

**AGENDA**

Meeting Type:	BUSINESS
Date:	04/08/1996

City of Charlotte, City Clerk's Office

*Mayor Patrick McCrory    Mayor Pro Tem Al Rousso*

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*Charles Baker                      Don Reid*  
*Patrick Cannon                    Ella Butler Scarborough*  
*Malachi Greene                    Tim Sellers*  
*Mike Jackson                      Sara Spencer*  
*Nasif Rashad Majeed              Lynn Wheeler*

## ***Council Agenda***

# **CITY COUNCIL MEETING**

**Monday, April 8, 1996**

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**5:00 p.m.**

**Conference Center**

**Dinner Briefing  
(See Table of Contents)**

**6:30 p.m.**

**Meeting Chamber**

- **Invocation**
- **Pledge of Allegiance**
- **Citizens Hearing**

**7:00 p.m.**

**Formal Business Meeting**



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**5:00 P.M. DINNER BRIEFING  
CONFERENCE CENTER**

- 1. Wireless Communication Towers**
- 2. 1996 Legislative Package**

**6:30 P.M. CITIZENS HEARING  
MEETING CHAMBER**

**CONSENT ITEMS**

- 3. Consent agenda items 14 through 27 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

**Staff Resource:** Vi Alexander

**POLICY**

- 4. City Manager's Report**
- 5. Parole Accountability Committee Legislative Package**

**Action:** Approve a recommendation from the Public Safety Committee to include recommendations from the Citizens Parole Accountability Committee in Council's 1996 legislative package.

**Committee Chair:** Don Reid

**Staff Resource:** Chief Dennis Nowicki

**Policy:** Community Safety

**Explanation of Request:**

- The Citizens Parole Accountability Committee, which was established by Council in 1994, has spent the last 18 months studying the parole process in North Carolina. The committee has developed a legislative package which was endorsed by Council's Public Safety Committee on March 19.
  
- The principal recommendation of the Committee is to revise North Carolina General Statute 15A-1371. The revision requires the Parole Commission to provide public notification to all parties, including victims or their immediate families, police and district attorney, and media, 90 days prior to parole hearing. This action will provide interested parties ample time to comment on the parole.
  
- Other items in the legislative package include:
  - Allowing victims of violent crime to be heard regarding the parole of their offender,
  
  - Considering violent offenders for parole every other year instead of every year, and
  
  - Increasing funding for the Probation and Parole Department to hire additional parole officers to reduce caseloads and allow closer monitoring of parolees.
  
- The proposed lobbying effort would include:
  - Written and personal contacts with the Mecklenburg legislative delegation,
  
  - Partnerships with other major North Carolina cities, and
  
  - Seeking the support of the N.C. League of Municipalities.

**Attachment 1**

**Citizens Parole Accountability Committee Report of Findings and Recommendations to the City Council Public Safety Committee**

## **6. District Attorney Needs for 1996 Legislative Package**

**Action:** Approve a recommendation from the Public Safety Committee to lobby the legislature for additional resources for the District Attorney.

**Committee Chair:** Don Reid

**Staff Resource:** Chief Dennis Nowicki

**Policy:** Public Safety

**Explanation of Request:**

- One of the most critical needs in the criminal justice system in Mecklenburg County is additional resources for the District Attorney's Office. These resources, both assistant district attorneys and support staff, are needed to deal with the growing volume of criminal cases presented for prosecution. Chief Nowicki noted this need at City Council's retreat in February.
- On March 19 Peter Gilchrist made a presentation to the Council's Public Safety Committee on the District Attorney's needs.
- A February 1996 study by the Jefferson Institute for Justice Studies indicates that North Carolina needs 116 additional district attorneys to maintain the same level of prosecutorial services that were available in 1985. Seventeen of the additional district attorneys are needed in Mecklenburg County.
- The North Carolina Conference of District Attorneys, of which Peter Gilchrist is the current president, has voted to make lobbying the legislature for the additional resources their number one priority. Realizing the difficulty in hiring and training all of these additional personnel in a brief period of time, the Conference of District Attorneys has decided to ask the legislature for half of the needed resources this year and lobby for the other half next year.

- The Public Safety Committee unanimously endorsed asking the full Council to lobby Mecklenburg County's legislative delegation to support the additional resources for the District Attorney as one way of making the criminal justice system more effective.
- An attachment provides more detailed information on the District Attorney's needs, current caseloads, and the new organizational structure that the District Attorney has implemented to maximize the use of his existing resources.
- The proposed lobbying effort would include:
  - Letters and personal contacts with the Mecklenburg legislative delegation,
  - Partnerships with other cities across the state, and
  - Seeking the support of the N.C. League of Municipalities as a partner in the lobbying effort.

**Attachment 2**

The District Attorney's Office in Mecklenburg County.

**7. 1996 Legislative Package**

- Action:** Approve the 1996 Legislative Package to present to the N. C. General Assembly.
- Staff Resource:** Boyd Cauble and Mac McCarley
- Explanation of Request:**
- The following local bills have been requested by Key Business Executives or City Councilmembers:

A. "Quick Take" for Condemnation for Storm Water Improvements  
The current City Charter does not include storm water in the list of purposes for which we can use the quick take method for condemnation. We request the City's Charter be amended to allow quick take for storm water easement condemnations.

B. No Vendor Gouging During Natural Disasters  
Allow the City to regulate consumer goods pricing during and immediately following natural disasters. This would allow the City to limit exorbitant increases in prices of needed goods and services resulting from natural disasters.

C. Allow the Mecklenburg Alcoholic Beverage Control Board to Contract With Local Police for the Enforcement of ABC Laws  
The City of Greensboro has the authority to provide, on a contractual basis, local police assistance for County ABC law monitoring and enforcement. The local police officers inspect bars, restaurants, and retail establishments for violations and report their findings to the County ABC Board.

D. Changes to the Emergency and Pension Fund Statutes for Law Enforcement Officers in Mecklenburg County  
North Carolina established an Emergency and Pension Fund from court proceeds to assist officers permanently injured or families of officers killed while performing their official duties.

The Fund is now administered by the Foundation of the Carolinas. The Fund continues to grow from interest earnings, but the statutory pay-outs have never been adjusted for inflation. The Fund Board requests that the law be amended to pay officers' families up to \$10,000 when an

officer is killed in the performance of his duties and to award, at the discretion of the Board, scholarships not to exceed \$2,500 to children of officers killed or rendered totally disabled in the performance of their law enforcement duties.

E. Increase Civil Service Board from Five Members to Five members and Two Alternates

The Civil Service Board has requested the addition of two alternates to enhance flexibility in meeting their quorum requirements. The added alternates also help them adhere to requirements for appeals of terminated firefighters or police officers whose appeal must be heard between the fifteenth and thirtieth day after they have been cited to the Board for termination or suspension.

F. Proposed Legislation to Permit the Securing of Abandoned Structures

This legislation will permit Housing Code enforcement officials to board up or otherwise secure abandoned dwellings before the Code enforcement process has run its course. This bill will permit officials to secure structures after a preliminary finding that the structure is abandoned and unsafe. The costs incurred to secure structures would not become a lien against the property until after a final determination that the structure is abandoned and unsafe.

G. Consolidation and Debt Assumption Included on the Same Ballot

While Mecklenburg County voters are allowed to vote on the general issue of whether to consolidate the City and the County, the voters are not authorized to consider concurrently whether the consolidated government should assume the debt of the City and the County.

A favorable vote on debt assumption is necessary from a practical perspective before consolidation can occur. Mecklenburg County Commissioners unanimously approved seeking legislation to authorize these issues to be considered separately at a single referendum on consolidation.

- The Council is also requested to approve the following State-wide bills for Delegation approval:
  - H. Recommendations by Public Safety Committee for changes in Parole Accountability Laws and Approve District Attorney Requests for Additional Assistant District Attorneys (agenda items #5 and #6).
- The Legislative initiatives Council approves will be presented to the Mecklenburg Delegation for their approval and sponsorship in Raleigh during the 1996 Short Session.
- The 1996 Legislative Session scheduled to begin May 13 is named the "Short Session" primarily because it is to allow the legislature to adjust the biannual budget and consider non-controversial local bills. Eligible local bills require unanimous local delegation approval. Therefore, suggested local bills in our package must receive approval by each member of our delegation prior to being introduced.
- Some suggested bills are more appropriately defined as "State-wide" bills and require two-third's approval by the respective house in which the bill is considered before it can be introduced. The State-wide bills do not require delegation approval prior to introduction, but the legislature frowns upon any legislation that obviously applies primarily to a jurisdiction with a divided delegation.

**Background:**

## **8. Review Process for Neighborhood Centers**

**Action:** Approve the City Within a City (CWAC) Committee's recommendation to pursue a process to review the use of and develop options for managing the Belmont and Greenville Centers.

**Committee Chair:** Ella Scarborough

**Staff Resource:** Gene Shipman

**Focus Area:** City Within a City and Restructuring Government

**Policy:** The City Within a City Strategic Plan stresses the goal of being responsive to neighborhood needs, coordinating service delivery, and expanding community use of public facilities. The Restructuring Government Focus Area calls for reviewing the management of City assets and addressing community problems through partnerships that result in cost savings and/or improvements in service delivery.

**Explanation of Request:**

- During FY96 all key businesses were asked by the City Manager's Office to evaluate every service and asset to look for opportunities to realize potential cost savings and improvements in customer service and/or productivity. As part of this broader effort, Neighborhood Development staff began to review the operation of the neighborhood centers earlier this year.
- Staff proposed to the CWAC Committee at its March 25, 1996 meeting a more systematic review of the issues and a broader community input process regarding options for the future of the centers. The goal of the review is to develop recommendations that will lead to optimum use of these community assets in the years to come.
- The CWAC Committee approved a 90-day review process whereby staff will work with a consultant as necessary to complete two tasks in relation to the Belmont and Greenville Centers:

- Conduct an analysis to determine volume and types of current facility use; and
- Hold a series of focus groups among stakeholders (neighborhood organizations, service providers, etc.) aimed at getting community input on the desired mix of services to be provided from the centers in the future.
- Based on the information from this review, staff will bring options and a recommendation to Council through the CWAC Committee regarding the future use and management of these two centers.
- Based on the experience with Belmont and Greenville Centers, staff will conduct a similar review process and develop recommendations through the CWAC Committee for the Amay James and Alexander Street Centers during FY97.
- At the CWAC Committee's request, information summarizing the Committee action was sent to persons who attended the March 25, 1996 Committee meeting and Citizen's Hearing to express interest in this subject.

**Attachment 3  
Background**

**9. Minority and Women Business Development (MWBD) Program**

- Action:** Approve the recommendation of the Restructuring Government Committee that women-owned business enterprises (WBE's) remain in the MWBD Program and be reviewed again in January 1998.
- Committee Chair:** Charlie Baker
- Staff Resource:** David Cooke and Mike High
- Policy:** It is the policy of the City of Charlotte to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs.

**Explanation of Request:**

- The Restructuring Government Committee recommends maintaining women-owned businesses in the City's MWBD Program. This recommendation is based on women-owned firms' participation rate in City contracting activities as compared to the Charlotte marketplace.
  - Input was received from various women's organizations and other parties including the Women Business Owners, North Carolina Council for Women, the Women's Commission, and the Charlotte Chamber.
  - The recommendation was approved unanimously by the MWBD Advisory Committee.
- The City's MWBD program was revised in June 1994 in response to Supreme Court rulings concerning MWBD Programs. One of the changes was to incorporate periodic reviews to determine if the program should be continued. The revised program calls for the following reviews:
  - After one full year, staff will evaluate whether the program should continue to include women-owned firms.
  - After three full years, staff will evaluate whether the program should continue with respect to all ethnic minority groups.

**Background:**

- Staff has evaluated the success of women-owned firms in the City's MWBD program during FY95 and for the first eight months of FY96. Staff recommends that women-owned firms continue to be included in the MWBD program and be reviewed again in January 1998.
- Over the past year, City staff and the MWBD Advisory Committee worked to establish a benchmark from which to compare the performance of women-owned firms in City contracting activity. The criteria considered for this benchmark was as follows:

- A comparison of actual participation versus project goals;
  - Percent of the women-owned firms in the marketplace as determined by County privilege license data and the MWBD Source list; and
  - Percent of the women-owned firms in the marketplace as determined by U.S. Census data for the Charlotte Metropolitan Statistical Area (MSA).
- City staff and the MWBD Advisory Committee recommended using U.S. Census data since it is the basis for many governmental programs, is compiled by an independent source, and was mentioned as a possible benchmark when the program was revised in 1994.
  - Data from FY95 and the first eight months of FY96 showed women-owned firms participated in the City's contracting activity at a rate less than their percentage in the marketplace benchmark. For example, women-owned firms attained 11.8% of City dollars in Construction contracts in FY95 and 12.3% during the first eight months of FY96. This compares to women-owned firms comprising 26.8% of the Charlotte marketplace for construction. A detailed chart is included in the attachment.

#### **Attachment 4**

# BUSINESS

## 10. Transfer of 42 Surplus Properties to Mecklenburg County

**Action:** Approve the transfer of 42 surplus properties to Mecklenburg County for inclusion to the list of City Parks being transferred to Mecklenburg County.

**Staff Resource:** Kent Winslow

**Policy:** Asset Management Guidelines direct activities to reduce the number of surplus properties in order to lessen the financial impact on the operating budget.

**Explanation of Request:**

- Mecklenburg County Parks and Recreation Department has requested that the 42 surplus properties listed on the attachment be transferred to them for maintenance and control.
- Most parcels are less than one-half acre. Maps of each of the 42 parcels are on file in the City Council library located on the 15th floor of the Government Center.
- The Mandatory Referral process recommended that the parcels listed on the attachment be transferred to Mecklenburg County Parks and Recreation. The Privatization/Competition Advisory Committee supports this action.
- This action will provide continuity of ownership for many County operated parks and green space properties. Currently, Mecklenburg County is maintaining most of these properties. If these parcels are not transferred, the City would be required to provide maintenance.
- Transfer of these parcels will occur when the original group of park properties are deeded to the County.
- The deed for the properties will include a reservation by the City of the right to rights-of-ways across the properties, to be conveyed by the County at no cost to the City for public purposes such as streets and utilities as required by the City.

**Background:**

- On July 1, 1992, the City entered into an agreement with Mecklenburg County to transfer most of the City's park lands. Since that time, Mecklenburg County has been operating the parks, however, title has not yet transferred. The County Attorney's Office is responsible for preparing the deed to transfer the properties.
- More recently, Mecklenburg County was provided a list of the City's surplus properties. They have requested that the City transfer to them an additional 42 properties that complement County parks and green space areas.

**Attachment 5**

City Surplus Parcels Requested by Mecklenburg County

**11. Job Training Partnership Act Job Training Plan for FY97**

**Action:**

**Approve the FY97 Job Training Plan funded by the Job Training Partnership Act (JTPA) through the North Carolina Division of Employment and Training in the estimated amount of \$1,866,866 for programs to be operated from July 1, 1996 to June 30, 1997.**

**Staff Resource:**

Gus Psomadakis

**Policy:**

The goal of JTPA is to provide high school dropouts, welfare recipients, youth, disabled individuals, older individuals, and dislocated workers with the skills necessary to enter the labor force and maintain productive employment. These activities will be coordinated with existing community based initiatives such as traditional housing programs, Success by Six and other physical development activities to be carried out by the Neighborhood Development Key Business.

**Explanation of Request:**

- The Job Training Plan is a federal requirement of the JTPA program and must be submitted to the North Carolina Division of Employment and Training by April 12, 1996.

- Final allocations are not currently known due to pending appropriations in Congress. However, for planning purposes the State has recommended we estimate FY97 funding at 75% of FY96, or \$1,866,866.
- Once allocations have been determined, a detailed program budget prepared by the Workforce Development Board will be provided to City Council.
- JTPA funding is allocated to the Charlotte-Mecklenburg Service Delivery Area based on unemployment rates and the number of economically disadvantaged individuals in Mecklenburg County.
- JTPA grant funds are provided by the U.S. Department of Labor and administered by the North Carolina Division of Employment and Training. The following services are eligible:
  - Occupational Skills Training
  - Basic Education
  - Case Management Services
  - Child Care Assistance
  - Transportation
  - Summer Youth Employment
  - Dislocated Worker Program
  - Older Worker Program
- A full description of these services is attached.

**Funding:**

U.S. Department of Labor

**Background:**

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

**Attachment**

Performance Standards

Proposed Programs and Activities

## **12. Salary and Expense Allowance for Interim City Manager**

- Action:**
- A. Adopt a motion to go into closed session pursuant to North Carolina General Statutes 143-138.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer; and,**
  - B. Approve the salary and expense allowance for Pamela A. Syfert, Interim City Manager, effective March 15, 1996.**

**Staff Resource:** Bill Wilder

- Explanation of Request:**
- The City Council appointed Pamela A. Syfert as Interim City Manager, effective March 15, 1996. When Council approved the appointment, the decision was made to defer action on her salary as Interim Manager until after the effective date of the appointment.
  - Provided in the April 3 Council-Manager Memo was a list of options for interim salaries.
  - Council is asked to approve an expense allowance also. Wendell White's allowance was \$250 per month. An expense allowance is a cost effective way to handle numerous, small expenses.

## **13. Nominations to Boards and Commissions**

- Nominations:**
- 1. Auditorium-Coliseum-Convention Center Authority**  
One three-year appointment beginning May 1996. John Fennebresque is not eligible to be reappointed.

**Attachment 7**

2. **Certified Development Corporation**  
Five three-year appointments beginning May 1996. Two will represent business organizations. David Thompson and William McCullough are eligible and would like to be reappointed.

One representative for local government. Gus Psomadakis is not eligible to be reappointed.

Two appointments will represent private lending institutions. Elizabeth Brown does not wish to be reappointed. Jerry McMurray is eligible and would like to be reappointed.

**Attachment 8**

3. **Civil Service Board**  
One three-year appointment beginning May 1996. Rudy Torrence is not eligible to be reappointed.

**Attachment 9**

4. **Clean City Committee**  
Four three-year appointments beginning July 1996. Pamela Arthur and Jill Beitel are eligible and would like to be reappointed. Mable Cunningham is not eligible. Edgar Ray has moved away from the City.

**Attachment 10**

5. **CMUD Advisory**  
One three-year appointment beginning July 1996 to represent a water-sewer contractor. Otis Crowder is not eligible to be reappointed.

**Attachment 11**

6. **Community Relations Committee**  
Two appointments beginning July 1996 for three year terms. Joanne Jenkins and Leroy Miller are both eligible to be reappointed.

**Attachment 12**

7. **Historic Districts Committee**  
One three-year appointment beginning July 1996 to represent a business/operator in Dilworth. Damon Rumsch is eligible and would like to be reappointed.

One appointment to fill an unexpired term beginning immediately and ending June 30, 1998. Applicant must be a residential property owner in Dilworth. Frank Hirsch has resigned.

**Attachment 13**

8. **Historic Landmarks Committee**  
Two three-year appointments beginning July 1996. Stephen Cox and Patrick Hamrick are eligible and would like to be reappointed.

**Attachment 14**

9. **Housing Appeals Board**  
One appointment beginning immediately ending December 31, 1996 and the next full three-year term to fill the at-large position. Karen Woods has resigned.

**Attachment 15**

10. **Neighborhood Matching Grants Review Team**  
Three two-year appointments beginning April 1997. One position will represent a non-profit organization; Susan Russell is eligible and would like to be reappointed. Two positions will represent neighborhood organization leaders. William Sturges and Eleanor Washington are eligible and want to be reappointed.

**Attachment 16**

11. **Parole Accountability Committee**  
One three-year appointment beginning June 1996. Tobin Henry does not wish to be reappointed.

**Attachment 17**

12. **Planning Committee**  
One three-year appointment beginning July 1996.  
Jerry McMurray would like to be reappointed.

**Attachment 18**

13. **Sister Cities Committee**  
Eight two-year appointments beginning April 1996. Patricia Craig is eligible to be reappointed. George Dorsey and Suzanne Harter are not eligible. Robbie Bateman, Ann Hammond, Linda Hammond, Holly Fugate Scheppegrell and Raymond Worsley do not wish to be reappointed.

**Attachment 19**

14. **Spirit Square Board of Directors**  
One three-year term beginning July 1996.  
Douglas Hoy is eligible for reappointment.

**Attachment 20**

15. **Storm Water Advisory Committee**  
One three-year appointment beginning April 1996. Must be employed full time in land development or the design of buildings or land improvements. The incumbent, Steve Brumm, was appointed by the Town of Huntersville and does not wish to be reappointed. This category was drawn by the City in the last lottery so Council is charged with appointing someone to fill this position.

**Attachment 21**

16. **Zoning Board of Adjustment**  
One appointment to fill an unexpired term beginning immediately and ending January 30, 1999. Stephanie Carter has resigned.

**Attachment 22**

## **Introduction to CONSENT I and II**

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

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

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

### Minority and Women Business Development Program (MWBD) Abbreviations:

BBE - African American

ABE - Asian American

NBE - Native American

HBE - Hispanic

WBE - Non-Minority Women

## **CONSENT I**

### **14. Various Bids**

**A. McDowell Creek Wastewater Treatment Plant Phase II Improvements CMUD**

**Recommendation:** Charlotte-Mecklenburg Utility Director recommends the following low combined Multi-Prime bid of \$18,082,741 for plant expansion to six million gallons per day capacity.

**General**

Pizzagalli Construction Company

South Burlington, Vermont \$14,284,608 (negotiated bid price)

**Electrical**

Watson Electrical Construction Company

Charlotte, NC \$3,248,527 (negotiated bid price)

**HVAC**

Climate Conditioning of Charlotte, Inc.

Charlotte, NC \$347,145

**Plumbing**

Atlantic Coast Mechanical, Inc.  
Raleigh, NC \$202,461

<b>MWBD Status:</b>	<b>Pizzagalli Construction Co.</b>		
	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$168,500	1.2%	1%
NBE	\$112,000	0.8%	0%
WBE	\$816,000	5.7%	1%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women-owned firms. The BBE and WBE goals have been exceeded, with additional participation committed with an NBE.

<b>MWBD Status:</b>	<b>Watson Electrical Construction</b>		
	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$0	0%	1%
HBE	\$80,000	2.5%	1%
WBE	\$60,000	1.9%	1%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women-owned firms. The above MWB information is a representation of participation through MWB material suppliers. Otherwise, Watson Electrical will be performing on this project with their current work force. Watson Electrical Construction has stated that should additional subcontract opportunities arise during this contract, they will make every effort to utilize minority businesses. The HBE and WBE goals established for this project have been exceeded.

<b>MWBD Status:</b>	<b>Climate Conditioning</b>		
	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$0	0%	1%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by performing 100% of the work with his current work force. Climate Conditioning of Charlotte has submitted to CMUD the required documentation stating their capacity and capability of self-performing this contract.

<b>MWBD Status:</b>	<b>Atlantic Coast Mechanical</b>		
	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$0	0%	0%
WBE	\$0	0%	0%

**Compliance:** Yes. Since the engineer's estimate was below \$100,000 and identified little or no opportunity for subcontracts, it is customary for the City not to set a goal. Atlantic will self-perform all work.

**B. Neal Branch Sanitary Sewer Trunks and Force Main CMUD**

**Recommendation:** Charlotte-Mecklenburg Utility Director recommends the low bid of \$1,610,235.48 by Foster Utilities of Pineville, North Carolina.

<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$ 35,000	2.2%	4%
WBE	\$188,800	11.8%	3%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women-owned businesses. Foster Utilities, Inc. submitted a commitment of 0% BBE and 11.7% WBE participation with their bid. After the Utility Department's review and consultation with the contractor, the BBE participation increased to the above stated percentages. Foster Utilities, Inc. has committed all available subcontract opportunities to MWBD's and will self-perform the remainder of the work. Utility Department's staff will monitor subcontract activity to ensure that Foster Utilities remains in compliance with the MWBD Program. The WBE goal has been exceeded.

**C. Sanitary Sewer Main Construction - CMUD  
FY96 Contract #13 - Street Main Extensions**

**Recommendation:** Charlotte-Mecklenburg Utility Director recommends the low bid of \$721,019 by McDaniel Construction Contractors of Bostic, North Carolina.

<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$0	0%	2%
WBE	\$721,019	100%	3%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by performing 100% of the work with their current work forces. McDaniel Construction Contractors has submitted documentation regarding their firm's capacity to do so. The WBE goal has been exceeded.

**D. Water Distribution Project - CMUD  
24-Inch Water Main Along Sam Newell Road**

**Recommendation:** Charlotte-Mecklenburg Utility Director recommends the low bid of \$710,486.23 by State Utility Contractors of Monroe, North Carolina.

<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$1,300	0.2%	7%
WBE	\$50,920	7.2%	5%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women owned firms. State Utility Contractors have committed all available subcontract opportunities to minority and women-owned businesses. The remainder of the work will be performed by State Utility Contractors forces. In addition, State Utility Contractors stated that should additional subcontracting opportunities arise, they will make every effort to utilize minority/women-owned businesses. The WBE goal has been exceeded.

**E. Water Distribution Project - 16-Inch CMUD  
Water Main to Serve McKee Road and  
Pleasant Plains Road and Water Valve  
Box Adjustments in Brightmoor and Ashley  
Creek Subdivisions**

**Recommendation:** Charlotte-Mecklenburg Utility Director recommends the low bid of \$333,634.19 by M.B. White Contracting, Inc. of Spartanburg, South Carolina.

**MWBD Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by performing 100% of the work with his current work force. M. B. White Contracting, Inc. has submitted documentation regarding their capacity to self-perform this project.

**F. Resurfacing - 96 and Neal Road Engineering and  
Widening Property Management**

**Recommendation:** The City Engineer recommends the low bid of \$4,173,600.07 from REA Construction Company of Charlotte, N.C. This project will resurface approximately 119 miles of City streets. Also included is the widening of Neal Road from Mineral Springs Road to IBM Boulevard.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$211,700	5%	5%
WBE	\$283,760	7%	5%

**Compliance:** Yes.

**G. Cedar Street Bus Parking Lot** **Engineering and  
Property Management**

**Recommendation:** The City Engineer recommends the low bid of \$166,771 from APAC-Carolina, Inc. of Charlotte, N.C. This project will construct a gravel parking lot off the 500 block of West Cedar Street between West Hill Street and West First Street.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$5,000	3%	3%
WBE	\$25,000	17%	3%

**Compliance:** Yes

**H. Hemphill Heights Neighborhood Reinvestment** **Engineering and  
Property Management**

**Recommendation:** The City Engineer recommends the low bid of \$1,153,467 by United Construction of Charlotte, N.C. This project includes storm drainage, concrete curb and gutter, drives, sidewalks, wheelchair ramps, asphalt paving, and related work.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$ 76,000	6.6%	5%
ABE	\$1,074,47	93.1%	0%
WBE	\$ 3,000	.3%	4%

**Compliance:** Yes

**15. Refund of Certain Taxes**

**Action:** Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of \$2,628.27.

**Attachment 23**

## **16. Resolution Declaring Equipment Surplus**

**Action:** Declare the attached list of vehicles, equipment, miscellaneous items, various parts and supplies as surplus and approve them for sale at public auction on Saturday, May 11, 1995, at 10:00 a.m. pursuant to G.S. 106A-270.

Attachment 24

## **17. Set Public Hearing Concerning Charlotte Hornets**

**Action:** Select a date and time for a public hearing regarding City options for dealing with the Charlotte Hornets.

**Possible Dates:**

April 22 is a regular business meeting. To accommodate this public hearing, the meeting may begin at 6:00 p.m. instead of 6:30 p.m.

April 29 at 6:30 p.m. There is no meeting scheduled for April 29th.



**19. McAlpine Creek Residuals Management Facility - Change Order #G-23**

**Action:** Approve Change Order #G-23 with Pizzagalli Construction Company for General Construction at the McAlpine Creek Wastewater Management Facility for \$112,232.00.

**Explanation of Request:**

- This change order will allow payment to Pizzagalli Construction Company for the installation of a fiberglass duct from the sludge dewatering building to the residuals management facility. The change will eliminate a major source of odor as soon as possible. This change order was pursued because of the dewatering building's close proximity to the residuals odor control facility presently under construction.

- This change order will increase the Pizzagalli Construction Company contract from \$13,633,807 to \$13,746,039.

**Background:**

- The Utility Department hired a consultant to perform an odor study for the McAlpine Creek Wastewater Management Facility. The study identified the sludge dewatering building vents as the major source of odor. A study is also underway at the Sugar Creek Wastewater Treatment Facility. This study will help in the design of odor control improvements.

**20. Matthews-Mint Hill Road (N.C. 51) Water Main - Budget Ordinance and Construction Contract**

**Action:**

- A. Approve a budget ordinance appropriating \$354,000 to the Matthews-Mint Hill Project; and,
- B. Award the low bid of \$961,264.22 by McDaniel Construction Contractors, Inc. of Bostic, North Carolina.

**Explanation of Request:**

- Funding for the Water Main along Matthews-Mint Hill Road (N.C. 51) from Lebanon Road to Lawyers Road (East of U.S. 74) was approved in the FY92 Capital Improvement Program.
- The budget ordinance is necessary because the project has been expanded along N.C. 51 from Lawyers Road to Woodland Avenue to meet the water needs of eastern Mint Hill.
- Savings from the water main along Highway 51 from Highway 74 to Lebanon Road and water main along Oakdale Road and Leolille Lane are available to cover the additional construction cost.

**MWBD Status:**

	<b>Amount</b>	<b>% of Project</b>	<b>Proj Goals</b>
<b>BBE</b>	\$0	0%	7%
<b>ABE</b>	\$0	0%	1%
<b>WBE</b>	\$961,264.22	100%	5%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by performing 100% of the work with current work force. McDaniel Construction Contractors, Inc. has submitted documentation regarding their capacity to self-perform this project. The WBE goal has been exceeded.

**21 Vance Road Water Main - Budget Ordinance**

**Action:**

**Approve a budget ordinance to transfer project savings of \$200,000 from the Idlewild Road - Margaret Wallace Road Water Main to the Vance Road Water Main.**

**Explanation of Request:**

- The project is a 16" water main along Vance Road and Reames Road from Treyburn Drive to Perimeter Parkway. This water main will form the last segment of a reinforcing loop in order to provide more reliable service to portions of northern Mecklenburg County.

## **22 Storm Water Maintenance Contract Change Orders**

- Action:**
- A. Approve Change Order #1 for \$328,050 to the contract with United Construction Company for continued construction of FY95 Storm Water Maintenance Package E. The change order will increase the contract amount from \$328,050 to \$656,100.**
  - B. Approve Change Order #1 for \$347,200 to the contract with Blythe Development Company for continued construction of FY96 Storm Water Maintenance Package A. The change order will increase the contract amount from \$347,200 to \$694,400.**
  - C. Approve Change Order #1 for \$100,000 to the contract with United Construction Company for continued construction of FY96 Storm Water Maintenance Package B. The change order will increase the contract amount from \$344,750 to \$444,750.**

**Explanation of Request:**

- The addition of funds to these contracts recognizes good performance by the contractor and good existing unit prices. These contracts are originally bid in the range of \$300,000 to \$350,000 to provide bidding opportunity to all licensed contractors. Where the contractor's work has been of good quality, a change order is recommended to extend the contract.
- Change Order #1 for United Construction Company (FY95E, FY96B), and Blythe Development Company (FY96A) will provide funds to continue work under these contracts for approximately six months from the approval date.

**Background:**

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

## **23 Residential Sound Insulation Construction Contracts**

- Action:**
- A. Award Contract A for \$120,782 and Contract B for \$112,727 to Bass & Jones of Winston-Salem, the low bidder, for sound insulation of airport area homes; and**
  - B. Reject the low bid of Bass & Jones for Contract C due to insufficient bid bond; and**
  - C. Award Contract C for \$78,569 to Moretti Construction of Charlotte, the second lowest bidder for sound insulation of airport area homes.**

**Explanation of Request:**

- Bass & Jones submitted the lowest bid for Contracts A, B and C. They submitted one bid bond to cover all three bids. The bond was less than five percent of their total bid for the three contracts, but the submitted bid bond was sufficient to cover Contracts A & B.
- North Carolina General Statute 143-129 states that a bid bond or deposit in the amount of 5% of the total proposal or bid be submitted with the bid. This requirement cannot be waived. Therefore, it is recommended that Contract C be awarded to Moretti Construction.

**Background:**

- 1987 - City Council approved the Part 150 Noise Program that specifies sound insulation of homes, schools and churches.
- To date, 40 homes and three schools have been insulated. There are currently 233 participants in the sound insulation program.
- These contracts will provide storm windows, storm doors, additional insulation, storm baffling and minor refurbishing of homes eligible to participate in the sound insulation program.

<b>CONTRACT A (12 properties)</b>	
<u>Bass &amp; Jones</u>	<b>\$120,782</b>
Moretti Construction	<b>\$125,876</b>
Rayco Construction	<b>\$127,849</b>
J. P. Goodrum	<b>\$158,700</b>
DBE Goal	<b>10%</b>
DBE Participation	<b>100%</b>
<b>CONTRACT B (10 properties)</b>	
<u>Bass &amp; Jones</u>	<b>\$112,727</b>
Moretti Construction	<b>\$124,393</b>
Rayco Construction	<b>\$127,690</b>
J. P. Goodrum	<b>\$145,400</b>
DBE Goal	<b>10%</b>
DBE Participation	<b>100%</b>
<b>CONTRACT C (5 properties)</b>	
Bass & Jones	<b>\$72,819</b>
<u>Moretti Construction</u>	<b>\$78,569</b>
Rayco Construction	<b>\$81,670</b>
J. P. Goodrum	<b>\$87,100</b>
Vickers Residential	<b>\$125,638</b>
DBE Goal	<b>10%</b>
DBE Participation	<b>0%</b>

## **24. Audit Services Contract**

**Action:** Approve a contract with Deloitte & Touche LLP, Certified Public Accounting Firm, for \$76,000 to provide audit services for the fiscal year ending June 30, 1996.

**Policy:** In 1992 Council reaffirmed a policy adopted in 1979 that a different auditing firm be selected every four years.

**Explanation of Request:**

- The General Statutes require Council to select a certified public accounting firm to audit the accounting records and financial report at the end of each fiscal year.

- Coopers and Lybrand LLP, selected in 1992 to provide audit services to the City, completed its fourth year in 1995. On February 15, 1996, all Certified Public Accounting Firms in the Charlotte area were notified that the City would accept proposals until March 11, 1996 to provide audit services for the fiscal year ending June 30, 1996. Two proposals were received as follows: Deloitte & Touche LLP - \$76,000 and KPMG Peat Marwick LLP - \$89,000.

## **25 Lease Agreement for Charlie Service Area Office**

**Action:** Approve a five year lease agreement in the amount of \$206,755 between the Charlotte-Mecklenburg Police Department and First Union National Bank for the Charlie Service Area and Charlie One District Office.

**Explanation of Request**

- As a part of its conversion to community policing and decentralization of police services, the Police Department is locating nine of its twelve patrol districts and the command staffs of three of the patrol service areas in the geographic locations they serve.
- The Police Department wishes to enter into a five year lease agreement with First Union National Bank to provide 8,270 square feet of office space for the Charlie One District and the Charlie Service Area command staff.
- The office will be located at 8740 Research Drive in the University Research Park.
- The space will be used as the district office for Charlie One and will include roll call rooms, locker rooms, and space for district meetings. The building will also house the command staff for the entire Charlie Patrol Service Area, as well as the investigators, Street Drug Interdiction Officers, and DARE Officers assigned to the service area. The lease will include an unlimited number of parking spaces.

- The space meets all of the Police Department's criteria for the selection of district and service area sites. The criteria includes the cost of the site, central location within the district and service area, major street access, accessibility by public transportation, and satisfaction of police needs such as adequate parking space for both police and personal vehicles.
- The lease is for a five year period at a cost of \$1 per year for rent and \$41,350 or \$5 per square foot per year for water, electricity, janitorial services and maintenance. These costs will not increase during the term of the lease. The charges are lower than the standard rate of \$12 to \$18 per square foot per year for comparable properties in the area.
- The Planning Commission concurs with this site selection.

## **26 Property Acquisition**

- A. **Project:** Fourth & Graham Street Radius, Parcel #1  
**Owner(s):** Hertz and Lengers, Ltd.  
**Property Address:** 430 W. Fourth Street.  
**Property to be acquired:** 365 sq.ft. (0.01 ac.) fee acquisition.  
**Improvements:** Loss of (2) parking spaces.  
**Purchase Price:** \$15,330  
**Remarks:** Required area needed for the construction of turn radius curb improvements at 430 W. Fourth Street. Compensation is based upon an appraisal and includes land area acquired and lost parking revenue.
- Zoned:** UMUD    **Use:** Parking lot  
**1991 Tax Value:** \$708,270  
**Tax Code:** 073-113-02

- 27. Approval of Minutes:**
- February 12 Business Meeting
  - February 19 Zoning Meeting
  - February 26 Business Meeting
  - March 4 Briefing on E-911 System
  - March 4 Council Workshop
  - March 18 Zoning