AGENDA

Meeting Type:	B
Date:	04/13/98

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, April 13, 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**

1998 Council Retreat Priorities

Top Priorities for 1998

Transportation Plan (20 years plus)

Transit Plan and Tax

Westside Strategic Plan

Community Oriented Policing: Evaluation and Direction

Connectivity: Neighborhoods and Road System: Policy Direction

High Priorities for 1998

Court System Expansion

Parking Garage/Convention Hotel

Trolley

Corridor Plan

State Roads Strategy

Airport Plan: Implementation

Neighborhood Business Revitalization Strategy and Action Plan

Business Retention Strategy and Action Plan

CITY COUNCIL AGENDA

Monday, April 13, 1998

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Coliseum/Hornets Agreement

Staff: Del Borgsdorf

Time: 30 minutes

Attachment 1

2. Proposed Fees and Bidding Process for Off-Airport Rental Car Contracts

Staff: Jerry Orr

Time: 10 minutes

Attachment 2

3. Council Committee Reports (by exception)

A. Economic Development and Planning: CityView Theaters

B. City Within A City: Charlotte Neighborhood Fund; Wesley Heights/Bethel West Commons Loan

C. Restructuring Government: Bond Counsel RFQ; MWBD Committee Composition Changes

D. Public Safety: Graffiti Ordinance

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

CONSENT

4. Consent agenda items 19 through 33 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Vi Alexander Lyles

POLICY

5. City Manager's Report

6. Coliseum and Hornets Agreement

Action: **Approve the City's participation in the "Amending Agreement" between the Coliseum Authority and the Charlotte Hornets for the limited purposes set forth as follows:**

1. **To authorize the Hornets to market the naming rights to the Coliseum**
2. **To authorize the City Manager to designate a representative to serve on the Policy committee**
3. **To establish a New Arena Committee**

Staff Resource: Del Borgsdorf

Focus Area: Economic Development

Policy: Retain existing businesses, in this instance, the Charlotte Hornets by working with the Authority to re-structure the current relationship to keep the team playing in Charlotte.

Explanation:

- City Council deferred this item on March 23 until the April 13 meeting.
- In a May 1997 letter, Hornets owner George Shinn presented two options to City Council:

1. Offered to buy the Coliseum for $30 million, or

2. Lease the Coliseum with exclusive rights to manage, control and operate the Coliseum. Specifics of the lease were:

   - Annual rent $1.4 million

   - Hornets retain all revenues (including naming rights) and bear cost of facility operation

   - Five year term

- The letter clarified the team's goal to work out a suitable arrangement for a new arena.

- In June 1997 Council asked the City Manager to develop recommendations for a lease agreement with the Hornets.

- From June 1997 through March 1998 representatives of the City, Authority and Hornets negotiated. The negotiations resulted in an agreement to amend the current basketball agreement.

- On March 11, 1998 the Authority approved a new agreement.

Key Points of the New Agreement:

1. Authority retains operational control of the Coliseum.

2. Authority and Hornets work together on marketing, promotion, scheduling and booking policies.

3. Revenues are split based upon the current basketball agreement and as follows:

   - 1999-2000 Authority receives 80% of the 1st $2,000,000 and 20% of revenues over that amount. ($1,600,000 minimum);

- 2001-2002 Authority receives 80% of the 1st $2,125,000 and 20% of the excess ($1,700,000 minimum.); and

- 2002-2003 Authority receives 80% of the first $2,250,000 and 20% of the excess. ($1,800,000 minimum)

4. The term is July 1, 1998 through July 1, 2004.

5. City Council retains approval of the new "name" for the Coliseum.

6. Items for City Council's approval would include, in addition to naming rights, the following:

   - The City Manager designates a representative to serve on the Policy Committee

   - Council establishes a New Arena Committee

- The Policy Committee is a five member group consisting of two members representing the Hornets, the Authority's Managing Director, plus one additional Authority management representative and one representative of the City Manager.

- The Policy Committee is responsible for:

  - reviewing and approving the Coliseum's operating and capital budgets;

  - developing pricing, booking and event policies;

  - providing input on parking policy;

  - reviewing and approving naming rights agreements;

  - other duties as agreed upon by the parties.

- The New Arena Committee would be appointed by Mayor and Council by July 1, 1998.
  This committee's charge is to:

  - review previous studies and recommendations regarding the need for a new facility and report to Council by January 1, 1999;

  - develop one or more models for funding, financing, ownership, etc., and report to Council by July 1, 1999;

  - make recommendations to the City Council concerning public involvement on or before December 31, 1999; and

  - subject to the above process, complete a development and financing plan by December 31, 2000.

Attachment 1

7. CityView Theaters

This item relates to a 1998 Council Retreat Priority: Westside Strategic Plan.

Action:	**Approve Economic Development and Planning Committee recommendation to authorize the City Manager to enter into an agreement with Urban City Development and Inner City Entertainment for the City to reimburse Urban City's road construction costs (estimated to be $400,000) required for the development of a multi-screen theater at CityView.**
Committee Chair:	Lynn Wheeler
Staff Resource:	Tom Flynn
Focus Area:	Economic Development and City Within A City
Policy:	Continue to support economic development activities for distressed business corridors and neighborhood retail markets.

Explanation:

- Approval of this agreement would commit the City to reimburse Urban City Development for the costs of a road, including water and sewer extensions, connecting Freedom Drive to Allegheny Road. (See attached map) If the City approves this agreement, Urban City Development and Inner City Entertainment (ICE) would build a multi-screen state of the art theater on this site and develop the out parcels for other retail and commercial uses.

- City staff estimates the cost of the road and water and sewer extensions to be $500,000. CityView Partners, who are selling the land to Urban City, will pay Urban City 20% of the costs and donate the land for the road. The City would reimburse Urban City the remaining $400,000 as the theater and out parcels are developed.

- Advantages:
  - The project meets many of City Council's goals and priorities, including: Westside Strategy, Urban Corridor Improvement, Youth Job Training and Neighborhood Economic Development.
  - The City's $400,000 investment will leverage private sector investment of at least $12 million. That is $1 of public money for every $30 of private sector money.
  - The project structure, Urban City up-fronting the costs and the City reimbursing as the project develops, presents very little risk to the City.

- Disadvantages:
  - Council's policy is that developers build and pay for roads that serve their developments.
  - Staff cannot definitively say that "but for" the City's participation this project does not work financially.

MWBD: Inner City Entertainment is a minority owned company.

Committee Discussion: The City Council received a presentation on this project in December 1997 and referred the issue to the Economic Development and Planning Committee. The Committee met on this subject twice raising several issues, including:

- Participation by CityView partners
- Viability of the theater project
- Ability of the theater to create additional development
- Tax payback on the City's investment
- Financial need for City's participation

- The Committee approved the project 4-0 (Council member Sellers was absent). In approving the project the Committee cited the need to jump start investment on the Westside, lack of movie theaters on the Westside, youth employment opportunities, and the support of the Freedom Drive neighborhoods for this project.

Community Input:

- Inner City Entertainment held a public meeting on this project in January 1998. The comments were generally supportive of the project, but neighbors wanted to be sure the theater would be a safe place. They were also concerned about pricing policies for senior citizens.

- Several citizens from Freedom Drive were at the Economic Development and Planning Committee meeting. They spoke to the Committee in support of the project citing the youth jobs created, improvement to the area's image and bringing more customers to their businesses.

Funding: Capital Improvement Program

Attachment 3
Summary of Committee discussion
CityView: Issues resolved
Haddow & Company Report
Map of the site
Project and Payment Schedule

8. Charlotte Neighborhood Fund

Action: **Approve the City Within a City Committee recommendation to:**

A. Approve the second year funding of $200,000 to the Charlotte Neighborhood Fund; and

B. Authorize the City Manager to enter into a Memorandum of Understanding with The Enterprise Foundation to administer the Charlotte Neighborhood Fund.

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Area: City Within a City and Community Safety Plan

Policy: City's Consolidated Plan for expending federal housing funds identifies strengthening neighborhoods and community organizations as a priority.

Explanation:

- The Charlotte Neighborhood Fund (CNF) is a partnership between the City, The Enterprise Foundation, major banks, Fannie Mae and community housing development corporations (CHDOs). The purpose of CNF is to provide funding to CHDOs for operating support and to build capacity for project development.

- As part of the City's three-year funding commitment, City Council is being requested to approve the second year funding in the amount of $200,000.

Committee Discussion:

- On March 18, 1998, the City Within a City Committee was presented the funding request. The Committee voted 3-0 (Rod Autrey, Patrick Cannon and Sara Spencer) to recommend the second year funding of $200,000 to the CNF. Committee members Mike Jackson and Tim Sellers were not present. Council member Malachi Greene attended the meeting.

- The Committee discussed the role of the Enterprise Foundation Advisory Committee as a connection between the banks' Community Reinvestment Act (CRA) officers and fund raising and project development. Also, the Committee discussed other Enterprise Programs to support the housing efforts.

- The Committee requested that the second-year work plans include the development of performance standards including, but not limited to, Board development, performance goals and standards, internal operations and property management.

CHDO Housing Production:

- Below is a composite summary of the CHDO's housing production from January 1, 1997 to December 31, 1997:

Activities	Goal	Actual	Achievement
Lease Purchase	4	4	100%
New Construction Multi-Family	6	0	0%
New Construction Single-Family	24	10	42%
Rehabilitation Multi-Family	37	17	46%
Rehabilitation Single-Family	10	23	130%
Acquisition Land/Units	19	15	79%
Total	100	69	70%

- Individual CHDO performances are provided in the Attachment - Summary of Charlotte Neighborhood Fund Housing Production from January - December 1997. Also, provided in the attachment is a letter from The Enterprise Foundation that updates the most recent activities of the CHDOs and a recent response to City Council to questions raised regarding Community Development Corporations.

Funding:

Federal HOME funds and local Innovative Housing funds. $182,300 from FY97 and FY98 HOME funds and $17,700 from Innovative Housing funds.

Background:

- On September 24, 1996, City Council approved a $200,000 contribution to CNF for the first year funding of three-year commitment for operating support to CHDOs.

- The City's contribution was combined with contributions from The Enterprise Foundation, major banks and Fannie Mae for a total funding level of $500,000.

- Funding to CHDOs for operating support is based on a calendar year and began January 1, 1997. Therefore, the first year funding was suppose to end on December 31, 1997. However, the Memorandum of Understanding between The Enterprise Foundation and the City was not executed until February 5, 1997 and the CHDOs did not receive funding until April, 1997.

- On August 25, 1997, a six-month status report was presented to the CWAC Committee.

Attachment 4
CWAC Committee Report
Enterprise Foundation's 12/31/97 Status Report on the Charlotte Neighborhood Fund
Charlotte Neighborhood Fund Board of Directors

9. Wesley Heights Community Association/Bethel West Commons Apartments Loan Commitment

Action: **Approve City Within a City Committee's recommendation for a $600,000 loan commitment to the Wesley Heights Community Association to provide gap financing for the construction of 40 rental units of affordable housing for the elderly and handicapped.**

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Area: City Within a City and Community Safety Plan

Policy: City's Consolidated Plan for expending federal housing funds identifies a need for affordable, safe and decent housing for the elderly and handicapped. Wesley Heights is one of the City Within A City (CWAC) neighborhoods where housing development has been identified as a priority.

Explanation:

- Wesley Heights Community Association (WHCA) and Greater Bethel AME Church request that the City provide a $600,000 loan commitment to construct 40 rental units of affordable housing for elderly and handicapped persons with incomes at 45% or below the Charlotte area median income. The income for 1 person at 45% of the median income is $16,760.

- This project has been accepted by the North Carolina Housing Finance Agency (NCHFA) for tax-credit consideration pending City Council's financial commitment. Prior to submitting a full application to the NCHFA for low-income tax credits, all public sources of financing must be obtained by the applicant. The applicant's deadline to submit an application is April 17, 1998. The NCHFA's award announcements are made on June 30, 1998. The City's financial commitment is contingent upon the applicant being awarded tax credits.

Committee Discussion:

- On April 1, 1998, the Committee was presented the funding request from WHCA. The Committee voted 3-0 (Rod Autrey, Patrick Cannon and Sara Spencer) to recommend a loan commitment of $600,000 to WHCA. Committee members Mike Jackson and Tim Sellers were not present.

- The Committee discussed the need for tax credits, per unit cost of the project and the importance of this investment to stimulate redevelopment in the Wesley Heights community.

- The City plans to assist in relocating 3 businesses and several houses for this project. Relocation costs are unknown at this time; but, relocation monies are already allocated as part of the annual budget process. Staff was directed to pursue criminal investigation prior to providing persons relocation benefits. Persons with criminal activities are not eligible for relocation assistance by City policy.

- Requested terms of City Loan:

Amount	$600,000
Rate	0%
Term	16 year deferred payment loan
Annual Payment	-0-

- The City loan to WHCA at a 0% interest rate will in turn be loaned to the project by WHCA as a third mortgage to the project partnership. The project loan will be a deferred payment loan, with a term of 16 years and an interest rate of 7% which the City and Wesley Heights will share 50% of the cash flow.

- Terms may change depending upon the amount of tax credits allocated and any provisions stipulated by the NCHFA.

- Total cost of the project is $3,005,348 and the source of funding is as follows:

Sale of Low Income Housing Tax Credits/Equity	$1,590,348
NC Housing Finance Agency Rental Production Program	175,000
Fifth Third Bank/Federal Home Loan Bank Affordable Housing Program	640,000
City of Charlotte	600,000
Total Sources of Funds	$3,005,348

- The City loan will provide the gap financing needed for the project and the funds will be spent on the items identified in the Proposal for Funding in the attachment.

- In addition to the tax credits, this project is contingent upon approvals of Rental Production Program monies from the NCHFA and Fifth Third Bank/Federal Home Loan Bank Affordable Housing Program.

- There is currently $1,688,161 available in HOME funds (which allows for the recent approval of the Cummings Avenue Apartments loan commitment).

- Background information and details of the Proposal for Funding are provided in the attachment.

Funding: Federal HOME funds

Attachment 5
CWAC Committee Report
Proposal for Funding
WHCA Board of Directors

10. Bond Counsel Services Request for Qualifications Process

Action:

A. Approve Restructuring Government Committee recommendation to approve the Request for Qualifications (RFQ) and time line for the selection of bond counsel; and

B. Approve the process to be used by Council to select bond counsel.

Committee Chair: Charles Baker

Staff Resource: Mike Boyd and Carey Odom

Focus Area: Restructuring Government

Explanation:

- At the July 28, 1997 Council meeting, Council approved the RFQ process as recommended by the Restructuring Government Committee (Committee).

- The RFQ process approved in July 1997 included these steps:

  - Staff drafts RFQ and process time line

- Restructuring Government Committee approves RFQ and time line

- Committee considers top three firms recommended by staff evaluation team

- Committee selects firm and makes recommendation to Council

- Council approves firm

- The RFQ and time line are attached. The time line calls for: the RFQ to be issued in April; Committee Review in May; and Council decision in June.

- At the February 23, 1998 meeting, the Committee voted 3-0 to send the draft RFQ to the full Council for approval. Council members Baker, Reid, and Spencer were present. Jackson and Greene were absent.

Process Alternatives:

- There was a consensus of the Committee to request Council to determine its involvement in the evaluation and selection process <u>by choosing one of the following alternatives</u>:

  1. Committee will bring a specific recommendation to Council (July 1997 process).

  2. Committee will select top three firms for Council consideration. Council will make the final selection.

- For either alternative, a city staff evaluation team (5-6 members) will conduct oral interviews, and narrow the list to one or more firms, and make a recommendation to the Committee.

Committee Discussion:

The major issue discussed was the level of involvement of the full Council versus the Committee involvement. Mr. Reid prefers the full Council participate in the evaluation and selection among the top three firms.

- Depending on the alternative chosen, the Committee will adjust the time line and begin the evaluation and selection process.

Background:

- Bond Counsel is chosen by the Council and reports directly to Council. Virtually all public bonds sold in North Carolina are accompanied by an opinion of a bond counsel that helps structure and process the bond issue. Their opinion usually addresses the following:

  - Whether the bonds are valid and binding obligations;

  - Sources of payment for the bonds;

  - Whether and to what extent that interest on the bonds is exempt from Federal and State income taxes.

- Prior to 1987 the City used Brown and Wood, a New York law firm, as bond counsel for more than 40 years.

- On July 27, 1987, Council, using a request for proposals (RFP) process, selected Smith Helms Mulliss and Moore jointly with (then) Chambers Ferguson Watts Wallas Adkins and Fuller as bond counsel.

- On May 29, 1997, as part of Council's review of professional services contracts, the Committee was briefed on the process used to select bond counsel. The Committee requested staff to develop a process and time line for a request for qualifications (RFQ) and report back on July 14.

- On July 14, 1997, the Committee approved the RFQ and time line process. The process was amended to limit participation to firms with offices in Mecklenburg County.

- On July 28, 1997, Council adopted the Committee's recommendation including the phrase "with a preference to local firms." The latter will be the case unless there is a "unique financing" that may require bond counsel services not available in Mecklenburg County.

Attachment 6
Restructuring Government Committee Summary

11. Graffiti Ordinance

Action:

A. Approve the Public Safety Committee's recommendation to adopt a Graffiti Ordinance; and

B. Approve a budget ordinance for $47,467 to implement a plan combining quick and efficient removal strategies with strict enforcement against graffiti perpetrators.

Committee Chair: Don Reid

Staff Resource: Wayman Pearson and Dennis Nowicki

Focus Area: Public Safety

Explanation:

- The proposed ordinance prohibits graffiti on public and private property.
- The proposed ordinance requires property owners to remove graffiti from private property within seven days of receiving a notice of violation.
- The proposed ordinance establishes criminal and civil sanctions which can be imposed against adult and juvenile offenders.
- Graffiti offenders may be fined $250 for a first offense and $500 for all subsequent offenses.
- Failure of the property owner/agent/manager to remove graffiti after proper notification may result in a $100 fine.

- Approval of funding will establish:
  - A 24-hour hotline for reporting graffiti.
  - Computer and software development for a graffiti tracking system.
  - One graffiti inspector position to direct and record clean-up efforts and to ensure coordination between graffiti removal and police anti-gang units.
  - Removal service on both public and private property (contract service).
  - An effective public education campaign which would support prevention, removal and community involvement.

Committee Discussion:

- The Public Safety Committee met on July 28, 1997 to authorize staff to develop a Graffiti Ordinance and Graffiti Removal Program.
- The Community Improvement Division and the Charlotte-Mecklenburg Police Department gave a presentation which focused on Charlotte's graffiti problems, gang implications and what problems other cities have experienced.
- Committee discussion centered around property owner responsibility for graffiti removal on private property.
- Staff indicated that the notification requirements for the new ordinance and assigning responsibility for removal on private property should be consistent with how other health and sanitation violations are treated on private property.
- Both Police and Community Improvement indicated that property owners to this date have been very cooperative regarding voluntary requests for graffiti removal.
- The Committee was in agreement that the City's focus should be on cooperation and creative solutions, and use sanctions as a last resort.

- Public Safety voted 3 to 1 to proceed with the development of the graffiti ordinance and removal program. Councilmember Wheeler opposed the action. Committee members present were Cannon, Reid, Sellers, and Wheeler.
  Mr. Majeed was absent.

- On December 8, 1997 the new Graffiti Ordinance was presented to the Public Safety Committee for approval. The Committee reiterated their desire to seek cooperative and creative solutions to graffiti abatement on private property and use sanctions as a last resort.

- Flexibility was written into the proposed ordinance to address repeat victimizations and emergency removal at the City's expense.

- Graffiti removal technology exists to help control repeat violations and reduce removal costs.

- If available, the Sheriff's office inmate labor may also be used to remove graffiti.

- The two committee members present at the December 8, 1997 meeting, Don Reid and Patrick Cannon, supported the ordinance and removal program. Members absent were: Nasif Rashad Majeed, Lynn Wheeler, Tim Sellers.

- On April 4, 1998 the Committee voted 4-0 to approve the ordinance provided that any of their questions raised by April 7 be addressed by April 13. Councilmember Majeed was absent.

Community Input:

- Business owners present at the Public Safety Committee meeting on July 28, 1997 expressed support for more aggressive enforcement involving graffiti violators. Community Improvement met with the Charlotte Landlords and Property Managers Association to solicit input regarding graffiti enforcement. They also support more aggressive enforcement against violators. The Landlords Association does not support sanctions to be levied against property owners for graffiti removal.

- The Community Improvement Division also contacted the Commercial Board of Realtors to solicit their input regarding the proposed Ordinance. The Board reviewed the proposed ordinance and removal program at its March meeting and supports its implementation.

Attachment 7
Graffiti Ordinance
Public Education Plan
Public Safety Committee Meeting Summary

12. MWBD Advisory Committee Composition

Action: **Approve the Restructuring Government Committee Recommendation to:**

A. Increase the size of the MWBD Advisory Committee from 7 to 9 members and designate 7 of the 9 appointments by category; and

B. Approve a fast-track nomination and appointment process that would seat a new MWBD Advisory Committee before August, 1998.

Committee Chair: Charles Baker

Staff Resource: Charles Woodyard

Focus Area: Restructuring Government

Policy: Minority-and Women-Owned Business Development Program Policy adopted June 1994

Explanation:

- When Council approved the MWBD Program in 1994, the Program was given a review date of December 31, 1997. This date also became the end date for the terms of the MWBD Advisory Committee members who were appointed to the Advisory Committee as a result of Council action in 1994. Council was not asked to appoint a new Advisory Committee after December 31, 1997.

Instead staff and members of the Advisory Committee reviewed the Committee's composition and recommended a change.

- The recommended composition is as follows:

  - A minority business owner or minority business association representative from a construction trade

  - A minority business owner or minority business association representative from a service or procurement trade

  - A majority business owner or a majority business association representative

  - A woman business owner or women's business association representative,

  - A representative from the banking, finance, or bonding industry

  - Two members of minority groups whose minority categories are not represented by the above 5 designated or 2 at-large appointments.

- The recommendation of the Restructuring Government Committee, Advisory Committee, and City staff was based on three objectives:

  1. Access to capital resources has been identified as a key element to small business growth and development. In the Advisory Committee's role of providing direction to the program, having this type of expertise on the Committee could improve how the MWBD Program coordinates the financial resources that currently exist in the community.

2. Participation of MWBD firms in the City's construction activity has been more significant than participation in the service or commodity contracting areas. Representation from the service or commodity industries would better reflect the Program's stakeholders, and hopefully contribute to greater success with service and commodity contracting.

3. Designating the five disadvantaged business categories as MWBD Advisory Committee appointment categories would ensure a broader range of stakeholder representation. The categories are:

   - Black-owned businesses
   - Hispanic-owned businesses
   - Asian-owned businesses
   - Women-owned businesses
   - Native American-owned businesses

- The recommended appointments, categories and term durations are outlined below.

- **Mayoral Appointments**

  - Banking, financial, or bonding institution (30 month term)
  - One open appointment (24 month term)

- **Council Appointments**

  - Minority business owner or business association from the construction trades (30 month term)
  - Minority business owner or business association from the service or procurement trades (30 month term)

- Majority business owner or business association (30 month term)

- Woman business owner or business association (30 month term)

- Two minority businesses owners or associations that are not represented by the other appointments (24 month term)

- One open appointment (24 month term)

- **Appointment Terms**

  - **30 Month Terms** - 5 appointees (The individuals filling the designated business or agency slots will be appointed for two and one-half year terms.)

  - **24 Month Terms** - 4 appointees (The open slots will be appointed for the two year terms.)

  - **Second Term:** The second terms for all appointees will be for the remaining duration of the program up to the end of the fifth year.

Nomination Fast Track:

- Assuming Council's approval, advertising would begin on April 14, 1998, with nominations following on May 22, 1998, and appointments on June 22, 1998.

Committee Discussion:

- The recommendation originally brought before the Restructuring Government Committee included five categories for appointees and four at-large appointments. The Committee voted unanimously to approve the recommendation with the exception of designating two of the at-large appointments for ethnic minorities that were not appointed by the other five categories.

- Committee Members present were: Charles Baker, Sarah Spencer, Don Reid, and Malachi Greene. Mike Jackson was absent.

Community Input: The MWBD Advisory Committee Chair and other Advisory Committee members attended the meeting and addressed the Restructuring Government Committee.

Attachment 8
Restructuring Government Meeting Summary for March 23, 1998
Staff report on the proposed composition of the MWBD Advisory Committee

13. Ferguson Group Contract

Action:

A. Approve a contract with the Ferguson Group for Washington representation; and

B. Authorize the Manager to contract with the Ferguson Group for the remainder of FY98 ($20,000) and negotiate a contract for FY99 (not to exceed $80,000).

Staff Resource: Boyd Cauble

Focus Area: All Council Focus Areas

Explanation:

- The City has worked well during the past year with Washington, D.C. firms that provide additional staff assistance, on our behalf, to our D.C. Congressional Delegation.

- The Ferguson Group has advised our Congressmen and Senators about local priorities and appropriate federal funding sources. Ferguson serves as an extension of Charlotte's staff while dealing with issues "on the Hill" that impact our local focus areas.

- The Ferguson Group corresponds daily with City Staff via e-mail and the telephone. They assist us in preparing information for City requests which is then relayed to the appropriate Congressional staff.

- The Ferguson Group coordinates meetings between City officials and key Congressional members and their staff.

- The previous contract with Ferguson must be renewed so Charlotte can continue to have direct Washington support for our Congressional Delegation.

- Council discussed this item at the April 6 Workshop.

Funding: FY98 Council Contingency

Attachment 9
April 6 Workshop Agenda Item - Background and Proposed Work Program

BUSINESS

14. Carolinas 2000

Action: **Consider request by Carolinas 2000 to endorse a bid proposal to the Republican National Committee and the Democratic National Committee to bring a National Political Convention to Charlotte in the summer of 2000.**

Staff Resource: Tom Flynn

Resources: Frank Whitney, Jr., Carolinas 2000
Charles Jonas, Carolinas 2000

Focus Area: Economic Development

Policy: Grow Charlotte's hospitality and tourism industry by supporting facilities and events that bring visitors to Charlotte.

Explanation:

- Endorse a bid by Carolinas 2000 for the 2000 Republican or Democratic National Convention. Carolinas 2000 estimates that the Convention would cost $26.5 million and they have pledged to raise that amount from the private sector. Carolinas 2000 believes this money can be raised from the approximately 290 Fortune 500 companies with a presence in the Charlotte region.

- If selected, the City of Charlotte would need to co-sign the Site City Agreement. Carolina's 2000 would procure a Letter of Credit ensuring that the City would not be liable for any of the $26.5 million expenses outlined in the Site City Agreement.

- The $26.5 million includes all additional police, fire and transportation costs incurred by the City as a result of the Convention.

- A National Political Convention is estimated to bring $100 million into the local economy, and create another $200 million in indirect spending. The City would also benefit from the national and international media attention focused on Charlotte during the week of the Convention.

- Carolinas 2000 expects a site visit by the Republican National Committee in June and the next cut to be made by both parties in Fall 1998. Final selection is expected in February 1999.

Attachment 10
Summary of the Carolina's 2000 bid

15. Procedures for Sewer Use Adjudicatory Hearings

Action: **Approve rules of procedure for hearings conducted by the Director of the Charlotte-Mecklenburg Utility Department in enforcement actions involving the City's Sewer Use Ordinance.**

Staff Resources: Doug Bean and Mike Boyd

Explanation:

- In order to protect the environment, the City's sewer collection and treatment systems, and City employees, the City Council has enacted a Sewer Use Ordinance (Article III of Chapter 23 of the City Code). Applicable state and federal law also requires the City to adopt and enforce such an ordinance. The Sewer Use Ordinance regulates the types of chemicals, wastes and other materials which users of the City's sewer system may discharge into the City's sewer collection system.

- The System Protection Division of the Charlotte-Mecklenburg Utility Department is charged with the responsibility of issuing permits to industrial users whose discharge could cause significant problems to the City's sewer collection and treatment facilities. This Division also monitors the discharge of these and other sewer users for compliance with sewer discharge permits and the Sewer Use Ordinance.

- A sewer user who violates the terms of its sewer discharge permit or provisions of the Sewer Use Ordinance is subject to various administrative enforcement actions, including administrative orders to correct violations and civil penalties. Where an administrative enforcement action is taken by the City against a sewer user, the user is entitled to a hearing before the Director of the Charlotte-Mecklenburg Utility Department or a hearing officer appointed by the Director. A sewer user is also entitled to a hearing if he is denied a permit to discharge sewage into the City's sewer collection system or if he objects to the permit offered to him. If a sewer user makes a timely request for a hearing, the administrative enforcement action is suspended pending the hearing.

Proposed Rules:

- City Council must approve the rules of procedure which govern the conduct of these administrative hearings. The proposed rules specify the actions which are to be taken at various points in the hearing, authorize the Director or hearing officer to issue any additional orders or rules which may be needed to conduct a hearing, and provide for the dismissal of any hearing if the sewer user fails to abide by applicable rules or orders governing the conduct of the hearing. Any final decision is also subject to judicial review.

- The proposed rules are based in large part upon the procedural rules used in administrative hearings conducted by the state.

Attachment 11
Procedures for Sewer Use Adjudicatory Hearings

16. Closing of Liddell Street at Railroad Grade Crossing

Action: **Close Liddell Street railroad grade crossing.**

Staff Resource: Bill Finger

Focus Area: Transportation

Policy: State statute requires that the City agree to close any railroad crossing. The closing of this crossing will have safety and economic development benefits, and promote the high speed rail between Charlotte and Raleigh.

Explanation:

- In October 1997, Norfolk-Southern Corporation contacted the City seeking approval to close the railroad crossing at Liddell Street, northeast of uptown. Reasons for the closure were:

  - Closure of the Liddell Street railroad grade crossing will improve safety. System-wide, Norfolk Southern, NCDOT and CDOT staff encourage closures at rail crossings on low-volume streets. About 400 vehicles per day use the crossing which is equivalent to a short residential cul-de-sac.

  - Norfolk-Southern is proposing a $30 million expansion that brings 75 new employees to Charlotte, but requires the closing of the Liddell Street crossing. This proposed expansion of their facilities increases the amount of train activity on these tracks as well.

- CDOT and the City Engineering Department have reviewed Norfolk-Southern's request and support the proposal based on the collected traffic data. NCDOT has also reviewed the request and is in support of this action.

  - Closure of low-volume railroad crossings improves safety for road and railroad. NCDOT Rail Division supports local efforts to close low-volume, unsafe or redundant railroad crossings. The traffic volume on Liddell is about 400 vehicles a day, of which 2% is tractor-trailers. The railroad crossing has a volume of about 85 train crossings per day. This is considered a high volume rail crossing.

  - A CDOT survey showed that between 7 a.m. and 7 p.m., the crossing was closed a total of two hours during the 12-hour period. One closing lasted 45 minutes.

- The railroad tracks crossing Liddell Street are part of NCDOT's planned high speed rail corridor from the northeast through Charlotte to Atlanta. The crossing will need to be closed in the future when the high speed rail is implemented.

- The expansion planned by Norfolk-Southern will cause a measurable increase in freight train traffic in the Charlotte area, and as this traffic grows, the potential for a grade crossing collision will increase even on low volume crossings. Closing Liddell Street will eliminate the potential for rail/street collisions at this crossing.

Community Input: Two public meetings were held on November 10, 1997 and January 20, 1998 to discuss the closure. CDOT and the Engineering Department heard property owners' concerns about the Liddell Street closure. Most Liddell Street area businesses oppose this closure. Their primary concerns and staff responses are:

- **Concern:** Truck access to Liddell Street from Tryon. Property owners are concerned that access onto Liddell will be limited and will negatively affect their businesses.

  Response: Because standard height trucks cannot currently use the road underpass on 16th Street, some trucks will need to travel a less direct route to and from Liddell Street via Tryon. The City will provide access signs and maps.

- **Concern:** The closure of the Liddell rail crossing will make access more indirect.

  Response: It does not remove access altogether, and the City will provide access signs and maps.

- **Concern:** Flooding. Property owners are concerned that the closure requires them to use streets that are subject to periodic flooding.

Response: These streets only flood under torrential rain conditions, and are closed for only a few hours at a time. Such occurrences are infrequent, possibly once or twice a year. Further, the 12th Street underpass, which has the adequate clearance, does not have a flooding problem.

- **Concern:** Pedestrian Traffic. Pedestrians will have a longer walk using Dalton Avenue instead of Liddell.

  Response: The City recently constructed a new sidewalk on Dalton Avenue.

- Based on the concerns of the area businesses, staff has agreed to:

  - Install special guide signing to businesses in the area

  - Provide an access map businesses can send to their customers

  - Get a timetable from Norfolk-Southern on the replacement of the 16th Street underpass

Funding: No funding required. Closure will be completed by Norfolk-Southern Railroad.

Attachment 12
Map showing Liddell Street

17. SafeLight Photo Citation Program

Action: **Approve a five-year management contract with Lockheed Martin, IMS for the SafeLight Program, including monitoring the photographic system, processing citations and collections, and coordinating administrative appeal hearings.**

Staff Resource: Randy Jones

Policy: On January 12, 1998, City Council approved the Photo Citation Ordinance. This ordinance allows the Charlotte Department of Transportation to implement a photographic monitoring system for red light violations. The program should improve safety at intersections where red light running is a problem.

Explanation:

- The proposed contract with Lockheed Martin, IMS privatizes all aspects of the photo citation program management including installation of the cameras, ticket processing, and collections.

- The Transportation Key Business Executive and the staff review team recommend Lockheed Martin, IMS for the management of the SafeLight Program due to:

  - the company's and its subcontractor's extensive experience with Red Light monitoring

  - its substantial ticket processing and collections experience across the country; including its access to vehicle owner information for 49 states

  - its better financial proposal.

- There is no capital risk to the City, and if the firm is not able to meet the strict performance standards in the contract, then the contract will be terminated with no loss to the City other than the 2-3 months of staff effort up to that point.

- If the contract is approved, the first red light monitoring cameras will be installed in June 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.

Summary of Financial Proposals:

Proposer	Average Cost Per Citation *	To Contractor (Annual)	Net To City (Annual)
Central Parking	$ 29.00	$3,375,160	$3,924,840
EDS	$ 16.00	$1,890,116	$5,409,884
Lockheed Martin	$ 15.00	$1,733,316	$5,566,684

*Anticipated revenue for 20 citations per day for 20 intersections; revenue is for first year only.

Funding: The SafeLight Program is self-supporting and no capital outlay is required. Funding for the Program will be included in the FY99 budget process. Any funds needed before FY99 will be absorbed in the current budget.

Background:

- Although Council approved the program at the January 12 meeting, it did not approve the proposed contract with Central Parking Systems. Concerns were raised by the unsuccessful proposers about the clarity of the contract. The technology specified (film vs. digital cameras, color vs. black and white images) was the primary concern.

- The Request For Proposal (RFP) was re-issued on February 11. Instead of a proposal which specified the technology, the new RFP was based on a set of performance standards without regard to technology. Examples of the standards:

  - The first two cameras, and all supporting processes, must be installed within 60 days of Council award of contract.

  - The images on the citations must be clear enough for the vehicle owner to easily discern the violation has occurred, whether daytime or nighttime.

  - The citation must be issued within two working days of the violation.

- All proposers attended a pre-proposal conference February 19. They indicated that the RFP was significantly improved. There were few questions. No substantial changes resulted from the conference.

Attachment 13
Background on SafeLight Program
Summary of Staff Review of Proposals
Summary of Management Contract with Lockheed-Martin
List of Proposed Intersections
Summary of Marketing Plan
Citation Processing Chart

18. Nominations for Boards and Commissions

Action: **Nominate candidates to serve on the following boards. Council may reappoint incumbents at this meeting.**

A. AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY
Two, three year positions beginning May 1998. Bill Dukes is not eligible to be reappointed. Stan Vaughan is eligible and would like to be reappointed.

Attachment 14

B. CERTIFIED DEVELOPMENT CORPORATION
One appointment beginning May 1998 for three years to represent a private lending institution. William Potts is not eligible to be reappointed.

Attachment 15

C. CITIZEN'S OVERSIGHT FOR CABLE TV
One appointment beginning immediately to fill an unexpired term ending March 31, 2000. James Blane has resigned.

Attachment 16

D. **CIVIL SERVICE BOARD**

One position beginning May 1998 for three years. Patrick Clark is eligible and would like to be reappointed.

Attachment 17

E. **CLEAN CITY COMMITTEE**

One position beginning immediately and ending June 30, 2000 to replace Harold Grier, who did not meet attendance requirements. Three, three year appointments beginning July 1, 1998. Ronald Dolphus and John Hall are eligible and would like to be reappointed. Theresea Elder is not eligible for reappointment.

Attachment 18

F. **COMMUNITY RELATIONS COMMITTEE**

Six appointments beginning July 1998 for three years. Stephen Hayes, Leonard Jones, Linda Long, George Wallace and John Paul DeBernardo are eligible and would like to be reappointed. Kenneth Thomas is eligible but does not wish to be reappointed.

Attachment 19

G. **HISTORIC DISTRICT COMMISSION**

Four, three year appointments beginning July 1, 1998. David Parke, representing a residential property owner in Plaza Midwood, is not eligible to be reappointed. Sarah J. Kennard, representing a residential property owner in Fourth Ward, Mark Fishero, representing a resident/owner in Dilworth, and Lenore Deutsch, no category, are all eligible and want to be reappointed.

Attachment 20

H. **HISTORIC LANDMARKS COMMISSION**

One appointment beginning immediately to fill an unexpired term ending July 1999. Stephen Cox has resigned.

Attachment 21

I. **MINT MUSEUM BOARD OF TRUSTEES**
One, three year appointment beginning August 1998. Michael Blair is not eligible to be reappointed.

Attachment 22

J. **NEIGHBORHOOD MATCHING GRANTS COMMITTEE**
Three appointments beginning May 1998 to serve two year terms. Eleanor Washington, representing a Neighborhood Organization Leader, is not eligible to be reappointed. Susan Russell, representing a non-profit organization, is not eligible to be reappointed. Joyce Love, no category, is eligible and would like to be reappointed.

Attachment 23

K. **PAROLE ACCOUNTABILITY COMMITTEE**
One appointment beginning immediately to fill an unexpired term ending June 2000. Kimberly Baker did not meet attendance requirements.

Attachment 24

L. **PLANNING COMMITTEE**
Three, three year positions beginning July 1, 1998. Mahlon Adams and Ike Heard, Jr. are not eligible to be reappointed. Mike Hinshaw is eligible and would like to be reappointed.

Attachment 25

M. **SISTER CITIES COMMITTEE**
Eight, two year appointments beginning May 1998. Patricia Craig is not eligible to be reappointed. Keith Cannon, Timothy Crawford, Charles Forrest, Pamela Gibson, and Suzanne Johnson are all eligible and wish to be reappointed. Robert Percival and Tawana Wilson-Allen do not wish to be reappointed.

Attachment 26

N. **TREE ADVISORY COMMITTEE**

One position beginning immediately and expiring June 30, 2001. David Van Covern has resigned.

Attachment 27

O. **WASTE MANAGEMENT ADVISORY COMMITTEE**

One appointment beginning immediately to fill an unexpired term ending September 30, 1998 and the next full three year term to replace Nancy Wiggins, who has resigned. This committee no longer has categories.

Attachment 28

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. US Airways Maintenance Facility Contract - Package 4 — Aviation

Recommendation: The Aviation Director recommends the low bid of $2,264,000 by Edison Foard of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$32,000	1.43%	N/A
WBE	$64,425	2.87%	N/A
DBE	$96,425	4.3%	15%

MWBD Compliance: Yes.

B. Ticket Counter Installation — Aviation

Recommendation: The Aviation Director recommends the low bid of $178,400 by Edison Foard of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
MBE			
WBE	$12,430	6.96%	N/A
DBE	$8,920	5%	N/A

MWBD Compliance: Yes

C. Northwest Neighborhoods Service Center — Engineering and Property Management

Recommendation: The City Engineer recommends the low bid, including alternates one and two, of $185,655 by Pavilon Construction of Charlotte, North Carolina. This project consists of the renovation of the former North Branch Library at 2324 LaSalle Street into a facility that will house employees from Police, Community Improvement, and Neighborhood Services.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	4%
WBE	$185,655	100%	3%
ABE	$0	0%	1%

MWBD Compliance: Yes.

D. Sharon Road Widening Phase II — Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $843,833.59 by Sealand Contractors Corp. of Charlotte, North Carolina. This project will widen Sharon Road to five lanes from Colony Road to Sharon Lane. A concrete median will be constructed and portion of the brick wall along Sharon Road will be replaced.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$48,700	6%	6%
WBE	$40,600	5%	5%
HBE	$0	0%	1%

MWBD Compliance: Yes.

E. Wingate Neighborhood Improvements Phase IV-A

Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $282,667.54 by Kip Corporation of Charlotte, North Carolina. The work includes traffic control, utility relocations and adjustments, grading, drainage, concrete curb and gutter, drives, wheelchair ramps, sidewalk, and asphalt paving in Wingate Neighborhood off Old Steele Creek Road between West Boulevard (NC 160) and Wilkinson Boulevard (NC 74).

MWBD Status:	Amount	% of Project	Project Goals
BBE	$10,990	4%	4%
WBE	$13,040	5%	3%

MWBD Compliance: Yes.

F. Dairy Branch Sanitary Sewer Rehabilitation

CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $375,226.38 by U-Liner Mid-America, Incorporated of Alexander, Arkansas.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$0	0%	2%
WBE	$0	0%	3%

MWBD Compliance: Yes, The Utility Department has reviewed the Contractor's documentation and determined that U-Liner will self-perform all work on this project and will subcontract opportunities if needed.

G. Water and Sewer Main Construction - FY 98 Contract #111 - Street Main Extensions

CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $827,772.20 by McDaniel Construction Contractors, Incorporated of Bostic, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$0	0%	2%
WBE	$827,772.20	100%	3%

MWBD Compliance: Yes. The Utility Department has reviewed the Contractor's documentation and determined that McDaniel is a certified WBE with the City of Charlotte and will self-perform all work on this contract.

H. Water and Sewer Main Construction - FY 98 Contract #112 - Street Main Extensions — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $819,437.70 by Sanders Utility Construction Company of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$0	0%	2%
WBE	$819,437.70	100%	3%

MWBD Compliance: Yes. The Utility Department has reviewed the Contractor's documentation and determined that Sanders is a certified WBE with the City of Charlotte and will self-perform all work on this contract.

I. Irwin Creek Wastewater Treatment Plant Accelerated Biosolids Improvements - Electrical/Instrumentation — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Department Director recommends the low bid of $300,538.92 by Energy Erectors, Inc. of Charlotte, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$0	0%	1%
HBE	$69,000	23%	0%
WBE	$0	0%	1%

MWBD Compliance: Yes. The Utility Department has reviewed the Contractor's documentation and has determined that Energy Erectors has exceeded the HBE goal for the project and will continue to make a good faith effort to meet the MWBE goals.

CONSENT II

20. Annual Contract for New Tires

Action: **Approve a multi-vendor contract for purchasing tires for City vehicles. Cost is estimated to be $900,000 per year ($300,000 for remainder of FY98). Proposed tire vendors are:**

A. Blair & Horton,

B. Goodyear,

C. Brad Ragan Company,

D. Parish & Leonard,

E. and Berlin Tire Center.

Explanation:

- The City's fleet requires a wide range of tire types and sizes. The City has determined that the best methodology for establishing contracts to purchase new tires is to make awards to multiple vendors covering all major tire brands. This methodology not only results in lower tire costs for the City, but also reduces vehicle downtime by providing alternate sources for tires during emergency situations and when certain vendors experience supply problems.

- The City's Equipment Management Division will base individual purchasing decisions on tires that best match a vehicle's operating conditions, purchase price, and product availability. The overall tire program is aimed at providing the lowest tire cost per mile and at improving vehicle availability. The contract term shall be for a period of one year. The City may extend the contract for two additional periods of one year each.

MWBD: 10% for Parrish and Leonard

Summary of Bids: Bids were based on percentage discounts from published manufacturer governmental price lists. Discounts offered ranged from 0% to 46.7% depending on tire type and size. Bidders included Berlin Tire Center, Blair and Horton Tire Center, Brad Ragan Company, Goodyear Commercial Tire, and Parrish and Leonard Tire Service.

Funding: Various departmental budgets

21. Fire Apparatus - Pumper and Rescue Squad Fire Trucks

Award:

A. **Award the lowest, responsive bid for two Engine Pumpers to General Safety of Wyoming, MN, at $256,043 per pumper; and**

B. **Award the lowest bid for two Squads to Saulsbury, Inc., of Preble, NY at $411,101 per squad.**

Explanation:

- The Invitation To Bid was sent to forty-seven vendors and eight responded. These contracts establish unit pricing for one year with escalation pricing defined each year for a subsequent four years.

- General Safety is the lowest responsive bid that meets specifications for pumpers. Pricing for subsequent four years is a 2.6% inflation rate per year.

- Saulsbury, Inc. was not the low bid, but was the lowest bid meeting specifications for squads. Pricing for subsequent four years is related to a (PPI) price index. They included an extra $7,000 in tool mounting credit that the other two bidders did not. Saulsbury's price includes a $1,000 upgrade of the generator from a 60kw to 75kw. Also, the price includes a five year warranty on everything except the Breathing Air Compressor.

- Action Fire Safety submitted the low bid at $387,556, but they took substantial exception to the specifications, by providing an aluminum body and sub-structure instead of stainless steel.

- Triad Fire, Inc. was second at $390,735. They also took substantial exception by proposing an aluminum body and plain steel sub-structure. Additionally, they proposed a smaller cab and they would not provide an extended warranty.

Funding: Capital Equipment Fund

Summary of Bids:

Bid	Location	Pumper	Squad
General Safety Equipment	**Wyoming, MN**	**$256,043**	**No Bid**
Fierrara Fire Fighting Equipment	Holden, LA	$300,588	$ 510,602
Action Fire Safety	Charlotte, NC	$287,790	$ 387,550
Quality Manufacturing	Talledega, AL	$260,556	$429,676
Southern Coach, Inc.	Ocala, FL	$297,229.74	No Bid
Saulsbury Fire Equipment	**Preble, NY**	**No Bid**	**$410,101**
R.D. Murray (Delivered price only)	Hamburg, NY	Standard $292,528	No bid
"	"	Alternate $270,349	No bid
Triad Fire, Inc.	Kernersville, NC	No Bid	$390,735 (No Warranty)

22. Charlotte Center City Partners Appointment

Action: **Appoint Richard B. Priory for a term expiring June 30, 1998 to fill the vacancy created by the resignation of Bill Grigg.**

Policy: Municipal Service District Act of 1973, North Carolina General Statutes, Article 23, Chapter 160A

Explanation:

- On March 23, 1998, the Board of Directors of the Charlotte Center City Partners unanimously recommended Richard B. (Rick) Priory to fill the vacancy created by the resignation of Bill Grigg.

- Article II, Section 5 of the CCCP Bylaws provides that any vacancy occurring in the Board of Directors shall be filled by City Council with a person nominated by the Board of Directors.

- The Board position being vacated by Mr. Grigg is a Class A position representing a major uptown employer.

23. Revise Boards and Commissions Process

Action: **Approve a resolution revising the Boards and Commissions process to reduce the time between nominations and appointments from four weeks to two weeks.**

Explanation:

- When Council revised the Boards and Commissions Process on February 10, 1997, the period between nominations and appointments was changed from two weeks to four weeks to accommodate local criminal background checks on certain boards. The City Clerk has contacted Police Department staff, and based upon their experience for a year, they have stated two weeks is more than enough time to complete those background checks on a normal basis. If any information is found on a nominee, more time may be needed and that one appointment can be deferred.

- Nominated candidates who have not submitted an application, must still submit their applications by noon the Tuesday before the appropriate agenda or their nomination will be considered withdrawn.

- This will considerably shorten the nomination and appointment process and make it less cumbersome.

24. Airport Pay Telephone Contract

Action: **Award a three-year agreement with two, one-year options to BellSouth Public Communications, Inc. to provide pay telephone services at the airport**

Explanation:

- Three companies responded to the Request for Proposals (RFP) to provide pay telephones throughout the airport - BellSouth, Q3 Telecom and Sprint.

- RFPs were evaluated by airport staff and consultants (CDI Communications has worked with the airport for the past four pay phone bid processes) on the following criteria and scoring percentages:

Commission	35%
Type of phone equipment	20%
Stability of company	15%
Maintenance and service	10%
Installation schedule	10%
DBE	10%

- Based on the review, the scores were as follows:

BellSouth	93.78
Q3 Telecom	45.41
Sprint	76.08

- The following commission schedules were submitted based on passenger forecasts for the next five years:

	Per Passenger	Revenue
BellSouth	$.075	$9,311,238
Q3 Telecom	$.045	$6,612,676
Sprint	$.0704	$8,740,150

- BellSouth will have 15% DBE participation in its contract. In addition, its equipment will be state-of-the-art and Americans with Disabilities compliant.

- The contract would be effective July 1, 1998.

- The Airport Advisory Committee recommends this contract

25. Industrial Waste Surcharge and Billing Study Phase II

Action: **Approve a professional services contract with Raftelis Environmental Consulting Group for Phase II of the Industrial Waste Surcharge and Billing Study for $113,804.**

Explanation:

- This contract will provide the second phase of a study to review and evaluate the current Industrial Waste Billing structure and charges. This phase will include:

  - determination of customers that need to be integrated into the industrial billing system; and,

  - update of the master sewer percentages, volume and pollutant strength factors for the various classifications of customers included in the Industrial Waste Billing Program.

- Also, included in the project is the establishment of an Industrial Billing Steering Committee which will review findings, conclusions and recommendations of the study.

- The Industrial Waste Surcharge/Billing System has not been reviewed or wholly revised since the late 1970s. Raftelis Environmental Consulting Group was selected to complete a study to focus on:

  - the accuracy of the customer base included in the program;

- equity of industrial charges; and,
- more effective management information.

- The Phase I study confirmed the need for updates to the current system and provided recommendations to complete an update. As a result, three additional phases are anticipated to complete the improvements.

Funding: Sewer Capital Investment Plan

26. Eagan and Sons, Washam Potts Road Subdivision Sewer Contract

Action: **Approve a reimbursable sewer contract between the City and Eagan and Sons.**

Explanation: The Applicant, Eagan and Sons, has requested a 15-year reimbursable contract for the design and construction of a sanitary sewer trunk through their proposed subdivision along Washam Potts Road in Cornelius. The 3,000 linear feet of sanitary sewer trunk has an estimated cost of $225,000. The applicant will pay the full cost of this project.

Funding: The applicant has deposited 15% of the estimated project cost with the remaining 85% to be deposited prior to construction.

27. John E. Lackey, III, 1241 West John Street Sewer Contract

Action: **Approve a non-reimbursable sewer contract between the City and John E. Lackey, III.**

Explanation:

- The Applicant, Mr. John E. Lackey, III, has requested a non-reimbursable contract for the design and construction of the sewer facilities to serve his commercial site at 1241 West John Street, Matthews.

- The project consists of approximately 1600 linear feet of sanitary sewer line. Mr. Lackey's property is currently served by a septic system, which was rendered ineffective by a North Carolina Department of Transportation construction project. The estimated project cost is $105,600. The applicant will pay the full cost of this project.

Funding: The applicant has deposited 15% of the estimated project cost with the remaining 85% to be deposited prior to construction.

28. Acquisition of Williams Station Subdivision Water System

Action: **Approve contract with Carolina Water Services, Incorporated for the purchase of the water distribution system serving Williams Station Subdivision. The purchase price is $92,415.**

Policy: CMUD considers the acquisition of private water systems when homeowners request City service through the Street Main Extension Program and the new City main would parallel the private system.

Explanation:

- The Charlotte-Mecklenburg Utility Department (CMUD) has received an application for water service from a Carolina Customer in Williams Station Subdivision. Williams Station Subdivision is located on Williams Road at Rice Road in Matthews and is currently served by Carolina Water.

- As an alternative to installing new water mains that would parallel part of the existing Carolina system, CMUD recommends the purchase of the Carolina system.

- The advantages to the City's purchase of the Carolina system serving Williams Station Subdivision are:

  - This would avoid disruption to the community by eliminating the need to install a parallel water system;

- CMUD would acquire 49 new water customers;

- There would be no cost to the Carolina customers to become CMUD customers;

- Upon acquisition of the system, CMUD will install fire hydrants in the subdivision.

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

- The Town of Matthews approves this purchase.

Funding: Water Capital Investment Plan

29. Settlers' Cemetery Restoration

Action:

A. Adopt a $75,000 budget ordinance to maintain the Settlers' Cemetery project budget at $500,000; and

B. Approve an agreement between the City of Charlotte, the Mecklenburg Historical Association and NationsBank setting out the responsibilities for the project.

Policy:

- The Capital Investment Plan includes the following Council - approved policy:

  - Ensure that existing infrastructure is maintained and replaced.

Explanation:

- Settlers' Cemetery has deteriorated over the years. This project will restore, beautify, and preserve this historical landmark. Design is now complete and construction can begin in May if this request is approved.

- The project was conceived as a 50-50% split between the City and private funds. Council appropriated $125,000 in the FY98 budget, and has an additional appropriation of $125,000 scheduled in the FY99 budget. The goal for private funds raised by the Mecklenburg Historical Association (MHA) was $250,000. The MHA has raised $175,000 for the project .

Budget Ordinance:

- An additional appropriation of $75,000 by Council will keep the budget at $500,000. These additional funds will be used for a perimeter fence and a stone wall on Poplar Street.

Cooperative Agreement:

- A three party agreement has been established which outlines the primary responsibilities as follows:

  - City: Provide a portion of the funding for the work; review and approval of the plans; review and approval of all invoices and payments; inspection and final sign-off of the final product.

  - MHA: Provide a portion of the funding for the work; identify and catalogue existing headstones; supervise the temporary relocation of the headstones during construction; oversee the return of the headstones at the conclusion of the project.

  - NationsBank: Hold and administer the agreements and contracts for design and construction; manage the contractor's work; scheduling; financial reporting; invoice review, approval, and payment.

MWBD:

As part of the Cooperative Agreement, every effort will be made to involve MWBD subcontractors and consultants in the work.

Community Input: The design and site plans have been reviewed and approved by the Historic District Commission, Mecklenburg Historical Association, Charlotte - Mecklenburg Planning Commission, and the Historic Landmark Commission to ensure the restoration project is in keeping with the historical significance of the property. In addition, Friends of Fourth Ward are supporting this project to improve the safety of the uptown area.

Funding: The budget ordinance appropriates $75,000 from the Pay-As-You-Go fund balance to the project account.

30. Storm Water Maintenance Renewals

Action:

A. Approve Renewal #4 for $250,000 to the contract with Blythe Development Company for continued construction of FY97 Storm Water Maintenance Package D. The renewal will increase the contract amount from $1,464,505 to $1,714,505, and

B. Approve Renewal #1 for $117,910 to the contract with Kip Corporation for continued construction of FY98 Storm Water Channels Maintenance Package A. The renewal will increase the contract amount from $117,910 to $235,820.

Explanation:

- The addition of funds to these contracts recognizes good performance by the contractors and competitive unit prices. These types of contracts are originally bid in a range that provides bidding opportunities to all licensed contractors. Where the contractor's work has been of good quality, a renewal is recommended to extend the contract.

- Renewal #4 for FY97D is requested to provide funds for urgently needed culvert repairs on Archdale Drive between Rosecrest Drive and Netherwood Drive. This project will be the last performed under this contract.

- Renewal #1 for FY98A-Channels is the second of three renewals authorized under the terms of the contract, recognizing the contractor's good unit prices and work performance.

- The Storm Water Maintenance Program provides a method to perform repairs to existing drainage infrastructure identified through citizens' requests. Repairs are made through yearly contracts; projects are prioritized and assigned to the contractors continuously, with payment based on unit prices.

MWBD:

A: Blythe Development Company: 6% BBE, 6% WBE

B: Kip Corporation: self-performing

Funding: Storm Water Capital Investment Plan

31. North Tryon Street Business Corridor Phase II Change Order

Action: **Approve Change Order #1 for $365,475.90 to the construction contract with Blythe Development Company for North Tryon Street Business Corridor Phase II.**

Explanation:

- Council awarded the original construction contract to Blythe Development on May 12, 1997, for $738,185.63. Approval of this change order will bring the contract amount to $1,103,661.53.

- During construction, the existing sanitary sewer and water lines beneath the proposed roadway were found to be deteriorated and in need of replacement.

- This change order will provide funds to remove and replace the deteriorated sanitary sewer and water lines.

- The prices for this change order were taken from existing contract unit prices and negotiated unit prices for new items, and are appropriate for the work being performed.

Funding: Capital Investment Funds

32. Property Transactions

Action: **Approve the following property acquisition (A-F).**

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

Acquisitions:

A. **Project:** F.A.R. Part 150 Land Acquisition
Owner(s): Mr. Charles B. Blanchard
Property Address: 4506 Denver Avenue
Property to be acquired: .393 acres
Improvements: Ranch house
Tax Value: 190,410
Purchase Price: $110,000

B. **Project:** F.A.R. Part 150 Land Acquisition
Owner(s): Mr. and Mrs. Victor Wallace
Property Address: 7919 Tuckaseegee Road
Property to be acquired: .936 acres
Improvements: Ranch house
Tax Value: $41,680
Purchase Price: $46,000

C. **Project:** Master Plan Land Acquisition
Owner(s): Kahala Investors, L.L.C.
Property Address: part of 7732 Mt.View Road
Property to be acquired: 61.489 acres
Improvements: vacant land
Tax Value: $317,940
Purchase Price: $444,000
Remarks: On July 28, 1997 Council approved a municipal agreement for NCDOT and the Airport to work together on those acquisitions that involve I-485 right-of-way and future Airport property. NCDOT is acquiring the 10.511 acres. The Airport is buying 61.489 acres of land. Purchase price of entire lot is $512,175 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:** Master Plan Land Acquisition
Owner(s): Annie Hall Bryant Estate
Property Address: part of 9335 Dixie River Rd
Property to be acquired: 1.539 acres
Improvements: vacant land
Tax Value: $8,675
Purchase Price: $8,475
Remarks: On July 28, 1997 Council approved a municipal agreement for NCDOT and the Airport to work together on those acquisitions that involve I-485 right-of-way and future Airport property. NCDOT is acquiring 5.684 acres. The Airport is buying 1.539 acres of land. The total acreage of the parcel is 53.040 acres. Purchase price of entire lot is $360,200 The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. The acquisition is eligible for federal funding.

E. **Project:** Master Plan Land Acquisition
Owner(s): Mary Ella Pope Neel Gardner
Property Address: part of * Garrison Road
Property to be acquired: 5.5198 acres
Improvements: vacant land
Tax Value: $27,390(total parcel of 6.746 acres)
Purchase Price: $208,100

Remarks: On July 28, 1997 Council approved a municipal agreement for NCDOT and the Airport to work together on those acquisitions that involve I-485 right-of-way and future Airport property. NCDOT is acquiring 1.2262 acres. The Airport is buying 5.5198 acres of land. The total acreage of the parcel is 6.746 acres. Purchase price of entire lot is $254,325 The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. The acquisition is eligible for federal funding.

F. **Project**: 1997 Annexation-Highland Creek, Parcel #10
Owner(s): Westbrook Highland Creek, LLC
Property Address: Highland Creek Parkway
Property to be Acquired: 8,910.9 sq.ft. (0.20 ac.) of permanent easement plus temporary construction easement of 11,172.4 sq.ft. (0.26 ac.)
Improvements: Trees and landscaping
Purchase Price: $19,500
Remarks: The easement is needed for construction and maintenance of a sanitary sewer line. Compensation is based on an independent appraisal.
Zoned: R9PUD **Use**: Single Family Residential
Tax Value: $146,950
Tax Code: 268-96-775

33. Minutes

Action: **Approve minutes as follows:**

- **March 2, 1998 Workshop**
- **March 16, 1998 Zoning**
- **March 17, 1998 Budget Retreat**