AGENDA

Meeting Type:	BUSINESS
Date:	01/12/1998

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Al Rousso
Tim Sellers
Sara Spencer

Council Agenda

CITY COUNCIL MEETING
Monday, January 12, 1998

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, January 12, 1998

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	Staff Resource: Doug Bean		
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7:00 AWARDS AND RECOGNITIONS MEETING CHAMBER			

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4:30 P.M. EXECUTIVE SESSION
CONFERENCE CENTER

(Staff Resources: Pam Syfert and Mac McCarley)

5:30 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Transit Planning Process

Staff Resource: Martin Cramton

Time: 5 45 p m

Attachment 1

2. Westover Shopping Center

Staff Resource: Stanley Watkins

Time: 6 15 p m

Attachment 2

3. Regional Wastewater Treatment Plant Update

Staff Resource: Doug Bean

Time: 6 45 p m

Attachment 3

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

CONSENT

4. Consent agenda items 19 through 30 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

ZONING

5. Decision on Zoning Petition No. 97-39

Action: **Decision on Zoning Petition No. 97-39 by Self Help Credit Union for a change in zoning for approximately 0.792 acres located on the east side of Little Rock Road, north of the intersection with Tuckaseegee Road from R-3 to R8MF(CD).**

- Protest petitions have been filed and one is sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

- This petition was deferred for 30 days on May 19, 60 days on July 21, 30 days on September 15, 30 days on October 22 and 30 days on November 17 On December 15 it was deferred to the January 12 Business Meeting

- The Zoning Committee voted to recommend denial of this petition

Attachment 4

PUBLIC HEARING

6. Voluntary Annexation

Action:

A. Conduct a public hearing for the voluntary annexation of property owned by the Lakepoint Business Land Limited Partnership; 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:

- The purpose for requesting annexation is to eliminate one of the unincorporated islands of land within Charlotte's corporate limits created by the annexation and construction of West Tyvola Road in 1986

Funding: Petitioners have submitted a $180 filing fee with the City Clerk

Background:

- Lakepoint Business Land Limited Partnership is the owner of the property proposed for voluntary annexation The property contains approximately 2 652 acres and is located in the northwestern quadrant of the intersection of West Tyvola Road and Yorkmont Road The property is presently undeveloped

- The City Clerk has certified the petition as to its sufficiency, and resolution was adopted by Council establishing January 12, 1998 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 5
Map

7. Continue the Hearing To Close Old Wilmont Road

Action:

A. Continue the public hearing to abandon a portion of Old Wilmont Road; and

B. Adopt the Resolution to Close provided that the voluntary annexation for LakePoint Business Land Limited Partnership is approved by Council.

Staff Resource: Scott Putnam

Policy: To abandon right-of-way that is no longer needed for public use

Explanation of Request:

- The public hearing for this petition was opened at the November 24, 1997 Council meeting The petitioner requested Council to continue the public hearing on January 12, 1998 so that several outstanding utility and access easement issues could be resolved

- The small piece of property abutting this right-of-way to the south and owned by the Trammel Crow Foundation (see attached map) is still in the County This property is surrounded by the City and is part of a larger assemblage proposed for development Because of the difficulty/confusion of providing services and plan review/approval to a development located in two jurisdictions, staff supports the proposed abandonment provided that the property is voluntarily annexed by the City

Petitioner:
LakePoint Business Land Limited Partnership

Right-of-Way to be abandoned:
Old Wilmont Road

Location:
From Oak Lake Boulevard northeastward approximately 800 feet to its terminus (near Tyvola Road Extension)

Reason:
To incorporate the right-of-way into adjacent property owned by the petitioner to facilitate a proposed development

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
Private Utility Companies - No objection
Neighborhood Association - No known neighborhood association in area Property lies between Lakepoint Business Land and Property owned by Trammell Crow Foundation

Review by City Departments indicates that the closing is conditioned upon voluntary annexation and

1 Is not contrary to the public interest provided the abutting property to the south is voluntarily annexed by the City
2 Will not deprive individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299

Attachment 6
Map

8. Public Hearing to Close a Portion of Overhill Road

Action:

A. Conduct a Public Hearing to abandon a portion of Overhill Road; 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 Statutes outline 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 Council Action in accordance with the statute

Petitioner:
Rankin Construction Company and Janice D Mercer

Right-of-Way to be abandoned:
A portion of Overhill Road

Location:
From Harris Road northwest approximately 250 feet

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

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 objections
Olde Foxcroft Homeowners' Association
Sedgewood Circle/Meadowbrook Home Owners
Providence Park Neighborhood
Greentree Neighborhood Association

Private Utility Companies - No objection

City Departments -
Review 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 7
Map

9. Public Hearing to Close Portions of Collingwood Drive and Applegate Road

Action:

A. Conduct a Public Hearing to abandon portions of Collingwood Drive and Applegate Road; 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 Council Action in accordance with the statute

Petitioner:
Mecklenburg County Parks and Recreation

Right-of-Way to be abandoned:
Portions of Collingwood Drive and Applegate Road

Location:
From the 4400 block of Collingwood Drive to the 4500 block of Applegate Road

Reason:
To incorporate the right-of-way into adjacent park property to facilitate planned improvements These unimproved rights-of-way are located within Collingwood Park

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 - York Road Park Home Owners Association - No objection
Private Utility Companies - No objection

City Departments -
Review 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 8
Map

POLICY

10. City Manager's Report

11. Cultural Action Plan

Action: **Accept the Report of the Cultural Action Plan Commission.**

Staff Resource: Curt Walton

Explanation of Request:

- Council is requested to accept the 1997 Cultural Action Plan as presented by the Cultural Action Plan Commission
- Richard Vinroot, Chairman of the Cultural Action Plan Commission, will present the major findings of the report
- The Cultural Action Plan Commission has completed its work The report will now go to the Arts and Science Council Board of Directors for development of a public input and review process and for comment on the Plan's recommendations
- The Plan's 59 recommendations are divided into the following seven major focus areas
  - Recognizing and Supporting Creative Individuals and Developing Organizations,
  - Community and Neighborhood Cultural Development,
  - Affirming Culture, Identity and Heritage,
  - Strengthening Community Cultural Education for All,
  - Improving Marketing and Access to Cultural Activities,
  - Leadership and Organizational Health, and
  - Resources and Plan Implementation

- City Council is not being asked to approve the report

Background:

- The Cultural Action Plan Commission was formed in October 1996 to develop a cultural action plan for the future of Charlotte and Mecklenburg County

- The primary goal of the plan was to determine "how the lives of Charlotte-Mecklenburg citizens might be enriched through broader participation in cultural activities "

- The 36-member Commission, chaired by Richard Vinroot, guided the process by "bringing many perspectives and views to bear on the framing of questions and the search for answers "

- A consulting group used focus groups and interviews, public surveys and data collection and analysis to assist the Commission in development of its recommendations

Attachment 9

1 Summary of Plan Recommendations
2 Roster of Cultural Action Plan Commission Members

12. SafeLight Photo Citation Program

Action:

A. Approve Photo Citation Ordinance for a photographic monitoring system, with a penalty of $50, to improve safety at intersections where running the red light is a problem.

B. Approve five-year management contract with Central Parking System, Inc. for monitoring the photographic system, processing citations and collections, and coordinating administrative appeal hearings.

C. Adopt a budget ordinance appropriating $600,000 from the SafeLight Program's anticipated revenue for the remainder of the fiscal year. An estimated revenue of $1,800,000 is anticipated for the remainder of the fiscal year.

D. Amend the table of organization for the Transportation Department by adding one position for program administration.

Staff Resources: Randy Jones and Larry Blydenburgh

Policy: This is a proposed new policy to improve safety at high hazard intersections through enforcement of traffic violations by a digital photographic system A City Ordinance is attached

Explanation of Request:

- In June 1997, the State Legislature passed a bill giving Charlotte the authority to enforce red light running and other traffic violations at intersections with a photographic monitoring system Violations detected by this electronic system are deemed noncriminal, with a $50 civil penalty No points are assigned to the owner or driver of the vehicle by the North Carolina Division of Motor Vehicles

- In 1996, Police wrote approximately 2,500 citations Citywide for running of red lights at the City's 570 signalized intersections We anticipate approximately 100,000 citations a year at 20 intersections through the SafeLight Program This level of violations is based on the issuance of 20 citations per intersection per day, which is comparable to the New York City experience, and significantly less than the 55 violations per day averaged recently at six Charlotte intersections The six intersections are included in the group of intersections proposed for monitoring (see attached list)

- Red light running is a major problem for Charlotte A survey on March 6, 1997 at Albemarle Road and Harris Boulevard recorded 170 motorists running the red light during a six hour period from 7 a m to 1 p m

- 8,298 or about 34%, of Charlotte's 1996 total traffic accidents occurred at signalized intersections - a majority of those accidents occurred from red light running

A. Approve Photo Citation Ordinance

- The attached ordinance implements the State's legislation adopted on June 25, 1997 The ordinance gives CDOT the authority to set up the Program, sets the penalty at $50 ($100 if paid late after 21 days), establishes the conditions for denying responsibility for a vehicle, and creates a hearings process An ordinance summary is attached

- Charlotte does not currently have the police resources to continually monitor the intersections for red light violations The SafeLight Program will
  - augment police resources,
  - provide 24-hour monitoring at intersections, and

- ultimately save lives and injury by reducing the number of red light violations (New York City has experienced a 30% decrease in accidents at monitored intersections)

B. Contract Approval

- The proposed contract with Central Parking Systems privatizes all aspects of the photo citation program management, including installation of the cameras, ticket processing and collections

- In September 1997, a Request for Proposal was issued to 25 companies Three firms responded with management proposals

- Staff recommends Central Parking System due to

  - the City's ongoing favorable experience with the company,

  - its use of digital photography, and

  - its significantly better financial proposal

- Neither Central Parking nor its overseas partner Digital Safety Systems have experience operating a red light program Staff is concerned about Central's lack of experience and the feasibility of a digital system Staff believes it is worth the risk, and if it does not work, the contract will be cancelled There are several other firms willing to contract with the City

- A chart summarizing the review of the proposal is shown below

CRITERIA	LOCKHEED	EDS	CENTRAL
Technical Experience	✔+	✔	-
Processing Experience	✔+	✔+	-
Financial Resources	✔+	✔+	✔+
Personnel Experience	Technical ✔+ Collections ✔	Technical ✔ Collections ✔	Technical ✔- Collections -
Response to RFP	✔+	✔	✔-
Cost	✔	✔	✔+

- A chart summarizing financial proposals by firm is shown below

Proposer	Met All Requirements	Financial Proposal (Portion to Contractor)	Per Citation Cost*	To Contractor (Annual)	Net To City (Annual)
Central Parking	Yes	$25 per citation for the first 32 000 citations annually, $3 50 thereafter	$ 9 40	$1 098,200	$6 201,800
EDS	Yes	$22 85 per citation	$26 47	$3,091 696	$4 208 304
Lockheed Martin	Yes	$34 per citation up to 7 500 citations/mo $30 per citation up to 10,000, $22 75 per citations up to 11,500, $21 over 11 500	$27 80	$3,247 040	$4 052 960

*Based on anticipated revenue for 20 citations per day for 20 intersections

C. Budget Appropriation

The budget ordinance appropriates $600,000 from anticipated program revenue to finance the Program through June 30, 1998 Revenue from the citations will cover future program costs

D. **Additional Position**

Visits with other city systems using the photo citation monitoring systems point out that if the City privatizes the program, there is still a need to closely monitor contractor performance A City of Charlotte project manager will ensure that the contractor operates in accordance with City financial and customer service standards, as well as review citations to ensure contract standards Staff recommends that an Administrative Officer II position be added to the Department of Transportation staff The cost for the position will be covered by program revenue

- The SafeLight Program was designed by staff Three presentations of the Program have been given to Council or the Transportation Committee over the past two years

- If approved, the first red light monitoring cameras will be installed in March 1998 The City will develop a strong public education effort to notify citizens about the Program All monitored intersections will be signed for motorists A summary of the public information program is attached

MWBD: The Contractor agrees that at least 10% of services and commodities purchased will be with MWBD

Funding: The SafeLight Program is self-supporting and no capital outlay is required

Attachment 10

1 Photo Citation Ordinance with Summary
2 List of Proposed Intersections
3 Marketing Plan Summary
4 Citation Processing Chart
5 Management Contract with Central Parking Systems, with Summary
6 Comparison of Proposals
7 Responses to Issues Raised By Unsuccessful Proposers

13. Amendment to Thoroughfare Plan

Action: **Approve to direct the City of Charlotte MUMPO representative's vote to amend the Thoroughfare Plan to include a proposed interchange at Mallard Creek Church Road at NC 49.**

Staff Resource: Jim Humphrey

Focus Area: Transportation

Explanation of Request:

- Adding the interchange to the Thoroughfare Plan will allow protection of right-of-way under land development regulations

- NCDOT, as part of the funded FY98-04 State Highway Plan, is widening Mallard Creek Church Road, which will become a part of the Eastern Circumferential An interchange is proposed on new location just west of Marylynn Drive at NC 49 The proposed interchange will be included in a future Transportation Improvement Program for possible State funding

- Year 2020 traffic projections indicate that up to 60,000 vehicles per day will use NC 49 and up to 35,000 vehicles per day will use Mallard Creek Church Road These volumes are comparable to those on Billy Graham Parkway and Wilkinson Boulevard

- The proposed interchange will also provide a grade separation for the high speed rail initiative between Charlotte and Raleigh

- The City's MUMPO representative is Rod Autrey

Community Input: A public meeting was held on November 13, 1997 Ten citizens, including County Commissioner Joel Carter, attended the meeting Most of the comments at the meeting were favorable One citizen preferred an at-grade intersection and another citizen opposed driveway restrictions Attached is a summary of the public meeting

Attachment 11

1 Map showing proposed interchange location
2 Summary of comments from the November 13, 1997 public meeting

14. Mecklenburg Union Metropolitan Planning Organization [MUMPO] FY 1999-2005 Transportation Improvement Program [TIP] Candidate Project List

Action: **Approve to direct the City of Charlotte MUMPO representative's vote to support priorities established in the 2015 Transportation Plan, and support the list of roadway projects.**

Staff Resource: Jim Humphrey

Policy: The 2015 Transportation Plan establishes a road project priority list City Council approved the Plan in early 1995

Staff Recommendation: Staff recommends supporting the priorities established in the 2015 Transportation Plan The candidate project list for the TIP, however, is too long because it increases the likelihood that Charlotte high priority projects will not be funded Staff recommends that Council direct the City's representative to negotiate with the MUMPO to reduce the number of projects on the list in support of the 2015 Transportation Plan

Explanation of Request:

- Each year, the MUMPO submits a list of unfunded transportation projects to the State Board of Transportation The list reflects what the MUMPO feels are the top transportation priorities for the State in the MUMPO planning area, which includes all of Mecklenburg County and western Union County The Board uses this list in the development of the State's TIP, which is a seven-year funding document for state and federal transportation improvements

- The attached project list includes several categories of projects Roadway Projects, Safety Projects, Bicycle Projects, Congestion Management/Air Quality [CMAQ] Projects, Rail Projects, and Transportation Enhancement Projects These categories are funded from different sources of revenue, so they do not compete against each other for addition to the TIP

- Most Roadway Projects are based on the priorities set in the adopted 2015 Transportation Plan This Plan was produced using projected traffic volumes for the region These volumes were developed from forecasted growth in the area assigned to a future road network (including improvements already scheduled) From this, deficiencies were identified and each project was ranked based on congestion, cost, safety, support of transit corridor, support of land use objectives, access to Center City Charlotte, access to other economic centers, and air quality The rankings in the 2015 Transportation Plan were reviewed by the MUMPO and approved in November 1994

- Projects # 7 (Beaty Street Improvements-Davidson), #10 (Gilead Road Improvements), and #12 (Park Road) on the Roadway Projects Section did not meet criteria for inclusion in the 2015 Transportation Plan and have not received support for inclusion on the list from the Technical Coordinating Committee (TCC) The TCC is made up of technical staff representing each municipality and entity and advises the MUMPO These projects were added for potential inclusion to the project list by the MUMPO at the request of some MUMPO members The MUMPO will vote on January 21, 1998, on whether to formally approve the list

- The projects listed in the other categories (Safety, Bicycle, CMAQ, Rail, and Transportation Enhancement Projects) are recommended by the TCC based on its knowledge of needs in those areas

- The City of Charlotte has 9 of 23 total votes on the MUMPO The City's MUMPO representative is Rod Autrey

Community Input: A public meeting was held December 18, 1997, 70 citizens attended the meeting Primary concerns expressed showed support of Independence Boulevard Improvements, bicycles, and opposition to the East/West Circumferential A summary of public comments is attached

Attachment 12

1 MUMPO Draft FY 1999-2005 State TIP Candidate Project List
2 Chart of 2015 and TIP Projects
3 Summary of Public Meeting Comments

15. Mecklenburg County Solid Waste Management Plan

Action: **Approve the following recommendations from Council's Restructuring Government Committee:**

1. **Adopt the Mecklenburg County Solid Waste Management Plan dated July 1, 1997.**

2. **Authorize the development of a 10-year schedule for achievement of the Plan's goals through the annual budget process.**

3. **Endorse the implementation of cardboard and mixed paper collection in FY99 at a cost of $146,003.**

Committee Chair: Charles Baker

Staff Resource: Wayman Pearson

Focus Area: Restructuring Government

Policy: North Carolina's House Bill 859 set a State goal of 40% per capita reduction in disposal (land filling or incineration) by June 30, 2001 The State requires local governments to prepare and approve a 10-year solid waste management plan and achieve the State goal for municipal solid waste reduction by June 30, 2001, with a further reduction by June 30, 2006 from the base year 1989/90

Explanation of Request:

- Mecklenburg County, the government agency responsible for disposal functions in this County, developed the new 10-year Plan with input from several public and private agencies

- The new 10-year Plan has the following goals (calculated from the base year of 1989/1990)

  - 35% total reduction in residential and commercial waste disposal (to 0 92 tons/person/year) by June 30, 2001 (FY97 disposal rate is 1 05 tons/person/year Goal requires 12% per capita reduction from current disposal rate)

  - 41% total reduction in residential and commercial waste disposal (to 0 84 tons/person/year) by June 30, 2006 (Requires an 8% reduction from the Year 2001 goal)

  - The goals will be achieved through programs targeting residential, commercial, construction, and demolition waste reduction

Committee Discussion:

- On November 10, 1997, the Restructuring Government Committee (Charles Baker, Chair, Don Reid, Vice Chair, Mike Jackson, Sara Spencer, Malachi Greene) was presented with an overview of the new 10-year Solid Waste Management Plan **The Committee with three members present, Charles Baker, Don Reid and Sara Spencer, voted 3-0 to approve staff recommendations:**

  - Adoption of the new 10-year Solid Waste Management Plan, and

  - Endorsement of a schedule for achievement of the "residential" goals which will require an additional $146,003 operating expenses for cardboard collection in the FY99 budget

- The Committee was advised that
  - The Waste Management Advisory Board has approved the Plan and recommends adoption by participating units of local government,
  - The Mecklenburg County Board of Commissioners approved the plan in September 1997,
  - All of the Mecklenburg towns (pending in Pineville) have adopted the Plan, and
  - Mecklenburg County will share revenue from cardboard sales with the City of Charlotte The estimated revenue to the City of Charlotte in FY99 is $80,000
- After the Committee meeting Councilmember Jackson had several questions on the Plan These questions were discussed with Mecklenburg County staff and a response was shared with Councilmember Jackson and the Committee on December 3, 1997 (see attachment)

Community Input:

- The Waste Management Advisory Board conducted four public meetings to solicit input from the public on what goals and programs should be included in the Plan Mailings went to numerous groups and organizations The mailings included
  - notice of the four public meetings,
  - a questionnaire that could be returned to Mecklenburg County, and
  - an Internet address for citizen input Responses were compiled into a Status Report
- The Waste Management Advisory Board also made a substantial effort to reach the commercial and business community

Funding: The $146,003 increase in funding for this program will be included in the Manager's FY99 operating budget recommendations This increase is partially offset by $80,000 in estimated revenues, for a net cost of $66,003

Attachment 13

1 December 3, 1997, responses to questions from Councilmember Jackson, with attachments
2 Resolution Approving The Mecklenburg County Solid Waste Management 10-Year Plan Dated July 1, 1997
3 Mecklenburg County Solid Waste Management 10-Year Plan, July 1, 1997

16. FY99 Budget Process and Calendar

Action: **Approve the Budget Committee's recommended process for development and review of the FY99 Operating Budget and the FY99-03 Capital Investment Plan.**

Committee Chair: Lynn Wheeler

Staff Resource: Curt Walton

Explanation of Request: Council is requested to approve the recommended FY99 Budget process and calendar which includes

- seven half-day budget retreats from February thru June,
- Budget presentation on May 11, 1998,
- The public hearing on the budget on June 8, 1998,
- Televised, final decisions on June 9, 1998, and
- Budget Adoption on June 15, 1998, 6 00 p m at the Zoning Meeting

Committee Discussion: The Budget Committee met on January 5, 1998 and voted unanimously (Wheeler, Autry, Baker, Reid and Rousso) to recommend the attached budget calendar for FY99

Attachment 14
Budget Calendar

BUSINESS

17. Sale of the Old Convention Center

Action: **Approve the upset bid process of the bid received from The Taubman Realty Group Limited Partnership for $12,181,000, less environmental cleanup costs not to exceed $250,000.**

Staff Resource: Kent Winslow

Focus Area: Economic Development

Policy: Maximize the City's return from its current asset portfolio by the sale of surplus City properties

Explanation of Request:

- ORIX TMK Charlotte Venture tendered an offer to purchase the Old Convention Center for $11,600,077, less environmental cleanup costs not to exceed $627,000 On December 8, 1997, City Council approved the ten-day upset bid process, and ads were placed in *The Charlotte Observer* and *The Mecklenburg Times*

- The Taubman Realty Group Limited Partnership submitted a bid of $12,181,000, less environmental cleanup costs not to exceed $250,000 The Taubman Group proposes to develop the 3 25 acre site as a regional shopping center

- The Taubman Group offer includes a provision for the purchase price to increase to $12,552,000 during the second 180-day period with due diligence payment of $150,000 deducted from deposit The purchase price increases to $12,916,000 with due diligence payment of $200,000 for the third 180-day period The purchase price increases to $13,290,000 with due diligence payment of $300,000 for the fourth due diligence period Due diligence payments are deducted from the $665,000 deposit

- If Council approves the Taubman Group bid as an upset bid, ads will be placed in *The Charlotte Observer* Wednesday, January 14, 1998, and *The Mecklenburg Times* Friday, January 16, 1998

Attachment 15
Notice of Offer

18. Nominations for Boards and Commissions

Action: **Nominate candidates to serve on the following boards.**

A. CITIZENS OVERSIGHT FOR CABLE TV
Four two-year positions beginning April, 1998 Mike McLaurin and Grady Sharps are not eligible to be reappointed Aaron Sanders and James Blane are eligible and would like to be reappointed

Attachment 16

B. COMMUNITY RELATIONS COMMITTEE
One appointment beginning immediately to fill an unexpired term ending June 30, 1998 and the next full three-year term Victor Alexander did not meet attendance requirements

Attachment 17

C. CONVENTION & VISITORS BUREAU
BOARD OF DIRECTORS
One position beginning immediately to fill an unexpired term ending September 15, 1998 and the next full three-year term to replace Beverly Earle

One Councilmember to serve a two-year term beginning immediately to replace Ella Scarborough

Attachment 18

D. **FIREMEN'S RELIEF COMMITTEE**
One two-year position beginning January 19, 1998 Stephen Kearney is eligible and would like to be reappointed

Attachment 19

E. **HISTORIC DISTRICT COMMISSION**
One position beginning immediately to fill an unexpired term ending June, 1998, and the next full three-year term Must be a resident and property owner in Wesley Heights

Attachment 20

F. **MAYOR'S INTERNATIONAL CABINET**
Two new three-year positions beginning February, 1998 One position should represent an ethnic group, and the other is an at large position

Attachment 21

G. **PARADE PERMIT COMMITTEE**
Two three-year appointments beginning March, 1998 Teresa Wright and Robert Horsley are eligible and would like to be reappointed

Attachment 22

H. **PAROLE ACCOUNTABILITY COMMITTEE**
Two appointments beginning immediately to fill an unexpired term ending June, 1998, and the next full three-year term Stephen Allan has resigned and Garry McFadden did not meet attendance requirements

Attachment 23

I. **PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**
Three two-year positions beginning March, 1998 James Polk and Rebecca Whitener are eligible and would like to be reappointed, Eugene Kiser is not eligible

Attachment 24

J. **STORM WATER SERVICES ADVISORY COMMITTEE**

One appointment beginning immediately, ending April 30, 1998, and serving the next full three-year term to represent a school, college or church Reverend Clyde Owens has resigned

Attachment 25

K. **TRANSIT ADVISORY COMMITTEE**

One three-year term beginning February, 1998 Must be a local service passenger Wade Alley is not eligible to be reappointed

Two three-year terms beginning immediately to fill unexpired terms ending January 31, 2000 One must be a neighborhood organization leader, and the other must represent a suburban employer served by Charlotte Transit John Moore has resigned and Dr Sam Burrow did not meet Council's attendance requirements

Attachment 26

L. **TREE ADVISORY COMMITTEE**

One position beginning immediately to fill an unexpired term ending June 30, 1998 and the next full three-year term Lindsey McAlpine has resigned

Attachment 27

M. **WASTE MANAGEMENT ADVISORY BOARD**

One recommendation to the County Commission to represent the legal category beginning immediately and serving the next full three-year term John Paul DeBernardo has resigned

Attachment 28

N. **ZONING BOARD OF ADJUSTMENT**

One three-year appointment beginning February, 1998 Dick Stoever is eligible and would like to be reappointed

Attachment 29

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

19. Various Bids

A. Lakeside Drive Dam Renovations

Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $323,397 90 by Ferebee Corporation of Charlotte, North Carolina

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

B. Carmel Road Landscaping

Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $174,258 by Crowder Construction Company of Charlotte, North Carolina

MWBD Status: Project does not contain subcontracting opportunities

C. **Irwin Creek Wastewater Treatment Plant - Accelerated Biosolids Improvements - Sludge Mixers Procurement** **CMUD**

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of $280,237 86 by Lightning, A Division of General Signal Corporation of Rochester, New York

MWBD Compliance: No known MWBE vendors available

20. Resolution Of Intent To Abandon Street And Set Public Hearing - Portion of Hanover Street

Action:

A. **Adopt the Resolution Of Intent to abandon portion Hanover Street; and**

B. **Set a Public Hearing for February 9, 1998.**

Attachment 30
Map

21. Lease Agreement for the Horse Trough Fountain in Elmwood Cemetery

Action: **Adopt a resolution authorizing a 99-year lease agreement with 120 West Morehead, LLC, for the City-owned fountain in Elmwood Cemetery.**

Explanation of Request:

- Staff recommends Council's approval of a 99-year lease with 120 West Morehead, LLC, for the term January 15, 1998 through January 14, 2097, at a rate of $1 00 per year

- Council authorized publication of Notice of Intent to approve a 99-year lease at the December 8, 1997 Council meeting

- The notice was published in *The Mecklenburg Times* on December 23, 1997 No other entity has expressed an interest in leasing the fountain

22. 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 $7,494.05.

Attachment 31
Taxpayers and refunds requested

CONSENT II

23. Fountain Maintenance Contract Award

Action: **Approve a three-year fountain maintenance contract totaling $174,321 with the lowest responsible bidder, Charlotte Specialty Services.**

Explanation of Request:

- The contract specifications require that bidders on this contract be actively engaged in the field of fountain maintenance and derive a majority of their income from fountain maintenance work

- The apparent low bidder, The Taft Company, has no experience in fountain maintenance or operation and is, therefore, a non-responsive bidder

- Charlotte Specialty Services has working knowledge of fountain systems and has exhibited superior contract performance on this contract for the past three years They have been responsive to our needs during special events at each location The owner of Charlotte Specialty Services is a licensed plumber and electrician and maintains fountains at the Charlotte Convention Center, the Public Library and Charlotte Plaza

- Fountain pump motors and filters require continual observation and maintenance Should a pump fail because of improper maintenance the replacement cost would be $10,000 to $50,000

Background:

- The contract was first awarded to Charlotte Specialty Services in November of 1994 The project was bid on November 20, 1997 at the end of that contract period, and only one bid was received The project was readvertised to attract more bidders and rebid The following bids were received on December 2, 1997

  The Taft Company of Charlotte, North Carolina $164,808

  Charlotte Specialty Services of Concord, North Carolina $174,321

Funding: Engineering and Property Management, Landscape Management Division Operating Budget

24. Financing for FY98 Equipment Purchases

Action: **Adopt a resolution approving the terms of an Installment Payment Contract (lease/purchase) and related financing documents to fund the FY98 Capital Equipment requirements. The principal amount of the contract will be approximately $11.2 million.**

Explanation of Request:

- Adoption of the resolution will authorize the City Manager and the Finance Director to negotiate the documents necessary to secure funding for the City's FY98 Capital Equipment requirements The resolution also approves the following
  - The Installment Payment Contract,
  - The Trust Agreement,
  - The Preliminary Official Statement,
  - The Underwriters, the Contract of Purchase and its related Letter of Representations, and
  - The Placement Agent, the Placement Agreement and its related Letter of Representations
- The City has used this type of financing for equipment since 1982

Funding: Annual debt service appropriations by City Council

Attachment 32
List of Equipment

25. Change Order for Reroofing US Airways Maintenance Facility

Action: **Approve a change order in the amount of $225,000 to a previously awarded contract with Murton Roofing of South Carolina, Inc. for reroofing the US Airways Maintenance Facility.**

Explanation of Request:

- The original contract for reroofing a 95,000 square feet facility, to be leased to US Airways for aircraft maintenance activities, provided for removing the existing roof membrane and replacing it with a new roof membrane When the existing roof membrane was removed, a roofing engineer determined that the foundation for the roof, also known as roof decking, was badly deteriorated and would not support a new roof

- After evaluating several alternatives, the roofing engineer recommended that the entire roof decking be replaced as the most economical long term solution

- This Change Order will provide installation of metal roof decking and insulation which will support the installation of a new roof membrane The original contract amount was $356,458, awarded by Council on November 24, 1997 This change order will bring the total contract amount to $581,458

Community Input: The Airport Advisory Committee recommends approval

Funding: Airport Operating Fund (Project Development)

26. Eastfield Road Water Main Resolution

Action: **Approve a resolution amending the FY98-FY02 Capital Investment Program to change the priority of the Eastfield Road Water Main from the 10 Year Needs Assessment to the 5-Year Reimbursable Program.**

Explanation of Request:

- Bryant Properties, the Developer, has made a written request to CMUD that the water main extension along Eastfield Road be included in the 5-year Capital Investment Plan This water main will serve a proposed golf course community to be located in Mecklenburg and Cabarrus Counties on Eastfield Road
- The Charlotte-Mecklenburg Utilities and the Water and Sewer Authority of Cabarrus County (WSACC) are jointly extending their respective water and sewer systems to serve the golf course community

Community Input: The Charlotte-Mecklenburg Utilities Advisory Committee recommends approval

Funding: No City funds are required This project will be funded by the applicant under a CMUD 5-year reimbursable contract

27. Water System Master Plan - Professional Services Contract

Action: **Approve a professional services contract totaling $324,000 with The Pitometer Associates to develop a water system master plan.**

Explanation of Request:

- The Pitometer Associates was chosen by competitive process to conduct a water system master plan as an ongoing effort to meet system needs The master plan is updated every five years This contract will provide for
  - field testing,
  - computer modeling updating, and

- future planning (5 to 10 years)

- Field testing will be done to update our hydraulic computer model and identify problem areas in the system Using the updated computer model and demand projections, this project will

  - identify future facility improvements and additions, and

  - expand service in areas not currently served

Funding: Charlotte-Mecklenburg Utilities Capital Improvement Fund

28. Acquisition of Lookout Point Water System

Action: **Approve contract with Lookout Point Owners' Association for the donation of the water distribution system serving Lookout Point Subdivision.**

Explanation of Request:

- Lookout Point is a 50 lot subdivision located on Lake Norman in Huntersville The Homeowners' Association owns and operates the water system

- CMUD has accepted applications from three Lookout Point residents for the extension of a water main into the subdivision

- The advantages of transferring this system to the City are

  - Disruption to the community would be avoided by eliminating the need to install a parallel water system,

  - CMUD would acquire 50 new water customers, and

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

29. Property Transactions

Action: **Approve the following property acquisition (A-I) and adopt the condemnation resolution (J-K)**

Acquisitions:

A. **Project:** F A R Part 150 Land Acquisition
Owner(s) Mr and Mrs Ben Black
Property Address 118 East Willow Lane
Property to be acquired 25 acres
Improvements Ranch house
Tax Value N/A
Purchase Price $15,000
Remarks City Council approved the acquisition of the Church of God property (a negotiated settlement of a lawsuit) at the December 14, 1992 meeting This parcel included 89 5 acres of land, church buildings, and 47 residential improvements The agreement allowed the 47 homeowners to sell their property at any time up to the deadline of July 1, 1999, the time the City will take possession of the entire property The acquisition price of the residences was established at the time of the settlement The acquisition and relocation costs are eligible for 80% Federal participation

B. **Project:** Master Plan Land Acquisition
Owner(s) Mary B Upton
Property Address part of 8200 Old Dowd Rd
Property to be acquired 396 acres
Improvements vacant land
Tax Value N/A
Purchase Price $9,500
Remarks On July 28, 1997 Council approved a municipal agreement for NCDOT and the Airport to work together on acquisitions that involve I-485 right-of-way and future Airport property NCDOT is acquiring the house and 142 acres The Airport is buying 396 acres of land The total Purchase price of the lot and house is $73,800 The purchase price was determined by an independent appraiser and was reviewed by a second appraiser The acquisition is eligible for Federal funding

C. **Project:** Master Plan Land Acquisition
Owner(s) Elizabeth W Dixon
Property Address part of 7733 Mountain View Rd
Property to be acquired 1 577 acres
Improvements ranch
Tax Value N/A
Purchase Price $42,500
Remarks On July 28, 1997 Council approved a municipal agreement for NCDOT and the Airport to work together on acquisitions that involve I-485 right-of-way and future Airport property NCDOT is acquiring 1 379 acres The Airport is buying 1 577 acres and house Purchase price of entire lot and house is $60,000 The purchase price was determined by an independent appraiser and was reviewed by a second appraiser The acquisition is eligible for Federal funding

D. **Project:** F A R Part 150 Land Acquisition
Owner(s) Mr and Mrs Robert F Williams
Property Address 8508 Todd Road
Property to be acquired 459 acres
Improvements Ranch house
Tax Value $72,070
Purchase Price $81,000
Remarks The purchase price was determined by an independent appraiser and was reviewed by a second appraiser The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes 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

E. **Project** Water Main - Mallard Creek Church Road, Parcels #10 & #11
Owner(s) Newton Hall Barnett Estate, Jon H Barnette, Executor
Property Address 601 E Mallard Creek Church Road
Property to be Acquired Permanent easement 7,000 ± sq ft (1607 ac) plus temporary construction easement 6,300 ± sq ft (145 ac)
Improvements Landscaping
Purchase Price $12,300
Remarks Required easement needed for the construction and maintenance of a 36-inch water main Acquisition price includes compensation for loss of landscaping as reflected in the City's independent certified appraisal
Zoned INST **Use** Residential
Tax Value $138,270
Tax Code 051-022-05, 16

F. **Project** Bancroft Street Area Storm Drainage Improvements, Parcel # 7
Owner(s) Weinmiller, Inc
Property Address 2525 North Tryon Street, Charlotte, N C
Property to be Acquired 2,400 sq ft (055 ac) permanent drainage easement, plus 2,800 sq ft (064 ac) temporary construction easement
Improvements Trees, shrubs, landscape timbers, mulch & plants used as outdoor photographic backdrop
Purchase Price $11,836
Remarks Area needed to construct storm drainage improvements along creek channel and embankment for Bancroft Street area storm drainage project Compensation is based on an independent appraisal
Zoned I-2 **Use** Photographer's studio-indoor & outdoor
Tax Value $211,410
Tax Code 079-088-05

G. **Project** Proposed 8-inch Sewer Main-Lawyers Road/NC 51, Parcel #3
Owner(s) Betty Ross Interiors and Imports
Property Address 11300 Lawyers Road
Property to be Acquired 13,472 sq ft (0 309 ac) plus temporary construction easement, 7,200 ± sq ft (0 165 ac)
Improvements Landscaping
Purchase Price $12,700
Remarks Required easement needed for the construction and maintenance of an 8-inch sewer main Compensation is based on an independent area appraisal and includes compensation for loss of landscaping
Zoned R **Use** Business
Tax Value $657,010
Tax Code 195-051-19

H. **Project** 1997 Annexation Six Mile Creek East, Parcel #9
Owner(s) Michael Everitt & Barbara Everitt
Property Address 11301 Chestnut Hill Drive
Property to be Acquired 4,806 sq ft (110 ac) of permanent easement plus, 6,408 (147 ac) of temporary construction easement
Improvements Trees & shrubs
Purchase Price $12,600
Remarks Required easements needed for construction and maintenance of a sanitary sewer line Compensation based on an independent appraisal
Zoned R-3 **Use** Single family residential
Tax Value $195,680
Tax Code 231-123-08

I. **Project** Park Road/Woodlawn Road Intersection Improvement, Parcel #4
Owner(s) DHS Associates, LLC
Property Address 4336 Park Road
Property to be Acquired 20,950 sq ft (0 48 ac) plus 1,680 sq ft (0 04 ac) of temporary construction easement
Improvements Sign, lights, pavement, electrical
Purchase Price $91,500

Remarks Area needed for construction of right turn lane along Park Road onto Woodlawn Road Acquisition price based on two independent appraisal values
Zoned B-1 **Use** Service Station
Tax Value $1,051,770
Tax Code: 149-203-24

Condemnation:

J. **Project** 1997 Annexation/Steele Creek West, Parcel #7
Owner(s) Kaltezes Partnership, a N C General Partnership and any other parties of interest
Property Address 11222 Shopton Road
Property to be Acquired 17,950 sq ft (0 412 ac)
Improvements Trees
Purchase Price $13,400
Remarks A pumping station site is needed to provide sanitary sewer to this area Owner has refused to sign agreement unless the City acquires the area behind pump station site Staff reviewed request and could not recommend purchasing additional property that was not needed for pump station
Zoned R-3 **Use** Single family
Tax Value $177,420
Tax Code: 199-212-13

K. **Project** Milton Road Improvements, Parcel #12
Owner(s) D C Patel & wf , Tara D Patel & any other parties of interest
Property Address 1915 Milton Road, Charlotte, N C 28215
Property to be Acquired 4,872 sq ft (112 ac)
Improvements Asphalt, sign & trees
Purchase Price $14,600
Remarks Area needed to construct additional roadway, curb, gutter & sidewalks for Milton Road Property owner's counteroffer was 4 times the City's certified independent appraisal amount
Zoned B-1 **Use** Convenience store & laundry
Tax Value $163,890
Tax Code: 107-011-10

30. Minutes

Action: **Approve minutes as follows:**

- **November 24, 1997, Business Meeting**
- **December 1, 1997, Swearing in Ceremony**
- **December 8, 1997, Business Meeting**
- **December 15, 1997, Zoning Meeting**