AGENDA

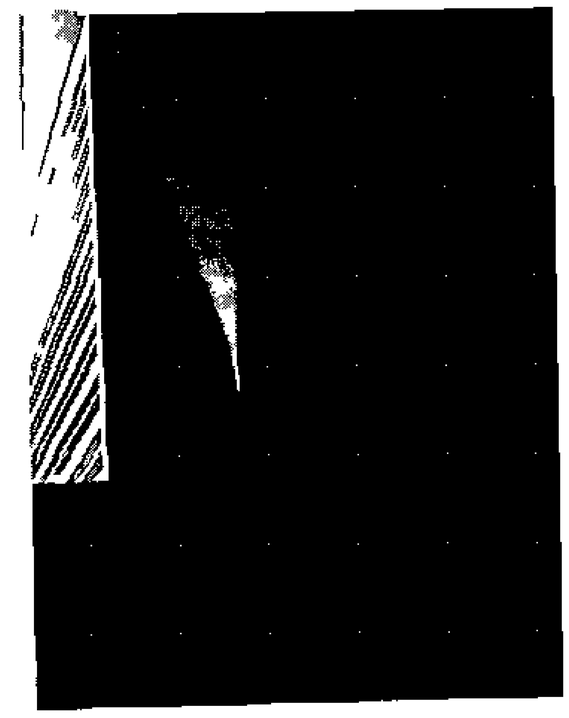
Meeting Type:	B
Date:	12/13/1999

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Patrick McCrory
Rod Autrey
Patrick Cannon
Nancy G Carter
Mike Castano
Malcolm Graham

Mayor Pro Tem Susan Burgess
Don Lochman
James Mitchell Jr
Sara Spencer
Lynn Wheeler
Joe White



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CITY COUNCIL MEETING
Monday, December 13, 1999

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**

1999 Council Retreat Priorities

Top Priorities for 1999

Transportation Plan

Policing Evaluation and Direction

State Roads Action: Increased Funding

Transit Plan and 1/2¢ Sales Tax: Implementation

West Side Strategic Plan Implementation

High Priorities for 1999

Corridor Plan

Planning for the City: The Economic Development and the Center City Plan

Court System: Expansion

Business Retention Strategy and Action Plan

Community Strategic Plan for Housing

Neighborhood/Business Revitalization Strategy

Eastside Strategic Plan

CITY COUNCIL AGENDA

Monday, December 13, 1999

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Carolina Theatre Option Extension

Resources: Laura Smith, Arts & Science Council
Peter Pappas, Carolina Theatre Task Force
Lisa Lee Morgan, Carolina Theatre Preservation Society

Time: 30 minutes

Attachment 1

2. Discovery Place Expansion and Aquarium Feasibility Study

Resource: Freda Nicholson, Discovery Place, Inc

Time: 10 minutes

Attachment 2

3. First Union Park at Tryon and First Streets

Resource: Patrick Mumford, First Union
David Wagner, Wagner Murray Architects

Time: 10 minutes

Attachment 3

4. FY99 Annual Financial Report

Resources: Richard Martin, Finance Director
Woodrow Nail, Jr , Deloitte & Touche

Time: 30 minutes

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

CONSENT

5. Consent agenda items 16 through 29 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

6. Public Hearing to Close East First Street Between South Tryon and South College Streets

Action: A. Conduct a public hearing to abandon East First Street between South Tryon and South College Streets; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam, Transportation

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

Explanation:
This action will allow First Union to incorporate the right-of-way into adjacent property owned by the petitioner and St Peter's Catholic Church for the construction of the proposed First Union Commons development project This project includes an underground parking garage with an at-grade park/plaza, relocation of the Ratcliffe Flower Shop, and construction of retail/office space

In 1995, when the Convention Center opened, the City planned to convert First Street to a pedestrian walkway However, adjacent property owners did not agree with that plan This proposed park will make this pedestrian connection between Tryon Street and the Convention Center The park will also provide open space and ground floor retail in the South Tryon Street area, and tie will St Peter's Church into the parking lot and park and retail areas This project represents a private sector investment in excess of $25 million

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys This action is in accordance with the statute

Background:
This abandonment approval will not be effective and the document may not be released for recording until the developer obtains a grading permit In the event that the developer fails to obtain the permit within one year, this abandonment approval shall be void A 10-foot pedestrian easement has been maintained for public use between South Tryon and South College Streets

Petitioner:
First Union National Bank

Right-of-Way to be abandoned:
East First Street between South Tryon and South College Streets

Location:
From South Tryon Street southeastwardly approximately 401 5 feet to South College Street

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/Business Associations – No objection

- Charlotte Convention Center
- Charlotte Center City Partners
- Midtown Charlotte Association
- Earle Village /First Ward Place
- Third Ward Community Development Corporation
- Friends of Fourth Ward, Inc
- Charlotte Housing Authority

Private Utility Companies – No objection

City Departments -
Review by City departments has identified no apparent reason this closing would

- Be contrary to the public interest, or
- Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes

Attachment 4
Map

7. Public Hearing To Close A Portion of an Alleyway in Block 12 of Crescent Heights

Action: A. Conduct a public hearing to abandon a portion of an alleyway in block 12 of Crescent Heights that runs perpendicular to and connects with North Chase Street; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam, Transportation

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

Explanation:
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 requests this action in accordance with the statute

Petitioner:
Charlotte Pipe and Foundry Company, Inc

Right-Of-Way to be abandoned:
A portion of an alleyway in block 12 of Crescent Heights that runs perpendicular to and connects with North Chase Street

Location:
From North Chase Street northwestwardly approximately 2,410 feet to its end

Reason:
To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a new office building

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
- Crescent Heights Neighborhood Association
- Elizabeth Community Association
- Charlotte Council of Garden Clubs

Private Utility Companies - No objection

City Departments -
Review by City departments has identified no apparent reason this closing would

- Be contrary to the public interest, or
- Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes

Attachment 5
Map

8. Public Hearing to Close Portions of North Myers Street Between East Ninth and East Eleventh Streets

Action: A. Conduct a public hearing to abandon a portion of North Myers Street between East Ninth and East Eleventh Streets; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam, Transportation

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

Explanation:
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 requests this action in accordance with the statute

Background:
This street abandonment is consistent with the City's and Bank of America's partnership in the First Ward Garden District Development project

Petitioner:
Bank of America, CDC

Right-of-Way to be abandoned:
Portions of North Myers Street between East Ninth and East Eleventh Streets

Location:
From East Tenth Street southeastwardly approximately 147 2 feet and from East Tenth Street approximately 136 28 feet towards East Eleventh Street

Reason:
To incorporate the right-of-way into adjacent property owned by the petitioner for the First Ward Garden District development project New subdivision streets will be constructed with the project

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/Business Associations – No objection
- Charlotte Housing Authority
- Charlotte Council of Garden Clubs
- Charlotte Center City Partners
- Charlotte-Mecklenburg School Transportation
- Midtown Charlotte Association
- Optimist Park
- Lockwood Neighborhood Association
- Friends of Fourth Ward, Inc
- Earle Village/First Ward Place

Private Utility Companies – No objection

City Departments -
Review by City departments has identified no apparent reason this closing would
- Be contrary to the public interest, or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

Attachment 6
Map
Updated First Ward Garden District Development Plan

POLICY

9. City Manager's Report

10. Emergency Contract and Procurement Ordinance

Action: Adopt an ordinance authorizing the City Manager to award contracts for construction or repair work and for the purchase of apparatus, supplies, materials or equipment supplies needed during an emergency declared by the Mayor pursuant to Section 15-28 of the City Code.

Staff Resource: Mike Boyd, City Attorney's Office

Explanation:
As part of the City's preparation for Y2K, the City Attorney's Office reviewed potential problems that could be addressed by ordinance revisions during an emergency Section 15-28 of the City Code authorizes the Mayor in times of "public emergency" to declare a state of emergency and impose certain restrictions designed to manage the emergency condition Those restrictions include

- prohibiting and/or regulating activities such as the possession of explosives outside of one's premises,
- sale of intoxicating beverages,
- certain travel, and
- the sale of gasoline

Missing from the existing ordinance is any ability by the City to award emergency construction or repair contracts or to make emergency purchases without an emergency meeting of the Council While bidding requirements are relaxed in the event of an emergency, the Council is the only means for awarding contracts for emergency work or purchases

The proposed revision to Section 15-28 would authorize the City Manager to award construction, repair and purchase contracts without soliciting formal or informal bids in the event the Mayor (or the Mayor Pro Tem) declares a state of emergency and the "expeditious award of such a contract is reasonably necessary to address the effects of such emergency " Currently, the City Manager has authority to award such contracts in an amount that does not exceed $100,000 after soliciting informal bids

The proposed ordinance would not impose any limit on the amount of the contract in the event of an emergency The proposed amendment would require the City Manager to report such contract awards to Council "as soon as reasonably possible after the state of the emergency has ended " The proposed amendment would not authorize the City Manager to award any contract without available funds

In the absence of the City Manager, the following staff members are authorized to exercise the authority conferred upon the City Manager by the proposed amendment Deputy City Manager, any Assistant City Manager, and the City's chief purchasing official

Attachment 7
Ordinance amending Section 15-28 of the City Code

BUSINESS

11. Carolina Theatre Option Extension

Action: Approve an extension to Arts and Science Council's Option and Right of First Refusal to Purchase the Carolina Theatre Property by one year, from January 15, 2000 to January 15, 2001.

Staff Resource: Curt Walton, Budget and Evaluation

Policy:
Council has several applicable policies, including

Asset Management Policy
To seek to maximize the City's return from its current asset portfolio by the sale of surplus City properties and to meet other public policy objectives

Relevant Capital Investment Plan Policy
To evaluate capital project requests according to the following priorities
1st priority Retrofit Existing Facilities
2nd priority Replacement of Existing Facilities
3rd priority Expansion of Existing Facilities
4th priority New Facilities

The City will continue to form partnerships with citizens and businesses to leverage public dollars making this a community of choice for living, working and leisure activities

Explanation:
The Arts and Science Council (ASC) has requested an extension of its Option and Right of First Refusal to purchase the Carolina Theatre from January 15, 2000 to January 15, 2001

The extension will allow the ASC and the Carolina Theatre Task Force to develop a building and design program, operating budget and fund-raising plan

Background:
In June 1990, the City reached an agreement with American Fidelity Property Company (AFPC) which gave AFPC the Option and Right of First Refusal to purchase City Fair and the Carolina Theatre

The owner of the option had the right to purchase the property for $1 2 million up until December 31, 1998 Immediately upon expiration of the option to purchase, the agreement gives the owner of the option the Right of First Refusal until December 31, 2000 to purchase the property under the same terms and conditions as offered by any proposed purchaser

The Agreement also gives the owner of the Option and Right of First Refusal the authority to sell or transfer the Option and Right of First Refusal to another party without the approval of the seller, in this case the City

In June 1994, the Keith Corporation acquired the Option and Right of First Refusal to purchase the Carolina Theatre from AFPC as part of the purchase contract of the City Fair property On September 22, 1998, the Keith Corporation donated the Option and Right of First Refusal to the Arts and Science Council (ASC)

On December 14, 1998, City Council extended the ASC's Option and Right of First Refusal to January 15, 2000 with the following conditions

- that the final sales to the ASC be dependent on City Council's approval of the ASC's recommended preservation proposal for the Theatre,
- that the ASC waive its Option and Right of First Refusal rights and return the property to the City if restoration is determined not to be feasible, if there is not a demonstrated programming need for the Theatre, or if a financing plan cannot be developed Further, the Option and Right of First Refusal cannot be transferred or sold without the approval of the City, and
- that execution of the option be dependent on City Council's approval of the ASC's recommended preservation proposal for the Theatre

The ASC accepted the conditions specified by City Council

Funding:
There are no City funds requested at this time

Attachment 8
Carolina Theatre Task Force Report

12. 2000 Budget Process and Calendar

Action: Approve the recommended process for development and review of the FY2001 Operating Budget and the FY2001-2005 Captial Investment Plan.

Staff Resource: Curt Walton, Budget and Evaluation

Explanation:
Council is requested to approve the recommended 2000 Budget process and calendar which includes

- Six half-day budget retreats from February thru June, primarily on Wednesdays from 2 00 p m to 6 00 p m ,
- Budget presentation on May 1, 2000,
- The public hearing on the budget on May 22, 2000,
- Televised, final decisions on June 7, 2000, and
- Budget Adoption on June 12, 2000

Attachment 9

- Overview of the City's Budget Process
- Budget Calendar

13. Storm Water Fee Credit Provisions Amendment

Action: Adopt an amendment to Chapter 18 of the City Code to change the percentages of allowable storm water fee credits to 40% for peak and 60% for volume.

Staff Resource: Jeb Blackwell, Engineering and Property Management

Explanation:
Charlotte Storm Water Services was established in 1993 to provide a comprehensive solution to the drainage problems experienced by the City's 2,400 miles of drainage system The program activities include the planning, design, reconstruction and repair of the City's drainage infrastructure on public and private property Also included are surface water quality programs required to comply with the Clean Water Act

To equitably fund construction, operation and maintenance of drainage infrastructure, the City Council adopted a storm water fee based on the amount of impervious surface on each property The fee was recommended by a citizens storm water task force and the City's consultant (Ogden Engineering and Environmental Services)

The amount of impervious (or hard) surface reflects a property's contribution to storm water runoff ultimately collected and discharged by the City's drainage system Fee credits (reductions of the monthly charge) were included in the rate structure for owners that take measures on their property to reduce the impact of runoff

Proportional credits were based on projected storm water program expenditures in three categories

- 50% of expenditures were projected to be related to peak discharge of storm water (Peak discharge refers to the greatest flow that will travel downstream during a storm event)
- 25% was projected for expenditures related to the volume of storm water (Volume refers to the total amount of water that runs off from a property during a storm event)
- 25% was projected for activities related to water quality

The City recently had Ogden Environmental and Engineering Services update the rate allocation for credit purposes based on actual expenditures of the program The recommended allocations are

- 40% for peak discharge of runoff,
- 60% for volume of runoff, and
- 0 credit for water quality

In order to meet the City Council's goals for repair and improvement of the drainage infrastructure, expenditures for providing drainage capacity (related to peak and volume) have grown more than originally planned As a result, water quality costs have been a relatively small share of the total program, and have not exceeded the General Fund contributions to the program Since the water quality costs are not funded through the monthly fees, it is not appropriate to grant credits on that basis

The City Attorney supports this amendment based on a recommendation of bond counsel as we move forward toward the issuance of storm water revenue bonds The City Attorney also supports this amendment as a prudent response to the recent North Carolina Supreme Court decision concerning the City of Durham's storm water program

The total number of private property storm water accounts in the City (properties that pay the monthly fee) is more than 138,000 Of those, 69 non-single-family accounts receive credits With the revised credit structure, 63 properties will have lower credits, and higher fees, by an average of 9 percent , or $69 72 monthly The monthly fee increase for 50 of the properties is less than $100 The remaining 13 range up to $572 Six of the properties will have higher credits and lower monthly

fees There are a few single-family properties that receive a credit For those single-family properties the credit will remain the same or the fee will decrease

On December 7, 1999, the Mecklenburg County Board of Commissioners adopted the same recommended fee credit structure

Community Input:
The fee credit study performed by Ogden Environmental and Engineering Services was presented to the Storm Water Advisory Committee (SWAC) November 18, 1999 Based on the consultant's report and the use of actual expenditure data, SWAC unanimously recommended the new fee credits be adopted by City Council

The 63 property owners who will experience an increase in their monthly fee were notified of the proposed change by letter

Attachment 10
- Proposed City Code revision
- Storm Water Advisory Committee Membership

14. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified below.

A. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

One position beginning immediately and ending March 2000, plus the next full two-year term to replace Don Lochman, who has been elected to City Council

Attachment 11
Memo
Applications

B. ZONING BOARD OF ADJUSTMENT (ZBA)

One position beginning immediately, ending January 2000, and serving the next full three-year term to replace James Mitchell, who has been elected to City Council

Attachment 12
Applications

Note:
The appointments to these two Boards will be on the December 20 Zoning Agenda. The ZBA requires a local criminal background check.

15. Closed Session

Action: Adopt a motion to go into closed session for the purpose of conferring with the City Attorney concerning a lawsuit entitled Robert J. Floyd and Harriette Floyd v. Stephanie L. McGill, Transit Management of Charlotte, Inc., and the City of Charlotte.

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

Contractors and Consultants
All contractors and consultants selections follow the Council approved process unless explained otherwise

CONSENT I

16. Various Bids

A. Brookshire Freeway Landscaping E&PM

Recommendation: The City Engineer recommends the low bid of $717,182 53 by The Budd Group of Charlotte, North Carolina This project provides installation of trees, shrubs, and groundcover in the median of Brookshire Freeway from Lawton Road to the City limits The project was recommended in the Westside Strategic Plan to improve the image of this area and to promote business development along the corridor

MWBD Compliance: Yes The Budd Group will self-perform

B. Trackhoe Excavator BSS

Recommendation: The Business Support Services Director recommends the low unit price bid of $95,119 by Mitchell Distributing Company, Charlotte, North Carolina The total estimated FY2000 expenditure under this contract is $95,119 The contract is for one year with an option to renew for two additional one-year periods

MWBD Compliance: Yes There are no known MWBD vendors for this equipment

C. Heavy Trucks – 28,000 GVWR Crew Cab & Chassis BSS

Recommendation: The Business Support Services Director recommends the low, responsive unit price bid of $47,674 by Adams International, Charlotte, North Carolina The total estimated FY2000 expenditure under this contract is $238,370 The contract is for one year with an option to renew for two additional one year periods

MWBD Compliance: Yes There are no known MWBD vendors

D. South Service Area A Median Maintenance E&PM

Recommendation: The City Engineer recommends the low bid of $291,728 80 by Todd Landscaping of Charlotte, North Carolina This project will provide for median maintenance, including ornamental tree and shrub maintenance, removal and disposal of trash and debris, perennial maintenance, and plant replacement in city street medians for the South Service Area A For location, see map attachment This service area extends from York Road eastward to Independence Boulevard and from the I-277 loop southward to Tyvola/Fairview/Rama Roads

MWBD Compliance: Yes Todd Landscaping will self-perform

E. Curb Ramp Installations — E&PM

Recommendation: The City Engineer recommends the low bid of $146,740 by Carolina Cajun Concrete, Inc of Matthews, North Carolina This project will construct approximately 187 wheelchair ramps at various locations through out the City The construction will help Charlotte become compliant with the American Disabilities Act

MWBD Status:	Amount	% of Project	Project Goals
WBE	$146,740	100%	0%
BBE	$0	0%	0%

MWBD Compliance: Yes Carolina Cajun will self-perform

F. Storm Water Maintenance FY00E — E&PM

Recommendation: The City Engineer recommends the low bid of $960,830 by Blythe Development Company of Charlotte, North Carolina This project is part of an ongoing program to provide maintenance, repair, and construction on existing storm water systems, or to construct new systems where none exists within the City limits Individual projects are identified and prioritized by Engineering & Property Management's (E&PM) Storm Water Services Division based on the severity of the situation with regard to flooding of public and private property E&PM Storm Water Services uses one-year "retainer" contracts such as this to provide timely response to maintenance problems

MWBD Status:	Amount	% of Project	Project Goals
BBE	$58,000	6%	6%
WBE	$58,000	6%	6%

MWBD Compliance: Yes

G. Storm Water Maintenance FY00F — E&PM

Recommendation: The City Engineer recommends the low bid of $959,255 by Showalter Construction of Charlotte, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	6%
WBE	$0	0%	6%

MWBD Compliance: Yes Showalter Construction will self-perform

H. Storm Water Maintenance FY00G — E&PM

Recommendation: The City Engineer recommends the low bid of $969,955 by Blythe Development of Charlotte, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$58,500	6%	6%
WBE	$58,500	6%	6%

I. Police & Fire Training Academy Grounds Maintenance — E&PM

Recommendation: The City Engineer recommends the low bid of $142,758 by Whitecaps Lawn Care, Inc of Charlotte, North Carolina This three-year project will provide turf and landscape maintenance at the Police and Fire Training Academy

MWBD Status:	Amount	% of Project	Project Goals
WBE	$0	0%	3%
BBE	$0	0%	5%

MWBD Compliance: Yes Whitecaps Lawn Care will self-perform

J. Grounds Maintenance Phase II — E&PM

Recommendation: The City Engineer recommends the low bid of $247,885 04 by Roundtree Lawn Care of Charlotte, North Carolina This three-year project will provide turf and landscape maintenance at Alexander Street, Amay James, Belmont, and Greenville Centers, Sweden Road, Spratt Street, TMOC, and Strawn Village Park/Arson Task Force

MWBD Compliance: Yes Round Tree Lawn Care will self-perform

K. Sanitary Sewer Construction Gladewater Area – Matthews — CMU

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $582,219 57 by North State Underground, Incorporated of Charlotte, North Carolina This project consists of approximately 9,571 linear feet of gravity sanitary sewer pipe beginning at an existing manhole at Irvins Creek Outfall and extending along Gladewater Drive, Windsor Chase Drive, Keziah Road, Hounds Run Drive, Hallmark Drive, Torino Road and Plentywood Drive in Matthews

MWBD Compliance: Yes North State can self-perform this work

L. Sanitary Sewer Construction Reverdy Area – Matthews CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of $422,904 19 by McDaniel Construction Contractors, Inc of Bostic, North Carolina This project consists of approximately 5,035 linear feet of gravity sanitary sewer pipe beginning at an existing manhole on Glen Valley Drive and extending along Matthews-Mill Road, Home Place, Northfield Court, and Reverdy Lane in Matthews

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	8%
WBE	$422,904 19	100%	8%

MWBD Compliance: Yes McDaniel Construction is a certified WBE and can self-perform this work

M. Sanitary Sewer Construction – Back Creek Outfall Tributary to Back Creek Church Road CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of $802,898 95 by Hunter Landscape, Incorporated of Huntersville, North Carolina This project consists of approximately 8,460 linear feet of gravity sanitary sewer pipe beginning at an existing manhole near Back Creek Pump Station and extending along Back Creek to Back Creek Church Road

MWBD Compliance: Yes Hunter Landscape can self-perform this work

N. Irwin Creek Relief Sewer Phase I CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of $11,601,390 60 by Rockdale Pipeline, Incorporated of Suwanee, Georgia This contract includes all work necessary to construct 14,800 feet of 54" sewer, 400 feet of 10" gravity sewer, manholes, diversion structures, rehabilitating existing manholes and associated work

MWBD Status:	Amount	% of Project	Project Goals
BBE	$200,000	2%	6%
WBE	$32,000	3%	6%

MWBD Compliance: Yes Rockdale Pipeline made the good faith effort

O. Sugar Creek Wastewater Treatment Plant – Flow Equalization Facilities CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low multi-prime bid of $6,217,808 as shown below This contract includes all work necessary to construct a basin in the existing abandoned polishing pond to store excess flow, a pumping station to transfer flow in and out of the basin, an excess flow control chamber to meter the flow, piping, electrical, instrumentation, paving, and associated work

General Construction
Haren Construction Company, Inc of Etowah, Tennessee for the bid amount of $5,657,790

Electrical Construction
Robertson Controls of Shelby, North Carolina for the bid amount of $559,290

Haren Construction

MWBD Status:	Amount	% of Project	Project Goals
BBE	$171,422	3 0%	7%
WBE	$22,680	4%	7%

Robertson Controls

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	3%
HBE	$73,290	13%	3%
WBE	$0	0%	3%

MWBD Compliance: Yes Haren Construction and Robertson Controls made the good faith effort

P. Sanitary Sewer Construction Eastwood Area – Matthews CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of $552,075 51 by R H Price, Incorporated of Charlotte, North Carolina This project consists of approximately 4,018 linear feet of gravity sanitary sewer pipe beginning at an existing manhole on Jamesville Drive and extending along Morningwood Drive, Pleasantwood Place,

Hardwood Place, Forestmont Drive, Woodcalm Place, Woodfern Place, Woodstar Road, and Friendship Drive in Matthews

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	7%
WBE	$552,075 51	100%	8%

MWBD Compliance: Yes R H Price is a certified WBE and can self-perform

Q. Animal Control Van Purchase and Conversion BSS

Recommendation: The Business Support Services Director recommends the low, responsive bid by Mavron, Inc , of Warsaw, Indiana, for a total unit cost of $33,718 The estimated expenditures for FY2000 is $505,770 for 15 vans

17. Refund of Certain Taxes

Action:	**Approve a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $101.62.**

Attachment 13

- Resolution
- List of Refunds

CONSENT II

18. Extraterritorial Jurisdiction Appointment to Zoning Board of Adjustment by County Commission

Action: Approve a resolution required as a result of Extraterritorial Jurisdiction, requesting that the County Commissioners make an appointment to the Charlotte Zoning Board of Adjustment within ninety days of receipt of the resolution or the Council makes the appointment.

Explanation:
On November 22, 1999, the Council adopted an ordinance exercising its extraterritorial jurisdiction

The City has the authority to exercise extraterritorial jurisdiction for up to one mile beyond its corporate limits Extraterritorial jurisdiction means exercising certain planning and regulation of development powers, the primary one being zoning

In exercising its extraterritorial jurisdiction, the City is required, by state statute to have a resident in the extraterritorial area appointed to the City's Zoning Board of Adjustment The statute provides that the Board of County Commissioners shall make that appointment within ninety days of the receipt of the resolution If the County Commissioners do not make the appointment within ninety days, then the City Council shall make the appointment

Attachment 14
Resolution

19. Budget Ordinance to Transit Grant Application

Action: Amend budget ordinance for FY2000 transit grant application appropriating $9,581,004 instead of $6,864,145.

Policy:
The City's Five Year Transportation Plan, MTC Interim FY2000 Capital Program, MTC FY2000 Interim Budget

Explanation:
At the November 8, 1999 meeting, City Council approved a resolution authorizing grant applications to the Federal Transit Administration (FTA) and the North Carolina Department of Transportation (NCDOT) for FY2000 transit capital assistance A budget ordinance appropriating $6,864,145 was approved at that time Council approved the grant application before the exact appropriation amount was known so that production of new buses could begin in order to meet our fleet needs

The original ordinance reflected an estimated amount of the FTA share for this year's appropriation The federal allotment is actually $7,584,186 This figure includes a $442,586 increase in the City's share of the FTA appropriation, plus an agreement with NCDOT to transfer $1,641,600 of their share of federal funds to the City for the purpose of purchasing buses for the Charlotte Transit fleet As a result, NCDOT's match in the grant application increases to $921,845 and the City's share increases to $1,074,973

The City is requesting federal and state funds to purchase twenty-one buses, of which fourteen will replace 1987 non-accessible buses which have reached the end of their useful life The seven new buses will be used to add trips to the Independence express bus lanes and implement extensions to University City and the Airport In addition, this grant will finance the purchase of twenty new vanpool vehicles, four support vehicles, an onboard camera surveillance system and other associated capital equipment

A financial summary of the capital grant applications is as follows

Original		Revised	
FTA	$5,500,000	FTA	$7,584,186
NCDOT	680,625	NCDOT	921,845
City (for MTC)	683,520	City (for MTC)	1,074,973
TOTAL	$6,864,145	TOTAL	$9,581,004

Background:
The Metropolitan Transit Commission (MTC) reviewed the FY2000 project list on October 27

The FY2000 Interim Year Capital Program included these projects to be applied for in this submission

The Mecklenburg/Union Metropolitan Planning Organization (MPO) is scheduled to review and approve the list of capital projects at its January meeting

The City applies annually for formula entitlement grants for the FTA and NCDOT

Summary of actions leading to the Grant Application
- January 1997 - 5-Year Transportation Plan (Council)
- Spring 1998 - 2025 Transportation Land Use Plan
- February 1999 - 1/2¢ Sales Tax Interlocal Agreement (Council/County Commission)
- March 1999 - MTC Formed (Local Governments)
- May 1999 – FY2000 Interim Program (MTC)
- May 1999 – FY2000 Interim Budget (MTC)
- Grant Application (Council Approval/MTC Review)

Community Input:
FTA regulations require the City to advertise the capital improvements to be financed with federal and state funds so citizens can request a public hearing on the list if they have questions This notice will be published in the Charlotte Observer and The Charlotte Post

Funding:
The revised budget ordinance reflects actual federal and state grant funding, and transfers the City's local match previously appropriated in the FY2000 budget

20. Approve Transit Grant Application, Resolution and Budget Ordinance

Action: A. Adopt a resolution authorizing a grant application to the Federal Transit Administration (FTA) and the North Carolina Department of Transportation (NCDOT) for financing the design of two Transit Center Hubs; and

B. Adopt a budget ordinance appropriating $300,000.

Explanation:
This resolution is in response to a NCDOT request It will become a part of their application package to the federal government, and must be identical to the NCDOT resolution

The FY99 federal budget funded $4 96 million of NCDOT's request for $30 million In October, NCDOT allocated $300,000 of these funds to Charlotte for the purpose of financing design work of two transit center hubs Once the City is notified of the allocation, we are required to submit a formal application to receive the grant

The project was chosen by the NCDOT because of its inclusion in the MTC's FY2000 Interim Year Program, and hub design will proceed as set forth in the Five Year Transportation Plan

The 2025 Integrated Transit/Land-Use Plan recommends the development of transit centers to provide feeder bus services to the "wedges" (areas between transit corridors) to link to the rapid transit corridors The Five Year Plan identifies the planning and design of transit hubs at Arrowood Business Park and Eastland Mall as the initial locations The MTC Capital Program for FY2000 includes this project

A financial summary of the grant application is shown below

FTA	(80%)	$240,000
NCDOT	(10%)	30,000
CITY	(10%)	30,000
TOTAL		$300,000

Funding:
The budget ordinance estimates and appropriates federal and state grant funding and transfers the City's local match previously appropriated in the FY2000 budget

21. Grant Award for Regional Community Policing Institute

Action: A. Approve a cooperative agreement between the Charlotte-Mecklenburg Police Department and the U.S. Department of Justice to fund the third year of the Regional Community Policing Institute; and

B. Approve a budget ordinance appropriating $970,000 from the U.S. Department of Justice to fund the Institute.

Explanation:
Two years ago, the U S Department of Justice selected the Charlotte-Mecklenburg Police Department to run a Regional Community Policing Institute The Institute develops and provides training in community policing for police departments in North and South Carolina

The Carolinas Institute for Community Policing is run by the Police Department's Strategic Planning and Analysis Bureau and is housed at Pfeiffer University The Institute has received national acclaim for the training it has developed in the use of GIS (Geographic Information Systems) mapping in community problem solving

The Police Department and the City have derived many benefits from establishing the Institute The Institute has developed advanced community policing training for the Department's field training officers and is currently providing training to the Neighborhood Action Teams that the City has implemented in Grier Heights and Wingate

Personnel from the Institute are currently developing an internet program that will allow citizens to access crime statistics and maps by neighborhoods They are also developing a police problem solving template that will allow police officers to record their problem solving efforts and research similar projects throughout the City During its third year of operation, the Institute will be involved in the development and delivery of domestic violence training that will benefit both the Department and the community

Funding:
$970,000 from the U S Department of Justice No matching funds are required from the City

22. Keane, Inc. Contract Amendment

Action: Approve an amendment to a contract with Keane, Inc., not to exceed $197,000, to provide mainframe support services for the Police Department's Computer Aided Dispatch system.

Explanation:
On July 19, 1999, Council approved a contract with Keane, Inc to provide project management services for the installation of the new hardware for the Police Department's computer aided dispatch system (CAD) This provides Y2K compliant hardware for the dispatch system

The Police Department wishes to extend the contract with Keane, Inc until June 30 to provide continued technical support for the new CAD hardware and software

Funding:
Police Operating Budget

23. Metro Contract Amendment

Action: Approve an amendment to a contract with Metro Information Systems, not to exceed $140,000, to hire temporary contract employees for the Police Department's Computer Technology Services Bureau.

Explanation:
The Police Department has several vacancies in its Computer Technology Services Bureau In order to keep current projects on schedule while these positions are being filled, the Police Department wishes to amend an existing contract with Metro Information Systems to fund the services of three temporary employees The three positions are for an Information Systems Consultant working on the Police Department intranet server, a systems analyst working with Animal Control, and a second shift Windows NT system administrator

The contract will be extended no later than June 30, 2000

Funding:
Police Operating Budget

24. Antenna Leases on Communication Tower at 6320 North Tryon Street

Action: Approve lease agreements with Sprint PCS for the placement of a communication antenna on an existing radio tower at 6320 North Tryon Street.

Explanation:
Sprint PCS needs to locate antenna at or near this location for cellular network

Terms of the lease agreements are

- Initial nonrefundable fee of $20,000 for each lease
- Five-year term with four five-year options to renew with a 20% increase each term
- Base monthly rent of $1,300, first term revenue of $78,000 per lease

Consistent with Council policy to encourage co-location, additional equipment on this existing tower will eliminate the need to construct another tower in this neighborhood

These rates are comparable to current marketplace rates for private operators in the local area

25. FY98 Storm Water Maintenance Renewals

Action: A. Approve Renewal #2 for $846,450 with United Construction Inc. for continued construction of FY98 Storm Water Channel Maintenance Package B. The renewal will increase the contract amount from $1,692,900 to $2,539,350;

B. Approve Renewal #3 for $492,900 with United Construction Inc. for continued construction of FY98 Storm Water Maintenance Package 98E. The renewal will increase the contract amount from $1,478,700 to $1,971,600; and

C. Approve Renewal #2 for $488,475 with Blythe Development Co. for continued construction of FY98 Storm Water Maintenance package 98F. The renewal will increase the contract amount from $976,950 to $1,465,425.

Explanation:
These renewals will enable Storm Water Services to continue regular maintenance activities under these contracts, recognizing good contractor performance and good existing unit prices Where the contractor's work has been of good quality, a renewal is recommended to extend the contract

The contract documents provide for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship

MWBD:
- United Construction, Inc 100% ABD
- Blythe Development Co 6% BBE, 6% WBE

Funding:
Storm Water Capital Investment Plan

26. South College and East Stonewall Streets Sanitary Sewer and Storm Drainage Relocation – Reimbursement Agreement, Budget Ordinance, and Award of Contract

Action: A. Approve a Reimbursement Agreement with StarPort I, LLC;

B. Approve a Budget Ordinance appropriating StarPort's contribution to the project of $261,898.29; and

C. Award a contract to the low bidder, Buckeye Construction of Canton, North Carolina for $644,488.73.

Explanation:
This project will include relocating approximately 1,068 feet of 8 and 24-inch sewer mains and 628 feet of 48-inch storm drainage pipe from the property of the future Convention Center hotel to South College and East Stonewall Streets Completion of this work is necessary before construction of the hotel can begin

The City is funding the sewer pipe relocation because the current pipe needs to be replaced The City committed to fund the sewer line in the Hotel Development Agreement

StarPort is required to fund the relocation of the storm drainage line crossing the site The budget ordinance for $261,898 29 appropriates StarPort's portion of the cost of the project

The Reimbursement Agreement between StarPort and the City of Charlotte sets forth the terms and conditions of the construction of the relocation project including scheduling, contract administration, payment responsibilities, etc

MWBD:	Amount	% of Project	Project Goals
BBE	$33,000	5%	7%

MWBD Compliance:
Yes Buckeye Construction made the good faith effort.

Funding:
Water, Sewer, and Storm Water Capital Investment Plans

27. Agreement with Black and Veatch for a Wastewater Master Plan for the McDowell Creek Drainage Basin

Action: A. Approve a budget ordinance appropriating $425,000; and

B. Approve an Agreement with Black & Veatch for the completion of a wastewater master plan for the McDowell Creek drainage basin in northern Mecklenburg County for a cost not to exceed $395,000.

Explanation:
In recent years the wastewater flows to the McDowell Wastewater Treatment Plant have increased rapidly The plant was just recently expanded to six million gallons per day of capacity with projections that it will reach that capacity in two years if the growth continues

Since this facility discharges to a tributary to Mountain Island Lake, the watershed rules limit the option for expansion A wastewater master plan for the drainage basin will provide short- and long-range projections for wastewater flows The master plan will also determine the most cost effective and environmentally sound options to provide continued wastewater treatment growth

Based on interviews with three firms, Black & Veatch was selected to perform this study A fee has been negotiated to complete the study for an amount not to exceed $395,000

Funding:
The budget ordinance transfers $425,000 from a Regional Plant Facility Study account to the McDowell Creek Basin project account

28. Property Transactions

Action: Approve the following property acquisitions (A-H) and adopt the condemnation resolution (I).

For property transactions A-E, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser Each appraisal takes into consideration the specific quality and quantity of the land The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes Property is acquired for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 Acquisition cost are eligible for Federal Aviation Administration reimbursement

Acquisitions:

A. **Project:** Airport Master Plan Land Acquisition
Owner(s): W R Jones
Property Address: 5908 Dixie Road
Property to be acquired: 1 81 acres
Improvements: warehouse
Purchase Price: $290,000
Zoned: I1
Use: Warehouse
Tax Value: $198,120
Tax Code: 141-271-05(141-132-06)

B. **Project** Airport Master Plan Land Acquisition
Owner(s): Mary R Coley
Property Address: 8615 Berryhill Drive
Property to be acquired: 304 acres
Improvements: single family residence
Purchase Price: $60,000
Zoned: R3
Use: Single Family Residence
Tax Value: $47,440
Tax Code 113-133-16

C. **Project:** Airport Master Plan Land Acquisition
Owner(s): Helen R Hatley
Property Address: 8316 Bell Avenue
Property to be acquired: 505 acres
Improvements: single family residence
Purchase Price $62,000
Zoned: RMH

Use: Single Family Residence
Tax Value: $50,950
Tax Code: 113-101-02

D. **Project:** Airport Master Plan Land Acquisition
Owner(s): The Griffith Family Trust
Property Address: Wallace Neel Road
Property to be acquired: 35 6391 acres
Improvements: two family residence houses
Purchase Price: $1,546,000 (based on three independent appraisals for fair market value)
Zoned: I1
Use: Single Family Residences
Tax Value: $489,120
Tax Code: 113-153-09, 113-154-11(113-152-23), and 113-153-01

E. **Project:** FAR Part 150 Land Acquisition Program
Owner(s): Maria Ricciardi Property Heirs
Property Address: 4638 Timberly Place
Property to be acquired: 4 694 acres
Improvements Vacant land and house
Purchase Price: $375,000
Zoned: R3
Use: Vacant land and house
Tax Value: $110,060
Tax Code: 141-055-41 & 141-055-42

F. **Project** Monroe/Sharon Amity Intersection Improvements, Parcel #44
Owner(s) Sharon M Trull & Walter Ray Trull
Property Address 5227 Monroe Road
Property to be Acquired 1,615 81 sq ft (0 038 ac) permanent easement plus 612 26 sq ft (0 014 ac) temporary construction easement
Improvements Landscaping
Purchase Price $11,900
Remarks This acquisition is needed for intersection improvements at Monroe Road and Sharon Amity Road Two certified, independent appraisers established the acquisition price
Zoned 02
Use Office
Total Parcel Tax Value $115,500
Tax Code 161-064-05

G. **Project:** 120" Raw Water Main Catawba Station to Franklin Treatment Plant, Parcel #39
Owner(s) Glenhaven, LLC by LandCraft Properties, Inc , Manager
Property Address 7230 Old Plank Road
Property to be Acquired: 60,555 sq ft (1 39 ac) temporary construction easement
Improvements Removal of large trees
Purchase Price $27,530
Remarks A temporary construction easement is needed for construction of the 120-inch raw water main A certified, independent appraiser established the purchase price
Zoned R-4
Use Single family dwelling
Total Parcel Tax Value $68,860
Tax Code 035-155-20 and 035-081-09

H. **Project:** Monroe/Sharon Amity Intersection Improvements, Parcel #7
Owner(s) Daniel G Rizzardi & Linda S Rizzardi
Property Address 1949 North Sharon Amity
Property to be Acquired: 1,743 sq ft (0 0435 ac) permanent easement plus 1,045 sq ft (0 024 ac) temporary construction easement
Improvements Landscaping
Purchase Price $13,000
Remarks This acquisition is needed for the intersection improvements at Monroe Road and Sharon Amity Road Two certified, independent appraisers established acquisition price
Zoned 02
Use Office
Total Parcel Tax Value $114,820
Tax Code 161-107-10

Condemnations:

I. **Project** Sewer Main to Serve Walker Branch Sewer Outfall, Parcel #2
Owner(s) Steele Creek (1997) Limited Partnership and any other parties of interest
Property Address 13320 Steele Creek Road
Property to be Acquired 182,768 sq ft (4 2 ac) permanent and temporary construction easement
Improvements None
Purchase Price -0- (Appraiser finds the project to be a benefit and enhancement to property)
Remarks The area is needed for a sanitary sewer line installation The City and the property owner have yet to reach a settlement for this easement An independent, certified

appraiser has determined that the property benefits from the sanitary sewer availability because of poor soil conditions The proposed sewer main, to which the property owner may connect, is preferable to individual septic systems in this area
Zoned R-3
Use Vacant
Total Parcel Tax Value $1,451,140
Tax Code 199-061-07

29. Meeting Minutes

Action:	**Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:**

- **November 15, 1999 Zoning Meeting**
- **November 22, 1999 Business Meeting**

ANNOUNCEMENTS

On Monday, January 10, 2000, City Council will make nominations to fill vacant positions on the following boards

1 **BUSINESS ADVISORY COMMITTEE**
Three appointments recommended by the Charlotte Chamber. One will replace Alan Burnette who has missed three meetings This term will begin immediately , end April 2000 and serve the next full three year term The second position will represent the Charlotte East area, begin immediately and expire April, 2001 to replace Howell Pruett, who has resigned The third appointment will begin immediately and expire April, 2002 to replace Leroy Hill, who has resigned.

2. **CERTIFIED DEVELOPMENT CORPORATION**
One appointment to represent a community organization beginning immediately, ending April 2000, and the next full three year term John Paul deBernardo has resigned.

3 **CLEAN CITY COMMITTEE**
One appointment beginning immediately, ending July, 2000 and serving the next full three year term Sue Mitchell missed three consecutive meetings

4 **CITIZENS OVERSIGHT COMMITTEE FOR CABLE TV**
Four two year appointments beginning April, 2000. Carlton Crump, Victor Guzman, Curtis McLeod and Gregory Ritch are all eligible to be reappointed.

One appointment beginning immediately and ending March, 2001 Alexander Petok missed three meetings

5. **FIREMEN'S RELIEF BOARD OF TRUSTEES**
One position beginning January, 2000 for two years. Stephen Kearney is not eligible to be reappointed

6 **MAYOR'S INTERNATIONAL CABINET**
Two three year appointments beginning March, 2000. One will represent an ethnic association and the other will be an open category Pirjo Vihma and Robert Ett are both eligible to be reappointed.

7. **MINORITY WOMEN'S BUSINESS ADVISORY COMMITTEE**
One appointment beginning immediately and ending February, 2001. Michael Rogers has resigned

8 **PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**
Two terms for two years beginning March, 2000 James K. Polk is not eligible to be reappointed James Showalter is eligible to be reappointed.

9. **TAXICAB REVIEW BOARD**
One appointment beginning immediately and ending September, 2000, to replace Osy Okafor, who did not meet Council's attendance policy.

10 **TRANSIT SERVICES ADVISORY COMMITTEE**
Two three year terms beginning February, 2000. James Blank, representing a suburban employer served by Charlotte Transit is eligible to be reappointed Theodore White, representing a neighborhood organization leader, is eligible to be reappointed

11 **ZONING BOARD OF ADJUSTMENT**

Two appointments for three years beginning February, 2000 Lawana McAllister and William Sturges are eligible to be reappointed.

Applications are available from the Office of the City Clerk, 600 East 4th Street, 336-7493, or you may fax it to yourself via the City/County On Call Service. Dial 336-8600, and then dial 1# The document number is 3320 All applications must be received by January 4, 2000 at 5 00 p m.