AGENDA

Meeting Type:	BUSINESS
Date:	02/28/1994

City of Charlotte, City Clerk's Office

CITY COUNCIL AGENDA
Monday, February 28, 1994
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CONSENT ITEMS

1. Agenda items 17 through 34 may be considered in one motion except for those items removed from the consent agenda as a result of a Councilmember making such a request of the city Clerk prior to the meeting.

Staff Resource: Julie Burch

POLICY

2. **City Manager's Report**

- Mid-Year Budget Report - This year's mid-year budget status report contains the following

  - Mid-Year Objectives Report
  - Six-Month Budget Report
  - Capital Improvement Program Status

Attachment 1

3. **Wesley Heights Neighborhood - Historic Places Nomination**

Action:

A. **Approve a grant application by the Charlotte Historic District Commission for a Survey and Planning Grant for an Architectural Survey and National Register of Historic Places Nomination for the Wesley Heights Neighborhood.**

B. **Approve a budget ordinance for $10,675 appropriating the grant funds**

Wheeler Dearborough
app'd

Planning Comm'n

Ord #9
3803-X
B-45
P. 186

Staff Resource: John Rogers, Historic District Commission

Policy: **This request is consistent with state and local law regarding requests for consideration for designation as a local historic district. If the survey results indicate that Wesley Heights qualifies for designation as a local historic district, the neighborhood property owners and Historic District Commission staff will determine if sufficient support exists in the neighborhood to seek such designation by Council.**

Should designation occur, the Historic District Commission would have some design jurisdiction over renovation and new construction in the neighborhood.

Explanation of Request:

- Council approval is sought for a grant application filed with the North Carolina State Historic Preservation Office The grant funds would be used to retain a consultant who would conduct an architectural survey to the standards of the State Historic Preservation Office The results of this survey would be used by the consultant to prepare the proper forms to nominate Wesley Heights as a district to the National Register of Historic Places The survey would also be used to evaluate Wesley Heights as a potential local historic district. This proposal is in direct response to a request from the Wesley Heights Neighborhood Association

- The grant seeks $10,675 toward a total project cost of $17,976 (See attached project budget) Grant guidelines stipulate that the City must provide 40% of the project cost City funds to be used as a match are already included in the current and projected budget of the Charlotte Historic District Commission The majority of

the City's contribution is in the form of staff time in coordinating and supporting this project, and in the provision of office space to the consultant Grant funding under this program would be on a reimbursement basis

Background: In 1991, the Wesley Heights neighborhood (See attached map) organized to work toward the stabilization and preservation of their community As part of this effort, the neighborhood association approached the staff of the Charlotte Historic District Commission to request that the neighborhood be considered as a local historic district This grant would facilitate a survey that would in part meet the requirement under state and local law for formal consideration of local historic district designation for Wesley Heights Other local historic districts include Fourth Ward and Plaza-Midwood

Attachment 2

4. Interconnection Of Charlotte And Concord Municipal Water Distribution Systems

Action: **Approve contract for a metered connection of the Charlotte-Mecklenburg Utility Department (CMUD) and Concord water systems on U.S. Highway 29 at the Mecklenburg-Cabarrus County Line.**

Staff Resource: Ben Russell

Policy:

- **City Council has stressed regionalism to better define a vision for Charlotte. CMUD is taking a leadership role in promoting and facilitating a cooperative agreement with a neighboring municipality**

Wheeler/Martin app. unan.

CMUD

- **CMUD's water/sewer extension policy provides for extensions of water or sewer lines through applicant funded contracts which stipulate that the applicant will design and construct facilities according to CMUD standards and, upon completion, will donate them to CMUD at no cost to the city.**

- **This contract provides an opportunity for Charlotte and Concord to take the lead in establishing a regional partnership in the use of water resources, in order to best serve the needs of the residents of Cabarrus and Mecklenburg Counties**

Explanation of Request:

- The dry weather during 1993 created a deficit in Concord's raw water supply Concord's new reservoir and filter plant on Coddle Creek is scheduled for completion in 1995 To relieve expected shortages until completion of the new plant, Concord requested a connection to the CMUD system

The provisions of this contract are

- Concord will construct a 16-inch water main along U.S 29 from Wednesbury Boulevard (Mecklenburg County) to Morehead Road (Cabarrus County) The portion of the main inside Mecklenburg County will be donated to CMUD

- A CMUD master meter will be installed at the County Line as part of the water main construction

- The master meter can be used as an interconnection between the Charlotte and Concord system as a mutual backup to each other's supply and demand capabilities

- Water volume transferred between systems will be limited to water not needed by the supplying municipality

- This contract will terminate on the first anniversary of the activation of the master meter, but no later than December 31, 1996. Continuation of this interconnection agreement after the termination date will require a Charlotte-Concord contract amendment

Concord will provide total project cost No funds will be required from the City of Charlotte

5. Westover Partnership Loan

Action: **Approve a $100,000 loan to the Westover Partnership to assist in financing the acquisition of the Westover Plaza Shopping Center at 1506 West Boulevard**

Staff Resource: J W Walton

Policy: **On June 8, 1987 City Council approved a Policy Framework for Development and Revitalization Fund loans and public-private ventures The public purpose to be served by this loan is that it redevelops a blighted shopping center in the neighborhood, expands the City tax base and provides job opportunities and increased retail amenities for neighborhood residents**

Explanation of Request:

- The Westover Partnership, which consists of two non-profit organizations (Reid Park Community Development Corporation and Carolina Community Development Corporation) has requested a $100,000 loan from the City to assist in the acquisition of the Westover Plaza Shopping Center at 1506 West Boulevard

CD

- The Westover Partnership has an Option with the U S. Marshall to acquire the Westover Shopping Center for $400,000 The Option expires on March 15, 1994 (The property is controlled by the U S Marshall because it was seized as part of a drug investigation)

  - The Westover Partnership has had an Option on this property since July 1993, and the U S Marshall's Office and its real estate agent are insistent upon the Westover Partnership consummating the acquisition Therefore, the Westover Partnership had to pay an additional $4,000 to get a 30-day extension on the Option to purchase the shopping center, so time is of the essence (See Attachment)

  - The City made a $4,000 loan to the Westover Partnership to assist it in obtaining the extension of the Option

- The $100,000 loan requested from the City represents the gap in financing required to enable the Westover Partnership to acquire the shopping center. First Union National Bank has provided the Westover Partnership with a $300,000 commitment to assist in acquiring the shopping center (See attached commitment letter - Exhibit B)

- The City loan to the Westover Partnership will be structured as a one (1) year deferred payment loan at 0% interest

- The acquisition represents Phase I of a two-phase process Phase II will be either the rehabilitation of the existing shopping center (if feasible) or the demolition and reconstruction of a new shopping center

- The existing shopping center is not adequate to meet the needs of the various communities (Reid Park, Wilmore, Westover Hills and Clanton Park) Therefore, the acquisition and rehabilitation (or demolition and new construction) of the Westover Plaza Shopping Center will bring upgraded services to this corridor of the City

- The $100,000 City loan will only assist in the acquisition of the shopping center, however, once acquired, the Westover Partnership will seek additional funding from both First Union National Bank and the City to assist in financing the rehabilitation or demolition and reconstruction

- The loan will be contingent upon the following conditions being met

  - The Westover Partnership must enter into an agreement with The Crosland Group whereby The Crosland Group will provide the Westover Partnership technical assistance in redeveloping the shopping center and assist in identifying an anchor tenant(s) (see attachment),

  - Satisfying First Union National Bank's commitment conditions, and

  - A letter of intent from anchor tenant(s) must be secured within ninety (90) days of City Council approval and prior to closing of the City's loan

- If the Westover Partnership secures anchor tenants, the City loan can be renegotiated and/or extended if needed If anchor tenants are not secured, the loan will be considered null and void

- The shopping center is currently receiving income from 11 tenants The 1993 income derived was $95,009 and the expenses were $33,091. Currently, the income exceeds the expenses The shopping center is currently managed by Citywide Realty Services for the U S Marshall's Office and receives a 10% management fee (See attachment)

Funding: Phase I (Acquisition) and Phase II (rehabilitation or demolition and reconstruction) will be Economic Development Revolving Loan Fund and/or Development and Revitalization Fund

Attachment 3

Campbell | Scarborough
app. unan.

AGENDA ITEM 7A

NFL STADIUM AGREEMENT

ACTION Approve and consent to a sublease of the 1990 lease between the City and Richardson Sports (RS) to Carolinas Stadium Corp (CSC) and to authorize the City Manager to execute other documents, if any, on behalf of the City that relate to the construction of the stadium and that are consistent with the lease

STAFF RESOURCE Henry Underhill, Jr

POLICY On August 27, 1990, the City and RS entered into a lease of land to provide property for the construction of a stadium in which the NFL football team owned by RS will base its operations and will play its home games

EXPLANATION OF REQUEST Council is asked to approve an agreement between the City, RS, CSC and NationsBank that consents to the sublease of the land covered by the 1990 lease to CSC CSC in turn agrees to assume all of the rights and obligations of RS under the 1990 lease NationsBank, as lead lender for the construction loan to CSC has requested that the City's approval to the sublease be obtained prior to the closing on the construction loan to CSC, which is scheduled to take place on March 15 Attached is a letter from Richard Thigpen, General Counsel for RS, which further explains the request A copy of the agreement that the Council is being asked to approve is also attached, as well as a letter from NationsBank that sets forth the funding sources for the stadium construction Representatives of RS will be available Monday to provide additional information and to answer questions

BACKGROUND In August, 1990 the City approved a long-term lease with RS of certain property that the City assembled and acquired to assist RS in its efforts to obtain an NFL franchise The lease extends for a 49 year period with 2 renewal periods of 25 years each On October 26, 1993 the NFL unanimously awarded a football franchise to RS Under the terms of the lease, RS has the right to assign its interest in the lease or to sublet all or any portion of the property

City Mgr

CARILLON BUILDING
227 WEST TRADE STREET
SUITE 1600
CHARLOTTE NC 28202
(704) 358-1644
(704) 358-0769 FAX

February 24, 1994

Mr Henry W Underhill
City Attorney
600 East Fourth Street
Charlotte, North Carolina 28202

Re Consent and Agreement Regarding Performance Under Ground Lease

Dear Henry

As you are aware, Richardson Sports ("RS") has an agreement with Carolinas Stadium Corp ("CSC") to construct a stadium and practice facility on the land that RS is leasing from the City When this arrangement was explained to you, Wendell White and Mayor Vinroot last fall, we all agreed that no further consent from the City was required with regard to this transaction NationsBank, however, as lead lender for the construction loan to CSC, has requested that we recast the arrangement between RS and CSC, at least in part, as a sublease and enter into the above-referenced agreement (the "Agreement") in order to clarify the relationship between all of the parties A copy of this Agreement is attached for your reference.

The Agreement is among the City, RS, CSC and NationsBank. It references the Ground Lease between the City and RS, the Stadium Lease between RS and CSC, NationsBank's commitment to make the construction/term loan, and the security agreements that will need to be executed in connection with that loan The primary purpose of the Agreement is for the City to acknowledge and consent to (i) the sublease to CSC, and (ii) CSC's role in constructing and operating the Stadium, thereby allowing CSC to exercise certain rights and perform certain obligations of RS under the terms of the Ground Lease The City would also agree to provide CSC and NationsBank with copies of any notices of default under the Ground Lease, provide both CSC and NationsBank with the right to cure any such defaults, consent to CSC's granting of a lien on its interest in the Improvements, and acknowledge that the indemnity it has provided in the Ground Lease regarding the existing environmental problems on the property will benefit not only RS, but also CSC, NationsBank and the contractors and subcontractors involved with the construction of the Improvements

RICHARDSON Sports

CARILLON BUILDING
227 WEST TRADE STREET
SUITE 1600
CHARLOTTE NC 28202
(704) 358-1644
(704) 358-0769 FAX

The Agreement does not relieve RS or CSC from any liability or obligation to the City under the Ground Lease or otherwise, including, without limitation, the obligation to pay property taxes on the Improvements The Agreement does not have any adverse effect on the City nor does it have any substantive effect on the relationship between the City and RS If you have any questions or need additional information, please let us know

Sincerely,

RICHARDSON SPORTS

Richard E Thigpen, Jr.
General Counsel

RET/jgm

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

CONSENT AND AGREEMENT REGARDING PERFORMANCE UNDER GROUND LEASE

THIS CONSENT AND AGREEMENT REGARDING PERFORMANCE UNDER GROUND LEASE ("Agreement") is made as of the ____ day of _____, 1994, among the **CITY OF CHARLOTTE**, a political subdivision of the State of North Carolina ("Lessor"), and **RICHARDSON SPORTS LIMITED PARTNERSHIP**, a North Carolina limited partnership ("Lessee"), for the benefit of **CAROLINAS STADIUM CORP.**, a North Carolina corporation ("CSC"), and **NATIONSBANK OF NORTH CAROLINA, NATIONAL ASSOCIATION**, as Administrative Agent (the "Administrative Agent") for itself and the Lenders party to the Loan Agreement (the "Lenders").

WHEREAS, Lessor and Lessee have entered into that certain Lease (the "Ground Lease") dated August 27, 1990, covering certain land (the "Land") located in Mecklenburg County, North Carolina and described in that certain Memorandum of Lease recorded in Book _____, Page _____, Mecklenburg County Public Registry. (All capitalized terms not otherwise defined herein shall have the meanings as set forth in the Ground Lease, and if not defined therein shall have the meanings set forth in the Loan Agreement); and

WHEREAS, CSC and Lessee will enter into that certain Stadium Lease and Operating Agreement (the "Stadium Lease") as of _____, 1993, pursuant to which Lessee has subleased the Land to CSC and, in consideration therefor, CSC has agreed to construct the Stadium and other Improvements in which the NFL football team owned by Lessee will base its operations and will play its home games; and

WHEREAS, the Lenders have agreed to make a construction/term loan in the amount of up to $_____ (the "Loan") to CSC for the purposes of, among other things, construction of the Stadium and the other Improvements on the Land pursuant to the terms of that certain Loan Agreement ("Loan Agreement") among CSC, Administrative Agent and the Lenders dated _____; and

WHEREAS, the Loan is secured by, among other things, the lien of that certain Fee and Leasehold Deed of Trust and Security Agreement from the City and Lessee to TIM, Inc. as trustee for the benefit of Administrative Agent (the "RSLP Deed of Trust"), that certain Leasehold Deed of Trust and Security Agreement from CSC to TIM, Inc. as trustee for the benefit of Administrative Agent (the "CSC Deed of Trust"), that certain Assignment of Leases from CSC to Administrative Agent (the "Assignment of Leases"), and those certain UCC Financing Statements with Lessee and CSC as debtors and the Administrative Agent as secured party (the "Financing Statements"); and

WHEREAS, Lenders have required, as a condition precedent to the making of the Loan, that Lessor, Lessee and CSC enter into this Agreement, and Lessor, Lessee and CSC have agreed to do so.

NOW, THEREFORE, Lessor, Lessee, CSC and Administrative Agent, on behalf of the Lenders, agree as follows:

1. Consent to Sublease and Performance by CSC of Certain Obligations Under Ground Lease. The Lessor acknowledges and consents to the sublease of the Land by Lessee to CSC. The Lessor recognizes and acknowledges that certain of the obligations of Lessee under the Ground Lease will be performed by CSC or its successors or assigns and hereby consents to such performance and agrees to accept such performance as fully and completely as if such performance had been by Lessee. Furthermore, rights given to the Lessee under the Ground Lease may be exercised by CSC, and Lessor hereby consents and agrees to the exercise of such rights by CSC in place of Lessee. Without limiting the generality of the foregoing, Lessor specifically agrees to the following:

a. CSC shall have the rights to schedule use of the Stadium by Persons other than Lessee in accordance with the Stadium Lease and subject to the terms of the Use Agreement;

b. CSC shall have the right to sell Permanent Seat Licenses (as defined in the Stadium Lease) and to share in Ticket Receipts (as defined in the Stadium Lease), revenues from the sale of concessions and advertising rights as set forth in the Stadium Lease;

c. CSC shall construct and own the Improvements and shall be responsible for the maintenance and repair of the same in accordance with the Stadium Lease;

d. CSC shall obtain the Loan to finance the construction of the Improvements and Lessor hereby agrees that all provisions contained in the Ground Lease regarding the Financing obtained by Lessee shall include the Loan obtained by CSC and any refinancings thereof. All references to Financing obtained by Lessee in the Ground Lease shall be deemed to include the Loan made by the Lenders (as defined herein) to CSC and any refinancing of the Loan, and the Lenders (as defined herein) shall be entitled to all rights and benefits granted to a Lender (as defined in the Ground Lease) in the Ground Lease, including without limitation, notice of default and opportunity to cure provided in Section 9.3(d) of the Ground Lease;

e. CSC may be the owner of the Equipment and, in accordance with the Stadium Lease, may have the right to remove the Equipment at the expiration of the term of the Ground lease;

f. Pursuant to the Stadium Lease, CSC may be entitled to the Lessee's portion of any condemnation award and such award may be used to repair or restore the Improvements in accordance with the RSLP Deed of Trust and the CSC Deed of Trust; and

g. The costs and expenses incurred by CSC in construction of the Improvements shall be included in the determination of liquidated damages under Section 17.2(c) for a default occurring before January 1, 2010, and the liquidated damages amount due to Lessee under Section 17.2(c) of the Ground Lease shall include the Loan made to CSC in determining "all secured or unsecured financings with respect to the Improvements" under Section 17.2(c).

2. Notices to CSC. Lessor hereby agrees to give to CSC, concurrently with the delivery of same to Lessee, (i) a copy of any and all notices from Lessor to Lessee; (ii) written notice of any default by Lessee under the Ground Lease; and (iii) written notice of any rejection of the Ground Lease by any debtor in possession or any trustee in bankruptcy of Lessee or the filing of any motion to reject or compel assumption or rejection of the Ground Lease. Such notices shall be given in accordance with Section 25.1 of the Ground Lease to CSC at the following address:

Carolinas Stadium Corp.
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202

Attn: Richard E. Thigpen, Jr.

with a copy to:

Poyner & Spruill, L.L.P.
100 North Tryon Street, Suite 4000
Charlotte, North Carolina 28202

Attn: Richard M. Thigpen

3. CSC's Right to Cure. CSC shall have the right, but not the obligation, to cure any or all defaults of Lessee under the Ground Lease. In connection with this right to cure, CSC may make payment or perform any act required to be made or performed by Lessee. Such payment or performance shall have the same effect as if made or performed by Lessee, and Lessee shall be released from obligations or

defaults under the Ground Lease which shall have been fully performed or corrected by CSC.

4. Consent to Liens Granted to Administrative Agent. Lessor acknowledges and consents to the granting by Lessee of a lien on Lessee's interest in the Ground Lease and the execution, delivery and recordation of the RSLP Deed of Trust and the Financing Statements. Lessor acknowledges and consents to the granting by CSC of a lien on CSC's interest in the Stadium Lease and the execution, delivery and recordation of the CSC Deed of Trust, the Assignment of Leases and the Financing Statements.

5. Administrative Agent's Right to Notice. Lessor hereby agrees to give to Administrative Agent, concurrently wit the delivery of the same to Lessee, (i) a copy of any and all notices from Lessor to Lessee; (ii) written notice of any default of Lessee under the Ground Lease in accordance with Section 9.3(d) of the Ground Lease; and (iii) written notice of any rejection of the Ground Lease by any debtor-in-possession or any trustee in bankruptcy of Lessee, or the filing of any motion to reject or compel assumption or rejection of the Ground Lease.

6. Administrative Agent's Right to Cure. Lessor will not exercise any right, power or remedy with respect to any default under the Ground Lease until the expiration of the cure period provided to Lender (as defined in the Ground Lease) in accordance with Section 9.3(d) of the Ground Lease. Administrative Agent, on behalf of the Lenders, shall have the right, but not the obligation, to cure any or all defaults of Lessee, as set forth in Section 9.3(d) of the Ground Lease. In connection wit this right to cure, Administrative Agent may make any payment or perform any act required to be made or performed by Lessee. Such payment or performance shall have the same effect as if made or performed by Lessee, and Lessee shall be released from an obligation or a default which shall have been fully performed or corrected by Administrative Agent.

7. Foreclosure and New Lease. Administrative Agent, on behalf of the Lenders, shall have the right to foreclose on the Ground Lease as set forth in Section 9.3(d) of the Ground Lease, and Administrative Agent, on behalf of the Lenders, shall be entitled to all rights granted to Lender (as defined in the Ground Lease) therein, which rights include, but are not limited to, foreclosure, assignment to a third party, and entrance into a new lease, all as more fully set forth therein.

8. Priority of New Lease. Any new lease executed in accordance with Section 9.3(d)(3) of the Ground Lease and the rights granted thereunder shall continue to maintain the same priority as the Ground Lease with regard to any fee mortgage on the Property or any other lien, charge or encumbrance thereon, whether or not such new lease was then in existence.

9. Hazardous Substance Indemnification. Lessor agrees that CSC and the Lenders shall be entitled to all of the benefits of the indemnification rights regarding environmental matters given to Lessee pursuant to the Ground Lease for losses, expenses, costs and damages incurred by Lenders in connection with environmental affairs In addition, Lessor agrees that the rights and benefits granted to CSC under this paragraph 9 shall inure to the benefit of all contractors and subcontractors involved in the construction of the stadium or practice facility on the Land.

10. Notices. Pursuant to Section 25.3 of the Ground Lease, Administrative Agent, on behalf of the Lenders, hereby notifies Lessor and Lessee that it is a holder of a Mortgage affecting the Property, and hereby requests that notices sent under the Ground Lease or this Agreement be mailed to the Administrative Agent, on behalf of the Lenders, in the manner prescribed in Section 25.1 of the Ground Lease at the following address:

Administrative Agent

NationsBank of North Carolina, National Association
NationsBank Corporate Center
Charlotte, North Carolina 28255
Attention: Corporate Banking Department

with a copy to:

_____
_____
_____
_____

11. No Modification of Lease. Lessor and Lessee hereby agree that there shall be no modification or amendment of the Ground Lease without the prior written consent of Administrative Agent. Furthermore, there shall be no cancellation (other than terminations due to uncured defaults) or surrender of the Ground Lease without the prior written consent of the Administrative Agent.

12. Terms. The provisions of this Agreement shall be binding upon and inure to the benefit of Lessor, Lessee, CSC and Administrative Agent, and their successors and assigns.

13. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of North Carolina.

WITNESS our hands and seals as of the date hereinbefore written.

LESSOR:

CITY OF CHARLOTTE

ATTEST:

By: _____

_____
City Clerk

[Corporate Seal]

APPROVED AS TO FORM:

_____
City Attorney

LESSEE:

RICHARDSON SPORTS LIMITED PARTNERSHIP (Seal)

By: **PFF, INC.**, a general partner

By: _____
_____ President

ATTEST:

_____
_____ Secretary

[Corporate Seal]

CSC:

CAROLINAS STADIUM CORP.

By: _____
_____ President

ATTEST:

_____
_____ Secretary

[Corporate Seal]

ADMINISTRATIVE AGENT:

NATIONSBANK OF NORTH CAROLINA, NATIONAL ASSOCIATION

By: _____
_____ President

ATTEST:

_____
_____ Secretary

[Bank Seal]

NationsBank
Charlotte NC 28255
Tel 704 386 5000

NationsBank

February 24, 1994

City Manager
City of Charlotte
Charlotte, North Carolina

RE: Carolinas Stadium Corp. - Construction Loan

Dear Sir

I am pleased to notify you that NationsBank of North Carolina, N.A., as Agent Bank for the Carolinas Stadium Construction Project, acknowledges that a loan in an amount up to $68,400,000 has been committed to the Carolinas Stadium Corp. to fund the construction of the Carolinas Stadium to be located at the intersection of Mint Street and Graham Street in the Central Business District of Charlotte, North Carolina. The Carolinas Stadium will serve as the home site for the Carolinas Panthers, the NFL expansion franchise awarded to Richardson Sports Limited Partnership on October 26, 1993.

We have been advised by Carolinas Stadium Corp. that the approximate cost to construct the stadium will be $170,000,000. We have been further advised that the sources of payment of such costs are as follows:

Permanent Seat License Receipts (net of taxes)	$94,800,000
Concession Payment	$10,500,000
Construction Loan	$68,400,000

Should you require additional information or need further confirmations concerning the above referenced, please do not hesitate to call me at 704-386-1549.

Sincerely,

Wm. Elliott McCabe
Assistant Vice President

cc: Mr. James E. Nash, Jr.
Mr. R. Malloy McKeithen
File

Member FDIC

Competition: A Privatization Strategy

By Wendell White

Two years ago when Charlotte, N C , began exploring a variety of service delivery options, privatization was the focus of initial discussions and recommendations from a task force appointed by Mayor Richard Vinroot Charlotte, with a population that has nearly doubled to 430,000 in the last 20 years, is no different from other communities that lack money and are faced with demands for more services

Over the years, Charlotte has successfully used various private-public partnership and privatization strategies to provide services to its citizens "We have always prided ourselves in being ahead of the game and breaking the mold in partnering with the business community," says Vinroot. "We have a museum, performing arts center and will soon have an NFL football stadium because of these partnerships "

Yet, several issues emerged as the Charlotte city staff and city council began to follow task force recommendations by not only adopting competition as the primary service delivery strategy but also by distinguishing privatization from *contracting*

Privatization, Charlotte officials believe, is not always the right starting point for a city trying to determine who can best provide a desired level of service for the least amount of money First, it is based on the premise that the private sector, by its very nature, is more efficient and effective than the public sector If that were true, then why do cities like Phoenix, Ariz , and Indianapolis, Ind , going head-to-head with the private sector, win bids on contracts to provide publicly funded services?

Carolina Photo Group

Second, the term "privatization" is unclear It has become a catch-all to refer to the array of public-private partnerships that local governments employ Contracting, using vouchers and grants and selling public enterprises or assets are all examples of privatization Yet, in the minds of many public employees, those definitions have solidified into one, to them, it means turning public services over to the private sector

While both privatization and contracting offer significant opportunities for governments to form successful partnerships with private business, they are not the only options Many local governments, like Charlotte's, have chosen to settle the "who does what better and cheaper" argument by introducing competition into the equation.

To Charlotte, privatization involves government getting out of a business or service altogether In the 1980s, Charlotte got out of the business of leaf collection, street light maintenance and commercial dumpster garbage collection. In these cases, no tax money is dedicated to the services, and individual citizens and businesses contract directly with private service providers

Contracting, however, involves a citywide service standard, determined and administered by the city and paid for by a tax or governmental levy In that arrangement, private contractors, rather than city employees, actually deliver the service The city routinely contracts with private organizations to provide publicly funded services such as transit operations, street paving, building security, custodial, capital construction, landscape maintenance, some transportation needs for the disabled, property management, multi family solid waste and recycling collection and parking lot management In the 1993 94 fiscal year, more than $151 million is being spent for these and other city services

In the competitive process Charlotte has adopted, private companies are encouraged to compete with city departments to provide public services "Our goal is to provide the highest quality services at the lowest cost," says Vinroot "Competition will help us determine whether that means city forces or the private sector "

Four city services have been selected to face formal competitive bidding this year· one-quarter of the city's residential garbage collection (solid waste, recycling and yard waste), landscape and grounds maintenance, employee medical services and transportation services for the disabled

The city is using competition in other areas as well, including a major storm drainage project and the handling of insurance claims for Charlotte, Mecklenburg County and the school board, both of which city departments won on a competitive basis, and both of which resulted in substantial savings

Many governments find that competition offers significant potential for stimulating more efficient and effective service delivery, because it involves employees to a much higher degree than traditional options Public employees who have a lot at stake in a competitive environment often rise to the challenge with innovative and cost saving measures

Additionally, the private vs public tug-of-war is redefined as competition vs monopoly Redefining the power struggle often provides governments with the very reason they need to change And when this incentive is introduced into the public sector, many governments are finding that their employees can provide services with an efficiency and effectiveness that surpasses the private sector

Competition is a two-way street. It affords governments the opportunity to reevaluate already contracted services to determine whether some can now be more effectively and efficiently provided by the public sector — in effect, reverse privatization. □

Wendell White is the city manager of Charlotte, N C

BUSINESS

6. April 6 Workshop Date and Agenda

Action: Approve April 6th as a Council Workshop date because the April 4th workshop has been cancelled. The proposed item for discussion is:

- Follow-up on Council Retreat Objectives

Scarborough/Wheeler app. Unan.

City Mgr.

7. March 7 Workshop Agenda

Action: Approve the following topics for inclusion on the March 7, 1994 Council Workshop agenda:

- Information Briefing on Stormwater fee
- New Law Enforcement Center Design Development
- Barton Aschman Recommendation for Transit REPORT CARD ON CURRENT SYSTEM
- ADD CONV CTR STATUS
- MTN ISLAND WATERSHED PROPERTY PURCHASE

Wheeler/Scarborough app. Unan.

City Mgr.

7A- NFL STADIUM AGREEMENT

8. Increase Auto License Fee

Ord #10 # 3804 B-45 p-187

Action: Approve an ordinance amending Chapter 13 - Licenses of the City Code to increase the annual auto privilege tax

Staff Resource: Bob Pressley, Jr

Policy:

- On February 8, 1993, Council approved seeking General Assembly authorization for increasing the annual auto privilege tax from $25 to $30 to provide additional revenues for public transportation operations. The General Assembly approved this increase in the 1993 session.

Scarborough/Martin app No-Reid, Jackson, Wheeler

CDOT

- On July 26, 1993, Council approved implementing several innovative transit services, primarily in the "City-Within-A-City" area. The Loops, Southside Crosstown, EZ Rider, and bus service to new Senior Center/Marion Diehl were implemented last month.

Explanation of Request:

- Council is asked to adopt an ordinance amending Chapter 13 of the City Code to

  1) increase the annual auto privilege tax by $5 (from $25 to $30) with the additional tax dedicated to public mass transit

  2) continue the auto privilege tax rebate for elderly residents, changing their annual fee from $12 50 to $15 00

- Council must approve this ordinance before March so that the Mecklenburg County Tax Collector can begin collecting the additional revenue in fiscal year 95

Council's policy is to use the auto privilege tax to cover increases in transit operating costs The FY 95 cost of the service expansion (approved by Council last July) is approximately $1 25 million Under Federal Mandate, the City should continue to expand Special Transportation Service (STS) to comply by 1997 with the Americans with Disabilities Act Also the Uptown Transportation Council (UTC) is seeking City assistance for beginning an Uptown shuttle this fall

- Attached are projected Transportation Fund balances for the next three years assuming

  1) Continued operation of the service expansion begun in 1994

2) Continued operation of 1994 service expansion plus STS expansion, Uptown Shuttle participation

Background:

- Transit operations are funded using

  1) Passenger revenues
  2) Sales tax
  3) Auto privilege tax
  4) Federal and State operating assistance

The attachment shows FY 94 revenues and expenses for public transportation operations

The Auto Privilege Tax was increased from $5 to $20 for FY 87, and to $25 in FY 92 Since FY 93 any portion of the tax over $5 has gone to the Transportation Fund

Distribution

		Current Fee ($25)	Additional ($5)
General Fund:	Fee	$5	
	Revenue	$1,514,490	
Transportation Fund:	Fee	$20	$5
	Revenue	$5,948,895	$1,514,490

Attachment 4

Item No.

9. FY95 Budget Workshop Dates

Action: Approve Budget Presentation and Workshop Dates for the FY95 Operating Budget and the FY95-99 Capital Improvement Program

Staff Resource: Vi Alexander

Explanation of Request: In order to discuss the FY95 Operating Budget and the FY95-99 Capital Improvement Program, the following presentation and workshops have been scheduled

May 23 4 00pm	Budget Presentation to Council
May 31 5 00pm	Operating Budget Workshop
June 2 6.00pm	Public Hearing on FY95 Budget
June 7 5.00pm	Operating Budget Workshop
June 9 5.00pm	CIP Budget Workshop
June 14 5 00pm	Final Decisions
June 16 5 00pm	Final Decisions
June 27	Budget Adoption at Council Meeting

Scarborough/Spencer
app.
unan.

Background: The budget presentation on May 23 at 4 00 would occur prior to Council dinner and meeting and would allow Council an opportunity to review the documents for a week prior to the first workshop

BAE

10. Mid Year Budget Ordinance

Ord # 11
3805-X
B-45
P-188

Action: Adopt the Fiscal Mid-Year Ordinance Reflecting Changes to the Annual Ordinance Adopted in June 1993 and Reflecting Accounting Changes Necessary to Comply with Generally Accepted Accounting Principles.

Staff Resource: Vi Alexander

Policy: As approved by City Council, the budget is amended at mid-year to adjust for any changes required since the adoption of the annual budget in June.

Explanation of Request: Some of these changes are technical accounting changes. Others are to provide additional funding for projects which are in need of action before the next fiscal year

Scarborough Wheeler App. Unan.

Changes in Revenues and Appropriations

The City has received two gifts from the community Sections 1 and 2 appropriate $1,500 from Paramount Carowinds for the Police Awards Program and $1,500 from Operation Blessing in honor of the slain police officers

Section 3 appropriates $30,000 from Mecklenburg County ($25,000) and NC Department of Transportation ($5,000) to Emergency Management for partial funding of a Mobile Command Post The remaining funding of $60,000 will be achieved from the Police, Fire and Transportation Departments' FY94 savings. The Mobile Command Post is used in most public emergencies requiring cross-functional coordination

B+E

Section 4 appropriates $78,340 from Mecklenburg County to the Finance Department's Revenue Division for shared funding of contractual services associated with Storm Water billing

Section 5 appropriates the Federal Department of Justice Police Grant ($1,799,478) and the City's Matching Share ($1,301,473 from Fund Balance) to the Police Department for the hiring of 27 additional police officers. The Federal Grant covers 75% of personnel costs; the City's match funds training, equipment, uniforms, etc This is the three-year cost, and will be reappropriated annually as necessary After three years the grant funds will need to be replaced with City funds to continue the level of service provided

Section 6 transfers the State Rideshare Grant and the County's match from the General Fund to the Public Transportation Fund $64,276 in General Fund Fund Balance is appropriated to replace these revenues

Section 7 appropriates $3,140 in additional dedicated grant funds from HUD for Community Relations' Fair Housing Program

Section 8 appropriates $100,000 of the Police Department- Suburban Division's funding with Suburban Assets Forfeiture funds transferred from Mecklenburg County to the Suburban Division's budget

Section 9 appropriates $16,581 from the Charlotte Mecklenburg Board of Education to the Highway 51 District Park Project

Section 10 appropriates $150,000 in additional Urban Development Action Grant Funds to the Development and Revitalization Fund

Section 11 appropriates $161,748 in additional program income to Community Development programs.

To reduce the time spent preparing year-end financial reports for the U S Department of Housing and Urban Development and to simplify the Community Development Block Grant Fund's accounting procedures, the Fund was converted from life-to-date to year-to-date status as of June 30, 1993 Beginning this fiscal year, Council approval is needed to move appropriated funds from the previous fiscal year into the current fiscal year Section 12 reallocates approximately $1 7 million of prior year funding The changes are as follows

Selective Rehabilitation	($826,000)
Relocation	(78,000)
Downpayment Assistance	(35,000)
Rehabilitation	7,000
Learning How	12,000
Replacement Housing	280,000
Housing Partnership	1,000,000
Economic Development Fund	1,348,000

Section 13 corrects the omission of $154,946 in Municipal Service Districts' appropriations Funding is provided by the Chamber of Commerce ($63,000) and the Districts' Fund Balance ($91,946)

Section 14 provides funding for the transfer of $3,400,000 in non-Airline revenues from the Aviation Operating Fund to the Aviation Discretionary Fund, where payments are made to the Airlines on an annual basis according to contractual agreements

Sections 15 through 17 revise the Storm Water Fund's budget The revenues are adjusted to appropriate

- additional user fee revenues
- a contribution from Mecklenburg County
- the contribution from the General Fund which was omitted from the FY94 Budget

The Storm Water Funds' appropriations are increased by $4.8 million for operations and $602,000 for capital improvements projects.

Section 18 appropriates a grant of $1,059,674 from NC Department of Transportation for Public Transportation funding assistance $3 million was allocated for the State's large urban areas, of which Charlotte is to receive 1/3 These funds will contribute to the Transportation Fund's fund balance It is unknown if this will be a recurring grant.

Sections 19 and 20 appropriate funding for actions previously approved by Council but for which a funding ordinance was never approved The Transportation Fund's Transportation Service Improvements ($625,000) were approved July 26, 1993 The Powell Bill Fund's increased funding of street resurfacing ($1,200,000) was approved June 28, 1993. Both Funds' Fund Balances are the source

Section 21 appropriates $420,000 of Utility Operating Fund Fund Balance for transfer to the Utility Capital Fund to correct its omission in the Annual Ordinance.

Accounting Changes

Sections 22 and 23 appropriate additional interest earnings in the Municipal ($120,000) and Aviation ($133,017) Debt Service Funds

Sections 24 and 25 appropriate refinancing proceeds in the Municipal ($159,972 58), Utility ($69,643.53) and Convention Center ($276,724.23) Debt Service Funds for Cost of Sale Expenses.

Sections 26 through 30 make technical accounting changes to the General, Coliseum Authority, and CityFair Funds No Fund's bottom line is changed

Funding: See the Individual Items Above

Background: In late February of each fiscal year, City Council is requested to consider an ordinance adjusting for changes which have occurred since adoption of the annual ordinance in the previous June Many of these corrections are technical accounting changes Others distribute private contributions and grants, and make corrections to the appropriate accounts

Attachment 5

11. Tower Lease Agreement

Action: **Approve an agreement for the City of Charlotte to lease Two Way Radio of Carolina, Inc. radio tower accommodations and a designated parcel of land for the placement of communications equipment facilities.**

Policy: **In October 1993, City Council adopted a Policy Statement for Asset Management as follows: The City will maximize its return from its current and future assets. There exists the space and capacity on current City towers for the City to benefit by leasing the space to private firms**

Scarborough/Reid
Approval

C15

Item No.

Explanation of Request:

The City owns a radio tower site and property located at 6230 North Tryon Street/232 Heathway Circle The City, in an effort to maximize its return from this asset, negotiated a tower leasing agreement as follows

- Two Way Radio of Carolina approached the City about the possibility of leasing space on this tower and property to accommodate antennas for their cellular telephone service

- CIS reviewed Two Way Radio of Carolina's request and determined space was available, the lease would not interfere with either the current or future needs of the City at this site, and that leasing such space at this site, and other tower sites, is a viable source of additional revenues which can help offset the cost of the initial installation and future operations of the radio system

Background:

In January 1992, City Council approved the same type of lease for Metro Mobile This lease has generated over $27,000 in revenues as of December 1993

Lease rate with Two Way Radio of Carolina is $1,000 00 per month during the Base Term (which is comparable to current marketplace rates for such accommodations) with provisions tied to the Consumer Price Index for determining monthly rental during renewal periods,

The lease is for five (5) years with options for renewal

Attachment 6

Exhibit #1

Amendment to February 28, 1994 Council Action Item #12

(Law Enforcement Center Architectural Amendment #2)

Additional Action Requested:

That Council authorize the City Manager make necessary modifications to and accept the County's $1.9M offer for additional LEC parking deck spaces.

Background/Explanation:

- The County Manager offered the following in a December 1993 letter:
  - County would purchase the LEC surface lot for $1.9M.
  - City would terminate the lease on the 268 spaces in that lot.
  - City would use the County's $1.9M for design and construction of additional spaces for the LEC parking deck.
  - City would continue to lease 105 spaces from the County.
- Negotiations on this offer were necessary because only 230 additional spaces can be built with the $1.9M. The City would be giving up 268 spaces in return for 230 spaces which is not in the spirit of "keeping the City whole". The City sent the County several options for consideration in January 1994
- The County has now offered to supplement LEC budget with $2.75M in exchange for the following:
  - Termination of the lease on all 373 spaces the County is obligated to lease to the City.
  - City would build as many additional parking deck spaces with the $2.75M as possible (approx. 320 spaces).
  - City would rezone the property directly across Fifth Street from the LEC site, develop the site for surface parking and deed it to the County.
- The first offer is preferable to the second offer with the modification that parking be traded space for space. (Terminate the lease on 230 parking spaces.)

Exhibit #2

LAW ENFORCEMENT CENTER

Year		
1994	Existing LEC Parking	**850** spaces
1996	Parking available upon opening of new LEC (as planned in the agreement transferring LEC property to County)	
	New LEC deck	430 (approx.)
	New LEC surface spaces	47 (approx.)
	Lease from County	373 spaces
	Total	**850**
1996	Parking available upon opening LEC if $1.9M offer is accepted	
	New LEC deck	660 spaces
	New LEC surface spaces	47 (approx.)
	Lease from County	143 spaces
	Total	**850**

dmfile.182

850 IN OLD LEC DECK + SURFACE

12. Law Enforcement Center Architectural Amendment #2

Action: **Approve Amendment #2, for $118,519, to design additional parking spaces for the new LEC parking deck.**

Staff Resource: David Garner

Explanation of Request:

- Due to budget constraints, the new LEC parking deck is planned to be a 430 space, four level parking deck This will accommodate Police vehicles only Police staff would park in spaces the County is obligated to lease to the City

- The architect was instructed to stop design of this deck when County representatives indicated that additional funding could be made available to construct additional parking with the new LEC in exchange for termination of the lease.

- The County has informed us that their preferred option is to provide $1 9M to the City and to continue to lease some spaces

- We continue to have discussions with the County on the amount of funding they will provide and further delay of the deck design will affect the move-out date of the existing LEC and the operation of the new County jail

- The termination of the lease and the transfer of County funds to the City will need to be approved by Council once an agreement is reached.

- The County's current $1 9M offer should be adequate funding to construct 230 additional parking deck spaces

Eng.

- This would make the deck a six level, 660 space structure and would provide for some employee parking for the Police

- A 900 space, eight level deck would provide for all Police and Police employee parking needs but could be built only if the City were able to secure funding in excess of the current County offer.

- This amendment will allow the architect to design the deck to accommodate 900 vehicles with a bid alternative to construct only 660 spaces It also allows design to proceed without further impacting the project schedules

- If an agreement on the acceptance of at least $1 9 million in additional funding from the County is not reached, the design of a 660 space structure which would mix covert and staff vehicles must be abandoned in favor of the 430 space structure

- The 430 space deck would require an additional one-half floor underground Underground parking is expensive because of the additional rock excavation that would be required

Background:

- The parking lease obligation is outlined in the document which transfers the existing LEC property to the County

13. McAlpine Creek Residuals Management Composting Facility - Amendment 7

Action:

A. Approve Amendment No. 7 to the agreement with CH2M Hill Southeast, Incorporated (CH2M Hill) for pre-construction phase, construction phase, and startup services for the Residuals Management Facility at McAlpine Creek Wastewater Management Facility - $1,455,190

Scarborough/Carmon
app A + B
unan.

B Approve an ordinance for $3,022,121 for appropriating supplemental funds to construct the McAlpine Creek Residuals Management Facility

Ord #12
#3806 X
BUS
P-194

Staff Resource: Ben Russell

Policy. CMUD's first priority is to protect the health and safety of Mecklenburg County residents This new facility will produce a marketable and safe product for public use

Explanation of Request:

- Design of the Residuals Management Facility at the McAlpine Creek Wastewater Management Facility has been completed and construction bids have been received Approval of construction contracts is a concurrent agenda item Amendment No 7 will provide pre-construction phase services including grant assistance, construction phase services including on-site inspection, preparation of an Operational and Maintenance Manual, record drawings, and startup, training and operations evaluation

- Amendment No 7 is paid on a cost plus fixed fee as required by the Environmental Protection Agency

CMUD

Item No.

- The total contract ceiling, including Amendment No 7, is $8,581,915. Of this total $3,911,110 is related to the Residuals Facility.

Background:

- This facility will produce compost and a lime stabilized product, both marketable, from the solids which are a by-product of wastewater treatment

- Together with the present land application program, these products will provide a range of beneficial use options for wastewater solids

- This project provides an innovative approach to solids management that will meet new federal regulations, be environmentally sound, and allow for continued growth in the community.

- The City was awarded a $9 1 million matching grant from the Environmental Protection Agency (EPA) to build a Residuals Management Facility at the McAlpine Creek Wastewater Treatment Facility

- CH2M Hill was selected by competitive process to design an expansion to the McAlpine Wastewater Treatment Plant, including a Residuals Management Facility Exclusive of the solids facility, the plant expansion has been completed Evolving technology, changing federal regulations for solids management, and two vendor protests have delayed the residuals facility Amendments to the original design contract were approved by Council See Background Attachment for details regarding these amendments

Item No.

14. Various Bids

A. McAlpine Creek Residuals Management Facility - Plumbing Work — CMUD

Action:

Scarborough/Wheeler
Aff: A, B, C & D
unan.

A) Accept the withdrawal of the bid submitted by Rea Brothers, Incorporated due to a mathematical error and,

B) Accept the low responsive, responsible bid submitted by Gastonia Plumbing & Heating Company, Incorporated in the amount of $562,815.00

Description: Work to be performed under this project will include plumbing work at the proposed residuals management facility at McAlpine Creek Wastewater Treatment Plant

Justification: Award of this project will benefit the community by providing a range of disposal options for the solids which are a by-product of wastewater treatment This innovative approach to solids disposal will meet the new federal regulations, be environmentally sound, and allow for continued growth in the commmunity All new permits to extend sewer lines in the City's service area depend upon a successful program to dispose of treated sewage sludge The City (CMUD) has chosen to practice beneficial reuse, and seeks to provide acceptable new sludge products which can be sold without restrictions to the public

Summary of Bids:

REA BROTHERS, INC	PINEVILLE	$221,872.00
Gastonia Plumbing & Heating	Gastonia, NC	$ 562,815 00
Atlantic Mechanical	Charlotte, NC	622,100 00
Tri-Meck Mechanical , Inc	Charlotte, NC	687,400 00

AWARD OF THIS PROJECT IS CONTINGENT UPON EPA APPROVAL

WBE Status:	Amount	% of Project	Proj Goals
MBE	$0	0%	7%
WBE	$0	0%	1%

Compliance: Yes - The Utility Director has reviewed the Contractor's good faith efforts to meet the project goals and determined that he has complied with the MWBE Program

CMUD

ADDITIONAL INFORMATION:

- Rea Brothers, Incorporated of Pineville, NC submitted the apparent low bid in the amount of $221,872 00.

- After opening of bids, Rea Brothers reviewed their work papers and confirmed they had made an error in their bid

- Rea Brothers submitted their original work papers and a letter to the CMUD requesting withdrawal of their bid based upon a substantial arithmetic error Rea Brothers inadvertently omitted the cost of a major component, the fire protection system, in their bid

- After review by CMUD staff of the original work documents, it was noted that an $208,445 00 error had occurred in preparation of the bid documents.

- In accordance with N C. Licensing Board For General Contractors G S 143-129 1 - Withdrawal of Bid, if a withdrawal of bid is made in accordance with the provision listed above and the omission is confirmed as a arithmetic error or an unintentional omission, the remaining bids will be considered as though said bid had not been received

- CMUD Director, with legal concurrence, recommends that the bid submitted by Rea Brothers, Incorporated be withdrawn and the low, responsive bid submitted by Gastonia Heating & Plumbing be recommended for award

B. McAlpine Creek Residuals Management Facility - HVAC CMUD

Action: **Accept the bid of $1,168,146 by Climate Conditioning of Charlotte, Inc. This was the only bid received for this project**

Description: Work to be performed under this project will include heating, ventilating, and air conditioning at the proposed residuals management facility at the McAlpine Creek Wastewater Treatment Plant

Item No.

Justification: Award of this project will benefit the community by providing a range of disposal options for the solids which are a by-product of wastewater treatment This innovative approach to solids disposal will meet the new federal regulations, be environmentally sound, and allow for continued growth in the commmunity All new permits to extend sewer lines in the City's service area depend upon a successful program to dispose of treated sewage sludge. The City (CMUD) has chosen to practice beneficial reuse, and seeks to provide acceptable new sludge products which can be sold without restrictions to the public

Summary of Bids:

Climate Conditioning of Charlotte, Inc. Charlotte, NC $ 1,168,146 00

AWARD OF THIS PROJECT IS CONTINGENT UPON EPA APPROVAL

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$0	0%	7%
WBE	$0	0%	1%

Compliance. Yes - The Contractor has complied with the MWBE Contract Provisions which allow him to perform all work with his own forces During the initial follow-up discussion with CMUD staff, he indicated that he will possibly subcontract some concrete work and control wiring Source lists were sent to the contractor so contacts could be made No participation is reported at this time, but any subcontracting will be monitored throughout the project

ADDITIONAL INFORMATION

- Several items were included in the estimate for the General Construction Contract that are actually part of the HVAC contract Note that the estimate for the General Contract was $924,000 higher than the bid For the total project, including all four prime contracts, the sum of the bids is $409,755, or 2.50% lower than the sum of the estimates

CMUD

C. McAlpine Creek Residuals Management Facility - Electrical CMUD

Action: Accept the Low bid of $2,764,371 by Watson Electric Company, Inc of Charlotte

Description: Work to be performed under this project will include all electrical work at the proposed residuals management facility at McAlpine Creek Wastewater Treatment Plant

Justification: Award of this project will benefit the community by providing a range of disposal options for the solids which are a by-product of wastewater treatment. This innovative approach to solids disposal will meet the new federal regulations, be environmentally sound, and allow for continued growth in the commmunity All new permits to extend sewer lines in the City's service area depend upon a successful program to dispose of treated sewage sludge The City (CMUD) has chosen to practice beneficial reuse, and seeks to provide acceptable new sludge products which can be sold without restrictions to the public

Summary of Bids:

Watson Electric Company, Inc.	Charlotte, NC	$ 2,764,371 00
Ind-Com Electric Company	Charlotte, NC	2,839,200 00
Port City Electric Company	Mooresville, NC	3,002,636 00
Energy Erectors, Ltd	Leesburg, FL	3,019,658 88
T & H Electrical Corporation	Wilson, NC	3,168,200 00
Watson Electrical Construction Co	Wilson, NC	3,270,400 00
Bryant Electric Company, Inc	High Point, NC	4,056,218 00

AWARD OF THIS PROJECT IS CONTINGENT UPON EPA APPROVAL

WBE Status:	Amount	% of Project	Proj Goals
MBE	$0	0%	7%
WBE	$0	0%	1%

CMUD

Compliance: Yes - The Contractor has complied with the MWBE Contract Provisions which allow him to perform the work with his own forces.

D. McAlpine Creek Residuals Management Facility - Construction CMUD

Action: **Accept the low bid submitted by Pizzagalli Construction Company in the amount of $13,540,000.00 and;**

Description: Work to be performed under this project will include a new residuals management facility as well as modifications to existing facilities including a prefabricated metal residuals processing building of approximately 235,000 square feet gross area, including extensive materials handling systems; odor control facilities consisting of chemical scrubbing systems and biofilters, all associated sitework, piping, installation of Owner furnished residuals/lime mixers, lime silos, hydrogen peroxide storage tanks, and closed circuit television system

Justification: Award of this project will benefit the community by providing a range of disposal options for the solids which are a by-product of wastewater treatment This innovative approach to solids disposal will meet the new federal regulations, be environmentally sound, and allow for continued growth in the commmunity All new permits to extend sewer lines in the City's service area depend upon a successful program to dispose of treated sewage sludge The City (CMUD) has chosen to practice beneficial reuse, and seeks to provide acceptable new sludge products which can be sold without restrictions to the public

Summary of Bids:

Pizzagalli Construction Co	Morrisville, NC	$ 13,540,000 00
Shook, Incorporated	Dayton, OH	13,592,000 00
Crowder Construction Company	Charlotte, NC	14,295,004 00
Lee Construction Co	Charlotte, NC	15,522,240.00
Republic Utilities	Charlotte, NC	19,198,732 00

AWARD OF THIS PROJECT IS CONTINGENT UPON EPA APPROVAL

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$1,320,000	9 8%	14%
WBE	$ 840,000	6 2%	7%

Compliance: Yes - The Utility Department has reviewed the Contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the MWBE Program

CMUD

15. HOME Program Grant Application

Action: Approve the FY95 HOME Program Description and submission of a $1,694,000 grant application to HUD.

Staff Resource: J W Walton

Policy:

Scarborough/Campbell aff. user

- Charlotte's Comprehensive Housing Affordability Strategy (CHAS) approved by City Council on October 25, 1993 states that the City of Charlotte and local housing providers will pursue programs and activities which address 7 priorities:
  - Preservation of Existing Housing
  - Strengthening Neighborhoods and Community-Based Organizations
  - Promoting Self-Sufficiency
  - Promoting Housing Affordability
  - Expanding the Affordable Housing Supply
  - Addressing and Preventing Homelessness
  - Targeted Population to be Served
- Specific expenditures of the HOME grant funds can be amended at City Council's discretion after a review of the City's housing policies, programs and priorities which was requested at the 1994 Retreat

Explanation of Request:

- This is the third year the City has participated in the HOME Program The City must apply for FY95 HOME funds by March 17, 1994 Failure to apply by the deadline may result in the reallocation of the HOME funds by HUD to other cities
- On January 31, 1994 HUD notified the City that its FY95 HOME allocation would be $1,694,000

CD

- This fiscal year's HOME allocation of $1,694,000 is $296,000 more than last year's allocation of $1,398,000 because of an increased allocation by Congress The increase has been distributed between rehabilitation of rental housing and rehabilitation of owner-occupied housing (Selective Rehabilitation)

- As part of the HOME application, the City must submit a Program Description indicating proposed activities and local matching funds Matching funds must be 25% of the grant, therefore, the City's FY95 match will be $402,325

- FY95 HOME funds are proposed to be used as follows
  - Non-Profit Sponsored Housing
  - Rehabilitation of Rental Housing
  - Acquisition/Disposition Program
  - Selective Rehabilitation
  - Community Housing Development Organization (CHDO) Administration

- The projected sources of HOME funds and the proposed uses are as follows

Projected Sources of HOME Funds

FY95 HOME Grant	$1,694,000
City's Match	402,325
Total	$2,096,325

Proposed Uses of HOME Funds

Non-Profit Sponsored Housing	$ 317,625
Rehabilitation of Rental Housing	500,000
Acquisition/Disposition Program	400,000
Selective Rehabilitation	794,000
CHDO Administration	84,700
Total	$2,096,325

Funding:

- The City's cost is $402,325 (or 25% of the grant) which is the matching funds required by the Federal Regulations Without the City's match, the $1,694,000 grant cannot be obtained

- It is proposed that the local match be provided by Innovative Housing funds Federal funds cannot be used for a match source

Background: See additional background information

Attachment 7

16. Appointments to Boards and Commissions

A. CHARLOTTE-MECKLENBURG STORMWATER ADVISORY COMMITTEE

One appointment to be employed full time by a school, college, hospital, church or to be a board member or officer of that institution

(a) Carl Bobo by Councilmember Cannon*
(b) Reverend Phillip Davis by Councilmember Majeed
(c) Dr. Lewis C Dowdy, Jr by Councilmember Scarborough
(d) Rick Swain by Councilmember Campbell

(e) Joyce Waddell by Councilmember Wheeler

* Mr Bobo does not wish to be considered

One appointment to be a member of an organization involved in environmental issues

(a) Ronald Geiger by Councilmember Martin
(b) David Love by Councilmember Reid
(c) Margaret Markey by Councilmember Wheeler
(d) John Nerison by Councilmember Baker

Attachment 8

B COMPETITION ADVISORY COMMITTEE
Seven appointments, initial terms will be staggered Applicants should be knowledgeable in the fields of management, accounting, human resources, marketing or customer service and have experience in the areas of work management, cost accounting, customer relations, performance measurement, employee relations, quality assurance, asset divestment and procurement and bidding processes

(a) Karen Aliff by Councilmember Martin
(b) Jefferson Brown by Councilmember McCrory
(c) Dan Clodfelter by Councilmember Scarborough
(d) Otis Crowder by Councilmember Campbell
(e) Alan Dexter by Councilmembers Baker and Cannon
(f) Dean Duncan by Councilmember McCrory
(g) Bo Elliott by Councilmember Campbell*
(h) Jim Farrell by Councilmember Spencer
(i) Thomas Hayes by Councilmember Wheeler
(j) William Ix by Councilmember Baker
(k) Barbara Johnson-Waters by Councilmember Martin

(l) Kip Kaiser by Councilmember Campbell
(m) Diane Long by Councilmember Scarborough
(n) Bobbie Lowery by Councilmember McCrory
(o) Mary Payne by Councilmember Baker
(p) Robert Patterson by Councilmember Majeed
(q) Dick Sahlie by Councilmember Jackson
(r) Andrew Scales by Councilmember Wheeler
(s) Gail Schwindeman by Councilmember Reid
(t) Marc Sears by Councilmember Martin
(u) Sheldon Shipman by Councilmember Scarborough
(v) Curtis Sims, Jr by Councilmembers Majeed and Cannon
(w) Dr Jack Sommers by Councilmember Reid
(x) William Spears by Councilmember Jackson
(y) Jackson Steele by Councilmember Jackson
(z) Roy Viscount by Councilmember Reid
(aa) Marvin Wilson, Jr by Councilmembers Majeed and Cannon

*Mr Elliott does not wish to serve

Attachment 9

Item No. Pull #22 & 28
Allow Carey Odom to present sworn statement of debt on Item No. 26 & #34 6 requires condemnation resolution approval of a resolution to condemn Wheeler/Reid approve all but #22 + #28 unan.

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 within the budget estimate, and have met MWBE criteria

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

Recommend adoption of the bid list as shown the following contract awards are all low bid and within budget estimate unless otherwise noted Each project or purchase was authorized in the annual budget

CONSENT I

17. Various Bids

A. Cemeteries Grounds Maintenance
Elmwood + Ninth St

Engineering and Property Maintenance

Recommendation: The City Engineer recommends that the low bid of $99,700 by Cecil's Landscaping of Charlotte be accepted

MWBE Status.	Amount	% of Project	Proj Goals
MBE	$0	0%	5%
WBE	$0	0%	3%

B. Storm Drainage Repair
Gwynne Ave/Lanier Ave

Engineering and Property Management

Recommendation: The City Engineer recommends that the low bid of $601,621.50 by Blythe Development Co of Charlotte be accepted

MWBE Status	Amount	% of Project	Proj Goals
MBE	$54,000	9 2%	9%
WBE	$23,987	4 1%	4%

C. **Sanitary Sewer Construction** CMUD
15 INCH SANITARY SEWER TO SERVE BALLANTYNE DEVELOPMENT

Recommendation: The Acting Utility Department Director recommends that the low bid of $277,555.53 by Dellinger, Incorporated of Monroe, NC be accepted.

MWBE Status	Amount	% of Project	Proj Goals
MBE	$3,000.00	1 1%	3%
WBE	$8,700.00	3.1%	4%

Compliance: Yes - The Utility Department has reviewed the Contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the MWBE Program.

D. **Water Main Construction** CMUD
TO MATTHEWS AREA

Recommendation: The Acting Utility Director recommends that the low bid of $1,456,156 93 by R F Shinn Contractor, Inc of Concord, NC be accepted

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$0	0%	5%
WBE	$97,500	6 6%	8%

Compliance: Yes - The Utility Department has reviewed the Contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the MWBE Program The Contractor originally submitted the Certification Regarding Subcontracting Practices form which states that he would perform the work with his own forces However, during the follow-up discussion with CMUD staff, he indicated that he will subcontract a portion of the project He has completed the necessary form stating so and submitted it to CMUD staff for file

E. **Vanpool Vans** PURCHASING ~~CDOT~~

Recommendation: The Department of Transportation Director recommends that the low bid of $100,794 by Metrolina |Dodge of Charlotte be accepted.

MWBE Status.	Amount	% of Project	Proj Goals
MBE	$100,794	100%	5%
WBE			3%

Compliance: Yes, recommended vendor is a minority vendor

F. Fire Department Uniforms

Recommendation: The Fire Chief recommends that the low bid of $120,000 by R & R Uniforms of Charlotte be accepted The price quoted is for a unit price and is based on an estimated quantity of uniforms

MWBE Status	Amount	% of Project	Proj Goals
MBE			5%
WBE			3%

Purchasing

Compliance: Yes, two MWBE's were solicited, but none bid

G. Ladder Fire Trucks **Fire Dept.**

Recommendation: The Fire Chief recommends that the low bid of $1,119,363 by Quality Manufacturing of Talledega, Alabama be accepted.

MWBE Status	Amount	% of Project	Proj Goals
MBE			5%
WBE			3%

Purchasing

Compliance: Yes, no known MWBE vendors for this equipment

18. In Rem Remedy - 2300 Haines Street

Ord. #1 #3795-X B-45 p 124

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2300 Haines Street (Lincoln Heights neighborhood) which is located in the City Within a City boundaries.**

Attachment 10

CD

19. In Rem Remedy - 1312 Fairmont Street

Ord #2 #3796-X B-45 P-175

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1312 Fairmont Street (McCrorey Heights neighborhood) which is located in the City Within a City boundaries.

Attachment 11

CD

20. In Rem Remedy - 412-14 Faison Avenue

Ord. #3 #3797-X B 45 P 176

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 412-14 Faison Avenue (North Charlotte neighborhood) which is located in the City Within a City boundaries.

Attachment 12

CD

21. In Rem Remedy - 2308 Sanders Avenue

Ord. #4 #3798-X B-45 P-177

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2308 Sanders Avenue (Biddleville neighborhood) which is located in the City Within a City boundaries

Attachment 13

#21

CD

Item No.

Wheeler/Scarborough approve #22 + #28 unan.

CONSENT II

22. Various Bids

A. 800 MHZ Radio - 8 Channel Addition Various

Recommendation: The Purchasing Director recommends that the low bid of $862,837 by Motorola Electronics of Charlotte be accepted

Description. The addition of 8 channels to the City/County radio system to provide adequate public safety voice communication frequencies The cost is split 50/50 with the County. The County approved their portion of this project in November 1993

Justification: Eight (8) channel additions needed to maintain safe, efficient and dependable emergency radio communication for public safety

Purchasing

B. 800 MHZ Radio Upgrade - Tower Equipment Various

Recommendation: The Purchasing Director recommends that the low bid of $2,540,987 by Motorola Electronics of Charlotte be accepted Motorola was the only vendor that submitted a bid

Description: The construction of a west side radio tower was approved in the FY94 Capital Improvement Plan The tower will improve voice quality transmission and reliability The primary users of the system are the Police and Fire Key Businesses

Justification: Radio equipment for the new tower site needed to maintain safe, efficient and dependable emergency radio communication for public safety.

Purchasing

C. Catch Basins **DOT-Street Maint.**

Recommendation: The Department of Transportation Director recommends that the lowest responsive bid of $82,200 by Capital Foundry of Virginia Beach, Virginia be accepted The low bidder could not agree to replace defective units within 30 days

Summary of Bids:

Capital Foundry, Virginia Beach, VA	$ 82,200 00
Emporia Foundry, Emporia, VA	$ 99,600 00
U.S. Foundry, Miami, FL	$123,660 00
Dewey Bros , Goldsboro, NC	$149,130 00

One other bid received--United Pipe and Foundry, Inc , Freehold, NJ, in the amount of $81,026 40 did not meet our specifications They do not have a local representative, i e., North Carolina, South Carolina, or Virginia, who will agree to replace defective units with new ones within a thirty (30) day time period

Purchasing

MWBE Status:	Amount	% of Project	Proj Goals
MBE	0	5%	
WBE	0	3%	

Compliance. Yes

D. Median Mowing - East District **Engineering and Property Management**

Recommendation: The City Engineer recommends that the lowest responsive bid of $68,070 by John L Todd of Charlotte be accepted

Summary of Bids:

J. T. BOLT	$35,170 80 (NON-RESPONSIVE BID)
JOHN L. TODD	$68,070 00
DIXIE LAWN SERVICE	$82,440 00

MWBE Status:		Amount	% of Project	Proj Goals
MBE	$0	0%	5%	
WBE	$0	0%	3%	

Compliance: Contractor has complied with MWBE Program provision which allows performance of all work with contractor's own forces

ADDITIONAL INFORMATION:

Explanation of Recommendation:
The low bidder bid on only three (3) of the 37 items in the contract The second low bidder's proposal was complete. Management recommends declaring the low bidder non-responsive and awarding the contract to the second low bidder.

23. Grier Heights Economic Foundation Loan Agreement Amendment

Action: **Amend an existing loan agreement with Grier Heights Economic Foundation (GHEF) by**

(A) Substituting the purchase of the City-owned house at 4025 Eastway Drive with a house located at 2913 Newkirk Street being donated by the YMCA and

(B) Reducing the loan amount from $51,784 to $50,642.

Staff Resource: J W Walton

Policy: **The Comprehensive Housing Affordability Strategy approved by City Council on October 25, 1993 listed Strengthening Neighborhoods and Community-Based Organizations as one of its seven priorities; and the City agreed to provide financing to housing projects sponsored by community-based organizations**

Explanation of Request:

- The City has been asked by GHEF to amend its approved loan agreement by

- substituting a house at 2913 Newkirk Street being donated by the YMCA for the purchase of a City-owned house located at 4025 Eastway Drive, and

- reducing the approved loan amount from $51,784 to $50,642 as a result of substituting the donated house

- Two other items which City Council approved on November 22, 1993 as part of the loan agreement with GHEF will remain the same They were

  - purchase the City-owned parcel at 3117 Drenan Street for $5,900

  - contract with Carolinas Construction Company for a turnkey rehabilitation project

- The reason the substitution of another house is being requested is because the City-owned house at 4025 Eastway Drive which GHEF was planning to buy and move has been substantially vandalized and it is no longer feasible to rehabilitate the house

- All the houses acquired by the City as part of the Eastway Drive road improvement project were boarded up as soon as they were acquired in order to prevent vandalism (This is the Real Estate Division's standard procedure where there is total acquisition of the property) In the case of the house at 4025 Eastway Drive, some boards were removed and entry was gained into the house before the house could be reboarded

- A breakdown of the $50,642 loan to GHEF is:

$ 5,900	Purchase of Land at 3117 Drenan Street
41,875	Contract with Carolinas Construction Company
$47,775	
2,867	6% Contingency
$50,642	

Attachment 14

24. Community Development Block Grant Funds

Action: Request City Council at its February 28, 1994 meeting to set a public hearing date on March 28, 1994 to receive citizens' input on the proposed use of $4,853,000 in FY95 Community Development Block Grant (CDBG) funds.

Explanation of Request:

- City Council is being asked to set a public hearing on March 28, 1994 at 7 00 p m This public hearing will be conducted as part of Council's regularly scheduled meeting

- The purpose of this hearing is to

  - obtain the views of citizens regarding community development and housing needs associated with the expenditure of $4,853,000 in FY95 CDBG funds

  - comply with Federal regulations which require that at least one public hearing be held prior to submission of the CDBG Application

- A notice of the public hearing will be published twice (once a week for two consecutive weeks) in the Charlotte Observer and the Charlotte Post at least 10 days prior to the public hearing dates

CD

- A copy of the proposed uses of FY95 CDBG funds along with FY93 CDBG Annual Performance Report and FY94 5-month Objectives Report will be available during the month of March 1994 for review by citizens at the Public Library, 3 Neighborhood Centers and the Community Development Department

Background: Charlotte is an entitlement city, which means that it is "entitled" to receive a grant each year from the CDBG Program This is the 20th year the City has participated in the CDBG Program The grant amount for FY95 ($4,853,000) is an increase of $393,000 over FY94 ($4,460,000) This is due to an increase in the CDBG Program's appropriation by Congress

25. Temp World Temporary Services Contract Extension

Action: **Approve second of three one-year extensions of the contract with Temp World for parking cashiers and other personnel services at the airport**

Explanation of Request: During the previous four years, Temp World has been responsive to the needs of the airport and has provided quality service This one year extension is based on the same contract terms and conditions as bid four years ago The cost of these personnel services is paid on a man hour basis at $7 73 per hour The annual cost of these services is estimated at $575,000 00

Background. On February 12, 1990, City Council awarded a three year contract for cashiers and ground transportation agents to the low bidder, Temp World Temporary Services The contract provides for three one-year extensions. The contract will provide individuals responsible for the parking lot

cashier service and related license plate inventory service on a 24-hour, seven day a week basis, as well as ground transportation service and information service

On January 11, 1993, City Council approved the first of three one year extensions of the contract.

INTRODUCING A BOND ORDER AUTHORIZING REFUNDING BONDS & SETTING A PUBLIC HEARING FOR 3/28 TO REFINANCE WATER & SEWER BONDS, SERIES 1992 Res #1 B 32 p. 104

26. Refinancing Water and Sewer Bonds

Action: **Approve a resolution that meets the requirements necessary to refinance all or part of the principal amounts of one or more of the City's General Obligation Water & Sewer Bonds, Series 1992 and Public Improvement Bonds, Series 1992. Approval of this resolution accomplishes the following:**

- **Introduces a bond order that authorizes the refunding bonds.**
- **Designates March, 28, 1994 as the date for a public hearing on the bond order and directs the City Clerk to publish the required notice.**
- **Designates the Finance Director, Deputy Finance Director or the City Treasurer as the official to prepare and file the Sworn Statement of Debt.**

Explanation of Request: The current interest rate environment presents the City with an opportunity to realize substantial savings refinancing these bonds By combining the refinancing with its sale of regular bonds (future council action) savings will be approximately $3 million (present value) assuming current market conditions

Finance

Background: On June 23, 1992 and September 29, 1992 the City closed on bond issues of $58,700,000 and $14,275,000 respectively These issues have interest rates that are higher than prevailing rates making a refinancing feasible The savings on this refinancing are very sensitive to market conditions The Finance Department will continue to monitor various market factors and will either reschedule or cancel the sale if rates are not favorable to the City

27. Irwin Creek Wastewater Treatment Plant - Change Order No 1

Action: **Approve Change Order #1 for $82,299 00 to the contract with Thamer Construction, Inc for Liquid Stream Improvements at the Irwin Creek Wastewater Treatment Plant. This change order will allow construction of a water line to serve the new administration building at the Plant. Upon approval, the contract amount will increase from $6,431,949.00 to $6,514,248.00.**

Explanation of Request:

- This water line will provide water service to a new building and additional fire protection to the plant site.
- This water line was planned for installation under another contract, but it was deleted when that project was rebid in 1993
- This change order will allow installation by the general contractor on the site, and will expedite the use of the new building

Background: The City Council approved a general construction contract with Thamer Construction, Inc on August 23, 1994 for additions to the Irwin Creek Plant

CMUD

Ord #5
#3299-X
8-45
p-178

28. Radio Equipment

Action: **Approval of a budget Ordinance transferring $270,000 in capital funding providing a supplemental appropriation for the purchase of radio communication equipment for a west side radio tower.**

Explanation of Request: The construction of a west side radio tower was approved in the FY94 Capital Investment Plan The tower will improve voice quality transmission and reliability The primary users of the system are the Police and Fire Key Businesses

Wheeler/Scarborough
app. #22 + #28
unan

A supplemental appropriation is necessary because the tower and communications equipment were only partially funded in the Capital Investment Plan Full funding was not available at the time the budget was proposed The mid-year CIP Status Report indicates that savings will be realized in two completed capital projects

B+E

- Northeast Satellite Yard
- Annexation Fire Station No 29

The budget ordinance transfers savings in these capital projects and the General Fund Fund Balance to the western tower capital project

29. Convention Center Masonry - Change Order No. 3

Action: **That City Council approve Change Order #3 to the contract with Pompano Masonry Corporation in the amount of $73,430 00 for added masonry work at the new Convention Center. Approval of this Change Order will increase the contract amount from $3,243,783.00 to $3,317,213 00**

Staff Resource: David Garner

Eng.

Item No.

Explanation of Request:

- After bids for precast concrete wall panels came in over budget, several alternatives were explored in order to reduce costs Replacement of a portion of the precast panels with masonry has resulted in savings of approximately $2,250,000 00

- As the architectural drawings were being revised to include the changes from precast to masonry walls, it was necessary to begin construction on some of the walls in order to avoid delays in the schedule Council approved Change Order No 1 on August 23, 1993 in the amount of $97,200 00, as partial compensation for the increase in masonry work based on preliminary revisions to the drawings

- Change Order No 3, which is the result of refinement to the drawings, includes work that was not previously included in the original Change Order and completes the work associated with replacement of the precast panels

- This Change Order has been submitted by the masonry contractor and has been reviewed and approved by the Architect, Construction Manager and Engineering and Property Management Department

If this project is not completed, construction of the Convention Center cannot continue

Background:

On May 10, 1993, City Council approved the contract with Pompano Masonry Corporation in the amount of $3,081,583 00 for the masonry work on the new Convention Center project

On February 14, 1994, City Council approved Change Order #2 to Pompano's contract in the amount of $65,000 00 for the installation of masonry support dowels

Attachment 15

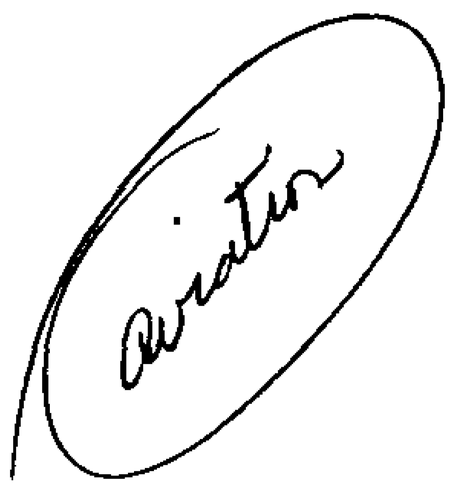
30. **Airport Terminal Expansion - Phase II - Change Order No. 6**

Action: **Approve Change Order # 6 in the amount of $80,897. 00 to the Electrical Construction Contract for the Terminal Expansion-Phase II with Port City Electric Company, Inc. Upon approval of this Change Order, the contract amount will increase to $1,864,939 00.**

Explanation of Request: This Change Order expands the existing public address system into the Terminal Expansion

Background: In June, 1992, City Council awarded a contract to Charlotte Sound & Visual to rework the terminal public address system This contract was based on a new design by M A.B Engineering, a sound system design specialist Construction contracts were also awarded at this time to construct the Terminal Expansion designed by Odell Associates

M.A B Engineering and Odell have subsequently coordinated expansion of the public address system into the Terminal Expansion The electrical contractor, Port City Electric, Inc , has subcontracted this work to Charlotte Sound & Visual, Inc , which will maintain the continuity and integrity of the public address system



Item No.

Ord #6
#3800
B-45
P-180

31. Lower Speed Limits on Eleven (11) Streets

Action: Adopt an ordinance to lower the speed limit on eleven (11) Charlotte streets.

Policy: Neighborhood 25 MPH Program

Explanation of Request: Adopt an ordinance to lower the speed limit, in accordance with Council's approved policy on the Neighborhood 25 MPH Program, on

- Boykin Spaniel Road from Quail Acres Road to cul-de-sac 25 MPH
- Browne's Creek Road from cul-de-sac to cul-de-sac 25 MPH
- Dovefield Road from Woodview Circle to cul-de-sac 25 MPH
- French Woods Road from cul-de-sac to cul-de-sac 25 MPH
- Haybridge Road from Hubbard Road to dead end 25 MPH
- Kennel Lane from Boykin Spaniel Road to cul-de-sac 25 MPH
- Quail Acres Road from Dovefield Road to Providence Road West 25 MPH
- Symphony Woods Drive from Radbourne Boulevard to 390 feet east of Nyewood Court 25 MPH
- Westminster Place from Sharon Road to Briarcliff Place 25 MPH
- Whistley Green Drive from Radbourne Boulevard to cul-de-sac 25 MPH

Bond 3994

Randy Jones said change from 35 to 25 mph

CDOT

- Woodview Circle from Providence Road West to cul-de-sac 25 MPH

Background:

On May 14, 1984, City Council approved a policy to permit a lowered speed limit on residential streets The policy requires that the residents submit a petition signed by 75 percent of the residents or property owners on the streets and that an engineering evaluation be conducted by the Department of Transportation to determine if the lowered speed limit is appropriate

Attachment 16
Ordinance

Ord # 13801
B-45
P-182

32. Change Speed Limit On One Street

Action:

Adopt an ordinance amending City Code Section 14-131(c) to change the speed limit on one Charlotte City street.

Policy:

Council Thoroughfare Speed Limit Policy

Explanation of Request:

35 to 45 MPH
Per Randy Jones

The requested change is on a thoroughfare street and is in accordance with the Council Thoroughfare Speed Limit Policy Engineering and safety evaluation has determined that the below listed speed limit is appropriate:

- Mallard Creek Church Road from North Tryon Street to 4 mile south of Tryon Street 45 MPH

Funding:

Funding of required signing will be through the Department of Transportation The cost of signing is approximately $25 per sign Approximately $75 worth of signs will be needed This cost of new signing is programmed within the departmental budget

CDOT

Background: This change was requested by the North Carolina Department of Transportation, and is consistent with the roadway as rebuilt

Attachment 17
Ordinance

33. Lower Speed Limit on One Street

Ord. #8 #380 B-45 P-184

Action: **Adopt an ordinance to lower the speed limit on one Charlotte street.**

Policy: **Speed Limits**

Explanation of Request: Request Council adopt an ordinance to lower the speed limit, in accordance with Council's approved policy on speed limits based on an engineering evaluation, on

- Kilborne Drive from Eastway Drive to Dunlavin Way 25 MPH

35 to 25 MPH

Funding: Funding of required signing will be through the Department of Transportation The cost of signing is approximately $25 per sign Approximately $50 worth of signs will be needed This cost of new signing is programmed within the departmental budget

Background: This street is recommended for a lowered speed limit subsequent to an engineering evaluation which has determined that sight distances from driveways is insufficient for a 35 MPH speed limit No petition is necessary, but residents of the street have been notified of the pending change

Attachment 18
Ordinance

CDOT

Item No.

34. Property Transactions

Acquisitions:

A

Project: F.A.R. Part 150 Land Acquisition
Owner(s): L R. and Sandra Gasaway
Property Address 3317 East Willow Lane
Property to be acquired: 25 Acres
Improvements 3 bedroom, 1 bath, ranch
Tax Value. N/A
Purchase Price $30,000 00
Remarks: 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 house Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 Owners are eligible for relocation benefits Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

Aviation

B

Project. F A R Part 150 Land Acquisition
Owner(s) Scott and Catherine McClelland
Property Address 6308 Virginia Avenue
Property to be acquired: 417 Acres
Improvements 3 bedroom, 1 bath ranch
Tax Value $55,290 00
Purchase Price $75,000 00
Remarks: 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 house The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 Owners are eligible for relocation benefits Acquisition and relocation costs are eligible for Federal Aviation Administration Reimbursement

Aviation

C. **Project** F A R Part 150 Land Acquisition
Owner(s) Edith Lee Ivey
Property Address 2417 Eatonton Street
Property to be acquired 25 Acres
Improvements 3 bedroom, 1 bath ranch
Tax Value· $27,820 00
Purchase Price $28,000 00
Remarks: The purchase 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 house The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes Residential property is acquired per Federal Guidelines 49 CFR of the Uniform Acquisition and Relocation Act of 1970 The owners are eligible for relocation benefits. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

Direction

D. **Project** Carmel Road Widening, Parcel No. 60
Owner: George L Dunaway & wf , Mary Ruth Dunaway
Property Address: 5534 Carmel Road
Property to be acquired: 1,278 95 sq ft (0 0294 ac) of Fee plus, Temporary Construction Easement of 5,639 94 sq ft (0 1295 ac.)
Improvements Landscaping, trees and flowers
Price: $11,700
Remarks: To acquire right-of-way and Temporary Construction Easement for Carmel Road Widening project

Zoned· R-3 Use Residential
Tax Value $158,900
Tax Code 209-391-33

Eng/R.E.

E **Project:** Carmel Road Widening, Parcel No 28
Owner: Richard M Vipperman & wf , Ann D. Vipperman
Property Address: 4833 Meadowridge Drive South
Property to be acquired: 7,119 sq ft (0 1634 ac.) of Fee and Permanent Easement plus 7,848 32 sq ft (0 1802 ac) of Temporary Construction Easement
Improvements: Dirt berm, numerous trees and shrubs, landscaping and approximately 300 feet of rail fence
Price: $67,800
Remarks. The Vippermans reside on the corner of Meadowridge Dr and Carmel Road Their house faces Meadowridge Dr , and is being severely affected by a sight distance problem due to Carmel Road shifting toward their house The majority of compensation is for damages to their property from the permanent elimination of the berm and all shrubbery on the Carmel Road side of their house In the after situation, this property will also be restricted from having any kind of fencing as a visual barrier for privacy from Carmel Road

Zoned R-3 Use Residential
Tax Value $138,650
Tax Code· 209-292-80

David Allen Needs A STP TUESDAY

Eng. /R.E.

F **Project:** Carmel Road Widening, Parcel No 41
Owner: John A Rose & wf , Debra R Rose
Property Address: 7438 Dotts Court
Property to be acquired. 255 62 sq ft (0 0059 ac) plus 1,463 60 sq ft (0 0336 ac.)
Improvements. Large shrubs and trees providing a buffer
Price: $16,400

Eng/R E.

Remarks: This property has heavy screening of landscape material to block the view of Carmel Road and create a more wooded effect The road widening project will eliminate this buffer and the privacy that they currently enjoy Compensation is intended to replace the landscaping as well as pay for the land and easement area
Zoned. R-3 Use. Residential
Tax Value: $91,200
Tax Code: 211-331-24

F. **Project**· F.A R Part 150 Land Acquisition
Owner(s): Mrs. Minnie W Looney
Property Address 3411 East Willow Lane
Property to be acquired 25 Acres
Improvements 2 Bedroom, 1 Bath ranch
Tax Value: N/A
Purchase Price $21,000.00
Remarks 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 house Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 The owners are eligible for relocation benefits. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

Aviation

CONDEMNATION G, H
RESOLUTION

Project· Annexation 93 (Area 7) Trunk to Stoneyridge Dr , Parcel No 76
Owner· Melvin W Yoder & any other parties of interest
Property Address 2225 Stoneyridge Drive
Property to be Condemned 5,373 sq ft (1235 ac.)

Res. #2
B-32
P-108

Improvements Trees
Price: $375
Reason for Condemnation City staff has been unable to locate property owner via tax records, post office, utility department, site visits and neighborhood inquiries, therefore, condemnation is requested
Zoned: R-3 Use Vacant
Tax Value: $10,500
Tax Code: 031-093-20

Eng./R.E.