AGENDA

Meeting Type:	BUSINESS
Date:	03/24/1997

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, March 24, 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, March 24, 1997

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. **Competition Bid Awards for Reading Water Meters and for Special Transportation**

2. **Four-Mile Creek Parallel Outfall**

CONSENT

3. **Consent agenda items 21 through 44 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

4. Public Hearing to Close a Portion of Mack Street

Action:

A. Conduct a public hearing to abandon a portion of Mack Street; 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 statutes

Background:

Petitioner:
Earl R Stikeleather and Lisa A Smith

Right-of-Way to be abandoned:
A portion of Mack Street

Location:
From 257 5 feet east of Morningside Road to its end

Reason:
To incorporate the right-of-way into adjacent property on both sides of the roadway belonging to Earl R Stikeleather and Lisa A Smith

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

- Be contrary to the public interest, or

- Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes

Attachment 1
Map

5. Public Hearing to Close a Portion of Red Oak Lane

Action:

A. Conduct a public hearing to abandon a portion of Red Oak Lane; 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 statutes

Background:

Petitioner:
Gloria C Paumier, Carmel Hollow Homes Association (CHHA)

Right-of-Way to be abandoned:
A portion of Red Oak Lane

Location:
From Carmel Road westwardly approximately 100 feet to its end

Reason:
To incorporate the right-of-way into adjacent property owned by CHHA to facilitate landscaping of entry island

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

- Be contrary to the public interest, or

- Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes

Attachment 2
Map

6. Public Hearing for a Voluntary Annexation

Action:

A. Conduct a public hearing for the voluntary annexation of a portion of Pavilion Boulevard; and

B. Adopt an ordinance to extend the corporate limits to include this property.

Staff Resource: Dick Black

Policy: City Annexation Policy and State Annexation Statutes

Explanation of Request:

- Pavilion Boulevard from Mallard Creek to University City Boulevard (N C 49) was annexed by the City on June 30, 1993 This voluntary annexation of the portion from the Mallard Creek to U S Highway 29 will bring the remaining portion of Pavilion Boulevard into the City

- This voluntary annexation will be effective March 24, 1997

Background:

- The City Clerk has certified the petition as to its sufficiency, and a resolution was adopted by Council establishing March 24, 1997 as the date for the public hearing The notice has been published in the Charlotte Observer The petitioner has received waivers from the towns as to the 60-day notice requirement contained in the Annexation Agreement

Attachment 3
Map

POLICY

7. City Manager's Report

8. Police Officer Home Purchase Incentive Program

Action: **Approve City Within a City (CWAC) Committee recommendation for a Police Officer Home Purchase Incentive Program.**

Committee Chair: Ella Scarborough

Staff Resource: Stanley Watkins

Focus Area: City Within A City's Home Ownership Strategy and Public Safety

Policy:

- CWAC Strategic Plan identifies two home ownership goals
  - To increase home ownership in CWAC neighborhoods, and
  - To seek opportunities to create middle income neighborhoods and attract residents with a mix of incomes to live in CWAC

Explanation of Request:

- At its February 19, 1997 meeting, the City Within a City Committee voted unanimously to recommend the Police Officer Home Purchase Incentive Program This program will provide attractive financial incentives to officers who purchase homes and establish residence in a fragile or threatened City Within A City (CWAC) neighborhood

- This program was developed in collaboration by the Charlotte Mecklenburg Police Department and Neighborhood Development Key Business The program responds to the Community Safety and CWAC Strategic Plan goals of reducing crime and stabilizing urban neighborhoods

- Highlights of the program are as follows

  - A $15,000 no-interest loan toward home purchase in a fragile neighborhood or $10,000 for a threatened neighborhood

  - Officer must live in the neighborhood for a minimum of three years

  - Home purchased must be primary residence

  - Limited to five police officers per neighborhood

  - If the police officer lives in the house eight years and cannot resell on the open market, the City will repurchase

- The City will pay the tax on imputed interest and forgiven loan proceeds as income to the police officers by a method approved by the IRS

- The maximum number of officers expected to be provided loans is 14

- The City subsidy will be a forgivable, five-year deferred payment, no-interest loan The loan is deferred for years one through two, and then forgiven at the rate of 33 1/3% per year for years three through five

- Local Innovative Housing funds will be used to fund the Police Officer Home Purchase Incentive Program The projected cost for the program is $250,000

Funding: Innovative Housing Fund

Attachment 4
Public Safety Plan Excerpt
Program Provisions
Example of How Program Will Work
Synopsis of Programs in Other Cities
City Within A City Map

9. HouseCharlotte Program Reauthorization and Amendments

Action: **Approve City Within a City (CWAC) Committee recommendation to:**

A. Reauthorize the HouseCharlotte program and funds of up to $1,000,000; and

B. Approve amendments to the HouseCharlotte program and the existing loan agreements with portfolio lenders.

Committee Chair: Ella Scarborough

Staff Resource: Stanley Watkins

Focus Area: City Within A City's Home Ownership Strategy

Policy:

- CWAC Strategic Plan identifies two home ownership goals
  - To increase home ownership in CWAC neighborhoods, and

- To seek opportunities to create middle income neighborhoods and attract residents with a mix of incomes to live in CWAC

Explanation of Request:

- On February 19, 1997, the City Within a City Committee reviewed the HouseCharlotte program and agreed unanimously to recommend a series of amendments to make the program more flexible The proposed amendments, developed with the partners, seek to expand the market for mortgage lending, housing construction and home sales, and make mortgage financing more accessible to low income families

- Approved in January 1996, the HouseCharlotte program provides downpayment and closing cost assistance to low and moderate income families purchasing homes in targeted CWAC neighborhoods (see Overview Chart in attachment) Designed as a five-year program, the City's initial commitment was limited to a one year authorization of $1 million As of March 10, 1997, three loans have been approved under the HouseCharlotte program

- The existing components, recommended amendments and rationale for the latter are as follows (Numbers correspond to Amendment Explanations in the attachment)

  - **Item A.1. Down Payment Assistance**
    Under the existing program, City funds provide downpayment assistance to low and moderate income borrowers

  - **Item A.2. Closing Cost**
    Closing costs may also be a barrier for low and moderate income borrowers Under the existing program, City funds can be used for closing costs which include origination fees, appraisals, title search, attorney fees, etc

- **Item A.3. Interest Rate Buydown**
  This proposed amendment allows interest rate buydown with City funds

- **Item A.4. Credit Repair/Counseling and Medical Hardship**
  This proposed amendment allows use of City funds for credit repair/counseling and for resolution of medical hardship cases Credit record blemishes such as slow pays, missed payments and medical judgments from being un- or underinsured are a barrier to mortgage qualification

- **Item A.5. Portfolio Lenders**
  This proposed amendment allows portfolio lenders to participate in the HouseCharlotte program Portfolio lenders provide flexible mortgage financing by keeping the mortgages in their portfolio (rather than seeking to sell them on the secondary market)

- **Item B. Targeted Neighborhoods**
  This proposed amendment expands the geographic area from CWAC fragile and threatened neighborhoods to include the 10 stable CWAC neighborhoods Clanton Park, Westerly Hills, Biddleville, McCrorey Heights, Third Ward, Greenville, Sugaw Creek, Derita, Rockwell/Hemphill Heights, and University Park

- **Item H. Maximum Sales Price Limitation**
  This proposed amendment removes the $70,000 maximum sales price under Program 2

- **Item J. Housing Counseling Providers**
  This proposed amendment expands eligible housing counseling agencies

- **Item K. Qualifying Ratios**
  This proposed amendment changes the qualifying ratios in Program 2 from 28/36 to 33/38

- **Police Officer Home Purchase Incentive Program**
  This proposed amendment allows the program to provide an additional mortgage financing option for police officers

- The City's subsidy assistance will continue to be a forgivable, deferred payment, ten year loan of up to $5,000 or $7,500 depending on the program The loan is deferred for years one through five and then forgiven at the rate of 20% per year for years six through ten No payments are due in any given year unless the property is sold, transferred, a change in owner occupancy status occurs or a cash-out refinance transaction takes place

- Of the up to $1,000,000 proposed to fund this activity, $750,000 is available from federal HOME funds and $250,000 from (local) Innovative Housing Funds The Innovative Housing Funds will be used for assistance provided to persons between 81-110% median income, hardship allowances and credit repair/counseling

- No new funding is needed The funds originally designated for the HouseCharlotte program are proposed to be reauthorized for another year

Funding: HOME and Innovative Housing Funds

Attachment 5
Background
Overview of HouseCharlotte Chart
City Within A City Map

10. Job Training Plan for FY98

Action: **Adopt the Fiscal Year 1998 Job Training Plan, which describes activities funded by the Job Training Partnership Act (JTPA) in the amount of $1,742,354 that is anticipated to serve 1,103 participants.**

Staff Resource: Gus Psomadakis

Focus Area: Economic Development

Policy: The goal of JTPA is to provide high school dropouts, welfare recipients, youth, disabled individuals, older individuals and dislocated workers with the skills necessary to enter the labor force and maintain productive employment Activities under the Job Training Plan will be coordinated with existing community based initiatives, such as Enterprise Community programs and Success by Six, as well as economic and physical development activities to be carried out by the Neighborhood Development Key Business

Explanation of Request:

- JTPA grant funds are provided by the U S Department of Labor and administered by the North Carolina Division of Employment and Training The following activities are eligible
  - Occupational Skills Training
  - Basic Education
  - Case Management Services
  - Child Care Assistance
  - Transportation
  - Summer Youth Employment
  - Dislocated Worker Program
  - Older Worker Program
- A description of these activities is attached

Background:

- The Job Training Plan is a federal requirement of the JTPA Program and must be submitted to the North Carolina Division of Employment and Training by April 11, 1997 in order for the City of Charlotte to receive the projected $1,742,354 for Fiscal Year 1998

- JTPA funding is allocated to the Charlotte-Mecklenburg Service Delivery Area based on unemployment rates and the number of economically disadvantaged individuals in Mecklenburg County

- The Job Training Plan was developed by the Workforce Development Board in consultation with local employers, training providers and community based organizations

- The local Workforce Development Board (WDB) is responsible for policy guidance and program oversight of JTPA activities Each year, the WDB goes through an extensive planning process to ensure that the programs offered are providing training in areas consistent with the needs of the employing community

Funding: U S Department of Labor

Attachment 6
FY98 Job Training Plan Executive Summary
Performance Standards
Summary of Proposed Programs and Activities
Workforce Development Board Membership Roster

11. Mayor's International Cabinet

This item will be sent out in the Friday, March 21 Council-Manager Memo

BUSINESS

12. Ordinances Regarding Escort and Dating Services Privilege License Tax.

Action:

A. **Adopt an ordinance requiring the owner of an escort or dating service to obtain a permit and to register employees.**

B. **Adopt an ordinance clarifying that the issuance of a business license does not relieve the licensee from the obligation to comply with other legal and regulatory requirements.**

Staff Resource: Bruce McDonald, Police Attorney and Bob Hagemann, Assistant City Attorney

Policy: Public Safety

Explanation of Request:

- The proposed ordinances would require the operator of an escort or dating service to obtain a permit from the Charlotte-Mecklenburg Police Department and to register employees The permit and registration process seeks to screen out illegitimate escort and dating services that are merely a front for prostitution

- One of the objectives of these ordinances is to make it difficult for illegitimate escort services (i e fronts for prostitution) to advertise in yellow page telephone directories

- The August 1996 BellSouth Yellow Pages contains approximately 100 listings for Escort Services The Vice and Narcotics Bureau of the Charlotte-Mecklenburg Police Department has determined that none of the businesses listed are legitimate Rather, they all are illegal prostitution services

- The policy of BellSouth Advertising & Publishing Corporation from Atlanta, the publisher of the BellSouth Yellow Pages, is to sell advertising space to any business that has a valid business license Since the privilege license tax ordinance is a non-regulatory revenue ordinance, currently there are not adequate grounds for denying an escort service a privilege license

- The Vice Bureau believes it is unlikely that the owners of most illegitimate escort services would be willing or able to provide the information required by the proposed ordinance or to register employees under their true names Without a valid escort or dating service permit, a business privilege license could not be issued Pursuant to company policy, BellSouth would then refuse to print advertisements for illegitimate escort and dating services in the Yellow Pages

- Staff is working with the publisher of a competing telephone directory to achieve the same results

13. Acceptance of Local Law Enforcement Block Grant

Action: **Accept a Local Law Enforcement Block Grant from the Department of Justice to the City of Charlotte in the amount of $2,070,128.**

Staff Resource: Chief Dennis Nowicki

Policy: Public Safety

Explanation of Request:

- The City of Charlotte has received a block grant from the Department of Justice in the amount of $2,070,128 to be used for local law enforcement programs

- The grant award is made to the City A portion of the money must be shared with Mecklenburg County under a provision of the enabling legislation This provision allowed Mecklenburg County to appeal the grant award because the Sheriff's Department also has law enforcement responsibility in this jurisdiction

- Prior to the expenditure of any funds, the City must hold a public hearing, establish an advisory board, and the Police Chief must negotiate a joint spending plan with the Sheriff The final spending plan submitted to the Justice Department must reflect both City and County expenditures

- The grant must be accepted before the hearing process may begin

- The attachment outlines the preliminary spending plan for the grant

Funding:

- The grant requires a 10% match the Police Department will match the City's share of the funds with assets forfeiture funds and the County will be asked to match the funds that they receive from this grant

Attachment 7

14. Memorandum of Understanding - Read Water Meters

Action: **Approve a Memorandum of Understanding with the Meter Reading Division, CMUD to read approximately 28% of the City's residential water meters for $631,421 for a three year period.**

Staff Resource: Doug Bean

Policy: Competition Plan adopted by Council on July 25, 1994

Explanation of Request:

- The Utilities Competition Plan includes reading 28% of the residential water meters within the Charlotte-Mecklenburg Utility Department (CMUD) system A formal Request for Proposals was issued to thirteen vendors Four of those vendors plus the Meter Reading Division of CMUD submitted proposals Proposals were received from

Bidder	Bid Price (3 Years)
CMUD	$621,546
Bermex Contract Services	$723,771
Griffin Management Corp	$787,428
VIEWtech	$812,332
Schlumberger	$899,769

- These proposals were reviewed and evaluated by a four-person Evaluation Team consisting of representatives from the City Attorney's Office, Budget and Evaluation and Business Support Services

- The Evaluation Team and the CMUD Advisory Committee recommend that Council accept the proposal submitted by the Meter Reading Division

- A copy of the Meter Reading Proposal was provided to the Privatization Advisory Committee at their February 13, 1997 meeting The Privatization Advisory Committee set a minimum limit of $1 million on contracts which would receive an official recommendation Since this contract is less than $1 million, an official recommendation was not made

- The estimated savings over the three year period is $62,071

- A gainsharing program is included in the Meter Reading Proposal The meter readers reading the five route sets will be eligible to share in savings if the total cost of providing the service is less than the bid amount Monthly cost targets and performance targets will be set

- All of these targets must be met for the savings to be shared If all targets are met and there are savings, employees will receive 50% of the savings and the Meter Reading Division will retain 50% of the savings Payouts of 25% of the savings will be made to employees on a quarterly basis, with the other 75% of the savings going into a savings pool The pool will be reduced if during any month costs exceed the bid

- At year-end, the remaining 25% of the savings will be paid to employees and Meter Reading will receive their 50% of the savings There will be a separate accounting entity established within Meter Reading dedicated to fulfill this project in order to ensure fiscal control and accountability

Funding: Water and Sewer Operating Budget

Background:

- The contract start date is projected to begin May 1, 1997 The term of the contract is three years with two optional one year extensions

Attachment 8
Highlights/Memorandum of Understanding

15. Memorandum of Understanding - Special Transportation Service to the Disabled.

Action: **Approve a Memorandum of Understanding with the Special Transportation Service (STS) Division, Charlotte Department of Transportation (CDOT) to provide transportation to the disabled for $13.08 per passenger for the first year of a three-year period.**

Staff Resource: Terry Lathrop

Policy: Competition Plan adopted by Council on July 25, 1994

Explanation of Request

- *The Memorandum of Understanding is effective* July 1, 1997 and covers all daytime, nighttime and weekend hours of operation The term is three years

- CDOT's Competition Plan includes the provision of transportation services to the disabled which is required by the Americans with Disabilities Act of 1990 (ADA) A formal Request for Proposals (RFP) was issued on September 5, 1996 and mailed to 21 transportation companies Two firms, plus CDOT's STS Division submitted proposals Proposals were received from

Proposer	Price/Passenger (Year 1)
STS	$13 08
DAVE Transportation, Santa Margarita, CA	$16 95
Laidlaw Transit, Shawnee Mission, KS	$20 49

- The total cost for the first year is approximately $2 5 million

- An Evaluation Team, composed of staff members from Business Support Services, Budget and Evaluation, the City Manager's Office, the City Attorney's office, plus two citizen members of the Privatization and Competition Advisory Committee (PCAC), evaluated the three proposals and recommended Council's acceptance of STS's proposal

- The PCAC concurred with the Evaluation Team recommendation at its meeting on February 27, 1997

- CDOT and STS staff have developed a gainsharing strategy designed to increase the number of passengers carried and lower costs while providing incentives for improving safety and customer service

- Monthly cost targets and both individual and group performance targets will be set If targets are met and the cost/passenger is at least 6% or more under the bid cost, employees will receive 50% of the savings and STS will receive 50% of the savings

- Payouts of 25% of the savings will be made to eligible employees on a monthly basis, with the other 75% of the savings going into a savings pool The pool will be reduced during any month that costs exceed the bid At year end, the remaining 25% of the savings will be paid to employees, and STS will receive the remaining 50% of the savings

- Members of the PCAC reviewed the gainsharing program as well as contract monitoring procedures, and will work with City staff in monitoring the effort

Funding: Transportation Fund

Attachment 9
Memorandum of Understanding

16. Michael Jordan Golf Driving Range

Action: **Adopt a resolution authorizing the City Manager to execute a ground lease agreement with Michael Jordan Golf, Inc. on 27 acres, of City property located at the corner of Hwy. 49 and Tyvola Road for a term of 16 years and 122 days.**

Staff Resource: Kent Winslow

Policy: Asset Management - The City will maximize its return from its current and future assets

Explanation of Request:

- The City acquired the subject property because of the migration of methane gas from the City's York Road Landfill on the opposite side of York Road, now developed as Renaissance Park

- Development of the property is limited until the migration of gas diminishes

- Staff sought an interim use for the property that would require minimal building A request for proposal was presented to numerous golf course companies The Michael Jordan Golf Company proposal was selected

- General terms of the agreement are as follows

  - TERM 16 years, 122 days This includes a 122-day due diligence period during which time Lessor (the City) can cancel the lease

  - RENEWALS Two five-year renewal options with right to cancel by the City with one year prior written notice

  - LEASE COMMENCEMENT April 1, 1997

  - RENT COMMENCEMENT DATE October 1, 1997 (122-day due diligence period and 60 days free rent)

  - LEASE EXPIRATION July 31, 2013

  - RENT Base rent of $3,000 per month plus a minimum of 1% of the gross receipts The percentage of rent increases as the facility's revenues increases

  - IMPROVEMENTS A clubhouse of at least 3,500 square feet with instructional area and golf shop featuring Michael Jordan Golf logo merchandise and golf equipment and a grill The property would have an approximately 60-station driving range, putting greens, sand bunkers, and a miniature golf course

  - COMMUNITY PROGRAMS The Michael Jordan Golf Company, Inc proposal included programs to teach the fundamentals of golf to "at risk" youth

- A copy of the Michael Jordan Golf Company, Inc proposal is available in the Council library

Background:

- The proposal was reviewed and approved by the Privatization/Competition Advisory Committee's Asset Management Subcommittee and the City's Asset Management Team

- The subject property will need to be rezoned from R-17-MF to B-2-CD The City has filed a Petition for a District Plan Amendment and Lessee is preparing a Rezoning Application for the June 16, 1997 hearing The Conditional Use zoning will permit Lessee to develop the property for use as a golf driving range including a clubhouse and miniature golf course

Attachment 10
Map
Planning Staff Comments

17. Resolution Supporting the Renovation and Expansion of the Institute of Government (Knapp Building)

Action: **Adopt a resolution supporting the renovation and expansion of the Institute of Government (Knapp Building).**

Staff Resource: Mac McCarley

Explanation of Request:

- North Carolina's nationally respected Institute of Government in Chapel Hill is housed in the Knapp Building, a structure that has been used for over 40 years without significant modifications or renovations

- In 1994, the General Assembly appropriated funds to plan a renovation and expansion The Institute now seeks $16 1 million in capital funding from the 1997 General Assembly to cover the project

- The proposed resolution would demonstrate the City of Charlotte's support for the Institute and the needed capital improvements If adopted, a copy of the resolution will be forwarded to Governor Hunt, the members of the local legislative delegation and other key House and Senate leaders

Background:

- Since 1931 the Institute of Government has made important contributions to North Carolina's good government and its excellent financial management Each year, the Institute offers more than 200 courses to approximately 12,000 public officials In addition, the faculty publishes numerous books and articles on important and timely issues and advises state and local officials on a variety of problems

- The Institute of Government's project has been rated by UNC-CH as one of its highest capital priorities Renovations would provide new and renovated classrooms, teleconferencing capabilities, expanded parking, renovated dining facilities, access for persons with disabilities, a new expanded library and increased faculty space

18. Council Office Space & Technology Plan Implementation

Action:

A. Approve project implementation for Council Office Space on the 15th floor of the Government Center;

B. Authorize the City Manager to execute contracts or bids for the work. This information will be in the Friday, March 21 Council/Manager Memo; and

C. Approve implementing the Council Technology Plan for mobile telephones and facsimile machines.

Staff Resource: Charles Woodyard

Explanation of Request

- On January 13, 1996, Council voted to accept the recommendation of the Council/Manager Relations Committee to construct individual offices for Councilmembers and provide each Councilmember with fax and mobile communications capability at their place of business and at home

- Bids have been received for construction of the offices Contractors were asked to give a base bid on permanent drywall construction and alternate bids for demountable walls and/or glass partitions along the walls of the offices that do not have windows The bids will be included in a separate package that will be sent in the Council/Manager Memo on Friday, March 21

- The City Manager recommends that Council lease cellular phones from the City's existing telephone contract

- Staff has also negotiated a discount price of $789 per unit for facsimile machines According to the survey of Councilmembers, fourteen fax machines will need to be purchased at a total cost of $11,046 plus monthly operating costs

Funding: Building Improvement Capital Account
Mayor/Council Operating Budget

Attachment 11
Estimated Technology Plan Expenditure Impact
Fax Usage Policy

19. April 7 Workshop Agenda

Action: **Approve topics for the April 7 Workshop:**

- **Solid Waste Plan**
- **Emergency Medical Services Update**
- **Fire Organizational Study**
- **Economic Development Action Steps**

20. Closed Session

Action: **Adopt a motion to go into closed session to consult with attorneys employed or retained by the City Council to discuss matters covered by the attorney/client privilege, specifically including Catherine A. Schlesinger v. John C. Patton, Patton's Inc. and City of Charlotte.**

Introduction to CONSENT I and II

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

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

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

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

CONSENT I

21. Various Bids

A. Sanitary Sewer Construction - Mint Hill - Contract 1 **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $2,702,726 90 by Dellinger, Incorporated of Monroe, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$146,000	5 4%	5%
WBE	$209,000	7 7%	6%

Compliance: Yes The Utility Department has reviewed the Contractor's MWBD documentation and determined that the Contractor has exceeded the goals set for this project

B. Water and Sewer Main Construction - FY 97 Contract K - Street Main Extensions **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $864,617 20 by McDaniel Construction Contractors, Incorporated of Bostic, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$00	%	2%
WBE	$864,617 20	100%	3%

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

C. Water and Sewer Main Construction - FY 97 Contract L - Street Main Extensions **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $767,271 80 by McDaniel Construction Contractors, Incorporated of Bostic, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$767,271 80	100%	3%

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. Mint Museum of Art, Roof Replacement — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $221,600 (including Alternate #1) from Interstate Roofing Company of Charlotte, North Carolina

MWBD Compliance: Yes Low bidder will self-perform all work

E. Medium Duty Trucks — **Business Support Services**

Recommendation: The Acting Key Business Executive for Business Support Services recommends a unit price contract be accepted for award to Adams International, Charlotte, North Carolina Purchases are anticipated subject to appropriations by City Council and actual identified needs The total estimated FY97 expenditures for these trucks are $387,135 The contract award is for one year

Vehicle Type/Company	Unit Price
24,000 GVW Crew Cab & Chassis	$38,223 00
24,000 GVW Cab & Chassis	$33,081 00
28,000 GVW Crew Cab & Chassis	$41,644 00
54,000 GVW Cab & Chassis	$48,575 00

MWBD Compliance: Yes There are no known MWBD vendors selling this product

22. Refund of Certain Taxes

Action: **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $26,001.19.**

Attachment 12

23. Speed Limit Change

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

- **Bonnie Cone Lane (Alexander Glen) 25 MPH**
- **Coker Avenue (Enderly Park) 25 MPH**
- **High Ridge Road (Providence Plantation) 30 MPH**
- **Mary Alexander Road (Alexander Glen) 25 MPH**
- **Pine Forest Road (Pine Island) 25 MPH**

24. In Rem Remedy

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

Public Purpose:

- Eliminate a blighting influence in a City Within a City neighborhood
- Reduce the proportion of substandard housing from 2 3% to 1% in 1997 (One of the goals of City Within a City is to continue housing preservation efforts)
- Increase tax value of property by making land available for potential infill housing development

Policy:

- City Within a City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories

1 Public Safety - from Police and/or Fire Dept
2 Complaint - from petition by citizens, from tenant or from a public agency
3 Field Observation - from concentrated code enforcement program

The In Rem Remedy items are listed below by category identifying the street address and neighborhood

Public Safety

A 2728 Cowles Road (Revolution Park)
B 1413 Cummings Avenue (Lincoln Heights) - Commercial Structure
C 1109 Holland Avenue (Druid Hills)
D 3941 McMillan Street (Plaza/Shamrock)
E 3534 Marvin Road (Grier Heights)

Complaint

F 1300 Norris Avenue (Druid Hills)
G 2520 Rachel Street (Druid Hills)
H 1824 Anderson Street (Plaza/Shamrock)
I 1201 Pegram Street (Belmont) - Vacant Church
J 1617 Onslow Drive (Plaza/Midwood)
K 7109 Old Statesville Road #2, #3, #4, #8, #9, #10, #11, #16, #19, #21, #24, #25, #27 and Well House (Mallard Creek) - Mobile Homes

Field Observation

L 720 E 17th Street (Belmont)

Public Safety

A. 2728 Cowles Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2728 Cowles Road (Revolution Park) located in the City Within a City boundaries.

Attachment 13

B. 1413 Cummings Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the commercial structure at 1413 Cummings Avenue (Lincoln Heights) located in the City Within a City boundaries.

Attachment 14

C. 1109 Holland Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1109 Holland Avenue (Druid Hills) located in the City Within a City boundaries.

Attachment 15

D. 3941 McMillan Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3941 McMillan Street (Plaza/Shamrock) located in the City Within a City boundaries.

Attachment 16

E. 3534 Marvin Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3534 Marvin Road (Grier Heights) located in the City Within a City boundaries.

Attachment 17

Complaint

F. 1300 Norris Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1300 Norris Avenue (Druid Hills) located in the City Within a City boundaries.

Attachment 18

G. 2520 Rachel Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2520 Rachel Street (Druid Hills) located in the City Within a City boundaries.

Attachment 19

H. 1824 Anderson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1824 Anderson Street (Plaza/Shamrock) located in the City Within a City boundaries.

Attachment 20

I. 1201 Pegram Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the vacant church at 1201 Pegram Street (Belmont) located in the City Within a City boundaries.

Attachment 21

J. 1617 Onslow Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1617 Onslow Drive (Plaza/Midwood) located in the City Within a City boundaries.

Attachment 22

K. **7109 Old Statesville Road #2, #3, #4, #8, #9, #10, #11, #16, #19, #21, #24, #25, #27 and Well House.**

Action: **Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the mobile homes at 7109 Old Statesville Road #2, #3, #4, #8, #9, #10, #11, #16, #19, #21, #24, #25, #27 and Well House (Mallard Creek) located outside the City Within a City boundaries.**

Attachment 23

Field Observation

L. **720 E. 17th Street**

Action: **Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 720 E. 17th Street (Belmont) located in the City Within a City boundaries.**

Attachment 24

CONSENT II

25. Aviation Grass Mowing and Landscape Maintenance Contracts

Action: **Award the lowest responsive bid of $50,920 for Contract A, $50,160 for Contract B and $22,040 for Contract C by Lan-Scape Services of Lancaster, SC.**

Explanation of Request: The low bidder, More Green For Less, for Contracts A, B and C withdrew their bid The second low bidder, S & S Lawn Maintenance, for Contracts A and B withdrew their bid

MWBD Compliance: Yes There was no goal for MWBD sub-contracting

Summary of Bids:

Contract A (Perimeter Roadways)

More Green For Less	$38,000*(BBE firm)
S&S Lawn Maintenance	$45,600*
Lan-Scape Services	$50,920
Dixie Lawn Service	$51,794
D B Landscaping	$57,000
Bushwackers	$66,500
Todd Landscaping	$76,000

Contract B (Old Terminal/General Aviation)

More Green For Less	$19,000*(BBE firm)
S&S Lawn Maintenance	$49,780*
Lan-Scape Services	$50,160
D B Landscaping	$79,800
Dixie Lawn Service	$82,080
Todd Landscaping	$95,000

Contract C (Parkway)

More Green For Less	$17,480*(BBE firm)
Lan-Scape Services	$22,040
D B Landscaping	$26,600
Dixie Lawn Service	$27,360
Green Touch	$35,435(BBE firm)
Todd Landscaping	$38,000
Creedmore Lawn Care	$39,976
Basscutt Maintenance	$41,344
S&S Lawn Maintenance	$45,600

26. Mid-Year Ordinance for FY97 Budget

Action:

Adopt the Fiscal Mid-Year Ordinance reflecting changes to the annual ordinance adopted in June 1996 and reflecting accounting changes necessary to comply with generally accepted accounting principles.

Explanation of Request:

- As approved by City Council, staff has held non-emergency budget changes until this mid-year ordinance in an attempt to reduce the number of ordinances throughout the fiscal year Some of these changes are technical accounting changes Others are to provide additional funding for projects which are in need of action before the next fiscal year

General Fund

Section 1 transfers $75,000 from Council Contingency for the City's ½ share of the Federal Representative contract approved by Council January 27, 1997

Section 2 appropriates $50,000 from the General Fund fund balance for the City's Privatization-Competition Advisory Committee operating expenses

Sections 3 and 4 transfer $81,394 52 from the General Fund to Neighborhood Development for funds inadvertently closed to General Fund fund balance at June 30, 1996 which should have reverted to Neighborhood Development.

Aviation Operating Fund

Section 5 revises the amount of excess Airport revenues from Fiscal Year 95-96 transferred to the Aviation Discretionary Fund for future distribution in accordance with airline contractual and bond agreement stipulations The actual amount to be transferred totaled $11,611,000, or $4,611,000 more than the original estimate of $7,000,000 This amount was determined by the annual rate reconciliation

Neighborhood Development

Sections 6 and 7 appropriate $22,872 of additional Federal Grants for Fair Housing ($20,872) and Home Investment Partnership Agreements ($2,000) The actual grants received were higher than the amounts originally estimated

Section 8 appropriates a $200,000 grant award from the Federal EPA's Brownfields Economic Redevelopment Initiatives for Charlottes's Southend-Wilmore Brownfield Redevelopment Project

Section 9 appropriates $1,211 12 paid by Central Piedmont Community College for teachers in the Community Leadership Development Program

Section 10 appropriates $49,318 in interest earned on loans for debt service on the Mecklenburg Mill Project

Sections 11 and 12 transfer appropriations totaling $18,271 between the Neighborhood Development Fund and the General Fund for a more accurate distribution of building occupancy charges due to the mid year relocation of Neighborhood Development Inspectors from the Charlotte-Mecklenburg Government Center to the neighborhood centers

State Street Aid (Powell Bill)

Section 13 appropriates $800,000 from the Powell Bill Fund fund balance to the Street Resurfacing Program as approved during the 1995 annexation process At that time, this scheduled resurfacing work plan was postponed to allow for scheduled CMUD construction work in these designated streets to be completed This resurfacing is along Highway 115

Utilities Operating Fund

Sections 14 through 16 appropriate $592,500 from the Utilities Operating Fund fund balance for the following purposes

- $49,500 will fund a four County Sewer Feasibility Study (Mecklenburg, Union, Cabarrus, and Stanley) A portion of this fee will be repaid by the other three Counties

- $450,000 will fund the purchase of cleaning units for Wastewater Collection which enabled the reduction of four positions and returns an annual operating expense savings of $126,000 This $450,000 will be repaid to the Utilities Operating Fund upon approval of the FY98 Lease Purchase Agreement

- A transfer of $93,000 to the Utilities Capital Projects Fund will fund the first year of the Water Protection Permit and Data Management System Subsequent years' funding will be requested in the FY98-02 CIP request

General Capital Projects
Section 17 transfers $829,353 18 in prior Street Bond Fund savings from completed projects to the Minor Roadway Improvements Project

Section 18 appropriates $8,615,000 from the 1996 Neighborhood Improvement Bond funds for scheduled projects

Section 19 appropriates $400,000 from Pay-As-You-Go Fund fund balance for additional In Rem Remedy projects

Storm Water Capital Projects
Sections 20 and 21 appropriate an additional $2,107,430 for repairs to existing storm drains from revised revenue estimates, bond funds, and current year operating and other capital project savings

Utilities Capital Projects
Section 22 authorizes the appropriation of $129,500 for the Wilkinson Boulevard Outfall Project from Sewer Revenue Bonds This project was approved in the FY97 CIP but was omitted from the annual ordinance

Section 23 revises the level of appropriation for the Mint Hill Gravity Sewer System from $5,500,000 to $4,840,000, the remaining available balance of Small Town Sewer Bonds

Section 24 appropriates $1,000,000 of prior Sewer Bonds to the Street Main Extension Program - Sewer from other sewer project savings

Utilities Debt Service
Sections 25 through 28 appropriate $2,080,550 for payment of debt service on the following

- $1,867,350 for the first payment on bonds sold in November 1996

- $213,200 for the first payment on Mint Hill Sewer Bonds sold in August 1996

Other
Sections 29 through 31 make technical accounting changes in various funds No changes in the Key Business's bottom line appropriations are made

Attachment 25

27. Budget Ordinance for Carolinas Historic Aviation Commission

Action: **Adopt a Budget Ordinance to appropriate $65,000 and loan the monies to the Carolinas Historic Aviation Commission (CHAC) to partially fund the purchase of a Piedmont DC-3 airplane.**

Explanation of Request:

- The Carolinas Historic Aviation Commission is a nonprofit group of over 2,000 members dedicated to preserving the aviation history of North and South Carolina

- The organization recently acquired from USAir an operational DC-3, painted in Piedmont Airlines colors The aircraft was acquired by USAir during their merger with Piedmont Airlines and was used as a promotion at air shows

- CHAC obtained a $250,000 bank loan with a six month term and purchased the aircraft this past summer The group has aggressively pursued a fundraising effort to repay the loan However, there is approximately $65,000 still due on the loan

- On July 2, 1992, John A Cunningham, heir of Joseph F Cannon, Jr , died leaving the City of Charlotte $536,724 43 to be used for the "furtherance of aviation "

- Recognizing the significance of this aircraft to the Carolinas and Charlotte/Douglas International, it is the recommendation of the Airport Advisory Committee that the Airport allow CHAC to borrow the remaining monies, interest free, from this Trust for a six month period

Background:

- In 1993, the CHAC consisted of approximately 600 members and five aircraft The group uses the original 1936 Southern Airways hangar for aircraft restoration and display The Piedmont DC-3 is currently stored in this hangar

- In the past three years, CHAC has accumulated a dozen aircraft, tripled their membership and started providing guided tours of the facility to school groups

28. Airport Master Plan Land Acquisition

Action:

A. Adopt a budget ordinance appropriating $9,900,000 to fund Airport Master Plan Land Acquisition;

B. Approve the acquisition of 47.594 acres of property owned by Queens Property, which includes EZ-Park and Airport Executive Parking, for the purchase price of $8,079,100;

C. Approve the purchase of 10.254 acres of property owned by Rea Construction Company for $1,780,900; and

D. Approve a three month lease agreement with Airport Executive Parking, Inc. for the operation of both parking lots.

Policy: Airport Master Plan

Explanation of Request:

- This appropriation will cover the purchase price of several properties identified in the 1987 Airport Master Plan and associated costs such as appraisal fees and attorney fees The purchase costs will be eligible for 75% federal funding through future FAA Grants

- The properties are located in an area that will be used for a future Airport entrance road from I-85 In the interest of planning for the roadway, Queens Property and Rea Construction (subsidiaries of The Jones Group) have requested that the Airport proceed with acquisition of their property, as stated in the Airport Master Plan The State will construct the roadway and has agreed to reimburse the City for the cost of rights-of-ways, which is expected to occur within the next two years

- The purchase prices were determined by two independent appraisers and were reviewed by a third appraiser Each appraisal takes into consideration the specific conditions and size of these commercial properties This property is acquired per federal guidelines 29 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970

- The acquisition agreement will allow the current parking lot operator, Airport Executive Parking, to continue for three months rent free so the Airport can effect a seamless transition of the operation At the end of the three months, the Airport will begin operating a portion of the facilities for additional economy parking, while contracting the remainder of the operation as valet parking

Background:

The 1987 Master Plan recommended the acquisition of 612 acres of adjacent property identified for future Airport development The Queens Property and Rea Construction parcels were scheduled to be acquired during 1990 -1995 The purchase of these properties will bring the total spending on Airport Master Plan Land Acquisition to $45,000,000 with approximately 150 acres remaining

29. Sale of City Property - 2415 Carrington Court

Action: **Approve the sale of City owned property located at 2415 Carrington Court**

Explanation of Request: Council is requested to approve the sale of City owned property subject to compliance with the provisions of the North Carolina Statute 160A-269 and pursuant to the terms of the following offer

Property Address 2415 Carrington Court
Tax Code 061-102-02
Buyer's Names Thelma H Williams
Offer $53,500

Background:

- In accordance with the Part 150 Plan, the Airport acquired 23 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan

- The Airport provided noise insulation to 2415 Carrington Court and listed the property in the Multiple Listing Service for sale to the public The sales price was determined by an appraisal

- An offer to purchase was extended to the Airport The offer is as follows

Offer	$53,500 00
Realty Fees	$ 1,605 00
Net to City	$51,895 00
Appraised value of house	$53,000 00

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

30. Exchange of Land in Reid Park Neighborhood

Action: **Approve request of Mecklenburg County to amend Master Lease and Park Consolidation Agreements to permit exchange of land in Reid Park for future housing development on existing park land and construction of a new park elsewhere in the neighborhood.**

Explanation of Request:

- Mecklenburg County has requested that the City amend the Master Lease Agreement and Park Consolidation Agreement to facilitate an exchange of land in the Reid Park neighborhood The purpose of the land exchange is to permit affordable housing development on existing park land in exchange for the construction of a new park elsewhere in the neighborhood

- The proposed new park will be constructed on land currently owned by Reid Park Associates, also known as Reid Park Community Development Corporation, to be transferred to the County Located along the southern section of Morning Drive and Amay James Avenue, this site better complements existing educational and recreational facilities than the portion of the existing park that is proposed to be developed for housing

- The proposed single family housing will be developed on a 15 62 acre tract of Amay James park land bordering on Amay James Ave , which is to be conveyed by Mecklenburg County Park and Recreation to Reid Park Associates

- The land exchange was recommended in the Reid Park Neighborhood Action Plan and has the support of Mecklenburg County Commission (conceptual approval February 18, 1997), the Park and Recreation Commission and the Reid Park Associates Board If approved by Council, a formal resolution to exchange the properties will be placed on the Board of County Commissioners' agenda

Attachment 26
Fact Sheet and Maps

31. Withdrawal of Petition to Close an Unnamed Street off Lansdowne Road

Action: **Accept petitioners' request to withdraw the petition to abandon an unnamed street off Lansdowne Road.**

Explanation of Request:

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

- The public hearing for this petition was scheduled for the November 25, 1996 Council meeting Council voted on January 13 and February 10 to continue the hearing until March 24 because of outstanding concerns of Shalom Park Foundation, Inc and the petitioner's request for additional time to meet to resolve those concerns

- Staff met with the petitioners and representatives of Shalom Park Foundation and the Lansdowne Civic League on December 17, 1996 and January 30 to resolve concerns An agreement has been executed by all parties which includes the withdrawal of the current petition, notification of any planned future use of the right-of-way by the Foundation of Shalom Park, and the option for the petitioners to file a petition requesting the Council to abandon the right-of-way at a later date The petitioners submitted a letter on March 4 to CDOT which requests the Council to accept the withdrawal of their petition (See attached letter and agreement)

Background:

Petitioners:
Harold G and Helen L Gibson
Peter M and Deborah F Sauvain

Right-Of-Way to be abandoned:
Unnamed street off Lansdowne Road - right-of-way is unimproved and unused

Location:
From Lansdowne Road (600 block) westwardly approximately 200 feet to its end

Location:
From Lansdowne Road (600 block) westwardly approximately 200 feet to its end

Attachment 27
Executed Agreement
Vicinity Map
Request for withdrawal (March 4 letter)

32. NCDOT Grant Resolution and Budget Ordinance for Vanpool/Carpool Program

Action:

- **Adopt a resolution authorizing the City to enter into an agreement with the North Carolina Department of Transportation (NCDOT) for financing an assessment of the City's vanpooling/carpooling program, including the potential for privatization; and**

- **Adopt a budget ordinance appropriating $16,534 for the study.**

Explanation of Request:

- On January 10, 1997, the North Carolina Board of Transportation approved a grant of $14,880 to the City for an assessment of the Charlotte Department of Transportation's (CDOT's) vanpooling and carpooling program This grant covers 90 percent of the cost of the study, with the City being responsible for the remaining 10 percent

- CDOT will contract with 2 Plus, Inc , a Cary, North Carolina non-profit corporation, to perform this assessment The $16,534 study should be completed in approximately 3 months

- CDOT's Five-Year Transportation Plan includes major increases in vanpool start-ups and carpool matches The 2 Plus study will help the Department to identify the optimal organization (including possible private operation), pricing, communications framework, and product mix in order to realize the Five-Year Plan's goals

- The Charlotte Uptown Development Corporation (CUDC) also will be involved in the study CUDC wants to increase the number of vanpools among Uptown employees The 1996 Uptown Charlotte Transportation and Parking Study, prepared by JHK & Associates, recommended adding 30 vanpools per year

33. Morgan Street Area Storm Water Improvement Project Phase II

Action: **Approve $112,065 for Phase II of the Agreement for Engineering Services with Gannett Fleming Corrdry and Carpenter, Inc. for design services.**

Explanation of Request:

- The Morgan Street Area Storm Water Improvements Project is a high priority capital project
- The Storm Drainage Bonds approved by voters in November 1994 have accelerated the schedule of this project
- Morgan Street Phase I was for planning services to look at different design alternatives Phase II will allow the consultant to prepare the design plans for the selected alternative
- Gannett Fleming Corrdry and Carpenter, Inc was chosen for this project using the Council-approved Consultant Selection Process
- The cost of these services is comparable to the cost of similar work for other storm water drainage projects

Funding: Storm Water Services Capital Fund

Background: On April 15, 1996, the City Engineer awarded the agreement for Phase I - Planning Services for $41,300 to Gannett Fleming Corrdry and Carpenter, Inc for Morgan Street Area Storm Water Improvements

Attachment 28
Map of the Project Area

34. FY97 Storm Water Maintenance Packages - Change Orders

Action:

A. **Approve Change Order #1 for $365,400 to the contract with Showalter Construction Company for continued construction of FY97 Storm Water Maintenance Package A. The change order will increase the contract amount from $365,400 to $730,800.**

B. **Approve Change Order #1 for $369,825 to the contract with Blythe Development Company for continued construction of FY97 Storm Water Maintenance Package C. The change order will increase the contract amount from $369,825 to $739,650.**

C. **Approve Change Order #1 for $368,250 to the contract with Blythe Development Company for continued construction of FY97 Storm Water Maintenance Package D. The change order will increase the contract amount from $368,250 to $736,500; and**

D. **Approve Change Order #1 for $374,025 to the contract with United Construction Company for continued construction of FY97 Storm Water Maintenance Package E. The change order will increase the contract amount from $374,025 to $748,050.**

Explanation of Request:

- The addition of funds to these contracts recognizes good performance by the contractors and good existing 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 all four 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 Should the contracts continue to be renewed (two more possible renewals each) 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

- Showalter Construction Company 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

- Blythe Development Company has committed to 12% MWBD utilization on contracts FY97C and FY97D This commitment also extends through this change order

35. Contract for Design of Police Department LAN

Action:

Approve a $288,960 contract between the Police Department and Intergraph Corporation for the design of the Police Department's Local Area Network (LAN).

Explanation of Request:

- The contract with Intergraph Corporation is for the design of the Department's local area network (LAN) The contract price includes

  - Design of the LAN based upon the deployment of Microsoft NT based network servers and workstations,

  - Interface of the Police LAN with current Police and City/County IBM mainframes, the City/County Novell network and E-Mail system, and the department's proposed Oracle database system, and

  - System design will include security, network and system management and user administration

- The contract also includes complete management of the project, design testing prior to implementation, and training for Police Department staff in NT network design and deployment issues

- Of the five proposals received by the Police Department, Intergraph Corporation had the experience for a project of this magnitude, including a strong working relationship with Microsoft which will aid in resolving design and implementation problems

Funding:

Funding is available in the $3,000,000 appropriated by City Council for Police technology needs

36. Assets Forfeiture Funds Budget Ordinance

Action: **Approve a budget ordinance appropriating $478,868 in assets forfeiture funds for computer technology and other equipment for the Police Department.**

Explanation of Request:

- The assets forfeiture funds will be used to upgrade computer technology and provide personnel with state of the art equipment Major purchases included in this request include
  - Development of a computerized data base to track internal affairs complaints and allow Police managers to identify personnel problems and training issues on a more timely basis
  - Software to update the address data base for the CAD system
  - Three computerized polygraphs to bring the Police Polygraph Unit up to industry standards
  - Equipment for the Fire Department's Dive Team so that they can assist in cases that require the underwater collection of evidence
  - Salaries for the drivers of the van that the Police Department purchased for the Drug Court
  - Computer equipment and software for four members of a joint task force with the Drug Enforcement Administration
- These purchases are detailed in an attachment

Funding: Police Assets Forfeiture Account

Attachment 29
Police Assets Forfeiture Requests

37. Removal, Hauling, and Disposal of Residuals From CMUD Wastewater Treatment Plant (WWTP) Digesters - Budget Ordinance And Professional Services Contracts

Action:

A. Approve a budget ordinance appropriating $300,000; and

B. Approve the following professional services contracts:

1. Trimax Environmental Services Limited for $532,851 to clean and haul residuals from one digester at McAlpine Creek WWMF and two digesters at Irwin Creek WWTP;

2. Bio-Nomic Services, Incorporated for $119,548 to clean and haul residuals from two digesters at McDowell Creek WWTP;

3. CMS Development Corporation (BFI) for $810,000 for acceptance of digester residual and stockpiled biosolids at the BFI Harrisburg Landfill; and

4. BFI for acceptance of screenings, grit, alum sludge, and residuals unsuitable for land application on a negotiated unit price basis of $60 per ton.

Explanation of Request:

- The contracts with Trimax and Bio-Nomic will provide for cleaning of 5 digesters and to haul and dispose of the removed material

- Separate bids were taken for cleaning and disposal Bidders were allowed to dispose of material at a site of their choosing or at the BFI Landfill at Harrisburg CMUD staff negotiated a unit price contract with BFI The bidders were not given this price until after bids were submitted In every case, the lowest cost is obtained using the negotiated BFI cost

- The BFI contract also includes disposal of debris from other processes at the plants This material has been going to BFI, but not under a contract agreement The new contract will result in a lower disposal cost for this material

Funding: Sewer Capital Funds

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

- Construction contracts are underway at the McAlpine Creek WWMF and the McDowell Creek WWTP for proposed expansion The digesters require cleaning before the improvements can begin One digester at McAlpine, two digesters at McDowell, and two digesters at Irwin will be cleaned

38. Beards Creek and Crooked Creek Pump Station And Force Main - Budget Ordinance and Construction Contract

Action:

A. Approve a Budget Ordinance to transfer $500,000 of prior bonds; and

B. Approve the low bid of $2,438,406.93 by Marlboro Constructors, Incorporated of Bennettsville, South Carolina.

Explanation of Request:

- The Town of Matthews approved a bond referendum on November 8, 1994 providing $2 8 million for construction of this project Original budget estimates proved inadequate to construct the proposed project Funds from available unallocated prior bonds ($500,000) are requested to cover the additional construction cost

MWBD Compliance: Yes The Utility Department has reviewed the Contractor's MWB documentation and determined that the Contractor can self-perform all work with their current work forces

Background:

- On June 8, 1995, City Council approved the contract with the Town of Matthews that provides for the receipt and management of bond proceeds as well as the payment of the debt service on town bonds used to finance extensions to the CMUD sewer system

- This project was approved in the FY95 Capital Investment Plan

39. Upper Rocky River Interceptor Contract 1 - Budget Ordinance and Construction Contract

Action:

A. Approve a Budget Ordinance to transfer project savings of $600,000 from various accounts; and

B. Approve the low bid of $1,119,891.35 by BRS, Incorporated of Richfield, North Carolina.

Explanation of Request:

- The Rocky River Interceptor was approved in the FY97 Capital Investment Plan with construction funds to be made available in July 1997 In order to construct this portion of the project and provide timely service to Highland Creek, construction of this phase has been expedited Project savings will be transferred from various accounts to cover the construction cost with the July appropriation reduced by the $600,000 transferred by this action

MWBD Compliance:

Yes The Utility Department has reviewed the Contractor's MWB documentation and determined that the Contractor can self-perform all work with their current work forces

Background:

- This project is part of a regional plan developed by CMUD and Cabarrus County for providing sewer service in the northeast portion of Mecklenburg County

- Construction of this project, in conjunction with construction contracts administered by Cabarrus County, will provide sewer service to Highland Creek Development

40. Elevated Water Storage Tank Rehabilitation - Amendment #1

Action:

A. **Approve Amendment #1 with Hazen & Sawyer for $129,765 to provide design and construction management for rehabilitation of the Pecan Avenue Elevated Water Tank; Amendment #1 will increase the total not to exceed amount of this contract from $230,279 to $360,044.**

Explanation of Request:

- Amendment #1 will increase the scope of the engineering contract with Hazen & Sawyer This amendment will pay the additional cost for design and construction management for rehabilitation of the Pecan Avenue Elevated Water Tank
- Rehabilitation of the Pecan Avenue Tank will prevent further deterioration of the tank Work will include
  - removal of lead paint from the inside and outside to bring it into compliance with environmental standards,
  - application of new protective coatings,
  - structural repairs and modifications to comply with OSHA requirements, and
  - repair of critical piping

Funding: Water Capital Funds

Background:

- On April 10, 1995, City Council approved a professional services contract with Hazen & Sawyer for design and construction management for the rehabilitation of two elevated water tanks Rehabilitation of the two tanks, Craig Avenue and Hickory Grove, is complete

- The Pecan Avenue and Craig Avenue Water Tanks maintain the water pressure in 70% of the CMUD water system Although the Craig Avenue Tank is the primary source for maintaining water pressure, the Pecan Avenue Tank is utilized as a back up Both tanks are used by CMUD staff in determining how to maintain adequate water supply throughout the CMUD system

- This project was approved in the FY95 Capital Investment Plan

41. Water System Rehabilitation/Replacement Program - Professional Services Contract

Action: **Approve a contract with RNS for $331,400 to develop a computer program for prioritizing and tracking water main replacement and rehabilitation.**

Explanation of Request:

- This contract will develop a computer program to help CMUD prioritize and track the water system rehabilitation and replacement efforts This program will identify pipes based upon the following criteria
  - age,
  - material,
  - customer concerns, and
  - main break frequency
- This project will also expand our computer base records of our water system

Funding: Water Capital Funds

Background:

- Due to concern about the age and condition of our water system, CMUD organized a rehabilitation team The team's charge was to address the manner in which we monitor and schedule replacement/rehabilitation of older, high frequency break water lines A part of the result of this team's efforts included a program to prioritize and track these lines

42. Purchase of Private Water and Sewer Systems

Action: **Approve Purchase of Private Water and Sewer Systems A-F:**

A. **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Farmwood 15, 20 and 21 Subdivision. Purchase price $484,500. Farmwood 15, 20, and 21 is located on Margaret Wallace Road in Mint Hill.**

B. **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Brandonwood Subdivision. Purchase price $85,300. Brandonwood is located on Idlewild Road in Mint Hill.**

C. **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Applecreek/Farmwood "A" Subdivision. Purchase price $710,000. Applecreek/Farmwood"A" is located on N.C. Highway 51 and Lawyers Road.**

D. **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Tarawoods Subdivision. Purchase price is $155,900. Tarawoods is located on N.C. Highway 51.**

E. **Approve contract with Carolina Water Services, Incorporated for the purchase of the water system serving Lawyers Station/Mint Hollow Subdivisions. Purchase price $239,300. Lawyers Station/Mint Hollow is located on Lawyers Road.**

F. **Approve contract with Carolina Water Services, Incorporated for the purchase of the sewer system serving Farmwood 15, 20, 21 Subdivisions. Purchase price $301,000. Farmwood 15, 20, 21 is located on Margaret Wallace Road.**

Explanation of Request:

- Instead of installing new water mains or sewer trunks that would parallel the existing system, CMUD recommends the purchase of the private system

- In 1994, Mint Hill voters approved a $7,000,000 water and $3,000,000 sewer bond program This bond program provided for the extension of new water mains and sewer trunk lines along unserved streets and the paralleling or purchasing of private mains along streets being served by a private utility

- The advantages to the City's purchase of the Carolina systems serving these subdivisions are

  - The purchase would avoid disruption to the community by eliminating the need to install a parallel water system or parallel sewer trunk line

  - CMUD will acquire 886 new water and 97 new sewer customers

  - There would not be any cost to the citizens to become CMUD customers

  - Upon acquisition of the water systems, CMUD would install fire hydrants in the subdivisions

- The Town of Mint Hill supports this proposal

- The N C Utilities Commission traditionally supports the transfer of private utilities to a municipal system Their approval will be requested after City Council approval of this contract

- The systems requesting purchase are listed below

Funding: Mint Hill Water and Sewer Bonds

Background: The August 1, 1984 Charlotte-Mint Hill service agreement provides for the extension of the CMUD system utilizing town bond funds

43. Property Transactions

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

For property transactions 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

Acquisitions:

A **Project**: F A R Part 150 Land Acquisition
Owner(s): Carleen Thornburg and Doris McDonald
Property Address: 7811 Byrum Drive
Property to be acquired: 20 744 acres
Improvements: Ranch/basement house
Tax Value: $138,540
Purchase Price: $905,000

B **Project**: F A R Part 150 Land Acquisition
Owner(s): Miller, Pauline S
Property Address: 8321 Tuckaseegee Road
Property to be acquired: 1 97 acres
Improvements: Ranch
Tax Value: $60,110
Purchase Price: $78,500

C **Project**: F A R Part 150 Land Acquisition
Owner(s): Linda Hestings
Property Address: 8414 Todd Road
Property to be acquired: 439 acres
Improvements Ranch
Tax Value: $72,440
Purchase Price: $83,000

Condemnations:

D **Project**: Ronda Avenue Culverts
Owner(s): Randall W Blitz & wf , Sherri R Blitz & any other parties of interest
Property Address: 6934 Burlwood Road
Property to be acquired: 6,750 sq ft (0 155 ac)
Improvements: Trees

Purchase Price: $ 1,500
Remarks: A permanent sanitary sewer easement and a permanent storm drainage easement is required on this property The property owners are presently in bankruptcy, foreclosure and have filed for divorce Condemnation is requested to secure title to property

Zoned: R-2 **Use** Residential
1991 Tax Value: $89,760

E. **Project:** Four Mill Creek Relief Sewer
Owner(s): Lawson Crawford Johnson, M D & wf , Sarah Brown Johnson & any other parties of interest
Property Address: 2 00 ac Reverdy Lane, Matthews, NC
Property to be acquired: 11,097 70 sq ft
Improvements: Trees
Purchase Price: $ 3,600

Remarks: A permanent sanitary sewer easement is needed to construct an additional sewer line across this property The property is used to board horses The property owner does not want another easement on her property and feels that the heavy equipment and noise is dangerous for horses City staff has offered to have the horses boarded during construction No satisfactory alternative location for the sewer line is available Compensation amount is based on an independent appraisal

Zoned: R-15 **Use:** Single Family/Vacant
1991 Tax Value: $7,000

F **Project:** Four Mile Creek Relief Sewer
Owner(s): WC & C, Inc & any other parties of interest
Property Address: Elizabeth Lane, Matthews, NC
Property to be acquired: 30,974 sq ft (711 ac)
Improvements: None
Purchase Price: $ 4,800

Remarks: Area needed to construct the Four Mile Creek Relief Sewer line The owner has been unresponsive after numerous contacts by City staff to negotiate with him Compensation is determined by an independent, certified appraisal

Zoned: R-15 **Use:** Vacant
1991 Tax Value: $104,970

G **Project:** Four Mile Creek Relief Sewer
Owner(s): William W Waters & other parties of interest
Property Address: Stanhope Lane, Matthews, NC
Property to be acquired: 29,685 sq ft (681 ac)
Improvements: None
Purchase Price: $5,500
Remarks: Area needed to construct Four Mile Creek Relief Sewer The owner has been unresponsive after numerous contacts by City staff to negotiate with him Compensation is determined by an independent, certified appraisal

Zoned: R-15 **Use:** Vacant land
1991 Tax Value: $64,700

H **Project:** Four Mile Creek Relief Sewer
Owner(s): William W Waters & wf , Lill J Waters & any other parties of interest
Property Address: 1521 Hugh Forest Road, Charlotte, NC
Property to be acquired: 30,375 sq ft (697 ac)
Improvements: None
Purchase Price: $7,800
Remarks: Area needed to construct Four Mile Creek Relief Sewer The owner has been unresponsive after numerous contacts by City staff to negotiate with him Compensation is determined by an independent, certified appraisal

Zoned: R-3 **Use** Vacant land
1991 Tax Value: $582,720

44. Minutes

Action: **Approve minutes as follows:**

- **January 21, 1997 - Zoning Meeting**
- **January 27, 1997 - Business Meeting**
- **January 31 - February 1, 1997- Retreat**
- **February 3 1997 - Workshop**