

AGENDA

Meeting Type:	BUSINESS
Date:	01/29/1996

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, January 29, 1996**

5:00 p.m.

Conference Center

- **NFL Update**
- **Economic Development/Planning
Committee Review of Sign
Ordinance Implementation**
- **CMUD Residuals Management
Contract**

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

Formal Business Meeting

CITY COUNCIL AGENDA

Monday, January 29, 1996

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CONSENT I

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Minutes and Consent

- 1. Approval of Minutes:**
- **December 19, 1995 Zoning Meeting**
 - **January 8, 1996 Council Workshop**

- 2. Consent agenda items 13 through 24 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

POLICY

- 3. City Manager's Report**

- 4. Park Security**

Action: **Consider Options for Parks Security.**

Staff Resource: Pam Syfert

- Explanation of Request:**
- On January 17, 1996, Mecklenburg County offered the City \$1,000,000 to provide parks security for the remainder of the fiscal year with the condition that the cost be shared through the Police funding arrangement in future years.
 - Council is requested to consider the following 4 options for dealing with park security:

1. Decline the County's offer of \$1,000,000 this fiscal year with the City providing the funding in future years. Under the 1992 Agreement, Mecklenburg County is responsible for Parks and Recreation and security of those parks and its cost was transferred at the point of consolidation.
2. Accept the County's offer and raise the tax rate to provide the \$2.3 million option listed below (0.8¢), but with the condition that Mecklenburg County reduce its tax rate by the like amount.
3. Accept the County's offer and raise the tax rate to provide the \$2.3 million option listed below (0.8¢).
4. Refer the issue to a jointly appointed Council/Commission committee.

Service Option:

- If the City accepts the County's funding offer and its condition, then it is recommended that the medium level of parks security developed by the Police Chief be implemented. That option provides the basic patrol coverage consistent with the patrol coverage provided to the surrounding neighborhoods. It minimizes the drain on police services to surrounding neighborhoods. However, it does not allow for the resources needed to extend community problem-oriented policing to the parks. This option costs \$2.3 million. Other options developed range from a problem-oriented policing option at a cost of \$3 million to a very limited patrol and restricted security option at a cost of \$630,000.
- If parks security is handled through this funding arrangement, then Mecklenburg County will pay only 9.6% of its costs in FY97 and less in future years, even though it has 100% responsibility for parks.

Park Security

	If County Provides Park Security	If City Provides Park Security
City Taxpayer Pays	82%	90.4%
Unincorporated Taxpayer Pays	8%	9.6%
Small Town Taxpayer Pays	10%	0%

Background:

- In June 1992, the City of Charlotte and Mecklenburg County entered into an Agreement to consolidate the City and County Parks and Recreation Departments. Park Rangers was one of the services transferred from the City to the County and was one of the services listed in the Agreement to be provided by Mecklenburg County following consolidation.
- At that time, the City reduced its tax rate at Mecklenburg County's request by 3.2¢ to account for the costs transferred to the County. (0.36¢ of that tax rate reduction was due to the transfer of the Park Ranger function.)
- In June 1995, Mecklenburg County eliminated the Park Ranger function.
- In August 1995, Mecklenburg County offered the City \$630,000 to provide parks security for the remainder of the fiscal year (through June 30, 1996).

5. Police Financing Agreement

Action: Approve a new police financing arrangement with Mecklenburg County.

Staff Resource: Curt Walton

- Explanation of Request:**
- This item was deferred from the November 27, 1995 Council agenda pending resolution of the parks security issue.
 - City and County staff have negotiated an agreement that replaces the original consolidation agreement, the tax equity agreement and the transitional funding agreement approved in June 1995. In addition to simplifying the agreement, there are two primary changes in this proposed agreement:
 1. It states that service levels throughout the Charlotte-Mecklenburg Police Department's service area will be determined by the Chief of Police based upon a professional assessment of needs. This satisfies conditions 2 and 3 that City Council required be in place prior to supporting the tax district legislation. These conditions are listed in the next section.
 2. It states that the funding formula shall (rather than may) be renegotiated if the difference between the ratio of the population in the unincorporated area and the funding percentage from Mecklenburg County varies by more than 15%.
 - An acceptable resolution to the Park Security issue is the remaining factor to satisfying the first condition of agreeing on the form and structure of Police tax districts (listed in the next section). **Council may wish to defer this item if the park security issue is referred to the joint committee.**

- Legislative authority allows Mecklenburg County to establish a tax district for the County's unincorporated area and to bill those residents directly for police services provided by the Charlotte-Mecklenburg Police Department. Billing these residents directly means that municipal taxpayers no longer contribute to the cost of police services in the unincorporated area; therefore, the concept of tax equity no longer applies.

- Approval of this agreement will require the City to increase its tax rate approximately 12.6¢ during the upcoming budget. This estimate is higher than initially projected because the loss of redistributed sales and intangibles taxes to the debt service and transit funds was not included before. However, eliminating tax equity to Charlotte, billing the unincorporated area directly for police service and eliminating tax equity to the towns will allow Mecklenburg County to decrease its tax rate by the equivalent amount.

- This agreement will become effective:
 - when Mecklenburg County has met all four stipulations the City and County jointly agreed would be met prior to implementation of the tax districts;
 - when all existing agreements are repealed by Mecklenburg County;
 - when Police Tax Districts are implemented; and
 - on July 1, 1996, or such date afterward that the first three statements are true.

- In April 1995, as part of the Council's support of the tax district legislation in the North Carolina General Assembly, the City and the County agreed that the following four conditions would be met prior to implementation of Police Tax Districts:

Conditions for Support of Tax Districts:

1. County and City mutually agree on the structure and form of taxing districts
2. Police Service levels to be established in a manner that could be uniform across the community, and allow the Chief to determine service based on need in any service area
3. That the City would make operational decisions regarding police services
4. That the costing of police services to the unincorporated areas of the County would be based on the calls for service/population model developed by the joint staff committee (subsequently amended to be the population only model)

City Council has taken action only on the fourth condition.

Background:

- In June 1992, the City of Charlotte and Mecklenburg County approved a Police Services Agreement to address the inequity of City of Charlotte taxpayers providing approximately 80% of the funding for the Mecklenburg County Police Department. This agreement established the concept of Police Tax Equity, which became effective on July 1, 1992.
- The 1992 Police Services Agreement:
 - determined the cost of Police service to the unincorporated resident;
 - determined the property tax rate that those unincorporated residents would have to pay to support that cost; and
 - returned the amount of money generated by that tax rate back to the municipalities in the form of Police Tax Equity.

- In the 1995 session of the North Carolina General Assembly, Mecklenburg County received approval to create Police Tax Districts.

Attachment 1
Chronology of Tax Equity Issues
The New Agreement

PRIVATIZATION AND COMPETITION INITIATIVE

The following item is part of the City's privatization and competition efforts. This item was included in the Key Business' privatization and competition plans. Routine privatization efforts (professional services contracts and construction contracts) are included in Consent I and II.

6. City Cemeteries

- Action:** **Approve the recommendation of the Public Services Committee regarding City Cemeteries:**
- A. Offer for sale approximately 84 acres of land at Evergreen Cemetery; and**
 - B. Adopt an amendment to Chapter 7 of the City Code entitled "City Cemeteries" to allow for a higher rate structure for services at all City cemeteries.**

Staff Resource: John Lojko

Policy: Guidelines for Services Contracting and Asset Management

- Explanation of Request:**
- **Part A.** The Public Services Committee recommends offering for sale a portion of the undeveloped land, approximately 84 acres, at Evergreen Cemetery. Additional information regarding the sale of the undeveloped land includes:

- The City would retain enough land, approximately 20 acres, to continue cemetery operations for about 40 years.
- The property is zoned R-4, single family residential use. Cemetery use is allowed with R-4 zoning.
- The process for selling the property will be to advertise the property and follow the City's upset bid procedure.
- Estimated revenue from the sale of approximately 84 acres is \$2,100,000 based on existing zoning.
- **Part B.** The City Code amendment will involve the following:
 - Allows the City Engineer to set the cemetery rates annually.
 - Removes the language restricting the rates the City can charge for its services.
 - The rate changes are necessary to ensure growth of the Perpetual Care Trust Fund and to implement a Capital Development Fund for expansion and improvements in the cemeteries. The proposed rates are about 90% of the market rates for each cemetery. The proposed rates will also ensure that no General Fund dollars are expended to supplement the cemeteries (see attachment).
- City staff will continue to manage and operate the City cemeteries.
- **Operating budget impacts:** The increase in revenues achieves the following:

- Revenues need to be increased to cover the loss of \$140,000 from the Trust Fund. The interest from the Perpetual Care Trust Fund, about \$140,000, is presently being used to supplement revenues generated in the cemeteries.
 - Additional revenue is needed for a Capital Development Fund. The Capital Fund will be used for expansion to open additional sections and for other capital improvements and repairs within the cemeteries.
 - No General Fund money will be used to supplement the cemeteries.
- **Perpetual Care Trust Fund impact:** Because of the additional revenues generated from the operating budget, the interest from the Perpetual Care Trust Fund will be rolled over into the principal allowing for growth of the principal. Based on projections, the Trust Fund would be able to fully support maintenance in approximately 15 years.
 - **Tax revenue impact** from the sale and development of residential units: Estimated at \$128,000 annually, after five year build out.

Background:

Four options were discussed by Public Services Committee at the December 4 meeting.

Option 1: Sell all the City cemeteries and undeveloped land.

- This would get the City out of the cemetery business.
- Expected sale of \$4-10 M.

Option 2: Do nothing. City stays in the business and retains all land, makes no changes to the City Code or the current rate structure. The Perpetual Care Fund situation is not addressed and will continue to worsen. Capital Improvements and expansion are not addressed and will need to be supplemented by the General Fund.

Option 3: City retains ownership of all cemeteries and undeveloped land, amends the City Code allowing for higher rate structure.

Option 4: City retains ownership of all cemeteries and offers for sale a portion of the undeveloped land (about 84 acres) at Evergreen Cemetery; retains enough land (about 20 acres) to continue cemetery operations for 40 years, and; amends the City Code allowing for a higher rate structure.

Public Services Committee recommendation (3-2 vote) was for Option 4.

Attachment 2

- Memo to the Public Services Committee meeting on December 4, 1995
- Ordinance amending Chapter 7 of the City Code entitled "City Cemeteries"
- Responses to issues at Dinner Meeting and rate comparison information

7. Boulevard Improvements for Seventh Street

This item will be forwarded in Friday, January 26, Council-Manager Memo.

BUSINESS

8. Interim City Manager and Selection Process

Action:

Recommend Council take the following actions:

- **Accept the resignation of Wendell White, City Manager, effective March 15, 1996;**
- **Appoint an Interim City Manager, effective March 15, 1996;**
- **Appoint a committee to determine and recommend a search and hiring process for the position of City Manager.**

Additional information will be sent in the Friday, January 26 Council-Manager Memo.

9. Airport Acquisition of a Portion of Jackson Park

Action:

Approve Airport acquisition of a portion of Jackson Park Area for \$397,600.

Staff Resource:

Jerry Orr

Explanation of Request:

- **Jackson Park is located on West Boulevard between the eastern boundary of the Airport and Billy Graham Parkway. The SouthWest District Plan recommends that this area be zoned for office or business park use due to its proximity to the Airport.**
- **This portion of Jackson Park includes 18 two-story apartment buildings totaling 62 units located on 7.9 acres on West Boulevard. These buildings were constructed around 1941 and were moved to the subject site in the early 1960's. They are in very poor condition and uninhabitable.**

- Neighborhood Development, through Code enforcement, has tried for some time to clean up this area.
- The Aviation Department became involved with the property owner because of the property's close proximity to the Airport's Cargo Center and Southern Development Zone.
- This acquisition is recommended at this time for the following reasons:
 - The property owner is willing to sell and forego limited renovation plans.
 - The Aviation Department will immediately demolish the uninhabitable structures and significantly improve the appearance of the West Boulevard Corridor.
 - Although this property is not included in either the Airport's Master Plan Acquisition Program or its F.A.R. Part 150 Buyout Program, it is consistent with the goals of the SouthWest District Plan in removing residential uses in the close proximity of the Airport.
- The acquisition price of \$397,600 was determined by independent appraisals and a review of a third appraisal. The tax value of the property is \$457,900.
- City Council was briefed on this topic at the January 16 dinner meeting.

Funding:

Funds are available in the Airport's Cargo Center Operating Fund to cover this acquisition.

PRIVATIZATION AND COMPETITION INITIATIVE

The following item is part of the City's privatization and competition efforts. This item was included in the Key Business' privatization and competition plans. Routine privatization efforts (professional services contracts and construction contracts) are included in Consent I and II.

10. Land Application of Residuals - Professional Services Contract

- Action:** Approve a Professional Services Contract with AMSCO, Inc. to Conduct Land Application of Residuals from CMUD water and wastewater treatment facilities for \$2,031,540 for a three year period.
- Explanation of Request:**
- The Utility Competition Plan includes Land Application (trucking and application) of Residuals from CMUD Water and Wastewater Treatment Plants.
 - A formal request for qualifications/proposals was issued and formal proposals were accepted. Qualifications/proposals submitted were reviewed and evaluated by a six-person Evaluation Team, consisting of two citizen members of City advisory committees, two non-CMUD members of City staff and two members of CMUD's management staff.
 - A short list of firms was developed from the evaluation of the technical proposals. The cost proposals of these firms were opened. The Privatization Advisory Committee and the CMUD Advisory Committee have been involved in this entire process. The two committees have reviewed and approved the steps throughout this competition effort and the decisions of the Evaluation Team.
 - The Charlotte-Mecklenburg Utility Department and BioGro submitted a joint proposal for the land application of residuals. When the cost proposals submitted by CMUD/BioGro and AMSCO, Inc. were opened, AMSCO was the low bidder.

- The contract start date is projected to be July 1996. The term of the contract is three years with two, optional one year extensions.

Background:

This work was previously done under a contract with BioGro Systems. The land application service was placed as a candidate for competition as Contract B (one of two contracts in Residuals Management). Contract A, the other contract, is for the Operation and Maintenance of the new Residuals Management Facility.

11. Appointments to Boards and Commissions

Action:

Vote on the paper ballots and turn them in at dinner so that the City Clerk may announce the results.

1. Citizens Oversight for Cable Television
One two-year appointment beginning April 1996. John Breeding does not wish to be reappointed. Also, Council needs to consider the reappointment of Theauty Greene, deferred from the January 16 meeting.
 - (a) Aaron Sanders, Jr. by Councilmember Reid
 - (b) Cynthia Stiffer by Councilmember Majeed
 - (c) Rusty Loudermilk by Councilmember Wheeler

Attachment 3

2. Competition Advisory Committee
One two-year appointment beginning immediately and ending March 1, 1998. This is to replace the Mayor's appointment as decided on January 16, 1996. Council may nominate and appoint at this meeting.

Attachment 4

3. Historic District Committee
One resident of the Elizabeth neighborhood to fill a new three year position beginning immediately and ending June 1999.

- (a) Cynthia Drum by Councilmembers Reid, Wheeler & Scarborough
- (b) Robert Goodman by Councilmember Jackson
- (c) Bob Rossier by Councilmember Spencer

Attachment 5

4. Parole Accountability Committee
One appointment beginning immediately and ending June 1997. Hilda Griffin has resigned.

- (a) Tom Ashcraft by Councilmember Reid
- (b) Sol Levine by Councilmember Russo
- (c) Richard Moore by Councilmember Cannon

Attachment 6

5. Transit Advisory Commission
Two three year appointments beginning February 1996. Warren Linde, Jr. is not eligible for reappointment. William G. Martin does not meet the criteria for a local or express service passenger.

Local or Express Rider Category: (Vote for One)

- (a) James Steve Emanuel by Councilmember Reid
- (b) Lucille Gholston by Councilmember Scarborough

At Large: (Vote for One)

- (a) Calvin Carter by Councilmember Cannon
- (b) Mark Loflin by Councilmember Baker

Attachment 7

6. Tree Advisory Committee

One position beginning immediately and expiring December 1997. Steve Vermillion has resigned.

- (a) Barry Flynn by Councilmember Majeed
- (b) Guy Gordon by Councilmember Jackson
- (c) Lisa McIntire by Councilmember Wheeler
- (d) Mary McNamara by Councilmember Baker
- (e) Dennis Warfle by Councilmember Spencer

Attachment 8

7. Zoning Board of Adjustment

One three year appointment beginning February 1996 to replace Cyrus Johnson, who is not eligible to be reappointed.

- (a) Stephanie Carter by Councilmember Cannon
- (b) Ken Hammond by Councilmember Jackson
- (c) Jack Morgan by Councilmember Baker
- (e) Bill Mowry by Councilmember Reid
- (f) George Wallace by Councilmember Spencer

Attachment 9

12. Workshop Agenda

Action:

Approve topics for the February 5 workshop agenda:

- **Revenue Committee Report, Capital Planning Process**
- **Fire Department Proposal for Emergency Medical Services**
- **Police Vice-Narcotic Enforcement Presentation**
- **Transit Consultant Study of Busways**
- **Children's Services Network Update**

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

13 Various Bids

A. Non-Thoroughfare Sidewalks, Package #1

Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of \$167,139 by Shaw Group Ltd. of Charlotte, N.C.

MWBD Status:	Amount	% of Project	Project Goals
BBE	0	0%	10%
ABE	\$28,000	18%	0%
WBE	\$131,180	82%	8%

Compliance: Yes.

**E. Cleaning, Repairing and Painting
- Craig Avenue Tank and Hickory
Grove Tank**

CMUD

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$781,825 by Town Hall Painting Corporation of Virginia Beach, Virginia.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	1%

Compliance: Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women owned firms. To date, Town Hall Painting Corporation has not finalized negotiations in the areas they will be subcontracting, but has submitted a letter stating that a minimum of \$7,818 or 1% of this project will be subcontracted to a BBE. CMUD will ensure that Town Hall Painting complies fully with its commitment and with the MWBD Program.

14. Traffic Signal Agreement - Update of Uptown Computerized Signal System

Action: Approve a resolution authorizing the Director of Transportation to execute the Traffic Signal Agreement with the North Carolina Department of Transportation (NCDOT) relating to the upgrade of Uptown computerized signal system equipment.

15. Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of \$4,780.76.

Attachment 10

16. Set Public Hearing on Annexation Agreement with the City of Concord and the Town of Harrisburg

Action: Adopt a resolution setting February 26, 1996 as the date for a public hearing on an annexation agreement with the City of Concord and the Town of Harrisburg and direct the City Clerk to publish notice of the public hearing.

For In Rem Remedy #A - #S, the public purpose and policy is outlined here.

- Public Purpose:**
- Eliminate a blighting influence in a City Within a City neighborhood.
 - Reduce the proportion of substandard housing from 2.3% to 1% by 1997. (One of the goals of City Within a City is to continue housing preservation efforts.)
 - Increase tax value of property by making land available for potential infill housing development.
- Policy:**
- City Within a City
 - Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety - from Police and/or Fire Dept. (A-E)
2. Complaint - from petition by citizens or from tenant (F-M)
3. Field Observation - from concentrated code enforcement program (N-S)

17. In Rem Remedy

Public Safety

A. 1028-30 N. Brevard Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1028-30 N. Brevard Street (Optimist Park Neighborhood), located in the City Within a City boundaries.

Attachment 11

B. 1024 North Brevard Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1024 N. Brevard Street (Optimist Park Neighborhood), located in the City Within a City boundaries.

Attachment 12

C. 1211 Charles Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1211 Charles Avenue (North Charlotte Neighborhood), located in the City Within a City boundaries.

Attachment 13

D. 3719 Marvin Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3719 Marvin Road (Grier Heights Neighborhood), located in the City Within a City boundaries.

Attachment 14

E. 2626 Hemphill Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2626 Hemphill Street (Wingate Neighborhood), located in the City Within a City boundaries.

Attachment 15

Complaint

F. 1517 Hawthorne Lane

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1517 Hawthorne Lane (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 16

G. 1509 Allen Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1509 Allen Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 17

H. 2839 Virginia Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2839 Virginia Avenue (Plaza Hills Neighborhood), located in the City Within a City boundaries.

Attachment 18

I. 2701-03-05 Poinsett Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2701-03-05 Poinsett Street (Druid Hills Neighborhood), located in the City Within a City boundaries.

Attachment 19

J. 521 Dawn Circle

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 521 Dawn Circle (Hidden Valley Neighborhood), located in the City Within a City boundaries.

Attachment 20

K. 525 Dawn Circle

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 525 Dawn Circle (Hidden Valley Neighborhood), located in the City Within a City boundaries.

Attachment 21

L. 213 S. Crigler Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 213 S. Crigler Street (Hoskins Neighborhood), located in the City Within a City boundaries.

Attachment 22

M. 507 Bradford Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 507 Bradford Drive (Hoskins/Thomasboro Neighborhood), located in the City Within a City boundaries.

Attachment 23

Field Observation

N. 1637 Parson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1637 Parson Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 24

O. 1020 Harrill Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1020 Harrill Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 25

P. 1915-17 Anderson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1915-17 Anderson Street (North Charlotte Neighborhood), located in the City Within a City boundaries.

Attachment 26

Q. 1919-21 Anderson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1919-21 Anderson Street (North Charlotte Neighborhood), located in the City Within a City boundaries.

Attachment 27

R. 1317 Norris Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1317 Norris Avenue (Druid Hills Neighborhood) located in the City Within a City boundaries.

Attachment 28

S. 2612 Ocracoke Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2612 Ocracoke Street (Wingate Neighborhood), located in the City Within a City boundaries.

Attachment 29

CONSENT II

18. Multi-User Flight and Baggage Display System

Action: Waive as a technicality the low bidder's failure to submit dual pricing and award the low bid of \$805,937 by Com-Net Software Specialties, Inc., Miamisburg Ohio.

- Explanation of Request:**
- This contract includes all labor, materials and equipment to provide a "state-of-the-art" flight information system for all airlines serving Charlotte. Flight information will be displayed on 228 color video monitors located throughout the terminal facility. A major part of the contract is the purchase of these color video monitors.
 - The low bidder, Com-Net, submitted a bid of \$805,937 based upon an approved substitute monitor manufactured by Dotronix. The other bidder, IDS, submitted two bids, one in the amount of \$966,391.61 based upon the specified Sony monitors. However, since the Sony monitors are more costly than the Dotronix monitors, it is recommended that the approved substitute be purchased.
 - IDS has requested that the bid of Com-Net be deemed non-responsive so they may be awarded the contract. The City Attorney's Office believes that Com-Net's failure to submit dual pricing is a technicality which the City Council can waive.
 - Since both bidders submitted bids using the more economical Dotronix monitor, the Aviation Director recommends that the low bid by Com-Net be accepted.

MWBD Status:

	Amount	% of Project	Project Goals
DBE	\$46,200	5.7%	5%

Compliance: Yes.

Summary of Bids:

<u>Com-Net</u>	<u>\$805,937.00</u>
International Display System	\$831,842.30

19. Recycle Truck Cabs & Chassis and Truck Bodies

Action:

- A. Award the low responsible bid by Adams International of Charlotte, NC in the amount of \$130,605 for three recycle truck cabs and chassis; and
- B. Award the low bid by Amick Equipment of Lexington, NC in the amount of \$138,030 for three recycle truck bodies.

Explanation of Request:

The request for quotation for recycle truck cabs and chassis was sent to 12 companies, 4 submitted bids. The low bid did not meet specifications in one major area. The windshield was not the one piece design as required for safe operation in a residential area.

Summary of Bids:

Tar Heel Ford Truck	Charlotte, NC	\$124,707
<u>Adams International</u>	<u>Charlotte, NC</u>	<u>\$130,605</u>
Freightliner of Charlotte	Charlotte, NC	\$141,390
Southern Truck Service	Charlotte, NC	\$147,267

MWBD Compliance: Yes. There are no known MWBD vendors.

Summary of Bids:

<u>Amick Equipment Co.</u>	<u>Lexington, NC</u>	<u>\$138,030</u>
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MWBD Compliance: Yes. There are no known MWBD vendors.

20. Sugar Creek Wastewater Treatment Plant Flow Equalization Facility - Professional Services Contract

Action: Approve contract with Camp Dresser & McKee to provide design, bidding, and construction services related to the Sugar Creek Wastewater Treatment Plant (WWTP) Flow Equalization Facility. The contract will not exceed \$521,800.

Explanation of Request:

- This contract will provide for completion of electrical/instrumentation design, bidding services, and construction services of the proposed flow equalization facility at the Sugar Creek WWTP.
- CMUD contracted with Camp Dresser & McKee (CDM) on September 10, 1990 to begin a 5-7 year program to eliminate rainfall related overflows of the sewer system. During that project, a flow equalization facility at the Sugar Creek WWTP was identified as a high priority need and was approved in the FY92 CIP.
- On February 10, 1992, Council approved Amendment #3 to the CDM contract, which provided for design and permitting services for this facility. Final electrical and instrumentation design was not included because CMUD wanted to incorporate latest technology at the time of contract award.

Background:

- The Sugar Creek Wastewater Treatment Plant Flow Equalization Facility will reduce rainfall related overflows of the sewer system. The facility includes a pumping station to lift excess wastewater reaching the plant into a storage basin, and concrete lining of an existing polishing lagoon which will serve as the storage basin. The polishing lagoon was taken out of service when effluent filters were installed during the recent plant expansion. Wastewater flows in excess of the plant capacity will be diverted to the flow equalization lagoon for storage and will be returned to the plant for processing after flows subside to acceptable levels.

21. Irvins Creek Tributary to Mint Hill - Phase II - Budget Ordinance and Construction Contract

- Action:**
- A. Approve a budget ordinance appropriating \$321,904.84 to the Irvins Creek Tributary to Mint Hill Project; and**
 - B. Award the low bid of \$657,033.51 by Dellinger, Incorporated of Monroe, North Carolina.**

- Explanation of Request:**
- Funding for the Irvins Creek Tributary to Mint Hill Project was approved in the FY91-95 Capital Improvement Program (CIP).
 - The budget ordinance is necessary because the project scope has been expanded and unit prices have increased.
 - Monies from Lower Sugar Creek Outfall project savings (\$217,881.42) and Utility Relocation for Charlotte Outerloop at McAlpine project savings (\$104,023.42) for a total of \$321,904.84 are available to cover the additional construction cost.
 - The Charlotte-Mecklenburg Utility Director recommends the low bid of \$657,033.51 by Dellinger, Incorporated of Monroe, NC.

MWBD Status:

	Amount	% of Project	Proj Goals
BBE	\$41,450	6.3%	6%
HBE	\$750	0.1%	0%
ABE	\$0	0%	1%
NBE	\$0	0%	0%
WBE	\$37,450	5.7%	5%

Compliance: Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women owned firms. The contractor originally submitted a commitment of 0.8% BBE (\$5,000), 0.1% HBE (\$750) and 5.7% WBE (\$37,450). After the Utility Department's review and consultation with the Contractor, his commitment increased to the above stated amounts. Dellinger, Inc. has committed all available subcontracting opportunities to MWB firms. The remaining work will be performed by Dellinger, Inc. forces. The BBE and WBE goals have been exceeded.

22. McAlpine Creek Low Lift Pump Station (Associated with Six Mile Creek Outfall, Lift Station, and Force Main) - Budget Ordinance and Construction Contract

- Action:**
- A. Approve a budget ordinance appropriating \$1,462,876 to the Six Mile Creek Outfall, Lift Station, and Force Main; and**
 - B. Award the low single-prime bid of \$1,842,120 by Haren Construction Company of Etowah, Tennessee.**

- Explanation of Request:**
- Funding for the Six Mile Creek Project was approved in the FY96 Capital Improvement Program. This project is the last of four phases to be built to provide sewer service in the Six Mile Creek Basin located south of Providence Road West. Monies from Four Mile Creek Parallel Outfall project savings (\$1,462,876) are requested to cover the additional construction cost.
 - The budget ordinance is necessary because the project scope has been expanded to allow larger pipes.
 - The Charlotte-Mecklenburg Utility Director recommends the low single-prime bid of \$1,842,120 by Haren Construction Company of Etowah, Tennessee.

MWBD Status:

	Amount	% of Project	Proj Goals
BBE	\$36,100	2.0%	6%
HBE	\$87,900	4.8%	0%
WBE	\$169,278	9.2%	4%

Compliance: Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women owned firms. Initially at bid time, Haren Construction Company submitted 0.5% BBE (\$9,100), 4.8% HBE (\$87,900) and 6.0% WBE (\$110,888) participation. After the Utility Department's review and consultation with the Contractor, their participation increased as stated above. All available subcontracts have been committed to

minority and women firms, with the exception of the electrical work, in which proper solicitations were made and no quotes were received. CMUD staff will continue to monitor this project to ensure that no unauthorized contractors perform work, and that Haren Construction remains in compliance with the MWBD Program. The HBE and WBE goals were exceeded.

23. Deny Refund of Certain Taxes

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

Explanation of Request:

- Two property taxpayers have requested retroactive refunds of property taxes back to the year in which a mathematical or appraisal error was made.
- The City-County Tax Office recommends that the request for the refunds be denied based on North Carolina General Statute § 105-287.
- The refund requests are based on mathematical or appraisal errors which, according to North Carolina General Statute § 105-287, are not eligible for a retroactive refund.
- North Carolina General Statute § 105-381 states that the governing board must act on these requests and notify the taxpayer when the refund is denied. Attached is a copy of the City-County Tax Attorney's opinion.
- Attached is a listing of the taxpayers and the amount of refund each has requested.

Attachment 30
City-County Tax Attorney's opinion

24. Property Transactions

Action: Approve the following property transaction and adopt the condemnation resolution.

Acquisition:

A. Project: Carmel Road Widening, Parcel #114,120 & 130
Owner(s): Carmel Hollow Homes Association
Property Address: Corner of Carmel Rd. & Quail Hollow Rd.
Property to be acquired: 7,145.76 sq.ft. (0.1640 ac.) plus temporary construction easement of 13,975.59 sq.ft. (0.3208 ac.)
Improvements: Landscaping, numerous trees & shrubs, sign/planter.
Tax Value: \$1,077,700 (entire parcel)
Purchase Price: \$ 40,000
Remarks: This road widening project required fee simple, permanent & temporary easement acquisition causing a loss of landscaping, numerous trees, shrubs and entrance features with acquisition on Carmel Road and Quail Hollow Road. Compensation amount based upon two (2) independent appraisals.

Zoned: R-8 MF **Use:**
Tax Code: 209-273-21 & 209-274-55

Condemnation:

B. Project: Neal Branch Pump Station and Outfall, Parcel #1
Owner(s): Westinghouse Electric Corp.
Property Address: 5101 Westinghouse Blvd.
Property to be acquired: 210,532.68 sq.ft. (4.83 ac.)
Improvements: none
Tax Value: \$8,857,400 (entire parcel)
Purchase Price: \$80,000
Remarks: This project requires the acquisition of right-of-way which includes a road area, pumping station site, three (3) sanitary sewer lines, one (1) force main and maintenance of access road from Westinghouse Blvd. plus temporary construction easement causing the removal of trees, and loss of developable land. After numerous contacts and conversations since early September addressing issues raised, Westinghouse Electric Corp. now

contends the City's offer, based upon appraisal, is not satisfactory and provided no counter-offer or justification for an increase.

Zoned: 12 Use: Heavy manufacturing
Tax Code:199-171-01