AGENDA

Meeting Type:	BUSINESS
Date:	11/10/1997

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, November 10, 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, November 10, 1997

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. **Sale of Old Convention Center**

2. **Economic Development Committee - Report on Business Investment Plan**

3. **US Airways Maintenance Hanger Expansion**

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

CONSENT

4. **Consent agenda items 15 through 24 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

Staff Resource: Julie Burch

PUBLIC HEARING

5. Close Charles Street and an Unnamed Street

Action:

A. Conduct a public hearing to abandon Charles Street and an Unnamed 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 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 Council Action in accordance with the statute

Petitioner:
IEC Acquisition Company and SMS Catering Service, Inc

Right-of-Way to be abandoned:
Charles Street and an Unnamed Street

Location:
Charles Street from Norland Road southeastwardly approximately 320 feet

Unnamed Street from Norland Road southeastwardly approximately 225 feet

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

Community Input:

Notification:
In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review

Adjoining property owners - No objection
Neighborhood Associations - No objection
Eastway Park Neighborhood Association

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 individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299

Attachment 3
Map

6. Close Unnamed Right-of-Way Off Lyon Court

Action:

A. Conduct a public hearing to abandon Unnamed Right-of-Way off Lyon Court; 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 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 Council Action in accordance with the statute

Petitioner:
Margaret Smith

Right-of-Way to be abandoned:
Unnamed Right-of-Way off Lyon Court

Location:
From Lyon Court westwardly approximately 210 feet

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

Community Input:

Notification:
In accordance with City Policy the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review

Adjoining property owners - No objection
Neighborhood Associations - No objection
Morningside Commonwealth Neighborhood Association

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 individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299

Attachment 4
Map

POLICY

7. City Manager's Report

8. 2015 Plan: Planning for Our Future

Action: **Approve 2015 Plan: Planning for our Future, including revised Implementation Addendum.**

Staff Resource: Garet Walsh

Focus Area: All Focus Areas

Explanation of Request:

- Council reviewed and discussed the draft 2015 Plan at its October 6th workshop and held a public hearing on the plan on October 13th

- The Planning Liaison Committee voted unanimously to support the 2015 Plan, with an addendum discussing fiscal implications

- The 2015 Plan makes coordination of land use and transportation plans a priority, along with development of a workable transit strategy It provides key directives to strengthen initiatives to address neighborhood concerns It strengthens the City s stance on economic development, brings the public school system into the community planning process, directs staff to seek out joint use opportunities and other new/innovative funding for parks, schools, and other public facilities, and, makes consideration of regional concerns and issues an essential ingredient in future decision making

- The Mecklenburg County Commission is scheduled to vote on approval of the 2015 Plan at its November 18, 1997 meeting

Community Input:

- Staff held four 2015 information sessions, 13 Focus Group meetings, 36 Work Group sessions, three public meetings, one public forum, and two public hearings Copies of the draft Plan are available at branch libraries and by contacting the Planning Commission

- A summary of the plan is available on the Internet with an e-mail link for comments (Internet Site charmeck nc us/city/cmpc/index htm) An information video was also developed during the plan development process which was aired on the government channel and presented at numerous community meetings

Funding: The 2015 Plan is intended to focus existing resources on key community priorities As specific projects are developed to implement the 2015 goals and objectives, additional resource needs may be identified These items will be brought forward to Council on a case-by-case basis for consideration

Attachment 5
Addendum to the Implementation Section
Summary of 2015 Plan

9. Proposed Model for the School Facilities Master Plan

Action: **Approve the following actions as recommended by the Committee of 21 (School Facilities Master Plan Process) and the Planning Liaison Committee:**

A. Adopt a resolution reaffirming a collective commitment among the City of Charlotte, Mecklenburg County, and the Charlotte-Mecklenburg Schools to implement the Proposed Model for the School Facilities Master Plan;

B. Adopt a budget ordinance totaling $80,000 for the City's share of developing the School Facilities Master Plan; and

C. Approve a School Facilities Master Plan Oversight Committee.

Staff Resource: Dick Black

Focus Area: Economic Development

Policy:

On June 8, 1995, City Council approved a Joint Planning and Joint Use Policy and Process Resolution The County Commission and School Board also approved the Resolution, which states " there is a need for an intergovernment process that results in a balanced, coordinated investment in infrastructure networks and facilities "

Explanation of Request:

- On June 23, 1997, City Council approved the Committee of 21 process with Mecklenburg County and Charlotte-Mecklenburg Schools to recommend a planning process that outlined a general model for school facilities planning Council appointed seven members to the Committee of 21 and provided $25,000 for consultant services

- The Proposed Model for School Facilities Master Plan has been approved by the following boards

Board	Approval Date
Planning Liaison Committee	October 24
Charlotte-Mecklenburg Schools	October 28
Mecklenburg County Commission	October 30

A Council is requested to adopt a resolution approving the Proposed Model for School Facilities Master Plan The plan includes a process that outlines a model for school facilities planning that is strategic, long-range, and linked to other community initiatives Highlights of the Proposed Model are included in the attachments

B Council is requested to approve a budget ordinance appropriating $80,000 to fund the City's one-third share of the cost of developing the Master Plan

C Council is requested to approve the creation of a School Facilities Master Plan Oversight Committee to ensure continued communication and that the process and time frame are met The Oversight Committee will consist of five individuals selected by each elected body with the chairperson appointed by the Board of Education Item number 14 on page 15 requests Council nominations for this Committee, with appointments scheduled for November 24

Funding: The Budget Ordinance appropriates $80,000 from Council Contingency (Balance $326,000)

Attachment 6
Resolution for A Proposed Model for the School Facilities Master Plan
Process Overview
School Facilities Master Plan Organizational Chart
Budget

10. Council Rules of Procedure

Action: **Approve recommendations of Council's ad hoc Rules Committee to amend Council Rules of Procedure.**

Committee Chair: Ella Scarborough

Staff Resource: Mac McCarley

Policy: Council Rules of Procedure

Explanation of Request:

- At Council's January retreat, Councilmember Mike Jackson proposed several revisions to the Council Rules of Procedure Council also asked the City Attorney to provide a list of issues or problems with the current rules On February 10, Council appointed an ad hoc Rules Committee and asked that the Committee review the proposed changes and come back to Council with recommendations

- Committee members are Ella Scarborough, Chair, Mike Jackson, Malachi Greene, Tim Sellers and Sara Spencer The Committee met four times over the past few months to review Council Rules

- The comparative chart, included in the attachment, outlines the 28 issues under consideration, the current or proposed rule, comments and the Committee vote and recommendation Major changes and/or changes where the Committee votes were not unanimous, are highlighted below

Council may wish to consider the Committee recommendations all in one motion for action, or use the attached chart to vote on each proposed rule change separately

1. **Rename Citizens' Hearings to Citizens' Forums**
   The Committee voted 4-0 to change the name of Citizens Hearings to Citizens Forums This term will refer to the time when citizens may address Council on any subject, 7 30 p m on first Mondays of the month and 6 30 -7 00 p m on the fourth Mondays of the month This change would avoid confusion with the term public hearings

2. **Getting Items on Future Agendas**
   The current rule requires a majority vote of Council to place items on the Council agenda Councilmember Jackson proposed deleting this requirement The Committee vote was 2-2, therefore no Committee recommendation for change is being made

3. **Mayor's Role in Agenda Process**
   It has been a longstanding practice to allow the Mayor to place an item on the agenda The City Attorney suggested to the Committee it might be appropriate to amend Council Rules to formally recognize the practice The Committee voted 3-1 to recommend amending the rules to allow the Mayor to place an item on the agenda

4. **3 Minute Rule - Appeal of Mayor's Ruling**
   Citizens are now allowed three minutes to speak at Citizens Forums The Mayor rules from the chair to advise citizens when time has expired Councilmember Jackson proposed amending the rules to allow Council to appeal this ruling, and give speakers more time to speak if a majority of Council desires The Committee voted 3-1 to allow Council to appeal the Mayor's ruling

5. **Number of Times Citizens May Address Council**
The Committee voted 4-0 to amend the rules to allow citizens to speak to Council on the same subject only once each month (not applicable to scheduled agenda items)

6. **Speaking to Council**
The Committee voted 4-0 to allow speakers to yield time to others if speaking to scheduled agenda items, but not allow speakers to yield time to others at Citizens Forums on the first and fourth Mondays

The Committee voted 4-0 to formalize the current practice of a "10 minute" rule (per side, if applicable) for groups speaking to Council on scheduled agenda items

7. **Discussion of Items Raised by Citizens at Citizen Forums**
The Committee voted 4-0 to allow Council discussion of issues brought up by citizens at Citizens Forums, rather than place a limit on Council discussion during the Citizens Forums

8. **Duties of Mayor**
Councilmember Jackson recommended changes to the rule outlining the duties of the Mayor The Committee voted 3-2 not to recommend any change

9. **City Attorney as Parliamentarian**
The Committee voted 4-0 to designate the City Attorney as the Parliamentarian, with the understanding from the City Attorney that he will use discretion in carrying out this responsibility He will also respond to questions of procedures when asked

10. **Rules for Debate, Order of Business, Chair's participation in debate, points of order, appeals**
Councilmember Jackson proposed substituting a new rule covering these procedures, generally adopting as a rule the explanatory language from Roberts Rules of Order The Committee voted 3-2 to recommend no change

11. **"Defer" vs. "Continue" Zoning Hearing**
The Committee voted 4-0 to amend the rules to state the current practice regarding readvertising of a deferred item, but not to change current practice

12. **2/3 Votes to: Suspend Rules/ Call of the Previous Question**
The Committee voted 3-1 to require a 2/3 vote to suspend the rules (now a majority) and a 2/3 vote to pass the call of the previous question, with no debate allowed

13. **Affirmative Vote of Departed Member**
The Committee voted 3-1 to amend the rules to prohibit maneuvering for the affirmative vote of a departed member

14. **Deferral at request of Absent Member**
The Committee voted 4-0 not to amend the rules to allow a Council member who will be absent to ask that an item be deferred

15. **Nominations by Absent Member**
The Committee voted 4-0 to recommend amending the rules to allow absent members to submit nominations for Boards and Commissions

Procedures for Managing Citizens Forums:

Also, attached for Council information are the suggested procedures for managing Citizens Forums These suggestions were developed by the Manager's staff and reviewed by the Committee through its various actions on rules related to citizens' forums No Council action on these procedures is necessary They will be amended as a result of any final Council vote on the rules and used to assist the Mayor and Council in conducting the forums as effectively as possible

Attachments 7
Rules of Procedure - Comparative Chart
Proposed Ordinance to Amend Council Rules
Suggested Procedures for Managing Citizens Forums

11. Rotation of Citizens Review Board Members

Action: **Consider options from the Public Safety Committee regarding the initial rotation of appointees to the Citizens Review Board.**

Committee Chair: Don Reid

Staff Resource: Vi Alexander Lyles

Focus Area: Community Safety

Explanation of Request:

- On June 9, 1997, Council approved the formation of a Citizens Review Board to hear appeals of police disciplinary dispositions The board consists of 11 members five are appointed by the Council, three by the Mayor, and three by the City Manager

- All board members were appointed for three-year terms At the conclusion of the first three-year term, five of the board members will rotate off the board, with the remaining six members eligible for another three-year term

- The Public Safety Committee discussed the rotation of board members at its October 8 meeting The Committee split 2 to 2 on its recommendation for rotation

Rotation Options:

- Option 1
  Rotate three of the Council appointees and one appointee each of the Mayor and City Manager

  Option 2
  Rotate 1 Council appointee and 2 appointees each of the Mayor and City Manager

Committee Discussion:

- Committee Chair Don Reid and Councilmember Tim Sellers voted for Option 1 Councilmembers Patrick Cannon and Lynn Wheeler voted for Option 2 Councilmember Nasif Majeed was absent

- The Committee felt that the only decision to be made at this time is whose appointees will be rotated at the end of the first three-year term They felt that it was inappropriate to designate the specific individuals to be rotated until the board has an attendance history and there is some indication of whether board members wish to be reappointed

BUSINESS

12. Browning-Ferris Collection Service Contract

Action: **Approve a 1.65% unit price increase to Browning-Ferris Industries, Inc. residential solid waste collection service contract effective October 1, 1997.**

Staff Resource: Wayman Pearson

Focus Area: Restructuring Government

Policy: City Council approved the competition/privatization policy on October 25, 1993 The policy encourages providing public services at the lowest cost while maintaining service standards

Explanation of Request:

- The City of Charlotte contracts with Browning-Ferris Industries, Inc (BFI) to provide residential solid waste collection services in the South Quarter of the City The five-year contract was effective October 1, 1995 Section 19(b) of the contract 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 June 1997, BFI submitted a request for a 1 65% unit price increase effective October 1, 1997 The request was based on the 2 2% CPI increase from May 1996 to May 1997 BFI's request included documentation indicating a 3 5% increase in parts, and a summary sheet stating a 3% increase in wages and a 4% increase in benefits

- The City Auditor's review of some of BFI's records indicated that labor, parts and fuel costs have increased by two or more percent since the effective date of the last increase, October 1, 1996

- In accordance with the terms of the contract, BFI's unit price may be increased by 1 65%, from $5 79 to $5 89 effective October 1, 1997

Background:

- In June 1997, Council granted a price increase to BFI effective October 1, 1996 This was in response to BFI's request for a price increase dated October 31, 1996, and based on the September 1996 CPI Since October 1 is the BFI contract anniversary date, the City Auditor recommended, and BFI agreed, that the City should use September CPI data to determine the annual changes in BFI's unit price The September 1997 CPI increase is 2 2%

Funding:

The annual increase of approximately $42,000 is included in Solid Waste Services operating budget

Attachment 8
June 27, 1997 Letter from BFI with three attachments
Bureau of Labor Statistics September 1997 CPI

13. Sale of the Old Convention Center

This item is scheduled for Council discussion at the November 10 dinner briefing

14. Nominations to School Facilities Master Plan Oversight Committee

1 **SCHOOL FACILITIES MASTER PLAN OVERSIGHT COMMITTEE**

As described in Item 9 on this agenda, Council is requested to make nominations for three positions on this new AD HOC committee Three will be appointed by Council and two additional members will be appointed by the Mayor for a total of five for the City The School Board and County Commissioners will each appoint five members Since this is to be a fast-track project, a list of possible candidates who have served on related committees is attached

Attachment 9

15. Appointments to Capital Needs Advisory Committee

Action: **Vote on blue paper and give to the City Clerk at dinner for tabulation purposes.**

Explanation of Request:

- On October 27, 1997, Council approved the Capital Needs Advisory Committee charge and process

- Also on October 27, 1997, Council nominated, for a second term, individuals who served on the previous Capital Needs Advisory Committee and expressed a desire to serve again These individuals are as follows

Frank Barnes	Thomas Norman
Dan Clodfelter	Carol Ray
Hassan El-Amin	Troy Watson
Bernard Johnson	Brad Winter

- Other nominations are as follows

Jerry Auten	Richard McElrath
Dan Bechter	Herbert Shakleford
Mary Lynn Bugge	Frank Spencer
David Erdman	Warren Turner
Kathleen Foster	Ronald Vance
Linette Fox	Eleanor Washington
Rickey Hall	Allen Wells
Don Lochman	John Wilks
Mattie Marshall	

- Council will appoint ten members of the Committee The Mayor will appoint five members of the Committee, including the Chair

Attachment 10
Chart and map indicating nominee's gender, race, and Council District
Applications to Council Boards and Committees

16. Appointments to Boards and Commissions

Action: **Vote on blue paper ballots and give to the City Clerk at dinner.**

A. CHARLOTTE-MECKLENBURG DEVELOPMENT CORPORATION

One position to fill the at-large category The vote on the second ballot at the October 27 meeting was 5-4

1 Devereaux Gregg by Councilmember Jackson
2 Henry Hicks by Councilmember Greene

Attachment 11

B. CITIZENS OVERSIGHT COMMITTEE FOR CABLE TV

One position to fill an unexpired term beginning immediately and ending March 31, 1999 Rahman Khan has resigned

1 Larry R Gilchrist by Councilmember Rousso
2 Victor Guzman by Councilmember Jackson
3 Glenda Manning by Councilmember Cannon
4 Paul Parker by Councilmember Reid
5 Sandra Staton by Councilmember Wheeler

Attachment 12

C. CLEAN CITY COMMITTEE

One position beginning immediately to fill an unexpired term ending June 30, 1998 Stephen Hayes has resigned

1 Ronald Dolphus by Councilmember Cannon
2 Debra Jones by Councilmember Wheeler
3 Alisa Watson-Delgado by Councilmember Rousso

Attachment 13

D. **CMUD ADVISORY**

One position to fill an unexpired term ending June 30, 2000 to represent a financial institution Stephen Willen has resigned

1 Christopher Baxas by Councilmember Jackson
2 Mark Mire by Councilmember Reid

Attachment 14

E. **HOUSING AUTHORITY**

One three year appointment beginning December 18, 1997 Velva Woolen is not eligible to be reappointed

1 Tom Bumgardner by Councilmember Reid
2 Mialinda Hedgpeth by Councilmember Rousso
3 Gloria McClain by Councilmember Cannon
4 Patricia Russell by Councilmember Wheeler
5 Louise Sellers by Councilmember Majeed
6 Allon Thompson by Councilmember Jackson
7 Joyce Waddell by Councilmember Spencer

Attachment 15

F. **PLANNING COMMISSION**

One position beginning immediately to fill an unexpired term ending June 30, 1999 Jerry McMurray has resigned

1 John "Pete" Bleynat by Councilmember Rousso
2 Michael Castano by Councilmember Reid
3 Rene DuBose by Councilmember Cannon
4 Mark Loflin by Councilmember Baker
5 Gloria Martin by Councilmember Scarborough
6 Kary Lee Schmidt by Councilmember Spencer
7 Bill Strain by Councilmember Sellers
8 Jackie Edwards Walton by Councilmember Greene
9 Ron Wooten by Councilmember Wheeler
10 Gerald Zengel by Councilmember Jackson

Attachment 16

G. **TREE ADVISORY COMMITTEE**

One position beginning December 14, 1997 for three years Barry Flynn did not wish to be reappointed

1 Frances Choice by Councilmember Cannon
2 David Covern by Councilmember Wheeler
3 Peter Franz by Councilmember Spencer
4 Guy Gordon by Councilmember Jackson
5 Robert G Miller by Councilmember Rousso

Attachment 17

Introduction to CONSENT

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

17. Various Bids

A. Seventh Street Boulevard **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $650,508 87 by Kip Corporation of Charlotte, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$31,900	5%	5%
WBE	$19,140	3%	3%

MWBD Compliance: Yes

Attachment 18

B. Irwin Creek Wastewater Treatment Plant - Accelerated Biosolids Improvements - Sludge Heat Exchangers Procurement **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $293,169 by K L Shane, Incorporated of Raleigh, North Carolina

MWBD Compliance: Yes

C. Water Meters - Procurement **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bids of $327,100 by Miller Supply Company of Laurinburg, North Carolina, and $94,825 by Hughes Supply, Incorporated of Charlotte, North Carolina for award of contracts on a unit price basis

This item includes bids on seven different types of water meters Miller Supply Company was the low bidder on three types of water meters and the sum of the low bids was $327,100 Hughes Supply, Incorporated was the low bidder on four types of water meters and the sum of the low bids was $94,825

MWBD Compliance: Yes

18. Refund Certain Taxes

Action: **Approve adoption of a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $1,744.58.**

Attachment 19

CONSENT II

19. Contract for Design of Police Department LAN

Action: **Approve a $306,000 contract with Vanstar for the design of the Police Department's Local Area Network (LAN).**

Explanation of Request:

- This contract includes
  - design of the LAN based upon the deployment of Microsoft NT based network servers and workstations,
  - interface of the 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
  - project management, design testing prior to implementation, and training for Police Department staff in NT network design and deployment issues
- The Police Department had previously contracted with Intergraph Corporation for design of the LAN Intergraph was unable to perform the work under the terms of the contract and the Police Department terminated the contract with Intergraph Intergraph was paid $20,000 for the work they had already performed
- Vanstar has been paid $8,000 in consulting fees to supplement Intergraph's work and keep the project on schedule The total project cost is $334,000
- Five companies responded to the RFP for the LAN design consulting services Only Vanstar and Intergraph met the minimum requirements of the RFP

Funding: Funding for this project is included in Police Department's operating budget

20. Pizzagalli Construction Company - Change Order #2

Action:

Approve Change Order #2 totaling $1,162,511 to the Pizzagalli Construction Company contract for the emergency construction of a base slab and a sludge storage building at the Mallard Creek Water Reclamation Facility.

This change order will increase the construction contract with Pizzagalli from $14,424,507 to $15,587,018.

Explanation of Request:

- Pizzagalli Construction Company is presently under contract for the expansion of the McDowell Creek plant and for construction of the Reclaimed Water Pumping Station at the Mallard Creek plant

- Unexpected problems with existing equipment and construction at the McDowell Creek plant has disrupted the normal sludge processing schedule Additional storage is needed this winter when sludge cannot be land applied

- A sludge storage facility is included in the upcoming expansion of the Mallard Creek plant which is scheduled in the Capital Investment Plan Immediate construction of the base slab of this storage facility will allow storage of McDowell Creek plant sludge this winter at the Mallard Creek plant

- This change order will provide

  - the base slab at Mallard to be completed by February of 1998,
  - sufficient storage to supplement the McDowell drying beds during the upcoming winter months, and
  - the planned storage for Mallard

- CMUD requested a price for construction of the base slab and building from Pizzagalli The negotiated price of $1,162,511 is $50,500 less than the engineer's estimate for this work

Approval of this change order will result in savings by

- eliminating mobilization charges by another contractor, providing an estimated savings of $25,000 and,

- the Mallard Creek plant is very similar to McDowell, both having been designed and built at the same time Pizzagalli's familiarity with the plants and on-site status will provide the City with cost and time savings

MWBE: BBE $9,568 (1%)
WBE $158,182 (14%)

Funding: Water and Sewer Capital Improvement Fund

21. Mallard Creek Water Reclamation Facility Expansion - Professional Services Contract

Action: **Approve a professional services contract totaling $4,118,109 with Black & Veatch for design and construction management of the expansion of the Mallard Creek Water Reclamation Facility.**

Explanation of Request:

- The Mallard Creek Water Reclamation is presently permitted to discharge six million gallons per day (MGD) to Mallard Creek Average flows into the plant are approaching this discharge limit and are increasing rapidly The plant must be expanded to accommodate future growth in the UNCC/Mallard Creek area The Charlotte-Mecklenburg Utility Department has applied for a permit to expand the plant discharge limit to 12 MGD

- The expansion is planned in two phases

  - Phase I will expand the plant to 8 MGD and will be completed by mid-1999, and

  - Phase II will complete the expansion to 12 MGD and will be completed by the end of 2000

- Black & Veatch was chosen by competitive selection process to perform professional engineering services for the expansion, and a contract for the required engineering study was approved by Council on May 28, 1996 That contract provided for a separate contract for engineering design and construction management

- The total project cost is estimated at $32 2 million Funding for this project was approved by Council in the FY98 Capital Investment Plan

MWBD: MBE - $20,000 (5%)
WBE - $95,000 (2 3%)

Funding: Water and Sewer Capital Improvement Fund

Attachment 20
Selection Criteria and Process
Project Budget

22. United Airlines Air Cargo Facility Lease Agreement

Action: **Approve a one year lease with United Airlines for office and warehouse space in the Air Cargo Center.**

Explanation of Request:

- United Airlines currently occupies 5,000 square feet of space in one of the airport's cargo buildings United Airlines will be moving into a new building containing 18,500 square feet of warehouse space and 3,400 square feet of office space The facility will incorporate a dedicated trucking service to link up cargo deliveries between the Southeast and Mid-Atlantic states and Europe, Latin America and Asia, through United's gateways in Chicago, Washington and New York

- The proposed agreement is a one year lease for $12,705/month, renewable annually After the first year, the lease price will be adjusted by the Producer Price for Industrial Commodities and will not be lower than the first year's lease amount The lease would be effective December 1, 1997 upon facility occupancy

- Over the past 5 years, the airport has been developing new air cargo facilities along runway 18L/36R The objective of the Airport is to expand air cargo operations and compete for a larger share of the air cargo business Benefits of air cargo operations include increased Airport revenues and employment opportunities

23. Property Transactions

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

Acquisition:

A. **Project:** F A R Part 150 Land Acquisition
Owner(s) Ms Peggy L Ardrey
Property Address 2328 Danforth Lane
Property to be acquired 243 acres
Improvements Ranch house
Tax Value $46,550
Purchase Price $52,000
Remarks 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

B. **Project** Northwest Circumferential Grade Separation-ATP8, Parcel #11
Owner(s) Virginia S Brotherton
Property Address 123 Valleydale Drive
Property to be Acquired 30,012 84 sq ft (689 ac)
Improvements Single Family Residence & Outbuilding
Purchase Price $ 77,000
Remarks Total acquisition of this property is required for the Northwest Circumferential Grade Separation project Compensation is based on two independent appraisals made on this property
Zoned R-17 **Use** Residential

1991 Tax Value $ 62,400
Tax Code 031-011-05

C. **Project** Public Safety Communications Tower, Parcel #1
Owner(s) Charles E Hulsey & Mary C Hulsey
Property Address Off Sam Newell Road and North of Matthews Township Parkway
Property to be Acquired 18,295 sq ft (42 acres)
Improvements None
Purchase Price $ 15,000
Remarks The parcel is needed to access the future Public Safety Communications Tower Site The needed land appraised for $35,000 The property owners are willing to assist the City by selling at a discount and plan to show the balance ($20,000) as a credit on their income tax return
Zoned Industrial **Use** Vacant
1991 Tax Value $ 190,190
Tax Code 193-241-12

Condemnation:

D. **Project** Ronda Avenue Culverts, Parcel #45
Owner(s) Willie J Ard & Any Other Parties of Interest
Property Address 6837 Ronda Avenue
Property to be Acquired 12,201 41 sq ft (0 28 ac)
Improvements Trees & landscaping
Purchase Price $ 7,700
Appraiser Charles M Creech, Jr
Remarks A permanent easement is needed to construct a culvert under the road on Ronda Avenue to alleviate flooding problems in the neighborhood After a year of negotiations and redesign, City staff has yet to reach an agreement with the property owner Compensation is based on an independent appraisal made on the property
Zoned R-3 **Use** Residential
1991 Tax Value $ 118,410
Tax Code: 189-191-06

24. Minutes

Action: **Approve minutes as follows:**

- **October 13, 1997 Business Meeting**