AGENDA

Meeting Type:	BUSINESS
Date:	06/26/1995

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, June 26, 1995

5:00 p.m. — **Conference Center**

- **Solid Waste Services Contract Award**
- **Uptown Streetscape**
- **AAU Lease Proposal**

6:30 p.m. — **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, June 26, 1995
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Item No.

CONSENT ITEMS

1. Approval of Minutes: April 17 Zoning Meeting, April 24 Regular Meeting, May 1 Workshop, May 8 Joint City/County Meeting, May 8 Regular Meeting

2. Consent agenda items 24 through 52 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: Vi Alexander

ZONING DECISIONS

3. Decision on Petition No 95-7 by Childress Klein Properties for a change in zoning for approximately 18.6 acres located on the south side of Highway 51 east of Raintree Lane from B-1SCD to CC

A protest petition was filed and was found to be sufficient, however, that protest has been withdrawn

Hearing on this petition was deferred for 30 days at the January 23 meeting. Hearing was opened and continued for 60 days at the February 20 meeting, and deferred for 30 days at the May 15 meeting Hearing was deferred for one week at the June 19 meeting.

The Zoning Committee recommends this petition be denied

Attachment 1

4. **Decision on Petition No. 95-16 by Home Depot, USA, Inc. for a change in zoning for approximately 12.27 acres located between Wendover Road and McAlway Road south of Monroe Road from I-2 and R-22 MF to CC and B-2**

This petition was deferred for 30 days at the May 15 meeting, and for one week at the June 19 meeting.

The Zoning Committee recommends this petition be approved if the joint driveway issue is resolved

This petition was deferred for one week at the June 19 meeting

Attachment 2

5 **Decision on Petition No. 95-36 by Louis P. Lagana for a change in zoning for approximately .60 acres located on the easterly side of Harris Boulevard north of Albemarle Road from R-17 MF to O-1.**

The Zoning Committee recommends this petition be denied

This petition was deferred for one week at the June 19 meeting

Attachment 3

6 **Decision on Petition No 95-43 by Whitehall Development Limited Partnership, Crosland Investors, Inc. for a change in zoning for approximately 24.74 acres located on the westerly side of York Road (N. C. 49) north of Coffey Creek and across from Arrowood Road from R-3 and B-1SCD to R-17MF(CD) and B-1(CD).**

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee recommends this petition be approved as modified

This petition was deferred for one week at the June 19 meeting

Attachment 4

PUBLIC HEARINGS

7. Public Hearing to Amend Housing Code

Action:

A. Hold a Public Hearing to amend the Housing Code; and

B. Adopt the ordinance to amend the code.

Staff Resource: Gene Shipman

Policy Enforcing the Housing Code eliminates substandard housing.

Explanation of Request:

- The purpose of this public hearing and ordinance is to amend the Housing Code The amendment changes the name of the top enforcement official from "director" to "Code Enforcement Official" and authorizes the City Manager to designate that person

- Presently, the Housing Code provides that it is to be enforced by the Director of the Community Development Department When reorganization of the Neighborhood Development Department takes effect on July 1, 1995, there will no longer be a Community Development Department

- Therefore, the Housing Code must be amended to authorize someone else to enforce it

- The proposed amendment provides for the City Manager to designate the enforcement official.

- It will eliminate the need to amend the Code again because of a departmental reorganization

Attachment 5

8. **Continue Public Hearing and Resolution To Close Asphalt Place**

Action:

A. **Continue the public hearing for abandonment of Asphalt Place and receive public comments; 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

- At the May 22, 1995 Council meeting, the Council voted to continue the public hearing for the abandonment of Asphalt Place on June 26, 1995
- Asphalt Place is located west of McAlway Road between Craig Avenue and Monroe Road and is within the property of the proposed Home Depot (rezoning petition 95-16)
- Council was requested by Home Depot to defer their decision on the rezoning petition from May 15th until June 19th On June 19th, Council postponed the decision until June 26 Home Depot will meet with CDOT and area residents on a design for the driveway access to McAlway Road before June 26.

Background:

Petitioner:
Rea Construction Company

Right-of-Way to be Abandoned:
Asphalt Place

Location:
From McAlway Road westwardly approximately 195 feet.

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

Adjoining property owners-No objection

Neighborhood/Business Association(s)-
Hillsborough Acres Neighborhood Association - No objection
Susan Goetz of 4243 Craig Avenue was originally opposed to the petition because she objected to any access by the proposed Home Depot to/from McAlway Road She and other residents are working to reach agreement with Home Depot on an acceptable driveway design to McAlway Road

Private Utility Companies - No objection

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

1 Be contrary to the public interest, or,

2 Deprive property owners in the vicinity of reasonable ingress/egress to property as outlined in NCGS 160-299

Attachment 6
Vicinity Map

9 Public Hearing And Resolution To Close An Unnamed Roadway Off The 3000 Block Of North Davidson Street

Action

A. Conduct a Public Hearing to abandon an unnamed roadway off the 3000 block of N. Davidson Street; and

B. Adopt the Resolution to Close.

Item No.

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 Council Action in accordance with the statute

Background:

Petitioner:
YMCA/Harry H. Brace

Right-of-Way to be abandoned:
An unnamed roadway off the 3000 block of North Davidson Street.

Location
Unnamed, unimproved roadway running northwest of and perpendicular to the 3000 block of North Davidson Street between East 33rd and East 34th Streets

Reason:
To incorporate the right-of-way into adjacent property to construct a daycare facility

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
North Charlotte Neighborhood Association

Private Utility Companies - No objection

City Departments-

Review has identified no apparent reason this closing would

1 Be contrary to the public interest, or,

2 Deprive any property owner in the vicinity of reasonable ingress/egress to property as outlined in NCGS 160A-299

Attachment 7
Vicinity Map

POLICY

10. City Manager's Report

11 Discussion of County Commission Actions Concerning Political Consolidation

This item will be sent in the Friday, June 23 Council-Manager Memo

12 Police Financing Agreement

Action **Approve a Police Financing Arrangement with Mecklenburg County.**

Staff Resource. Curt Walton

Policy

- In June 1992, the City of Charlotte and Mecklenburg County approved a Police Services Agreement to address the inequity of City of Charlotte taxpayers providing approximately 80% of the funding for the Mecklenburg County Police Department

- This agreement established the concept of Police Tax Equity, which became effective on July 1, 1992 Mecklenburg County entered into the same agreement with other Mecklenburg municipalities.

- The 1992 Police Services Agreement determined

  - the cost of police service to the unincorporated resident,

- determined the property tax rate that those unincorporated residents would have to pay to support that cost and,

- then returned the amount of money generated by that tax rate back to the municipalities in the form of Police Tax Equity

Explanation of Request:

- Council is requested to approve the following funding arrangement for police services:

1. In FY96, Mecklenburg County will pay the City of Charlotte $36,818,828 in Police Services and in Tax Equity funding and an estimated $7,436,000 in reallocated sales and intangibles taxes. These are the amounts approved in both the City's and the County's adopted FY96 budgets,

2. In FY97, Mecklenburg County will pay the City of Charlotte 9.6% of the total Charlotte-Mecklenburg Police Department budget, 9.6% represents the percentage of residents served by the Charlotte-Mecklenburg Police Department that live in the unincorporated area of Mecklenburg County

3. Assuming no changes to the City of Charlotte's statutory annexation powers, the flat percentage of the Charlotte-Mecklenburg Police Department that Mecklenburg County will pay to the City of Charlotte for Police Services becomes as follows

a 7 6% effective July 1, 1997
b 5 6% effective July 1, 1999
c 3 6% effective July 1, 2001
d 1.6% effective July 1, 2003
e. 0.0% effective July 1, 2005

The decreases are tied to the City's biannual annexation schedule.

The funds to be paid by Mecklenburg County for Police Services will determine the amount that will be paid in Tax Equity revenue

4 If the difference between the ratio of the population in the unincorporated area and the rate listed above for each year is greater than 15%, then the agreement can be amended

- The advantages of this arrangement are

1 The County shares in the cost of the total Police Department budget as a ratio of population There are no exceptions, such as with the Community Safety Plan in 1994 when the County declined to pay

2 The County's funding for police services decreases as there becomes little or no unincorporated area in Mecklenburg County. At that point, all police operational decisions within each service area will be made by each of the County's seven municipalities

- This funding arrangement has been included in the amended legislation to establish Police Tax Districts One implication of Police Tax Districts is that Mecklenburg County will likely end Police Tax Equity once unincorporated residents are taxed directly for their police service This will end Police Tax Equity and cause the City's tax rate to increase in order to provide the same level of Police service Based on FY96 revenue, that increase would be approximately 11¢
- If that occurs, the only payment the City would receive from Mecklenburg County relative to police services is the direct payment calculated at the above percentage, approximately $8 million in FY97

13 Resolution Concerning Amendments to the Clean Water Act

Action. **Approve Intergovernmental Relations Committee's recommendation to adopt a resolution urging Congress to amend the Clean Water Act to correct serious problems with storm water requirements.**

Committee Chair: Mike Jackson

Staff Resource. Jim Schumacher

Explanation of Request.

- In the interest of addressing unfunded mandates from the federal government on June 15, the Intergovernmental Relations Committee reviewed storm water requirements under the 1987 amendments to the Clean Water Act

- The resolution urges Congress and the President to adopt House Bill 961, which will provide the framework for a more efficient and effective program addressing the pollution of storm water runoff Key points of House Bill 961 are

  - Provides $20 million per year for EPA grants to fund state and local demonstration projects and research,

  - For each fiscal year that grant appropriations do not equal this amount, deadlines for compliance with water quality standards shall be postponed by one year; and

  - Provides for the development of storm water standards by December 31, 2008, which reflect the physical nature of storm water flows, the varying pollutants in storm water, the actual risk the flow poses to designated beneficial uses, and the ability of natural ecosystems to accept temporary storm water events

Background A review of the storm water requirements and the improvements proposed through House Bill 961 is attached

Attachment 8

14. Amateur Athletic Union (AAU) Lease Proposal

This item will be sent in the Friday, June 23 Council-Manager Memo

BUSINESS

15. Solid Waste Services Contract Award

Action. Award a five-year contract to Browning-Ferris Industries (BFI) for the collection of residential solid waste for one-fourth of the City.

Staff Resource: Del Borgsdorf and David Cooke

Policy On January 17, 1995, Council voted to privatize solid waste collection services for one-fourth of the City

Focus Area· Restructuring Government

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

- Contract is for residential solid waste collection services including. recycling, yard waste, garbage (roll-out), and bulky item collection. The price for these services is $5 66 per unit per month. The projected first-year costs for these services are $2,242,854

- The contract area, Quadrant 2, (located in south/southwest portion of city) will consist of 25% of the households in the city (about 34,000 households and designated non-residential facilities such as fire stations

- The contractor, BFI, will determine the day(s) of collection in the service area. The only stipulation is that recycling, yard waste and garbage (roll-out) must be collected on the same day The contractor is required to provide the necessary notification to customers of the service dates

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

- The contract commencement date is projected to be October 2, 1995 (Prior to October 2, 1995 the City will change routes and collection dates for the remaining three-fourths of the city)

- Contract allows for the City to hire BFI at $85 00 per hour for other services (storm/tornado cleanups, etc) if necessary

- There are no automatic price increases in the contract To obtain a price increase, the contractor must request an increase Only City Council can grant an increase in the price of the contract

- Attached is a letter from the City Manager which discusses issues related to the award of this contract and how the City has addressed some of these issues

Background·

On January 17, 1995, City Council voted to privatize solid waste collection services in one quarter of the city The following highlights the process used to date·

- City staff worked closely with the Privatization/Competition Advisory Committee, and the vendor community, with assistance from Malcolm Pirnie throughout the process

- On March 27, 1995, City Council approved the Request for Proposals (RFP) after review from the Public Services Committee

- On April 24, 1995, City Council approved the inclusion of four firms in the proposal process.

- Information updates of the process were provided at Council's January, February, March, April, May and June workshops.

- On May 26, 1995, the proposals were opened. An evaluation team composed of City staff, a member of the Citizens' Advisory Committee and Malcolm Pirnie reviewed the proposals to determine the lowest responsive cost proposal

The evaluation team also evaluated the lowest-cost proposal and the City's cost benchmark. The evaluation team concluded·

- BFI is the lowest-cost proposer The contract should be awarded to BFI, providing

  a. All conditions and terms of RFP are met.

  b. Price remains at $5.66 per unit during contract period.

Attachment 9
Letter from City Manager
Map of Solid Waste Collection Quadrants

16. Economic Development Loans. Four Walls Associates, Inc. and Aspen Window Corporation

This item will be included in the Friday, June 23, Council-Manager Memo

Item No.

17 Resolution for Two-Thirds Bonds

Action

A. **Approve a resolution authorizing staff to proceed with the actions necessary to secure authorization to issue approximately $23 million "two-thirds" General Obligation Bonds for Water and Sewer Projects.**

Staff Resource. Richard Martin and Carey Odom

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

Explanation of Request:

- Council is requested to approve a resolution authorizing staff to proceed with the actions necessary to issue approximately $23 million "two-thirds" General Obligation Bonds The Resolution includes the following

  - Authorization to file an application with the Local Government Commission

  - Designation of the Finance Director, Deputy Finance Director or the City Treasurer as the official to sign and file the application and the Sworn Statement Of Debt

  - Determination by City Council that the projects proposed for funding are essential to the current and future operation of the City

- The following two additional Council actions will be required to complete the authorization process·

  - Introduction of bond orders and calling of public hearing (July 24, 1995)

- *Hold public hearing and adopt bond orders (August 28, 1995).*

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

Attachment 10
List Of Projects To Be Funded

18. Amendment to Interlocal Agreement with Mecklenburg County for Joint Data Processing Programs

Action: **Approve an amendment to the interlocal agreement for joint programs to consolidate the City and County data center under the County.**

Staff Resource: Dave Cooke

Focus Area Restructuring Government

Policy Consolidation of functions performed by both the City and County creates operating efficiencies, saves money, and improves customer service.

Explanation of Request:

- Through this amendment, the City will have annual projected savings of $104,823 and will be able to transfer 5 employees to the County Additional savings for the City will come from the elimination of 1 receptionist position in CIS.

- City and County staff have worked out terms for the data center consolidation, including service levels and objectives The key provisions of the amendment to the interlocal agreement include·

  - A scope of services agreement for the data center operation.

  - A cost sharing arrangement under which the County will pay 64 4% and the City will pay 35.6%. This is based on each jurisdiction's share of current costs.

  - An agreement by the County to provide receptionist services for the CIS Department at an annual cost of $10,000.

  - An initial term of 2 years with automatic 1 year renewals

- The FY96 adopted budgets of the City and County reflect the Amendment as agreed by staff

- The County Commission approved the Amendment on June 6, 1995

- A copy of the exhibits and attachments to the amendment are in the City Council library

Attachment 11
Second Revised Fifth Amendment to Consolidated Shared Programs Joint Undertaking Agreement

19. Self Permitting Ordinance for CMUD Water and Sewer Main Extensions

Action: **Approve an ordinance creating a new Article VI to Chapter 23 of the Charlotte City Code entitled "Permits for Extensions or Modifications of Water or Sewer System."**

Staff Resource: Barry Gullet

Policy: Restructuring Government

Explanation of Request:

- CMUD is requesting that the NC Department of Environmental Health and Natural Resources (NC DEHNR) delegate authority to issue permits for the extension of water and sewer mains to CMUD

- These permits are required prior to construction of any extensions to the CMUD system. NC DEHNR is allowed to delegate this authority by state statute

- This process will streamline the design/construction process for all CMUD projects It will eliminate approximately 4 to 8 weeks from the process thereby allowing quicker customer connections to the CMUD system

- The Land Development Community (Developer Liaison Committee) and the CMUD Advisory Committee support this request.

- A requirement for CMUD to receive this delegation is that an ordinance must be adopted to establish the authority for processing permit applications, setting permit requirements, enforcement and penalties which is compatible with those for permits issued by the NC DEHNR.

- By accepting this authority, CMUD will be able to approve and implement projects without the delays associated with applying to DEHNR This is typically about one month, but can take longer

- The workload impact of this on CMUD is minimal since the same reviews that are required for permitting are already done for plan approval

- CMUD will implement this program July 31, 1995, subject to approval by the NC Environmental Management Commission (EMC) on July 13, 1995

- CMUD will save approximately $30,000 per year in permit fees now paid to the state for CMUD projects CMUD will also collect approximately $15,000 - $20,000 per year for permit fees from developer projects CMUD proposes the same fee structure for permitting that NC DEHNR uses

- CMUD applies for approximately 500 (total) water and sewer permits each year NC DEHNR does not currently charge fees for issuing water main permits The fee for sewer main permits is $200 per project if the applicant (CMUD) completes a design review checklist or $400 per project if the checklist is not completed CMUD always includes the checklist

Attachment 12

20. **Set Date for City Manager's Evaluation**

Action·	**Set an Executive Session for July 17 at 3:00 pm for the purpose of conducting the City Manager's annual evaluation.**
Policy	City Council annually conducts an evaluation of the City Manager's performance and compensation.
Explanation of Request:	Staff has reviewed the Mayor's, Council's and Manager's calendars and recommends holding this evaluation on July 17 at 3:00 pm This is before the regularly scheduled Zoning Meeting

21 **Set Date and Agenda for August Workshop**

Action

Add August 7 to Council Meeting schedule for a workshop. The topics include:

- **Presentation by Housing Authority**
- **Hotel/Motel Tax Use and Distribution**
- **Focus Area Update**
- **Cemeteries and Asset Management**

22 **Nominations for Boards and Commissions**

Action

Council will nominate one citizen per vacancy after the Mayor announces each category.

A. Airport Advisory Committee

Two three year positions beginning August 1, 1995. Laura McClettie and Henry Nicholson are both eligible and would like to be reappointed Mr Nicholson's position must represent an aviation affiliation

Attachment 13

B. Charlotte-Mecklenburg Community Relations Committee

Eight appointments for three year terms beginning July 1, 1995 and ending June 30, 1998

Two appointments to serve one year beginning July 1, 1995

Attachment 14

C Clean City Committee

Three positions to fill unexpired terms beginning immediately and expiring June 30, 1997. Heather Fisk, Thomas Sowell and Michael Wilkinson have not met attendance requirements.

Attachment 15

D. Convention and Visitors Bureau

Two three year positions beginning September 16, 1995 Beverly Earle and Keith Haywood are eligible and would like to be reappointed.

Attachment 16

E Domestic Violence Advisory Board

One three year appointment beginning September 22, 1995 Melody Moore-Hunt is eligible and would like to be reappointed

Attachment 17

F Mint Museum Board of Trustees

One three year appointment beginning August, 1995. Michael Blair is eligible and would like to be reappointed

Attachment 18

G. Tree Advisory Commission

One appointment beginning immediately to fill an unexpired term ending December, 1995 and the next regular three year term Jerry Regenbogen has resigned.

Attachment 19

H. Waste Management Advisory Committee

These are all recommendations to the County Commission

One appointment to represent the medical-scientific category. Robert Smith is not eligible to be reappointed Appointment begins September, 1995 for a three year term

One recommendation for the legal category James Exum has not met attendance requirements. Appointment is a three year term and begins immediately Expiration date is September, 1998

One recommendation to represent the Planning Committee Ike Heard does not want to be reappointed. Appointment begins immediately and is a three year term expiring September, 1998

One recommendation to represent the Clean City Committee. Pamela Arthur is eligible and would like to be reappointed to a three year term beginning in September, 1995

Attachment 20

I. Youth Involvement Council Advisory Board

Two year term beginning August, 1995 Deborah Griffin does not wish to be reappointed Michael Whitehead is eligible and would like to be reappointed.

Attachment 21

23 Nominations and Appointments to Charlotte-Mecklenburg Charter Commission

Action: Make any further nominations and appoint 10 members to the Charlotte-Mecklenburg Charter Commission

1. Dan Bishop by Councilmember Wheeler

2. Rev. Coleton by Councilmember Scarborough

3. Bob Davis by Councilmember Martin

4. Eric Locher by Councilmember McCrory

5. Diane Long by Councilmember Scarborough

6. Ralph McMillan by Councilmember Wheeler

Item No.

7. Joe Miller by Councilmember Reid

8. Rev. Conrad Pridgen by Councilmember Scarborough

9. Terry Rhodes by Councilmember Majeed

10. Sam Smith by Councilmember Spencer

11. Ed Woodall by Councilmember Jackson

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

24. Various Bids

A. **Rubber-Tire Loader** — **Aviation**

Recommendation: The Aviation Director recommends the low bid of $83,576 by E F Craven Company, Charlotte, NC

MWBD Compliance. Yes. No known MWBE suppliers for this equipment

B. **Sanitary Sewer Construction - McAlpine Creek Parallel Interceptor and Tributary 1A** — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $4,300,572.96 by Sanders Brothers, Incorporated of Charlotte, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$27,000	0 6%	1%
WBE	$66,400	1 5%	1%

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

C. Water and Sewer Main Construction - FY95 Contract #112 - Street Main Extensions — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $506,113 50 by McDaniel Construction Contractors, Incorporated of Bostic, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$506,113 50	100%	3%

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

D Resurfacing Spring 1995 — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $1,634,765 86 by Rea Construction of Charlotte, NC.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$99,000	6 1%	6%
ABE	0	0	0
NBE	0	0	0
HBE	0	0	0
WBE	$90,200	5 5%	2%

Compliance. Yes

Item No

E. **Fire Protective Clothing** — **Fire**

Recommendation: Fire Chief recommends the low bid of $75,134 by Morningpride of Newton, N.C

MWBD Status:	Amount	% of Project	Project Goals
MBE	0	0	0
WBE	0	0	13%

Compliance: Yes, a woman-owned company submitted a bid, but was not low bid

F. **South Boulevard Business Corridor, Phase I, Infrastructure Improvements** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $467,827 50 by United Construction Company of Charlotte, NC.

MWBD Status:	Amount	% of Project	Project Goals
BBE	0	0	4%
ABE	$467,827 50	100%	0
NBE	0	0	0
HBE	0	0	0
WBE	0	0	3%

Compliance: Yes United Construction is an ABE

G. **Transit Center Roadway Safety Improvements** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $143,144.40 by Ferebee Corporation of Charlotte, NC

MWBD Compliance. Yes Ferebee will do all work with its own forces

Item No.

H Loma Linda Culvert — Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $179,628.96 by Ferebee Corporation of Charlotte, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	$60,000	35 1%	6%
ABE	0	0	0
NBE	0	0	0
HBE	0	0	0
WBE	$2,500	1 5%	5%

Compliance· Yes

I. Cherry Storm Drainage Improvements Phase 2 — Engineering and Property Management

Recommendation· The City Engineer recommends the low bid of $845,362 74 by Ferebee Corporation of Charlotte, NC

MWBD Status.	Amount	% of Project	Project Goals
BBE	0	0%	7%
ABE	0	0	0
NBE	0	0	0
HBE	0	0	0
WBE	$71,358	8 4%	4%

Compliance Yes

J Storm Water Maintenance FY95-E — Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $328,050 by United Construction Company of Charlotte, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	0	0	6%
ABE	$328,050	100%	0
NBE	0	0	0
HBE	0	0	0
WBE	0	0	6%

Item No

Compliance. Yes United Construction (ABE) will do all work with its own forces.

K. Storm Water Maintenance FY95-F — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $333,225 by Lord Industries, Inc of Huntersville, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	0	0	6%
ABE	0	0	0
NBE	0	0	0
HBE	0	0	0
WBE	333,225.00	100%	6%

Compliance: Yes Lord Industries (WBE) will do all work with its own forces

L. Water Treatment Chemicals - Hydrated Lime Bulk — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $77,000 by Prillaman Chemical Corp , of Suffolk, Virginia

MWBD Compliance: Yes A minority-owned company submitted a bid, but was not low bid

M. Water Treatment Chemicals - Sodium Hydroxide — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $46,620, by Jones Chemical Company of Charlotte, North Carolina

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

Item No.

N. **Water Treatment Chemicals - Liquid Chlorine** — **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $215,400 by Jones Chemical Company of Charlotte, North Carolina

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

O. **South Boulevard/Archdale Drive/ Old Pineville Road Intersection** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $996,707 32 by Blythe Development Company, Inc of Charlotte, NC

MWBE Status:	Amount	% of Project	Project Goals
BBE	$66,448	7%	7%
ABE	0	0	0
NBE	0	0	0
HBE	0	0	0
WBE	$56,292	6%	6%

Compliance: Yes

25. **In Rem Remedy**

A **4816 Hovis Road**

Action: **Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 4816 Hovis Road (Hoskins/Thomasboro Neighborhood), located in the City Within a City boundaries.**

Attachment 22

B 4221 Plato Circle

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 4221 Plato Circle (West Boulevard Neighborhood), located in the City Within a City boundaries.

Attachment 23

C. 1727 Pegram Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1727 Pegram Street (Belmont Neighborhood), located in the City Within a City boundaries

Attachment 24

D 1521 Harrill Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1521 Harrill Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 25

E. 2201 Yadkin Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2201 Yadkin Avenue (Belmont/Villa Heights Neighborhood), located in the City Within a City boundaries.

Attachment 26

F. 1128-30 Belmont Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the commercial structure at 1128-30 Belmont Avenue (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 27

26 Resolution of Intent To Abandon Street and Set Public Hearing - A Portion of Havelock Drive

Action.

A. Adopt the Resolution of Intent to abandon a portion of Havelock Drive; and

B. Set a Public Hearing for July 24th, 1995

Attachment 28

27. Speed Limit Change

Action. Adopt an ordinance to lower the speed limit to 25 MPH on Norcross Place (Midwood Park).

CONSENT II

28 **Budget Ordinance for the Charlotte Convention and Visitor's Bureau**

Action: Approve a budget ordinance appropriating $66,098 to the Charlotte Convention and Visitor's Bureau for operating expenses from revenues in excess of the budget estimate.

Explanation of Request.

- The City's contract with the Charlotte Convention and Visitor's Bureau (CCVB) allocates funds from the net proceeds of the first 3% Occupancy Tax.
- Annually, the budget estimates the amount of revenue for the CCVB contract In addition, the City requires the maintenance of an 8% reserve
- After actual revenues are received, any revenue above the estimate is appropriated to CCVB for use
- The fund balance is presently $200,413 of which $66,098 is above the 8% reserve requirement.

Funding: Dedicated Revenue Reserve Account

Background:

- The City entered into a contract with the Charlotte Convention and Visitor's Bureau (CCVB) on July 1, 1987 allocating funds from the net proceeds of the first 3% Occupancy Tax to CCVB for activities and programs aiding and encouraging convention and visitor promotion

29. Interlocal Agreement with Pineville for Animal Control Services

Action. **Approve a resolution authorizing an Interlocal Agreement with the Town of Pineville for Animal Control Services.**

Explanation of Request:

- The Town of Pineville has requested that the Animal Control Bureau of the Charlotte-Mecklenburg Police Department provide the same animal control services as those provided to residents of Charlotte and the unincorporated areas of the County under City of Charlotte Code Chapter 3 - Animals

- The Animal Control Bureau currently provides Pineville with the animal control services that were outlined in the code prior to its amendment in 1989

- Pineville now desires an interlocal agreement that provides the full range of animal control services This means that the Animal Control Bureau will now

  - provide enforcement of the leash law,

  - make available the services of the Dangerous Dog Task Force, and

  - enforce the permit process for ownership of four or more animals

- The Animal Control Bureau will provide the additional services to Pineville at no charge since the county provides 36% of the section's budget. The City already has similar agreements with Huntersville and Mint Hill

- The City will realize additional revenues from the enforcement of the ordinance through the fees collected for animal licenses and the monies collected from citations issued for violations of the ordinance The County will receive 36% of that revenue

- Provision of full animal control services to Pineville will increase the volume of calls to Animal Control and will necessitate the continued prioritization of calls for service, with those calls impacting public safety receiving the highest priority

- During the next fiscal year, Budget and Evaluation will assist the Animal Control Bureau in reviewing the animal control service agreements with Pineville, Mint Hill and Huntersville to determine their impact upon the resources of the Animal Control Bureau and will make recommendations regarding any needed changes in these agreements

Background:

- Since the consolidation of the Animal Control function, the incorporated towns within Mecklenburg County have entered into interlocal agreements with the City for the provision of animal control services

- When the animal control ordinances were revised and strengthened in 1989, the incorporated towns had the option of retaining their previous level of service or entering into new interlocal agreements providing the extended level of services including the enforcement of leash laws and provisions of the ordinance dealing with dangerous dogs

- Mint Hill and Huntersville entered into new interlocal agreements while Pineville, Davidson, Cornelius and Matthews maintained the level of service provided under the old ordinance

30. Resolution for Authorization of Remaining 1988 Parks and Recreation Bonds

Action

A. Adopt a resolution that authorizes staff to proceed with the actions necessary to seek an extension on the remaining authorization ($3,315,000) for the 1988 Parks & Recreation Bonds.

B. The resolution also establishes July 24, 1995 as the date for a public hearing concerning the extension.

Policy

On July 1, 1992 the Parks & Recreation Departments of 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 of 1988 Parks and 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 design and 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\Four Seasons 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 (7) years of authorization unless an extension is approved by the Local Government Commission

- The Commission will grant extensions for reasons that are not within the direct control of the issuing unit 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 cannot 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.

31. Street Closure/Lease Agreement with NationsBank, N.A

Action:

A. Approve a Street Closure/Lease Agreement with NationsBank,N.A. for construction of TransAmerica Square. The lease amount is estimated to be $145,988.01.

B. Authorize the City Manager to execute the Street Closure/Lease Agreement.

Policy. The City leases public rights-of-way for approved construction activity.

Explanation of Request:

- The City Council adopted a temporary street closing policy on September 23, 1985. This policy requires the developer to make a written request to the Charlotte Department of Transportation (CDOT) to use public right-of-way, defining the proposed use and time schedule.

- Temporary closings of less than one year are approved by CDOT Closings of one year or more or in the Central Business District during the holiday shopping season must be approved by City Council

- It is recommended that City Council approve the use of right-of-way on North Tryon Street, West Seventh Street, North Church Street, and West Eighth Street for the time period beginning July 1, 1995 and ending on June 30, 1997

Background:

Developer. NationsBank, N.A.

Project. TransAmerica Square

Location Block bounded by North Tryon Street, West Seventh Street, North Church Street, and West Eighth Street

Item No.

Right-of-Way Use
North Tryon Street - sidewalk
West Seventh Street - sidewalk
North Church Street - sidewalk and travel lane
West Eighth Street - sidewalk and travel lane
Lease Amount (estimated). $145,988.01

32 Torrence Chapel Road Pump Station - Professional Services Contract

Action: **Approve a Professional Services Contract with Woolpert Consultants for the surveying, design and construction inspection of the sanitary sewer pump station, force main and gravity trunk line to serve Torrence Chapel Road for $65,500**

Explanation of Request:

- The sanitary sewer pump station, force main and gravity sewer trunk mains are necessary in order to provide sanitary sewer service to the Torrence Chapel Road area in northern Mecklenburg County
- The professional services contract with Woolpert Consultants is for surveying and design of the sanitary sewer pump station, force main and gravity sewer trunk and construction inspection of the pump station only CMUD will inspect the gravity sewer and force main in-house
- The consultant was selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process

Background: These sanitary sewer projects were approved in the FY95 CIP

33. North Mecklenburg Water Treatment Plant - General Construction - Contract #4 - Change Order #2

Action: Approve Change Order #2 to the construction contract with Brasfield & Gorrie, Incorporated for general construction of the North Mecklenburg Water Treatment Plant - $312,384. With this Change Order, Brasfield & Gorrie's contract will increase from $27,239,238 to $27,551,622.

Explanation of Request:

- The original contract includes construction of a 36-inch transmission pipeline along Babe Stillwell Farm Road from the proposed water plant to N C Highway 73
- In order to deliver water from the plant into the distribution system, a 24-inch pipeline along N C. Highay 73 from Babe Stillwell Farm Road to David Kenney Farm Road is required This pipeline has been designed by CMUD staff and plans have been approved.
- To meet the time schedule required to deliver start-up water to the plant, construction must start immediately
- CMUD has requested a price for construction of the 24-inch pipeline from Brasfield & Gorrie. The negotiated price of $312,384 is less than CMUD's construction estimate based on our most recent bids for similiar projects, and is a 1.15% increase in the contract price
- This change order will allow payment to the Contractor for construction of the 24-inch water pipeline

Background:

- On August 22, 1994 City Council approved a general construction contract with Barsfield & Gorrie for $27,239,238

- Change Order #1 was approved by the CMUD KBE on January 11, 1995 for a 30 day time extension No additional funding was approved

34. Water Treatment Plant Operation and Wastewater Treatment Plant Operation Procurement - Professional Services Contract

Action· **Approve a Professional Services Contract with Camp Dresser & McKee (CDM) to manage the Competition Process for Water and Wastewater Treatment Plant Operation for $192,515.**

Policy. Competition Plan adopted by Council on July 25, 1994

Explanation of Request. The Utility Competition Plan includes operation of one Water Treatment Plant and one Wastewater Treatment plant. The annual operating cost of these two operations is approximately $4.2 million

CDM will develop the Request for Proposals They will also:

- develop technical and performance specifications;
- assist in qualifications of bidders;
- evaluate proposals,
- assist in negotiating a contract with the successful bidder.

CDM was selected based on their experience and knowledge of the CMUD system and operation

35. HDR Engineering Contract for Technical Services at Irwin Creek Wastewater Plant and Vest Water Plant

Action:

A. Approve a contract with HDR Engineering for plant evaluation and bidding assistance of the operation and management of Irwin Creek Wastewater Plant in an amount not to exceed $49,000 for basic services; and not to exceed $41,000 contingent on cost savings, for a total not to exceed $90,000

B. Approve a contract with HDR Engineering for plant evaluation and bidding assistance of the operation and management of Vest Water Plant in an amount not to exceed $49,000 for basic services; and not to exceed $41,000 contingent on cost savings, for a total not to exceed $90,000.

Explanation of Request

- HDR Engineering will help CMUD staff do a thorough evaluation of the operation and management of the Irwin Creek Wastewater Plant and the Vest Water Plant to identify the most cost effective method of operation
- HDR will also assist CMUD in responding to the RFQ/RFP competition process for operation of these plants.
- The results of HDR's work can be applied to the other water and wastewater plants to help reduce costs.
- Each plant evaluation will initially cost $49,000. HDR can earn an additional $41,000 at each plant based on cost savings achieved

Item No.

36 **Town of Mint Hill Sanitary Sewer and Water Mains - 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 and Water Mains to Serve the Town of Mint Hill for $1,378,550.**

Explanation of Request:

- The Town of Mint Hill has requested that CMUD extend sanitary sewer and water service to certain areas within the town limits This will allow those areas to take advantage of the street main extension program once the sewer trunks and water lines have been installed
- Pursuant to the 1984 water and sewer consolidation agreement between Mint Hill and Charlotte, Mint Hill will transfer funds to the City of Charlotte for design and construction of the facilities CMUD will provide design and construction management services and will be responsible for the bond debt service
- 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 16% of the estimated construction cost and is within the guidelines established by the American Society of Civil Engineers (ASCE) Manual for Procurement of Engineering Services

Funding: Mint Hill Water and Sewer Bonds

Background:

- This project was approved in the FY 1996 - 2000 Capital Improvement Program

- On June 8, 1995, City Council approved the contract with the Town of Mint Hill that provides for the receipt and management of bond proceeds as well as the payment of the debt service on Town Bonds used to finanace extensions to the CMUD water/sewer system

37 **Joint Funding Agreement for Water Resources Investigation**

Action: **Approve a Joint Funding Agreement totalling $124,500 for Water Resources Investigations with the Geological Survey, United States Department of the Interior in the Lower Catawba River Basin**

Explanation of Request:

- In order to effectively manage the water resources in the entire Catawba Basin, there is a need for systematic basin wide scientific studies to address water issues that affect the growth of the City and the region CMUD believes that these studies will supply this management tool

- In 1993, The USGS (U S. Geological Survey) contacted CMUD about participating in a study of the Lower Catawba River City Council approved $115,000 to match a USGS amount of $115,000 to jointly fund the first phase of the study

- The first phase included

  - measurement of water runoff into Mountain Island Lake (CMUD raw water source),

  - development of a water quality model to determine how the river is able to absorb pollutant loads,

- development of a workplan for possible regional work to include Lake Norman and Lake Wylie

- Based upon the first phase of the study results, CMUD recommends continued participation in the investigations which could proceed through 1997 if funded by both the City and USGS

- The matching funds required by the City are

  - 1994 $115,000 (approved)
  - 1995 $124,500 (this request)
  - 1996 $114,500
  - 1997 $37,000

Background·

- The Joint Funding Agreement for $115,000 was approved by Council on June 28, 1993, for the first phase of study

38 Convention Center, Final Sitework Contract, Change Order #2

Action.

Approve Change Order #2 to the Convention Center Final Sitework contract with Crowder Construction Company for $183,143 increasing their contract from $2,489,278 to $2,672,421.

Explanation of Request.

- This change order incorporates many of the changes that occurred during the final months of construction It includes additional work required to accommodate design modifications necessary to meet actual field conditions, Other work was added such as water proofing, concrete work, sewer lines, expansion joints, and landscaping

Attachment 29
Budget Summary

39. Convention Center, Concrete 2 Contract, Change Order #9

Action. Approve Change Order #9 to closeout the Convention Center Concrete 2 contract with Baker Concrete reducing their contract by $143,081, from $5,790,143 to $5,646,948

Explanation of Request.

- This change order is the result of negotiations to close out Baker's contract and represents assessing Baker their share of expenses for work performed by other contractors. These include clean up expenses, damage to other contractors work, and work that was included in their scope but was not provided
- Funds will be credited to the Convention Center Account

Attachment 30
Background

40 Convention Center, Finishes, Change Order #10

Action: Approve Change Order #10 to the Convention Center Finishes contract with Cecil Malone for $782,628 increasing their contract from $13,319,511 to $14,102,139

Explanation of Request·

- This change order represents payment for all remaining costs due Cecil Malone in completing the project as recommended by the Construction Manager At this time, Cecil Malone disputes the change order amount and claims they are due approximately $1 8 million
- Paying the amount recommended by the Construction Manager will allow Cecil Malone to pay outstanding invoices from many of their subcontractors and suppliers

- This change order covers all outstanding work provided by Cecil Malone which was not in their original scope and a portion of overtime expenses incurred by Cecil Malone for which the Construction Manager had pre-approved

- This change order includes assessing Cecil Malone their share of expenses for work performed by other contractors and Fluor Daniel These included cleanup expenses, damage to other contractors work, and work that was included in their scope but was not provided

Attachment 31
Background

41 **Colony Road Extension - Public/Private Construction Agreement**

Action: **Approve the agreement with Carmel Crescent Development Limited Liability Company (LLC) in the amount of $116,000 to construct part of the planned Colony Road Thoroughfare Extension east of Carmel Road.**

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

Explanation of Request:

- Carmel Crescent Development LLC is developing a tract of land east of Carmel Road contiguous to the planned Colony Road Extension Access is to be by way of a publicly maintained road to be built within the planned Colony Road Extension right-of-way

- The developer is required only to dedicate a right-of-way 60 feet in width and to build a street 34 feet wide to access the Carmel Crescent development

- The Colony Road Extension, which already is designed, provides for a median divided roadway and right-of-way that is greater in width

- This agreement provides funds to compensate the developer for additional right-of-way and construction costs incurred in constructing the full Colony Road cross section for a distance of approximately 720 feet to serve the development east of Carmel Road

42. **Transportation Design Projects - Engineering Services**

Action: **Approve five separate agreements for Engineering Services for $1,870,582.**

A. Twelve Sidewalk Improvements - Kimley-Horn - $217,764.

B. Three Roadway / Intersection Improvements - TGS Engineers - $323,617.

C. Two Major Intersection Improvements - Post Buckley Schuh & Jernigan - $409,966.

D. Three Roadway Improvements - Gannett Fleming - $334,000

E. Northwest Circumferential Grade Separation - Ralph Whitehead Associates - $585,235.

Item No

Explanation of Request:

- Award of these five agreements will complete the plan to accelerate the road and intersection projects (total of eight agreements) necessary to expend the 1988 Street Bonds within the time constraints specified by state and federal law
- Council approved the first three agreements on May 22, 1995.
- The Council-approved consultant selection process was used to select the firms to provide design services on the projects
- The cost of these services is comparable to the cost of similar work for other transportation projects

Attachment 32
Project Information
Request for Council Action Item No 25
from May 22, 1995, Agenda w/attachments

43 **General Aviation Area Fuel Facility**

Action

A. **Adopt a budget ordinance appropriating $500,000 for the installation of a joint-use aviation fuel facility; and**

B **Award a $472,897 contract to Gilbert Engineering Company of Statesville for this facility.**

Explanation of Request:

- This contract provides the installation of a joint-use aviation fuel facility for corporate aviation operators The facility will be owned by the City and operated by a private operator under contract to the City All costs will be reimbursed to the City by the users

- The project budget of $500,000 covers the contract amount and contingency of 5.4%

Background:

- Bids were received on May 11, 1995 from five bidders Gilbert Engineering Company was the low bidder

- The DBE goal of the project was 12 percent. Gilbert Engineering Company did meet that goal

44 Contract for Ramp "B" Expansion Engineering Design

Action.

A **Adopt a Budget Ordinance appropriating $625,000 for the Ramp "B" Expansion and Taxiway project; and**

B. **Award a $525,000 contract to Talbert & Bright, Inc. for engineering design services for the Ramp "B" Expansion and Taxiway Project.**

Explanation of Request:

- As part of the Airport Master Plan, this project will expand the air carrier ramp and construct an additional taxiway to enhance the capacity of the airfield. This contract will provide all of the professional engineering services to complete the design of this extensive project. The cost of this project is estimated at $14,000,000.

- This fee is 3.6% of the estimated construction costs of $14,000,000. Initially, Talbert & Bright, Inc submitted a fee proposal of $535,730 and was subsequently negotiated to $510,000 plus $15,000 for reimbursable expenses

- Preliminary engineering work, such as surveying and geotechnical investigations, are estimated at $100,000

Funding

Initially, the City will fund the design fee of this project. It becomes eligible for 75% Federal funding when the Federal Aviation Administration issues the airport a grant for this project. The balance will be repaid through airline rates and charges.

Background:

- The need for these taxiways is identified in the Airport Master Plan and the Airport Capacity Enhancement Plan In 1994 the FAA Aviation System Capacity Office in Washington began a series of computer simulation studies to determine the best priority for future airfield expansion at Charlotte. These simulations determined an annual delay cost avoidance of $9 million to the airlines if we construct these taxiways

- As required by federal regulations, the airport must solicit proposals from professional engineering design firms to perform consultant services for Federal Aviation Administration projects

- November 1994 - Proposals were received from eleven engineering consultant firms

- December 1994 - Selection Committee made up of two Aviation staff, one Engineering and Property Management staff, one Charlotte Department of Transportation staff, and a member of the Airport Advisory Committee selected Talbert & Bright, Inc and W K Dickson & Co to perform professional engineering consultant services for the next three years in accordance with federal regulations

- The Airport Advisory Committee is recommending this contract.

45. FAA Grant Amendment

Action: **Adopt a resolution accepting Amendment #1 to the FAA Grant Agreement (#3-37-0012-17) to include upgrade of Security Access System at the airport.**

Explanation of Request:

- This Grant Amendment is necessary to provide 75% federal funding for the proposed upgrade of the Airport's Security Access System.
- This Security System Upgrade, which is estimated at $50,000, will provide installation of an Intelli-Key System for certain access points to the aircraft ramp
- This system will allow the airport to maintain strict control over these access points and will facilitate compliance with federal regulations.

Background:

- On April 27, 1992, City Council accepted $10,286,051 in federal funding for two high priority airport improvement projects All construction activity has been completed and the projects came in under budget; therefore, the FAA has offered to amend the workscope to include the security upgrade
- The Airport Advisory Committee is recommending this grant amendment

46. Memorandum of Understanding with Federal Aviation Administration

Action. **Approve a Memorandum of Understanding between the City of Charlotte and the Federal Aviation Administration (FAA) regarding the responsibilities of the parties and procedures to be followed in the preparation of the Environmental Impact Statement (EIS) for a proposed 3rd parallel runway at the airport.**

Item No

Policy: Airport Master Plan

Explanation of Request: This Memorandum of Understanding has the following general provisions:

- The FAA will be responsible for assuring compliance with all the requirements of the National Environmental Protection Act and other federal environmental orders. The FAA shall insure that all pertinent environmental issues and impacts, and reasonable alternatives and their impacts are treated in the EIS, and shall be responsible for the scope and content of the EIS
- The City will retain, at its cost, an independent consultant, selected by the FAA, for the preparation of the EIS The City will coordinate the exchange of information as it relates to the preparation of the EIS between the consultant and the FAA
- The City and the FAA will appoint representatives to coordinate the satisfactory preparation of the EIS and review subsequent phases of the preparation of the EIS, as well as have their appointed representatives attend all meetings with other federal, state, regional and local agencies, including the public
- This agreement may be terminated with thirty (30) days written notice to the other party.

Funding: No funds are required for the Memorandum of Understanding The Federal Aviation Administration will provide 75% of the funding for the planning work

Background

- At the Council Workshop on April 3, 1995, the Aviation Director was authorized to proceed with the consultant selection process for the Airport Master Plan Update and Environmental Impact Study for the 3rd Parallel Runway.

- Qualification proposals have been received from Airport Planning and Environmental firms, and on June 29, 1995, the Selection Committee will interview the finalists.

- The Airport Advisory Committee is recommending this Memorandum of Understanding.

47 Corporate Aviation Hangar Lease Agreement

Action:

A. Approve an amendment to the lease with Signature Flight Support to release 1 248 acres to the City, and

B. Approve a lease agreement with TAPS, Inc. for the same 1.248 acres.

Explanation of Request·

- TAPS, Inc , a local investor group comprised of the Carolinas Medical Center, Royal Insurance Company, Ruddick Corporation and United Dominion Industries, wants to lease land at the airport to build corporate hangar facilities.

- The property that TAPS wants to lease is currently under lease to Signature Flight Support by the City. Signature has agreed to release this property, which will allow the City to deal directly with TAPS, Inc

- Under the terms of the Signature Lease Amendment, Signature's ground rent will be reduced by $3,500 per acre, per year, for the 1.248 acres released

- Under the terms of the new lease agreement with TAPS, Inc., the City will lease 1 248 to TAPS for 20 years based on $4,850 per acre, per year, with a clause that allows the City to escalate the ground rent every five years Additionally, TAPS will pay Airport Services Fees annually (estimated at $35,000 for 1995)

- Initially, TAPS will sublet Tracts 1 and 2 to Ruddick and United Dominion, respectively Ruddick and United Dominion will each fund and construct a 12,000 square feet aviation hangar facility for their corporate aircraft use

- At a later date, TAPS will sublet Tract 3 to an existing consortium member (to be determined) who will construct a third hangar. The 20-year term on Tract 3 will start at that time to allow an amortization period.

Background

- November 23, 1981 - Council adopted the Transportation Committee's recommendation that Council commit that there be at least two full service Fixed Base Operators at the Airport Subsequently, Council awarded approximately $4.3 million dollars in contracts for the first phase development, which included site preparation, taxiway access, access roads and parking lots for two full service general aviation facilities, and the City's area reserved for covered aircraft storage

- May 9, 1983 - Council approved 20-year lease agreements with Thurston Aviation and Butler Aviation to construct and operate general aviation facilities on sites provided by the City

- April, 1987 and November, 1988 - Council considered requests by Thurston Aviation for modification of its lease agreements.

- June 12, 1989 - Council approved the modifications which provided a reduction in minimum rentals payable by both Thurston and Butler The lease modifications were to provide Thurston and Butler an opportunity to operate and maintain first class FBO facilities in what has been a declining general aviation market in recent years.

- September, 1992 - Butler Aviation merged with Page-Avjet to form Signature Flight Support.

- November, 1992 - Council approved assignment of the FBO facility lease agreement from Thurston Aviation to TAPS. Since then, Signature Flight Support has been the only Fixed Base Operator.

- The Airport Advisory Committee is recommending this lease agreement

48. Cargo Facility Lease Amendment

Action: **Approve a cargo facility lease amendment with Burlington Air Express at the airport**

Explanation of Request:

- This lease amendment provides Burlington Air Express with an additional 4,000 square feet of warehouse space at $6 25 per square foot

Background:

- August 24, 1992 - Council awarded construction contract for a new 19,300 square foot building.
- April 12, 1993 - Council approved leasing the new building to Burlington Air Express for five years.
- July 25, 1994 - City authorized payment to Beam Construction in the amount of $104,700 (funded with insurance proceeds) to repair tornado damage to the building. Burlington requested that the building be expanded during reconstruction process to meet additional needs and agreed to pay additional rentals for expansion
- November 29, 1994 - Council awarded construction contracts to Beam Construction Company for a 4,000 square feet expansion
- The Airport Advisory Committee is recommending this lease amendment

49. Sale of City Property

Action. **Approve the sale of City owned property located at 4323 McKinley Drive.**

Policy· Airport Master Plan

Explanation of Request Council is requested to approve the sale of City owned property subject to compliance with the provisions of the N. C. General Statutes and pursuant to the terms of the following offer

Property Address	4323 McKinley Drive
Tax Code:	061-081-30
Buyer's Name	Cleveland & Gloria Haggins
Offer	$48,700

Background:

- In accordance with the Part 150 Plan, the airport acquired 13 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zone Noise levels in the area subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan.

- The airport provided noise insulation to 4323 McKinley Drive and listed the property in Multiple Listing service for sale to the public on January 4, 1994 The sales price was determined by an MAI appraisal

- An offer to purchase was extended through an independent realtor The offer is 94% of the asking price

- The offer was advertised for 10 days in accordance with North Carolina General Statute 160A-269 for upset bid. No offers were received.

- The buyer will pay $48,700 The City will pay 1.5 points on a North Carolina Down Payment Assistance Program Loan and $360 for an ERA Protection Plan Warranty

50. Airports Council International Membership

Action· **Approve $50,063 for annual Airports Council International (ACI) membership dues for the Aviation Department**

Explanation of Request.

- ACI is a worldwide organization for over a 1,000 airports Its primary functions include

- promoting legislation, regulations and international agreements that support member airports' interests

- providing timely information and analysis of domestic and international developments to member airports

- developing and promoting programs that stimulate public awareness of the economic and social importance of airports

- ACI membership fees are based on units of traffic Units measured include enplaned passengers and enplaned freight Due to airport growth, ACI membership fees have significantly increased

- Charlotte is one of 50 airports that has gone on record that "ACI dues must be lowered " In October, 1994, 25 airport leaders met to discuss current issues When the meeting concluded, the priority issue was to "reduce operating expenses and dues "

- In keeping with Council's directive, ACI will be asked to inform the Airport of their cost reduction strategies

Background. The airport has been a member of ACI since 1961

51. **Natural Gas Airport Shuttle Buses**

Action. **A** **Approve a contract with Piedmont Natural Gas and North Carolina Department of Environmental Health and Natural Resources (NCDEHNR) for installation of a natural gas pumping station at the Airport and to contribute $54,000 to the acquisition of natural gas buses;**

B. **Approve the purchase of three natural gas buses from National Bus Sales, Smyrna, GA, in the amount of $173,463.**

Explanation of Request:

- The NCDEHNR has awarded a grant in the amount of $179,000 to Piedmont Natural Gas and the airport for installation of a natural gas pumping facility and the purchase of natural gas vehicles

- Under the terms of the contract, Piedmont Natural Gas will extend their natural gas pipeline to the airport maintenance facility and will provide and install the natural gas fueling facility. The City will purchase three natural gas shuttle buses for use in the airport's parking operation.

- The contract provides that Piedmont Natural Gas will contribute $54,000 to the purchase of three natural gas buses. This amount represents the difference between the purchase price of natural gas buses over diesel buses, which is currently the standard in the airport's shuttle fleet

- Bids were received for the purchase of three natural gas buses and the low bidder was National Bus Sales of Smyrna, GA, in the amount of $173,463

Background:

- The airport and Piedmont Natural Gas jointly applied for a mobile emissions exhaust reduction grant from the State of North Carolina, Department of Environmental Health and Natural Resources. The grant was approved by the State.

- This program will be a test of the reduction in auto emissions by the shuttle bus operation If successful, the airport will continue to phase out their diesel buses Diesel vans and buses are the greatest source of air pollution in the immediate terminal area.

52. Approve the following property transactions (A-K) and adopt the condemnation resolutions (L-Q).

Acquisitions. **For Aviation property acquisitions A-D, the purchase was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific condition and size of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain features. Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. The owners are eligible for relocation benefits. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement**

A **Project: F.A.R. Part 150 Land Acquisition**
Owner(s). Ms. Alice C. Elston
Property Address· 4400 Pebblebrook Drive
Property to be acquired 241 acres
Improvements 3 Bedroom, 1 Bath ranch
Tax Value $44,410
Purchase Price $51,000

B **Project: F.A.R. Part 150 Land Acquisition**
Owner(s): Mr and Mrs Barry Moody
Property Address: 2409 Newberry Street
Property to be acquired. .672 acres
Improvements 2 Bedroom, 1 Bath ranch
Tax Value $48,620
Purchase Price. $52,500

C **Project: F.A.R. Part 150 Land Acquisition**
Owner(s): Mr. and Mrs Joseph C. Furr
Property Address: 2420 Newberry Street
Property to be acquired. 226 acres
Improvements. 2 Bedroom, 1 Bath ranch
Tax Value: $26,340
Purchase Price· $25,000

D. **Project: F.A.R. Part 150 Land Acquisition**
Owner(s) Mr. Terry Lee Smith
Property Address. 2412 Newberry St
Property to be acquired· 277 acres
Improvements. 2 Bedroom, 2 Bath ranch
Tax Value· $36,190
Purchase Price· $36,500

E Project Six Mile Creek Basin/Sanitary Sewer 2, Parcel #2
Owner(s). Sam R. Ardrey & wf., Janie Moss Ardrey
Property Address: 17525 Marvin Road
Property to be acquired: 38,723.251 sq.ft. (.889 AC.) plus temporary construction easement 26,395.761 sq ft (0 606 AC)
Improvements Trees, Fencing
Tax Value. $150,410 (entire parcel)
Purchase Price $17,500
Remarks: A 30′ permanent easement and 20′ temporary construction easement is required along the length of the property adjoining six mile creek. Compensation amount based upon appraisal covers loss of trees, permanent and temporary land area and fencing
Zoned: R-3 Use. Single Family
Tax Code. 229-031-01A

F Project Beatties Ford Road Left Turn Lane, Parcel #4
Owner(s) Willie J. Waddell
Property Address:2201 Beatties Ford Road
Property to be acquired: 1,374 sq.ft. (0.03 AC.) fee plus 1,324 sq ft. (0 03 AC) temporary construction easement

Improvements Signs and light poles
Tax Value: $178,380 (entire parcel)
Purchase Price: $18,820
Remarks The property will be affected by the addition of a left turn lane The property line will be moved back an average of 8 5′ along the front of the property Compensation amount was determined by an independent appraiser

Zoned: B-1 **Use**: Convenience Store
Tax Code. Part of: 069-171-24

G **Project** Beatties Ford Road Left Turn Lane, Parcel #7
Owner(s) United House of Prayer For All People Church on the Rock of the Apostolic Faith
Property Address 2321 Beatties Ford Road
Property to be acquired. 7,575 sq ft (0 17 AC.) fee plus 5,728 sq ft (0.13 AC) temporary construction easement
Improvements. Sign
Tax Value. $3,334,970 (entire parcel)
Purchase Price: $37,325
Remarks. This project involves the construction of a center lane for left turns causing the loss of approximately 10′ of property along Beatties Ford Road. The temporary construction easement was donated to allow the City to include that area in its landscaping plans Compensation amount was determined by an independent appraiser

Zoned B-1 **Use** . Church
Tax Code Part of: 069-172-29

H. **Project**: Beatties Ford Road Left Turn Lane, Parcel #26,27,&28
Owner(s) Public Library of Charlotte and Mecklenburg County
Property Address 2400, 2412 & 2418 Beatties Ford Road
Property to be acquired 1,525 sq.ft. (0.035 AC.) in fee simple, 100 sq ft (0 002 AC) permanent utility easement, 2,622 sq.ft. (0.060 AC.) temporary construction easement
Improvements: N/A
Tax Value. $74,810 (entire parcel)
Purchase Price: $16,206
Remarks· This project requires the loss of from 2′ to 28′ of road frontage on these parcels which are vacant. Compensation was based on the appraisal

Zoned. B-1 **Use** . Vacant
Tax Code· Part Of·075-012-01,02,03

I. **Project**. Milton Road Widening, Parcel #48
Owner(s)· John Belton & wf , Vivian
Property Address: 2200 Milton Road
Property to be acquired. 1,811 sq ft. (0.042 AC) in fee simple, 9 sq ft (0 0002 AC) permanent utility easement plus 1,656 sq.ft (0.038 AC) temporary construction easement
Improvements: Trees, shrubs, brick planter, fence
Tax Value. $56,480 (entire parcel)
Purchase Price: $16,200
Remarks· This road widening requires the loss of approximately 10′ of road frontage on Milton and 25′ at the corner of Milton and Tipperary. The loss of trees in the front and side yards will eliminate all screening and privacy from the road. Compensation is based on appraisal

Zoned: R-4
Use . Residential
Tax Code Part of: 099-163-03

J. Project: Milton Road Widening, Parcel #52
Owner(s) Samuel L. Brill & wf , Laureen A Brill
Property Address: 2210 Milton Road
Property to be acquired· 698 sq.ft (0.016 AC) in fee simple, 879 sq.ft (0.020 AC) temporary construction easement
Improvements· Several mature trees, portion of driveway
Tax Value. $51,990 (entire parcel)
Purchase Price $12,550
Remarks: This project will require the loss of 10′ of road frontage and several large trees causing the loss of all screening from the road Compensation based upon appraisal included payment for a privacy fence for the protection of property owner's autistic child

Zoned: R-4 Use . Residential
Tax Code: Part of: 099-163-02

K Project Londonberry/Seacroft Culvert, Parcel #1 of 1
Owner(s) David L Anderson & wf., Leigh Anne Anderson
Property Address: 5614 Seacroft Road
Property to be acquired 11,600 sq ft (0 266 AC)
Improvements: One story single family residence and all improvements located thereon.
Tax Value $74,900
Purchase Price $83,000
Remarks Total acquisition of the property is requested for construction of a large culvert crossing Seacroft Road Alternative alignments to construct this culvert between this house and an adjoining residence were

more expensive and placed both houses at risk due to close proximity to the culvert construction. The selected alignment is more economical and minimizes damages to the adjoining property The acquisition amount is based on independent appraisal

Zoned· R-4 Use · Residential
Tax Code 171-153-05

Condemnations:

L. Project Sanitary Sewer to NCDOT Maintenance Facility, Parcel #1
Owner(s). Matthews Heathers Land Corporation and any other parties of interest
Property Address 13502 O'Toole Drive
Property to be acquired 11,086 sq ft (.2545 AC)
Improvements Trees
Tax Value: $156,450 (entire parcel)
Purchase Price: $1,100
Remarks City's independent appraisal offer is $1,100 The property owner's counter-offer is $21,220. The property is landlocked with no immediate plans for development or assembledge with adjoining property Property owner's counter-offer is based on speculative values

Zoned: R-12 Use: Vacant
Tax Code 215-206-01

M. Project: Carmel Road Widening, Parcel #22
Owner(s) William C. Fee and any other parties of interest
Property Address 5718 Ivygate Lane
Property to be acquired 2,196 80 sq ft (0 05043 AC)
Improvements·Landscaping, trees, part of berm and two railwood fences
Tax Value $127,140 (entire parcel)
Purchase Price: $8,000

Remarks: This property is located on Ivygate Lane which backs up to Carmel Road The property owner is very dissatisfied with the impact this project will have on his property. The owner negotiated a settlement that was approved by City Council on May 9, 1994 The closing attorney has attempted numerous times to close but the owner refuses due to the amount his mortgage company wants as their share of the proceeds Condemnation is recommended for the needed road widening project

Zoned R-3 Use: Residential
Tax Code 209-311-66

N Project Milton Road Improvements, Parcel #4
Owner(s): BP Exploration & Oil, Inc (DBA BP Oil Company) and any other parties of interest
Property Address: 6101 The Plaza
Property to be acquired 4,748 sq ft. (109 AC) fee and temporary construction easement
Improvements Paving, fence, canopy
Tax Value $150,570 (entire parcel)
Purchase Price: $26,500
Remarks Milton Road Widening causes loss of property, fencing, and a portion of the canopy on this boarded up service station. Contaminated soil appears to be stored on the property. Owners have refused City's offer which was based on a certified appraisal and countered with approximately double our offer Due to these factors, condemnation is requested

Zoned B-1 Use. Vacant/Boarded up Service Station
Tax Code: 097-094-21

O **Project** Milton Road Improvements, Parcel #19
Owner(s):Elias Georges Francis, Elias P. H Francis, Georges Hanna Francis and any other parties of interest
Property Address: 1900 Milton Road
Property to be acquired. 2,866 sq.ft (.0658 AC.)
Improvements: Sign, telephone, asphalt paving
Tax Value. $154,170 (entire parcel)
Purchase Price· $3,700
Remarks Milton Road Widening causes loss of property, business sign, and pay telephone After numerous personal contacts, phone calls, and letters the owner has yet to accept the City's offer which was based on an appraisal

Zoned. B-1 **Use**. Convenience Store
Tax Code 099-151-26

P. **Project**: Milton Road Widening, Parcel #64
Owner(s) Reginald D Robbins & Wanda M Robbins and any other parties of interest
Property Address: 4344 Oak Forest Drive
Property to be acquired. 2,675 (0 061 AC)
Improvements·Fence/Shrub
Tax Value· $48,230 (entire parcel)
Purchase Price. $3,000
Remarks· Condemnation is requested on this parcel in order to get clear title due to outstanding judgements placed upon the property

Zoned: R-4 **Use:** Residential
Tax Code: Portion of 099-164-01

Q **Project**: Milton Road Widening, Parcel #81
Owner(s). Bonita E Gell and any other parties of interest
Property Address· 4348 Colebrook Road
Property to be acquired 3,141 sq ft. (0 72 AC.)
Improvements: Trees, fence
Tax Value $51,080 (entire parcel)
Purchase Price $4,600
Remarks. Due to several judgements against this property, condemnation is requested to get clear title

Zoned: R-4 **Use** Residential
Tax Code Part of 099-165-01