AGENDA

Meeting Type:	BUSINESS
Date:	07/24/1995

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, July 24, 1995

5:00 p.m. — **Conference Center**

- **Truck Route Ordinance**
- **Airport Noise Abatement/ Church Insulation**
- **Cancer Survivor's Park**

6:30 p.m. — **Meeting Chamber**

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

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

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

MINUTES

1. Approval of Minutes: May 15 Zoning Meeting, May 22 Budget Presentation, May 22 Regular Meeting, May 25 Budget Workshop and Public Hearing, and May 30 Budget Workshop.

CONSENT ITEMS

2 Consent agenda items 21 through 44 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Julie Burch

PUBLIC HEARING

3. Public Hearing and Resolution to Close a Portion of Havelock Avenue

Action:

A. Conduct a public hearing to abandon a portion of Havelock Avenue; and

B. Adopt the resolution to close.

Staff Resource: Scott Putnam

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

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

Background:

Petition:
City of Charlotte Engineering and Property Management Department/Kent G Winslow

Right-of-Way to be abandoned:
A portion of Havelock Avenue

Location:
From 100 feet east of Morris Field Drive eastwardly approximately 450 feet to its terminus.

Reason:
To incorporate the right-of-way into adjacent property to construct the Wilkinson Boulevard Police Bureau and City Services Center.

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

Adjoining property owners - No objection.

Neighborhood association(s) - No objection
Westerly Hills/Ashley Park Neighborhood Association

Private Utility Companies - No objection

City Departments - No objection.

Review has identified no apparent reason this closing would:

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

Attachment 1
Vicinity Map

4. Public Hearing and Resolution Concerning Extension of 1988 Parks and Recreation Bonds Authorization

Action: Approve two actions related to the extension of the remaining authorization ($3,315,000) of 1988 Parks & Recreation Bonds:

A. Conduct a public hearing concerning the extension on the authorization; and

B. Approve a resolution that adopts a bond order that extends the authorization time period.

Staff Resource: Richard Martin

Policy: On July 1, 1992 the Parks & Recreation Departments of the City and County merged into a single operation under the management of the County. The merger agreement requires the City to sell its remaining bond authorizations for use at the County's direction.

Explanation of Request:

- The voter authorization for the 1988 Parks & Recreation Bonds will expire on November 7, 1995 unless the bonds are sold prior to that date, or a three year extension is granted by the Local Government Commission.

- Mecklenburg County has requested that the City seek an extension as provided for in N.C. General Statute 159.64 Although the extension will be for three years the County has indicated that they will request the City to sell the remainder of the authorization ($3,315,000) in mid 1996.

Background:

- On November 8, 1988 City of Charlotte voters approved $9,500,000 of Parks & Recreation Bonds for the development of Statesville Road Park and the development of newly acquired land into usable parks.

The remaining $3,315,000 will be used for the following projects:

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

- North Carolina General Statute 159.64 provides that bond authorizations must be sold within seven years of the authorization unless an extension is approved by the Local Government Commission.

- The Commission will grant extensions if circumstances beyond the control of the issuing unit caused the delay. Mecklenburg County has cited delays caused by land purchase negotiations and by the actual consolidation of the two departments

- Internal Revenue Service (IRS) regulations prevent the sale of bonds before they are actually needed. This is why the bonds can not be sold prior to the November 8, 1995 expiration date.

- This action has no impact on debt capacity forecasts because these bonds were previously factored into the forecasts in 1988.

- On June 26, 1995 Council authorized staff to proceed with the actions necessary to seek the extension and established July 24, 1995 as the date for a public hearing concerning the extension.

POLICY

5. City Manager's Report

6. Ordinance to Prohibit Unreasonably Violent Events

Action: Adopt an ordinance that will prohibit unreasonably violent events such as the "Ultimate Fighting Championship."

Staff Resource: Bob Hagemann

Focus Area: Community Safety

Policy: The City Council has gone on record in opposition to competitive events that do not provide a reasonable degree of safety to competitors and expose the public to unreasonable or unnecessary violence.

Explanation of Request:

- On May 22, the City Council asked the City Attorney's Office to draft an ordinance that would ban extremely violent events such as the "Ultimate Fighting Championship (UFC)." The City Attorney recommends adoption of the attached ordinance.

- The proposed ordinance prohibits any non-exempt combative competition unless approved by the Boxing Commission

- In drafting its rules and approving events, the Boxing Commission would be required to determine that a permitted competition provides a reasonable degree of safety to competitors and protects the public from exposure to unreasonable or unnecessary violence

- Under no circumstances could the Commission allow events which permit unrestrained blows to be delivered with an unpadded hand, foot, elbow or knee.

- The ordinance would exempt from regulation light contact martial arts competitions, kickboxing conducted in accordance with the rules of two recognized sanctioning bodies, and other combative competitions sanctioned by listed collegiate, high school and amateur organizations.

- The proposed ordinance has been reviewed and recommended by the Boxing Commission.

Background:

- On April 7, 1995, "Ultimate Fighting Championship V" was held at the Independence Arena. The event pitted contestants against one another in a bare knuckle, no-holds-barred competition.

- Other than a prohibition against biting and eye-gouging, the contestants could use any fighting technique. A fight would end only by knock out, concession by an opponent or the opponent's corner, or, in grave circumstances, a ringside official could stop a match

- Prior to the UFC, the City Attorney's Office determined that the Charlotte Boxing Commission did not have jurisdiction over the event and neither State nor local law prohibited the competition.

Attachment 2

Item No.

7. False Alarm Ordinance and RFP

Action: Approve a Public Safety Committee recommendation to:

A. Adopt an ordinance amending Chapter 15, entitled "Offenses and Miscellaneous Provisions" of the City Code to establish a False Alarm Ordinance; and,

B. Authorize the City Manager to negotiate a contract with Electronic Data Systems (EDS) for the administration of the alarm ordinance.

Committee Chair: Pat McCrory

Staff Resource: Chief Dennis Nowicki

Focus Area: Community Safety

Policy One Community Safety Plan goal is to ensure the most efficient use of public resources in combating crime. By reducing the incidence of false alarms, police resources will be freed to address other community safety priorities including community problem solving activities.

Explanation of Request:

False Alarm Ordinance

- The Public Safety Committee recommends the approval of a false alarm ordinance with the following key provisions:

  - Owners of alarm systems would be required to register each alarm system. There would be no registration fee.

  - Each alarm permit holder would be allowed two false alarms without penalty in each permit year.

- A series of graduated service charges are established for false alarms as follows:

3rd through 5th false alarms	$ 50
6th and 7th false alarms	$100
8th and 9th false alarms	$250
10th and above false alarms	$500

- Police response to alarms could be discontinued at locations where the alarm permit holder has failed to pay the service charges associated with his alarm or where the alarm permit has been revoked.

- A more detailed analysis of the ordinance is included in an attachment

Contract to Administer Ordinance

- The Public Safety Committee recommends that the administration of the alarm ordinance be privatized. Two companies submitted bids to provide this service

- Electronic Data Systems (EDS) submitted a proposal under which there would be no start up costs to the city. EDS would:

  - build the necessary data bases,

  - handle the registration and tracking of all alarms,

  - be responsible for the billing and collection of all service charges associated with false alarms; and,

  - conduct an ongoing public information campaign regarding the provisions of the alarm ordinance.

- EDS requests a seven year contract with the City under which EDS would recover its costs through a designated share of the revenues generated through the fines and civil penalties associated with the ordinance

- EDS will retain 100% of the revenues generated by the ordinance for the first 24 months of the contract.

- EDS will retain 85% of all revenues generated during months 25-48 of the contract with the City retaining 15% of the revenues.

- EDS will retain 75% of all revenues collected during months 49-84 of the contract with the City retaining 25% of the revenues.

- The City would have the option of terminating the contract with EDS provided that they reimburse EDS for any of their capital costs which had not been recovered at the time of the termination of the contract.

- Details of the proposal by EDS are included in an attachment

- Upon approval of the ordinance and negotiation of the contract with EDS, work will begin on establishing the alarm data base, registration of alarm systems, the public information campaign, and training for all police officers and communications personnel in the provisions of the ordinance It is anticipated that enforcement of the ordinance would begin on April 1, 1996.

- After this ordinance is adopted, staff will ask the County Commission to adopt the ordinance for unincorporated areas.

Background:

- In 1994, the Police Department responded to 87,627 calls for service regarding alarms, 98.6% of which were false alarms. False alarm calls comprise the largest category of calls for service workload, 17.8% of all calls, or one in every six calls

- Each of these calls for service requires the dispatch of two patrol units, taking officers away from other duties including community problem solving activities

- It is estimated that at least 75% of the false alarms are the result of operator error with a small percentage of locations generating high numbers of repeat calls for service.

- Other major cities have been successful in reducing the incidence of false alarms and the resulting burden on police resources by the adoption of false alarm ordinances which establish penalties for an excessive number of false alarms within a one year period.

Funding: There are no costs to the City.

Attachment 3
Highlights of the Ordinance
Key Provisions of the EDS Proposal
Alarm Ordinance Background
Alarm Ordinance

8. Acceptance of COPS MORE Grant

Action:

A. Approve a grant from the U.S. Department of Justice in the amount of $3,559,961 to fund lap top computers for police vehicles and civilian personnel for the Police Expeditor Unit; and

B. Approve a budget ordinance appropriating $4,986,615 in local ($1,426,654) and federal ($3,559,961) funds for the grant-eligible programs.

Staff Resource: Chief Dennis Nowicki

Focus Area: Community Safety

Policy The Community Safety Plan has a goal of making the most effective use of Police Department personnel.

Explanation of Request:

- The Police Department applied for a grant under the federal COPS MORE (Community Oriented Policing Services- Making Officer Redeployment Effective) Program.

- The Program is designed to help police departments make more effective use of their existing resources through using technology and civilian personnel in positions previously filled by sworn officers. 2,400 police departments applied for the first round of these grants; the Charlotte-Mecklenburg Police Department is one of 21 departments approved for funding

- The Police Department will use the funding for two major initiatives. $4,282,500 will be used to purchase lap top computers for the Department's marked vehicle fleet. These computers will replace the Department's aging mobile data terminals and will give officers the capability of typing their reports directly into the computer instead of preparing them by hand.

- The time saved by this method of report preparation, estimated at one hour per officer per shift, can be used for other priorities such as community problem solving. The lap top computers will form the basis for an information system that will, over time, allow the police officer to essentially have an office in the car.

- The Police Department will work with Business Support Services' Communications and Information Systems Division in selecting an appropriate lap top system that will be compatible with other technology within the Department and the City. Yearly maintenance on the computers and their infrastructure is estimated at $240,000, which is a portion of the requested local funding.

- $464,115 will be used to fund five shift supervisors and eight investigative technicians, all non-sworn positions, to staff the Expeditor Unit, enabling the Police Department to redeploy thirteen officers currently assigned to the Unit to field patrol duties.

- The Department will maintain a minimal police presence in the Unit on each shift to handle those duties such as making an arrest that require sworn police powers.

- The Department will be eligible to apply for two additional years of funding for these personnel with the federal funds covering 50% of salaries and benefits for the second year and 25% for the third year. Under the terms of this grant, the Department must redeploy officers on a one-for-one basis for the non-sworn personnel funded by the grant. The Police Department's personnel allocation will be increased by thirteen positions for the life of the grant. At the conclusion of the grant, Police and Budget and Evaluation will work together to identify appropriate position trade-offs.

Funding:

- The grant requires a 25% match in local funds. $905,625 will be funded by Police Assets Forfeiture Funds, the remaining $281,029 will be funded by the General Fund fund balance. Including the $240,000 for maintenance, the General Fund fund balance contribution totals $521,029.

9. Traditional Development Ordinance Review

Action: **Approve the Planning Committee's recommendation to direct the Planning Staff to review current zoning and other City regulations to identify changes to support Traditional Development and recommend required ordinance amendments**

Committee Chair: Nasif Majeed

Staff Resource: Stanley Watkins

Focus Area: Economic Development

Item No.

Explanation of Request:

- The Traditional Development concept was previously presented to Council under the term New Urbanism and refers to development with characteristics of older, mixed use neighborhoods such as Dilworth and Fourth Ward.

- Required ordinance amendments will be prepared for City Council consideration. The Planning Staff anticipates only minor amendments in that a number of existing districts already have elements of Traditional Development.

- These amendments would provide flexibility for developers to respond to market demand for this type of development.

Background:

- At City Council's May 6 Workshop, the Planning Commission gave a presentation on Traditional Development which is about developing standards to encourage the development of "old fashion" neighborhoods such as Dilworth, Fourth Ward, Myers Park and Wesley Heights

- The defining characteristics of those neighborhoods are a mixture of land uses, compact development, and an orientation toward the pedestrian. These neighborhoods include a variety of land uses -- single family, multi-family, office, retail, and public uses, smaller lots and yard dimensions, and sidewalks and open space.

- City Council referred the matter to its Planning Committee which met on two occasions to discuss Traditional Development. The Committee requested that the Planning Commission in its deliberations on the issue protect existing neighborhoods, and make the application of any changed districts voluntary. The Planning Committee unanimously recommended that the Planning Commission be directed to further explore this area.

Attachment 4
Summary of Slide Show on Traditional Development

10. Zoning Hearings for November of Election Years

Action: **Approve a resolution setting the policy that City Council will not hold hearings for zoning applications in the month of November in Council election years.**

Staff Resource: Brenda Freeze

Policy This would be an operating efficiency in that the Clerk, the Planning Staff, other City Staff, and Council would know at the beginning of an election year that zoning hearings would not be held in the month of November.

Explanation of Request:

- Traditionally, in the summer of each election year, staff must ask the current City Council if they wish to cancel the hearing portion of the zoning meeting for November. Previous City Council's have not wanted to hear new rezoning requests in November because this would result in decisions for the month of December when a new City Council would be in office.

- If Council adopts this new policy, the City Clerk will incorporate it in preparing Council's "Schedule of Regular Meetings" for election years only.

BUSINESS

11. First Ward Master Plan

Action:

A. Approve a budget ordinance appropriating $100,000 for First Ward Master Plan; and

B. Award contract to UDA Architects for $75,000 to prepare The Master Plan

Staff Resource: Laura Harmon

Focus Area. City Within A City and Restructuring Government (Asset Management Strategy)

Explanation of Request

- The City of Charlotte/Planning Commission, NationsBank Community Development Corporation, Charlotte Uptown Development Corporation, and Charlotte Housing Authority have pooled funds to hire a consultant to develop a Master Plan for the portion of First Ward outside of the boundaries for the new Earle Village

- The First Ward Master Plan will complement and enhance the previously developed Master Plan for Earle Village Of the $100,000 available for the Master Planning effort, the City has contributed $25,000.

- The First Ward Master Plan is especially important because of the large amount of vacant, publicly owned land in the vicinity of Earle Village.

- One of the primary goals of the First Ward Master Plan will be to develop a realistic development strategy to allow disposal and subsequent private development of vacant land currently owned by the City.

- The Master Plan to be prepared by UDA will consist of the following elements:

  - Vision - A concept presented in plan, aerial perspective, and words. It will include a conceptual traffic plan, a diagram indicating different scales and types of land use by location, and visual images of key spaces in First Ward.

  - Strategies - This section will include the identification of key initiatives that will be necessary to implement the vision Especially important will be strategies designed to increase property development viability for vacant land in First Ward, much of which is owned by the City. When the plan is completed, efforts to attract private development to First Ward will be initiated.

  - Design Elements - The essential design elements will be identified and developed into a set of principles through diagrams and illustrations. This might include cross sections of streets with building massing and setbacks, some description of architectural character, and identification of a series of building types that are appropriate

- The process used to develop the plan will be designed to meaningfully involve representatives of all significant constituencies of First Ward. The process will include a five-day working session with two public meetings. Interested City Councilmembers involvement will be key throughout the development process for the First Ward Master Plan.

Funding:

- The total funding requested for this project is $100,000. Of the total, $75,000 will be used for the Master Planning Contract with UDA. The remaining $25,000 will be used to pay for UDA's reimbursables, as well as additional work beyond the scope of the contract that will be done either by UDA or another private firm.

NationsBank Community Development Corporation	$30,000
City of Charlotte/ Charlotte-Mecklenburg Planning Commission	$25,000
Charlotte Uptown Development Corporation	$25,000
Charlotte Housing Authority	$20,000

Background:

- In August 1993, the Charlotte Housing Authority received a $34 million grant from HUD to use to revitalize the Earle Village Community located in First Ward.

- A Master Plan has been developed for Earle Village, however there is no adopted plan for the remainder of First Ward. The First Ward Master Plan will build upon the Earle Village effort.

Attachment 5
Commitment letter from NationsBank CDC, Charlotte Uptown Development Corporation, Charlotte Housing Authority, and Charlotte-Mecklenburg Planning Commission.

12. Retail Fueling Services Contract

Action: Award a three year contract to Fuelman of the Carolinas for Retail Fueling Services for City vehicles at a cost of 6.9 cents per gallon for gasoline and 5 cents per gallon for diesel fuel.

Staff Resource: Greg Spearman

Focus Area: Restructuring Government: Competition and Privatization

Policy: City Council approved a competition/privatization policy on October 25, 1993. The policy encourages the provision of public services through private service providers offering the lowest cost and the most effective method of delivery consistent with service level standards and other adopted City policies.

Explanation of Request: Key components of the contract are as follows:

- Contract is for providing fuel for City vehicles at local retail establishments within the City of Charlotte and Mecklenburg County The price for this service is 6.9 cents per gallon for gasoline and diesel fuel compared to 5 cents per gallon currently charged by the City's Equipment Services Division.

- Although the actual cost the City pays for fuel will increase, the overall three year net cost savings to the City will be $148,276 by not having to replace underground storage tanks at two central fueling sites that will close.

- These savings do not include potential productivity savings within the key businesses Productivity savings will be achieved because City vehicles can refuel at 34 different locations without having to return to one of two remaining central fueling sites

- Each vehicle operator will have a fuel card that ties the purchase of diesel fuel and gasoline to a specific vehicle and vehicle operator

- A monthly report on fuel consumption, miles per gallon, type of fuel, vehicle identification and vehicle operator will be provided by the vendor.

- The term of the contract is three years with two optional, one-year extensions.

- The contract start date is projected to be October 1995.

- The cost per gallon service fee is fixed for the term of the contract.

- The projected first year cost for this service is $163,185. The City spent approximately $1.7 million in FY95 on fuel (gasoline and diesel).

Background:

- In January, Business Support Services as part of its customer service plan, decided to discontinue providing on-site fuel services to City departments and to make this service available in the community to better meet the needs of City departments.

- This contract will provide the ability to refuel within the community at thirty-four (34) locations without having to travel back to a central storage site. The contract should save time, money, and enhance service delivery to the public. If Council approves the contract, City departments will begin to use the new off-site fueling services contract in October 1995.

- GasCard and Fuelman also submitted proposals, but were not lower than Fuelman of the Carolinas

13 **Resolution Introducing $23 Million of Two-Thirds General Obligation Bonds for Water and Sewer Projects**

Action:

Approve a resolution authorizing $23 million of two-thirds General Obligation Bonds for Water and Sewer Projects. Approval of the resolution accomplishes the following:

- **Introduces a bond order for $15,830,000 of Sewer Bonds;**
- **Introduces a bond order for $7,170,000 of Water Bonds; and**
- **Establishes August 28, 1995 as the date for a public hearing concerning the bonds.**

Staff Resource: Richard Martin

Policy The City's 1996-00 CIP includes an option to partially fund Water & Sewer Projects with "two-thirds" bonds.

Explanation of Request:

- This is the second step in the legal process to authorize $23 million of "two-thirds" General Obligation Bonds for Water & Sewer Projects The resolution introduces the Sewer Bond Order ($15,830,000) and the Water Bond Order ($7,170,000)
- The resolution also establishes August 28, 1995 as the date for a public hearing on the bonds. On August 28, 1995 Council will be requested to take the third and final step. conduct the public hearing and adopt the bond orders

Funding: Water & Sewer Revenues

Background. North Carolina General Statutes contain provisions for the issuance of bonds under a "two-thirds" rule This rule provides for the issuance of debt, without a referendum, for an amount equal to two-thirds of the amount of General Obligation net debt reduction (principal) in the previous fiscal year.

On June 26, 1995 Council authorized staff to proceed with the actions necessary to secure authorization for $23 million of "two-thirds" General Obligation Bonds for Water and Sewer Projects.

Attachment 16
List of Projects To Be Funded

14. Resolution to Refinance General Obligation Water and Sewer Bonds and Public Improvement Bonds - Series 1992

Action: **Approve a resolution necessary 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. The resolution accomplishes the following:**

- **Introduces a bond order that authorizes the refunding bonds;**
- **Designates August 28, 1995 as the date for a public hearing on the bond order(s) and directs the City Clerk to publish the required notice; and**
- **Designates the Finance Director, Deputy Finance Director or the City Treasurer as the official to prepare and file the Sworn Statement of Debt.**

Staff Resource: Richard Martin

Policy: N.C. General Statutes provide for the sale of Refunding Bonds to refinance prior bond 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 these refinancings are very market sensitive and a minor decline in rates could produce significant savings.

- Staff desires 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.

15 Park Avenue/South Tryon Street Traffic Signal

Action **Approve a resolution requesting the North Carolina Department of Transportation (NCDOT) to authorize a traffic signal for the intersection of Park Avenue and South Tryon Street.**

Staff Resource: Bill Finger

Item No.

Policy: South Boulevard/South Tryon Street Corridor Revitalization Plan

Explanation of Request:

- The Business Corridor Revitalization Plan for South Boulevard/South Tryon Street has as an objective providing better pedestrian and vehicular connections between the Wilmore and Dilworth neighborhoods.

- As a result of the plan, improvements along Park Avenue and at Camden Road and South Boulevard are underway to improve the pedestrian environment and to encourage new pedestrian-oriented development.

- During the development of the plan, the lack of a traffic signal at Park Avenue and South Tryon Street was identified as one of the key obstacles to providing pedestrian and vehicular movements between Wilmore and Dilworth.

- Since South Tryon Street (NC 49) is on the State Highway System, the NCDOT must approve the installation of this traffic signal

- CDOT staff is not able to recommend the signal to the NCDOT since its installation does not meet one of the warrants contained in the Manual on Uniform Traffic Control Devices, which considers pedestrian crossings, accident experience, and vehicular volumes.

- However, City Council can approve the resolution requesting the NCDOT to approve the signal on the basis of additional criteria such as revitalizing the South Boulevard/South Tryon Business Corridor and providing for pedestrian and vehicular linkage between the Wilmore and Dilworth Neighborhoods.

Item No.

Background.

- The intersection of Park Avenue and South Tryon Street previously was signalized The traffic signal was removed in 1987 because warrants were not met.

16. Set Date for City Clerk's Evaluation

Action: Set a closed session for August 28 at 4:00 p.m. for the purpose of conducting the City Clerk's annual evaluation.

17. Set Date for City Attorney's Evaluation

Action: Set a closed session for August 7 at 3:30 p.m. for the purpose of conducting an evaluation of the City Attorney.

18. Nominations for Boards and Commissions

Action: Waste Management Advisory Committee
One recommendation to the County Commission for a representative in the legal category. Council voted on June 26 to leave these nominations open.

19. Appointments to Boards and Commissions

Action: Council will complete the blue paper ballots and give to the City Clerk at dinner. She will announce the results at this point in the meeting.

1. Charlotte-Mecklenburg Community Relations Committee
Eight appointments for three year terms beginning immediately, and two appointments for one year terms beginning immediately.

(a) Victor Alexander by Councilmember Cannon
(b) Linda Ashendorf by Councilmember Campbell
(c) John Black by Councilmember Cannon
(d) Steve Hayes by Councilmember Wheeler
(e) Leonard Jones by Councilmember Cannon
(f) Sis Kaplan by Councilmember Wheeler
(g) Linda Long by Councilmember Scarborough
(h) Leroy Miller by Councilmember Martin
(i) Reverend Conrad Pridgen by Councilmember Scarborough
(j) Jo Ann Stevenson by Councilmember Spencer
(k) Ken Thomas by Councilmember McCrory
(l) George Wallace by Councilmember Spencer
(m) Charlie Wynn by Councilmember McCrory

Attachment 7

2. Clean City Committee
Three positions to begin immediately and expire June 30, 1998. Heather Fisk, Thomas Sowell and Michael Wilkinson have not met attendance requirements.

(a) Marty Campbell by Councilmember Jackson
(b) Patricia Carter by Councilmember Cannon *

(c) Charlie Dean, Jr by Councilmember McCrory
(d) Pamela Grubbs by Councilmember Baker
(e) Hattie Harris by Councilmember Martin
(f) Stephen Hayes by Councilmember Baker**
(g) Ann Kimbro by Councilmember Wheeler
(h) Michael Kolb by Councilmember Reid
(i) Mary McNamara by Councilmember Scarborough
(j) Robert Morris, Jr by Councilmember Cannon
(k) Dennis Warfle by Councilmember Wheeler

* Ms. Carter declined the nomination.
** Mr Hayes already serves on the Clean City Committee.

Attachment 8

3. Tree Advisory Commission
One appointment to fill an unexpired term ending December 1995 and the next regular three year term Jerry Regenbogen has resigned

(a) Stephen Honaker by Councilmember McCrory
(b) Lindsey McAlpine by Councilmember Reid
(c) Mary McNamara by Councilmember Scarborough
(d) Martha Mayberry by Councilmember Wheeler
(e) Hardin Minor by Councilmember Spencer

Attachment 9

4. Youth Involvement Council Advisory Board
One two year term beginning August 1995. Deborah Griffin does not wish to be reappointed.

(a) Thomas Massey by Councilmember Baker
(b) Karen McDowell by Councilmember Reid
(c) Jennifer Shook by Councilmember Wheeler

Attachment 10

20. Motion for Closed Session

Action:

A. Adopt a motion to hold a closed session at the end of the meeting pursuant to G.S. § 143-318.11(a)(3) to consult with attorneys and to give instructions concerning the handling or settlement of claims and judicial actions regarding the construction of the new Convention Center. The Council expects to discuss the existing lawsuits of City of Charlotte v. Blythe and City of Charlotte v. Shisko; and

B. Adopt a motion to hold a closed session pursuant to G.S. § 143 - 318.11 (a) (1,7) to hear a report concerning an investigation of alleged criminal misconduct and concerning personnel information which is confidential under G.S. § 160A-168.

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

21. Various Bids

A. Americans With Disabilities Act Phase 1 Facility Modifications — Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $85,675 by Eagle Wood, Inc of Charlotte, NC.

MWBD Status:	Amount	% of Project	Goals
BBE	0	0	14%
ABE	0	0	1%
NBE	0	0	0
HBE	0	0	0
WBE	$11,000	15%	8%

Compliance: Yes

Item No.

B. **Police & Fire Training Academy Burn Pit Cleanup** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $93,526.05 by Hepaco, Inc of Charlotte, NC.

MWBD Status: According to the Council-approved MWBD Plan, subcontracting goals are not set on projects estimated at less than $100,000 excluding contingency. Direct efforts are made to involve MWBD firms in projects as prime bidder.

C. **Water and Sewer Main Construction - FY96 Contract #1 - Street Main Extensions** — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $757,204.50 by McDaniel Construction Contractors, Incorporated of Bostic, NC.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$757,204.50	100%	3%

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

D. **Water and Sewer Main Construction - FY96 Contract #2 - Street Main Extensions** — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $744,107.75 by Utilityworks, Incorporated of Stanfield, NC.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$22,000	3.0%	2%
WBE	$30,000	4.0%	3%

Compliance: Yes, the Contractor has met the requirements of the MWBD Program by exceeding both the BBE and WBE goals established for this project.

Item No.

E. **Water Meters** **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bidders meeting specifications for each items be accepted for award of contracts

MWBD Compliance: Yes. No known MWBD available for this purchase.

Summary of Bids:

Schlumberger Inds.		**Roswell, GA**	**$233,800**
Item 1	10,000 - 5/8" Water Meters		
Item 3	90 - 1 ½" Water Meters		
Item 13	1-10" Combination fire and domestic meter		
Water Pro Supplies		**Charlotte, NC**	**$111,745**
Item 6	90 - 2" Water Meters		
Item 8	15-3" Water Meters		
Item 10	10-4" Water Meters		
Item 11	10-6" Combination Fire and Domestic		
Item 12	10-8" Combination Fire and Domestic		
Item 14	1-12" Combination Fire and Domestic		

Schlumberger Inds., **Roswell, GA** **$209,500**
10,000 5/8" Water Meters

Schlumberger Inds., **Roswell, GA** **$ 17,100**
90 - 1 ½" Water Meters

Schlumberger Inds., **Roswell, GA** **$ 7,200**
1-10" Combination Fire and Domestic

Water Pro Supplies, **Charlotte, NC** **$ 19,440**
90 - 2" Water Meters

Water Pro Inds., **Charlotte, NC** **$ 5,445**
15 - 3" Water Meters

Water Pro Inds , **Charlotte, NC** **$ 4,770**
10 - 4" Water Meters

Water Pro Inds., **Charlotte, NC** **$ 28,990**
10 - 6" Combination Fire & Domestic

Item No.

Water Pro Inds.,	Charlotte, NC	$ 45,500
10 - 8" Combination Fire & Domestic		
Water Pro Inds.,	Charlotte, NC	$ 7,600
1 - 12" Combination Fire and Domestic		

22. Speed Limit Changes

Action: Adopt ordinance to lower the speed limit on 13 Charlotte streets.

Big Oak Lane (Holly Hill)	25 MPH
Donna Drive (Meadowbrook Forest)	25 MPH
Claridge Lane (Selwyn Park)	25 MPH
Columbus Circle (Regal Heights)	25 MPH
Cortland Road West (Selwyn Park)	25 MPH
Cortland Road East (Selwyn Park)	25 MPH
Holly Hill Road (Holly Hill)	25 MPH
Ivory Palm Drive (Holly Hill)	25 MPH
Judas Tree Lane (Holly Hill)	25 MPH
King George Drive (Meadowbrook Forest)	25 MPH
Marlowe Avenue (Regal Heights)	25 MPH
Richmond Place (Selwyn Park)	25 MPH
Valleystream Road (Selwyn Park)	25 MPH

23. Resolution of Intent to Abandon Street and Set Public Hearing - Portion of Cherry Street

Action:

A. Adopt the Resolution of Intent to abandon a portion of Cherry Street; and

B. Set a public hearing for August 28, 1995

Item No.

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 $18,414.55.

Attachment 11

CONSENT II

25. Charlotte Transportation Center: City Services Area Upfit Contracts

Action:

A. Authorize the Director of the Charlotte Department of Transportation (CDOT) to execute a contract with R.J. Leeper Company, NationsBank's Contractor, to upfit the transit portion of the new Charlotte Transportation Center (CTC) not to exceed $130,000.

B. Authorize the Director of Business Support Services to execute a contract with Time Warner Communications (TWC) for the installation of underground conduit along East Trade Street to connect the CTC with the City/CMGC communication/data system and the new Charlotte-Mecklenburg Police Department (CMPD) communications system not to exceed $140,000.

C. Authorize the Director of CDOT to contribute $90,000 towards R.J. Leeper Company's contract with NationsBank for furnishings in the public lobby areas.

D. Authorize the Director of the Solid Waste Services Department to execute a contract with R.J. Leeper Company, NationsBank's Contractor, to upfit the Special Services Division (SSD) area not to exceed $83,197.

Explanation of Request:

- NationsBank is funding the construction of the CTC ($9.6 million) and the City is responsible for the upfit of the areas the Charlotte Transit System and Special Services Division will occupy and for connections to the City's communication/data system.

- The upfit costs are for interior walls, lighting, electrical, flooring, millwork (eg shelving, cabinets, countertops, etc.), plumbing, employee restrooms, etc , that exceed the upfit allowance of $15 per square foot.

- Additional space for 4 expediters with the Charlotte-Mecklenburg Police Department (CMPD) will be provided and upfitted by NationsBank at no cost to the City

- Although TWC had not planned to extend their facilities along this section of East Trade Street at this time, they have agreed to do so and share installation costs with the City.

- Furnishings for the public lobby areas include seating and waste receptacles. The price includes installation.

- Currently SSD employees who maintain the Tryon Street Mall are located in the Old Convention Center. With the construction of the New Charlotte Convention Center and the possible lease or sale of the Old Convention Center, SSD had been looking for a relocation facility. The new CTC facility presented an opportunity for a more permanent location that is convenient to the Tryon Street Mall. Costs in addition to typical upfit costs result from code requirements for the indoor storage of three vehicles with fuel tanks.

Funding:

- Funds for contract item A are budgeted in the Transportation Fund.

- Funds for contract item B are budgeted in a Federal Transit Administration grant.

- Funds for contract item C are budgeted in a Federal Transit Administration grant.

- Funds for contract item D have been budgeted in the Solid Waste Services Department operating budget.

Background:

- The City of Charlotte and NationsBank entered into a joint venture to build the new CTC at the location of the Old Charlotte Convention Center parking lot bounded by East Trade Street, South Brevard Street, East Fourth Street, and the railroad.

- This public/private joint venture will relocate bus route transfer operations from The Square to a covered off-street facility in order to reduce pedestrian/transit passenger congestion.

- The existing Uptown Transportation Information Center on North Tryon Street will be relocated to the CTC. This will make transit information more accessible to transit users

- Transit passengers will be provided additional amenities/services with a new NationsBank office, food court, restaurant, and other retail facilities located within the CTC

26. Resolution for CDOT-FTA Disadvantaged Business Enterprise Goals

Action: **Adopt a resolution setting the Charlotte Department of Transportation's (CDOT) Disadvantaged Business Enterprise goals at 13% for FY 1996 for projects funded in part by the Federal Transit Administration.**

Item No.

Explanation of Request:

- Goal is based on CDOT's DBE utilization to date
- There are penalties if the 13% goal is not met, therefore the goal is set at 13% even though it will most likely be exceeded.
- A complete report on the CDOT's DBE utilization will be presented in early fall as part of the Annual Report from the Minority Enterprise Program.

Background:

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

	1991	1992	1993	1994
FTA Goal:	13	13	13	13
Achieved:	17.8	23	35	42

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

27. **Relational Database Management System**

Action: **Approve purchase of a Relational Database Management System and associated programming tools from ORACLE Corporation for $317,775.**

Explanation of Request:

- A relational database management system (RDBMS) will help the City achieve the following objectives:
  - Relational database management systems allow access, storage and integration of various types of data from different sources into a useable format (e.g., meter reading data used by CMUD can be integrated with data on street addresses used by CDOT).
  - Use current information (databases) more efficiently and reduce the number of databases that contain duplicate information.
  - Support applications with current technology tools.
  - Reduce mainframe costs for old, outdated applications
  - Enable the City to re-engineer its business processes (e.g., land development and permitting processes).
  - Put the City's information into the hands of the overall workforce.
- The City's existing database management tools were developed for use on mainframe computers during the 1960's. These tools are more time-intensive to use and require information technology professionals to manipulate the data.

- The City is moving to local area networks for personal computers and powerful workstations

- They operate very differently than the old mainframes and involve many employees who are not information technology professionals.

- As a part of Council's Restructuring Government Focus Area, staff informed Council that we were pursuing relational database technology to improve processes, reduce costs and improve customer service.

Selection Process:

- City staff used the following process to select ORACLE Corporation:

  - During late 1994 and early 1995, five separate RDBMS vendors were invited for individual interviews to discuss the City's needs and requirements and their different products

  - In April 1995, a request for proposal (RFP) was sent to vendors

  - Two proposals were received by the City.

  - An evaluation team, with representatives from CDOT, Fire, Engineering and Property Management, Customer Service, Business Support Services, and Mecklenburg County, selected ORACLE Corporation.

- ORACLE was the only bidder to meet the City's current and future requirements, as expressed in the RFP.

Funding:

City technology funds and Business Support Services Key Business

28. Electronic Document Management System Purchase

Action: Approve purchase of an electronic document management system (EDMS) from Universal Systems, Inc. (USI) for a total not to exceed $442,707.

Explanation of Request:

- The Charlotte-Mecklenburg Utility Department (CMUD) recommends the purchase of an electronic document management system to automate the filing, recovery and distribution of the maps and associated documents that are vital to the construction, operation and maintenance of the water and sewer systems
- CMUD currently uses paper maps, some as much as 50 years old, to record the details and location of more than 5,000 miles of water and sewer lines and 23,000 valves.
- An EDMS will store these vital records electronically thereby simplifying their storage, retrieval and updating Design and maintenance staff can access these records through the computer network.
- It is estimated that annual time savings in excess of $100,000 can be achieved in the filing, retrieval and updating of these records.

Background:

- CMUD, CIS and Purchasing developed a pre-qualification process. Four vendors were pre-qualified and demonstrated their systems. Based upon an evaluation of each system USI was selected as the best system.

29. Four Mile Creek Relief Sewer - Professional Services Contract

Action: Approve a Professional Services Contract with Hazen & Sawyer, P.C. for the surveying, design, construction management, and inspection of Sanitary Sewer along Four Mile Creek from Providence Road to Matthews for $361,200.

Explanation of Request:

- Project will provide for a relief sewer to eliminate wet weather overflows and to meet projected future flows as recommended by CMUD's Sewer Facility Plan Need is based on increased flow due to development.
- The consultant was selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process.
- The negotiated fee for this project is 13.4% of the estimated construction cost and is within the guidelines established by the ASCE Manual for Procurement of Engineering Services.

Background:

- This project was approved in the FY 1996 - 2000 Capital Improvement Program.
- The existing Four Mile Creek Outfall from Providence Road to Matthews was built in the early 1980's under the EPA 201 Facilities Program. Because of funding limitations, the outfall was not sized to accommodate full development in the basin Rapid development in this basin has caused flow in the outfall to reach its design capacity. Occasional overflows occur during wet weather conditions.

30. **Sewer Contracts with Duke Power for McGuire Nuclear Plant**

Action: **Approve sewer contracts between the City and Duke Power Company.**

Policy: CMUD Extension Policy, 5-Year Reimbursement and the 15-Year Reimbursement Programs This project is included in the Capital Improvement Program and is therefore eligible for the reimbursement program.

Explanation of Request:

- The applicant, Duke Power Company, has requested contracts for the design and construction of a sanitary sewer pump station, force main, and 17,000 linear feet of sewer outfall to serve the McGuire Nuclear Plant on N.C. Highway 73. The estimated cost of this project is $1,860,000. There is no cost to the City.

Background:

- This 5-year reimbursable contract applies to the sewer pump station and force main. The 15-year reimbursable contracts apply to the 17,000 linear feet of sewer outfall. The applicant has deposited 10% of the estimated project cost with the remaining 90% to be deposited prior to construction.

31. **Duke Power Contract for McAlpine Creek WWMF**

Action: **Approve contract with Duke Power Company for the provision of electrical power to the McAlpine Creek Wastewater Management Facility. The minimum annual charge is $351,362.84.**

Explanation of Request:

- CMUD recommends the purchase of electrical power to operate the various equipment at McAlpine Creek WWMF. This contract modifies the existing agreement to provide the additional power necessary to operate the Residuals Management Facility now under construction.

- CMUD requires additional power to operate the new facilities now under construction at McAlpine Creek.

Background:

- Duke Power Company has been the supplier of power to this facility since its original construction. As new facilities are added the agreement with Duke is modified to provide the power required.

32. Mallard Creek Wastewater Treatment Plant Change Order #5

Action: **Approve Change Order #5 for $69,550.39 to the contract with Republic Contracting Corporation for the Mallard Creek Wastewater Treatment Plant. Upon approval of this final change order, the contract sum will increase from $6,096,269 to $6,165,819.39.**

Explanation of Request:

- This change order will pay for improvements and repairs to the existing plant and the Phase I and Phase II expansions. Construction has been underway at the plant since 1990 and these items will allow the plant to operate under optimal conditions to achieve strict permit discharge requirements.
- This final change order will add 53 days and will permit the closing of the contract.

Background:

- Change Order #1 was approved by CMUD in December 1993 in the amount of $40,219 for digester gas mixing equipment repairs that were discovered when the digesters were being rebuilt

- Change Order #2 was approved by CMUD in April 1994 in the amount of $33,738 for yard hydrant replacements and four large pipe fittings needed to route pipe around unknown obstructions.

- Change Order #3 was for an 8-inch water main from Highway 29 to the site and for paving repair due to construction. Council approved $154,313 on June 13, 1994.

- Change Order #4 was approved by CMUD in June 1995 to add work not completed by the Phase I contractor. The amount was $43,069.

33. Providence West Subdivision Water System Purchase

Action: **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Providence West Subdivision. Purchase price is $184,000.**

Policy CMUD recommends the purchase of private water systems when homeowners apply for City service through the Street Extension Program and the new city main would parallel the private system.

Explanation of Request:

- The Charlotte-Mecklenburg Utility Department (CMUD) has received an application for water service from a Carolina customer in Providence West Subdivision Providence West is located on Providence Road West and is currently served by Carolina Water.

- As an alternative to installing new water mains that would parallel part of the existing Carolina system, CMUD recommends the purchase of the Carolina system.

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

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

  - CMUD would acquire 99 new customers with 28 additional vacant lots that can be served from the existing Carolina system.

  - There would not be any cost to the 99 Carolina customers to become CMUD customers.

  - Upon acquisition of the system, CMUD would install fire hydrants in the subdivision.

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

34. Hampton Green, Courtney, and Courtney II Subdivisions Water System Purchase

Action: **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Hampton Green, Courtney, and Courtney II Subdivisions. Purchase price is $405,000.**

Policy:

CMUD recommends the purchase of private water systems when homeowners apply for City service through the Street Extension Program and the new city main would parallel the private system.

Explanation of Request:

- The Charlotte-Mecklenburg Utility Department (CMUD) has received applications for water service from Carolina customers in Hampton Green, Courtney, and Courtney II Subdivisions. Also, all of the Carolina customers in Courtney II Subdivision have submitted a signed petition requesting CMUD to provide water service

- Hampton Green, Courtney, and Courtney II are adjoining subdivisions located in Matthews and are currently served by Carolina Water. CMUD provides sewer service to all three subdivisions.

- As an alternative to installing new water mains that would parallel part of the existing Carolina system, CMUD recommends the purchase of the Carolina system.

- The advantages to the City's purchase of the Carolina system serving Hampton Green, Courtney, and Courtney II are:

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

  - CMUD would acquire 238 new customers.

  - There would not be any cost to the 238 Carolina customers to become CMUD customers.

  - Upon acquisition of the system, CMUD would install fire hydrants in the three subdivisions.

- The Town of Matthews supports this proposal

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

35. Oakcroft Subdivision Water System Purchase

Action: **Approve contract with Mid South Water Systems, Incorporated for the purchase of the water system serving Oakcroft Subdivision. Purchase price is $55,000.**

Policy: CMUD recommends the purchase of private water systems when homeowners apply for City service through the Street Extension Program and the new city main would parallel the private system.

Explanation of Request:

- Oakcroft is a 47 lot subdivision located in Matthews on Phillips Road between NC 51 and Stallings Road. Mid South provides water service to the entire subdivision

- CMUD has accepted an application from a Mid South customer for the extension of a water main into the subdivision.

- The Mid South system is sized for fire protection

- The advantages to the City's purchase of the Mid South system serving Oakcroft are:

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

- CMUD would acquire 28 new customers.
- There would not be any cost to the Mid South customers to become CMUD customers.
- CMUD would install fire hydrants in the Oakcroft subdivision.

- The Town of Matthews supports this proposal.
- The N C Utilities Commission traditionally supports the transfer of private utilities to a municipal system. Their approval will be requested after City Council approval of this contract

36. Wood Hollow & Brandywine Subdivisions Water System Purchase

Action: **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Wood Hollow & Brandywine Subdivisions. Purchase price is $445,000.**

Policy: CMUD recommends the purchase of private water systems when homeowners apply for City service through the Street Extension Program and the new city main would parallel the private system.

Explanation of Request:

- The Charlotte-Mecklenburg Utility Department (CMUD) has received applications for water service from Carolina customers in Wood Hollow & Brandywine Subdivisions, located in Matthews on N.C. 51 near U.S. 74.

- As an alternative to installing new water mains that would parallel part of the existing Carolina system, CMUD recommends the purchase of the Carolina system.

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

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

  - CMUD would acquire 197 new customers with 35 additional vacant lots that can be served from the existing Carolina system.

  - There would not be any cost to the 197 Carolina customers to become CMUD customers

  - Upon acquisition of the system, CMUD would install fire hydrants in the subdivision

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

- The Town of Matthews approves this purchase

37. Idlewood Subdivision Water System Purchase

Action: **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Idlewood Subdivision. Purchase price is $174,000.**

Policy: CMUD recommends the purchase of private water systems when homeowners apply for City service through the Street Extension Program and the new city main would parallel the private system.

Explanation of Request:

- The Charlotte-Mecklenburg Utility Department (CMUD) has received applications for water service from Carolina customers in Idlewood Subdivision. Idlewood Subdivision is located on Idlewild Road at Thompson Road in Mint Hill and is currently served by Carolina Water.

- As an alternative to installing new water mains that would parallel part of the existing Carolina system, CMUD recommends the purchase of the Carolina system.

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

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

  - CMUD would acquire 92 new customers

  - There would not be any cost to the 92 Carolina customers to become CMUD customers.

  - Upon acquisition of the system, CMUD would install fire hydrants in the subdivision.

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

- The Town of Mint Hill approves this purchase.

38. **Residential Sound Insulation Grant**

Action:

A. **Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of $4,358,287; and,**

B. **Adopt an ordinance appropriating these FAA grant monies to provide funding for implementation of the Airport's Residential Sound Insulation Program as part of the on-going Part 150 Noise Compatibility Program.**

Explanation of Request:

- The FAA has offered a grant for $4,358,287 to provide 80% funding for the Airport's on-going Part 150 Noise Compatibility Program This source of this money is FAA discretionary funds and is in addition to FAA entitlement funds previously approved and accepted in April.

- This grant is designated for implementation of the Airport's Residential Sound Insulation Program, which will involve approximately 1,200 westside residences

- The Budget Ordinance appropriates the Federal grant money to the Part 150 Noise Project account. Council has previously appropriated the City's share of funding for the Airport's Part 150 Noise Programs

Funding:

The attached ordinance appropriates the grant monies to the project accounts

Item No.

Background:

- October, 1988 - City Council approved an action plan for accelerating the Airport's F.A R. Part 150 Noise Compatibility Program, which included the appropriation of $7.4 million in City funds. To date, the Airport has acquired 263 residences and has expended over $29 million in Federal and City funds on the F.A.R. Part 150 Noise Compatibility Program.

39. Airport Pay Telephone Contract Extension

Action: Approve a one year extension to Airport's Pay Telephone contract with LDDS/WorldCom, Inc.

Explanation of Request:

- The Airport has two telephone agreements that provide revenue from local and long distance service. Local service is provided by Southern Bell and long distance service by LDDS/WorldCom, Inc.

- The agreement with LDDS/WorldCom pays a portion of revenue from long distance calls made on 275 telephones located throughout the Airport based on total passenger volume. Revenue paid in the past fiscal year was $1,085,000.

- Contract extension will run through June 30, 1996, with same terms.

- LDDS/WorldCom, Inc was selected through the request for proposal process to provide primary long distance service at the Airport and Council approved a three year contract effective July 1, 1992.

- Airport staff and CDI Communication Consultants, Inc. negotiated an agreement with Southern Bell to provide telephone equipment and local phone service at the Airport Council approved a three year agreement effective July 1, 1992 with automatic renewals if either party elected not to cancel their agreement Revenue to the Airport from this agreement is based on enplaned passengers (FY95 revenue totalled $393,821)

- Airport staff and CDI Communication Consultants initiated negotiations with Southern Bell in March 1995, to provide a new agreement. Southern Bell's initial proposal was to reduce revenue to the Airport by 50%. Their final offer was a reduction by 40%.

- Local phone service will be deregulated in 1996 permitting long distance carriers to provide local service as well as long distance service

- Airport staff and CDI Communication Consultants agree that the most favorable long term business arrangement would be to extend the two phone service agreements through June 1996, and advertise request for proposals for service after deregulation is in place.

40. Business Corridor Revitalization Program Engineering Services - Amendment #2

Action: **Approve Amendment #2 to the Agreement for Engineering Services with GNA Design Associates, Inc. for $250,000 bringing the contract total to $516,300.**

Explanation Request:

- GNA Design Associates, Inc. (GNA) was selected through the Council-approved selection process to provide design services for the Business Corridor Revitalization Program. The original agreement included the design of Beatties Ford Road and The Plaza Business Corridors.

- It was anticipated during the initial selection process that other areas would be added to GNA's contract provided their performance was satisfactory. Their performance has been satisfactory

- This Amendment will add Freedom Drive and West Boulevard Business Corridors.

- Compensation for these engineering services is on an hourly and unit price basis so the City can add projects on an as-needed, funding available basis. If funds are available, other areas will be considered including Statesville Avenue, Graham Street, and North Davidson Street.

- GNA Design Associates, Inc. is a WBE.

Background:

- On November 26, 1990, City Council approved the Agreement with GNA for $250,000 to provide engineering services for various business corridors.

- On January 15, 1993, the City Engineer approved Amendment #1 for $16,300 to the original Agreement for additional compensation due to a change in scope of services.

Item No.

41. **Police and Fire Training Academy Cleanup Engineering Services - Amendment #1**

Action: **Approve Amendment #1 to the Agreement for Engineering Services with Law Engineering, Inc. for $316,885 bringing the contract total to $690,685.**

Explanation of Request

- Law Engineering was selected to provide engineering services for the development of work plans for site assessment, ground water monitoring, site cleanup, and post cleanup monitoring. These plans are required by state law for the closure of the fire pits.

- The services to produce the work plans were based on preliminary regulatory guidelines Since the project began, more stringent regulatory guidelines have to be followed, resulting in the need for additional services.

- This amendment provides the estimated additional funds necessary to complete site close out work and for continued sampling, testing, and reporting on contamination as required by the state.

Attachment 12
Background

42 **Spring Resurfacing, 1995, Change Order #1**

Action: **Approve Change Order #1 to the Spring Resurfacing, 1995 Contract for $70,075.22 to fulfill Public/Private Construction Agreement for a portion of Colony Road Extension.**

Policy: To coordinate the City's planned thoroughfare improvements with private development occurring within the proposed thoroughfare corridor.

Explanation of Request:

- This Change Order will transfer funds from the Colony Road Extension Account to the Spring Resurfacing, 1995 Contract to complete the asphalt paving the City is obligated to provide under the terms of the Colony Road Public/Private Construction Agreement approved at the June 26, 1995 City Council Meeting.

Background.

- On June 26, 1995, Council approved the Colony Road Public/Private Construction Agreement. Under the terms of this agreement, the developer of the proposed Carmel Crescent Subdivision will build approximately 720 feet of Colony Road east of Carmel Road.

- In return, the City will compensate the developer for his additional construction costs by providing asphalt paving for Colony Road and within his proposed subdivision. The City will also reimburse the developer for additional right-of-way acquired by the developer to build this portion of Colony Road.

- Rea Construction is the contractor for the Spring Resurfacing, 1995 contract

43. **Storm Water Maintenance Formal Package 94E Change Order #4**

Action: **Approve Change Order #4 for $400,000 to the contract with Blythe Development Company bringing the contract total to $1,359,727.50.**

Item No.

Explanation of Request:

- This change order recognizes good performance by the contractor and good existing unit prices. These contracts are initially bid in the range of $250,000 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 #4 for Blythe Development Company will provide funds to continue remedial repair work under this contract and will extend the contract approximately five months past the original one year period

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.

44. Approve the following property acquisitions (A-F) and adoption of the condemnation resolutions (G-H)

For Aviation property acquisitions, A-E, the purchase price 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

Acquisitions:

A. Project: F.A.R. Part 150 Land Acquisition
Owner(s): Richard & Rita Guiney and David Lee Kinney
Property Address: 4501 McKinley Drive
Property to be acquired .241 acres
Improvements: 3 bedroom, 1 bath, ranch
Tax Value: $42,390
Purchase Price: $49,000

B. Project: F.A.R. Part 150 Land Acquisition
Owner(s): Mr. Jeffrey S. Wortman
Property Address: 4621 Timberly Place
Property to be acquired: .671acres
Improvements: 3 bedroom, 2 bath, ranch
Tax Value: $73,410
Purchase Price: $73,500

C Project: F.A.R. Part 150 Land Acquisition
Owner(s): Mr and Mrs. King C. Williams
Property Address: 2526 Danforth Lane
Property to be acquired: .267 acres
Improvements: 3 bedroom, 2 bath, ranch
Tax Value: $64,210
Purchase Price: $65,000

D. Project: Airport Master Plan Acquisition
Owner(s): A.M.P., Incorporated
Property Address: 6301 Old Dowd Road
Property to be acquired 15.662 acres
Improvements: Office/Warehouse Building
Tax Value: $2,583,300
Purchase Price: $2,600,000
Remarks: A.M.P. is eligible for relocation benefits in the amount of $863,097 as determined by a relocation estimate prepared by Jacobs-Sirrine, Inc. and reviewed by Moreland-Altobelli Associated, Inc.

E. Project: F.A.R. Part 150 Land Acquisition
Owner(s)· Mr. Buddy Patterson
Property Address: 2415 Danforth Lane
Property to be acquired .201 acres
Improvements: 3 bedroom, 1 bath, ranch
Tax Value: $45,090
Purchase Price: $51,000

F. Project: Beatties Ford Road Left Turn Lane, Parcel No: 29
Owner(s): Dalebrook Professional Center, Inc.
Property Address: 2506 Beatties Ford Road
Property to be acquired: 658 sq.ft. in fee simple plus 632 sq ft temporary construction easement
Improvements. Relocation of advertising sign, asphalt paving
Tax Value: $435,530 (entire parcel)
Purchase Price. $79,000
Remarks: The owner operates a beauty salon and currently has limited parking. Our acquisition will further devaluate the property due to the loss of several parking spaces and lack of maneuverability after construction is complete. Compensation amount is based upon an independent appraisal and reflects this loss of property and improvements

Zoned B-1 Use Office
Tax Code: 075-011-06

Condemnations:

G. Project: Milton Road Widening, Parcel No: 114
Owner(s): M. McFall Babb, Susan S. Shaw and Cynthia Ann Simpson and any other parties of interest
Property Address (Vacant) 10 38 acres off Milton Road
Property to be acquired 8,349 sq ft (0 115 AC.)
Improvements: None

Tax Value: $148,670 (entire parcel)
Purchase Price: $5,500
Remarks: Condemnation is requested on this parcel in order to get clear title due to outstanding unpaid property taxes that exceed the amount of compensation. Acquisition price was determined by an independent appraiser.

Zoned: I-1
Use: Vacant
Tax Code: 099-211-26

H. Project: Paw Creek Wastewater Pump Station, Parcel No: 1 of 1
Owner(s): Cytec Industries, Inc.
Property Address: 8038 Marshall Acres Drive
Property to be acquired: 36,242 sq.ft (0 832 AC.)
Improvements: N/A
Tax Value: $204,780 (entire parcel)
Purchase Price: $1,200
Remarks: This project expands the existing pump station along Paw Creek for continued long term service to the area, including Cytec Industries plant, the affected property owner. The area is vacant land with natural growth and rough topography. The property owner feels the compensation amount should be $10,000 but has not provided any appraisal data or justification to support their counteroffer. Our appraisal values the area at $1,200. Condemnation is recommended in order to meet construction schedule deadlines.

Zoned: I-2
Use: Vacant Land
Tax Code: 113-031-05A

20. Motion for Closed Session

Action:

A. Adopt a motion to hold a closed session at the end of the meeting pursuant to G.S. § 143-318.11(a)(3) to consult with attorneys and to give instructions concerning the handling or settlement of claims and judicial actions regarding the construction of the new Convention Center. The Council expects to discuss the existing lawsuits of City of Charlotte v. Blythe and City of Charlotte v. Shisko; and

B. Adopt a motion to hold a closed session pursuant to G.S. § 143 - 318.11 (a) (1,7) to hear a report concerning an investigation of alleged criminal misconduct and concerning personnel information which is confidential under G.S. § 160A-168.