

AGENDA

Meeting Type:	BUSINESS
Date:	08/26/1996

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

*Charles Baker Don Reid
Patrick Cannon Ella Butler Scarborough
Malachi Greene Tim Sellers
Mike Jackson Sara Spencer
Nasif Rashad Majeed Lynn Wheeler*

Council Agenda

CITY COUNCIL MEETING Monday, August 26, 1996

5:00 p.m.

Conference Center

**Dinner Briefing
(See Table of Contents)**

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

Formal Business Meeting

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**5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER**

- 1. Charlotte Hornets/Coliseum Update**
- 2. First Ward Master Plan Update**
- 3. Wingate Neighborhood Housing Development and Affordable Housing Loan Program**
- 4. Employee Insurance Rebidding**
- 5. Chadmore Drive Opening**

**6:30 P.M. CITIZENS HEARING
MEETING CHAMBER**

CONSENT

- 6. Consent agenda items 21 through 47 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

7. Public Hearing on November 5 General Obligation Bond Referendum

Action: City Council is requested to take the following actions related to the proposed November 5, 1996 General Obligation Bond Referendum;

- A. Conduct a public hearing concerning the proposed bonds;
- B. Adopt an order authorizing \$66,375,000 of Street Bonds;
- C. Adopt an order authorizing \$32,000,000 of Neighborhood Improvement Bonds; and
- D. Adopt a resolution calling for a bond referendum on November 5, 1996

Staff Resource: Richard Martin

Explanation of Request:

- In order to place the proposed bonds on the November 5, 1996 ballot, Council must conduct a public hearing on the proposed bonds and then adopt the two bond orders and the resolution calling for the referendum.
- The \$66,375,000 of Street Bonds provides funding for eight roadway projects, eight intersection projects and eight ongoing programs. Eight of the roadway and intersection projects have already received funds (from the 1988 bonds) for planning and design.
- The proposed roadway and intersection projects will keep pace, through the year 2000, with the City's responsibilities under the 2015 Transportation Plan and with needs identified through the high congestion and high accident intersections analysis.

- Ongoing transportation programs are also continued through FY00 except the sidewalk program which is funded through FY01. The \$10 million for the Sidewalk Program will allocate approximately \$2 million per year over the next five years for thoroughfare and residential sidewalks. At an average cost of \$300,000 per mile, more than 30 new miles of sidewalk will be built by 2001.

- The Neighborhood Improvement Bonds are designed to help maintain and revitalize existing neighborhoods by making comprehensive infrastructure investments. These bonds will provide streets, curb & gutters, sidewalks, streetlights and landscaping projects in selected neighborhoods. The purpose of infrastructure investment is to:
 - preserve and increase the City's tax base;
 - establish minimum infrastructure levels consistent with neighborhood needs and character;
 - address infrastructure health and safety issues;
 - improve neighborhood appearance;
 - leverage other public and private investments in neighborhoods.

- During budget workshops Council was presented with a plan to fund Neighborhood Improvement Projects and Street Projects. The plan calls for a general obligation bond referendum on November 5, 1996. On June 10, 1996 Council authorized staff to proceed with actions necessary to conduct the referendum. On July 22, 1996 Council introduced the two bond orders and established August 26, 1996 as the date for a public hearing on the referendum.

Attachment 1
List of proposed projects

8. Public Hearing to Close a Portion of Weddington Avenue

- Action:**
- A. Conduct a public hearing to abandon a portion of Weddington Avenue; and**
 - B. Adopt the Resolution to Close.**

Staff Resource: Scott Putnam

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

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

Background: **Petitioner:**
David R. Krug

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

Location:
From Laurel Avenue southeastwardly for a distance of approximately 256 feet

Reason:

To incorporate the right-of-way into adjacent property for development

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
Elizabeth Community Association

City Departments' review has not identified a reason this closing would:

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

Attachment 2
Vicinity Map

POLICY

9. City Manager's Report

10. Political Consolidation

Action: Consider a Joint Resolution adopted by the Mecklenburg Board of County Commissioners on July 2, 1996 to approve the Amended Preliminary Charlotte-Mecklenburg Metropolitan Government Charter with specified revisions.

Staff Resource: Mike Boyd

Explanation of Request:

- On July 2, 1996 the Mecklenburg County Board of Commissioners adopted a joint resolution approving the Amended Preliminary Charlotte-Mecklenburg Metropolitan Government Charter and companion legislation as contained in the report of the Charter Commission, with the following revisions:
 - The Metro-Government Council to consist of thirteen members, eight to be elected by districts and five to be elected at-large and to use District Plan 8-B (dated May 1, 1996) as contained in the report of the Charter Commission, and to make other related changes, e.g. change the number of members of the Metro-Government Council who constitute a quorum to seven, the number of affirmative votes needed for favorable Council action to seven; and

- The Metro Council to appoint and remove the Director of Area Mental Health, Developmental Disabilities and Substance Abuse, Health Director and Director of Social Services.
- The Charter Drafting Committee voted to place these appointment powers with the Metro Manager in conformance with the Council-Manager form of government. The Charter Commission confirmed this decision. The County Commission voted unanimously to have these appointments made by the Metro Council.
- State law requires these appointments to be made by the appropriate boards. These appointments are presently made by the County Commission, which exercises the powers of an Area Mental Health Board, a Board of Health, and a Board of Social Services.
- The Charlotte-Mecklenburg Charter Commission has completed five of the six parts of its charge and presented an amended Preliminary Charter and enabling legislation for approval to the City Council and County Commission.
- On July 2, 1996 the County Commission approved the Charter and enabling legislation after making the revisions specified above.
- On July 22, 1996 the City Council deferred action on this issue until August 26, 1996.
- Council held educational workshops on August 14 and 22.
- If the City Council makes additional revisions to the Charter, those revisions must be adopted by the County Commission in order for the Charter Commission to consider calling the referendum. If necessary, the County Commission will consider any revisions at their September 3 meeting.

- If the City Council and the County Commission approve the same Charter and enabling legislation, then the Charter Commission will complete its charge by September 3, 1996 by considering placing before the public on November 5, 1996 a referendum on consolidation.

Attachment 3

Councilmember Baker's Motion from July 22
 Chart Summarizing Changes to Preliminary Charter &
 Enabling Legislation
 Summaries of Changes
 Joint Resolution
 Representation Maps
 Consolidation Schedules
 Q&A on Consolidation

11. Employee Insurance Rebidding

Action: Approve the Restructuring Government Committee recommendations on employee medical, dental, life and disability insurance coverages.

Committee Chair: Charlie Baker

Staff Resource: Bill Wilder

Policy: The Human Resources Philosophy adopted by the City Council states:

- employee benefits programs will provide for a moderate level of income protection;
- employees will fairly share in the cost of benefits;
- the City will aggressively manage costs of benefits;
- benefits programs will be reviewed on a regular basis and changed as circumstances warrant.

Explanation of Request:

- The Restructuring Government Committee approved staff's recommendations which based on the recent rebidding of the employee insurance program. The programs which were rebid include employee medical insurance, dental claims administration, life insurance, and disability insurance. In each case the recommendations represent the low bid. (A summary of savings and cost avoidance for all coverages which have been bid is in Attachment A.)
These recommendations are as follows:

Medical

1. Point-of-Service (POS) Plan
 - Keep the same plan design (same benefits) (Attachment B). In 1993, City Council approved adoption of a Point-of-Service Managed Health Care Plan. This plan allows employees/retirees a choice as to where they receive care at the time of service. Health care services provided to employees/retirees in the network cost less than health care services provided outside the network. The Point-of-Service Plan has been very successful in controlling the City's health care costs. There has been no rate increase since September 1, 1993.
 - Approve CIGNA Healthcare as the plan administrator effective December 1, 1996 and authorize the City Manager to execute a contract which covers the plan administration responsibilities.
 - Approve the attached premium structure (Attachment C), which includes administrative fees and anticipated claims.
 - The premium structure reflects no increase in rates over the current POS Plan A and a decrease in rates from the current POS Plan B.

2. Indemnity (Out of Area Plan)

- Continue to provide an indemnity plan for a small number of retirees who live out of the managed care plan area. A managed care plan is not available for these individuals and there will be a rate increase for this plan. The total additional cost for the City will be minimal due to the small number of retirees in this plan.
- Approve CIGNA Healthcare as the plan administrator effective December 1, 1996 and authorize the City Manager to execute a contract which covers plan administration responsibilities.
- Approve attached premium structure (Attachment D) which includes administrative fees and anticipated claims.

3. Health Maintenance Organizations (HMOs)

- Add 2 Health Maintenance Organizations to the employee insurance program with the plan design included in Attachment B. An HMO is similar to a POS plan, except there is no coverage provided if employees/retirees receive care out of the network. Adding 2 HMOs will result in the City being able to continue to effectively manage the cost of employee health insurance and will result in employees having additional choices of medical providers.
- Approve Prudential as Carolinas Medical Center affiliated HMO effective December 1, 1996 and authorize the City Manager to execute a contract which covers plan administration responsibilities.
- Approve CIGNA as Presbyterian Hospital affiliated HMO effective December 1, 1996 and authorize the City Manager to execute a contract which covers plan administration responsibilities.

- Approve the attached premium structure (Attachment C) for both HMOs, which includes administrative fees and anticipated claims.
- Premiums for the HMOs are slightly less than those of the Point of Service Plan because there is no coverage if care is received outside the network.

Dental

- Keep the same plan design (same benefits).
- Approve Benefits Management Services as claims administrator effective December 1, 1996 and authorize the City Manager to execute a contract which covers plan administration responsibilities.
- Approve the attached premium structure (Attachment E), which includes administrative fees and anticipated claims.
- The premium structure reflects a small increase in dental rates due to increased dental costs.

Life

- Keep the same plan design (same benefits).
- Effective September 1, 1996, approve John Hancock Company as carrier and authorize the City Manager to execute a contract which covers plan administration responsibilities.
- Approve the attached premium structures for City-funded basic life insurance and employee-funded supplemental life insurance (Attachment F).
- The premium structure reflects a decrease in rates for employee coverage over the current plan. Rates for optional dependent life insurance which is employee funded, will remain the same.

- Disability**
- Keep the same plan design (same benefits).
 - Continue short term and long term disability coverages with Provident Life and Accident Insurance Company pending review of "managed disability" coverages by July 1, 1997 and authorize the City Manager to execute a contract which covers the plan administration responsibilities.
 - Approve rates currently in effect, through June 30, 1997 (\$0.50 per month per employee for short term disability; \$0.13 per \$100 of covered payroll for long term disability).

Funding: Self-Insurance Fund

Attachment 4

12. Wingate Neighborhood Housing Development

Action: Approve City Within a City (CWAC) Committee recommendation to enter into a contract with Steve Nancy Homes in the amount of \$275,000 for the construction of up to 25 single-family homes in the Wingate community.

Committee Chair: Ella Scarborough

Staff Resources: Willie Ratchford and J. W. Walton

Focus Areas: City Within a City and Community Safety Plan

Policy: City's Consolidated Plan for spending federal housing funds identifies strengthening home ownership opportunities in low-income neighborhoods as a priority.

Explanation of Request:

- Approve a loan of \$275,000 to Steve Nancy Homes for the construction of up to 25 single-family homes in the Wingate community for persons with income at 80% or below the Charlotte-area median income level.

- Terms of the City's \$275,000 construction loan are 2½% interest due in 24 months or at sale of each house. The proceeds will revolve back into an account to fund additional homes. This process will continue until 25 houses are completed and sold.
- The construction loan will be used to acquire land from City inventory, and build houses, as well as develop a marketing plan for the neighborhood.
- The City will acquire over a two-year period of time approximately 84 parcels of land through friendly negotiations or foreclosure for City inventory. Disposal of the land (at the City's cost) will be selling lot by lot to developers.

Land acquired through voluntary sale will be sold to the developer through private negotiation. Land acquired through foreclosure of City liens will be sold to the developer by private negotiation if the value of the land is \$10,000 or less. If land acquired through foreclosure is worth more than \$10,000, it will be sold to the developer through negotiated offer and advertisement for upset bids or by other methods permitted by law.

- The construction loan is needed to minimize the financial cost and risk to the developer, Steve Nancy Homes, thereby reducing the cost of each real estate transaction so that the cost of the houses will be affordable to prospective low-income buyers in the Wingate community.
- Most homes in Wingate will be pre-sold over time. Initially 3-4 homes will be built. Each home will contain 3-4 bedrooms and 2 baths. The homes will range in size from 1,007 to 1,214 square feet and will be priced between \$55,000 and \$68,000. The average square foot price is \$56. (Floor plans and sketch of model homes are provided in the attachment.)

- There are not many known developers building new houses in this price range. Staff learned of Steve Nancy Homes developing a subdivision in the Sterling community. The Sterling community is a low-income community. Because of the success the developer has had in marketing and selling these homes, staff approached the developer to build new homes in Wingate. The developer has constructed over 40 affordable, single-family homes in the Sterling community. Other interested developers will be given the opportunity to acquire City lots and build affordable housing, on a competitive basis.

- A pool of Wingate residents and City relocation clients are already being prepared to participate in this opportunity for home ownership, along with other interested residents.

- Various banks involved in the HouseCharlotte Program (approved by Council on 1/16/96) and Steve Nancy Homes have already begun pre-qualifying Wingate buyers. Credit counseling assistance will also be provided. All potential buyers must qualify for first mortgage loans with a bank, except City relocatees. (The City will be lender of last resort.)

- The Federal Home Ownership Summit's objective is to increase home ownership nationally from 65.4% in 1995 to 67% by the year 2000. In Charlotte, the home ownership rate is 55%. In CWAC fragile neighborhoods, home ownership is 20% and, within Wingate, the home ownership rate is 11%.

The goal is to increase home ownership in Wingate to stabilize the neighborhood. With the construction of 25 units, the home ownership rate will increase to 21%. At the end of 5 years, it is projected that the rate will be 60%.

Projection of Housing Development in Wingate:

	Current	1997	1998	1999	2000	2001
New Housing Units		25	50	50	50	50
Total # Housing Units	184	209	259	309	359	409
Total # Home Owners	20	45	95	145	195	245
Home Ownership Rate*	11%	21%	37%	47%	54%	60%

* Home ownership percentage rate does not project future demolitions.

Funding:

Federal funds (CDBG and HOME) will be used to acquire land and to fund the interim construction financing of \$275,000 to build the houses.

Attachment 5

Background

Floor Plans and Sketch of Model Homes

13. Affordable Housing Loan Program in Wingate Neighborhood

Action:

Approve City Within a City (CWAC) Committee recommendation to authorize \$375,000 for a second mortgage equity participation loan program for 25 prospective buyers in the Wingate community.

Committee Chair:

Ella Scarborough

Staff Resources:

Willie Ratchford and J. W. Walton

Focus Area:

City Within a City and Community Safety Plan

Policy:

City's Consolidated Plan for spending federal housing funds identifies strengthening home ownership opportunities in low-income neighborhoods as a priority.

Explanation of Request:

- Approve a \$375,000 second mortgage equity participation loan program for prospective low-income buyers in Wingate to make homes affordable.
- The price range of homes will be between \$55,000 and \$68,000 for 3-4 bedrooms/2 bath houses.
- A maximum second mortgage loan in the amount of \$15,000 may be needed for 25 households to subsidize the difference between the price of the houses and the maximum mortgage the buyer can qualify for at a bank.
- The subsidy amount needed was determined by a survey of Wingate residents. The survey was conducted by Neighborhood Development staff in 1995.
- The City's second mortgage loan can include a hardship allowance of up to \$3,000 in medical bills per family, along with a real estate commission up to 3% of the purchase price.
- Terms of the City's loan will be a deferred payment loan with 0% interest. The loan will be due and payable upon death of the buyer or the sale, transfer, rental of other disposition of the security on the property. The refinancing of any mortgage superior to the deed of trust securing the City's loan which results in cash back to the borrower or payment of the first mortgage loan, whichever of the above events shall occur first, will require repayment of the loan.
- The City's second mortgage loans to buyers will leverage approximately \$1.2 million in first mortgages with banks. Exhibit A entitled "Home Cost and Financing Worksheet" provided in the attachment demonstrates the leveraging and how the second mortgage loan will work.

Funding: Federal funds (HOME) will be used for the City's financing of \$375,000 for the second mortgage loan program to make the homes affordable for Wingate residents to buy.

Attachment 6
Background
Exhibit A - Home Costs and Financing Worksheet

14. Optional Relocation Policy

Action: Approve City Within a City (CWAC) Committee recommendation to amend the City's Optional Relocation Policy to expand benefits including home purchase subsidy.

Committee Chair: Ella Scarborough

Staff Resource: J. W. Walton

Focus Area: City Within a City and Community Safety Plan

Policy: City Council's Optional Relocation Policy provides relocation benefits to persons displaced by housing code enforcement and capital improvements projects.

Explanation of Request:

- Amending the City's Optional Relocation Policy will allow Federal Community Development Block Grant (CDBG) and HOME funds to be used for the following:
 - Emergency and temporary housing (retroactive to July 1, 1995)
 - Minor repair funds to retrofit units for disabled relocatees
 - Transitional housing for 12-18 months for unemployed but employable relocatees
 - Tenant-based housing subsidy conversion to down payment assistance

- Home purchase subsidy

(Details provided in the Attachment under
"Policy Changes/Additions")

- Expansion of benefits is needed because traditional resources (i.e., Charlotte Housing Authority (CHA) public housing, Section 8 certificates and City-financed units) for City relocatees are no longer available.
 - There has been a substantial reduction in the number of public housing units available due to modification of CHA's housing inventory.
 - Section 8 certificates are being used by Charlotte Housing Authority to relocate residents of public housing who are being displaced as a result of rehabilitation, renovations and conversions. This has resulted in a limited number of certificates available for City relocatees.
 - City-financed units that were formerly used by City relocation staff are now owned by Charlotte Housing Authority and Charlotte-Mecklenburg Housing Partnership and are being used as transitional housing.
- Changes to the City's Optional Relocation Policy will allow staff to meet current market rental rates and accomplish the goal of providing standard, affordable housing to all eligible City residents in need of relocation services. Benefits have not been increased since 1982.
- Changes to the City's Optional Relocation Policy will result in the following benefits:
 - Increase use of private-sector resources
 - Provide prompt service delivery to persons in need of relocation assistance, i.e., relocation could occur within 3-4 months

- Provide quicker responses to Police and Fire Department requests for relocation assistance which would improve public safety
- Stabilize fragile and threatened neighborhoods due to increased home ownership
- Provide quicker responses to concerned citizens and neighborhood residents who have requested the demolition of substandard and blighted housing
- Projected total cost is \$1,486,480. The projected cost will fund 340 households at an average cost of \$4,372 per household. This compares with the FY96 average cost of \$4,660 per household.

The same services are going to be provided at a lower cost because it is projected that more relocation clients will choose the home ownership track rather than the rental assistance track. Therefore, the City's per client cost will be reduced. (Details provided in the Attachment under "Policy Changes/Additions")

Funding:

Federal funds (CDBG and HOME)

Background:

- Community Development Block Grant Regulations permit a City at its discretion the option of extending relocation benefits to households not covered by the Uniform Relocation Act. The regulations provide this "local option" so that a city may be more responsive to local needs and housing conditions.
- Persons eligible for relocation/local option benefits are those displaced households/families earning 80% or less of median income and being displaced from their houses due to governmental action, such as code enforcement or locally-funded capital improvement projects, and households whose houses are not feasible to rehabilitate.

- Currently, less than 1% of persons receiving relocation benefits are the result of capital improvement projects. Also, in these projects, the relocation benefits are paid from the project cost.
- Detailed description of the intent of the policy amendment, the current policy and the policy changes/additions are provided in the attachment.

Attachment 7

Intent of Policy Amendment

Current Policy

Policy Changes/Additions

City's Local Option Policy - Council Actions

15. Chadmore Drive Opening

- Action:** Approve City Council Transportation Committee recommendations to
- A. Allow Chadmore Drive to open on a three-month test basis in accordance with the currently approved subdivision plan; and
 - B. Request the Planning Commission to recommend changes to subdivision sidewalk standards.

Committee Chair Sara Spencer

Focus Area Transportation

Staff Resource: Randy Jones

- Explanation of Request:**
- The Council Transportation Committee voted: a) to recommend that Chadmore Drive open as a three-month test in accordance with the approved subdivision plan, and b) to request the Planning Commission review current Subdivision Ordinance sidewalk requirements.

Chadmore Drive

- When Olde Heritage subdivision was developed in the 1960's, Chadmore Drive was constructed as a "stub" street, ending in a barricade, with the intent that it would be extended and provide access to adjacent properties.
- In 1993 and 1995, the subdivision plans for Harrisonwoods and Wilby Hollow respectively were approved by the Planning Commission. Both plans included extensions of Chadmore Drive and resulted in an indirect connection between Sardis Road and Alexander Road.
- The Transportation Committee met on July 23. Representatives of the neighborhoods involved, as well as the development interests, were present. The Committee considered three alternative actions:
 - Let Chadmore open as required by current subdivision plan on a three-month test basis and monitor results.
 - Let Chadmore open as required by current subdivision plan, but work with the neighborhood to develop and implement a traffic control plan to discourage through traffic.
 - Close Chadmore Drive by directing the Charlotte Department of Transportation (CDOT) to erect a permanent barricade on the street at the time the connection is made.
- The Committee voted 2-1 to allow the street to open, in accordance with the first alternative above. The street would open when the developer proceeds with the adjacent subdivision. The committee also recommended that CDOT make before and after studies when the street opens for the three-month test. If there is any significant traffic impacts to Chadmore, CDOT would work with the neighborhood on traffic control measures and Council might want to reconsider the opening.

- The Charlotte subdivision plan requires that stub streets be extended to similar adjacent land uses, and that connectivity be provided between thoroughfares. In addition, the ordinance requires that streets be laid out to discourage through traffic and minimize the impacts of undesirable transportation and land use relationships.
- Staff makes a special effort to balance these objectives by making connections indirect given the existing development patterns and street system. The purpose is to reduce speed, discourage cut-through traffic, and eliminate any time savings associated with a shortcut.
- The issue of connectivity is an important one since connections provide improved access/egress, faster response for emergency services, interaction between similar neighborhoods, and spreads traffic across the street network.
- Generally speaking, the Olde Heritage and Harrisonwoods neighborhoods would like the street to remain unconnected (closed).
 - Property owners along Brackenberry Lane, located further south and already used as a cut through, would like the streets connected to reduce cut through on their street.
 - Developers' primary interest is that any City action not delay their ability to construct the streets and have them accepted. They are not opposed to the City closing the street.
 - Staff does not have a strong opinion regarding this issue, but feels that completing the connection will allow the neighborhood and City to test whether a cut through problem develops. The street could be closed in the future if a problem develops based upon neighborhood input.

**Subdivision Sidewalk
Standards**

- A staff team of Planning and CDOT representatives is reviewing subdivision design standards relating to connectivity and through traffic.
- In a separate but related issue, Olde Heritage neighborhood indicated that part of the issue in opening/closing is the lack of sidewalks for the area's children. The committee recommends by 3-0 vote that the Planning Commission review current Subdivision Ordinance sidewalk requirements.

BUSINESS

16. Litter Ordinance Amendment

Action: Approve Amendment to Chapter 10, Article II of the City Code to require correction of Litter Code violations within 48 hours in Special Tax Districts 1, 2, and 3.

Staff Resource: Wayman Pearson

**Explanation:
Request:**

- This amendment will require uptown property owners who use their lots and businesses for event parking or who have their properties littered as a result of an event to clean their property within 48 hours.

Background:

- The City of Charlotte anticipates a large number of people, street vendors and traffic into the uptown area on event days at Ericsson Stadium. Experiences from other cities reveal that these events may generate large amounts of litter on the streets surrounding the stadium areas.
- In order to require such compliance, the staff recommends the amendment Chapter 10, Article II of the City Code. The amended chapter would require correction of litter code violations within 48 hours following the event. No prior notice would be required, and failure to comply would result in the City's Solid Waste Service Department correcting the violations and billing the property owner for costs incurred.
- The Community Improvement Division is working with property owners and businesses to address such littering issues before they occur. Property owners who allow event parking will be advised of the new ordinance requirements and importance of keeping their properties clean. Tips involving trash receptacles, tailgating and monitoring parking areas were sent to property owners in the stadium area. Community Improvement will work closely with the property owners and businesses to resolve any unusual problems.

- Property owners and businesses who intend to use their properties for stadium parking were notified in writing that City Council will consider this amendment on Monday, August 26. None of the property owners have commented relative to the proposed amendment.
- Following the first preseason game on August 3 the Community Improvement Division canvassed the stadium area to identify litter problems and found the area very clean. While most of our efforts will focus on voluntary compliance, staff recommends that the amendment be approved and available as a tool to encourage compliance if necessary.

Attachment 8

17. Small Arms Firing Range Agreement With Air Guard

- Action:**
- A. **Approve an agreement between the Airport and the United States Government-National Guard Bureau for the construction of a small arms firing range at the Airport; and**
 - B. **Approve a budget ordinance appropriating \$210,000 in grant funding.**

Staff Resource: Jerry Orr

- Explanation of Request:**
- The North Carolina Air National Guard facilities at the airport do not include a range for small arms qualifications. Air Guard members are required to qualify annually to maintain a minimum proficiency level. Airport Law Enforcement is required to qualify on small arms four times a year.
 - The North Carolina Air National Guard has made a \$210,000 grant available for the construction of an enclosed small arms firing range that would be jointly used by the Air Guard, Airport Law Enforcement and other law enforcement agencies.

- The airport would be responsible for the construction of this facility with the Air Guard reimbursing the airport for all project costs.
- Airport Law Enforcement would have full usage of the small arms range except for one weekend a month. During these 12 weekends a year, the Air Guard would have full use of the facility.
- On September 12, 1994, City Council approved an agreement between the Air Guard and the City of Charlotte for the construction of a small arms firing range at Charlotte/Mecklenburg Police Training Academy to be used by Air Guard, Airport Law Enforcement and Charlotte-Mecklenburg Police Department. The project was to be funded by \$240,000 of Air Guard monies.
- In 1995 Charlotte-Mecklenburg Police Department decided that locating the small arms firing range at the Training Academy was not appropriate and withdrew from the project.
- In 1996 Airport negotiated with Air Guard to place the facility on airport property.

Background:

18. Governor's Highway Safety Program

Action:

- A. Approve a resolution authorizing a grant application to the Governor's Highway Safety Program in the amount of \$173,000 for the third year funding for the Police Department's Highway Interdiction and Traffic Safety Unit; and**
- B. Approve a budget ordinance appropriating the \$173,000 in grant funds.**

Staff Resource:

Sgt. Ricky Robins

Policy:

Public Safety

Explanation of Request:

- In December 1994 the Police Department received a grant from the Governor's Highway Safety Program to form a Highway Interdiction and Traffic Safety Unit (HITS) to:
 - investigate and reconstruct serious traffic accidents
 - enforce motor vehicle violations, with an emphasis on DWI, speeding, and occupant restraint
 - present public education campaigns on traffic safety issues
- Personnel assigned to the HITS Unit have received extensive training in all aspects of traffic enforcement, including accident reconstruction, and have become a highly visible presence throughout Charlotte and Mecklenburg County. From October 1995 to July 1996, officers wrote 48,735 traffic citations including 1,979 for driving while impaired.
- The unit's goals for its third year of operation are to:
 - conduct five major enforcement campaigns, including one in the summer and one during the Christmas holidays;
 - increase the number of DWI arrests 10% over the prior 12 month period;
 - investigate at least 75% of the traffic fatalities within the department's jurisdiction; and
 - continue education and prevention programs for junior and senior high schools and community groups.

- The grant provides salaries, benefits, and equipment for one sergeant and six officers assigned to the unit. The grant will provide \$173,000 in funds; the matching funds of \$171,000 are included in the Police Department's budget.

19. September 3 Workshop Agenda

Action: Approve topics for the September Workshop as follows:

- Possibilities for Uptown
- Action Planning for Council Focus Areas: Economic Development and Transportation
- 1996 Bond Proposal: Transportation and Neighborhood Improvement Projects
- City Communications Strategic Plan

20. Appointments to Boards and Commissions

Action: Please vote on the paper ballots and turn in to the Clerk at dinner so that she may be prepared to announce the results.

1. **Domestic Violence Advisory Board**
One three year appointment beginning September 1996.
 - (a) William Jones by Councilmember Scarborough
 - (b) Edith Powers by Councilmembers Reid & Wheeler

Attachment 9

2. **Historic Landmarks Commission**
One appointment to fill an unexpired term beginning immediately and ending July 1999.
 - (a) Scott Hirsch by Councilmember Rousso
 - (b) Andrew King by Councilmembers Reid & Spencer
 - (c) Richard Vinroot, Jr. by Councilmember Baker

Attachment 10

3. **Minority/Women's Business Development Program Advisory Committee**
One appointment beginning immediately and serving the duration of the program, anticipated to be January 1998, to replace Councilmember Malachi Greene.
 - (a) Deborah Clontz by Councilmembers Reid & Rousso
 - (b) Terri Proffitt by Councilmember Cannon
 - (c) Curtis Sims, Jr. by Councilmember Greene

Attachment 11

4. **Parade Permit Committee**
One appointment to fill an unexpired term beginning immediately and ending March 1998.
 - (a) Robert Horsley by Councilmember Wheeler
 - (b) Amber Leonard by Councilmember Reid

Attachment 12

5. **Parole Accountability Committee**
One position beginning immediately to fill an unexpired term ending June 1998.
- (a) Kerry Humphrey by Councilmembers Baker & Sellers
 - (b) Garry McFadden by Councilmember Scarborough
 - (c) William John McGough, Jr. by Councilmembers Reid & Wheeler

Attachment 13

6. **Taxicab Review Board**
One appointment beginning immediately and expiring September 1997 to represent the Operating Permit Holder designation.
- (a) William Bowitz by Councilmember Baker
 - (b) Al Wheeler by Councilmember Majeed

Attachment 14

Introduction to CONSENT I and II

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE - African American

ABE - Asian American

NBE - Native American

HBE - Hispanic

WBE - Non-Minority Women

CONSENT I

21. Various Bids

**A. Water and Sewer Main
Construction - FY 97
Contract A - Street Main
Extensions**

CMUD

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$780,098.20 by Foster Utilities, Incorporated of Pineville, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$23,400.00	3%	2%
WBE	\$70,785.30	9.1%	3%

Compliance: Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women business firms. The goal for BBE and WBE participation has been exceeded for this project.

**B. Elevated Water Tank Dismantling - CMUD
Oak Street Elevated Water Tank, North
Main Street Elevated Water Tank,
Pineville Elevated Water Tank,
And Pecan Street Elevated Water Tank**

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$149,604 by Carver Tank Company, Inc. of Dallas, North Carolina.

MWBD Compliance: Yes. The contractor has met the requirements of the MWBD Program by performing 100% of the work with their current work force. The Utility Department has obtained information from the Contractor regarding their capacity to self-perform this work.

**C. Heating, Ventilation, and Air-conditioning Neighborhood
Modifications to Greenville Community Development
Center**

Recommendation: Based upon the design engineer's recommendation, the City Engineer recommends the low bid of \$140,175 by P. C. Godfrey, Inc. of Charlotte.

MWBD Compliance: Yes. Subcontracting opportunities were not identified because of specialized nature of the work. The low bidder, a contractor familiar with the City's MWBD program, solicited work from MWBD firms and received no responses.

22. Speed Limit Change

Action: Adopt ordinances to lower the speed limit on four Charlotte streets:

**Closeburn Road (Glenkirk)
Meadowcliff Drive (Oak Forest)
Stanford Place (Myers Park)
Windbluff Drive (Raintree)**

**23. Resolution of Intent To Abandon Street And Set Public Hearing -
Portion of West 23rd Street**

- Action:**
- A. Adopt the Resolution of Intent to abandon a portion of West Twenty-Third Street; and**
 - B. Set a Public Hearing for September 24, 1996.**

Attachment 15

**24. Resolution Of Intent To Abandon Street And Set Public Hearing -
Unnamed Right-of-Way Between Euclid and Cleveland Avenues**

- Action:**
- A. Adopt the Resolution of Intent to abandon unnamed right-of-way between Euclid and Cleveland Avenues; and**
 - B. Set a Public Hearing for September 24, 1996.**

Attachment 16

**25. Resolution Of Intent To Abandon Street And Set Public Hearing -
Portion of Martin Street**

- Action:**
- A. Adopt the Resolution of Intent to abandon a portion of Martin Street; and**
 - B. Set a Public Hearing for September 24, 1996.**

Attachment 17

26. Set Public Hearing Date for Zoning Petitions

- Action:**
- Adopt resolution calling for public hearings on Monday, September 16, 1996, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for petition 96-64 through 96-66 and 96-70 through 96-74 for zoning changes.**

CONSENT II

27. Aviation Fueling System

Action: Award a contract to Jones & Frank Corporation in the amount of \$221,660 for the construction of an aviation fueling system.

Explanation of Request:

- Jones & Frank Corporation was deemed the lowest responsive bidder at bid opening and is recommended for award of contract. The low bid of Superior Industrial Maintenance Company was non-responsive because they did not comply with the "good faith effort" requirements of the Airport DBE Program at the time of bid.
- The fueling system will be used by Carolinas Medical Center and Charlotte-Mecklenburg Police Department helicopters.

Superior Industrial Maintenance Co	\$207,230*
Jones & Frank Corporation	\$221,660
Gilbert Engineering Company	\$259,802

*Declared non-responsive at time of bid

DBE Goal	12%
DBE % Achieved	16.5%

Funding: Aviation will fund the design and construction of this facility. Users of the system will make payments to repay the airport's investment.

28. Street Maintenance Resolution

Action: Adopt a resolution to transfer maintenance for three streets from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte.

Policy: The City accepts state-maintained streets upon request and mutual agreement and/or when the streets are within an annexed area and not part of the NCDOT primary road system.

Explanation of Request:

- The resolution requests NCDOT transfer of maintenance responsibility for the following street segments to the City:

Sharon Road: Runnymede Lane to Fairview Road

Yorkmont Road: West Boulevard North to end of State maintenance

Airport Drive: Sentry Post Road to West Boulevard

- These streets are not on NCDOT's primary road system and qualify for maintenance under the City's Street Maintenance Policy.
- NCDOT has asked the City to accept maintenance responsibility for the streets. Staff recommends approval of the transfer.

Attachment 18

29. Utility Agreement - Charlotte Outer Loop (I-485) from north of Harris Houston Road to south of I-85.

Action: Approve a resolution to authorize the Director of Transportation to execute the Utility Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the construction of the Charlotte Outer Loop (I-485) from north of Harris Houston Road to south of I-85

Explanation of Request: The Utility Agreement between the City and NCDOT for construction of the Charlotte Outer Loop (I-485) allows NCDOT's contractor to perform water and sewer line adjustments and relocation work for the project.

Funding: The City's cost is estimated to be \$434,773.50. Funds for the utility relocations/adjustments are available in The Water and Sewer CIP.

Background: The Outer Loop (I-485) construction project requests certain utility relocation/adjustments, and a Utility Agreement between the City and NCDOT is required before construction improvements can proceed.

30. Utility Agreement - I-77 and Tyvola Road Interchange

Action: Approve a resolution to authorize the Director of Transportation to execute the Utility Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the improvements of the interchange of I-77 at Tyvola Road.

Explanation of Request: The Utility Agreement between the City and NCDOT for improvements of the I-77/Tyvola Road interchange allows NCDOT's contractor to perform water and sewer line adjustments and relocation work for the project.

Funding: The City's cost is estimated to be \$141,754.50. Funds for the utility relocations/adjustments are available in The Water and Sewer CIP.

Background: The I-77/Tyvola Road interchange improvement project requires certain utility relocation/adjustments, and a Utility Agreement between the City and NCDOT is required before construction improvements can proceed.

31. Utility Agreement - Westinghouse Boulevard Extension (SR 1128) from Carpet Street to East of Downs Road

Action: Approve a resolution to authorize the Director of Transportation to execute the Utility Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the construction of Westinghouse Boulevard from Carpet Street to Downs Road

Explanation of Request: The Utility Agreement between the City and NCDOT for construction of Westinghouse Boulevard allows the NCDOT's contractor to perform water and sewer line adjustments and relocation work for the project along the project.

Funding: The City's cost is estimated to be \$374,288. Funds for the utility relocations/adjustments are available in the Water and Sewer CIP.

Background: The Westinghouse Boulevard construction project requires certain utility relocations/adjustments, and a Utility Agreement between the City and NCDOT is required before construction improvements can proceed.

32. Water Distribution Operations Center - Professional Services Contract

Action: Approve a professional engineering services contract with J. N. Pease Associates for the design and construction management of a Water Distribution Operations Center for \$342,850.

Explanation of Request:

- The Water Distribution Division, responsible for maintaining and repairing CMUD water mains, operates from a facility on Patton Avenue near Beatties Ford Road. A 1995 consultant study recommends relocating the division to City-owned property on General Commerce Drive near Orr Road. The requested contract is for architectural and engineering services for the new facility.

- The present operations center is located in a residential neighborhood. The industrial type activities at this location are problematic for the neighborhood. Also, the facility is not able to support the division's needs. Some specific problems are:
 - The main entrance/exit is on a residential street that ties to Beatties Ford Road with no traffic controls.

 - Due to the small size of the site, heavy equipment and large trucks must be parked across Patton Avenue next to homes. Besides the zoning problems that this creates, the adjoining neighbors have complained about the noise and diesel fumes.

 - Materials such as pipe and fittings must be stored in a location across Brookshire Boulevard. This requires a fork lift to travel along Beatties Ford Road making two left turns across traffic during morning rush hours.

 - The employee areas of the current facility are very old and are in poor condition. Restrooms, locker rooms, and employee

areas are inadequate and do not comply with the Americans with Disabilities Act and other requirements.

- The new facility will be co-located with CDOT's Operations Center on City property in an industrial area. The design will provide flexibility to adapt to changing work requirements that might result from competition, regionalization, or other unexpected changes in the amount or type of the work done from this site.
- The current site is expected to be needed in the future for upgrades to the adjacent Vest Water Treatment Plant. CMUD has already initiated discussion with the neighborhood about community related use of the property until that time.
- This project was approved in the FY96-2000 Capital Investment Program (CIP).

Funding: Water and Sewer Operating Funds

33. Upgrades To The Sugar And Irwin Creek Wastewater Treatment Plants - Resolution, Budget Ordinance, And Professional Services Contract

- Action:**
- A. Approve a resolution amending the FY 97-2001 Capital Investment Program to provide funding for preliminary design of odor control at Irwin Creek Wastewater Treatment Plant;**
 - B. Adopt a budget ordinance appropriating \$150,000 for the Irwin Creek Wastewater Treatment Plant Odor Control Project; and**
 - C. Approve Professional Services Contracts with HDR Engineering, Inc. to:**

- **Prepare a Preliminary Design Report for upgrades to the Sugar Creek Wastewater Treatment Plant for \$242,394.**
- **Complete an Odor Study of the Irwin Creek Wastewater Treatment Plant, prepare a Preliminary Design Report for upgrades to the plant, and prepare construction documents for modifications to the plant's aeration system for \$515,007.**

Explanation of Request:

- Odor control improvements at the Irwin Creek Wastewater Treatment Plant were approved in the FY 97-2001 Capital Investment Program. Funding for this project is scheduled for FY 97-98. This project has been accelerated due to increased citizen's complaints regarding odors in the surrounding community.
- The Sugar Creek contract will provide for review and update of the 1991 HDR Engineering report recommendations and preliminary design for the deferred improvements. It will also decide the feasibility of re-rating the plant capacity from 20 million gallons per day (MGD) to 25 MGD without further investment in physical facilities. In addition, an odor study now nearing completion has identified further improvements required to correct persistent odor problems at the plants. HDR has done the sampling and site investigations for that study. This contract will also provide for preliminary design of the improvements required to eliminate the plant odor problem.
- The Irwin Creek contract will provide:
 - an odor study of the plant and preliminary design of the improvements needed to eliminate the plant odor problem;
 - review of the deferred improvements recommended by the 1991 study and completion of preliminary design of those improvements; and

- preparation of construction documents for improvements to the plant aeration system.

Funding: General Obligation Bonds 1991, 1993, and 1994.

34. Budget Ordinance and Change Order for Air Cargo Center-Phase 3

- Action:**
- A. Adopt a Budget Ordinance appropriating \$325,000 of Airport funds for additional construction of the Air Cargo Center - Phase 3; and**
 - B. Approve Change Order #1 in the amount of \$325,000 with W. C. English, Inc. for the Air Cargo Center - Phase 3 construction contract.**

Explanation of Request:

- Council is requested to approve a change order in the amount of \$325,000 to contract with W. C. English Construction Company increasing the contract amount to \$4,307,467.25.
- The change order adds 1,000 linear feet of 84" diameter storm drain pipe in lieu of a 20' deep ditch for water drainage on the cargo ramp.
- This pipe will expedite construction of a future air cargo facility and ramp. The airport is currently negotiating with a prospective tenant that would occupy this ramp.
- The negotiated cost of the change order is 19% less per foot of pipe than the bid price in the contract.

Background:

In June 1996, City Council approved the construction contract to build the Air Cargo Center-Phase 3 aircraft parking ramp.

On August 6, 1996, The Airport Advisory Committee recommended approval of this change order.

35. Emery Freight Corporation Facility Lease Agreement, Budget Ordinance and Bid Award

- Action:**
- A. Approve lease with Emery Air Freight Corporation; and**
 - B. Adopt a Budget Ordinance to appropriate \$2,850,000 to fund the construction of the facility; and**
 - C. Award a contract in the amount of \$2,040,000 to Edison Foard, Inc. of Charlotte for facility construction; and**
 - D. Award a contract in the amount of \$621,0885.15 to Showalter Construction Co. of Charlotte for site work.**

Explanation of Request:

- Council is asked to approve a five-year lease agreement with Emery Air Freight Corporation to lease 43,140 square feet of warehouse space. This lease includes three, five-year renewal options.
- Council is also asked to appropriate \$2,850,000 in Airport funds to construct this facility. The balance is for engineering design fees, quality assurance testing, landscaping and construction contingencies (4.9%).
- Council is also asked to award construction contracts in the amount of \$2,040,000 to Edison Foard Inc., of Charlotte and \$621,088.15 to Showalter Construction Co. of Charlotte.

Facility Construction

Edison Foard	\$2,040,000
Timmerman Builders	\$2,049,000
Testa and Wirth	\$2,249,473
Blythe Construction	\$2,549,000
DBE Goal	20%
DBE Achieved	14%

<u>Site Work</u>	
Showalter Construction	\$621,088.15
Dirtworks	\$627,540.11
Blythe Construction	\$660,794.60
Blythe Construction	\$672,067.70
Propst Construction	\$699,220.50
Crowder Construction	\$756,350.00
APAC-Georgia, Inc	\$775,754.13
Triangle Grading and Paving	\$798,354.45
United Construction	\$878,033.00
DBE Goal	20%
DBE Achieved	18%

Background:

- In 1987 the Airport Master Plan identifies the expansion of the cargo ramp.
- In 1992 the Air Cargo Master Plan study identifies the need for Charlotte Air Cargo Center.
- In June 1995 Emery Air Freight Corporation requests space in new facility to be located in the Charlotte Air Cargo Center.
- In February 1996 Council appropriates \$150,000 and awards an architectural design contract to Lee-Nichols-Hepler Architecture.
- On August 6, 1996 the Airport Advisory Committee recommended the approval of the lease and budget ordinance and award of contracts.

36. Assignment of Lease for Shuttle Service

Action: Approve the assignment of a lease for shuttle van service at the airport from GrayLine Airport Express to Carolina Transportation Company.

Explanation of Request:

- GrayLine Airport Express has provided shuttle van service from the airport to designated areas for a fixed fee since July 1994, in accordance with a three-year agreement with two one-year renewals previously approved by City Council.

- GrayLine wishes to transfer the remaining term of their lease (11 months, with two one-year renewals) to Carolina Transportation Company, a DBE company.
- Airport staff has reviewed GrayLine's proposal as well as Carolina Transportation Company's business plan, financial records and certificate of DBE ownership.
- GrayLine's decision to terminate their involvement with the shuttle service was based on a desire to focus on their bus operation, which is their core business, and the continual loss of shuttle service revenue, to the numerous "gypsy" ground transportation operations throughout the City. Council has referred the issue of "gypsy" transportation services to the Economic Development/Planning Committee. The Committee will meet this fall to discuss this issue.

Background:

- In March 1996 a selection committee selected GrayLine from five proposals to provide exclusive van shuttle service from airport to designated areas for a fixed fee.
- On March 28, 1996 City Council awarded a three-year agreement to GrayLine Airport Express to provide shuttle van service at the airport.
- On August 26, 1996 the Airport Advisory Committee recommended the assignment of the GrayLine lease to Carolina Transportation.

37. Art Donation from BB&T

Action: Accept the donation of seven landscape paintings from BB&T Bank for permanent exhibition at the Airport.

Explanation of Request:

- The City has been asked to accept the "1978 Landscape Series by William Dunlap" from BB&T Bank for display at the airport.
- The series consists of seven large (ranging in size from 54" x 84" to 54" x 132") landscape paintings by William Dunlap of Boone, NC. The paintings depict a southern landscape through various changes of seasons and roadside images often seen while traveling on North Carolina highways.
- The paintings were originally commissioned in 1978 by City National Bank, a predecessor to BB&T. Due to a recent merger with Southern National Bank, BB&T no longer has space for the series.
- The artwork was appraised by Hodges & Taylor, a Charlotte based gallery, with a value of approximately \$127,000.

Background:

- In July 1996 BB&T requested the airport accept the series of artwork. Odell Architects, the airport's architectural firm concurred that the artwork was appropriate for the terminal building.
- On August 8, 1996 the Charlotte-Mecklenburg Public Art Commission recommended the acceptance of the artwork and concurred that it was appropriate for the terminal.
- On August 26, 1996 the Airport Advisory Committee recommended acceptance of the artwork from BB&T.

38. City Property Sale - 2409 Danforth Lane

Action: Approve the sale of City owned property located at 2409 Danforth Lane.

Explanation of Request:

- Council is requested to approve the sale of City owned property subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the following offer:

Property Address: 2409 Danforth Lane
Tax Code: 061-101-02
Buyer's Names: Martha L. Andrews
Offer: \$60,000

- In accordance with the Part 150 Plan, the Airport acquired 23 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zone. Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan.
- The Airport will provide noise insulation to 2409 Danforth Lane and listed the property in Multiple Listing Service for sale to the public. The sale price was determined by an appraisal.
- An offer to purchase was extended to the airport. The offer is \$60,000 with the Airport paying for:
 - Realty fee of 3%
 - closing costs of \$500
 - \$1,000 of repairs to the house
- Earnest money will be returned if buyer unable to obtain loan.

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

39. City Property Sale - 4335 Pebblebrook Drive

Action: Approve the sale of City owned property located at 4335 Pebblebrook Drive.

Explanation of Request:

- Council is requested to approve the sale of City owned property subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the following offer:

Property Address:	4335 Pebblebrook Drive
Tax Code:	061-102-22
Buyer's Names:	Fred and Sherry Stafford
Offer:	\$58,000
- In accordance with the Part 150 Plan, the Airport acquired 23 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zone. Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan.
- The Airport listed the property in Multiple Listing Service for sale to the public. The sales price was determined by an appraisal.
- An offer to purchase was extended to the airport. The offer is \$58,000 with the Airport paying for:
 - Realty fee of 3%
 - \$1,000 repairs

- The buyer is obtaining an FHA loan at 7.5% interest. Earnest money will be returned if the buyer is unable to obtain a loan.
- The offer was advertised for 10 days in accordance with North Carolina General Statue 160A-269 for upset bid. No other offers were received.

40. Motion Picture Arcade Booth Ordinance

Action: Adopt an ordinance amending Section 6-122(c) of the City Code to correct an omission from that section as originally adopted.

- Explanation of Request:**
- On July 22, 1996, City Council adopted an ordinance regulating the operation of motion picture arcade booth establishments wherein specified sexual activities displayed in a variety of means are viewed by patrons. The portion of the ordinance which defined what constituted a violation of the ordinance failed to include a necessary reference to a previous section.
 - The proposed change will broaden the language of the violation section of the ordinance to include all necessary references to previous sections.
 - The proposed change will not alter the effective date of the ordinance.

Attachment 19

41. Construction Administration of Storm Water Repairs to Existing Storm Drains

Action: Approve two separate agreements for Engineering Services to provide construction administration services on Storm Water Repairs to Existing Storm Drains for one year:

A. Agreement for Engineering Services with HDR Engineering, Inc. of North Carolina for \$323,647, and

B. Agreement for Engineering Services with USInfrastructure, Inc. for \$321,250.

Explanation of Request:

- The two agreements provide for complete construction administration of Storm Water construction contracts for one year including easement acquisition, design services, and all liaison work between the City, contractor, property owner, and public.
- USInfrastructure is a certified Asian American Business Enterprise with the City of Charlotte.

Funding:

Storm Water Fund

Attachment 20

42. Renewal of Stadium Parking Facility Management Agreement

Action:

Approve renewal of the NFL Stadium Parking Facility Management Agreement with Duke Power Company for a Term of 18 Months.

Explanation of Request:

- This agreement continues the Management Agreement with Duke Power for a term of 18 months (September 1, 1996 through March 1, 1998).
- On July 25, 1994, Council adopted a resolution approving the construction and operation of a stadium parking facility on Duke Power land.
- On August 1, 1994, the City entered into a two-year Parking Facility Management Agreement with Duke Power Company for the operation and management of the deck. This agreement expired on August 1, 1996.

- In accordance with the agreement, Duke Power Company operates and manages the NFL Stadium Parking Facility. Any profits over expenses are split evenly between Duke Power and the City. Any shortfalls in revenues over expenses (as assessed annually) are the responsibility of Duke Power.

43. Assets Forfeiture Funds Budget Ordinance

Action: Approve a budget ordinance appropriating \$471,201 in assets forfeiture funds for technology and training for the Police Department

Explanation of Request:

- The Police Department plans to use assets forfeiture funds to purchase additional computers to establish a computer lab at the Training Academy and to obtain the training for its Computer Technology Services personnel to build the department's master information system.
- Federal law allows the Police Department to pass through up to 15% of its assets forfeiture funds per year to programs outside the Police Department which further the goals of law enforcement. The department wishes to provide computer equipment for the Summoning the Village program at Cochrane Middle School and a van for the Drug Court to use to transport offenders to drug rehabilitation programs.
- Police will purchase two computerized radar units to be tested in one of the patrol districts.
- More detail on the assets forfeiture purchases is included in an attachment.

Funding: Funds are available in the Police Department's assets forfeiture account.

Attachment 21
Summary of Assets Forfeiture Purchases

44. Order of Collection for Ad Valorem Taxes

Action: Adopt an order of collection empowering the Office of the Tax Collector to collect the City's ad valorem taxes.

Explanation of Request: The City-County Tax Attorney and the County Tax Administrator advise that the City Council adopt and that the Mayor sign an annual Order of Collection of taxes. State law requires city and county governments to take this action annually.

45. Declare Certain Property Surplus

Action: Adopt a resolution declaring specific vehicles, equipment, various parts and supplies and other miscellaneous items as surplus and approve them for sale at public auction on September 26, 1996 at 10:00 a.m.

Explanation of Request:

- Pursuant to G.S. 106A-270, approval is requested for a public auction on September 28, 1996 at 10:00 am. to dispose of City property declared as surplus. The auction will be held at the Old Holman Moody hangar site at 7515 Warren Road.
- The City selected an auction service through competitive bids.
- The items identified in the attachment have been selected by the Key Businesses for disposal during FY97. In most cases, the items have already been replaced by new or upgraded equipment.

Attachment 22

46 . Property Transactions

Action: Approve the following property transactions (A through E) and adopt the condemnation resolutions (F through I).

- Acquisition:**
- A. **Project:** Milton Road Widening, Parcel #54 & 55
Owner(s): Weeping Willow AME Zion Church Trustees
Property Address: 2220 Milton Road
Property to be acquired: 18,129 sq.ft. (.416 ac.) plus 8,810 (.202 ac.) temporary construction easement.
Improvements: Trees, landscaping, asphalt & sign.
Purchase Price: \$ 24,760
Remarks: The acquisition of right-of-way is required on this property for the widening of Milton Road. Compensation includes payment for trees, landscaping, asphalt and a church sign Compensation is based on appraisal.
- Zoned:** R-4 **Use:** Church
1991 Tax Value: \$ 63,640
Tax Code: 099-163-25 & 26
- B. **Project:** Carmel Road Widening, Parcel #96
Owner(s): Carolyn S. Shinn & Husband, George I. Shinn
Property Address: 4526 Carmel Road
Property to be acquired: 2,712.65 sq.ft. (0.0622 ac.) Plus temporary construction easement of 7,669.13 sq.ft. (0.1830 ac.)
Improvements: Brick walls, columns, lights, gates, fence, trees, shrubs and landscaping.
Purchase Price: \$ 89,000
Remarks: This road widening project requires fee simple, permanent & temporary easement acquisition causing a loss of landscaping features in addition to moving the road closer to front of residence. Compensation amount based on appraisals.

Zoned: R-3 **Use:** Residential
1991 Tax Value: \$ 928,140
Tax Code: 209-271-01

- C. **Project:** Neighborhood Development Acquisition(223 Harrison St.), Parcel #1
Owner(s): Eugene Perkins & wf., Angela Perkins
Property Address: 223 Harrison Street.
Property to be acquired: 7,500 sq.ft. (.172 ac.)
Improvements: Single family dwelling and all improvements.
Purchase Price: \$ 16,000
Remarks: Acquisition of single family dwelling and property as requested by the Community Development Department for demolition and future redevelopment.

Zoned: R-5 **Use:** Residential
1991 Tax Value: \$ 12,410
Tax Code: 065-117-05

- D. **Project:** Eastway & Plaza Roads Intersection Improvement Project, Parcel #1
Owner(s): Rajendra Gandhi
Property Address: 601 Eastway Drive, Charlotte, N. C. 28205
Property to be acquired: 2,091 sq.ft. (0.048 ac.)
Improvements: None
Purchase Price: \$ 17,500
Remarks: Property is acquired for intersection improvement at corner of Eastway Drive & Plaza Road. Acquisition price is based upon appraisal.

Zoned: B-2 **Use:** Gas/Convenience Store
1991 Tax Value: \$ 185,900
Tax Code: 099-021-01

- E. **Project:** Proposed 8-inch Sanitary Sewer to Serve East High School, Parcel #2.
Owner(s): George W. Alexander
Property Address: 1721 Marglyn Drive, Matthews, NC 28105
Property to be acquired: 16,000 sq.ft. (0.367 ac.) plus temporary construction easement 21,430 sq.ft. (0.491 ac.).
Improvements: Hardwood trees

Purchase Price: \$ 20,000

Remarks: Required easement needed for the construction and maintenance of an 8-inch sanitary sewer line. Acquisition price includes compensation for damages as reflected in the City's independent appraisal.

Zoned: R-12 **Use:** Residential

1991 Tax Value: \$ 218,470

Tax Code: 215-102-08

Condemnations:

- F. **Project:** Proposed 8-inch Sanitary Sewer to Serve East High School, Parcel #1
Owner(s): Matthews-Heathers Land Corporation and any other parties of interest.
Property Address: 13502 O'Toole Drive, Matthews, N. C. 28227
Property to be acquired: 10,766 sq.ft. (0.25 ac.)
Improvements: Trees
Purchase Price: \$900
Remarks: The proposed sanitary sewer easement is needed to serve the newly constructed East High School. The property owner is unwilling to negotiate due to another unresolved condemnation involving an existing sewer line on this property. Compensation amount is based on appraisal.

Zoned: R-12 **Use:** Vacant land

1991 Tax Value: \$ 156,450

Tax Code: 215-206-01

- G. **Project:** Sanitary Sewer to Stoney Creek Tributary to Mallard Creek Road, Parcel # 12.
Owner(s): Charles E. Moon & Rosemary S. Moon and any other parties of interest.
Property Address: 1825 Galloway Road.
Property to be acquired: 6,496.35 sq.ft.
Improvements: None
Purchase Price: \$ 1,100
Remarks: Condemnation is requested to avoid delay of the project. Compensation was determined by an independent appraiser.

Zoned: R-3 **Use:** Residential

1991 Tax Value: \$ 133,260

Tax Code: 029-021-29

H. **Project:** 1993 Annexation Area I, Parcel #42
Owner(s): R. T. Dooley & wf., Nancy W. Dooley and any other parties of interest.
Property Address: 7716 Shadow Lawn Road.
Property to be acquired: 2,319.40 sq.ft. (.06 ac.)
Improvements: None
Purchase Price: \$400
Remarks: Property owner agreed to settlement but has yet to sign necessary agreement. Construction will be delayed if City does not acquire this easement.

Zoned: RMH **Use:** Vacant
1991 Tax Value: N/A
Tax Code: 037-227-31

I. **Project:** Mint Hill Sanitary Sewer Trunk - 1995, Parcel #45
Owner(s): Jerry G. Hilton & wf., Glenda K. Hilton & any other party of interest.
Property Address: 4300 Walter Nelson Road.
Property to be acquired: 5,443.25 sq.ft. (.13 ac.).
Improvements: Trees
Purchase Price: \$ 1,700
Remarks: A 15' permanent sanitary sewer easement and temporary construction easement is needed across the owner's sideyard near his well. Owner argues the property line will affect his water supply. City staff provided letter from Department of Environmental Health and Natural Resources stating proposed line is within guidelines.

Zoned: R **Use:** Single Family
1991 Tax Value: N/A
Tax Code: 135-291-20

47. Minutes

Action:

Approve minutes as follows:

- **June 24, 1996 Business Meeting**
- **June 24, 1996 Joint City/County/Charter Commission Meeting**
- **July 1, 1996 Council Workshop**
- **July 15, 1996 Zoning Meeting**
- **July 22, 1996 Business Meeting**