AGENDA

Meeting Type:	BUSINESS
Date	04/28/1997

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Patrick McCrory *Mayor Pro Tem Al Rousso*

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

Council Agenda

CITY COUNCIL MEETING

Monday, April 28, 1997

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**

CITY COUNCIL AGENDA

Monday, April 28, 1997

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. **Airport Master Plan Update**

2. **Realignment of Election Districts**

3. **Police Mobile Data Communications System**

Attachment 1

6:30 P.M. CITIZENS HEARING
MEETING CHAMBER

CONSENT

4. **Consent agenda items 14 through 25 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

Staff Resource: Vi Alexander-Lyles

POLICY

5. City Manager's Report

6. Airport Master Plan Update

Action: **Approve Airport Master Plan Update to provide guidelines for long term development of Charlotte/Douglas International Airport.**

Staff Resource: Jerry Orr

Policy: One of Council's Economic Development goals is to plan and implement the necessary infrastructure investments such as transportation, water and sewer, and the airport to support local economic development

Explanation of Request:

- The Airport has had a Master Plan since 1961 The Master Plan shows how the Airport will be developed, but does not authorize or initiate any individual projects

- The Federal Aviation Administration requires all airports to have an approved Master Plan as a prerequisite for federal funding Further, they require that the Plan be updated periodically to reflect changing conditions and the current environment The last Master Plan Update was approved by City Council in 1987 and was based on 1984 data

- The Airport Advisory Committee has monitored the planning effort closely and reviewed the progress at each of their monthly meetings The Airport Advisory Committee recommends approval of the Master Plan Update

- Additionally, there has been an extensive public information and participation process with five public workshops concluding with the public hearing on March 19, 1997, before the Airport Advisory Committee and City Council

- The major recommendations of the Update are
  - Acquire approximately 1,000 acres of land between the airport and the Outer Belt to maximize the potential of the airport as a major transportation center
  - Construct a new 9,000 foot fourth runway (3rd parallel) 3,700 feet from the existing western parallel runway to accommodate demand
  - Create a dedicated Airport gateway to the Center City by upgrading Wilkinson Boulevard to a limited access roadway from I-485 to the Airport Entrance Road
  - Add international gates and expand the international arrival area to maximize the opportunity for international passenger activity
  - Extend the existing western parallel runway to 12,000 feet to allow Pacific rim flights
  - Improve West Boulevard by relocating and extending it to I-485 to accommodate runway extension and surface connections

Background:

- On July 27, 1987, City Council approved the current Airport Master Plan Update
- On September 11, 1995, City Council awarded Landrum & Brown a $925,000 contract to conduct the Master Plan Update and the Part 150 Program Update
- On April 14, 1997, the Charlotte Chamber and UNC-Charlotte released the results of a two-year Economic Impact Study, which indicated that the airport contributes $4 0 billion annually and provides approximately 71,000 jobs throughout the region

Attachment 2
Questions and Answers

7. Airport Noise Compatibility Program Update

Action: **Approve the Part 150 Airport Noise Compatibility Program Update in order to receive federal noise grant funds.**

Staff Resource: Jerry Orr

Explanation of Request:

- The Part 150 Noise Compatibility Program (NCP) is a federally funded program aimed at balancing an airport's operational needs and its impact on the surrounding community Due to the federal requirements that all aircraft must be Stage III (quieter) by 2000, overall noise levels around the airport are shrinking

- The Federal Aviation Administration approved NCP is voluntary on behalf of the airport but is required to access noise funds under the federal grant program To date the airport has acquired 312 homes, insulated 138 residences, 3 schools and 4 churches, with 80% federal funding

- The NCP consists of two components
  (1) Noise Exposure Maps
  (2) NCP

  - The Noise Exposure Maps provide information on the 1997 and 2002 expected boundaries of significant levels of annual average noise exposure surrounding the airport

  - The NCP sets forth measures intended to mitigate the impacts of significant noise exposure on residential areas near the airport, and to restrict the introduction of new, incompatible uses in the locations exposed to significant noise levels

- The NCP Update recommends the following measures for the current airfield configuration

  - Promote compatible land use within the noise contours through the amendment of the SouthWest District Plan and rezonings

- Extend sound insulation eligibility to residences from 70 average day night noise level (DNL) to 65 DNL This measure includes an additional 500 houses at $12,700 each for a total estimated cost of $6,325,000

- Acquire mobile homes located within the 70 DNL noise contour This includes approximately 95 mobile homes in three mobile home parks Estimated cost is $3,800,000

- Reaffirm Airport User Policy which designates locations and procedures where aircraft engines runup (when mechanics "rev" the engines during tests and repairs), and provide monthly reports on late night runway utilization and variances from NCP assumptions to Air Traffic Control Tower management and frequent nighttime operators

- *If an additional runway is constructed, the* following measures would be in addition to the previous recommendations

  - Sound insulate houses located within the 65 DNL This includes approximately 75 additional houses at $12,700 each for a total estimated cost of $940,000

  - Acquire mobile homes located within the 65 DNL This includes approximately 150 additional mobile homes in two mobile home parks for a total estimated cost of $5,960,000

- The Airport Advisory Committee has monitored the planning effort closely and reviewed the progress at each of their monthly meetings The Airport Advisory Committee recommends approval of the Part 150 Airport Noise Compatibility Program Update

- Additionally, there has been an extensive public information and participation process with five public workshops, concluding with the public hearing on March 19, 1997 before the Airport Advisory Committee and City Council

Background:

- On July 27, 1987, City Council approved the initial NCP

- On October 24, 1988, City Council advanced $7 4 million to accelerate implementation of the NCP prior to FAA approval, which was obtained in May 1990

- On September 11, 1995, City Council awarded Landrum & Brown a $925,000 contract to conduct the Master Plan Update and the Part 150 Noise Compatibility Program Update

8. Realignment of Election Districts

Action:

A. Approve the list of factors used in developing the re-districting options; and

B. Adopt a resolution approving new election district boundaries in order to maintain substantial population equality among the districts. This revision of district lines involves the assignment of newly annexed residents to City Council Districts and the shifting of precincts to adjoining districts.

Staff Resource: Dick Black and Mike Boyd

Policy: The U S Constitution requires that the population of each election district be substantially equal Annexed areas must be included in election districts and necessary changes made to district boundaries to achieve substantial population equality in each district

Explanation of Request:

- The Council Re-Districting Committee presents two options to City Council that would meet the required population balance among City Council election districts In proposing these options, the Committee developed a list of factors that may be considered in re-districting and also determined their degree of importance in the re-districting process

- City Council is asked to approve the factors that may be considered in re-districting, as utilized by the Re-Districting Committee

- The resolution establishes the new election district boundaries

Background:

- The June 30, 1997 Annexations and the increased population growth within existing districts will make it necessary to revise City Council district boundaries in order to maintain the required population balance

- The population differential between the largest and smallest City Council districts should not vary by more than 10%, when compared to the average district population Two realignment options were presented at the April 14 dinner meeting for Council's consideration Each option received two supporting votes from members of the Re-Districting Committee Neither option received a majority vote from members of the Re-Districting Committee

Attachment 3
Maps
Summary Statistics for each option
List of "Factors That May Be Considered In Re-Districting"
Evaluation of Re-Districting Factors

BUSINESS

9. FY98 Consolidated Housing Action Plan

Action: **Approve the FY98 Consolidated Housing Action Plan, which describes the activities to be undertaken under the Community Development Block Grant, HOME Investment Partnerships and Emergency Shelter Grants. The Plan is estimated at $6,617,000 for the period from July 1, 1997 through June 30, 1998.**

Staff Resource: Stanley Watkins

Focus Area: City Within a City and the Community Safety Plan

Policy: On May 8, 1995, Council adopted a Five-Year Consolidated Housing Plan which describes the City's housing and community development strategies and priorities for FY1996-2001 as required by the Department of Housing and Urban Development (HUD) Each year, in order to receive federal funds, entitlement cities must also submit a One-Year Consolidated Housing Action Plan describing activities and funding levels for the upcoming fiscal year and indicating any changes to the Five-Year Plan

Explanation of Request:

- The City's FY98 Consolidated Housing Action Plan is due to HUD on May 16, 1997 Submission of this One-Year Action Plan by that date is required in order for the City to receive an estimated $6 6 million in federal funds

- Final entitlements for FY98 have not been confirmed by HUD Estimated FY98 entitlements are as follows

CDBG	$4,691,000
HOME	1,803,000
ESG	123,000
	$6,617,000

- The Consolidated Housing Action Plan describes housing activities to be undertaken under the following programs administered by HUD Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and the Emergency Shelter Grant (ESG)

- The Consolidated Housing Plan outlines the following strategies

  - Preserve the Housing Stock

  - Expand the Supply of Low- and Moderate-Income Housing

  - Provide Housing Support Activities

  - Promote Self-Sufficiency

  - Improve Public Facilities and Infrastructure

  - Provide Homelessness Assistance

- A series of focus groups and forums were held during March and April 1997 to solicit the input of housing partners, service providers and CWAC residents on the FY98 Consolidated Housing Action Plan

- A draft copy of the FY98 Consolidated Housing Action Plan was made available to the public from March 20, 1997 thru April 20, 1997 for review and comments (see attachment for citizen comments)

- Appropriation of funds covered by the FY98 Consolidated Housing Action Plan will be a part of the FY98 budget

Funding: Federal funds CDBG, HOME and ESG funds

Attachment 4
Executive Summary
Citizen Comments

10. Lead Based Paint Hazard Control Grant

Action:

A. Adopt a budget ordinance appropriating a Lead Based Paint Hazard Control Grant in the amount of $4,986,800; and

B. Authorize the City Manager to enter into contractual agreements necessary to implement the Lead Based Paint Hazard Control Program as set forth in the grant agreement with the U.S. Department of Housing and Urban Development.

Staff Resource: Stanley Watkins

Policy: The City's housing policy is to provide safe, decent and affordable housing in Charlotte

Explanation of Request:

- On October 29, 1996 the City of Charlotte was notified by the U S Department of Housing and Urban Development (HUD) that it had been awarded a $4,986,800 Lead Based Paint Hazard Control Grant Charlotte was one of 17 cities in the nation to receive a grant

- Under this grant, the City will undertake a lead-based paint hazard control program targeted to the 32 neighborhoods which make up the City's Enterprise Community (see attached Executive Summary and Enterprise Community map) This area has a high concentration of housing built prior to 1959, significant pockets of deteriorated housing, and a rate of elevated blood lead levels found in children (nearly twice that of the county as a whole)

- Children who live in pre-1978 housing with deteriorated paint are at risk of lead poisoning Lead poisoning in children can lower IQ and cause learning disabilities, decrease attention span, and cause behavior problems and, at higher levels cause coma, convulsions and death This risk prompted the federal government to pass the "Residential Lead-Based Paint Hazard Reduction Act of 1992"

- Planned activities under the grant include
  - Lead testing, abatement and blood screening in the target area,
  - Training of low-income residents as abatement contractors,
  - Conducting community education and outreach citywide, and
  - Evaluating of the effectiveness of various hazard reduction techniques
- Approximately 450 units of low-income housing will be made lead-safe and up to 2,000 children under age six will be screened for lead poisoning over a three-year period A program budget is attached Residents outside of the target area may be eligible for other City housing programs to address lead based paint housing hazards
- Of the $4 9 million grant award, over $4 million is anticipated to be outsourced over the next three years Outsourced services will include program management, contractor and inspector training, lead testing, risk assessment, children's lead education, insurance and abatement
- The City is required to provide non-federal matching funds equivalent to 10% of the grant or $498,680 The match will be provided as both appropriated funds and in-kind contributions Partners in the grant application included the Health Department, UNC-Charlotte, the Charlotte Apartment Association, abatement contractors and the Enterprise Community clusters (see attachment)

Funding: U S Department of Housing and Urban Development

Attachment 5
Executive Summary of Grant Application
Program Budget
Map of Target Area
List of Partners

11. Interlocal Agreement for Fleet Maintenance Services for Charlotte Housing Authority

Action: **Authorize the City Manager to execute an Interlocal Agreement with the Charlotte Housing Authority for the City to provide fleet maintenance services.**

Staff Resource: Susan Johnson

Explanation of Request:

- The Charlotte Housing Authority has requested the City Manager execute an Interlocal Agreement with them to
  - Conduct a vehicle fleet assessment and provide vehicular maintenance for their fleet of approximately 106 vehicles The fleet is composed of vans, pickup trucks and sedans
  - Use the City's equipment replacement planning, equipment utilization review, preventative maintenance, and driver/operator training services
  - Use the City's expertise in the overall management of their fleet
- The initial equipment condition review is estimated to cost $15,900 Subsequent services will be invoiced by the City to the Authority based on a time and materials basis The City has not provided a cost guarantee to the Authority based upon the above estimates

Funding: Charlotte Housing Authority

Background:

- On December 17, 1996, the Charlotte Housing Authority's Board approved contracting with the City for vehicle maintenance services This recommendation resulted after many months of analysis whereby the Housing Authority determined
  - The City could perform repairs on their vehicles for 13 4% less than the Authority had been paying a private vendor for the same services

- Other benefits include· using the City's maintenance facilities, volume discounts for parts, multiple work shifts for greater hours of service coverage, etc.

- The City will fill one vacancy to absorb this additional workload

- The Authority is aware of the City's plan to compete for fleet maintenance services this summer. Regardless, they would like to proceed with an interlocal agreement to improve the level and cost effectiveness of services available for their fleet. If the City is not selected as the recommended provider, the Authority understands it would have an opportunity to negotiate an agreement with the successful vendor

12. Mayor and Council Election Filing Fees

Action: **Adopt a resolution setting election filing fees for Mayor and City Council at 1% of gross annual salary for 1997 and future elections.**

Staff Resource: Brenda Freeze

Explanation of Request:

- Each municipal election year, City Council has adopted a resolution to set filing fees for the November elections Council has traditionally set these fees at 1% of Mayor and Council's gross annual salary.

- If Council adopts the above resolution staff will not have to come back to Council for this action every two years unless there is a need for revision

Background: North Carolina General Statutes state that filing fees will be set by each governing body between $5 and up to 1% of gross annual salary

Attachment 6
Resolution and Salaries as approved August 24, 1987

13. May 5th Workshop Agenda

Action: **Approve topics for the May 5th Workshop:**

A. Issues Discussion with Dr. Eric Smith

B. City Within A City Business Park

This is the first workshop under the new schedule for citizens hearing. The workshop begins at 5:00 p m The Citizens hearing begins at 7:30 p m in the Council Chamber

Introduction to CONSENT I and II

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations
BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

CONSENT I

14. Various Bids

A. Shuttle Buses — Aviation

Recommendation: The Aviation Key Business Executive recommends the low bid meeting specifications as submitted by Carolina Transportation Sales, Thomasville, NC, for award as a unit price contract in the amount of $40,659 per bus Purchases are anticipated subject to appropriations by City Council and actual identified needs The total estimated FY97 expenditure for shuttle buses is $121,977 The contract awarded will be for one year with an option for an additional year

MWBD Compliance: Yes There are no known minority vendors

B. North Tryon Street Business Corridor Phase II — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $738,185 63 from Blythe Development of Charlotte, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	21,712	3%	3%
WBE	21,729	3%	3%

MWBD Compliance: Yes

C. FY96 Sidewalk Improvements, Package #5 — **Engineering and Property Management**

Recommendation: The City Engineer recommends that the low bid of $116,671 80 by Nova Construction of Charlotte, NC, be accepted

MWBE Status:	Amount	% of Project	Project Goals
BBE	$0	0%	6%
ABE	$116,671 80	100%	0%
NBE	$0	0%	1%
WBE	$0	0%	4%

MWBD Compliance: Yes Low bidder is an ABE and will self-perform all work

D. Irwin Creek Wastewater Treatment Plant Aeration System Improvements — **CMUD**

Recommendation: The Utility Department Director recommends that the low multiple-prime bid shown below be accepted

General Construction: Crowder Construction Company of Charlotte, NC, for $702,518 77

Electrical/Instrumentation: Energy Erectors, Inc of Leesburg, Florida, for $346,916 28 Total bid of $1,049,435 05

Energy Erectors, Inc. MWBD Status:	Amount	% of Project	Proj Goals
WBE	$3,469	1 0%	1%
MBE	0	0%	1%

Crowder Construction Company:

MWBD Status:	Amount	% of Project	Proj Goals
WBE	0	0%	1%
MBE	0	0%	1%

MWBD Compliance: Yes The general contractor, Crowder Construction Company, plans to perform all work on this project without subcontracts There are no significant subcontracting opportunities on this project for general construction The contractors have met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women owned firms CMUD staff anticipates that should either contractor need to subcontract work as the project progresses, they will use additional MWBD firms as subcontracting opportunities are further defined CMUD staff will continue to monitor this project to ensure in compliance with the MWBD Program

E. Sanitary Sewer Construction To Serve Duke Power McGuire Nuclear Plant **CMUD**

Recommendation: Charlotte-Mecklenburg Utility Director recommends that the low bid of $1,881,516 92 by Foster Utilities, Incorporated of Pineville, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$15,000	1%	7%
WBE	$73,000	4%	5%

MWBD Compliance: Yes The Utility Department has reviewed the Contractor's MWBD documentation and determined that the contractor has made and will continue to make good faith efforts to meet the BBE and WBE goals for this project

F. **Water and Sewer Main Construction - FY 97 Contract M - Street Main Extensions** **CMUD**

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of $764,006 80 by McDaniel Construction Contractors, Incorporated of Bostic, N C

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$764,006 80	100%	3%

MWBD Compliance: Yes The Utility Department has reviewed the contractor's MWBD documentation and determined that the contractor is a WBE firm and will self-perform all work with their current work forces

15. Speed Limit Change

Action: **Adopt ordinances to lower the speed limit on 13 Charlotte streets from 35 MPH to 25 MPH:**

Bascom Street (Chantilly)
Bay Street (Chantilly)
Chesterfield Avenue (Chantilly)
Dalecrest Drive (Derita Woods)
Kingsbury Drive (Chantilly)
Laburnum Avenue (Chantilly)
Lorna Street (Chantilly)
Painted Tree Road (Terrabrook)
Sharview Circle (Nations Village)
Shenandoah Avenue (Chantilly)
Skycrest Lane (Nations Village)
St. Julien Place (Chantilly)
Westover Street (Chantilly)

CONSENT II

16. Grant Award and Budget Ordinance for DNA Evidence Analysis

Action:

A. Approve a $50,000 grant award from the U.S. Department of Justice for DNA evidence analysis; and

B. Approve a budget ordinance appropriating $50,000 in grant funds.

Explanation of Request:

- The Police Department has received a grant award in the amount of $50,000 from the U S Justice Department to begin the implementation of DNA analysis of serology evidence The uses of these funds include

  - Training serologists in DNA analysis
  - Purchasing of DNA analysis equipment
  - Purchasing of computer hardware and software to link the Police Department's DNA data base with those of the FBI and the SBI

Funding:

The grant requires an in-kind match which covers the salaries and benefits for the two serologists

17. Electric Rate Agreement for Franklin Water Treatment Plant

Action:

Approve a new rate agreement with Duke Power Company which serves CMUD's Franklin Water Treatment Plant, to obtain the lowest possible rate structure.

Explanation of Request:

- Franklin Water Treatment Plant is served by Duke Power Company
- This contract modifies the existing agreement to provide the additional power necessary to operate the Franklin Water Treatment Plant Under this agreement CMUD agrees to operate the Franklin Plant at a 1000 Kilowatt usage rate on-peak and contract demand shall be 1750 Kilowatts
- Duke Power agrees to sell CMUD electricity at the Franklin Water Treatment Plant at rates and conditions set forth in "Schedule OPT (NC) Optional Power Service, Time-of-use "
- This agreement provides the lowest possible electrical charges to operate the plant

Funding:

CMUD Operating Funds

Background:

- As new facilities are added, the contract with Duke is modified to provide the power required Due to the addition of the Alum Sludge Facility at the Franklin Water Treatment Plant, the minimum electrical usage has been increased from the rate structure outlined in the previous contract This agreement will increase the amount of on-peak kilowatt usage and contract demand usage to reflect the current level of electrical usage

18. Architectural Design Contract for Airport Terminal Expansion

Action:

A. Adopt a Budget Ordinance appropriating $600,000 to provide preliminary engineering for an Airport terminal expansion; and

B. Approve a contract with Odell Associates, Inc. in the amount of $517,000 for architectural design of the expansion.

Explanation of Request:

- US Airways has requested that the City proceed expeditiously with provisions for a new 21,000 square foot US Airways Club to meet the needs of its customers In turn, this terminal expansion will create additional retail concession space adjacent to the atrium

- US Airways has selected Ken Brown & Associates as its architect Odell Associates, the Airport's terminal architect since 1973, has joined with US Airway's architect in order to guarantee continuity and consistency in architectural design

- The preliminary construction budget for this project is $8,500,000 The negotiated lump sum architectural fee in the amount of $517,000 represents 6 3% of the construction budget This is in line with the architectural fees for projects of this complexity and scope

Funding: General Airport Revenue Bonds

Background:

- US Airways currently has three clubs at the Airport which are overcrowded during their peak activity levels The proposed new US Airways Club will provide significantly more space and increase their ability to accommodate customers Additionally, the Club will provide a business center to meet the needs of their business travelers Upon completion of this facility, US Airways will close the US Airways Club on Concourse C, which will allow additional expansion of Airport retail concessions

19. Interlocal Agreement for New Mapping

Action: **Approve an Interlocal Agreement with Mecklenburg County to fund new digital elevation data and aerial photography with $373,011 as the City's share of the cost.**

Explanation of Request:

- Aerial photographs and elevation data are used by private developers, designers, and City and County departments The City and County Engineering Departments have negotiated an agreement to jointly fund, along with the Tax Collector's Office, a new, county-wide mapping of elevation data and aerial photos The new data will substantially improve the ability of the private sector and departments to plan and design new construction and infrastructure improvements

- The interlocal agreement establishes areas of responsibility for the agencies involved regarding the funding, quality control, and distribution of topographic data

- The cost sharing is as follows

Charlotte Engineering & Property Mgt	$373,011
County Engineering	$373,011
County Tax Collector's Office	$100,000
Total Project Cost	$846,022

- The County will manage the contract with the service provider (Geonex) The County has managed the City and County mapping contracts to avoid duplication

Funding: Storm Water Operating Funds

Background:

- This will be the first time a total City/County elevation database has been compiled at one time Traditionally, the City and County have both allocated funds each year to update a portion of the data, resulting in some portions of the data being outdated, by as much as 15 to 20 years

- The county-wide database will allow improved planning and design of construction and infrastructure improvements, and provides cost savings in those activities The savings and efficiencies of using this data for Storm Water Services is expected to recover the cost of the mapping in three years

20. Amend Soil Erosion and Sedimentation Control Ordinance

Action:

Amend the local Soil Erosion and Sedimentation Control Ordinance to detail the appeals process and provide guidelines to adjust penalties.

Explanation of Request:

- These amendments are recommended by the City and County Attorneys, the Storm Water Advisory Committee and the Subdivision Steering Committee

- Amendment Highlights

  - Rearrange several sections and subsections to make the sequence in the Ordinance match the actual process

  - Insert and delete language as directed by the City Attorney's Office in order to more clearly reflect the intent of the Ordinance An example of this is found in Sec 18-26(a) where the words "Erosion and Sedimentation Control Plan" were substituted for the word "Plan" to clarify the type of plan involved

- Amend Section 18-43 Appeals to detail the appeals process as adopted by the Storm Water Advisory Committee (SWAC) Since SWAC has been hearing appeals of the Soil Erosion and Sedimentation Control Ordinance, it has become necessary to agree on some legal vehicle for proceedings on appeals SWAC, in conjunction with the City and County Attorney's Offices, has agreed on this amended process

- Amend Sec 18-40 Penalties (b) to give staff and the SWAC guidelines on when it is appropriate to adjust penalties The current Ordinance provided penalty adjustment only on the number of days a project is in violation SWAC and both City and County staff feel there are other "aggravating and mitigating" circumstances that come into play when assessing penalties, such as weather conditions, history of contractor/developer, and the amount of damage done This adjustment also allows SWAC and staff to build a history to look at for consistency in future cases

Background:

- Charlotte adopted a local Erosion Control Ordinance in 1975 based on the State's model ordinance Occasional amendments have been made to Charlotte's Ordinance since then corresponding to changes in the State's model ordinance with input from the building industry The local program has been continually upgraded with substantial revisions occurring in 1986, 1989, 1990, 1992, and again in 1995

- The 1992 changes included making the Soil Erosion and Sedimentation Control Ordinance an attachment to the Storm Water Ordinance, since soil erosion and sedimentation affect water quality

- The 1995 revisions included language allowing appeals to be presented to the Storm Water Advisory Committee rather than an Administrative Law Judge This action was encouraged by the Subdivision Steering Committee (see attachments)

- The current revisions have been reviewed and approved by the Subdivision Steering Committee, the Storm Water Advisory Committee (see attachments), and the City Attorney's Office The same changes are being made to the County Ordinance so that the two Ordinances will be consistent

Attachment 7
Highlights of Ordinance Amendments
List of Committee members involved in review

21. FY97 Storm Water Maintenance Packages - Change Orders

Action:

A. **Approve Change Order #1 for $56,420 to the contract with Kip Corporation for continued construction of FY97 Storm Water Channel Maintenance Package A. The change order will increase the contract amount from $56,420 to $112,840.**

B. **Approve Change Order #2 for $364,275 to the contract with United Construction Company for continued construction of FY97 Storm Water Maintenance Package B. The change order will increase the contract amount from $728,550 to $1,092,825.**

Explanation of Request:

- These change orders recognize good performance by the contractors and competitive unit prices These types of contracts are originally bid in a range that provides bidding opportunity to all licensed contractors Where the contractor's work has been of good quality, a change order is recommended to extend the contract

- In both cases, the change orders will provide funds to continue work under the indicated contracts for approximately three months from the approval date The requested change orders are the first of a possible three renewals for item A and the second of a possible three renewals for item B Should the contracts continue to be renewed with good performance and prices, the next bid date is anticipated to be in the first half of FY98

Funding: Storm Water Capital Fund

Background:

- The Storm Water Maintenance Program provides a method to perform repairs to existing drainage infrastructure identified through citizens' requests Repairs are made through yearly contracts, projects are prioritized and assigned to the contractors continuously with payment based on unit prices

- Kip Corporation and United Construction Company have committed to self-performing under their contracts, i e , they do not customarily subcontract any elements of this work Their commitments extend through this change order

- United Construction is certified with the City of Charlotte as an Asian-American owned business

22. Colony Road Extension Phase II

Action: **Approve an agreement for $121,317 with Ralph Whitehead Associates, Inc., for plan completion of Colony Road Extension Phase II.**

Explanation of Request:

- Colony Road Extension Phase II is the final phase of the Colony Road Extension Project and extends from Carmel Road to Rea Road (approximately two miles)
- Design of this project was funded from the 1988 Bond Referendum The plans were brought to 90% completion in 1994 Having 90% complete design plans allowed the City to benefit from developer assistance with grading and drainage installation as new construction has been built at various locations contiguous to the project
- Real estate acquisition and construction are funded from the 1996 Bond Referendum
- This amendment will provide funds to finalize the construction documents and create plats for right-of-way acquisition
- Ralph Whitehead Associates, Inc was chosen for this project using the Council approved consultant selection process

Funding: Colony Road Extension Capital Account

Background:

- On October 28, 1991 Council awarded agreement for planning services for $316,400 to Ralph Whitehead Associates, Inc for Colony Road Extension Phase II
- On November 9, 1992 Council awarded agreement for design services for $459,000 to Ralph Whitehead Associates, Inc for Colony Road Extension Phase II

23. Plaza Midwood Neighborhood Improvement Project

Action:

Approve an agreement for $110,000 with US Infrastructure, Inc. for planning and design services for the Plaza Midwood Neighborhood Improvement Project.

Explanation of Request:

- On November 5, 1996, the voters approved $32 million in Neighborhood Improvement Bonds
- The Neighborhood Improvement Bonds will provide for infrastructure improvements (curb and gutter, sidewalk, lighting and minor street widening) in 18 neighborhoods, one of which is the Plaza Midwood Neighborhood
- This agreement will assist the City in meeting goals of the work plan developed by Neighborhood Development and other Key Businesses to coordinate the Neighborhood Infrastructure Improvement Program Priorities established in the Neighborhood Action Plan
- US Infrastructure was selected using the Council-approved process

Funding:

Plaza Midwood Neighborhood Improvement Capital Account

24. Property Transactions

Action: **Approve the following property acquisitions (A-B) and adopt the condemnation resolutions (C-D).**

Acquisitions:

A. **Project:** Fire Station 32 Land Acquisition, Parcel #3,
Owner(s): Barbara A Blackmon
Property Address: 10021 Providence Road West
Property to be Acquired: 169,448 sq ft. (3 89 ac.)
Improvements: Single family residence and aux bldg
Purchase Price: $159,000
Remarks: This site meets all criteria for the construction and occupancy of a fire station to serve the 1997 annexation area near Ballantyne The mandatory referral was approved by staff and the planning committee. Acquisition price is based upon an independent appraisal.
Zoned: R-3 **Use:** Residential
1991 Tax Value: $126,940
Tax Code: 223-011-03

B. **Project:** Fourth/Kings/Third Intersection Improvements, Parcel #7
Owner(s): Central Carolina Bank & Trust Company, successor to interest to Republic Bank & Trust Company
Property Address: 101 South Kings Drive
Property to be Acquired: 5,171 sq ft. in fee plus 15 sq.ft. at utility down guy easement.
Improvements: Large trees, paving, light & sign
Purchase Price: $125,154
Remarks: Areas acquired with accompanying improvements are needed to permit the construction at the proposed Kings Drive Intersection Improvements. The compensation amount is based upon independent appraisal
Zoned: B-2 **Use:** Office
1991 Tax Value: $2,992,510
Tax Code: 125-107-01

Condemnations:

C. **Project:** 1995 Sewer Lines Mint Hill, Parcel #161
Owner(s): Lyndell D Thompson & wf , Lois Y Thompson and any other parties of interest.
Property Address: 5817 Lebanon Road
Property to be Acquired: 12,277 sq ft (0 282 ac.)
Improvements: Landscaping
Purchase Price: $6,400
Remarks: Area needed for a 15-foot wide permanent easement to construct an 8-inch sewer line. Property owner objects to the amount of compensation offered by the City as determined by an independent appraisal Property owner's counter offer of $22,098 was based on a speculative land use which would require rezoning
Zoned: R **Use:** Residential
1991 Tax Value: $1,002,310
Tax Code: 135-241-15

D. **Project:** Four Mile Creek Relief Sewer, Parcel #34
Owner(s): William E Johnson & any other parties of interest
Property Address: 1300 Brittle Creek Drive, Charlotte, NC 28105
Property to be Acquired: 11,328 sq ft (260 ac) permanent sanitary sewer easement and temporary construction easement.
Improvements: Trees
Purchase Price: $6,800
Remarks: Areas being acquired are needed to construct Four Mile Creek Relief Sewer Mr. Johnson's counter offer of $10,000 was provided without justification. City's certified, independent appraisal was $6,800.
Zoned: R-15
Use: Single family residential
1991 Tax Value: $140,710
Tax Code: 227-292-36

25. Minutes

Action: **Approve minutes as follows:**

- **March 13, 1997 Arena Workshop**
- **March 17, 1997 Arena Workshop**
- **March 17, 1997 Zoning Meeting**
- **March 18, 1997 Budget Workshop**