AGENDA

Meeting Type:	BUSINESS
Date:	06/09/1997

City of Charlotte, City Clerk's Office

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, June 9, 1997

5:00 p.m. — **Conference Center**

Dinner Briefing
(See Table of Contents)

7:00 p.m. — **Meeting Chamber**

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**

CITY COUNCIL AGENDA

Monday, June 9, 1997

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Land Development Process Improvements

Attachment 1

2. Neighborhood Quality Index

Attachment 2

3. Convention Center Maximization Study

Attachment 3

7:00 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER

CONSENT

4. Consent agenda items 17 through 38 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

PUBLIC HEARING

5. Public Hearing to Close Two Alleyways Between West Fifth and West Sixth Streets

Action:

A. Conduct a public hearing to abandon two alleyways between West Fifth and West Sixth Streets; 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 public right-of-way and is requesting this action in accordance with the statute

Background:

Petitioner:
201 North Tryon, LLC

Right-of-Way to be abandoned:
Two alleyways

Location:
Two alleyways off West 5th and West 6th Streets

Reason:
To incorporate the right-of-way into adjacent property owned by 201 North Tryon, LLC

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

Private Utility Companies - No objection

Review by City Departments has identified no apparent 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 4

6. Public Hearing to Close Two Alleyways Between Jackson and Seigle Avenues

Action:

A. Conduct a public hearing to abandon two alleyways between Jackson and Seigle Avenues; 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 public right-of-way and is requesting this action in accordance with the statute

Background:

Petitioner:
Seigle Avenue Presbyterian Church

Right-of-Way to be abandoned:
Two alleyways between Jackson and Seigle Avenues

Location:
East of Brookshire Freeway East in the block bounded by Brookshire Freeway, Seigle Avenue, Tenth Street and Jackson Avenue

Reason:
To incorporate the right-of-way into adjacent property owned by the petitioner

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

Private Utility Companies - No objection

Review by City Departments has identified no apparent 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 5

7. Public Hearing on FY98 Recommended Operating Budget and FY98-02 Capital Investment Plan

Action: **Receive public comment on the Manager's recommended budget.**

Staff Resource: Curt Walton

Explanation of Request:

- The total recommended budget is $875 8 million, with $559 4 million for operating expenses and $316 4 million for capital expenditures

- **Property Tax Rate**
  The tax rate remains at 52 50¢ per $100 of property valuation The distribution of the tax rate is recommended to be revised by transferring ¼¢ from General tax rate and ¼¢ from Storm Water tax rate to Debt Service Both changes support the emphasis on the capital program

- **Other**
  Other recommendations include

  - Increasing water and sewer rates 2 5%, an average of 63¢ per month for residential customers,

  - Increasing storm water fees 7 7% for residential and 9% for commercial customers, and

  - Increasing transit fares to $1 00 for local service and $1 40 for express service

- **Annexation**
  Included are the revenues and expenditures necessary to support City services extended to the areas to be annexed effective June 30, 1997 A total of 86 positions and $28 3 million are added to support these new service areas Almost 30,000 residents and 22 square miles will be added to the City

- **Capital Budget**
  The FY98 Capital Budget is recommended at $316 4 million Highlights are as follows

  - Storm Water projects total $18 7 million for existing storm drain repairs, channel restorations, and flood control projects

  - Transportation projects total $37 3 million, including initial funding for the Five-Year Transportation Plan and continuing road widening projects for Fairview/Sharon, Hoskins, Beatties Ford and Prosperity Church Roads, and extending Colony and Johnston Roads

  - Aviation Program totals $86 2 million, including Master Plan Land Acquisition and Taxiway Improvements

  - Neighborhood Sidewalk Program totals $2 million

- Neighborhood Improvement Program totals $12 1 million for the City's older urban and suburban neighborhoods

- Water and Sewer projects total $134 6 million, including water and sewer street main extensions ($23 9 million), completion of Rocky River Outfall ($15 9 million), Mallard Creek Wastewater Treatment Plant Expansion ($31 5 million), and Neighborhood Reinvestment in water and sewer lines ($7 3 million)

- **Other Information**

  Council's final budget review retreat is scheduled for June 10

  Budget adoption is scheduled for June 23, 1997

  State law requires a public hearing be held following presentation of the Manager's Recommended Budget (May 12) and prior to Council adoption of the budget

  State law also requires that a public notice be published following presentation of the Manager's Recommended Budget and before the scheduled Public Hearing The required public notice was published in local newspapers on June 2, 1997

POLICY

8. City Manager's Report

9. International Resource Cities Program

Action: **Adopt a resolution supporting the City's participation in the International Resource Cities Program.**

Staff Resource: Pam Syfert

Explanation of Request:

- The International City/County Management Association's (ICMA) International Resource Cities Program provides direct, flexible, and low-cost access to U S cities The program builds practical, problem solving relationships between U S cities and cities in developing and transitional countries to support international technical assistance, information sharing, and technology exchange

- The City of Charlotte has been selected by the ICMA to participate in this program as a partner with Cape Town, South Africa ICMA has requested that each selected city provide them with a resolution supporting the city's participation

Funding: Funding will be provided by the United States Agency for International Development

Attachment 6
Background and Program Goals
Copy of Resolution

10. Citizen Involvement in Police Disciplinary Process

Action:

Adopt a unanimous recommendation of the Public Safety Committee to:

A. Approve a revised Memorandum of Understanding between the City and the Community Relations Committee to increase the Committee's involvement in the police disciplinary investigative process;

B. Adopt an ordinance amending Chapter 16 of the City Code by the addition of a new ordinance creating a Citizens Review Board;

C. Adopt a resolution to seek amendments to N.C. G.S. 160A-168 to permit the limited disclosure of personnel information and to adopt interim procedures pending the amendment of N.C.G.S. 160A-168; and

D. Adopt a budget ordinance appropriating $20,000 into the budget of the Community Relations Committee to conduct a public information campaign on the police complaint process and the new appeals procedure.

Committee Chair: Don Reid

Staff Resource: Pam Syfert and Chief Dennis Nowicki

Explanation of Request:

- The City Manager and the City Council's Public Safety Committee have conducted an extensive review of the Police Department's process for investigating allegations of police misconduct

  The goal of this review was to

  - Enhance public trust in the complaint investigation process,
  - Improve service delivery, and
  - Maintain officer confidence in the investigation process

- The City Manager convened a committee to review police procedures which included the current and past chairs of the Community Relations Committee This committee, along with the City Manager's Office and representatives from the Police Department, reviewed the current complaint investigation process They also heard from experts on civilian review processes throughout the country As a result of these discussions, the City Manager developed recommendations to enhance the role of the Community Relations Committee in the investigation of allegations of police misconduct

- Also, Councilmember Patrick Cannon proposed an amendment to the City Code which would create a Citizen's Review Board for the City of Charlotte

- The Public Safety Committee met four times to

  - Review the current police complaint investigation process ,

  - Discuss the recommendations of the City Manager,

  - Review the proposed amendment to create a Citizens Review Board, and

  - Discuss the current limitations on the release of disciplinary dispositions as outlined in the North Carolina Personnel Privacy Statutes

- The Committee's discussion focused on ways to increase citizen involvement in the police disciplinary process and the development of an appeals process that would address the interests of citizens and police officers At its May 21 meeting, the Public Safety Committee unanimously recommended the following actions

City Manager's Recommendations:

- Recommendation A is to accept the City Manager's recommendation to amend the Memorandum of Understanding between the City and the Community Relations Committee to

1 Make a member of the Community Relations staff a fully participating member of the Chain of Command Review Board for any violation that would be within the jurisdiction of the proposed Citizen's Review Board

2 Allow the Community Relations Committee to establish a citizen subcommittee to audit the chain of command review process for all violations within the jurisdiction of the proposed Citizen's Review Board, including allowing an appropriately trained member of the board to observe hearings which may subsequently be subject to citizen review

3 Allow the citizen subcommittee to contract with an outside firm to conduct periodic reviews of the complaint process to identify issues, problems, or trends

4 Allow Community Relations staff to assist a citizen in filing an appeal to the Citizen's Review Board

5 Charge the Community Relations Committee with conducting community outreach campaigns on the complaint and appeals processes and on the audit results

6 Have the Director of the Community Relations Committee report directly to the City Manager

Establish Citizens Review Board:

- Recommendation B is to adopt an amendment to the City Code which establishes a Citizen's Review Board to hear appeals of police disciplinary dispositions Major provisions of the amendment are

  1 Establish an eleven member review board with five members appointed by Council, three by the Mayor, and three by the City Manager

2 Board members will serve three year terms with no member serving more than two consecutive terms

3 Individuals with a felony or Class A misdemeanor conviction will not be eligible to serve on the board, individuals with a Class One or Class Two misdemeanor conviction within three years of their nomination will also be ineligible to serve

4 The Board may hear appeals of cases involving the use of force, unbecoming conduct, and arrest, search and seizure In addition, the Board may hear an appeal of the disposition of the review of a discharge of a firearm by an officer that results in death or injury to a citizen if the appeal is filed by the individual who is injured or the next of kin in the event of a death The disciplinary actions that may be reviewed include the Chief of Police's findings that an allegation has been sustained, not sustained, exonerated, unfounded or placed in information file The dispositions for firearms discharge are justified, not justified or accidental

5 The Board may hear only complaints arising from incidents that occur after the effective date of the ordinance and may not review appeals of decisions made by the City Manager or the Civil Service Board

6 The Board may decide to hear an appeal when the preponderance of evidence shows that the disposition of the disciplinary charges constitutes an abuse of discretion by the Chief of Police

Appeals Process:

- The following are the major steps in the appeals process for the Citizens Review Board

1. Citizens must file written notice of an appeal within seven calendar days of receiving written notice of the disposition of the complaint The ordinance establishes a timetable which would allow a full appeals process to take no longer than 75 days from the notice of appeal

2. The Board will determine the necessity of conducting an appeals hearing in closed session The decision on whether to hold a hearing will be announced in open session

3. Appeals hearings are closed with all parties testifying under oath and having the right to counsel

4. The Board must issue findings of fact and its recommendation to the Chief of Police and the City Manager

5. The Chief of Police will review the Board's findings and report his decision to the City Manager

6. The City Manager will make a final decision and report and notify the Chief of the intended action All parties will be notified of the City Manager's decision after it is communicated to the Chief of Police

7. Police officers may appeal the decisions of the City Manager to the Civil Service Board which retains the final disciplinary authority over police officers

8. The Board will be required to make annual and semi-annual reports to the City Council, City Manager, Chief of Police, and the Community Relations Committee

Resolution and Interim Procedures:

- Recommendation C is to adopt a resolution seeking changes in North Carolina General Statute 160A-168 to allow for the limited release of information regarding the disposition of disciplinary charges against police officers

- The resolution also establishes interim procedures under which the City Manager can ask City Council for the authority, on a case by case basis, to release this disposition information to members of the Citizen's Review Board and any other parties who must be aware of the results for the purposes of an appeals hearing These procedures would allow the Citizen's Review Board to function until such time as the personnel privacy statutes are amended

Budget Ordinance:

- Recommendation D is to approve the appropriation of $20,000 to the Community Relations Committee to conduct a public information campaign on the complaint and appeals process The campaign will include the use of both print and electronic media

Future Actions:

- Council will be asked to make nominations to the Citizens Review Board at its June 23 meeting Council will vote on the nominations at its July 28 meeting Those citizens selected to serve on the Board will attend the Citizen's Academy during August and September, graduating around October 1 The ordinance creating the Citizens Review Board will be effective 90 days after its adoption

Funding:

Funding for the appropriation to the Community Relations Committee is available in Council's Contingency Fund (balance is $220,750)

Attachment 7

- Public Safety Committee Action Agenda for May 21, 1997
- Memorandum of Understanding between the City and the Community Relations Committee
- An Ordinance Amending Chapter 16 of the Code of the City of Charlotte by the Addition of a New Ordinance Creating a Citizens Review Board
- Resolution of the Charlotte City Council to Seek Amendments to N C G S 160A-168 to permit the Limited Disclosure of Personnel Information and to Adopt Interim Procedures pending the Amendment of N C G S 160A-168
- Briefing Session for Mayor and Council - Questions and Answers - June 2

11. Storm Water Fee Rates

Action:

Approve the storm water fee rates, effective July 1, 1997, for the minor drainage system in the City of Charlotte as follows:

- **Detached dwelling units with less than 2,000 square feet of impervious surfaces: $1.75 per month.**
- **Detached dwelling units with 2,000 square feet or more of impervious surfaces: $2.57 per month.**
- **Other residential or non-residential land: $42.84 per month for each acre of impervious surface.**

Staff Resource: Jeb Blackwell

Explanation of Request:

- In accordance with the interlocal agreement on storm water services, the City Council and Board of County Commissioners conducted a joint public hearing on changes to the City's portion of the storm water fee on May 20
- Also in accordance with the interlocal agreement, this action will inform the County of the amount to be charged for the City's portion of the fee The County Commission will adopt their budget on June 17 The City's budget adoption date is June 23
- The expansion of the storm water program adopted last year provides for an increased pace of repairs and improvement projects, financed through annual increases in the City's storm water fee The fee change for FY98 is illustrated on the next page

	FY97 Monthly Fee	FY98 Monthly Fee
Detached homes with less than 2,000 sf impervious area	$ 1 56	$ 1 75
Detached homes with 2,000 sf or more impervious area	$ 2 33	$ 2 57
Other residential or non-residential development per acre of impervious area	$38 84	$42 84

Background:

- During the FY97 budget process City Council approved a six-year strategy to expand the City's storm water programs The program included the following elements

  - Accelerate the pace of drainage system repairs to eliminate the backlog of the most severe problems in six years

  - Increase funding for neighborhood flood control projects

  - Work on a 15 year goal to improve stream channels that are experiencing erosion

  - Make drainage improvements in coordination with other neighborhood improvements in targeted neighborhoods

  - In FY98 begin to make drainage improvements that facilitate City economic development goals

- In accordance with the storm water fee rate methodology approved by City Council last year, the storm water rate must increase to support the program described above

12. Coliseum Proposal Guidelines

This item will be sent in the Friday, June 6 Council-Manager Memo

13. City Council District Boundary Realignment

Action: **Adopt a resolution approving new election district boundaries in order to maintain substantial population equality among the districts. This revision of district lines involves (1) the assignment of newly annexed residents to City Council Districts and (2) the shifting of precincts to adjoining districts.**

Staff Resources: 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 Re-Districting Committee presented four options to City Council meeting 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

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 Two additional realignment options were presented at

Council's Workshop on May 5 A fifth option has been presented to the Re-districting Committee and shared with Council, but no action has been taken by the Committee on the fifth option

Attachment 8
Summary Statistics for each option
List of "Factors That May Be Considered In Re-Districting"
Evaluation of Re-Districting Factors

BUSINESS

14. Closure of Guy E. Suddreth Avenue

Action: **Approve the closure of Guy E. Suddreth Avenue between Ritch Avenue and North Tryon Street.**

Staff Resource: Randy Jones

Policy Neighborhood Through Traffic Program/Community Safety

Explanation of Request

- One of the remedies offered to neighborhoods with through traffic concerns is the option to close a street The neighborhood has met requirements by providing a petition with signatures from over 75% of residents to close Guy E Suddreth Avenue where commercial property ends and residential property begins (see attached map) Staff has worked with the Ritch Avenue Neighborhood Association

- This closing is seen as the only remedy to the commercial cut-through traffic and the crime associated with the commercial frontage along Tryon Street at Guy E Suddreth Avenue The neighborhood is experiencing

  - Commercial traffic (trucks) westbound on 36th Street accessing Guy E Suddreth Avenue via Ritch Avenue to avoid the traffic signal at 36th and Tryon Streets

  - Rise in crime and illegal activities spilling into this neighborhood of 52 occupied homes from nearby commercial frontage which includes a motel that attracts a high level of prostitution and drug activity

- City Transportation staff have worked with Charlie 2 District Officers, Barron and Armstrong The officers recommend the closing

  - because of the criminal activity at this location,

- because of complaints from the neighborhood, and

- to discourage continued problems

- Other affected departments have been contacted and agree to the closure

- Other remedies normally associated with the Neighborhood Through Traffic Program (multi-way stops, turn restrictions, reduced speed limits) will not be effective in remedying this neighborhood's problems

Funding: Funding of the required signing and barricade is programmed within the Department of Transportation operating budget

Background: In the mid-1980's, City Council further clarified the Neighborhood Through Traffic Program by adding street closings as an option of last resort, with City Council approval

Attachment 9
Map showing barricade location

15. Consideration of a Unit Price Increase to Browning-Ferris Industries, Inc.'s Residential Solid Waste Collection Service Contract

Action:

A. Consider approval of a 2.25% unit price increase to Browning-Ferris Industries, Inc.'s contract effective October 1, 1996; and

B. Consider a budget ordinance to transfer $40,000 from General Fund Fund Balance to Solid Waste Services FY97 Operating Budget.

Staff Resource: Mike Boyd and Wayman Pearson

Policy Privatization/Competition

Explanation of Request

- Section 19(b) of the contract between the City of Charlotte and Browning-Ferris Industries, Inc , states that each year, 90 days prior to the contract anniversary date, the Contractor may request that the unit price be increased up to a ceiling of 75 percent of any increase in the United States Department of Labor, Bureau of Statistics, Washington, D C Consumer Price Index (CPI)

- In October 1996, Browning-Ferris Industries, Inc , requested a 2 25% unit price increase, from $5 66 to $5 79 The request for the increase is 75% of the 3% CPI for the previous year, September 1995 to September 1996 Browning-Ferris Industries, Inc 's request dated October 31, 1996, was not received 90 days prior to the contract anniversary date of October 1, 1996

- The Contract further states that no payment increase shall be considered automatic and that the Contractor must present documentation of actual cost increases to the City to justify payment increase requests

- The initial request from BFI included information regarding the CPI but did not include the required cost documentation In response to requests for information, BFI submitted invoices showing cost increases for tires (3 2%), and a letter indicating personnel and benefit costs had increased (4%)

- Although BFI's request is not in compliance with the contract, Council has the authority to amend the contract

Financial Impact:

- A price increase will result in an increase of $40,000 in the contract cost for FY97, an annualized increase of $54,000, and a total increase of $270,000 over the five year contract period Approval of the contract increase will require a $40,000 appropriation from General Fund Fund Balance for the current year, and a $54,000 amendment from General Fund Fund Balance to the City Manager's recommended FY98 Budget

Background:

- The City of Charlotte contracts with Browning-Ferris Industries, Inc , to provide residential solid waste collection services in the South Quarter of the City The five year contract was effective October 1, 1995 and totals $11 5 million

Attachment 10
BFI's October 31, 1996, request with attachment
BFI's April 30, 1997, request with attachments

16. Appointments to Boards and Commissions

Action:

Appoint a replacement for Carmelita Coleman to the Clean City Committee.

Explanation of Request:

On May 12, Carmelita Coleman was appointed to the Clean City Committee The City Clerk's Office discovered afterwards that Ms Coleman has moved out of state, thus becoming ineligible to serve on the committee Council is requested to replace Ms Coleman with one of the two other candidates nominated on April 14

(a) Tony Davies by Councilmember Rousso
(b) John M Hall by Councilmember Cannon

Attachment 11

Introduction to CONSENT I and II

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

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

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

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

CONSENT I

17. Various Bids

A. Catch Basin Cleaner CDOT

Recommendation: The Transportation Director recommends a unit price contract be awarded to Public Works Equipment and Supply, Inc , of Monroe, NC, in the amount of $155,078 per piece of equipment Purchases are anticipated subject to appropriations by City Council and actual identified needs The total estimated FY97 and FY98 expenditures for this equipment is $310,156 Two catch basin cleaners will be purchased One is a replacement and one is to serve the new annexation areas The contract is for one year with an option to extend for one additional year

MWBD Compliance: Yes There are no known MWBD vendors

B. Firefighter's Protective Clothing — Fire

Recommendation: The Fire Chief recommends the low bid submitted by Action Fire & Safety (Globe) of Charlotte, NC be awarded as a unit price contract in the amount of $807 42 Purchases are anticipated subject to appropriations by City Council and actual identified needs The total estimated FY97 expenditure for this clothing is $161,484 The contract award will be for two years with an option for two more years

MWBD Compliance: Yes, one MWBD vendor was notified but did not submit a bid

C. Sanitary Sewer Construction - Stoney Creek Tributary to Mallard Creek Church Road — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $1,019,770 01 by McDaniel Construction Contractors, Incorporated of Bostic, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	4%
WBE	$1,019,770 01	100%	5%

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

D. Water Main Construction - 36-Inch Water Main Along Sam Furr Road and N.C. Highway 115 — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $834,621 90 by R H Price, Incorporated of Charlotte, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	$500	0 1%	5%
WBE	$834,121 90	99 9%	7%

MWBD Compliance: Yes The Utility Department has reviewed the Contractor's MWBD documentation and determined that the Contractor is a WBE firm The Contractor has exceeded the WBE goal and will continue to make a good faith effort to meet the BBE goal set for this project

E. **Sanitary Sewer Construction - Mint Hill - Contract 2** **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $1,801,541 85 by Foster Utilities, Incorporated of Pineville, NC

MWBD Status:	Amount	% of Project	Project Goals
BBE	$15,000	1 0%	4%
WBE	$152,253	8 0%	5%

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

18. Speed Limit Change

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

Fall's Branch Lane (Long Creek)
Gray's Creek Lane (Long Creek)
Hillside Avenue (Myers Park)
Partridge Cross Lane (Long Creek)
Ridge Acres Road (Long Creek)
Sentinel Oak Lane (Long Creek)
Sir Francis Drake Drive (Raintree)
Trailing Rock Drive (Long Creek)

19. Refund of Certain Taxes

Action: **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $9,464.35.**

Attachment 12

20. Resolution of Intent to Abandon Street and Set Public Hearing - An Alleyway Between Greenwood Cliff and Harding Place

Action:

A. Adopt the Resolution Of Intent to abandon an alleyway between Greenwood Cliff and Harding Place; and

B. Set a public hearing for July 28, 1997.

Attachment 13

21. Resolution of Intent to Abandon Street and Set Public Hearing - Unnamed Roadway off Nations Ford Road

Action:

A. Adopt the Resolution Of Intent to abandon an unnamed roadway off Nations Ford Road; and

B. Set a public hearing for July 28, 1997.

Attachment 14

22. Resolution of Intent to Abandon Street and Set Public Hearing - A Portion of Lorna Street

Action:

A. Adopt the Resolution Of Intent to abandon a portion of Lorna Street; and

B. Set a public hearing for July 28, 1997.

Attachment 15

23. Resolution of Intent to Abandon Street and Set Public Hearing - A Portion of Bascom Street

Action:

A. Adopt the Resolution Of Intent to abandon a portion of Bascom Street; and

B. Set a public hearing for July 28, 1997.

Attachment 16

24. Resolution of Intent to Abandon Street and Set Public Hearing - A Portion of Wasena Street

Action:

A. Adopt the Resolution Of Intent to abandon a portion of Wasena Street; and

B. Set a public hearing for July 28, 1997.

Attachment 17

CONSENT II

25. Automated Refuse Collection Trucks

Action: **Award a unit price contract to:**

A. Southern Truck of Charlotte, NC in the amount of $82,724 for cabs and chassis; and

B. Amick Equipment of Lexington, SC in the amount of $59,680 for refuse bodies.

The combined contracts provide an automated refuse collection vehicle. The contract is for one year with an option to extend for one additional year.

Explanation of Request:

- This contract establishes a unit price for the purchase of automated refuse collection trucks A request for quotation was sent to eleven companies Two vendors responded to provide the cab and chassis and six to supply the refuse bodies The recommended vendors provide the lowest bid meeting all specifications See attachment for details on specifications

- Purchases are anticipated subject to appropriations by City Council and actual identified needs The total estimated FY97 expenditures for this equipment is $1,139,232 for the purchase of 8 trucks

- Six of the trucks will be purchased new and will provide solid waste collection services in the west quadrant as required in the Solid Waste Bid contract Two are replacement trucks approved in the FY97 budget

MWBD Compliance: Yes There are no known MWBD vendors

Summary of Bids

Cab & Chassis:

Freightliner of Charlotte	Charlotte, NC	$75,500
Southern Truck	Charlotte, NC	$82,724

Refuse Bodies

McNeilusTruck	Lithia Springs, GA	$56,541
Amick Equipment	Lexington, SC	$59,680
Carolina Environmental Systems	Kernersville, NC	$65,540

Refuse Body Alternate Bids:

Carolina Environmental Systems	Kernersville, NC	$59,542
Carolina Environmental Systems	Kernersville, NC	$60,045
Carolina Environmental Systems	Kernersville, NC	$62,542

Funding: Solid Waste Services Operating Budget

Attachment 18
Specifications

26. Replacement of Highland Avenue Bridge over Norfolk-Southern Railroad

Action:

A. Approve a resolution to authorize the Director of Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for replacement of the Highland Avenue Bridge; and

B. Adopt a budget ordinance for $1,120,000 estimating and appropriating NCDOT grant funding.

Explanation of Request:

- The North Carolina Department of Transportation and City of Charlotte conduct bridge inspections every two years to evaluate the structural and functional adequacy of bridges and large culverts

- Highland Avenue is located in east Charlotte It is classified as a local street and runs between Pence Road and Robinson Church Road parallel to Market Street (see attached map) The Highland Avenue bridge was constructed in 1959 The last several inspections for this bridge have suggested replacement due to the narrow width (19 feet), reduced load carrying capacity, and inability to rehabilitate the bridge economically

- The Municipal Agreement will cover joint funding of the replacement bridge on Highland Avenue over the Norfolk-Southern Railroad The estimated cost of design, right-of-way, and construction is $1,400,000, with the City's share being 20% ($280,000) and the North Carolina Department of Transportation funding the remaining 80% ($1,120,000)

- This resolution authorizes the Director of Transportation to execute the Municipal Agreement on behalf of the City

- Per the Agreement, the City will be responsible for administering design, right-of-way acquisition, and construction of the project

Funding:

- The Budget Ordinance appropriates the NCDOT grant and provides for advancing City funds to the project prior to receiving the grant The City's share of the project cost is already programmed in a CIP Bridge Replacement Account Upon completion of the project, the NCDOT will reimburse the City for 80 percent of the total allowable costs of the project

Attachment 19
Map

27. Preparation of a Bicycle Suitability Map Funded by NCDOT

Action:

A. **Approve a resolution to authorize the Director of Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for preparation of a Bicycle Suitability Map and the printing of a minimum 10,000 copies of the map at a total cost not to exceed $50,000; and**

B. **Adopt a Budget Ordinance estimating and appropriating NCDOT grant funding of $50,000.**

Explanation of Request:

- A Bicycle Suitability Map is intended to assist a bicyclist in planning a travel route Using data like traffic volume and pavement condition, it provides information on the relative comfort and safety of a street

- The Municipal Agreement will cover the cost of contracting with a map designer to prepare the map and coordinate the printing In addition, a minimum of 10,000 bicycle suitability maps will be printed at an estimated cost of $0 80 per map Additional maps may be printed depending on the remaining available funds

- The resolution authorizes the Director of Transportation to execute the Municipal Agreement on behalf of the City, and to execute a contract with a map publisher for production of the Bicycle Suitability Map

Funding:

- The Budget Ordinance appropriates a $50,000 grant from NCDOT Upon completion of the project, the NCDOT will reimburse the City for the costs of the project up to a maximum of $50,000

Background:

- A committee of approximately a dozen volunteers has met monthly over the last three years to inventory and classify all the thoroughfares and many collector roads throughout Mecklenburg and parts of Union County In excess of 3500 person-hours are estimated to have already been invested

by the committee members in this exhaustive data collection and analysis process The committee's work is now ready to be compiled in map format and printed as a Bicycle Suitability Map

- The NCDOT 1995 Bicycle Transportation Improvement Program includes $50,000 for the production of a bicycle map and safety brochure for the Charlotte/Mecklenburg and western Union County Urban Area The NCDOT is willing to fund the Bicycle Suitability Map They have asked the City of Charlotte to take the lead role in the preparation and printing of the map

- Recently, there has been increased organized community support for promoting bicycling With progress on a Bicycle Suitability Map and articles in the newspaper, local interest in bicycling as a transportation mode is increasing This is one of several bicycle initiatives that are underway or being considered for the Charlotte area to promote alternative modes of transportation

Attachment 20
Memo on Bicyclists/Livable Communities

28. Sidewalk Improvements - FY97

Action: **Approve an agreement for $195,822.10 with Kimley-Horn and Associates, Inc., for planning and design services for Sidewalk Improvements-FY97.**

Explanation of Request:

- This contract provides planning and design services for sidewalks on three non-thoroughfare streets and three thoroughfare streets

  Non-thoroughfare
  - Berryhill Road (Tuckaseegee Road to Wilkinson Boulevard),
  - Dalecrest/Fincher (Woodstone Drive to Nevins Road), and
  - Greenland Avenue (Weyland Avenue to Berryhill Road)

  Thoroughfare
  - Independence Boulevard (Idlewild Road to Margaret Wallace Road),
  - South Boulevard (Woodlawn Road to Seneca Place), and
  - South Tryon Street (Clanton Road to Pressley Road)

- The total length of sidewalk improvements will be 4 7 miles with an estimated construction cost of $1 5 million

- Kimley-Horn and Associates, Inc was selected using the Council-approved process

Funding: Sidewalk Capital Improvement Account

Background:

- On November 5, 1996, the voters approved $66 4 million for Street Bonds $12 5 million of this is allocated for sidewalks and business corridors

- These locations are the highest priority projects at this time

- This agreement is a continuation of the Council-approved program as shown in the current and recommended Capital Investment Plan

29. Removal, Dewatering, and Disposal of Residuals From Irwin Creek Wastewater Treatment Plant Digesters - Amendment #1

Action:

Approve Amendment #1 to the Professional Services Contract with Trimax Environmental Services (USA) for $276,326.34 to remove, dewater, and dispose of residuals from three digesters at the Irwin Creek Wastewater Treatment Plant (WWTP). This amendment will increase the professional services contract with Trimax from $532,851 to $809,177.34.

Explanation of Request:

- This amendment will provide for removal, dewatering, and hauling of residuals from three digesters at the Irwin Creek WWTP

- On March 24, 1997, City Council approved a contract with Trimax Environmental Services to remove, dewater, and haul residuals from one digester at the McAlpine Creek WWMF, and two digesters at the Irwin Creek WWTP

- Trimax's contract specified a completion date of September 1, 1997 for work at both plants (Irwin and McAlpine) They have begun the disposal work on the digester at McAlpine with successful results They are currently ahead of schedule and have committed to completing the additional work specified in Amendment #1 within the original time frame (September 1)

- Amending this contract will result in savings by
  - eliminating mobilization charges by another contractor, and
  - preventing a three months delay in going through the consultant selection process

Funding:

Irwin Creek Wastewater Treatment Plant Improvements Capital Account

Background:

- Digesters are large tanks that are used to treat sludge at the wastewater treatment plants These tanks accumulate grit and other debris This debris must be cleaned out to maintain good treatment

- Request for Proposals was sent to prequalified digester cleaning contractors specializing in this type of work Trimax Environmental Services (USA) was selected based upon reduced net cost for the work, excellent references, and experience

30. Mallard Creek Water Reuse Reclamation Facility - Pipeline Installation - Budget Ordinance and Construction Contract

Action:

A. Approve a Budget Ordinance to transfer $200,000 of prior bonds;

B. Accept the withdrawal of the bid submitted by Brewer's Excavating, Incorporated due to a mathematical error; and

C. Approve the low, responsive bid of $1,059,836.10 by Propst Construction Company, Incorporated of Concord, North Carolina.

Explanation of Request:

- On March 25, 1996, Council approved a contract with the Tradition, LLC to provide reuse water from the Mallard Creek Water Reclamation Facility for irrigation of the Tradition Golf Course at Mallard Creek Park Mallard Creek Park is owned by Mecklenburg County They (Mecklenburg County) have a long term lease for development of the golf course with Blythe Development which owns Tradition, LLC

- On May 12, 1997, Council approved a contract for construction of the required reuse pumping station Approval of this contract will provide for construction of the pipeline that is required to transport the reuse water to the irrigation site

- At the request of Mecklenburg County Park & Recreation Department, an extension of the pipeline to the Mallard Creek recreation fields is included in this contract The cost of that portion of the contract (approximately $130,000) will be reimbursed by Mecklenburg County

- The budget ordinance will provide supplementary funds from prior bonds ($200,000) to cover the total construction cost The reimbursement from Mecklenburg County will be returned to CMUD general fund

- The Charlotte-Mecklenburg Utility Director, with legal concurrence, recommends the bid submitted by Brewer's Excavating be withdrawn due to a substantial arithmetic error

- The Utility Director recommends the low, responsive bid submitted by Propst Construction Company be accepted

MWBD Status:

	Amount	% of Project	Project Goals
BBE	$3,000	0 3%	4%
WBE	$100,000	9 0%	4%

MWBD Compliance: Yes The Utility Department has reviewed the Contractor's MWB documentation and determined that the Contractor has exceeded the WBE goal and has made and will continue to make a good faith effort to meet the BBE goal for this project

Summary of Bids:

Brewer's Excavating, Inc Rural Hall, NC	$ 818,572 30
Propst Construction Company **Concord, NC**	**1,059,836.10**
7 Star Construction Co Rock Hill, SC	1,328,088 50
BRS, Inc Richfield, NC	1,526,702 34
State Utility Contractors Monroe, NC	1,665,723 75

Background:

- On May 12, 1997, City Council approved the contract with Pizzagalli Construction and Energy Erectors for construction of the reuse pumping station Award of this contract will allow for installation of the pipeline to provide non-potable water to the Tradition Golf Course in the Mallard Creek Area

- Funding for the Effluent Water Reuse Project was approved in the FY95 Capital Investment Program

31. Sewer Reimbursable Contract - Landcraft Properties, Incorporated, Mt. Isle Harbor

Action: **Approve a sewer reimbursable contract between the City and Landcraft Properties, Inc.**

Policy CMUD Extension Policy - Five Year Reimbursement Program

Explanation of Request:

- The Applicant, Landcraft Properties, Incorporated has requested a contract for the design and construction of the sewer facilities which were included as an unfunded project in the Capital Investment Program FY97-2001

- This project provides for a lift station, force main, and receiving outfall from Mountain Island Lake at Rozzelles Ferry Road to Long Creek Outfall, a distance of approximately 15,000 linear feet

- Landcraft Properties is planning the development of Mt Isle Harbor which will require the sewer facilities for service The estimated cost of this project is $1,525,000

Funding: There is no cost to the City The applicant has deposited funds for design, with the remaining funds to be provided through letter of credit prior to construction

32. Contracts for Automated Teller Machines at Airport

Action:

Approve three year contracts with First Union National Bank, NationsBank and Wachovia Bank to provide Automated Teller Machines (ATMs) at the airport.

Explanation of Request:

- The Airport has two locations for ATM's in the passenger terminal - Concourse A Connector and Concourse D Connector

- At each location, there are three available spaces for ATM's First Citizens has a long-term lease with the Airport, which guarantees them one ATM at each location

- Request for Bids were advertised for the two remaining spaces at each concourse and the following bids, specifying monthly revenues to the airport, were submitted

	Concourse A	Concourse D
First Union	**$1,100***	**$1,100***
NationsBank	-0-	**$1,300***
Wachovia	**$1,103***	$ 703
SouthTrust Bank	$1,005	$1,005
Charlotte Metro Credit Union	$ 310	$ 210
State Employees Credit Union	$ 250	$ 250

*Recommended bids

- Council is asked to award contracts to First Union, NationsBank and Wachovia based on the highest revenue returns

Background:

On June 28, 1993, City Council awarded three year contracts to First Union, NationsBank and the State Employees Credit Union to provide ATMs in the passenger terminal

33. Storm Water Maintenance Packages FY96 & FY97 - Change Orders

Action:

A. **Approve Change Order #1 for $359,755 to the contract with Blythe Development Company for continued construction of FY96 Storm Water Maintenance Package E. The change order will increase the contract amount from $359,755 to $719,510.**

B. **Approve Change Order #3 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 $1,092,825 to $1,457,100.**

Explanation of Request:

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

- In both cases, the change orders will fund continued work under the indicated contracts for approximately three months The requested change orders are the first of a possible three renewals for item A and the third of a possible three renewals for item B The next bid date, which will allow all contractors to bid again, is set for June 1997

- Blythe Development Company is committed to an MWBD utilization of 12 percent (6 percent each BBE and WBE) United Construction Company, a certified Asian-American owned business, has committed to self-performing under their contract, i e , they do not customarily subcontract any elements of this work These commitments extend through this change order

Funding: Storm Water Services 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

34. Sale of Surplus Property on Quincey Avenue

Action: **Approve the sale of surplus City-owned property on Quincey Street (Tax Code 073-081-02) to Walker Wells for $21,993.87.**

Explanation of Request: The appraised value of this 204 acre tract of City property (zoned industrial, I-2) is $13,500 Staff recommends acceptance of the offer

Background: On January 13, 1997, City Council authorized the sale of this property by upset bid process The original offer to purchase was $17,772 The sale was advertised for upset bid in The Mecklenburg Times The final qualifying upset bid was received from Walker Wells for $21,993 87

35. Sale of City Property - 2415 Danforth Lane

Action: **Approve the sale of City owned property located at 2415 Danforth Lane.**

Explanation of Request

- The sale of City owned property is subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the offer

Property Address	2415 Danforth Lane
Tax Code	061-101-03
Buyer's Names	Jo Ann Hayes
Offer	$55,000

Background:

- In accordance with the Part 150 Plan, the Airport acquired 31 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan (less than 75DNL)

- The prospective purchaser signs a Residential Property Disclosure Statement acknowledging "The property is located in proximity to Charlotte/Douglas International Airport in a noise impacted area and to an industrial park A racing engine machine shop (Panther Racing) is located in the aforementioned industrial park adjacent to the Wandawood Subdivision "

- Additionally, a perpetual easement for the flight of aircraft over the property is attached to the deed The easement covers noise vibrations, fumes, etc , so long as the noise level does not increase by more than three decibels

- The Airport provided noise insulation to 2415 Danforth Lane and listed the property in the Multiple Listing Service for sale to the public at the appraised price of $53,000

- An offer to purchase was extended to the airport The offer is $55,000 with the airport paying for a realty fee of 3% for closing cost up to $2,000, and is contingent upon buyer obtaining financing The binder will be returned if the buyer is 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

36. Sale of City Property - 2421 Carrington Court

Action: **Approve the sale of City owned property located at 2421 Carrington Court.**

Explanation of Request:

- The sale of City owned property is subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the offer

Property Address	2421 Carrington Court
Tax Code	061-102-03
Buyer's Names	Sheldra D Williams
Offer	$55,300

Background:

- In accordance with the Part 150 Plan, the Airport acquired 31 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan (less than 75DNL)

- The prospective purchaser signs a Residential Property Disclosure Statement acknowledging "The property is located in proximity to Charlotte/Douglas International Airport in a noise impacted area and to an industrial park A racing engine machine shop (Panther Racing) is located in the aforementioned industrial park adjacent to the Wandawood Subdivision "

- Additionally, a perpetual easement for the flight of aircraft over the property is attached to the deed The easement covers noise vibrations, fumes, etc , so long as the noise level does not increase by more than three decibels

- The Airport provided noise insulation to 2421 Carrington Court and listed the property in the Multiple Listing Service for sale to the public at the appraised price of $53,000

- An offer to purchase was extended to the airport The offer is $55,300 with the airport paying for a realty fee of 3%, for closing cost up to $1,500, for new carpet in the house, and is contingent upon buyer obtaining financing The binder will be returned if the buyer is 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

37. Property Transactions

Action: **Approve the following property acquisition (A-C) and adopt the condemnation resolution (D).**

Acquisitions: For items A-C, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser Each appraisal takes into consideration the specific condition and size of the land and house The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain features Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

A. **Project:** F A R Part 150 Land Acquisition
Owner(s) Mr and Mrs Clayton Moore
Property Address 8529 Todd Road
Property to be acquired 448 acres
Improvements ranch house
Tax Value $67,150
Purchase Price $81,500

B. **Project:** F A R Part 150 Land Acquisition
Owner(s) Nancy Short
Property Address 8303 Tuckaseegee Road
Property to be acquired 3 86 acres
Improvements ranch/basement house
Tax Value $98,040
Purchase Price $146,600

C. **Project:** F A R Part 150 Land Acquisition
Owner(s) Darrell and Betty Biddy
Property Address 8007 Tuckaseegee Road
Property to be acquired 27 34 acres
Improvements two ranch houses
Tax Value $232,330
Purchase Price $848,500

Condemnation:

D. **Project:** Four Mile Creek Relief Sewer, Parcel #23
Owner(s) Providence Plantation Limited Partnership, A North Carolina Limited Partnership & any other parties of interest
Property Address Barrington Place, Matthews, NC
Property to be Acquired 70,855 sq ft (1 63 ac) Permanent Sanitary Sewer Easement and Temporary Construction Easement
Improvements trees
Purchase Price $9,600
Remarks This area is needed to construct Four Mile Creek Relief Sewer The owner refuses to settle unless existing sewer line is removed from property Engineering study indicates existing line capacity will be needed Compensation is based on independent, certified appraisal

Zoned R-3
Use: Single Family Residential Vacant
1991 Tax Value $688,830 (entire parcel)

38. Minutes

Action: **Approve minutes as follows:**

- **April 14 Business Meeting**
- **April 21 Half Day Budget Retreat**
- **April 22 Zoning Meeting**
- **April 28 Business Meeting**