes the bridge, roads, utility extensions and landscaping consistent with a quality office and hotel development.

Attachment
Letter from Crescent Resources Inc.
A location map of property

13. Use of Old Convention Center for Smithsonian Exhibit

This item will be sent in the Council-Manager Memo on Friday, August 25.

14. Employee Assistance Plan

Action: **Approve a one-year contract not to exceed $69,000 with Presbyterian Hospital to administer an Employee Assistance Program with the intention to renew for an additional year dependent upon satisfactory performance.**

Staff Resource: William H. Wilder

Policy: Human Resources Philosophy

Item No.

Explanation of Request:

- Since 1988 the City has contracted with a private organization to administer the Employee Assistance Program (EAP). An EAP helps employees who have personal problems that adversely affect their job performance. Such problems include emotional distress, marital difficulties, alcoholism or drug addiction.

- A year ago the City solicited bids for EAP services. City Council approved a staff recommendation to contract with Presbyterian Hospital to continue to provide EAP services. Presbyterian was the service provider prior to the competitive bidding process and was successful in receiving the award of the contract because of experience, competitive pricing and prior satisfactory service.

- The contract prepared in 1994 states that the City will renew the EAP contract on an annual basis for two additional years if service continues to be satisfactory

- EAP's survey of employee clients as well as Human Resources' solicitation of feedback from Key Businesses indicated a high level of satisfaction with FY95 EAP services. Total FY95 cost was $64,942.11 or $14.04 per employee. EAP saw 243 new City clients during FY95.

Funding: Funding is available in the FY96 Budget.

15. Amend Council Business Meeting Schedule

Action: **Reschedule or cancel the September 26 Council Meeting which is presently scheduled on Primary Election Day.**

Item No.

Explanation of Request:

When the proposed calendar for 1995 was prepared for Council's approval, the date of the Primary Election was not set. The meeting for the fourth Monday in September was recommended for Tuesday, September 26, 1995 because Monday, September 25 is a Jewish Holiday, Rosh Hashanah.

Three options are listed:

Option 1 Change the September 26 Council Business Meeting to Wednesday, September 27, 1995.

Option 2 Change the September 26 Council Business Meeting to Thursday, September 28, 1995.

Option 3 Cancel the meeting for September 26, 1995. Any urgent business could be considered at the September 18 Zoning Meeting.

The City Manager recommends option 3.

16. Workshop Agenda for September 5

Action: **Approve the following topics for the September 5 Workshop:**

- Solid Waste: Bulky Item Pick-up and Update on Contract Garbage Collection
- Focus Area Update

17. Closed Session Motion

Action: **Adopt a motion to hold a closed session pursuant to G.S. § 143-318.11(a)(3) to consult with an Attorney and give instructions concerning the handling or settlement of a claim.**

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 - FY96 Contract #4 - Street Main Extensions** — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $741,850.50 by Foster Utilities, Incorporated of Pineville, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$10,000	1.3%	2%
WBE	$22,205	3.0%	3%

Compliance: Yes, the Contractor has met the established goal for WBE participation and made good faith efforts to meet the goal for BBE participation

Item No.

B. **Water Distribution Project - Polk and White Roads** — **CMUD**

Recommendation. The Charlotte-Mecklenburg Utility Director recommends the low bid of $102,418.05 by Propst Construction Company of Concord, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$0	0%	1%

Compliance: Yes, the Contractor has met the requirements of the MWBD Program by performing all work with his own forces.

C. **Lakewood Neighborhood Reinvestment, Phase I** — **Engineering & Property Management**

Recommendation: The City Engineer recommends the low bid of $519,062.25 by Dakota Contracting Company of Charlotte, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	0	0	5%
ABE	0	0	0
NBE	$519,062.25	100%	0
HBE	0	0	0
WBE	0	0	4%

Compliance: Yes.

D. **Twenty 40' Transit Buses and Spare Parts** — **CDOT-CTS**

Recommendation: The Transportation Director recommends the low bid of $4,605,756 by Gillig Corporation, Hayward, California.

Compliance: Yes No known MWBD available for this procurement.

Item No.

E. Portable Electrical Panels for Charlotte Convention Center — Purchasing

Recommendation: The Purchasing Director recommends the low bid of $85,035 by Nu-Tech, Inc., Las Vegas, Nevada.

MWBD Compliance: No. One BBE was forwarded a bid but did not reply.

19. Resolution Setting Public Hearing for Certain Zoning Petitions

Resolution setting public hearings on Monday, September 18, 1995 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Zoning Petition Nos. 95-65, 95-66, 95-68 through 95-74, and 95-85, 95-86.

20. Resolution Of Intent To Abandon a portion of Kemp Street and Set Public Hearing.

Action:

A. Adopt the Resolution of Intent to abandon a portion of Kemp Street, and

B. Set a public hearing for September 26, 1995.

Attachment 7

21 Declare Equipment Surplus for Public Auction

Action: Adopt a resolution declaring surplus the attached list of vehicles, equipment, fire apparatus, miscellaneous equipment, various parts and supplies and approve them for sale at public auction on Saturday, September 30, 1995, at 10:00 a.m. pursuant to G.S. 160A-270(b).

Attachment 8

22. Utility Agreement for Westinghouse Boulevard (SR 1128)

Action: Approve a resolution to authorize the Director of the Department of Transportation to execute the Utility Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the improvement of Westinghouse Boulevard (SR 1128) from west of York Road (NC 49) to Granite Street. This will allow the NCDOT's contractor to perform water and sewer line adjustments and relocation work for the project along the State Highway System.

23. Speed Limit Change

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

Hickory Ridge Lane (Holly Hill)	25 MPH
Pinecrest Avenue (Briarcreek)	25 MPH
Princeton Avenue (Myers Park)	25 MPH
Timber Lane (Mammoth Oaks)	25 MPH
Wembly Drive (Wembly Arms)	25 MPH

24 Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $4,448.55.

Attachment 9

CONSENT II

25. Water And Sewer Main Construction - FY 96 Contracts #3 And #5 - Street Main Extensions

CMUD

Recommendation.

A. The Charlotte-Mecklenburg Utility Director recommends City Council reject the bid for FY96 Contract #3 submitted by 7 Star Construction Company of Rock Hill, South Carolina, due to the contractor being nonresponsible,

B. Recommends the low responsive, responsible bid of $764,053 by R. H. Price, Incorporated of Charlotte, North Carolina for FY96 Contract #3 be accepted, and

C. Recommends the low bid of $693,043.62 by 7 Star Construction Company of Rock Hill, South Carolina for FY96 Contract #5 be accepted.

Explanation of Request:

- 7 Star Construction Company of Rock Hill is a certified Minority Owned Business.
- 7 Star submitted a bid for FY96 Contract #3 and FY96 Contract #5.
- 7 Star reviewed their work papers and determined they had made a substantial error in their bid for FY96 Contract #3
- Believing the bid for FY96 Contract #3 could be withdrawn, 7 Star chose to bid another street extension contract (FY96 Contract #5).
- 7 Star cannot secure the required performance and payment bonds on both projects.

- Since 7 Star cannot secure the required performance and payment bonds on both FY96 Contract #3 and #5, CMUD recommends that 7 Star be declared a nonresponsible bidder for FY96 Contract #3 because it submitted a substantially erroneous bid and because 7 Star cannot obtain the necessary bonds for this project.

- Award of both contracts to 7 Star would harm the financial stability of the company.

- CMUD Director and City Attorney recommend that the bid submitted by 7 Star Construction Company for contract #3 be rejected without penalty to the contractor and the low, responsive, responsible bid submitted by R. H. Price, Incorporated be recommended for award.

- R. H Price, Incorporated is a certified Woman Owned Business.

FY 96 Contract #3 - R. H. Price, Inc.

MWBD Status:	Amount	% of Project	Proj Goals
BBE	$500	0.1%	2%
WBE	$763,553	99.9%	3%

Compliance: Yes, the Contractor has exceeded the established goal for WBE. The Contractor is a certified WBE.

FY 96 Contract #5 - 7 Star Construction Company

MWBD Status:	Amount	% of Project	Proj Goals
BBE	$639,043.62	100%	2%
WBE	$0	0%	3%

Compliance: Yes, the Contractor has exceeded the established goal for BBE The Contractor is a certified BBE.

26. Sweden Road Maintenance Facility Restroom/Office Renovations

Engineering & Property Management

Recommendation: The City Engineer recommends that the negotiated low bid of $122,298 by De Conti, Odden & Griffith, Inc. of Charlotte, N.C. be accepted on a lump sum basis. Based upon our knowledge of current construction, this is a fair price.

Explanation: The project includes renovation of the restrooms and office space at the Sweden Road Maintenance Facility. The restrooms at this location are in poor physical condition, and do not meet current codes. To provide the necessary space to comply with OSHA and the Building Code, the existing office space is affected This renovation will bring bathrooms up to standards and utilize the available office space more effectively

Due to the current bidding market, we were unable to obtain more than one bidder Negotiations were entered with the bidder to reduce the cost of the work without compromising the needs of the facility. Negotiations included the elimination of a required phasing plan to minimize disruption to the office functions of the facility which will now be accomplished by the use of a temporary trailer on the site during construction. Some product specifications were also modified to allow for the use of a more economical brand that will still provide the required function. The renovation cost is $45 per square foot

MWBD Status:	Amount	% of Project	Project Goals
WBE	$122,298	100%	0

Compliance: Yes. De Conti, Odden & Smith, Inc. is a certified woman business enterprise

27. Helicopter Overhaul

Action: **Exercise an option to purchase helicopter engine components from Standard Aero of Charlotte, North Carolina for the Charlotte-Mecklenburg Police Department helicopter in the amount of $109,531.**

Explanation of Request:

- Federal Aviation Administration (FAA) regulations require certain helicopter engine components to be replaced or overhauled every 3,500 hours of flying time (approximately every 3 years based on current use). Since the Police helicopter was approaching this threshold, staff decided to replace the components while developing plans to replace the helicopter before the next required overhaul or replacement.

- Following a competitive bidding process, on May 2, 1995, the Council approved a contract with Keystone Engine Service to purchase the engine components.

- On June 22, 1995, the engine components provided by Keystone were installed and the helicopter failed to fly. A second installation was performed on July 24, 1995 and the helicopter again failed to perform.

- After the two failed attempts by Keystone to provide a working helicopter engine, the Police Department canceled the Keystone contract.

- The fact that the helicopter would be grounded until another set of engine components could be procured compromised law enforcement and public safety. Based on this circumstance, the Police Chief and City Attorney determined that the emergency exception to the bid statutes applied.

- Since the Chief of Police does not have the authority to award a contract in excess of $50,000, the City negotiated a lease-purchase agreement with Standard Aero (the second low bidder) in order to get the helicopter back in the air.

- Under the lease-purchase agreement, the City has leased engine components for $15,000 until October 15, 1995. If Council exercises the option to purchase, the lease amount will be applied to the purchase price

- The total expense to the City under the lease-purchase agreement would be the same as under the original contract with Keystone.

28. Convention Center, Final Sitework, Change Order #3

Action: **Approve Change Order #3 for Final Sitework as a final settlement to a claim by Crowder Construction for $425,000 increasing their contract from $2,672,421 to $3,097,421.**

Explanation of Request. This change order is the result of negotiations to settle a final claim for additional compensation by Crowder originally submitted on March 16, 1995, for $1,101,019.

We have had extensive negotiations with Crowder to resolve this claim which included a review of Crowder's company records to verify their actual expenditures on the project. The settlement is consistent with previous settlements made on the project and will close out this contract

Background· The original contract with Crowder Construction was approved by Council on September 13, 1994

Change Order #1 was approved by the City Engineer on March 23, 1995, for $12,060.

Change Order #2 was approved by Council on June 26, 1995, for $183,143 for various additional work.

Attachment 10
Budget Summary

29. **Convention Center, Construction Management, Amendment #4**

Action: **Approve Amendment #4 as a final settlement to the Convention Center Construction Management contract with Fluor Daniel for $645,000 increasing their contract from $11,221,750 to $11,866,750.**

Explanation of Request: This amendment is a final settlement of $645,000 for approximately $2.1 million of additional expenses incurred by Fluor Daniel while managing the construction and closeout of the project. It includes the following:

- $280,000 as a settlement for costs associated with Fluor Daniel staff being on site longer than anticipated in the original contract, in completing and closing out the project. Fluor Daniel will maintain appropriate staffing until all contract closeouts and punch lists are completed, at no further cost.

- $65,000 for reimbursement of construction work done by Fluor Daniel or their subcontractors. We will assess most of this cost to various contractors.

- $150,000 for administration, overhead, fees, and staff expenses associated with taking assignment of the curtainwall contract We will seek recovery of this amount in our lawsuit against the original contractor's bonding company.

- An allowance of $150,000 for expert witness and consulting services associated with the two lawsuits that are filed on the project and any others if necessary.

Attachment 11
Background

30. Neighborhood Reinvestment Projects - Engineering Services

Action: **Approve three separate Agreements for Engineering Services totalling $266,570.**

A. Various Neighborhood Reinvestment Projects - Concord Engineering & Surveying, Inc. - $75,000,

B. Various Neighborhood Reinvestment Projects - Williams Engineering, Inc. - $75,000, and

C Lakewood & Wingate Neighborhood Reinvestment Projects - US Infrastructure, Inc. - $116,570.

Explanation Request:

- Neighborhood Development, in partnership with Engineering and Property Management and other Key Businesses, has developed an aggressive work program to coordinate the Neighborhood Reinvestment Program with priorities established in City-Within-A-City Neighborhood Action Plans. These agreements will allow us to meet the goals of the work plan
- The three consultants were selected, using the Council-approved process, to provide planning and design of infrastructure improvements for various City-Within-A-City neighborhoods
- Infrastructure improvements include street improvements, sidewalk, curb and gutter, and associated storm drainage

- These agreements will be paid on an hourly and unit price basis. The rates charged by the consultants are comparable to the rates charged by other firms for similar services

- US Infrastructure, Inc is certified with the City of Charlotte as an Asian-American business enterprise.

Background:

- On May 1, 1995, the City Engineer approved an initial agreement for Engineering Services with US Infrastructure for $30,000. USI completed a study of the three neighborhoods and proposed alternatives for improvements to the existing drainage system.

- To meet the goals of the Neighborhood Reinvestment Program, the City Engineer approved an interim agreement on August 17, 1995, for Engineering Services with US Infrastructure for $40,500 to begin the design of infrastructure improvements.

31. United States Geological Survey FY96 Cooperative Program

Action: **Approve the FY96 cooperative program with the United States Geological Survey (USGS) for storm water resource activities in the amount of $233,120**

Explanation of Request: This year's program includes·

- Continued maintenance and operation of rainfall and streamflow gaging sites;

- Installation of one new streamflow gaging site;

- Installation of four new rainfall gaging sites

and relocation of two rainfall gaging sites;

- Development of storm recurrence-interval software;

- Sampling for water quality at seven sites.

The total cost of services is $481,940. The City's share is $233,120. The remainder of the cost will be funded by the federal government if service is provided by USGS

Funding: Storm Water Services Fund

32. Storm Water Maintenance Formal Package 95C, Change Order #1

Action: **Approve Change Order #1 for $300,000 to the contract with Tar Heel Construction Company (95C). This will increase the contract amount from $293,241.50 to $593,241.50.**

Explanation of Request:

- The addition of funds to these contracts recognizes good performance by the contractor and good existing unit prices. These contracts are initially bid in the range of $300,000 to provide bidding opportunity to all licensed contractors. Where the contractor's work has been of good quality, a change order is recommended to extend the contract

- Change Order #1 for Tar Heel Construction Company will provide funds to continue remedial repair work under this contract, and will extend the contract approximately six months past the original one year period.

Funding: Storm Water Services Fund

Background: The Storm Water Maintenance Program provides a method to perform repairs to existing infrastructures identified through citizens' requests. Repairs are made through yearly contracts; projects are prioritized and assigned to the contractors continuously, with payment based on unit prices

33. United Parcel Service (UPS) Air Cargo Facility

Action:

A. Approve a 10 year lease agreement with United Parcel Service for a 16,316 square foot office/warehouse located on a 2.05 acre tract in the air cargo center;

B. Adopt an Ordinance appropriating $1,200,000 in Airport funds for the development of the United Parcel Service Air Cargo Facility; and

C. Award a construction contract for the United Parcel Service facility to the lowest responsive bidder, Better Builders, Incorporated of Matthews for $988,000.

Explanation of Request:

- This project provides for development of air cargo facilities adjacent to Runway 36R and Yorkmont Road in accordance with the Airport's Master Plan. The need for this project is based upon the increased demand for space within the cargo area.
- Project includes construction of a 16,316 square foot warehouse/office facility on Airport property adjacent to joint-use aircraft parking ramp

- The lease is for ten years and includes ground rent based on $4,850 per acre (to be adjusted after five years), debt service rental and airport service fees. Total rents are estimated at $159,000 per year.

- UPS currently operates two all-cargo flights per day and has approximately 75 employees operating from temporary facilities near the old terminal

- The budget for this project is as follows:

Construction	$ 988,000
A & E Fees, Quality Control Testing, Project Inspection	$ 160,000
Contingency	$ 52,000
Total Project	$1,200,000

Background

- July 27, 1987 - City Council approved the Airport Master Plan Update recommending cargo facility development along Yorkmont Road and the extension of Runway 36R

- August 24, 1992 - Council appropriated $2 1 million for first phase development of cargo facilities and awarded construction contracts for Burlington Air Express and Airborne Express cargo facilities.

- September 26, 1994 - Council accepted FAA funding to construct additional aircraft parking for cargo facilities and awarded construction contract.

34. Equipment Lease Purchase

Action

Adopt a resolution authorizing staff to proceed with the necessary actions to secure an Installment Purchase Contract (Lease/Purchase) to fund equipment requirements for FY96. The amount of the contract is approximately $4.5 million

Item No.

Explanation of Request:

Before beginning work on securing funds to purchase the FY96 capital equipment, staff is requesting Council's authorization to proceed.

Since 1982 the City has used some type of lease/purchase agreement to fund annual capital equipment purchases. The FY96 Operating Budget includes funds to make debt service payments on previous years agreements as well as the first year's interest payment for the FY96 Installment Purchase Contract.

Council will be requested to approve financing documents at a later meeting.

Attachment 12
Equipment Listing

35. Request for Privilege License Tax Refund

Action:

Adopt a resolution denying the request of WSOC Television, Inc. for a refund of 1995-96 privilege license taxes.

Explanation of Request:

- In April of 1994, the City Council amended the privilege license tax ordinance to include radio and television stations under the "Advertising Agency" classification.
- Businesses are taxed under this section at the rate of $0.60 per $1,000 of annual gross receipts with a minimum tax of $50 and a maximum tax of $2,000.
- Section 13-34 of the City Code authorizes a taxpayer to protest a privilege license tax and request a refund.

- On June 26, 1995, WSOC Television, Inc. paid $2,000 in privilege license taxes under protest stating as its defense that the tax is unconstitutional and illegal.

- The City Attorney believes the tax is constitutional and otherwise legal and recommends the request be denied

Background:

- WSOC Television, Inc. made a similar protest last year. While the City Code contemplates that the City Council will act on refund requests, the Code does not require Council action Last year the matter was handled administratively but given the taxpayer has threatened legal action, the City Attorney has decided to request City Council to formally deny the request

36. Southwest Alternative Water Source Evaluation - Professional Services Contract

Action: **Approve a professional services contract with Boyle Engineering for the evaluation and analysis of water source alternatives in southwest Mecklenburg for $90,000**

Explanation of Request:

- This contract will provide professional engineering services by Boyle Engineering to

  - evaluate options for providing additional water delivery to Southwest Mecklenburg;

  - evaluate various routes for pipelines to deliver water to the southwest;

  - identify and evaluate facilities necessary for supplying water to this area.

Background:

- The need for additional water delivery to the southwest area of Mecklenburg County was identified in the recent Water Distribution System Master Plan by Boyle Engineering.

- The recommended improvements were included in the FY96 Capital Investment Plan. These improvements include a 60/54" pipeline from the Franklin Water Treatment Plant to the southwest.

- The alternative for providing water from a water treatment plant in south Mecklenburg County was investigated during the Master Plan and determined economically unfeasible in comparison to the pipeline alternative

37. Pressure Reducing Valve Stations - Professional Services Contract

Action: **Approve a professional services contract with Boyle Engineering for design of two pressure reducing valve stations for $63,500.**

Explanation of Request:

- The professional services contract with Boyle Engineering is for:
  - design of two pressure reducing valve stations to be located along existing pipelines in the system on Mineral Springs Road and Mallard Creek Church Road.
  - creation of a new water pressure zone.

- These stations were recommended as part of the recently completed Water Distribution System Master Plan. These stations will enable improved water service to the eastern portion of Mecklenburg County.

Background:

- The need for additional water delivery to the eastern area of Mecklenburg County was identified in the recent Water Distribution System Master Plan by Boyle Engineering

- The recommended improvements were included in the Capital Investment Plan. These improvements include two pressure reducing stations to be constructed in the northeast area.

- These stations will allow for a new pressure zone to be created that operates at a water pressure satisfactory for a designated area of the Northeast and allows for water at a higher pressure to extend to the east from the north. Some areas of the east have been experiencing low water pressure This project will allow expansion of that pressure zone to include these areas and improve water pressure

38 Water Pumping Stations Improvements - Professional Services Contract

Action: **Approve a professional services contract with Boyle Engineering for evaluation of the Oakdale Booster Pump Station and the Franklin Water Treatment Plant High Service Pump Station for $82,500.**

Item No.

Explanation of Request:

- This contract will provide professional engineering services by Boyle Engineering for the evaluation and recommendation of improvements to the Oakdale Booster Pump Station and the Franklin Water Treatment Plant High Service Pump Station.

- The evaluation will include operational considerations and a detailed examination of the existing equipment to identify more efficient and cost effective pump operation.

Background

- A Water Distribution System Master Plan was recently completed by Boyle Engineering. This plan identified a strong need for improvements to the Oakdale Booster Pumping Station and the Franklin Water Treatment Plant High Service Pump Station in order to operate the water system more efficiently and effectively. A sequence of events during the summer of 1993 also demonstrated the inadequacy of the equipment in the Oakdale Booster Pump Station.

40. Order of Collection for Ad Valorem Taxes

Action:

Adopt an Order of Collection empowering the Office of the Tax Collector to collect the City's ad valorem taxes.

Explanation of Request.

The City-County Tax Attorney and the County Tax Administrator advise the City Council adopt and the Mayor sign an annual Order of Collection of taxes. State law requires city and county governments to take this action annually

41. City/Duke Power Parking Deck

Action: **Approve a budget ordinance appropriating $4.4 million in Letters of Credit from Duke Power and Richardson Sports for construction of the NFL Parking Deck and associated street improvements.**

Explanation of Request: Per our agreements with Duke Power and Richardson Sports, Letters of Credit have been put in place to partially fund the City/Duke Power Parking Deck. These Letters of Credit need to be appropriated into the NFL Account to continue funding the construction

42 **Approve the following property transactions and adoption of the condemnation resolutions.**

Acquisitions

A **Project**: 54" Water Transmission Main Parcel #11
Owner(s): Leslie M. Holbrook (heirs) - Cara E Holbrook
Property Address: Northcross Drive 9 Acres
Property to be acquired: 30,000 ± sq.ft. (0.69 AC.) plus 30,000 ± sq ft (0 69 AC.) of temporary construction easement.
Improvements: Fencing
Tax Value $108,000 (entire parcel)
Purchase Price $28,000
Remarks: A permanent easement and temporary construction easement is required along the length of the property. Compensation is based upon appraisal and covers loss of trees, fencing, and land area

Zoned: R-3 **Use**: Residential
Tax Code 009-091-01

B. **Project**: Milton Road Widening, Parcel #113
Owner(s): First Union Real Estate Equity and Mortgage Investments
Property Address: 7001 Milton Road
Property to be acquired. 4,613 sq.ft. (0.11 AC.) fee plus 9,268 sq ft (0.21 AC) temporary construction easement.
Improvements: Traffic island, flora, pavement
Tax Value: $548,350 (entire parcel)
Purchase Price: $18,300
Remarks: This road widening requires the loss of approximately 18' of road frontage on Milton Road The loss of trees along the front will eliminate most of the screening and privacy from the road. Compensation amount was determined by an independent appraiser.

Zoned: R-17MF **Use**: Residential
Tax Code: Part of: 099-211-06

C. **Project**: **F. A. R. Part 150 Land Acquisition**
Owner(s): Mr. Lester Redfearn
Property Address· 4409 McKinley Drive
Property to be acquired .258 acres
Improvements: 3 bedroom, 1 bath, ranch
Tax Value: $45,870
Purchase Price: $49,000
Remarks· The purchase was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific condition and size of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain features. 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

Item No.

Condemnations:

D. **Project**: Beatties Ford Road Left Turn Lane, Parcel #24&25
Owner(s)· Clayborne Hartford & wf., Sally R. Hartford and any other parties of interest.
Property Address. 2336 & 2342 Beatties Ford Road
Property to be acquired· 5,250 sq ft (0 121 AC)
Improvements: Concrete, chain link fencing, trees and asphalt paving
Tax Value: $400,630 (entire parcel)
Purchase Price. $27,500
Remarks: Condemnation is requested on this parcel in order to get clear title because of an IRS lien

Zoned· B-1 **Use**. Commercial
Tax Code: Part of. 075-021-01 & 075-021-02

E. **Project**: Beatties Ford Road Left Turn Lane, Parcel #21
Owner(s)· Lem Long, Jr. & wf., Eddie Vaughn Long and any other parties of interest.
Property Address 2312 Beatties Ford Road
Property to be acquired 4,487 sq ft (0 103 AC.)
Improvements: Asphalt paving and brick wall
Tax Value·
$385,820 (entire parcel)
Purchase Price: $21,975
Remarks: The addition of a left turn lane in Beatties Ford Road will cause the loss of 13' of frontage on this property Owners have refused City's offer which was based on an independent appraisal and countered with approximately double our offer. Condemnation is requested.

Zoned B-1
Use Mortuary/Cemetery/Office
Tax Code· Part of· 075-021-05

F. **Project**: Milton Road Widening, Parcel #127
Owner(s): Charpat Properties & any other parties of interest
Property Address: 5724 East W. T Harris Boulevard
Property to be acquired: 2,261 sq ft. (0.36 AC.)
Improvements: Trees & sign
Tax Value: $1,042,540 (entire parcel)
Purchase Price: $14,000
Remarks: This project causes loss of property, trees, and signage. The property owner has refused the City's offer which was based on an appraisal but has not given a counter-offer. After numerous personal contacts, phone calls, and letters, the City has yet to reach an agreement.

Zoned: B-1SCD **Use**: Commercial
Tax Code Part of : 107-032-01

#43 added to agenda during dinner 8/28/95

Festival in the Park

FREEDOM PARK • CHARLOTTE, N. C.

THE 31ST ANNUAL FESTIVAL IN THE PARK
September 21-24, 1995

Probably no single event so completely captures the wonderful feeling of Charlotte in the fall.

The sounds of a "big band" drift across the quiet lake whose still surface reflects the lights strung from festive tents. The smell of food and popcorn mingle with the vision of small children with painted faces happily producing their own first artworks.

Creative crafts, dance, drama, and fine art line the lakeshore in a week-long celebration of the arts in all forms.

Since 1964, the Festival has been bringing good music, good art and good times to Charlotteans and visitors from around the world. First-nighters are taken by the simple relaxed, old time feeling of the moment; old timers marvel at the freshness of this year's offerings as thoughts from long-ago festivals warm their memories.

Its festive, its family and its free to those who attend, due to a large group of supporters and volunteers.

Purpose of the Festival: To inform, educate, expose and entertain all Charlotteans who attend by encompassing as many genres of the arts as possible, free of charge, in a wholesome environment for family and friends to participate and experience.

How Many People Attend the Festival? Approximately 100,000 people will attend the four day outdoor event. According to our survey many people will come back two or three times during the course of the festival run.

Which Segments of the Population Attend the Festival? Since the cost to attend has always been free, the festival has had all segments, regardless of race, creed, age or class attend.

What changes do you forsee for the festival in the future? The Festival plans to remain the same in size, but will continue to offer incentives to attract quality exhibitors and entertainment highlighting diversity.

PLAN TO JOIN US NEXT FALL; APPLICATIONS GO OUT AT THE BEGINNING OF 1995; LET US KNOW IF YOU WANT TO BE INCLUDED!

P O Box 220202 • Charlotte NC 28222 • (704) 339-1060

Festival in the Park

FREEDOM PARK • CHARLOTTE, N. C.

FESTIVAL HIGHLIGHTS

Over 200 exhibitors will attend the festival - Two thirds are local exhibitors

Nearly 1000 entertainers will perform at this year's festival

Approximately 18 concessionaires will employ @100 workers

The Festival is the Last of the non-profit "all volunteer" festivals

The Festival has entered into a joint public/private partnership with Mecklenburg County to install an irrigation system around the Freedom Park Lake

Over 3000 (purely estimate) an hour will attend the festival for a grand total of 100,000 festival-goers

The Festival has become a Charlotte tradition, entering its 31st year

Promoted as a family event - wholesome, no alcohol

Festival has been recognized as a Top Event in the Southeast

The Festival is free to all - no matter a person's station in life

The Festival success depends on corporate sponsorship, personal donations, volunteerism, and a sturdy relationship with county/city government.

P O Box 220202 • Charlotte, NC 28222 • (704) 338-1060

THE LONG-RUNNING FESTIVAL HAS AN AUDIENCE TO OFFER SPONSORS

* The Festival can welcome over 100,000 during the 4 day event.

* Fifty-nine percent will attend Festival week at least twice.

* Seventy-two percent of the Festival-goers live within Charlotte's town limits. Freedom Park, the Festival's home, has four safe and secure neighborhoods with prominent Zip Code addresses bordering it on each side.

* Seventy-seven percent have come back from a previous year; fourteen percent interviewed have attended for over 20 years.

* Half attend with their families and another third attend with their friends.

* Many Exhibitors consider the Festival's location in Freedom Park provide an "old world" ambiance of days gone by.

* Freedom Park, the Festival's home, is Charlotte's most famous, popular, historic, and most publicized.

* Festival In The Park generates significant revenue for select businesses around Freedom Park.

* Festival In The Park has received national and regional recognition.

MISSION STATEMENT: The Mission of the "Festival In the Park" is to provide to Charlotteans (especially its youth) exposure to regional visual arts and performing arts which enhance their knowledge and appreciation.

VISION 2000: By the turn of the century, "Festival In the Park" is seen as the premier festival for family and arts; providing quality opportunities in regional visual art and performing art; partnering with business, education, and government to positively impact the quality of life in the community it serves.

AREAS OF STRATEGIC FOCUS:

* Continuous Improvement of Products and Services
* Financial Stability
* Marketing
* Effective Organizational Management and Infrastructure
* Effective Networking Opportunities
* Ongoing Cultural Development of the Community it serves
* Partnerships for community involvement

STRATEGIC OBJECTIVES:

I. CONTINUOUS INVOLVEMENT OF PRODUCTS AND SERVICES

* Formalize a committee of artists to improve the submission standards for Festival art
* Provide a Survey/or opportunity to give feedback to the Festival by exhibitors and performers
* formalize the following committees and appoint Chairman/Co-Chairman
  - Publicity
    Promotions/Marketing/Advertising
  - Development
    Sponsorship/Fundraising
  - Operations
  - Concessions
  - Exhibitors
  - Entertainment
  - Board of Advisors
* Analyze food vendor resources to meet the changing needs of the Festival
* Examine opportunities for improving quality of the Festival (i.e. increase in # of stages; diversity in visual art)

II. FINANCIAL STABILITY
* Maintain a positive cash flow
* Propose a budget based on known expenses and anticipated changes for 1995 festival.
* Communicate financial information to Board of Directors
* Work towards the establishment of endowment fund
* Maintain a "Friends of the Festival" database of contributors to the festival.
* Develop a plan for attracting corporate sponsors (levels of contributions) and maintain database.

III. Marketing
* Develop a Media Strategy (Identify who, when, how, why, where, and yearly process)
* Develop marketing plan to attract performing arts
* Develop a marketing plan to attract corporate sponsorship
* Develop a brochure for corporate donations
* Develop appreciational response to corporate donors
* Research and submit grant applications
* Submit entries for Festival Recognition (Southeast Tourism)

IV. Effective Networking Opportunities
* Join associations which would further promote the festival (ie. Chamber of Commerce)
* Visit other Festivals to generate other ideas for future festivals.
* Collaborate with other Festival officials to share ideas

V. Ongoing Cultural Development of the Community it serves
* Youth Involvement (ie. Junior Symphony, Children's Theatre, Boy/Girl Scouts)
* Diversity within the Arts (ie Afro-American Cultural Center)
* Involve Charlotte Meckenburg/other local Schools in art appreciation

VI. Festival Management/Infrastructure
* Review and Revise By-laws
* Create Executive Director Position - Responsible for Financial Sponsorships and liaison with Art Community
* Review strategic plan on annual basis
* Secure Festival office

VII. Partnerships for Community Involvement
* Identify potential resources and areas of expertise.
* Involve Board of Directors
* Identify Board of Advisors

PHILANTHROPHY SPONSORS

Festival In The Park, Inc., a nonprofit corporation, was created to offer a venue of wholesome cultural enrichment for the region around Charlotte. In its 31st year, Charlotte's Grandaddy Festival has been true to its founder's mandate: Immerse a festival-goer's senses in a multitude of cultural exchange, allowing anyone to attend free of charge, no matter their current station in life.

Organized by a completely volunteer staff, the Festival welcomes over 200 exhibitors and nearly 1000 entertainers for this four-day event. City/County Government, the Local Electrician's Union, Several Key Sponsors, the Local Media and hundreds of local volunteers ensure the Festival entertains the nearly 100,000 festival-goers by providing monetary and in-kind services.

A major goal of the Festival is to promote amateur and professional artists and entertainers in the region. Both teachers and students of the arts need encouragement and support. The Festival offers recognition and monetary awards to qualifying artists. From grammar school to high school students and amateur to professional artists, all artists are encouraged to explore their talents.

The Festival invites Cornerstone Sponsors to join us in Celebrating the Arts in Charlotte.

MAIN STAGE

(TENTATIVE SCHEDULE; SHOULD BE FIRM BY SEPTEMBER 1)

Thursday
6:00 - 6:25 Steps In Motion
7:00 - 7:45 Polish Jazz Singer
8:00 - 8:50 Dance Central
9:00 - 10:00 Loonis McGlohan

Friday
12:00 - 2:30 Open
3:00 - 5:30 Mo Money
6:00 - 6:25 Charlotte Sister City Youth Choir
7:00 - 8:00 Maurice Williams & The Zodiacs
8:00 - 9:00 Metrolina Dog Club - Doberman Drill Team
9:00 - 10:00 Maurice Williams & The Zodiacs

Saturday
10:00 - 11:00 Charlotte Youth Symphony Orchestra
11:30 - 1:30 Al Wood & The Smokey Ridge Boys
1:45 - 2:15 Sullivan Youth Troupe
2:45 - 3:45 Spectrum Brass
4:30 - 6:00 Spongtones
6:00 - 7:00 Set-up for Vintage & Impromptu
7:00 - 8:00 Impromptu
8:00 - 10:00 Vintage Big Band
9:00 - 10:00 Vintage Big Band

Sunday
10:00 - 12:50 Open (JC Smith Gospel Choir? - Unplugged)
12:00 - 1:00 Catchin On Dance
1:30 - 3:00 Clay Davidson
3:00 - 3:30 (Lower Stage) Clay Davidson - Acoustic
4:00 - 4:45 Mickey Finn
4:45 - 5:15 PJ & Kelly
5:15 - 6:00 Mickey Finn

VARIETY STAGE

Thursday
6:00 - 6:30 Jack Powell
6:40 - 7:00 Alan Cooke's Cloggers
7:00 - 7:55 Carol Smith
8:00 - 8:40 Charlotte Dance Gypsies
9:00 - 10:00 Carol Smith

Friday
12:00 - 2:30 Open (Storytelling, John Bird, etc.)
3:00 - 3:25 Adam & Emily Bennett (Violin Players)
3:30 - 3:55 The Honeys
4:00 - 4:25 Christina Jackson
4:30 - 4:50 Adam & Emily Bennett (Violin Players)
5:00 - 5:30 Jack Powell
5:30 - 6:00 Set-up
6:00 - 7:00 Major Nelson
7:00 - 7:30 Queen's Capers Olde English Burlesque Dance

Friday (Continued)
7:30 - 8:00 Open
8:00 - 9:00 Major Nelson
9:00 - 10:00 Open

Saturday (Subject to Change)
10:00 - 1:50 Open (Storytelling; Portraits of Color)
11:30 - 12:00 Set-up for Reflection
12:00 - 1:30 Reflections Big Band
2:00 - 2:30 Chris Thompson 1:30 - 1:50
2:35 - 3:00 The Honeys 2:00 - 2:45
3:00 - 3:30 Christina Jackson "" ""
4:00 - 4:25 Adam & Emily Bennett (Violin Players)
2:50 - 3:15
4:30 - 5:00 Chris Thompson 3:25 - 3:50
(4:00 - 5:30 Ron Neill)
5:00 - 6:00 Set-up (5:30 - 6:00)
6:00 - 7:00 Studio E
7:15 - 7:45 Adam & Emily Bennett (Violin Players)
8:00 - 8:30 Open
8:30 - 10:00 Studio E

Sunday
10:00 - 12:20 Open
12:30 - 1:15 Ron Johnson Vintriloquist
1:30 - 2:20 Open
2:30 - 3:15 Major Nelson
3:30 - 4:15 Ron Johnson Vintriloquist
4:15 - 4:45 Open
4:45 - 5:50 Major Nelson (Unplugged)

CLOWN STAGE

Need Schedule

CLOGGING STAGE

Need Schedule

MAGICIANS & FRIENDS

Need Schedule

MEDIEVAL AREA

Need Schedule

BOY SCOUT AREA

Need Schedule

ALLSTATE CHILDREN'S ART AREA

Need Schedule

NATURE MUSEUM

Need Schedule

PARK & RECREATION INVOLVEMENT

Need Schedule: 12:00-5:00 - Lighter Than Air Children's Games

Rovers:
Saturday: Queen's Capers (Till 6:00 pm)
???????? Bagpipes
Need Confirmation of Others

OTHER POSSIBLE SPECIAL ATTRACTIONS THAT NEED CONFIRMATION:

Rollerblade Stunt Team	Balloons Over Charlotte
Sailing On the Lake?	Trackless Train For Kids
Masterpiece Portraits?	Astronomy Viewing
Nature Museum Programs	Volksport Walk-a-thon
Storytelling?	New Voting Machines
Swings & Things Playground	T-Shirts
Balloon Sculpture	Other

NOTE: ALL "OPEN" SPOTS WILL BE FILLED WITH ENTERTAINMENT

Festival in the Park

Background

- Prior to FY90

  → The City budget included $16,000 to pay off-duty firefighters to erect tents for Festival in the Park
  → Police paid for security through its overtime budget (approximately $7,500)
  → City Parks and Recreation included support of Festival in the Park as a regular part of its operating budget (like overtime, Park Rangers, clean-up, etc)

- In FY90 Council discontinued direct funding to Festival in the Park (the $16,000) as part of its review of funding for outside agencies Indirect support remained until 1992 in Police (overtime) and City Parks and Recreation (regular operating support)

- In 1992 with Parks consolidation, Mecklenburg County assumed the indirect support previously provided by City Parks and Recreation Overtime in Police remained

- In 1993, County Park Rangers took over Festival in the Park security from Police Police applied budgeted overtime to other activities

- In 1994 there was no Festival in the Park due to Park renovations

- In 1995 there is no Park Ranger security and Police do not have the overtime budgeted to dedicate to Festival in the Park

Options for Festival in the Park Security

1 Reaffirm the event security policy that requires organizations to pay for the security necessary for events

2 Absorb the cost of overtime in the Police Budget Budgeted Police overtime is now used for court appearances, for special initiatives such as lengthy drug operations, for some of the time necessary for problem-solving in neighborhoods as part of community policing, and in many situations in which an officer is held over past his or her shift This year's budget includes $1,159,922 for Police overtime Last year, $1,130,969 was spent on overtime in Police

3 Appropriate funds to the County for Park event services This clarifies that responsibility for event security lies with the Park events staff Funds are available in General Fund Contingency, the balance of which is $145,000

4 Contribute funds to Festival in the Park Determine whether or not this is a one-time payment or if funds can be requested annually General Fund Contingency would again be the source

Conclusion

As the City grows, there are likely to be numerous events and festivals scheduled in parks While Council can choose to solve this problem this year, a long-term solution needs to be developed by Mecklenburg County Parks and Recreation

Festival in the Park

Background

- Prior to FY90

  → The City budget included $16,000 to pay off-duty firefighters to erect tents for Festival in the Park
  → Police paid for security through its overtime budget (approximately $7,500)
  → City Parks and Recreation included support of Festival in the Park as a regular part of its operating budget (like overtime, Park Rangers, clean-up, etc)

- In FY90 Council discontinued direct funding to Festival in the Park (the $16,000) as part of its review of funding for outside agencies Indirect support remained until 1992 in Police (overtime) and City Parks and Recreation (regular operating support)

- In 1992 with Parks consolidation, Mecklenburg County assumed the indirect support previously provided by City Parks and Recreation Overtime in Police remained

- In 1993, County Park Rangers took over Festival in the Park security from Police Police applied budgeted overtime to other activities

- In 1994 there was no Festival in the Park due to Park renovations

- In 1995 there is no Park Ranger security and Police do not have the overtime budgeted to dedicate to Festival in the Park

Options for Festival in the Park Security

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Conclusion

As the City grows, there are likely to be numerous events and festivals scheduled in parks While Council can choose to solve this problem this year, a long-term solution needs to be developed by Mecklenburg County Parks and Recreation

added to agenda
#44

MOTION NUMBER ONE - **Sale to Mr. Levine Subject to an Upset Bid**

I move that the City accept Mr. Al Levine's written offer to purchase the 18-acre tract of land on Monroe Road for $1,010,000 00, subject to due advertisement for a upset bid within a ten-day period

#44 ~~#19~~ added to agenda for 8/28/95 dinner. DRJ

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T LAFONTAINE ODOM JR

WRITER'S DIRECT DIAL NUMBER
(704) 348-8874

August 25, 1995

VIA FAX (704) 367-0852

Mr. Stan Campbell
1320 Betsy Drive
Charlotte, N C 28211

RE: Al Levine - Monroe Road Property

Dear Stan

Thank you so much for your help on this matter.

There are three options

1 Accept Mr Levine's written offer to buy his property back for $1,010,000 00, direct the staff to advertise for a 10-day upset period, if there is no upset, the property is sold to Mr Levine for $1,010,000.00 If there is an upset bid, start the advertising again

If there is no upset bid, Mr Levine gets his property back (which is his primary goal) and the taxpayers make a profit of about $450,000 00

2 Under N C G S. §40A-70, the City Council is authorized (not mandatory but permissive) to sell this property back to Mr Levine for what the City paid for it ($192,000.00) plus the legal rate of interest from 1975 until the present The interest would be approximately $368,000.00 The City staff has estimated the total sales price, proceeding under the statute, to be about $560,000 00.

Mr Levine gets his property back and the taxpayers make a return of 6% to 8% over the last 20 years We think this is the fair thing to do and the law allows it Several council members I spoke with have indicated they thought that's what should be done, but are not committed to this We are not requesting this but if a majority of the council felt that this is the fair thing to do, we would obviously welcome it However, we are willing to proceed with option number 1.

3 I suggest you think about option number 2 and if you feel comfortable, make a motion to this effect. If it fails, then make a motion to do option number 1 I leave this in your discretion. Mr. Levine's goal is to get his property back and he is willing to pay $1,010,000 00 and be subject to an upset bid

This is not on the agenda for Monday, so you would have to make a Motion to add it to the agenda

So far, I have indications that the following persons will support the sale of this property back to Mr Levine· Don Reid, Hoyle Martin, Pat Cannon, Nasif Majeed, and Charles Baker I have not been able to talk with Pat McCrory, Lynn Wheeler, Sara Spencer, or Mike Jackson

Stan, I thank you on behalf of Mr Levine for trying to right a wrong and do the right thing.

Yours truly,

T LaFontine Odom

TLO/pkr-52579

Enclosures

cc: Mr. Don Reid (via Fax: 523-8856)

LEVINE PROPERTIES

April 21, 1995

To. The Mayor Richard Vinroot and the members of Charlotte City Council

RE: CITY OF CHARLOTTE SURPLUS PROPERTY-9101 MONROE ROAD

As the former owner of 9101 Monroe Road, I am hopeful you will vote in favor of putting the above referenced property back on the tax rolls, in private hands, and put some of Charlotte's assets to work.

The facts of this property are as follows

1) In 1975, the city of Charlotte instituted a condemnation action against myself, (Alvin E. Levine), and Albert G Segal to take this property for a solid waste transfer station We strenuously objected to the taking of the property but to no avail. The city deposited the amount of $96,700 00 into court and took our land. We contested that amount and a jury awarded us $206, 643 93.

2) A few years later, the city stated it was not going to use the property for this purpose.

3.) Over the years, every two or three, I have routinely contacted various persons with city government The most recent being Mr Kent Winslow, to find out if they would consider selling the property back to me The answer was always no

4) In 1991, the North Carolina General Assembly enacted into law N C G S 40-A-70 I enclose a copy of the statute It seems clear to me that the city has the authority to sell this property back to me I understand this is not mandatory, but it seems like the fair thing to do

5.) On April 20, 1995, the Charlotte Privatization committee voted unanimously to recommend to City Council placing this property back into private hands and therefore putting this property up for sale

My company, Levine Properties, continues to develop property up and down Monroe Road. We have been conducting business on this property since 1963 I have personally increased the tax values of the contiguous property from approximately $550,000 in 1976

Post Office Box 2439 ■ Matthews, North Carolina 28106 ■ Phone 704/366-1981 ■ Fax 704/366-1878

to its current tax value of well over $15,000,000.00. I would like to continue building high quality real estate, therefore, I ask for you to allow me to buy my property back.

I am willing to purchase this property from the city of Charlotte with a non-contingency contract that will close sixty days upon execution by the appropriate city officials We look forward to having the opportunity to putting this property to work

I very much appreciate your attention to this matter

Yours truly,

Alvin E. Levine

AEL/lw
Enc.