AGENDA

Meeting Type:	BUSINESS
Date:	01/30/1995
SUBJECT	

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, January 30, 1995

5:00 p.m. — **Conference Center**

- **Bethlehem Center - New Headstart Facility**

6:30 p.m. — **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, January 30, 1995
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Item Number

MINUTES

1. Approve Minutes of Legislative Breakfast on December 19, 1994.

CONSENT ITEMS

2. Consent agenda items 11 through 21 may be considered in one motion except those items removed by a Councilmember Items are removed by notifying the City Clerk before the meeting

Staff Resource: Julie Burch

POLICY

3 City Manager's Report

4 Consider Washington Lobbyist

Action. **Consider the need to retain a Washington Lobbyist**

Staff Resource: Boyd Cauble

Council Focus Area: The five Council focus areas of Community Safety, City Within A City, Economic Development, Restructuring Government and Transportation are impacted by Federal funding and regulations

Policy Over the past several years, the City has retained the services of a Washington resource to assist in identifying Federal programs and funding which could benefit the City

Item Number

Explanation of Request:

- In 1994 the City, County, Chamber and private contributions funded a contract with Patton, Boggs and Blow to provide lobbying services in Washington

- At the January 17 Council meeting, Councilmember Hoyle Martin asked that Council consider interviewing several Washington lobbying firms to determine whether a lobbyist would be beneficial to the City, and if so, which firm might offer the best services in representing the City's needs

- Council asked that this item be placed on the next agenda for consideration

- Attached is another copy of Councilmember Martin's January 13 memo on the proposed process and possible firms to interview

Attachment 1

5 Rooftop Signs

Action **Consider regulations for roof signs and provide staff direction if changes to the regulations are desired**

Staff Resource Carol Morris and Walter Fields

Council Focus Area Economic Development

Policy: The City and County sign ordinances have been in effect since 1988 and prohibit roof signs as a part of the Business Corridor Revitalization Program

Explanation of Request.

- At the January 9 Council meeting, Councilmember Reid asked that this issue be put on a future agenda

Item Number

Development of Sign Ordinance:

- In 1986, Planning staff began the process of revising the sign ordinance as a step toward implementing the 2005 Generalized Land Plan Improving the visual quality of the community was a major goal emphasized in that plan

- As part of the process, staff worked with a citizens' advisory group consisting of residents, business people, and other interest group representatives as well as the Planning Commission One task was to review the ordinance in effect and identify problems

- Current regulations were enacted for the following reasons

  - It was the consensus of the representatives that roof signs should be eliminated because of their visual impact on a building and on the streetscape Roof signs are not an integral part of a building design They are added on to draw attention and to get a sign higher in the air

  - There are other means of identification that business owners can use that are more in keeping with the objective of reducing sign clutter Freestanding ground signs are permitted as well as wall mounted signs

  - One individual roof sign may not be objectionable, but the cumulative effect of all signs creates the visual clutter found along our thoroughfares Cleaning up sign clutter is one way to complement the $6 million Business Corridor Revitalization Program

Item Number

- Eliminating roof signs is not unique to Charlotte Raleigh, Durham, and many other cities in North Carolina and across the United States do not allow this type of sign

Enforcement

- Numerous roof signs currently exist in Charlotte The majority of these were erected prior to the adoption of the new ordinance in November, 1987 Through the amortization provision in the ordinance, all nonconforming signs, including roof signs, must be removed within eight years of the effective date of the ordinance The amortization period expires in February, 1996

- Building Standards is currently developing a process by which an inventory of existing signs will be undertaken and the amortization provision implemented Any roof sign erected after the effective date was done so without a permit and is considered illegal

- Due to the limited number of inspectors to enforce the sign, zoning, and subdivision ordinances, there are violations in the community If there is a complaint, the Zoning Administrator will follow up to investigate and cite the property owner for violation

Council Action Requested

- If Council desires to change rooftop sign regulations, staff would prepare a text amendment and present it to the Planning Commissions Planning Committee for review and approval

- A public hearing and decision meetings would be held The process would take from three to five months

- If an amendment is requested, staff would also like direction about where this text amendment fits into the priorities Other text amendments have been prioritized for implementation by the Planning Liaison Committee

6 Contribution to the Chamber's Fourth Bi-Annual Legislative Visit

Action: **Approve the contribution of $3,000 to the Chamber's total budget of $45,000 to help offset the cost of bringing the legislature to Charlotte on Thursday, March 30, 1995.**

Staff Resource: Boyd F Cauble

Council Focus Area All of Council's five focus areas are impacted by State funding and regulations

Policy Intergovernmental Cooperation

Explanation of Request

- The Chamber, City of Charlotte and Mecklenburg County have hosted the entire General Assembly to a Hornet's game during their bi-annual regular legislative session The trip is a combination of entertaining the legislators and informing them of the community's unique needs

- In the past, the City has contributed to the overall budget for the bi-annual Legislative visit and has been invited to meet with legislators and share time with key members of the General Assembly during their visit to Charlotte

- The Mayor forwarded to Council the Chamber's request for financial support on January 9, 1995 The total cost of the reception is estimated to be $45,000 with the majority of funding coming from the private sector

Funding: Funds are available in the Mayor/Council Operating Budget

Background. The bi annual Legislative Visit to Charlotte is very effective in establishing rapport with members of the legislature and having an opportunity to "show" the legislature some of Charlotte's unique problems and opportunities

The Chamber coordinates all the logistics involved in flying the legislators to Charlotte, entertaining them at the Hornet's game, arranging for their overnight stay, and briefing those in attendance The City's contribution has always allowed us an opportunity to participate in structuring the format of the briefing.

Attachment 2
Letter of Request from The Chamber
for Financial Support

7 February 6 Workshop Agenda

Action: **Approve the following topics for the February 6 Workshop·**

- **Focus Area Updates**
  - **Restructuring Government Status Report**
- **Children's Services Network**
  - **Report on the Future**
  - **Decision Support Database**

BUSINESS

8 Privatization of City Employee Savings Bond Program

Action: **Approve an agreement with National Bond & Trust Company for the administration and management of the City Employee Savings Bond Program**

Staff Resource: Richard Martin and Bill Wilder

Council Focus Area: Restructuring Government

Policy Restructuring Government Focus Initiative Review services we provide, and privatize services that the City no longer needs to provide

Explanation of Request

- Under this agreement National Bond and Trust Company will do the following

  1 Conduct the annual U S Savings Bond Campaign,

  2 Purchase, issue and mail all bonds to employees,

  3 Maintain and keep current all employee bond information,

  4 Respond to employee inquiries about bonds

- In return for this service, National Bond will have the opportunity to market bond continuation insurance to City employees during the Savings Bond Campaign The contract will not cost the City

- Privatizing the Annual Bond Drive will avoid a small amount of staff work in each of the key businesses

Background

National Bond and Trust currently provides these services for American Airlines, Georgia Pacific, the City of Atlanta, and the City of Indianapolis Calls to these organizations indicated complete satisfaction with National Bond and Trust

There are currently 703 City employees participating in the Savings Bond Program, purchasing $800,000 in Savings Bonds a year

9. Transportation Service for the Disabled

Action

Decide method to provide evening, weekend and holiday Special Transportation Service to the disabled.

Staff Resource

Bob Pressley

Policy

The Americans with Disabilities Act (ADA) requires that public transportation service equivalent to transit systems such as the Charlotte Transit System be provided to members of the disabled community who are not able to use the City's transit system Standards regarding hours and location of operation, fares and responsiveness must be met by January, 1997

City Guidelines for Competition/Privatization as adopted by Council in July, 1994 were followed in the process of obtaining proposals to operate the evening, weekend and holiday service

Explanation of Request:

- Charlotte is meeting all of the ADA standards except responsiveness The City does not provide sufficient capacity during the day, evenings, weekends or holidays to meet demand Capacity is being increased each year

- This fiscal year CDOT expects to provide almost 120,000 rides for the disabled, but demand is greater than that, and capacity will be increased again in FY96

- The amount of service provided during evenings, weekends and holidays is limited by the amount of funds available more rides can be provided if the cost per ride is lower

Options:

1 Award the service to CDOT/Special Transportation Service

2 Negotiate with one or more qualified and willing private providers to find a proposed cost lower than that provided by CDOT/STS The Privatization Committee recommends this option

3 Continue with current operator, Yellow Cab Company of Charlotte

Implications.

CUSTOMERS
The Disabled

	Award Contract to CDOT	Negotiate with Private Co's	Continue Current Contract
Labor Cost	$12 93*	To be negotiated**	$21.99***
Equipment Cost	$ 2 90	To be negotiated	Included Above
# of Rides	23,700	To be negotiated**	17,000

NOTE Costs are per ride

* Service to be provided by Temporary or contract employees
** Service to be provided by contractor's employees using City owned equipment
*** Service to be provided by Yellow Cab employees using Yellow Cab equipment

10 Appointments to Boards and Commissions

A Citizens Oversight Committee for Cable Television
Three appointments One begins immediately to fill an unexpired term ending March 31, 1995 and the next full term, one begins immediately to fill an unexpired term ending March 31, 1996 and the third is for a regular two year appointment beginning April 1, 1995

(a) John Breeding by Councilmember Reid
(b) Sidney Evans by Councilmembers Cannon & Scarborough
(c) Patrick Hart by Councilmembers Martin & Spencer
(d) Warren Linde by Councilmember Campbell
(e) Jennifer Shook by Councilmember Wheeler
(f) Sandra Staton by Councilmember Majeed

Attachment 3

B Historic Landmarks Commission
One appointment beginning immediately to fill an unexpired term ending July 16, 1996

(a) Stephen Cox by Councilmember Baker
(b) B J Hendrix by Councilmember Wheeler
(c) Martha Mayberry by Coucilmembers Martin & Spencer

Attachment 4

Item Number

C Parade Permit Committee
Two regular three year appointments beginning April 1, 1995

(a) Nancy Blake by Councilmembers Baker & Martin
(b) Todd Duncan by Councilmember Reid
(c) Vernonica McBroom by Councilmember Spencer
(d) Bailey Roderick by Councilmember Martin
(e) Jennifer Shook by Councilmember McCrory
(f) Teresa Wright by Councilmember Majeed

Attachment 5

D Spirit Square Board of Directors
One appointment to fill an unexpired term ending June 30, 1995

(a) David Bennet by Councilmember Baker
(b) Edward Booker by Councilmember Martin
(c) Duncan Gray by Councilmember Scarborough
(d) Emily Hedrick by Councilmember Spencer
(e) Robert Kennedy by Councilmember Jackson
(f) Wayne Powers by Councilmember Reid
(g) Holly Scheppegrell by Councilmember Wheeler

Attachment 6

Item Number

E Tree Advisory Commission
One appointment beginning immediately to fill an unexpired term ending December 31, 1995

(a) Guy Gordon by Councilmember Jackson
(b) Jeffrey Hardin by Councilmember Majeed
(c) Carl Leonard by Councilmember Spencer
(d) Martha Mayberry by Councilmember Wheeler
(e) Ben Norwood by Councilmember Campbell
(f) Pamela Pearson by Councilmember Baker
(g) Mike Wilkinson by Councilmember Reid

Attachment 7

Introduction to CONSENT I and II

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

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

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

Minority and Women Business Development Program (MWBE) Abbreviations

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

CONSENT I

11. Various Bids

A **Automotive Batteries** — **Equipment Services, Fire, Transportation**

Recommendation· Director recommends that the low bid of $72,325 by Classic Battery, Charlotte, North Carolina be accepted

No known MWBE vendors

B **North Mecklenburg Water Treatment Plant - *Contract 3 - Finished Water Main*** — **CMUD**

Recommendation The Charlotte-Mecklenburg Utility Director recommends that the low bid of $3,646,868 by Chandler Utility Contractors, Incorporated of Ninety Six, South Carolina be accepted

MWBE Status.	Amount	% of Project	Project Goals
BBE	$50,000	1 4%	5%
WBE	$681,270	18 7%	7%

Item Number

12 Refund of Certain Taxes

Action. **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $2,755 43**

Attachment 8
Resolution with taxpayer listing Additional listing of taxpayers who have received refunds less than $100

13 In Rem Remedy

A. 2504 Columbus Circle

Action **Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2504 Columbus Circle (Ashley Park Neighborhood) which is located in the City Within a City boundaries**

Attachment 9
Background
Analysis
Picture
Map

B. 4038 Fieldcrest Road

Action **Adopt an Ordinance authorizing the use of In Rem Remedy to repair the dwelling at 4038 Fieldcrest Road (Clanton Park Neighborhood) which is located in the City Within a City boundaries**

Attachment 10
Background
Analysis
Picture
Map

Item Number

CONSENT II

14 Various Bids

A. Ivey Drive/Lyon Court Neighborhood Improvements — **Engineering and Property Management**

Recommendation. The City Engineer recommends that United Construction's failure to seal their bid bond be waived as a formality and that their bid of $140,729 40 be accepted The City Attorney has reviewed this and concurs with the recommendation

Explanation. This project includes drainage, curb and gutter, concrete drives and walks, and related work to construct street repairs along Ivey Drive and Lyon Court

MWBE Status.	**Amount**	**% of Project**	**Project Goals**
BBE	$0	0%	5%
WBE	$0	0%	5%
ABE	$140,729 40	100%	0%

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

Program Director Concur: Yes

Summary of Bids

United Construction, Charlotte, NC	**$140,729.40**
Crowder Construction, Charlotte, NC	$170,986 20
Ferebee Corporation, Charlotte, NC	$172,361 70
Jones Grading, Charlotte,NC	$173,608 05
Sherrill & Associates, Charlotte, NC	$179,679 68
Showalter Construction, Charlotte,NC	$187,845 00
Blythe Development, Charlotte, NC	$191,417 63

15. Calendar for the Upcoming Two Year Operating Budget and Five Year Capital Investment Plan

Action: **Consideration of the Calendar for Council Review of the FY96-FY97 Two Year Operating Budget and the FY96-FY00 Capital Investment Plan**

Staff Resource: *Vi Alexander*

Policy By North Carolina State Statute, the City is required to adopt a budget prior to July 1 of each year City Council traditionally sets aside approximately 20 hours of discussion time prior to adoption of the operating and capital budgets

Explanation of Request Council is requested to approve the following recommended budget calendar

February 6	Council Workshop/Restructuring Government Briefing
February 27	Mid-Year Ordinance/Status Report to Council
March 6	Council Workshop/Restructuring Government Briefing
April 3	Council Workshop/Restructuring Government Briefing
May 1	Council Workshop/Restructuring Government Briefing
May 22	**Budget Presentation to Council**
May 25	Budget Workshop Restructuring Government, Transportation and Economic Development Focus Areas
May 30	Budget Workshop Community Safety and City Within A City Focus Areas

Item Number

June 1 Budget Workshop Review of Other Funds, Including CIP (Capital Investment Plan, formerly the Capital Improvement Program)

June 6 Budget Workshop Final Decisions

June 12 Budget Adoption by City Council

All workshops begin at 5 00, Budget presentation on May 22 begins at 4 00, immediately preceding the Council Dinner Meeting

Background

The following goals have been established to guide the development of the upcoming budget

- Refine the budget process, through evaluation of other cities' processes, to better support Council's priorities and goals and the City Manager's goal of empowerment and accountability for Key Businesses,

- Modify the Council's budget presentation document to facilitate decision-making by providing important information in a succinct, easily readable format,

- Structure resource allocation decisions around Council's Focus Areas

- Use the Restructuring Government Strategic Plan to identify resources for new priorities by

  → Developing a program to continue cutting costs

  → Assessing our relationship with our financial partners

  → Pursuing functional consolidations when appropriate

Item Number

→ Continuing the competition process

→ Addressing the needs of the workforce to ensure a qualified, productive and motivated workforce

- Prepare budget development guidelines that are consistent with the financial realities presented at the Council Retreat, including

  → no increase in operating expenses, overtime or temporary employee expenses

  → budgeted vacancy rates, based on historical trends

  → reduction of all one-time expenses included in the FY95 budget

  → review of vehicle replacement policies for possible reprioritization and replacement criteria changes

- Full implementation of the Community Safety Plan

- Greater involvement of Key Business Executives in the review of the budgets of other Key Businesses

- Monthly updates on budget development and Restructuring Government progress

- Discussion and review of the Manager's Recommended Budget by Council Focus Area during the May and June budget workshops

Item Number

16. Settlement of Claim for Damaged Duke Power Batteries

Action: **Approve the settlement of a claim by Duke Power for $120,000 for damages to their batteries as a result of construction on the new Convention Center**

David **Staff Resource:** Garner

Explanation of Request:

- Based on a March 1992 encroachment agreement between the City and Duke Power, the City has liability for any damage to Duke Power's building or property as the result of construction activities on the Convention Center project

- Duke Power contends that in May 1992, the batteries in the basement of their building were damaged during excavation of the new Convention Center

- The Convention Center's excavation contractor, Blythe Industries, was drilling rock in the area adjacent to Duke Power's building during this time

- Duke Power, Blythe, the City Attorney's Office and Engineering have met many times during the past two years in an attempt to settle this issue On December 6, 1994, Duke offered to accept $120,000 as full payment for the replacement of several batteries

- Blythe maintains that they were not negligent and has refused Duke's final proposal

- Both Duke Power and Blythe have hired battery consultants, each of which have supported their client's position The City has reviewed all the reports and favors the position of Duke Power

- The City intends to recover this $120,000 from Blythe, and will pursue legal action if necessary

Background.

Duke Power originally stated the damaged batteries would cost $245,400 to replace

Because the batteries were 6 years old, Duke Power was agreeable to an amount less than the actual replacement cost In their opinion the depreciated cost was $162,600

17. Storm Water Ordinance Change

Action

Adopt revisions to Chapter 18 of the City Code which will

A Modify the Soil Erosion and Sedimentation Control Ordinance and

B Institute a Storm Water Pollution Ordinance

Staff Resource:

Jim Schumacher

Policy

Administer the local Soil Erosion and Sedimentation Control Program Comply with National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit requirements

Explanation of Request:

- Adoption of revisions to the Soil Erosion and Sedimentation Control Ordinance will

  Revise erosion control requirements to comply with State requirements for local programs,

- Incorporate into erosion control requirements the control of pollutants other than sediment on construction sites, as required by Federal Environmental Protection Agency regulations, and

- Achieve consistent City and County erosion control ordinances

- Approval of the Storm Water Pollution Ordinance will

  - Prohibit the discharge of pollutants into the storm drainage system as required by regulations, and

  - Expedite the handling of pollution violations by eliminating the need to involve the State

Attachment 11
Background
Major Revisions in Soil Erosion and Sedimentation Control Ordinance

18 Police Bureau Command Center and City Service Facility Architectural Agreement

Action	**Approve an Agreement for $284,100 with Little & Associates to provide architectural services for the Police Bureau Command Center and City Service Facility**
Staff Resource	Ken Gillis
Policy	Decentralization / Community Policing

Item Number

Explanation of Request

- Programming for the Police Bureau Command Center and City Service Facility was completed by Middleton McMillan in conjunction with the design of the Charlotte-Mecklenburg Police Department Headquarters

- This Agreement with Little & Associates will provide for review of the existing program to accommodate new police decentralization strategies, design services and construction administration through project completion

- Little & Associates was chosen for this project using the Council approved consultant selection process

Attachment 12

19. Assets Forfeiture Purchases

Action: **Approve a budget ordinance appropriating $550,875 in Police Assets Forfeiture funds to purchase equipment for the Police Department**

Staff Resource Chief Dennis Nowicki

Explanation of Request:

- The Police Department wishes to appropriate $550,875 of the monies from its assets forfeiture accounts to purchase equipment that will enhance the effectiveness and safety of its personnel All of the money for these purchases comes from the confiscated assets of drug dealers which have been awarded to the Police Department by the courts and from the Police Department's share of the tax that the state levies on illegal drugs

- The equipment purchases include

  - additional radio and surveillance equipment for the Drug Investigations Bureau,
  - twelve additional portable radios for the Police Reserves,
  - equipment and supplies for a van to be used by the Homicide Investigations Section,
  - a raid and search van for the Drug Investigations Bureau, and
  - physical fitness equipment for the Police Department's weight room

  A detailed list of these proposed purchases is attached. All of the purchases meet the Federal guidelines for the expenditure of Assets Forfeiture funds

Attachment 13
List of Assets Forfeiture Purchases

20 **Repeal Prior Authorization to Refinance Bonds**

Action.	**Council is requested to approve a resolution that repeals an authorization for $85 million of refunding bonds originally adopted by Council on March 28, 1994**
Staff Resource	Carey Odom
Explanation of Request	• On April 12, 1994 the City sold $108,630,000 of voter approved general obligation bonds (G O bonds) to fund water, sewer, street and environmental capital improvement projects In anticipation of possible favorable interest rates, staff also requested authorization to sell up to $85

million of refunding bonds to refinance its 1992 G O bonds at lower interest rates Interest rates did not reach levels low enough to make it feasible to refinance the 1992 G O bonds and pay costs of issuance and call premiums

- Since that time interest rates have moved significantly higher eliminating the possibility of this refinancing in the foreseeable future For this reason Council is requested to repeal this authorization The Finance Department will continue to monitor market conditions and evaluate refinancing opportunities in the future

Background:

Since June, 1992 the City has refinanced 14 bond issues with savings in excess of $50 million This has been accomplished by staying abreast of market conditions and being in position to take advantage of interest rate declines The G O bonds issued in June and September, 1992 had interest rates of 6 19% and 5 23% respectively

On March 28, 1994 Council adopted an $85 million refunding bond authorization to refinance the 1992 G O bonds The refinancing did not take place because interest rates did not decline sufficiently to make it feasible

21 Change Speed Limit on Carmel Road

Action **Request adoption of an ordinance amending City Code 14-131(c) to change the speed limit on one Charlotte City street Carmel Road**

Policy Council Thoroughfare Speed Limit Policy

Item Number

Explanation of Request:

- The requested change is on a thoroughfare street, in accordance with the Council Thoroughfare Speed Limit Policy Due to construction on Carmel Road between NC51 and Quail Hollow Road, a lowered speed limit of 35 MPH is needed on this street The project is being constructed to accommodate a 45 MPH speed limit After construction, Council will need to determine the appropriate limit

- Carmel Road from Quail Hollow Road to Pineville Matthews Road (NC51) 35 MPH