AGENDA

Meeting Type:	BUSINESS
Date:	11/13/1995

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, November 13, 1995

5:00 p.m. — Conference Center

- First Ward Master Plan Update
- Regional Utility Agreements
- Competition/Privatization Committee

6:30 p.m. — Meeting Chamber

- Invocation
- Pledge of Allegiance
- Citizens Hearing

7:00 p.m. — Formal Business Meeting

CITY COUNCIL AGENDA
Monday, November 13, 1995
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CONSENT ITEMS

1. Approve Minutes of:
   - October 2 Council Workshop
   - October 9 Regular Meeting
   - October 16 Zoning Meeting

2. Consent agenda items 17 through 33 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. **Conduct Special Public Hearing on Rezoning Petition #95.84**

Action: **Conduct Special Public Hearing on Rezoning Petition #95.84.**

Staff Resource: Walter Fields

Explanation of Request:

- The Planning Commission removed this petition from the October 16, 1995 schedule due to improper notifications Council has agreed to the petitioner's request to hold a special hearing in November rather than wait until the December hearing.
- The petitioner is the Public Library of Charlotte and Mecklenburg County The property is located in the southeast corner of Highway 51 and Rea Road
- The schedule calls for Council's decision on this zoning case to be made November 27, 1995
- Proper notification was given on October 25, 1995

Attachment 1

POLICY

4. City Manager's Report

5. Planning Committee Recommendation for Landmark Signs

Action:

A. Approve Planning Committee's recommendation to go forward with a text amendment to the current sign regulations to allow certain signs to be designated as Landmark Signs; and

B. Authorize staff to place this text amendment on the January Zoning Agenda.

Committee Chairman: Nasif Majeed

Staff Resource: Walter Fields

Policy. City Council adopted the revised sign ordinance in 1988.

Explanation of Request:

- The Planning Committee recommends that City Council approve their recommendation to go forward with a text amendment that would allow signs with historical significance or special meaning to the community to be designated as landmark signs

- This proposed text amendment would allow on-premise signs that are at least fifteen years old to apply for designation as a landmark sign.

- Once an application for landmark designation has been received by the Zoning Administrator, it would be compared against the following criteria. The sign would have to meet three of these criteria to qualify as a landmark sign

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- The sign is expressly designed for the business, institution or establishment at the location, and
- It bears a national or local logo unique to the property, or
- It is the remnant of an advertising program that is no longer used by the parent company, or
- The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or
- The sign contributes to the historical or cultural character of the streetscape or the community at large

- If the sign is located in a Historic District or part of a local landmark property, the Zoning Administrator must receive a recommendation from the Historic District Commission or the Historic Landmark Commission before making a decision
- Once a sign has been designated a landmark sign it will be exempt from amortization and be considered conforming
- Applications for landmark signs can be made to the Zoning Administrator for up to one year after the adoption of this text amendment.

Schedule:

- If the Council approves this recommendation, we ask that they authorize staff to place it on their January zoning agenda This would be the eleventh zoning case for the month of January This would allow this text amendment to be approved in February

Background:

- The sign regulations of the Zoning Ordinance were substantially revised in February 1988 These revised regulations established an eight-year amortization period for all signs that exceeded the new regulations by more than 25%. This amortization period will come to end on February 1, 1996

- The end of the amortization period will require the alteration or removal of these nonconforming signs. However, some of these nonconforming signs have special significance to a community or to the entire City

- Landmark signs may exhibit unique characteristics that enhance the streetscape or identify a neighborhood or contribute to the historical or cultural character of the streetscape or the community at large In recognition of these special signs we have drafted a text amendment that would allow these types of signs to remain

- The Planning Committee considered three options for who would approve landmark signs: the Zoning Administrator, the Zoning Board of Adjustment, or the City Council. The Committee recommends the Zoning Administrator as being the most appropriate and expedient

6. Planning Committee's Recommendation for Expediting Sign Ordinance Appeals

Action:

A. Approve Planning Committee's recommendation to authorize staff to proceed with a zoning text amendment that would allow the County's Zoning Board of Adjustment to hear appeals concerning the City Sign Ordinance; and

B. Authorize staff to place this text amendment on the December zoning agenda.

Committee Chair: Nasif Majeed

Staff Resource: Walter Fields

Policy Council adopted the Sign Ordinance in 1988

Explanation of Request.

- Staff does not know how many appeals to expect from the City Sign Ordinance at this time We do expect that there will be too many for the City Zoning Board of Adjustment to handle by itself given their current workload.

- The County Board of Adjustment has a much lighter workload. Therefore, we recommend that Council begin the process of adopting a zoning text amendment that would allow the County Zoning Board of Adjustment to hear appeals on the City Sign Ordinance.

- If Council approves this action, this text amendment will be added to Council's December zoning hearing (this will be an extra hearing) and then a decision made at Council's January zoning meeting. The expedited hearing of this text amendment will allow us to process appeals quicker

- If appeals overwhelm both the City and County Boards, staff will come back to Council with recommendations on how to handle this workload. All appeals within the City must be filed by April 1, 1996

Background:

- Staff believes most of the 2,000 non-conforming signs can comply with the Sign Ordinance with minor modifications

- County Building Standards plans to begin notifying owners of non-conforming signs in December 1995

- Staff is planning meetings with business corridor groups and sign vendors to share information about the Sign Ordinance.

- City and County staff will work with businesses to help them comply with the ordinance Businesses must be making a good faith effort to comply or be in compliance by February 1, 1996 They have until April 1, 1996 to file an appeal.

- If an appeal is filed, the non-conforming sign can remain until the appeal is heard.

7. **Planning Committee Recommendation on Northeast District Plan**

Action: **Approve the Planning Committee's recommendation to adopt the Northeast District Plan.**

Committee Chair: Nasif Majeed

Staff Resource: Joe Lesch

Explanation of Request:

- The Planning Committee of the City Council is recommending the adoption of the Northeast District plan as a policy document for land use and zoning decisions in the Northeast District

- Modifications to the draft Northeast District Plan recommended by the Planning Committee are outlined in the attachment and include the following

- A reduction in the requirement of office uses in commercial mixed use developments from 33% to 20%

- Change from medium density residential to single family designation on Old Concord Road in the Newell area

- Change from medium density residential to multi-family designation on Harris Boulevard between NC 115 and West Sugar Creek Road

- Change from multi-family designation to institutional those properties zoned institutional on the south side of NC 49, west of Harris Boulevard

- The process to update the Northeast District Plan began in October 1994 An 18 member study group was used to develop the plan along with special focus groups on issues such as retail, residential, office and industrial development

- There were 12 study group meetings held along with 16 focus group meetings A public meeting was held at the beginning and at the end of the process

- A public hearing before the City Council and County Commission has also been held The City Council referred the plan to their Planning Committee which has reviewed and made recommendations on the plan.

- The County Commission is scheduled to take action on the plan on November 21, 1995

Attachment 2
Planning Committee Recommendations

8. **Personnel and Finance Committee Recommendation Concerning Authority for Contracts**

Action: **Approve Personnel and Finance Committee recommendations to:**

A. Adopt a resolution authorizing the City Manager and his designees to lease municipal property for terms that do not exceed one year;

B. Adopt a resolution authorizing the settlement of claims and lawsuits by the City Manager up to $100,000 and by the City Attorney up to $50,000; and

C. Adopt a resolution authorizing the City Manager and his designees, to be limited to the Deputy Manager and Assistant Managers, to award contracts that do not exceed $100,000.

Committee Chair: Hoyle Martin

Staff Resource: Mac McCarley

Focus Area: Restructuring Government

Explanation of Request:

- The City Attorney and City Manager have reviewed the authority for awarding short-term leases, claims and settlements and contract awards
- Legislation passed by the 1995 General Assembly makes it desirable to change this authority for three reasons.
  - to expedite City business,
  - minimize confusion about authority, and

- streamline Council agendas so Council may focus on important policy matters

Short-term Leases

- State law establishes the procedures and authority for leasing municipal property While the statutes generally require Council approval for leases, they do authorize Council to delegate its authority to lease property for terms that do not exceed one year

- The requested resolution would authorize the Manager and his designees to lease City property for terms that do not exceed one year Leases normally bring in some amount of revenue, so no costs are incurred.

Claims and Settlements

- The City Attorney now has authority to settle claims and lawsuits when they do not exceed $5,000 The Manager has the authority to settle claims and lawsuits when the amount involved is greater than $5,000 but does not exceed $30,000.

- The requested resolution would authorize the Manager to settle claims and lawsuits up to $100,000. It would also authorize the City Attorney to settle claims and lawsuits up to $50,000

- The original proposal would have increased the Attorney's authority to only $30,000, but the Personnel and Finance Committee feels it is appropriate to increase it to $50,000, to be consistent with the award for contracts Claims and settlements would only be approved if they are within the budget appropriation.

Contract Awards

- In 1989 the City Charter was amended to give the Manager and his authorized designees the authority to award contracts that do not exceed $50,000 The Manager has identified the Deputy and Assistant Managers and the Key Business Executives as his designees

- As part of the City's 1995 legislative package, the General Assembly raised the formal bid threshold for City construction and purchase contracts to $100,000.

- The legislative action did not affect the Manager's $50,000 award authority The result is that purchase and construction contracts between $50,000 and $100,000 still have to be approved by Council even though formal bidding is not required

- This inconsistency causes some confusion in the organization. Also, contracts that do not have to be placed on a Council agenda can be awarded more quickly.

- The requested resolution would authorize the Manager and his designees, to be limited to the Deputy and Assistant Managers, to award contracts over $50,000 but do not exceed $100,000.

- The original proposal would have extended delegation of authority for contracts to Key Business Executives However, the Committee feels that limiting this authority to the Manager and his key staff helps to maintain a form of checks and balances

- This action would make the contract award and formal bid threshold the same Contracts could not be awarded unless the Council has appropriated funds to cover the cost.

- As part of this approval, the Committee recommends that Council request the Manager provide a monthly information report which summarizes all contracts between $50,000 and $100,000 approved by the Manager, Deputy or Assistant Managers.

Committee Review

- The Personnel and Finance Committee met on October 3 to review these proposals Only Chairman Martin and Councilmember Baker were present. The results of their review were shared with the other members and there were no objections.

9. Personnel and Finance Committee Recommendation Concerning Employee Incentive Awards

Action:	**Approve a recommendation by the Personnel and Finance Committee to amend the Employee Suggestion Awards Program.**
Committee Chair:	Hoyle Martin
Staff Resource:	Bill Wilder
Focus Area:	Restructuring Government
Policy:	City Council approved the Employee Suggestion Award Program in 1986. This program rewards employees for their ideas which result in cost savings or avoidance
Explanation of Request:	The recommended revisions will result in an improved Employee Suggestion System that enhances the organizational effectiveness of the City, and will motivate employees to recommend reengineered methods of performing work This should make the City more competitive, save taxpayer dollars, and provide a direct monetary incentive to the employees who develop the innovative ideas

Disposition of Cost Savings

- Up to **25%** of first year's net savings to employee or team as their award, with the maximum payout being $5,000 per employee

- **25%** of the first year's cost savings may be retained within the department to be used to invest in the workforce and increase departmental effectiveness. Examples of uses would be to purchase additional technology or training

- The other **50%** of the savings would be returned to the appropriate fund and will count towards achievement of the City-wide savings goal under the Employee Incentive Plan.

- After the first year, the KBU's budget will be reduced by the full amount (100%) of the identified savings

Background:

- The 1992 Mayor's Compensation Task Force recommended that the City of Charlotte establish incentive plans strategically aligned with City objectives and business plans. Like numerous private sector leaders, we are seeking to develop a range of incentive plans to focus employee efforts on major organizational priorities

- The proposed revisions to the Employee Suggestion Awards Program, originally approved by Council in 1986, continues and supports the efforts of the Employee Incentive Program approved by Council in 1993

- The proposed revisions were developed by an employee focus group assigned to work on the cutting costs chapter of Restructuring Government, a Council adopted focus area

- The Suggestion System will focus on suggestions made by individual employees and teams, whereas, the Employee Incentive Program will continue to focus on targets (objectives) for savings, efficiency improvements, and customer service improvements, as determined by the organization Both incentive programs are self-funded from budgetary savings

Attachment 3
Process and Assessment

10. City Council Committee on Privatization and Competition

Action:	**Consider establishing a City Council Committee on Privatization and Competition.**
Focus Area:	Restructuring Government Privatization and Competition
Explanation of Request	On October 23, 1995, Councilmember Baker requested that the Council discuss the creation of a Council Committee on Privatization and Competition to replace the existing citizens' advisory committee
Background:	In November 1993 City Council approved the creation of the Privatization/Competition Advisory Committee. The Committee has been meeting since March 1994 and have discussed and been involved in several privatization and competition issues.

BUSINESS

11. **Agreement with American Golf to Operate Renaissance and Revolution Golf Courses**

Action:

A. **Approve extension of the Management Agreement (lease) for operation of Renaissance and Revolution Park Golf Courses with American Golf for ten years; and**

B. **Authorize City Manager to sign agreement.**

Explanation of Request:

- The City owns Renaissance and Revolution Park golf courses. Therefore, Council approval is required before the County can extend the operating agreement with the private sector operator of the courses.

- The County assumed management responsibility of City owned park properties through the Interlocal Agreement of 1992. American Golf Corporation is operating the courses through a 1988 agreement with the City The County desires to extend the term of the lease with American Golf in accordance with the option period provided in the lease.

- Highlights of the agreement include:

  - American Golf will invest $1.8 million in capital improvements at Renaissance and Revolution Golf Courses.

  - The County will agree to a new payment schedule taking into consideration the amount of investment and cost recovery.

  - Operational issues will be revisited, however, no major changes are expected.

- City Engineering is currently making landfill repairs at Renaissance that makes partial closure of the course necessary American Golf would like to proceed as soon as possible with its improvement program while the Engineering work is being done, and is contingent on the lease extension approval

- The extension of the lease has been approved by the Park & Recreation Commission, and approved by the Board of County Commissioners via resolution on October 10, 1995 and November 6, 1995, to comply with North Carolina statutory requirements

12 **Sale of Property at Statesville Avenue and Polk Street**

Action: **Declare City Owned Properties located on Statesville Avenue and Polk Street (Tax Codes 078-451-02, 03, and 04) as surplus and authorize their sale to C. N. Jenkins Memorial Presbyterian Church for $30,000.**

Staff Resource Kent Winslow

Policy: Asset Management, Sale of Surplus Property

Explanation of Request:

- Neighborhood Development staff recommends disposition of these three tracts to allow expansion of the C N Jenkins Memorial Presbyterian Church facility

- The property will be sold at its appraised fair market value of $30,000

- City acquired these properties in 1974 for single-family housing as part of urban renewal

- The property was never developed because there has been no market for it The sale of this property will improve the neighborhood

- The Mandatory Referral has been approved by the Planning Commission without any special provisions

Attachment 4
Map

13. Appropriation of Assets Forfeiture Funds

Action:

A. Approve the expenditure of $136,000 in assets forfeiture funds for various police projects; and

B. Approve a budget ordinance appropriating $136,000 in assets forfeiture funds

Staff Resource: Chief Dennis Nowicki

Explanation of Request:

- The Police Department wishes to appropriate $136,000 in assets forfeiture funds to be used as follows:

  - $25,000 for part time mental health professional for Summoning the Village pilot project

  - $48,000 for computer equipment to barcode property and evidence

  - $23,000 for new undercover weapons and cellular telephones for Vice and Narcotics Bureau

  - $40,000 for joint drug investigation with FBI

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Summoning the Village

- $25,000 will be used to pay the salary of a part time mental health professional who will work with the Police Department and the Charlotte-Mecklenburg Schools in their Summoning the Village pilot project at Cochrane Middle School The goal of the project is to identify conditions that expose children to violence and to develop intervention strategies that involve both the children and parents.

- The mental health professional will be on site at Cochrane Middle School and will develop strategies for crisis intervention, mentoring, after school programs, and mediation and referral services This individual will also serve as a liaison between agencies participating in the project and the mental health community.

Computer Equipment

- $48,000 will be used to purchase the computer hardware and software to bar code the approximately 190,000 pieces of property and evidence held in the Property Control Bureau. The system will provide computer tracking of the chain of custody of all physical evidence and will enable the Police Department to have a reliable inventory of all property as it is moved into the new police headquarters

Equipment for Vice and Narcotics

- $23,000 will be used to purchase new undercover weapons and holsters and additional cellular telephones for the Vice and Narcotics Bureau The new weapons, Smith and Wesson model 3953 9 mm pistols, operate in the same way as the service weapons issued by the department, eliminating the need for vice officers to have two separate firearms training sessions They also hold more rounds, are easier to reload, and have night sights

- The cellular phones will allow officers to communicate more effectively and will increase officer safety during undercover drug buys The $23,000 will provide guns and holsters for 50 vice officers and 11 additional cellular phones.

Joint Drug Investigation

- $40,000 will cover the Police Department's share of expenses incurred in a joint drug investigation with the FBI which resulted in several convictions for conspiracy to sell cocaine and marijuana. The FBI financed $150,000 of the investigation, the Police Department will cover the remaining $40,000

14. **Police Conversion to DNA Analysis**

Action:

A. Approve the Police Department's conversion to the Deoxyribonucleic Acid (DNA) analysis of serology evidence;

B. Approve the appropriation of $200,000 in assets forfeiture funds to finance the construction of DNA related lab fixtures in the new police headquarters; and

C. Approve a budget ordinance appropriating $200,000 in assets forfeiture funds.

Staff Resource: Chief Dennis Nowicki

Explanation of Request:

- The Police Department wishes to begin the transition to conducting DNA analysis of serology evidence in criminal cases The Police Department believes that this change is necessary because

- DNA testing has eclipsed older methods of serology analysis With DNA analysis, more types and smaller sizes of body fluid and tissue evidence can be analyzed with more reliable results than under the traditional analysis techniques

- Courts are increasingly requiring DNA evidence, particularly in homicide and rape cases.

- The FBI and a number of states, including North Carolina, are establishing violent offender data bases with the DNA types of convicted offenders The Police Department would be able to contribute to and interface with those data bases in order to identify suspects through their prior criminal activity in other jurisdictions.

- The greater reliability of DNA evidence will assist investigators in establishing links between cases which may have the same suspect

- As older serology analysis techniques become obsolete, it will become more difficult, time consuming, and expensive to obtain the necessary reagents used in evidence testing

Operational Impact

- The transition to DNA analysis may take several years and could involve the Police Department either performing the analysis with its own personnel or contracting with a private lab to do the analysis at the police facility The Police Department estimates that the cost of doing the analysis in-house would be approximately $225,000 for the

purchase of the equipment and an annual cost of between $50,000 to $100,000 per year for expendable supplies and reagents used in DNA testing. These costs will be included in future budgets.

- Regardless of whether the analysis is done by Crime Lab personnel or under contract with a private lab, the Police Department believes that it should be conducted at their facility so that the department can maintain adequate control over the chain of custody of the evidence and the standards under which it is tested The evidence would also be available for other lab personnel and the investigators who must work with it during the course of the investigation.

Police Headquarters Change Orders

- In order to prepare the crime lab in the new police headquarters for DNA testing, it will be much more cost effective to do the plumbing, electrical, and mechanical work in the lab as it is built rather than do a costly upfit to the facility when the transition to DNA analysis occurs at a later date. Given the construction schedule for the new building, the decision must be made now to begin the transition to DNA analysis

- The Police Department wishes to appropriate $200,000 from its assets forfeiture funds to fund the change orders for the related lab fixtures The new facility can still be used for traditional serology analysis while the Police Department is exploring whether to provide the service with its personnel or to contract with a private lab

- This request has been reviewed by the City Manager's Office, the Budget and Evaluation Department and the Services Competition Team

Item No.

15. Nominations to Boards and Commissions

Action: Nominate to fill an additional position on the Historic District Commission as a resident in the Wesley Heights Historic District. The following person was recommended by the Neighborhood Association:

(a) Helen Kirk

16. Appointments to Boards and Commissions

Action: Vote for ten as directed on the blue paper ballots and turn in to City Clerk at dinner so that she may be prepared to announce the results at this point in the meeting.

1. Capital Needs Advisory Committee

(a) Frank Barnes by Councilmember Reid
(b) Jerry Blanchard by Councilmember Jackson
(c) Dan Clodfelter by Councilmember Cannon
(d) John Crawford by Councilmember Cannon
(e) Larry Dagenhart by Councilmember Campbell
(f) Hassan El-Amin by Councilmember Majeed
(g)* Seddon "Rusty" Goode by Councilmember Campbell
(h) Malcolm Graham by Councilmember Martin
(i) Lamont Grier by Councilmember Cannon
(j) Rickey Hall by Councilmember Cannon
(k) Ned Hardison DECLINED NOMINATION
(l) Francis Harkey by Councilmember Cannon

(m) Muriel Helms DECLINED NOMINATION
(n) Mark Huffstoetler DECLINED NOMINATION
(o) Bernie Johnson by Councilmember Majeed
(p) Karen Jones by Councilmember Wheeler
(q) Laura McClettie by Councilmember Cannon
(r) Sam McNeil by Councilmember Wheeler
(s) Tommy Norman by Councilmember Campbell
(t)* Alice Oliver by Councilmember Jackson
(u) Jim Palermo by Councilmember Campbell
(v) Peter Pappas DECLINED NOMINATION
(w)* Steve Sellers by Councilmember McCrory
(x)* Barbara Simpson by Councilmember Spencer
(y) Pete Sloan DECLINED NOMINATION
(z) Robin Smith by Councilmember McCrory
(aa) Sam H Smith, Jr by Councilmember Martin
(bb) Jack Sommer DECLINED NOMINATION
(cc) Lenny Springs DECLINED NOMINATION
(dd) Mary Stafford DECLINED NOMINATION
(ee) Melvin Tennant by Councilmember Cannon
(ff) David Thompson by Councilmember Jackson
(gg) Stan Vaughan DECLINED NOMINATION
(hh) Steve Vermillion by Councilmember Jackson
(ii) W Troy Watson by Councilmember Reid
(jj) Sherwood Webb by Councilmember Reid
(kk) Chester Williams by Councilmember Scarborough
(ll) Karen Woods by Councilmember Scarborough

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*Did not return application. The Clerk will forward additional applications on November 10

Attachment 5

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

17. Various Bids

A. **Street Sweeper Body** — **Special Services**

Recommendation: *Solid Waste Services Director recommends the low* bid of $70,950, by North Carolina Equipment Company (Johnston Sweeper) of Charlotte, North Carolina

Compliance: Yes, there are no known MWBD vendors

B. **Seven Metal Roofs - Refurbishing** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $75,227 by Storm Roofing of Charlotte, N C

MWBE Status According to the Council-approved MWBD Plan, subcontracting goals are not set on projects estimated at less than $100,000 Efforts are made to involve MWBE firms in projects as prime bidders

Item No.

C. **Plant Mix Asphalt** — **CDOT**

Recommendation: The Transportation Director recommends the following adjusted bids which consider travel time and expense for city crews

Summary of Bids:

	Actual Bid
Hot Mix	
Section 1 - Northeast Crowder Construction	$272,800
Section 2 - East Crowder Construction	$618,700
Section 3 - West/Northwest Rea Construction	$358,817 50
Section 4 - Southwest APAC	$290,940
Cold Mix Rea Construction	$ 79,000

MWBD Compliance: Yes, there are no known MWBD vendors

D. **Small Paratransit Buses** — **CDOT**

Recommendation: Director of Transportation recommends the low bid of $447,126 by National Bus Sales, Augusta, Georgia.

MWBD Compliance: Yes, there were no known MWBD vendors

E. **Uptown Sidewalk Improvements, Areas 2 and 3** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $427,377.50 by Shaw Group of Charlotte, NC

MWBE Status:	Amount	% of Project	Project Goals
BBE	$ 17,000	4 4%	3%
WBE	$368,630	96 5%	3%

Compliance: Yes

18. Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $17,073.48.

Attachment 6

19. Resolution of Intent to Abandon Street and Set Public Hearing - A Portion of Olmstead Drive

Action:

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

B. Set a Public Hearing for December 11, 1995.

20. Municipal Agreement - Inspection of City Bridges

Action: Approve a resolution to authorize the Director of the Department of Transportation to execute the Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation for sharing the cost of inspecting 145 qualifying City-maintained bridges and culverts. The City's portion (20%) of the inspection cost is estimated to be $46,400.

CONSENT II

21. Utility Billing System Study

Action: Adopt a resolution authorizing the City Manager to enter into an agreement with James Martin and Co. to perform a comprehensive study to recommend updates and improvements for the City's utility billing system.

Explanation of Request:

- The City's existing billing system is not current with utility industry standards A system that can accommodate water/sewer and storm water plus other billing-related items is necessary.

- Staff proposes a comprehensive study to recommend updates and improvements for the billing system The specific study objectives will include

  - Assessment of current business/system processes;

  - Identification of overall system requirements,

  - Recommend system direction including consideration of the following range of alternatives:

    Upgrading the existing system to support the business processes needs,

    Implementing a new system solution by either purchasing a packaged system or custom-developing a new system;

    Privatizing some of the systems and/or business functions,

    Some combination of the above

Funding:

- The cost of $150,000 for the study will be funded by the Water and Sewer Operating Fund vacant position savings.

Background:

- In addressing the issue of a revised water/sewer rate structure methodology in April 1994 Council was limited in its selection of options at that time specifically because of the current system. The system cannot accommodate "personalized rates", this resulted in the "seasonal rate" approach
- The shortfalls and limitations of the current system (some elements of which are 25 years old) serve as a severe constraint in making possible more efficient and effective utility billing processes

22. Storm Water Projects - Engineering Services for Computer Models

Action:

Approve Agreements for Engineering Services for Part 1 of Storm Water Computer Models in three watersheds:

A. Ogden Engineering - $97,200 - Lower Little Sugar Creek Watershed

B. CH2M Hill - $298,400 - Sugar Creek Watershed

C. Woolpert Consultants - $322,340 - McAlpine Creek Watershed

Explanation of Request:

- The Consultants will develop water flow computer models to simulate various storm events for the existing major drainage systems within each watershed. Part 1 will provide data that defines the scope of Part 2. Upon completion of Part 1, an amendment will be negotiated for Part 2 of each watershed

- Development of the master plan will allow Storm Water Services to conduct a more comprehensive storm water repair program and prioritize work

- City staff will use these models to plan and evaluate improvements to the existing storm drainage infrastructure

- These firms were selected in May 1994 and have each completed one of the first four watersheds. With these contracts, each firm is beginning a second watershed.

- The price for this work is comparable to the cost of similar work in the area

23. **Police Car Extended Warranties**

Action: **Approve contract to Harrelson Ford for extended mileage warranty coverage for 246 new police vehicles in the amount of $261,990.**

Explanation of Request:

- The standard warranty from the manufacturer provides 3 year or 36,000 mile bumper to bumper coverage

- The extended warranty provides coverage for 3 years but increases the number of miles from 36,000 to 100,000, and covers the vehicle's transmission, steering column, rear axle, drive line, etc.

- Purchasing the extended warranty saves an estimated $1,753 per vehicle. This assumes two transmission replacements per vehicle during the warranty period

Background:

- The average life of a police vehicle is 36 to 48 months (approximately 125,000 miles)
- The warranty is activated when the vehicle is placed in service
- The work performed under warranty can be completed at any Ford/Lincoln/Mercury authorized dealer

24. CMGC and City Hall Custodial Services - Amendment #3

Action:

Approve Amendment #3 to the contract with Budd Services, Inc. for custodial services to the Charlotte Mecklenburg Government Center and City Hall facilities in the amount of $111,237.

Explanation of Request:

- This amendment will extend the custodial services to June 30, 1996 At that time, the City will evaluate the contractor's performance and have the option to either renew the contract for one additional year or terminate and bid the project.

Background:

- The custodial service contract for the Charlotte Mecklenburg Government Center and City Hall was awarded to Budd Services, Inc to begin July 1, 1994, with a renewal option of two successive one-year periods
- The contract was extended on a monthly basis from July through November 1995 to address some performance issues with the contractor The contractor has resolved the performance issues and we are satisfied with the level of service being provided
- Amendments #1 and #2 were utilized to pay for the services during the evaluation period of July through November 1995

Item No.

25. Deny Refund of Certain Taxes

Action: **Adopt a motion to deny the refund of property taxes assessed as a result of a mathematical or appraisal error.**

Explanation of Request:

- These property taxpayers have requested retroactive refunds back to the year in which the mathematical or appraisal error was made Attached is a listing of the taxpayers and the amount of refund each has requested.
- The County Commissioners took action on September 12, 1995 to deny the refund requests

Background:

- North Carolina Statute 105-381 provides that a taxpayer may request a refund of taxes paid The City County Tax Office has reviewed several taxpayerrequests and decided that these claims are not eligible for a refund
- The City-County Tax Attorney recommended the claims be denied based on North Carolina Statute 105-287 These claims are based on mathematical or appraisal errors which according to North Carolina Statute 105-287 are not eligible for a retroactive refund. An example would be property appraised at ten acres but in reality is only eight acres An adjustment can only be made in the year the variance is determined A retroactive adjustment is not allowed
- The statutes state that the governing board must act on these requests and notify the taxpayer when the refund is denied Attached is a copy of the City-County Tax Attorney's opinion

Attachment 7
Listing of taxpayers and the amount of refunds
City-County Tax Attorney's Opinion

26. North Mecklenburg Water Treatment Plant Projects - Amendment #4

Action: **Approve Amendment #4 to the professional services contract with Black & Veatch to provide additional inspection and geotechnical services for Contract #2 (Intake and Raw Water Pipeline), Contract #3 (Finished Water Transmission Mains), and Contract #4 (Plant Construction) for $375,000.**

Explanation of Request:

- Amendment #4 will pay Black & Veatch for providing:
  - An additional inspector to be added for inspection of the water transmission main project (Contract #3) for the duration of the project ($135,000)
  - Overtime inspection ($50,000)
  - Inspection and material testing costs for the sewer and water mains along Rich Hatchett Road ($10,000)
  - Monitoring and directing the testing services performed by a geotechnical firm for the three North Mecklenburg Water Treatment Plant construction contracts ($180,000)
- Amendment #4 will increase the professional services contract amount from $10,151,197 to $10,526,197.

Background:

- Funding for this project was approved in the FY93 and FY94 bond referendums.
- City Council approved a professional services contract with Black & Veatch for study and preliminary design of the North Mecklenburg Water Treatment Plant Facilities and the Franklin/Vest Alum Sludge Facilities on June 8, 1992 - $2,363,523
- Amendment #1, for detailed design of these facilities, was approved on September 13, 1993 -$4,836,361
- Amendment #2, for construction engineering and resident inspection of the Franklin/Vest Alum Sludge Facilities, was approved on April 25, 1994 - $688,780
- Amendment #3, for construction engineering and resident inspection of the North Mecklenburg Water Treatment Plant construction contracts was approved on August 22, 1994 - $2,263,533.
- Amendment #4 will increase the "not to exceed" limit from $10,151,197 to $10,526,197

Attachment 8
Background

27. Alum Residuals Facilities at Franklin and Vest Water Treatment Plant General Construction, Change Order #6

Action: **Approve Change Order #6 to the Alum Residuals Facilities at Franklin and Vest Water Treatment Plants Section I Contract - General Construction with Crowder Construction Company for $143,833.15.**

Item No.

Explanation of Request:

- Change Order #6 will provide.
  - an ornamental picket fence along Beatties Ford Road,
  - a black vinyl-coated chain link fence along Patton Avenue and Oaklawn Avenue, and
  - additional landscaping
- The Business Corridor Team, Economic Development Team, and the Washington Heights Neighborhood Citizens asked CMUD to soften the imposing security appearance surrounding the Vest Water Treatment Plant (WTP).
- The Vest WTP is the "gateway" into the adjoining neighborhood and portrays an area of high security Installation of the proposed fencing would improve the appearance of the Vest Plant.
- These changes have been approved by the Historic Landmarks Commission
- The adjusted contract totals $6,313,088.19

Attachment 9
Background

28. Resealing Aircraft Ramp and Taxiway Change Order #1

Action: **Approve Change Order #1 in the amount of $72,000 for the resealing of the aircraft ramp and Taxiway E and B with International Contractors, Inc.**

Item No.

Explanation of Request:

- This change order increases the quantities of concrete joints to be resealed The contract was bid with estimates of the linear footage of concrete joints to be rehabilitated The preliminary estimates were lower than the amount of concrete joints that were in need of repair. Over 600,000 linear feet of concrete joints will be resealed under this contract

- Upon approval of this change order, the total contract amount will be $799,000.

Funding:

A portion of this change order (75%) will be funded by an existing federal grant The remaining 25% has been previously appropriated in the project center budget from airport funds.

Background:

- June 1994 - City Council awarded a $727,000 contract to International Contractors for the resealing of Taxiway E and B and areas of the air carrier ramp

- June 1994 - City Council accepted an FAA grant in the amount of $7,764,439 to fund 75% of the project costs

- The Airport Advisory Committee is recommending this change order

29. **Contract for Engineering Design of a Storm Water Retention Pond Dam**

Action:

Award a $120,514 contract to HDR Engineering, Inc. for engineering design services for the Coffey Creek storm water dam.

Item No.

Explanation of Request:

- The airport is required by the Environmental Protection Agency (EPA) to have a National Pollution Discharge Elimination System (NPDES) Permit and a Storm Water Pollution Prevention Plan (SWPPP)

- The EPA requires airports to ensure that their storm water run off does not degrade surface waters such as Coffey Creek

- Originally the City charged the airport $340,908 in storm water fees annually. The airport then constructed numerous storm water retention facilities to reduce the storm water fee via credits. This dam will eliminate the current balance of the airport's storm water charge that is approximately $148,000 annually

- The total budget for this project is $2,500,000. After contract negotiations, the engineering design fee of this project is $109,914 plus reimbursable expenses not-to-exceed $10,600, which totals 5.0% of the estimated construction costs. Initially, HDR Engineering proposed a fee of $128,573 plus reimbursable expenses

- This budget ordinance of $200,000 will provide additional project funding for other work as follows

Design	$120,514
Preliminary surveying	$ 18,000
Geotechnical service	$ 61,486

Funding: Previously approved revenue bonds will fund this project

Background:

- HDR Engineering was selected for this project in October 1992 through a consultant selection process along with four other engineering consultants. HDR has been assisting the airport in the preparation of the SWPPP and NPDES permits

- The Airport Advisory Committee is recommending this contract

30. Contract for Engineering Design of Cargo Ramp

Action:

A. Award a contract for $98,000 to W. K. Dickson & Co., Inc. for engineering design services for additional cargo ramp; and

B. Adopt a Budget Ordinance to appropriate $150,000 to fund the engineering design for additional cargo ramp.

Explanation of Request:

- The airport has agreed to provide a new air cargo facility for Emery Worldwide in the airport's Cargo Center

- This contract will provide design services for the site work and aircraft ramp paving

- This engineering design fee is 4 45% of the estimated construction costs of $2,200,000.

- The budget ordinance of $150,000 will provide additional project funding for other work as follows

Design	$98,000
Preliminary surveying	$12,000
Geotechnical services	$40,000

Funding: Initially, the City will fund the design fee of this project which will become eligible for 75% Federal funding when the Federal Aviation Administration issues the airport a grant for this project. The balance will be repaid through cargo fees.

Background:

- 1987 - The Airport Master Plan identifies the expansion of the cargo ramp
- 1992 - The Air Cargo Master Plan Study identifies the expansion of the cargo ramp
- November 1994 - Proposals were solicited and received from eleven engineering consultant firms for engineering consultant selection as required by federal regulations
- 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 in accordance with federal regulations
- The Airport Advisory Committee is recommending this contract.

31. Service Agreement with Johnson Controls, Inc.

Action: **Approve a three year term service agreement contract for $206,000, annually, with Johnson Controls, Incorporated for the airport terminal building automation and air handling systems.**

Item No.

Explanation of Request:

- Routine maintenance, servicing and operation of building systems are performed by airport personnel The more complex elements of the building automation systems, which require specialized tools and training, are maintained through this contract

- This service contract provides preventative maintenance for the more complex elements of the building automation system, which has centralized control of all heating, ventilating and air-conditioning, lighting, fire safety and security alarm programs

- This contract will permit the City two additional one-year service extensions beyond the initial three years at an annual rate of $220,000 if desired

Background:

- Requests for proposals were advertised on September 3, 1995. Ten companies responded to the advertisement Proposals were received on September 19. Johnson Controls was the only company to submit a proposal.

- This service contract has been handled by Johnson Controls since 1984 The contract amount in 1995 was $200,628.

32. Temporary Services Contract - Aviation

Action:

Award a three year contract to Personnel Unlimited for $1,970,000 for parking cashier and other personnel services at the airport.

Explanation of Request:

- This contract will provide personnel to staff the parking lot cashier service, taxi starters, ground transportation, information counter and Welcome Center on a 24-hour, seven day a week basis

- Employees will be paid $6.00/hour for first and second shift and $7 00/hour for third shift. They will be eligible for a $ 25/hr increase with a good evaluation rating after six months

- The first two years of the contract will cost the City approximately $648,000. The third year of the contract will be at an annual rate of approximately $674,000. This contract will permit the City three additional one-year service extensions at an annual rate of $674,000.

- Temporary service companies were reviewed on the following criteria

  - previous work experience

  - billing rate/mark up rate

  - capability to attract and retain employees

  - employee programs and benefits

  - ability to meet airport requirements

Background:

- February 1990 - City Council awarded a three year contract to Temp World Temporary Services The contract included the option of three one year extensions

- January 1993 - City Council approved the first one-year extension.

- February 1994 - City Council approved the second one-year extension

- February 1995 - City Council approved the third one-year extension.

Item No.

- October 1995 - Requests for proposals were advertised on October 15, 1995 Eight companies responded to the advertisement. On October 23, 1995 six companies attended a preproposal meeting. Bids were accepted on October 27 and three companies (Manpower, Personnel Unlimited and Corporate Staffing Consultants) submitted proposals

- A selection committee consisting of a representative from the City Manager's Office, the Airport Advisory Committee and two members of airport staff interviewed Manpower and Personnel Unlimited. The selection committee selected Personnel Unlimited.

33. Property Transactions

Action: **Approve the following property acquisitions A-F.**

Acquisitions:

A. Project: Airport Master Plan Acquisition
Owner(s): Mamie Auten Reid Heirs
Property Address: Old Dowd Road
Property to be acquired: 4 079 Acres
Improvements Vacant Land
Tax Value $266,910
Purchase Price $244,000
Remarks: The purchase was determined by an independent appraiser and was reviewed by a third appraiser This property was acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

B. **Project**· Beatties Ford Road Left Turn Lane, Parcel #3
Owner(s) Fred D Collins & Effie E Collins
Property Address 2121 Beatties Ford Road
Property to be acquired: 614 sq.ft. (0 014 AC) fee plus 928 sq ft (0 021 AC.) temporary construction easement
Improvements Sign, shrubbery
Tax Value: $270,680 (entire parcel)
Purchase Price $15,300
Remarks The property will be affected by the addition of a left turn lane The property line will be moved back an average of six feet along the front of the property. The compensation amount determined by independent appraisal includes damages to shrubbery and sign relocations

Zoned B-1 **Use** Restaurant
Tax Code 069-171-27

C. **Project**. Beatties Ford Road Left Turn Lane, Parcel #15/33
Owner(s)·Thomas P Moore, III and Dwayne E Deese
Property Address· 2200 Beatties Ford Road
Property to be acquired· 1,403 sq ft (0.032 AC.) fee plus 2,344 sq.ft (0.054 AC.) temporary construction easement.
Improvements. Landscaping, pavement, sign
Tax Value. $321,000 (entire parcel)
Purchase Price $111,300
Remarks The property will be affected by the addition of a left turn lane The property line will be moved back about 11' along the front causing the loss of eight parking spaces, business sign and lights Compensation amount was determined by an independent appraiser.

Zoned. B-1 **Use** Retail Building
Tax Code. 075-022-05

D. **Project**. Beatties Ford Road Left Turn Lane, Parcel #18/19
Owner(s).Jeanette S Robinson
Property Address 2224/2228 Beatties Ford Road
Property to be acquired 1,790 sq ft (0 041 AC) fee plus 1,895 sq.ft (0 043 AC) temporary construction easement
Improvements· Signs, asphalt pavement
Tax Value. $181,450 (entire parcel)
Purchase Price $17,250
Remarks.The property will be affected by the addition of a left turn lane. The property line will be moved back approximately 11' along the front of the property. Compensation amount was determined by an independent appraiser.

Zoned. B-1 **Use**: Retail Stores
Tax Code. 075-022-02,01

E **Project**· 54" Water Transmission Main, Parcel #2
Owner(s)·Louisa C McAulay
Property Address·15101 Hugh McAulay Road
Property to be acquired Sanitary sewer easement 94,862 10 sq ft. (2 17 AC) temporary construction easement 153,515 50 sq ft. (3.52 AC.)
Improvements: None
Tax Value. $463,980 (entire parcel)
Purchase Price $55,700
Remarks A 30' permanent easement is required for the installation of a 54" Water Transmission Main Also required is a 50' temporary construction easement Consideration price based on appraisal.

Zoned. R-3 **Use** Single Family
Tax Code 009-071-07

F. **Project**: 54" Water Transmission Main, Parcel #3
Owner(s):Louisa C McAulay
Property Address:15210 Hugh McAulay Road
Property to be acquired. Sanitary sewer easement 37,516 sq ft. (86 AC.) temporary construction easement 41,668 sq ft (95 AC)
Improvements· None
Tax Value.$465,670 (entire parcel)
Purchase Price $20,600
Remarks A 30' permanent easement is required for the installation of 54" Water Transmission Main. Also required is a 50' temporary construction easement Consideration price based on appraisal.

Zoned: R-3 **Use** Single Family
Tax Codes·009-071-01 & 009-081-24