AGENDA

Meeting Type:	B
Date:	12/14/98

City of Charlotte, City Clerk's Office

MEMORANDUM

OFFICE OF THE CITY CLERK

DATE: December 14, 1998

TO: Mayor McCrory and
City Council

FROM: Nancy S Gilbert, CMC
Deputy City Clerk

SUBJECT: Consent Agenda Items No. 29F and 29G

The above numbered consent agenda items were inadvertently left out of your agenda. Please consider them for approval tonight along with the other property transactions.

Also, attachment number nine contains an error in the date for the June 9 meeting. The final vote and adoption of the budget will be June 21, not June 15

Nancy S Gilbert, CMC
Certified Municipal Clerk

Phone 336-4515
Fax. 336-7588

F. **Project:** FAR Part 150 Land Acquisition
Owner(s) Edith E Phillips
Property Address 6225 Wilkinson Blvd
Property to be acquired 2 263 acres
Improvements Mobile Home Park
Purchase Price $337,500
Remarks: This property is eligible for acquisition under the Airport's FAR Part 150 program This property is being offered for sale under a Court order which appoints a commissioner and instructs him to sell the property without the trailers that have been on the property and are to be removed before the sale The purpose of this council action is to obtain permission from Council to tender this offer, which is subject to the upset bid laws If the offer is accepted by the Court, the owner of the property may qualify for additional money, such as relocation and reestablishment expenses estimated to be approximately $15,000
Zoned: I-2
Use: Mobile Home Park
Tax Value $337,500
Tax Code: 113-012-11

Condemnations:

G. **Project:** Colony Road Extension-Phase II, Parcel #49
Owner(s) Jeanne C Steiner & Robert Steiner & any other parties of interest
Property Address 2635 Tanbridge Road
Property to be Acquired 611 sq ft (0 014 ac) of temporary construction easement
Improvements Landscaping
Purchase Price $275
Remarks This temporary construction easement is needed for the construction of Colony Road Extension Staff has not reached an agreement after numerous contacts The condemnation price is based on an independent, certified appraisal made on the property
Zoned R-3
Use Vacant
Total Parcel Tax Value $500
Tax Code 211-366-23

Res # 3
BK35 P 428-429

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

OFFICE COPY

CITY COUNCIL MEETING
Monday, December 14, 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 Strategy 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

TABLE OF CONTENTS
Monday, December 14, 1998

Item No.		Page No.	Attachment No.
5:00 P.M. DINNER BRIEFING CONFERENCE CENTER			
1.	School Facilities Master Plan	1	1
2.	Coliseum Authority - NBA Lockout	1	2
3.	FY98 Annual Financial Report	1	3
4.	Police Exchange with Poland	1	4
5.	Committee Reports by Exception	1	
7:00 P.M. AWARDS AND RECOGNITIONS MEETING CHAMBER			
CONSENT			
6.	Consent Items	2	
PUBLIC HEARING			
7.	Public Hearing to Close a Portion of Providence Road	2	5
8.	Public Hearing to Close Butterfield Street	4	6
9.	Public Hearing to Close a Portion of Kemp Street	5	7
10.	Public Hearing for Voluntary Annexation of Crosland Investors, Inc. Property	6	8

Item No.		Page No.	Attachment No.
	POLICY		
11.	City Manager's Report	8	
12.	Carolina Theatre	8	
13.	1999 Budget Process and Calendar	14	9
	BUSINESS		
14.	Closed Session	16	
	CONSENT I		
15.	Various Bids		
	A. Aviation Crosswalk Replacement	17	
	B. Aviation Landscape Maintenance Services	18	
	C. Kings Drive Intersection Improvements	18	
	CONSENT II		
16.	Utility Billing System Contract	19	
17.	16 Inch Water Main Along Catawba Avenue - Budget Ordinance and Contract	20	
18.	Amendment to Shared Parking Agreement	21	
19.	Landscaping and Litter Maintenance Agreement for I-77 and I-277	22	

Item No.		Page No.	Attachment No.

CONSENT II Continued

20.	Street Sweeper	23	
21.	Typographical Error in Ordinance #1006-X	25	
22.	Ronda Avenue Storm Drain Improvements, Change Order #1	26	
23.	Construction Administration of Storm Water Repairs to Existing Storm Drains	26	
24.	FY98 Storm Water Maintenance Packages - Renewals	27	
25.	Morris Field Drive Widening	28	
26.	US Airways Maintenance Facility Change Order	29	
27.	Aviation Utility Relocation Change Order	30	
28.	Airport Property Exchange	30	
29.	Property Transactions	31	
30.	Meeting Minutes	35	

5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. School Facilities Master Plan

Resource: Martin Cramton and Dick Black

Time: 60 Minutes

Attachment 1

2. Coliseum Authority - NBA Lockout

Resource: Stan Vaughn and Mike Crum

Time: 15 minutes

Attachment 2

3. FY98 Annual Financial Report

Resource: Richard Martin and Woody Nail, Deloitte & Touche

Time: 30 minutes

Attachment 3

4. Police Exchange with Poland

Resource: Dennis Nowicki and Peggy Wesp

Time: 15 minutes

Attachment 4

5. Committee Reports by Exception:
Budget Committee

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

CONSENT

6. Consent agenda items 15 through 30 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Julie Burch

PUBLIC HEARING

7. Public Hearing to Close a Portion of Providence Road

Action:

A. Conduct a public hearing to abandon a portion of Providence Road; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

Explanation: North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and is requesting this action in accordance with the statute.

Petitioner:
Charles N. Myers

Right-Of-Way to be abandoned:
The right-of-way to be abandoned is a 10-foot residual portion of Providence Road. In 1994, City Council reduced minimum right-of-way requirements for major thoroughfares within Charlotte's Route 4 from 100 feet to 80 feet, measuring 40 feet from the centerline of the roadway. This 10-foot portion of right-of-way is no longer necessary to meet minimum requirements for Providence Road. Although Providence Road is a state maintained road, the petitioner dedicated this additional right-of-way to the City in 1988 and it must be abandoned through the City.

Location:
Between Briar Creek and Pinewood Circle

Reason:
To incorporate the right-of-way into adjacent property owned by petitioner to develop the Pinewood Court subdivision

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

Adjoining property owners - No objection
Neighborhood Associations - No objection
Eastover Resident's Association
Greentree Neighborhood Association
Sedgewood Circle/Meadowbrook
Barclay Downs HOA
Wendover Hills HOA
Olde Foxcroft HOA
Private Utility Companies - No objection

City Departments
Review has identified no apparent reason this closing would:
1. Be contrary to the public interest; or
2. Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes.

Attachment 5
Map

8. Public Hearing to Close Butterfield Street

Action:

A. Conduct a public hearing to abandon a portion of Butterfield Street; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

Explanation: North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and is requesting this action in accordance with the statute.

Petitioner:
Hal Abernethy

Right-Of-Way to be abandoned:
Butterfield Street (unopened)

Location:
Between Craighead Road and Philemon Avenue

Reason:
To incorporate the right-of-way into adjacent property owned by Petitioner and abutting property owner.

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

Adjoining property owners - No objection
Private Utility Companies - No objection
Wilmore Neighborhood Association - No objection

City Departments
Review has identified no apparent reason this closing would:

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

Attachment 6
Map

9. Public Hearing to Close a Portion of Kemp Street

Action:

A. Conduct a public hearing to abandon a portion of Kemp Street; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

Explanation: North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and is requesting this action in accordance with the statute.

Petitioner:
Deborah A. Moser

Right-Of-Way to be abandoned:
A portion of Kemp Street

Location:
Between Neal Drive and Owen Boulevard

Reason:
To incorporate the right-of-way into adjacent property owned by Petitioner and abutting property owner

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

Adjoining property owners - No objection
Private Utility Companies - No objection
Autumnwood Community Association - No objection

City Departments
Review has identified no apparent reason this closing would:

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

Attachment 7
Map

10. Public Hearing for Voluntary Annexation of Crosland Investors, Inc. Property

Action:

A. Conduct a public hearing for the voluntary annexation of the Crosland Investors, Inc. property; and

B. Consider adoption of an ordinance with an effective date of June 13, 1999 to extend the corporate limits to include this property.

Policy: City Annexation Policy and State Annexation Statutes

Explanation:

- Crosland Investors, Inc. is the owner of the Brookmere subdivision. Brookmere is a 93.532 acre subdivision along Mt. Holly-Huntersville Road (across from Northwoods Forest). The property is under development and will have 297 homes at completion.

- There are two reasons for the Crosland Investors, Inc. request:

  (1) Smaller street width requirements in the City; and

(2) The City's policy for accepting subdivision streets for public maintenance.

- The smaller street width of 26 feet (City) vs. 28 feet (County) reduces the amount of impervious area in the subdivision streets. This allows the developer to increase the impervious area per lot in the watershed protection area (i.e. larger house, wider driveway, etc.).

- The City accepts subdivision streets for public maintenance once they are constructed to City standards. The State will only accept streets after they are built to State standards and the subdivision contains a certain number of occupied houses along the street.

- The result is the City maintains the subdivision streets during construction of the subdivision while in the County the developer maintains streets. In the County, the developer would probably have to rebuild the streets a second time due to construction traffic. In the City, the City would rebuild the streets.

- A report indicating the cost of city services to the annexation area and the revenues generated, plus the impact on future annexations in the area will be presented to Council during the public hearing. We have preliminary indications from the Fire Department that the area <u>could not</u> be serviced under the nine minute residential response time from existing fire stations.

- The City Clerk has certified the petition as to its sufficiency, and a resolution was adopted by Council establishing December 14, 1998 as the date for the public hearing. The notice has been published in the Charlotte Observer. Crosland Investors, Inc. has sent a written request to the six Mecklenburg Towns asking for a waiver of the 60-day notice requirement.

Attachment 8

POLICY

11. City Manager's Report

12. Carolina Theatre

Action: Approve a recommendation to conditionally extend the Option and Right of First Refusal to Purchase the Carolina Theatre Property from December 31, 1998 to January 15, 2000.

Staff Resource: Curt Walton

Policy: Council has several applicable policies:

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

- Relevant Capital Investment Plan Policies.
  - To evaluate capital project requests according to the following priorities:

    1st Priority: Retrofit Existing Facilities
    2nd Priority: Replacement of Existing Facilities
    3rd Priority: Expansion of Existing Facilities
    4th Priority: New Facilities

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

Background:

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

- The owner of the option has the right to purchase the property for $1.2 million up until December 31, 1998. Immediately upon expiration of the option to purchase, the agreement gives the owner of the option the Right of First Refusal until December 31, 2009 to purchase the property under the same terms and conditions as offered by any proposed purchaser.

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

- In June, 1994, the Keith Corporation acquired the Option and Right of First Refusal to purchase the Carolina Theatre from AFPC as part of the purchase contract of the City Fair property.

- On September 22, 1998, the Keith Corporation donated the Option and Right of First Refusal to the Arts and Science Council (ASC). Therefore, regardless of Council action on this item, the ASC can purchase the property from the City for $1.2 million, as long as it does so by December 31, 1998. Similarly, the Right of First Refusal gives the ASC the right to buy the property at any time between January 1, 1999 and December 31, 2009 so long as the ASC matches the terms and conditions offered by any other proposed purchaser.

- The ASC has asked for an extension of the Option and Right of First Refusal in order to conduct a feasibility study for preservation of the Theatre and, if the preservation appears feasible, to complete a project proposal for restoration and programming of the Theatre.

- The ASC has received a $1 million commitment from NationsBank toward restoration of the Threatre, as well as $100,000 from the Keith Corporation toward the feasibility study.

- The Phoenix Group has also expressed an interest in buying and restoring the Carolina Theatre property. The Phoenix Group presented its proposal on December 7, 1998. The Mayor and Council asked several questions of the Phoenix Group relative to their proposal. Answers to those questions will be provided in the December 11, 1998 Council-Manager Memo.

- The Carolina Theatre Preservation Society has worked for several years to preserve the Theatre. They have made minor improvements to the Theatre for performances and have developed a report on the Theatre's redevelopment potential. The Preservation Society supports the ASC's request for an extension of the Option.

Options for Council to Consider:

- Based on the Council policies, there are several options to consider. <u>All options assume that the ASC does not purchase the property prior to December 31, 1998:</u>

<u>**Option 1:**</u>
Follow the asset management policy:
- Let the purchase option expire on December 31, 1998.
- Identify and evaluate other public policy priorities for the use of the property. (Because this is a historic structure, the City may choose to place conditions on the sale; however, the negotiated sale must be made to a non-profit corporation and the building must remain for public use.)
- Develop an RFP for the sale of the property.
- Develop a process and timeline for review of the proposals.

<u>**Advantages of Option 1:**</u>
- Revenues from the asset sale become available for use in the capital program. The estimated value of the property is $175 to $200 per square foot, producing estimated revenue of $3.18 million to $3.64 million.

- A sale returns the property to the tax rolls. Based on the estimated value, the estimated annual property tax revenue to the City from property taxes is $15,000 to $17,000 from the land only.

Disadvantages of Option 1:

- Possible loss of a historic structure uptown.
- Loss of the opportunity to address potential performance space needs for the community's cultural arts groups.
- Opposed by the Carolina Theatre Preservation Society.

Option 2:

Preserve the Carolina Theatre while all options are being evaluated. This can be done in either of two ways:

A. Approve the ASC's request and extend the purchase option until January 15, 2000.

Advantages

- Preserves the Theatre in the interim.
- Allows time to identify how the Theatre fits programmatically.
- This is the recommendation of the Carolina Theatre Preservation Society.

Disadvantages

- May lose the highest value of the asset.
- May not be the highest and best use of this property.
- The project may ultimately require City funding.

B. Approve the ASC's request and extend an amended purchase option to January 15, 2000, but:

1. with the condition that the final sale to the ASC be dependent on City Council's approval of the ASC's recommended preservation proposal for the Theatre; and

2. with the condition that the ASC waive its Option and Right of First Refusal rights and return the property to the City if restoration is determined not to be feasible, if there is not a demonstrated programming need for the Theatre, or if a financing plan cannot be developed. Further, the Option and right of First Refusal cannot be transferred or sold without the approval of the City.

3. with the condition that execution of the option be dependent on City Council's approval of the ASC's recommended preservation proposal for the Threatre.

<u>Each condition will require the ASC's consent to amend the existing option and Right of First Refusal.</u>

<u>Advantages</u>

- Preserves the Theatre in the interim.
- Allows time to identify how the Theatre fits programmatically.
- Allows time to develop criteria for the City's participation in the project.
- Preserves Council's ability to consider alternative proposals for the property.

<u>Disadvantages</u>

- May lose the highest value of the asset.

- May not be the highest and best use of this property.
- The project may ultimately require City funding.

Summary of Options:

Option 1:	**Sell the property if the ASC does not exercise its option by 12/31/98.**
Option 2:	**Preserve the Carolina Theatre by either:** **A. Extending the ASC's Option and Right of First Refusal; or** **B. Extending the ASC's Option and Right of First Refusal <u>but</u> with the condition that Council approve the proposed project before sale.**

Recommendation ☞

Recommendation:

The Staff recommendation is Option 2 B., which is to:

- Preserve the Carolina Theatre while all options are being evaluated.
- Approve the ASC's request and extend the purchase option to January 15, 2000, but with the following conditions:
  - the final sale to the ASC be dependent on City Council's approval of the ASC's recommended preservation proposal for the Theatre; and

- the ASC waive its Option and Right of First Refusal purchase rights and return the property to the City if restoration is determined not to be feasible, if there is not a demonstrated programming need for the Theatre, or if a financing plan cannot be developed. Further, the Option and Right of First Refusal cannot be transferred or sold without the approval of the City.

- execution of the option be dependent on City Council's approval of the ASC's recommended preservation proposal for the Theatre.

Funding: There are no City funds requested at this time.

13. 1999 Budget Process and Calendar

Action: **Approve the Budget Committee's recommended process for development and review of the FY2000-FY2001 Two-Year Operating Budget and the FY2000-2004 Capital Investment Plan.**

Committee Chair: Lynn Wheeler

Staff Resource: Curt Walton

Explanation: Council is requested to approve the recommended 1999 Budget process and calendar which includes:

- Six half-day budget retreats from February thru June; primarily on Wednesdays from 2:00 p.m. to 6:00 p.m.

- Budget presentation on May 3, 1999;

- The public hearing on the budget on May 24, 1999;

- Televised, final decisions on June 9, 1999; and

- Budget Adoption on June 21, 1999 at the Zoning Meeting.

Committee Discussion: The Budget Committee met on December 8, 1998 and voted 4-0 (Wheeler, Cannon, Reid and Rousso) to recommend the attached budget calendar for 1999.
Councilmember Autrey arrived at the meeting following consideration of the Budget Calendar. Councilmember Majeed also attended.

Attachment 9
Budget Calendar

BUSINESS

14. Closed Session

Action:

A. Adopt a motion to go into closed session pursuant to the North Carolina General Statutes 143-318.11(a)(3) to consult with attorneys representing the City and consider a potential settlement in *Port City Electric Company (Plaintiff) vs. City of Charlotte, Black & Veatch, Inc., Brasfield & Gorrie General Contractor, Inc., and Lee Construction Company* (Defendants) *and City of Charlotte* (Defendant and Third Party Plaintiff) vs. *National Fire Insurance Company of Hartford* (Third Party Defendant) *and Lee Construction Company* (Defendant and Third Party Plaintiff) *vs. Farner Tunneling, Inc.* (Third Party Defendant); and

B. Approve such actions as may be necessary to implement any settlement approved during the closed session, including, but not limited to, the execution of settlement documents, adoption of a budget ordinance, and approval of minutes of the closed session.

Staff Resource: Mike Boyd

Explanation:

- Three of the contractors involved in the construction of the North Mecklenburg Water Treatment Plant, the raw water line and intake have filed suit against the City and its design engineer, Black & Veatch, concerning various aspects of the construction of these facilities. The closed session is needed to consider the terms of a proposed settlement of some, but not all, of the claims involved in that litigation. Additional information has been provided to the Mayor and Council through a confidential memo from the City Attorney's Office.

- If the proposed settlement is approved, the Council will return to open session to take such actions as may be necessary to implement the settlement.

Funding: Water and Sewer Bond Fund Fund Balance

Introduction to CONSENT

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:
BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

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

CONSENT I

15. Various Bids

A. Aviation Crosswalk Replacement — Aviation

Recommendation: The Aviation Director recommends the low bid of $139,400 by Sandmark Construction of Matthews, North Carolina. This project will construct five brick paver crosswalks in place of the current concrete crosswalks on the outside lower level of the passenger terminal. The paver crosswalks will provide easier access for the handicapped and will improve overall safety and appearance.

MWBD Status:	Amount	% of Project	Project Goals
WBE	$139,400	100%	5%

MWBD Compliance: Yes.

B. Aviation Landscape Maintenance Services — Aviation

Recommendation: The Aviation Director recommends the low bid of $1,021,434.78 by The Budd Group of Charlotte, North Carolina. This three year landscape maintenance contract will cover 100% of the Airport's area outside the perimeter security fence.

MWBD Compliance: Yes. The Airport's FAA-approved disadvantaged business enterprise program does not require establishing subcontract goals for service contracts.

C. Kings Drive Intersection Improvements — Engineering & Property Management

Recommendation: The City Engineer recommends the low bid of $988,635.53 by Thomas Construction Company of the Carolinas Inc. of Charlotte, North Carolina. This contract combines two projects: Seventh/Central/Kings Intersection Improvement and Third/Fourth/Kings Intersection Improvement. The projects will widen Kings Drive from Third Street to Fourth Street and Seventh Street from Kings/Central to east of Independence Boulevard.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$67,500	7%	7%
WBE	$69,490	7%	6%

MWBD Compliance: Yes.

CONSENT II

16. Utility Billing System Implementation Contract

Action: **Authorize the City Manager to approve a contract not to exceed $375,000.**

Explanation:

- This contract will be for coordinating, testing and data conversion for the new Utility Billing System.
- At the completion of the Utility Billing System's test and conversion planning phase, it was confirmed that additional resources are required to move the utility records from the old system to the new one. This testing will ensure the accuracy of the billings and the addresses. It is now necessary to contract the technical resources to perform this task.
- On August 25, 1997, Council adopted a budget ordinance to appropriate $5,400,000 for the purchase of a new Utility Billing System and related project implementation expenses.
- The estimated $375,000 for this contract was part of this appropriation.
- An RFP has been issued and responses are due December 16, 1998.
- The Utility Billing System is a software replacement project that is part of the City Year 2000 Program. December is a critical month in the life of the project. Therefore, the contract needs to be approved prior to the January 11, 1999 Council meeting.
- Council will be advised of the RFP process and the contract award.

Funding: Water and Sewer Operating Fund

17. 16-Inch Water Main Along Catawba Avenue - Budget Ordinance and Contract

Action:

A. Approve a budget ordinance appropriating $250,000;

B. Allow the apparent low bidder, Mecklenburg Contracting Company, Inc. to withdraw its bid of $380,904.69 due to mathematical errors and incomplete bid forms and return Mecklenburg its bid bond as required by NCGS-143-129.1; and

C. Award the contract to the lowest, responsive bidder, Castor Plumbing Company, Incorporated of Cornelius, North Carolina for the bid amount of $468,600.48.

Explanation:

- The Charlotte-Mecklenburg Utility Director recommends the low bid of $468,600.48 by Castor Plumbing Company of Cornelius, North Carolina.
- This project was approved in the FY97 Capital Investment Plan. Construction of this project will provide another route for water service to north Mecklenburg County and complete a reinforcing distribution loop in the area.

MWBD Status:

	Amount	% of Project	Project Goals
MBE	$0	0%	3%
WBE	$4,000	.01%	3%

MWBD Compliance: Yes. The Utility Department has reviewed the Contractor's documentation and determined that the Contractor will self-perform the majority of work on this project. The Contractor will continue to make the good faith effort to meet the goals for this project if other subcontracting opportunities arise.

Summary of Bids:

Mecklenburg Contracting Co., Inc.	Oxford, NC	$380,904.69
Castor Plumbing Company, Inc.	Cornelius, NC	468,600.48
Buckeye Construction Co., Inc.	Canton, NC	621,695.41
Propst Construction Co.	Concord, NC	643,323.71
BRS, Incorporated	Richfield, NC	704,371.50
State Utility Contractors	Monroe, NC	731,579.21
Sealand Contractors Corp.	Charlotte, NC	782,552.14
Dellinger, Inc.	Monroe, NC	898,812.60
Trans-State Construction Co.	Denver, NC	927,104.33

Funding: Water Capital Investment Plan

18. Amendment to Shared Parking Agreement

Action: **Approve an amendment to Shared Parking Easement between the City of Charlotte, Auditorium-Coliseum-Convention Center Authority (The Authority) and Tulsa Hills Investment Company.**

Explanation:

- This amendment to the September 10, 1998 Shared Parking Easement increases the number of shared parking spaces from 230 to 248.
- Tulsa Hills Investment Company, a development company owned by John Q. Hammons, is constructing a convention hotel adjacent to the Charlotte Coliseum. Parking spaces required by zoning exceed those available on site.
- Convention hotel guests typically do not use private automobiles for transportation to convention hotels so there is not a need for a significant number of parking spaces.
- In September, 1997 the City and the Auditorium-Coliseum-Convention Center Authority (The Authority) granted a shared parking easement to Tulsa Hills Investment Company to use up to 230 automobile parking spaces within the Coliseum parking lot. Tulsa Hills is required to pay $5,000 per year for the easement plus per diem charges for any spaces used.

- After preliminary approval of construction plans for the hotel, plan approval authorities required the relocation of fire department equipment, resulting in the displacement of 18 on-site parking spaces. Consistent with reasons for the original agreement, the Authority approved an amendment increasing the number of parking spaces available to the hotel from 230 spaces to 248 spaces.

19. Landscaping and Litter Maintenance Agreement for I-77 and I-277

Action: **Adopt a resolution authorizing the Transportation Director to sign a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for landscaping and litter control maintenance on I-77 and I-277.**

Explanation:

- The Municipal Agreement is for a two year period beginning July 1, 1998, and extending through June 30, 2000.
- Council approved the City's participation in maintaining landscape and litter control on I-77 and I-277 in the FY99 Operating Budget.
- The negotiated agreement provides for the City and NCDOT to share the costs for providing an increased level of service for mowing, roadway sweeping, litter and debris collection, commencing July 1, 1998. Costs are to be shared on a 50-50 basis up to a total of $495,500.
- The boundaries for this agreement are on I-77 from the railroad bridge south of Wilkinson Boulevard to the pedestrian bridge between LaSalle Street and I-85 and the entire I-277 loop including the Wilkinson and Brookshire interchanges with I-77 and out the Independence Freeway to the Independence bridge flyover.

Funding: Engineering and Property Management Operating Budget

20. Street Sweeper

Action:

Approve a unit price contract for $122,667 per unit with North Carolina Equipment Company to provide street sweepers to the Solid Waste Services Key Business. Purchases are anticipated subject to appropriations by City Council and identified needs. The total estimated FY99 expenditure is $245,334.

Explanation:

- This equipment will replace one of the twelve sweepers in the Solid Waste fleet and will also purchase a new sweeper assigned to the I-277 loop.

- In 1989 Solid Waste began purchasing sweepers that were mechanically driven as opposed to belt driven. The mechanical system significantly reduced maintenance costs and downtime for the fleet. Until this year, only one equipment manufacturer could meet the mechanically driven specification resulting in the City's sweeper fleet being standardized around one manufacturer.

- On September 25, 1998, bids were received for this equipment from Public Works Equipment with a unit price of $120,479 and North Carolina Equipment with $122,667. The low bid from Public Works equipment is not recommended for the following reasons:

  - The City has standardized its sweeper fleet to one manufacturer. To introduce another brand sweeper into the fleet at this time will require additional funds for training both the operators and the mechanics. To stock repair parts in the City's inventory will require an annual increase of $2,400.

  - The delivery schedule offered by the low bidder is 10 to 11 months while North Carolina Equipment projects delivery at 90 to 120 days from bid award.

- The specifications require a 155 inch wheelbase chassis. The low bid offers a chassis of only 133 inches. The longer wheelbase is recommended for the following reasons:

  - Enable the sweeper to track better
  - Achieve maximum adherence to the curb for improved sweeping performance
  - Provide easier accessibility to "fittings" that must be serviced on a daily basis.
  - Provide easier accessibility to the engine and transmission for servicing
  - Allow increased air movement for heat dissipation around the transmission

- North Carolina Equipment Co. offers a herbicide application apparatus provided by the manufacturer. The apparatus offered by the low bidder is "homemade". Without a system that allows for accurate application measurements, many opportunities for operator and mechanic maladjustments are presented. Since the use of herbicides is regulated by the State of North Carolina, such incorrect applications can result in damage to property and persons, fines levied by the State, and as a final action, revocation of the City's application license.

- The sweeper hopper provided by North Carolina Equipment Company is 100% stainless steel. The low bid offers a stainless steel lined hopper with panels welded together creating potential points for corrosion and possible hopper failure. Should this failure occur, repairs and lost productivity would be costly.

- The low bid sweeper requires a minimum 100 horsepower engine to drive the fan mechanism that creates the sweeping suction.

The recommended sweeper has an 86 HP engine. Based upon a sweeping time of 5 to 6 hours per day, the 100 HP engine will use approximately $1,000 more in fuel annually based upon a fuel cost of $0.495 per gallon.

MWBD: There are no known MWBD suppliers of this equipment.

Summary of Bids:

Public Works Equipment Co.	Monroe, North Carolina	$120,479
North Carolina Equipment Co.	**Charlotte, North Carolina**	**$122,667**

Funding: Solid Waste Services FY99 Operating Budget

21. Typographical Error in Ordinance #1006-X

Action: **Correct a typographical error in Ordinance #1006-X, the ordinance designating Atherton Cotton Mills as a Historic Landmark.**

Explanation:

- Ordinance #1006-X, adopted by City Council on March 16, 1998, designated property known as "Atherton Cotton Mills" as a Historic Landmark. The Survey and Research Report on the Atherton Cotton Mills (which was part of Council's agenda materials) reflects that Tax Parcel Numbers 121-031-21 through 121-031-56 were intended to be designated.

- The adopted ordinance currently on file with the City Clerk, the Building Standards Department, the Mecklenburg County Register of Deeds, and the Tax Supervisor, however reads Tax Parcel Numbers 121-031-21 and 121-031-56.

- This error needs to be corrected so that the property owners of Tax Parcel Numbers 121-031-022 through 121-031-55 may apply for their automatic 50% property tax deferral.

22. Ronda Avenue Storm Drain Improvements, Change Order #1

Action: **Approve change order #1 to the Ronda Avenue Storm Drain Improvement contract with Blythe Development, Inc. of Charlotte, N.C. for $214,777.50. The change order will increase the contract amount from $1,334,652.80 to $1,549,430.30.**

Explanation:

- Council awarded the original contract for $1,334,652.80 to Blythe Development, Inc. on October 13, 1997.
- City staff has worked extensively with property owners to minimize impacts to properties due to construction. The change order will pay for additional selective clearing and additional drainage features which will prohibit clear-cutting of the construction easement.
- The price for this change order is competitive to comparable, current projects.

MWBD: 5% BBE; 1% WBE

Funding: Storm Water Services

23. Construction Administration of Storm Water Repairs to Existing Storm Drains

Action:

A. Approve Agreement for Engineering Services to provide construction administration services on repairs to existing storm water drains with USInfrastructure, Inc. of Charlotte, North Carolina for $300,000; and

B. Approve Agreement for Engineering Services to provide construction administration services on repairs to existing storm water drains with HDR Engineering, Inc. of Charlotte, North Carolina for $300,000.

Explanation:

- The two agreements provide for complete construction administration of Storm Water construction contracts including easement acquisition, design services, construction administration, and all liaison work between the City, contractor, property owner, and public.

- These agreements are anticipated to provide for approximately one year of construction administration services. The agreements may be amended to continue these services subject to satisfactory performance by the consultants.

- USInfrastructure, Inc. and HDR Engineering, Inc. were selected using the Council-approved process.

- The cost of these services is comparable to the cost of similar work for other construction administration projects.

MWBD: 100% ABE - US Infrastructure
0% - HDR Engineering, Inc.

Funding: Storm Water Services

24. FY98 Storm Water Maintenance Packages - Renewals

Action:

A. **Approve Renewal #1 for $518,400 to the contract with United Construction, Inc. for continued construction of FY98 Storm Water Maintenance Package C. The renewal will increase the contract amount from $518,400 to $1,036,800;**

B. **Approve Renewal #1 for $506,800 to the contract with United Construction, Inc. for continued construction of FY98 Storm Water Maintenance Package D. The renewal will increase the contract amount from $506,800 to $1,013,600; and**

C. **Approve Renewal #2 for $117,910 to the contract with Kip Corporation for continued construction of FY98 Storm Water Channel Maintenance Package A. The renewal will increase the contract amount from $235,820 to $353,730.**

Explanation:

- These renewals will enable Storm Water Services to continue regular maintenance activities under these contracts, recognizing good contractor performance and competitive unit prices. Storm water maintenance 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.

- Renewals for these contracts typically equal the original contract amount. The contract documents provide for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.

MWBD:

100% ABE - United Construction, Package C
100% ABE - United Construction, Package D
Kip Corp is self-performing.

Funding: Storm Water Services

25. Morris Field Drive Widening

Action: **Approve agreement for $479,185 with USInfrastructure, Inc. of Charlotte for engineering planning and design services for the Morris Field Drive Widening Economic Development Project.**

Explanation:

- Funding for this roadway, economic development project was included in the 1998 Two-Thirds Bonds.

- This agreement is for field surveying, planning and design services which will provide for the widening of Morris Field Drive from two to four lanes from Wilkinson Boulevard to the Billy Graham Parkway. The agreement will provide for location and design surveys, analysis of alternatives, streetscape design, citizen involvement, and roadway design.

- This project was included in the Westside Strategic Plan and the Wilkinson Boulevard Corridor Plan. These improvements will improve access to the airport and the new Central Piedmont Community College campus.

- USI was selected using the Council-approved process.

- The cost of these services is comparable to the cost of similar work for other transportation projects.

MWBD: 75.7% ABE; 6.8% WBE

Funding: Transportation Capital Investment Plan

26. US Airways Maintenance Facility Change Order

Action: **Approve a $256,686 change order with Burns & McDonnell for items outside the initial scope of the US Airways Maintenance Facility project at 5535 Wilkinson Boulevard.**

Explanation:

- In February 1998 City Council awarded a contract to Burns & McDonnell for design and construction management services. The contract was based on a percentage of construction costs with an estimated project cost of $5.2 million.

- Expansion of the project during construction by US Airways has resulted in a project cost of $7.3 million. Therefore, Burns & McDonnell has earned a total contract of $1,011,380.

- The Airport Advisory Committee recommends this change order.

Funding:

- This project is funded from the proceeds of Special Facility Revenue Bonds. US Airways is solely responsible for the repayment of that debt.

27. Aviation Utility Relocation Change Order

Action: **Award a $149,533 change order with Sealand Contractors for utility relocation in preparation for the US Airways Crew Training Center expansion.**

Explanation:

- In July, 1998, Council awarded a contract to Sealand on a unit cost basis in the amount of $1,254,528.90 to rebuild Express Drive on Airport property.
- On November 23, 1998 Council approved the issue of up to $25 million in Special Facility Revenue Bonds to finance the expansion of the US Airways Crew Training building to accommodate additional flight simulators.
- This change order will increase the unit quantities to provide the relocation of electrical and water utilities to accommodate the building expansion. The Airport is responsible for preparing the site and future road relocation to accommodate the crew training expansion.
- The Airport Advisory Committee recommends this agreement.

Funding: Aviation Capital Investment Plan

28. Airport Property Exchange

Action: **Approve a resolution authorizing the exchange of property between the City and Mr. and Mrs. Angelo Pappas.**

Explanation:

- Mr. and Mrs. Pappas own 1.5 acres of land located on Yorkmont Road adjacent to property owned by the Airport. It is mutually beneficial for the Airport and Mr. and Mrs. Pappas to exchange properties to accommodate a right-of-way for a new road. The Airport will acquire 629 square feet, or 0.014 acres for $4,550. Mr. and Mrs. Pappas will acquire 376 square feet, or 0.009 acres, valued at $2,720. The properties involved in the exchange have been appraised by an MAI Appraiser. The net cost to the Airport is $1,830.

- The Airport Advisory Committee recommends this resolution.

Funding: Aviation Capital Investment Plan

29. Property Transactions

Action: **Approve the following property acquisitions (A-F) and adopt the condemnation resolutions (G-L).**

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

Acquisitions:

A. **Project:** Aviation Master Plan Land Acquisition
Owner(s): Mr. and Mrs. Larry R Tarleton
Property Address: 8214 Hillcrest Drive
Property to be acquired: .539 acres
Improvements: house
Purchase Price: $110,000
Zoned: RMH
Use: Single family
Tax Value: $95,830
Tax Code: 113-101-12

Explanation:

- Mr. and Mrs. Pappas own 1.5 acres of land located on Yorkmont Road adjacent to property owned by the Airport. It is mutually beneficial for the Airport and Mr. and Mrs. Pappas to exchange properties to accommodate a right-of-way for a new road. The Airport will acquire 629 square feet, or 0.014 acres for $4,550. Mr. and Mrs. Pappas will acquire 376 square feet, or 0.009 acres, valued at $2,720. The properties involved in the exchange have been appraised by an MAI Appraiser. The net cost to the Airport is $1,830.

- The Airport Advisory Committee recommends this resolution.

Funding: Aviation Capital Investment Plan

29. Property Transactions

Action: **Approve the following property acquisitions (A-F) and adopt the condemnation resolutions (G-L).**

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

Acquisitions:

A. **Project:** Aviation Master Plan Land Acquisition
Owner(s): Mr. and Mrs. Larry R Tarleton
Property Address: 8214 Hillcrest Drive
Property to be acquired: .539 acres
Improvements: house
Purchase Price: $110,000
Zoned: RMH
Use: Single family
Tax Value: $95,830
Tax Code: 113-101-12

B. **Project:** Aviation Master Plan Land Acquisition
Owner(s): Mr. and Mrs. Larry R Tarleton
Property Address: 8200 Hillcrest Drive
Property to be acquired: .811 acres
Improvements: vacant
Purchase Price: $10,000
Zoned: RMH
Use: Single family
Tax Value: $3,600
Tax Code: 113-101-14

C. **Project:** Aviation Master Plan Land Acquisition
Owner(s): Mr. and Mrs. Larry R Tarleton
Property Address: 8405 Hillcrest Drive
Property to be acquired: .436 acres
Improvements: vacant
Purchase Price: $9,000
Zoned: RMH
Use: Manuf Home/Vacant
Tax Value: $3,040
Tax Code: 113-103-14

D. **Project:** Aviation Master Plan Land Acquisition
Owner(s): Mr. and Mrs. John K Winecoff Jr.
Property Address: 8414 Trexler Avenue
Property to be acquired: .459 acres
Improvements: house
Purchase Price: $64,000
Zoned: RMH
Use: Single Family
Tax Value: $40,570
Tax Code: 113-105-06

E. **Project:** Aviation Master Plan Land Acquisition
Owner(s): Mr. and Mrs. Travis H Jarvis
Property Address: 8415 Trexler Avenue
Property to be acquired: .459 acres
Improvements: house
Purchase Price: $51,500
Zoned: RMH
Use: Single Family
Tax Value: $40,870
Tax Code: 113-106-02

H. **Project**: Hoskins Road Widening, Parcel #12
Owner(s): Fannie Lee Keistler Estate & any other parties of interest
Property Address: 201 North Hoskins Road
Property to be Acquired: 3,509 sq.ft. (.0805 ac.)
Improvements: Asphalt paving
Purchase Price: $3,609
Remarks: The area is needed for North Hoskins Road Widening. Condemnation is requested because property is in an unprobated estate with numerous heirs unable to convey a clear title.
Zoned: B-1
Use: Cleaners
Total Parcel Tax Value: $122,000
Tax Code: 039-036-13

I. **Project**: Hoskins Road Widening, Parcel #14
Owner(s): Fannie Lee Keistler Estate & any other parties of interest
Property Address: 200 North Hoskins Road
Property to be Acquired: 8,136 sq.ft. (.1867 ac.)
Improvements: Concrete block building
Purchase Price: $24,439
Remarks: The area is needed for North Hoskins Road Widening. Condemnation is required because property is in an unprobated estate with numerous heirs unable to a convey clear title.
Zoned: B-1
Use: Warehouse
Total Parcel Tax Value: $51,650
Tax Code: 039-015-05

J. **Project**: Hoskins Road Widening, Parcel #15
Owner(s): Fannie Lee Keistler Estate & any other parties of interest
Property Address: 208 North Hoskins Road
Property to be Acquired: 10,010 sq.ft. (.2298 ac.)
Improvements: Concrete block building
Purchase Price: $15,380
Remarks: The area is needed for Hoskins Road Widening. Condemnation is requested because property is in an unprobated estate with numerous heirs unable to convey a clear title.
Zoned: B-1 **Use**: Warehouse
Total Parcel Tax Value: $37,200
Tax Code: 039-015-04

K. **Project**: Northwest Circumferential Grade Separation-ATP 8, Parcel #9
Owner(s): James P. Wilson
Property Address: 6900 Mount Holly Road
Property to be Acquired: Total Take (Vacant Lot), 43,560 sq.ft. (1.00 ac.)
Improvements: None
Purchase Price: $8,500
Remarks: The total acquisition is needed for the road widening project. Staff has not reached an agreement after numerous attempts. Compensation is based upon an independent, certified appraisal.
Zoned: R-17 MF **Use**: Multi-Family
Total Parcel Tax Value: $3,150
Tax Code: 031-011-03

L. **Project**: Pecan Ridge Shopping Center, Parcel #1
Owner(s): June M. Greene & Sylvia M. Smith & any other parties of interest
Property Address: 8945 Vance Road
Property to be Acquired: Permanent & temporary construction easement 39,483 sq.ft. (.90 ac.)
Improvements: Trees
Purchase Price: $1,600
Remarks: The sanitary sewer easement is needed to complete this project. Staff has not reached an agreement after numerous attempts. Compensation amount is based upon an independent certified appraisal.
Zoned: R-3
Use: Residential
Total Parcel Tax Value: $254,050
Tax Code: 025-107-01

30. Minutes

Action: **Approve minutes as follows:**

- **November 16, 1998 Zoning Meeting**
- **November 19, 1998 Special Annexation Meeting**
- **November 23, 1998 Business Meeting**

ANNOUNCEMENTS

On Monday, January 11, 1999, City Council will make nominations to fill vacant positions on the following boards:

1. **CITIZENS OVERSIGHT COMMITTEE FOR CABLE TV**
   Three two year appointments beginning April, 1999. Kevin Levine, Cheryl Jones and Sandra Staton are eligible and would like to be reappointed.

2. **MAYOR'S INTERNATIONAL CABINET**
   Two new three year appointments beginning March, 1999. One will represent an ethnic association and the other will be an open category.

3. **PARADE PERMIT COMMITTEE**
   One three year appointment beginning March, 1999. Louise Sellers is not eligible to be reappointed.

4. **PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**
   Five two year terms beginning March, 1999. Jefferson Brown, Dan Clodfelter, and Mary Stafford are not eligible to be reappointed. Jim Ferrell and Chalmers Johnson are eligible and would like to be reappointed.

5. **TRANSIT ADVISORY COMMITTEE**
   Two three year terms beginning February, 1999. Mark Loflin, representing an express service passenger is eligible and would like to be reappointed. James Emanuel, representing either a local or express service passenger, is eligible but does not wish to be reappointed.

6. **TREE ADVISORY COMMISSION**
   One term beginning immediately to fill an unexpired term ending December, 1999. Michael Fleming did not meet Council's attendance policy.

7. **ZONING BOARD OF ADJUSTMENT**
   One appointment for three years beginning February, 1999. George Wallace does not wish to be reappointed.

Applications are available from the Office of the City Clerk, 600 East 4th Street, 336-7493, or you may fax it to yourself via the City/County On Call Service. Dial 336-8600, and then dial 1#. The document number is 3320. All applications must be received by January 4, 1999 at 5:00 p.m.