AGENDA

Meeting Type:	BUSINESS
Date:	10/23/1995

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot	*Mayor Pro Tem Patrick McCrory*
Charles Baker	*Hovle H Martin*
Stan Campbell	*Don D Reid*
Patrick D Cannon	*Ella Butler Scarborough*
Mike Jackson	*Sara Spencer*
Nasif Rashad Majeed	*Lynn M Wheeler*

Council Agenda

CITY COUNCIL MEETING
Monday, October 23, 1995

5:00 p.m. — **Conference Center**

- **McGill Rose Garden Lease**
- **Northwest Corridor Community Development Corporation Loan**
- **Elizabeth Neighborhood Historic District**

6:30 p.m. — **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, October 23, 1995
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Item No.

MINUTES AND CONSENT

1. **Approval of Minutes:** **September 18, 1995 Zoning Meeting**

CONSENT ITEMS

2. **Consent agenda items 14 through 22 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

ZONING DECISIONS

3. **Decision on Petition No. 95-68 by the Elizabeth Community Association to designate an Historic District Overlay to establish the Elizabeth Local Historic District.**

A protest petition has been filed and is not sufficient to invoke the 20% rule

The Zoning Committee recommends this petition for approval

Attachment 1

4. **Decision on Petition No. 95-69 by the Wesley Heights Community Association to designate an Historic District Overlay to establish the Wesley Heights Local Historic District.**

A protest petition has been filed and is not sufficient to invoke the 20% rule

The Zoning Committee recommends this petition for approval

Attachment 2

PUBLIC HEARING

5. Northeast District Plan

Action: **Hold a joint public hearing with the Mecklenburg County Commissioners on the Northeast District Plan Update.**

Staff Resource: Walter Fields and Joe Lesch

Explanation of Request: In a year long process, a draft of the Northeast District Plan Update has been prepared Before seeking City Council and County Commission approval of the Plan, a public hearing should be held so that citizens may have an opportunity to voice their opinions of the Plan.

Background:

- The Northeast District Plan Update is a policy plan which includes recommendations for land use, zoning, transportation and quality of life issues for the Northeast District
- A study group and various focus groups were involved in the planning process. Two public meetings have been held during the process to identify issues and to present the recommendations of the Plan
- The Planning Commission's Planning Committee has reviewed the Plan Briefings were given to the City Council at the October workshop and to the County Commission.
- After the public hearing, Council's Planning Committee will review the Plan and provide recommendations at the November 13 Council meeting.

Attachment 3
Northeast District Plan

POLICY

6. City Manager's Report

BUSINESS

7. Marketing the Old Convention Center

Action: **Approve a two-year agreement with Percival's Inc. as the listing broker to market the Old Convention Center.**

Staff Resource: Kent Winslow

Policy: City Council adopted an Asset Management Policy on July 13, 1994 to maximize return on existing assets.

Explanation of Request:

- A commercial broker is needed to list the Old Convention Center for sale to provide maximum exposure of the property to local, national and international markets
- Percival's Inc. in affiliation with Grubb & Ellis and Cushman & Wakefield was unanimously chosen by the Selection Committee (composed of a member of the Privatization/Competition Advisory Committee, a local prominent real estate broker and City Staff) to market this property
- Grubb & Ellis and Cushman & Wakefield provide international exposure for the brokerage team to complement Percival's, Inc. knowledge of and experience in the Charlotte market.

- A marketing budget will be developed of approximately $50,000 for advertising, brochures and any video presentations The money spent would be subtracted from the broker's commission.

- Commission is paid when closing occurs A commission is also due should the City decline the offer under the following conditions.

  - Broker submits a bona fide offer at or above fair market value

  - Offer represents a use of the property that is acceptable to the City

Background:

- City Council decided June 8, 1995 to open the selection process for a listing broker to market the Old Convention Center property to all commercial real estate firms.

- Notices of the City's intent were sent to 262 commercial real estate brokerage firms listed with the Charlotte/Mecklenburg Commercial Board of Realtors and the Society of Industrial and Office Realtors (SIOR).

- We received seven responses from companies interested in listing the property. All seven companies were interviewed The companies are:

  - The Atkins Group
  - McKee/Terra Joint Venture
  - Forsythe Carter Brokers
  - Southern Real Estate
  - Trammel Crow Company
  - Vinson Colliers International
  - Percival's Inc.

- Based upon each of the firms' profile, qualifications, ability to market the property and their marketing strategy, Percival's Inc. appears to have the best all around qualifications. They have broad exposure to many investors and developers around the country and around the world.

- Percival's Inc. was founded in 1961 and specializes in leasing, sales, management and development of office and mixed use properties. The firm represents many national and international corporations, financial institutions and pension fund owners.

- The listing agreement will contain the following requirements.

  - 3 1/2% commission paid on the gross amount if brokered in-house

  - 4 1/2% commission paid if co-brokered. A minimum of 2% will be paid to the selling broker

  - 24 month listing agreement

  - City to advance, upon request, up to $50,000 for marketing purposes

Attachment 4
Marketing Strategy and Timetable

8. McGill Rose Garden Lease

Action: **Approve a lease agreement with McGill Rose Garden, Inc., a nonprofit corporation, transferring responsibility for maintenance of the garden to McGill.**

Item No.

Staff Resource: Tim O'Brien

Explanation of Request: Because of concerns over the future of the rose garden, McGill Rose Garden, Inc has requested permission to maintain the garden

The terms of the lease agreement are.

- The lease is for ten (10) years at one dollar per year with two (2) options to renew for additional five (5) year terms if the property is maintained at an acceptable manner

- The City agrees to make the following repairs which are not expected to exceed $20,000

  - Refurbish the roof,
  - Re-plaster portions of the ceiling and one wall caused by water damage, and
  - paint the interior walls.

- Upon completion of the City's obligation to repair the building, the tenant agrees to assume responsibility for the building and grounds and make any and all repairs needed to maintain the structural integrity of the facility.

The City budgeted $22,000 for the operation and maintenance of the property in FY96 The City would continue to provide the cash and in-kind support for the remainder of this fiscal year The Engineering and Property Management budget will be reduced by $22,000 in FY97.

- The property was purchased as a rose garden with the intent to provide open space as required under the First Ward Renewal Area Redevelopment Plan

Background:

- The property is located next to the Charlotte Transit Garage on North Davidson Street It is part of the Belmont neighborhood

- Mr. McGill developed the rose garden over 30 years ago on what was once the Avant Fuel and Ice Company property. He continues to maintain the garden and is now caring for over 600 rose bushes

- The Privatization/Competition Advisory Committee voted to maintain the property as a rose garden in June 1995

Attachment 5
Summary of History of the Property
Privatization/Competition Advisory Committee Recommendation
Promotional Handout about the Property

9. Transit Grant Application, Resolution and Budget Ordinance

Action:

- **Adopt a resolution amending the FY96-2000 Capital Investment Plan;**

- **Adopt a resolution authorizing grant applications to the Federal Transit Administration (FTA) and the North Carolina Department of Transportation (NCDOT) for FY96 transit assistance; and**

- **Adopt a budget ordinance appropriating $2,602,000.**

Staff Resource: Lynn Purnell

Item No

Explanation of Request:

- This action initiates the City's annual grant application process for transit capital equipment and operating assistance The major emphasis of the capital grant is expansion of the Special Transportation Service fleet. The operating assistance grant has been previously appropriated

- The City's Americans with Disabilities Act (ADA) plan calls for increases in the Special Transportation Service (STS) fleet to reach compliance with ADA by January 1997 The grant application includes seven new vehicles ($1,000,000) and 50 mobile data terminals ($300,000) for STS.

- This year's grant application also includes the design and installation of bus signal preemption for Monroe Road ($150,000). The signal preemption system will reduce travel times for passengers using three bus express routes The system will provide real-time signal progression along Monroe Road, improving peak-hour travel speeds for all vehicles on this thoroughfare

- The Grant application includes $1,200,000 for transit operating assistance. These funds were estimated in the annual budget ordinance.

Below is a financial summary of the grant application:

Capital Funds	
FTA (80%)	$2,081,600
NCDOT (10%)	260,200
CITY (10%)	260,200
TOTAL	**$2,602,000**

Operating Funds	
FTA	$1,200,000
TOTAL	**$1,200,000**

Background: Annually, the City applies for grants from the FTA and the NCDOT to assist in the funding of the transit program. FTA's formula grant program, Section 9, allocates funds for both capital and operating assistance At one time, operating assistance covered 50 percent of the City's operating deficit. In 1987, the FTA capped its participation in operating assistance. It is now estimated to be $1,200,000

Attachment 6
A listing of equipment to be purchased under the capital grant
A copy of the resolution amending the FY96-00 Capital Investment Plan

10. Northwest Corridor Community Development Corporation Loan

Action: **Approve a $455,188 loan to the Northwest Corridor Community Development Corporation to acquire and rehabilitate 27 rental units of affordable housing.**

Staff Resource: J. W. Walton

Focus Area: City Within a City

Policy: The City's Consolidated Plan for federal housing funds identifies a need for affordable, safe and decent housing for low-income families.

Explanation of Request:

- Northwest Corridor Community Development Corporation (NWCCDC) has requested a City loan of $455,188 to acquire and rehabilitate 27 rental units of affordable housing, known as Dundeen Court, for persons with income at 60% or below the Charlotte area median income level ($20,850 for a family of 4)

- Dundeen Court is located off Beatties Ford Road at 2700-30 Dundeen Avenue in the Washington Heights neighborhood.

- The total cost of the project is $680,492 The loan requested from the City to close the financial gap for this project is $455,188.

- The terms of the City loan are 20 years amortized at 4% interest for $387,059 and an interest accrued, deferred payment loan of $68,129 for 20 years

- This project is contingent on additional funding from Branch Banking and Trust in the amount of $130,304 and a $95,000 grant from Federal Home Loan Affordable Housing Program (See commitment letters provided in the attachment.)

- Funding for the City's loan will be from its HOME allocation $341,250 of the $455,188 loan will be used for the required HOME set aside for community development corporations in FY96

- A benefit to the City is that needed affordable housing for low-income residents will be developed This need is identified in the Consolidated Plan and supported by a Market Analysis performed for NWCCDC by the Karnes Research Company.

- The Housing Authority presently has a waiting list of over 7,000 families that are in need of housing assistance.

- The property where this development is located is zoned R-12MF and the proposed use will be the same as the current use.

- The location of the development is in Census Tract 46. This is a "prohibited area" in that assisted housing, owned by the Charlotte Housing Authority, is within a 1/4 mile radius of the project. Compliance with the City's Locational Policy criteria is not necessary. The acquisition and rehabilitation activities are permissible on existing housing units even though the area classification is prohibited

Attachment 7
Background
Offer to Purchase and Contract
BB&T Commitment Letter
Federal Home Loan Affordable Housing Program
Grant Commitment Letter
Map
Letters of Support

11. November Workshop Agenda

Action: **Consider options for the November Workshop.**

Explanation of Request: The November workshop falls on the 6th which is the day prior to the election. Options available are.

- Cancel the Workshop

- Hold the Workshop.

12. Nominations to Charlotte Capital Needs Advisory Committee

Action: **Make nominations to the Charlotte Capital Needs Advisory Committee**

Explanation of Request: At Council's October 2 Workshop, a Capital Needs Advisory Committee was approved as part of the capital planning process

The composition of the committee will include

- 12 to 15 members
- Diverse backgrounds
- Representation from older and newer neighborhoods

The Committee charge is as follows·

- Review and comment on the City's capital planning process
- Recommend long-range infrastructure needs and short-range priorities
- Report to City Council's Economic Development Committee by April 1

The Mayor will appoint 4 or 5 members of the committee, including the Chair.

13. Appointments to Boards and Commissions

Action: **Vote on the blue paper ballots and return to the City Clerk at dinner so she may announce the results at this point in the meeting.**

1. Clean City Committee
One appointment beginning immediately to fill an unexpired term ending June 1997

(a) Lamont Grier by Councilmember Scarborough
(b) Lisa Ellen McIntire by Councilmember Jackson
(c) Mary Elizabeth McNamara by Councilmember Reid
(d) Dennis Warfle by Councilmember Spencer

Attachment 8

2. Parole Accountability Committee
One appointment to fill an unexpired term ending June 1996 and the next full term

(a) Charles Jonas III by Councilmember Campbell
(b) Frank Krept by Councilmember Martin
(c) Patrick McNeil by Councilmember Spencer
(d) Dennis McGowan by Councilmember McCrory
(e) John Tinkey by Councilmember Reid

Attachment 9

3. Planning Commission
One three year appointment beginning immediately to fill an unexpired term ending June 30, 1997.

(a) Jackie Edwards by Councilmember Majeed
(b) Mary Hopper by Councilmember Spencer
(c) Mark Clayton Loflin by Councilmember Baker

(e) Steve Maye by Councilmember Jackson
(f) Kimberly Mitchell by Councilmember Scarborough
(g) Betsy Smith by Councilmember Campbell
(h) Robin Smith by Councilmember McCrory
(i) Kyle Winston by Councilmember Cannon
(j) Dick Yoder by Councilmember Reid

Attachment 10

4. **Storm Water Advisory Committee**
One three year appointment beginning immediately to fill an unexpired term ending April 1998 Appointee must represent a school, college, hospital or church

(a) Dr. Frank Barnes by Councilmember Reid
(b) Dr. Robbie Batement by Councilmember Scarborough
(c) Bill Crowder by Councilmember Campbell

Attachment 11

5. **Transit Advisory Committee**
One three year appointment beginning immediately and ending January 31, 1997 Must be a neighborhood organization leader

(a) Charles Jonas III by Councilmember Campbell
(b) John Arthur Moore by Councilmembers Reid & Spencer

Attachment 12

6. Uptown Development Corporation
One appointment beginning immediately representing uptown business to fill an unexpired term and the next full term.

(a) Tom Price by Councilmember Reid
(b) Ruth Shaw by Councilmember Scarborough

Attachment 13

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

14. Various Bids

A. Sanitary Sewer Construction - Somersby Trunk Replacement — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $124,900 60 by R. H. Price, Incorporated of Charlotte, North Carolina.

MWBD Status·	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$124,900.60	100%	3%

Compliance: Yes, the Contractor has exceeded the established goal for WBE participation and made good faith efforts to meet the goal for BBE participation. The Contractor is a certified WBE

Item No.

B. **Storm Water Maintenance, FY96-A** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $347,200 by Blythe Development Company of Charlotte, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	$21,000	6 1%	6%
WBE	$21,000	6 1%	6%

Compliance: Yes.

C **Storm Water Maintenance, FY96-B** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $344,750 by United Construction of Charlotte NC.

MWBD Status:	Amount	% of Project	Project Goals
BBE	0	0	6%
ABE	$344,750	100%	0
WBE	0	0	6%

Compliance: Yes.

D. **North Tryon Business Corridor - Phase I** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $349,914.18 from KIP Corporation Charlotte, N.C.

Compliance: Yes. Contractor will perform work with their own forces

E. **Residential Sound Insulation Construction Contract** — **Aviation**

Recommendation: Aviation Director recommends the low bid of $225,595 by Moretti Construction of Charlotte.

MWBD Status:	Amount	% of Project	Project Goals
DBE	$9,985	4.43%	10%

Compliance: No. Good faith efforts were made to achieve the goal

Item No.

15. Resolution of Intent to Abandon a Portion of West Eighth Street and Set a Public Hearing

Action:

A. Adopt the Resolution of Intent to abandon a portion of West Eighth Street.

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

16. Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $2,366.39.

Attachment 14

CONSENT II

17. Neal Branch Pump Station, Force Main, and Gravity Sewer Trunks, Professional Services Contract

Action: Approve a Professional Services Contract totalling $174,622 with Construction Dynamics Group (CDG) for bidding, construction engineering and resident inspection services of the Neal Branch Pump Station, Force Main and Gravity Sewer.

Explanation of Request:

- The project will provide sanitary sewer service to a portion of southwest Mecklenburg County that currently has no sewer service
- Design of the project has been completed through an engineering services contract with Ralph Whitehead.
- After the project design was completed, CMUD could not reach an acceptable compensation amount with Ralph Whitehead and Associates for additional services. CMUD then began negotiations with CDG and an agreement was reached

Background:

- Funding for this project was approved in the FY96 Capital Investment Plan The project budget totals $4.5 million
- A professional services contract with Ralph Whitehead & Associates for design of the sanitary sewer trunks mains, pumping station, and force main was approved by City Council on December 14, 1992 for $243,000
- Amendment No. 1 was approved by the Manager's Office on April 7, 1993 for an increase of $47,900.

18. Sanitary Sewer to Serve McGuire Nuclear Station - Professional Services Contract

Action: **Approve a Professional Services Contract totalling $186,000 with Woolpert Consultants for design of sanitary sewer trunks, force main and pump station to serve McGuire Nuclear Station in North Mecklenburg County.**

Explanation of Request: The professional services contract with Woolpert Consultants is for surveying and design of the sanitary sewer trunks, force main and pump station to serve McGuire Nuclear Station on N C Highway 73

Background:

- City Council approved sewer contracts with Duke Power Company for sanitary sewer service to serve McGuire Nuclear Station on July 24, 1995
- This project is included in the Capital Investment Plan and is eligible for the reimbursement program under CMUD's Extension Policy, 5-Year Reimbursement and the 15-Year Reimbursement Programs.
- Duke Power Company has deposited 10% of the estimated project cost with the City of Charlotte with the remaining 90% to be deposited prior to construction

19. Sewer Reimbursable Contract - Charlotte-Mecklenburg Schools, East High School

Action: **Recommend approval of a sewer contract between the City and Charlotte-Mecklenburg Schools.**

Policy: CMUD Extension Policy - 15-Year Reimbursement Program

Item No.

Explanation of Request:

Charlotte-Mecklenburg Schools has requested a contract for the design and construction of 2,000 linear feet of sanitary sewer trunk main to serve the East High School Property on N.C Highway 51, Matthews-Mint Hill Road The estimated cost of this project is $110,000.

Funding:

Under this 15-year reimbursable contract the applicant has deposited 10% of the estimated project cost with the remaining 90% to be deposited prior to construction.

20. Storm Water Project on Bancroft Street - Professional Services Contract

Action:

Approve a Professional Services Contract totalling $254,040 with US Infrastructure, Inc. (USI) for a Storm Water project on Bancroft Street.

Explanation of Request:

- The Bancroft Street storm water project is one of the 17 highest priority projects identified in 1994 for funding. The Storm Drainage bonds approved by the voters in November 1994 have accelerated the schedule of this project
- Bancroft Street runs south and parallel to Graham Street from Statesville Avenue to Atando Avenue
- USI (an Asian-American firm) was chosen for this project using the Council approved consultant selection process
- The cost of these services is comparable to the cost of similar work for other storm water drainage projects

21. **Milton Road Right of Way Cleaning**

Action: **Approve an Agreement with Duke Power for $64,190 for Right of Way Clearing on Milton Road.**

Explanation of Request:

- This agreement allows Duke Power to clear right of way along Milton Road from The Plaza to Sharon Amity
- Legal review of this process determined that separating the clearing work from the construction project exempts that portion of the project from the public bidding statutes
- Clearing of this area will enable overhead utilities to be relocated prior to the award of a construction contract
- This process will save money, allow smoother work flow and minimize the inconvenience to the citizens during the beginning phases of the project
- Rates are comparable to current marketplace rates for similar work in the area

Background:

- Milton Road Widening is the final major roadway project funded by the 1988 Transportation Improvement Bonds
- Design and right of way acquisition is complete and the bid phase will begin in January 1996 The construction contract is scheduled to be awarded in April 1996.

22. Property Transactions

Action: **Approve the following property acquisitions A and B and resolutions of condemnations C and D**

Acquisitions:

A. Project: Airport Master Plan Acquisition
Owner(s): Harvest Temple Christian Church
Property Address: 6901 Wilkinson Boulevard
Property to be acquired: 14.066 Acres
Improvements: Church/Office Building
Tax Value $1,296,120 (entire parcel)
Purchase Price: $1,388,986
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 #24 & 25
Owner(s): Clayborne Hartford & wf , Sallie Hartford
Property Address 2336-2342 Beatties Ford Road
Property to be acquired: 2,283 sq.ft. (0 0524 AC.) plus temporary construction easement 2,967 sq ft (0 0681 AC)
Improvements N/A
Tax Value: $ 400,130 (entire parcel)
Purchase Price: $ 31,140
Remarks: This project involves the construction of a center lane for left turns causing the property line to be moved back approximately 12' along Beatties Ford Road Compensation amount is based upon appraisal and includes loss of trees and fencing.

Zoned: B-1 Use: Commercial
Tax Code 075-021-01 & 02

Condemnations:

C. Project: 1993 Annexation (Area 1), Parcel #6
Owner(s): Carolina Truck and Trailer of Charlotte, Inc. and any other parties of interest.
Property Address: 8500 Statesville Road
Property to be acquired 19,553.45 sq.ft (44 AC.)
Improvements N/A
Tax Value: $947,370 (entire parcel)
Purchase Price $ 2,400
Remarks· This 15′ wide sanitary sewer project is 559.45′ in length. The City's offer of $2,400 was based upon independent appraisal The property owner is dissatisfied with the affects of this project and wants it moved.

Zoned· I-1 Use Industrial
Tax Code: 025-012-01

D. Project: 1993 Annexation (Area 1), Parcel #5
Owner(s): J. C Brookshire & all parties of interest.
Property Address. 8431 Statesville Road.
Property to be acquired 38,198.30 sq ft (.88 AC)
Improvements: Trees
Tax Value: $549,690 (entire parcel)
Purchase Price: $3,500
Remarks This 15′ wide sanitary sewer project is 1,091 35′ in length. The City's offer of $3,500 was based upon independent appraisal. The property owner is dissatisfied with the affects of this project and wants it moved

Zoned I-1 Use Industrial
Tax Code 025-122-05