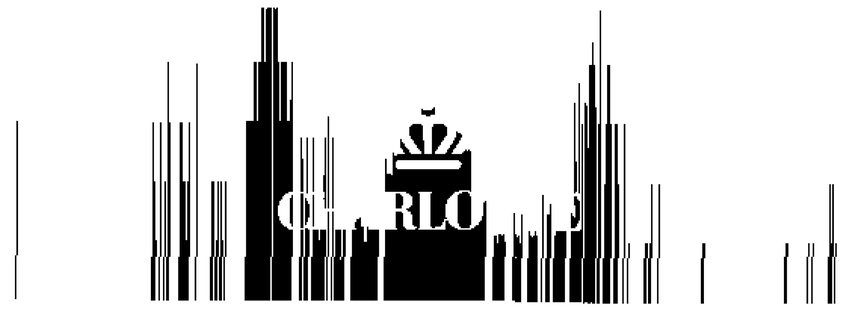
AGENDA

Meeting Type:	BUSINESS
Date:	01/13/1997

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory *Mayor Pro Tem Al Rousso*

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

Council Agenda

CITY COUNCIL MEETING

Monday January 13, ~~1996~~ 1997

5:00 p.m.	**Conference Center**
	Dinner Briefing **(See Table of Contents)**
6:30 p.m.	**Meeting Chamber**
	• **Invocation** • **Pledge of Allegiance** • **Citizens Hearing**
7:00 p.m.	**Formal Business Meeting**

CITY COUNCIL AGENDA

Monday, January 13, 1997

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. **Restructuring Government Committee Report on the Balanced Scorecard**

   Attachment 1

2. **Consolidation of Charlotte Uptown Development Corporation and the Central Charlotte Division of the Chamber of Commerce**

3. **Council Office Space and Technology**

4. **City Within a City Committee Report on Neighborhood Centers**

6:30 P.M. CITIZENS HEARING
MEETING CHAMBER

CONSENT

5. **Consent agenda items 17 through 30 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

   Staff Resource: Vi Alexander Lyles

PUBLIC HEARING

6. Public Hearing for a Police Monument on Public Property

Action: **Conduct a public hearing on the location of a monument to slain police officers on the grounds of Old City Hall.**

Staff Resource: Major Tom Barnes

Explanation of Request:

- The Police Department wishes to locate a monument to police officers killed in the line of duty on the front lawn of Old City Hall The monument and related landscaping will cost approximately $175,000 and will be financed through contributions from police employees and other private contributors It will be designed by Abbe Godwin, a North Carolina sculptor The Police Department will be responsible for the maintenance of the monument

- The construction of the monument will require moving several existing monuments and markers including the Doughboy Statue, Bicentennial Marker, Confederate Marker, and the U S Naval Fleet Reserve Marker These monuments will be relocated to other areas on Old City Hall grounds The interest groups associated with these monuments, (the Veteran Service Committee, Sons of the Confederate Veterans, the Charlotte Museum of History, and the Planning Commission) have agreed to the relocation of the monuments and were involved in the selection of the new locations All interested groups have been notified of the public hearing

- Council reviewed the concept, design, and location for the monument at a presentation at the November 25 dinner meeting

- Council will be asked to approve the location of the monument at the January 27 business meeting The monument will be completed in time for a dedication ceremony during National Police Week in May 1997

- A map showing the proposed location of the Police Memorial and the existing monuments and markers is attached

Attachment 2
Map

POLICY

7. City Manager's Report

8. Ownership and Management of Neighborhood Centers

Action: **Approve the following recommendations of the City Within A City (CWAC) Committee concerning neighborhood centers:**

A. That the City continue ownership & management of the centers;

B. That the City create a Neighborhood Centers Advisory Council with community/stakeholder representation to provide public input into City decisions concerning centers;

C. That staff explore cost sharing opportunities with center tenants; and

D. That staff analyze the costs and benefits of longer hours and facility upgrades and include any recommendations as part of the budget.

Staff Resource: Stanley Watkins and Debbie Antshel

Focus Area: City Within a City and Restructuring Government

Policy:

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

Explanation of Request:

- On April 8, 1996, City Council approved a public process to review the use and management of the City's neighborhood centers

- The review has been completed and results were presented to the CWAC Committee on December 12, 1996

- The review process included a staff analysis to determine use and types of services currently offered at the centers as well as operating expenses This information is summarized in the attachment In addition, staff held informal meetings with non-profit and for-profit agencies to discuss outsourcing center management

- The review also included extensive community involvement regarding options for ownership and management of the centers and improvements needed for enhanced service delivery More than 250 stakeholders were reached through conducting surveys and facilitating focus group discussions Reports summarizing the process and findings for the Belmont and Greenville Centers were distributed to Council in November 1996 An executive summary is attached

- The findings and recommendations as presented to and approved by the CWAC Committee on December 12 are

- Finding The community has a high degree of satisfaction with the centers' capacity to meet community needs Stakeholders believe that a private or non-profit agency would eventually charge excessive fees and/or make the centers less user friendly/community focused Recommendation That the City continue to own and manage the centers

- Finding That center stakeholders desire continued involvement in decisions pertaining to neighborhood centers Recommendation That the City create a Neighborhood Centers Advisory Council to allow public involvement in centers decisions This advisory group would consist of 12 members appointed by the City Manager

- Finding Center stakeholders perceive a need for expanded services and hours of operation Significant repairs are needed at all four centers (as confirmed by a 1995 Engineering and Property Management assessment) and facility upgrades are desired by stakeholders Recommendation That staff analyze the costs and benefits of longer hours and facility upgrades and include any recommendations as part of the FY98/99 budget request

- Finding That center operating costs are increasing, and that while some center tenants may be able to help offset City costs for maintenance and security, others may not Recommendation That staff explore cost sharing opportunities with center tenants

- The CWAC Committee approved the recommendations by a vote of 2 to 1 One Council member questioned the extent to which non-City center management alternatives were explored Attached is an issue paper staff used for internal review The strong public sentiment is to not change the availability or user costs of the facilities

- In July 1996, the Privatization/Competition Advisory Committee discussed the Neighborhood Development's Competition Plan, which included the goal of evaluating the option of outsourcing facility management of the Greenville and Belmont Centers

- Another option Council could take is to direct staff to solicit proposals for Center management

Attachment 3
Center Operations
Assessment Executive Summary
Issue Paper - Facility Management Options
Operating Information

9. Consolidation of the Charlotte Uptown Development Corporation (CUDC) and the Central Charlotte Division of the Chamber of Commerce (CCD).

Action: **Approve a Resolution to consolidate CUDC and CCD that includes:**

A. **Amending the CUDC Bylaws with respect to the number, qualifications and appointment of the CUDC Board of Directors;**

B. **Appointing the nominees for Directors of the CUDC in accordance with the amended Bylaws; and**

C. **Assigning to CUDC each of the existing agreements between CCD and the City of Charlotte pertaining to Municipal Service Districts 2 and 3 for Fiscal Year 1997, to expire on June 30, 1997.**

Staff Resource: Curt Walton

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

Explanation of Request:

- To accomplish their common goals to further the economic prosperity of Uptown Charlotte and to promote its varied activities, CUDC and CCD have agreed to consolidate their operations, personnel and certain assets within the corporate structure of CUDC (Copies of CUDC's current Bylaws and CCD's operational statement are included in the attachment)

- The consolidated organization will continue to forge strong alliances through the composition of the Board of Directors, collaborative programs and joint use of the Info Charlotte Marketing Center Both parties believe that there will be advantages, efficiencies and economies that will benefit the organization, its uptown constituency and the City at large Specifically, the consolidation will produce

  - A consistent vision and focus

  - Combined resources from Municipal Service Districts 1, 2 and 3 to initiate and implement programs and projects

  - Improved communication with elected officials and City staff and

  - Marketing support for housing, office, transportation, entertainment and retail initiatives

- To accomplish these objectives, a new slate of directors has been nominated for appointment to the CUDC Board (A copy of the CUDC Board Resolution for the nomination for Appointment of Directors is attached) The Directors will serve a one year term and will be eligible for re-appointment if they maintain their classification status

- The new Board will consist of six categories of directors representing varied interests, disciplines and voices in the Uptown community (A listing of the names of the proposed Board members is also attached) Representation of the CUDC Board of Directors will be as follows

  - Five CEOs of the largest Uptown business employers

  - Three Greater Charlotte Chamber of Commerce representatives

  - Three At-Large representatives

  - Two Residents (within boundaries of Municipal Service District 1)

  - Two Elected Officials (one City, one County) and

  - Six Ex-Officio members City Manager, County Manager, President Charlotte Chamber of Commerce, President Arts and Science Council, Director Charlotte-Mecklenburg Planning Commission, and President Charlotte Convention and Visitors Bureau

- A copy of the CUDC Board Resolution approving the amended bylaws is attached

- The current composition and appointment process of the CUDC Board of Directors and the CCD Advisory Council, as well as the recommended composition and appointment process for the consolidated CUDC is attached

Background:

- CUDC is a nonprofit corporation formed in 1978 " to promote, encourage and assist the revitalization and economic health and stability of the downtown area of Charlotte with specific purposes that include participation and promotion of downtown revitalization projects, community development, urban redevelopment and planning promotional and development activities in or directly related to the downtown area of Charlotte " CUDC's Charter reflects its initial intention "to contract with the City of Charlotte" to assist it in performing governmental functions relating to those purposes

- CUDC receives most of its operating funds from the City under annual contracts These funds are for programs that are consistent with the purposes of the municipal service district tax assessed for the benefit of Municipal Service District 1, comprising the entire central business district (A map of the Municipal Districts is attached) The 1996-97 tax rate for District 1 is 2 08¢ CUDC's FY97 appropriation from tax district revenue is $481,935

- CCD is an unincorporated division of the Charlotte Chamber of Commerce, which is a nonprofit corporation Since 1984, CCD has contracted with the City to market and promote the Tryon Street Mall area

- CCD receives most of its operating funds from the City under two separate, but integrated, annual contracts These funds are used to implement programs consistent with the purposes of the municipal service district tax assessed for the benefit of Municipal Service District 2 (one block boundary adjoining Tryon Street Mall) and Municipal Service District 3 (Tryon Street Mall) The 1996-97 tax rates are 1 5¢ for District 2 and 3¢ for District 3 CCD's FY97 appropriations from tax district revenue are $108,881 for District 2, and $344,273 for District 3

- This action reassigns the contracts between the City and Municipal Service Districts 2 and 3 to the Consolidated CUDC

- CCD currently has two staff members and, pursuant to its City contracts, pays 80% of the compensation of the City's Special Events Coordinator CCD rents and occupies space in the Info Charlotte Marketing Center, for which it pays $73,100 annually

Attachment 4
By-Laws of Charlotte Uptown Development Corporation

Operational Statement of the Central Charlotte Division of the Charlotte Chamber

Central Charlotte Division Chamber Advisory Board Roster

Charlotte Uptown Development Corporation Board of Directors - List of Nominees January 1997

Resolutions of Board of Directors of Charlotte Uptown Development Corporation

CUDC and CCD Board of Directors Appointment Process - Current and Proposed

Map of Municipal Service Districts

10. Council Office Space and Technology

Action: **Approve the Council/Manager Relation Committee's recommendation to:**

A. Construct eleven individual offices for City Council Members; and

B. Provide each Council member with fax and mobile telecommunications capability at their place of business and at home.

Committee Chair: Al Rousso

Staff Resource: Charles Woodyard

Explanation of Request

- On December 3, the Council/Manager Relations Committee voted 4-1 to recommend the development of eleven individual offices for Council members within the existing Council office space on the 15th floor of the Government Center The recommendation is based on
  - the results of a Council survey on technology and office space
  - Committee's discussed need for secure office space to store official materials
  - and the need to conduct Council business in a private and official environment
- The recommendation was made after reviewing several options developed by the architect who designed the existing office space (see attachment) Redesigning the space requires that the existing floor space be enlarged by narrowing the hallway between the 15th floor reception area and the City Attorney's Office
- The cost of the recommended office space option, which includes upgraded furniture for each office, is approximately $88,000

- The Committee also voted unanimously to recommend that communication between City Council and staff be improved by providing each council member with a mobile phone and fax capability at their home and business Increased telecommunications capability will allow more efficient and effective communication between staff and council members by making council members more accessible to staff

- The cost of implementing the telecommunications option depends on the unit price for fax machines and mobile phones plus the amount of equipment purchased or leased and monthly operating expenses Currently, ten council members have access to a fax machine at home or at work Seven have mobile phones If Council approves the recommendation, staff will better define the equipment needs, and negotiate the mobile phone contract Costs could fall between $5,000 and $12,000 plus the monthly operating expense

Funding: Capital Building Improvement Account

Background:

- The Council/Manager Relations Committee met on two occasions to discuss the issue of office space and technology The issues discussed included a dissatisfaction with the existing space and its lack of privacy These concerns arose from a need to accommodate council members who do not have sufficient space at their homes or businesses to conduct City business with constituents.

- The cost of developing eleven individual offices and the possible lack of their use by some council members was a factor that motivated one council member not to support the Committee's recommendation

Attachment 5
Office Space Floor Plan Options
Council Technology/Office Space Survey Summary

11. Planning Commission Interlocal Agreement

Action: **Consider direction for the review of the Planning Commission Interlocal Agreement.**

Explanation of Request:

- Joint Luncheon Discussion
  At the December 17 joint luncheon, there was a discussion of two proposals for review of Planning Commission Appointments Copies of Lynn Wheeler's memo and Tom Bush's resolution are attached The discussion included comments

  - that the School Board have an opportunity to participate in the review,
  - that the Planning Liaison Committee be used for the review, and
  - that all joint City/County Committee appointments be reviewed

- County Commission Action
  The Commission adopted a motion directing the Planning Liaison Committee, with the concurrence of the City Council, to review the make-up of the Planning Commission and report its recommendations on or before March 18,1997

- The members of the Planning Liaison Committee are

  Mike Jackson, Don Reid, Sara Spencer, Darrell Williams, Arthur Griffin, Ike Heard, Jerry McMurray, Louise Woods, Sam Reid The County has two appointments to make

Council Options
The Council is asked to consider

- concurrence with the County action or,
- determine an approach to address the review

Attachment 6
Lynn Wheeler's Memo
Jerry Fox's Letter Concerning Commission Action and Tom Bush's Resolution

BUSINESS

12. Annexation Solid Waste Service Options

This item will be sent in the Friday, January 10,1997 Council-Manager memo

13. Council Policy on Award of the Key to the City

Action: **Review and discuss Council's policy on when to award the Key to the City.**

Attachment 7
Key to the City Policy

14. Civil Service Board Membership Determination

Action: **Determine whether to remove Wells VanPelt from the Charlotte Civil Service Board.**

Staff Resource: Mac McCarley

Policy Section 4 61 of the City Charter establishes the Civil Service Board Subsection 1 of Section 4 61 states that, "The members of the Civil Service Board shall be electors of the City of Charlotte or County of Mecklenburg and shall take an oath to faithfully perform their duties The members of said Board shall be subject to removal from office by a two-thirds vote of the City Council, with or without cause "

Explanation of Request

- In late November 1996, the residency status of Board Chairman Bill Kennedy and Vice Chairman Wells VanPelt was questioned On December 20, 1996, Chairman Kennedy submitted his resignation due to his change of residence

- On December 5, 1996, Vice Chairman Wells VanPelt submitted a letter to City Clerk Brenda Freeze stating that he considers Charlotte to be his home and that he would like to continue to serve on the Board A copy of the December 5 letter is included in the attachment

- The Charter provision allows the City Council to remove a Civil Service Board member with or without cause Therefore, the City Council has the option of determining that Mr VanPelt does not meet the "elector" requirement in the Charter and by two-thirds majority vote remove him for cause Alternatively, the Council may by two-thirds vote simply remove Mr VanPelt without determining cause Finally, although not a legally defined alternative, the Council could by majority vote request a resignation If Mr VanPelt chose not to resign upon request, the Council would have to revisit the issue of removal by two-thirds vote at a future meeting

- If the Council chooses to address this issue by determining whether Mr VanPelt meets the Charter requirement of being an "elector," the following information should be considered.

Factors Indicating Residence:

- Owns home in Charlotte
- Charlotte address listed with employer
- Owns other personal property in Mecklenburg County
- Voted in Mecklenburg County during last election
- Lists Charlotte address on checks and driver's license
- Spends approximately six nights out of 60 at Charlotte address.

Factors Against Claim of Residence:

- Owns home in Winston-Salem with wife
- Office located in Winston-Salem
- Spends the majority of nights at home in Winston-Salem

Attachment 8
December 5, 1996 letter from Wells VanPelt, Jr to Brenda Freeze, City Clerk

15. Nominations for Boards and Commissions

1. **Citizens Oversight Committee for Cable Television**
Two positions are available One will begin immediately to fill an unexpired term and then serve the next full two year term ending March 31, 1999 Patrick Hart did not meet attendance requirements The other appointment will begin April 1 and expire March 31, 1999 David Barley is not eligible to be reappointed

Attachment 9

2. **Civil Service Board**
One position to fill an unexpired term and the next full three-year term ending May 15, 2000 Bill Kennedy has resigned

One alternate appointment beginning immediately and ending May 15, 2000 Joseph Papa has resigned

If Council takes action to remove Wells Van Pelt, this will result in another vacancy to fill an unexpired term ending May 15, 1998

Attachment 10

3. **Community Relations Committee**
One position beginning immediately and expiring June 30, 1999 Joanne Jenkins did not meet Council's attendance policy

Attachment 11

4. **Competition Advisory Committee**

Four two-year appointments beginning March 1, 1997 Jefferson Brown, Dan Clodfelter and Mary Stafford are all eligible and would like to be reappointed Jack Sommer does not wish to be reappointed

One two-year appointment beginning March 1, 1997 This is a new position approved by Council on November 25, 1996

Attachment 12

5. **Transit Advisory Committee**

One three-year appointment to fill the Suburban Employer served by Charlotte Transit Category Sam Burrow is eligible and would like to be reappointed

One appointment to fill the Neighborhood Organization Leader category John A Moore is eligible and would like to be reappointed

Attachment 13

6. **Zoning Board of Adjustment**

One regular, three-year position beginning February 1997 to replace James Carter, who is not eligible to be reappointed

Two alternate positions for three years beginning February 1997 James Ewers is not eligible for reappointment Patrick Hunter does not wish to be reappointed

Attachment 14

16. Closed Session Motion

Action: **Adopt a motion to hold a closed session pursuant to G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to wit, the criminal investigation and internal affairs investigation of Officer Michael D. Marlow.**

Introduction to CONSENT I and II

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

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

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

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

CONSENT I

17. Various Bids

A. Street Sweeper — Solid Waste - Special Services

Recommendation: Solid Waste Key Business Executive recommends the only bid from North Carolina Equipment Co , Charlotte, NC for a unit price of $114,989 be accepted for award of contract

Compliance: Yes There are no known MWBD vendors

B. Large Backhoes — CDOT

Recommendation: The Charlotte Department Of Transportation Key Business Executive recommends the low bid of BESTRACS, Charlotte, NC for a unit price of $74,369

Compliance: Yes There are no known MWBD vendors

C. Milton Road Improvements — Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $3,248,503 18 by Rea Construction of Charlotte, NC This project widens Milton Road from The Plaza to Sharon Amity Road and provides concrete curb, gutter, sidewalk, storm drainage, paving, and other related infrastructure improvement

MWBD Status:	Amount	% of Project	Project Goals
BBE	$95,500	3%	6%
NBE	$23,052	1%	
WBE	$229,394	7%	4%

Compliance: Yes

D. General Aviation Storm Drain Extension — Aviation

Recommendation: Aviation Director recommends the low, responsive bid of $299,145 by Dakota Contracting Co of Charlotte This contract provides storm drainage to allow future sitework to expand the Airport's General Aviation area

MWBD Status:	Amount	% of Project	Project Goals
MBE	$299,145	100%	NA
WBE	$0	NA	NA
DBE	$299,145	100%	15%

Compliance: Yes

E. Sanitary Sewer Rehabilitation Phase 2 CMUD

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of $4,360,058 31 by W L Hailey and Company Inc of Nashville, Tennessee

MWBD Status:	Amount	% of Project	Project Goals
BBE	$250,000	9 6%	3%
WBE	$0	0%	3%

Compliance: Yes The Utility Department has reviewed the Contractor's MWBD documentation and determined that he has exceeded the established goal for the BBE participation and has made a good faith effort to meet the WBE goal for this project The Contractor has also committed to seek additional participation for MBEs and WBEs before construction begins

F. Water and Sewer Main Construction - FY 97 Contract J - Street Main Extensions CMUD

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of $877,344 70 by McDaniel Construction Contractors, Incorporated of Bostic, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$877,344 70	100%	3%

Compliance: Yes The Utility Department has reviewed the Contractor's MWBD documentation and determined that the Contractor is a WBE firm and will self-perform all work with their current work forces

18. Speed Limit Change

Action: **Adopt ordinances to lower the speed limit on 17 Charlotte streets.**

Neighborhood 25 MPH Program:

Atlas Drive (Arvin Village)
Burnt Mill Road (Huntingtowne Farms)
Cambridge Road (Sedgefield)
Goneaway Road (Huntingtowne Farms)
Hazelton Drive (Fair Meadows)
Huntingtowne Farms Lane (Huntingtowne Farms)
Mathis Drive (Enderly Park)
Ramblewood Lane (Huntingtowne Farms)
Red Barn Lane (Huntingtowne Farms)
Seth Thomas Road (Huntingtowne Farms)
Shepherdleas Lane (Piper Glen)
Sugar Mill Road (Huntingtowne Farms)
Tall Oaks Trail (Huntingtowne Farms)
Trysting Road (Hickory Ridge)
Vineyard Lane (Huntingtowne Farms)

CDOT Safety Evaluation:

W T Harris Boulevard (portion)	from 45 MPH to 40 MPH
Short Hills Drive	from 35 MPH to 25 MPH

CONSENT II

19. Continue Public Hearing to Close an Unnamed Street off Lansdowne Road

Action: **Continue the public hearing till February 10, 1997 to abandon an unnamed street off Lansdowne Road.**

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

Explanation of Request

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys The Charlotte Department of Transportation has received a petition to abandon this public right-of-way

- The public hearing for this petition was scheduled for the November 25, 1996 Council meeting Because of concerns of Shalom Park Foundation, Inc and the petitioner's request for additional time to meet to resolve those concerns, Council voted to continue the public hearing on January 13, 1997

- Staff met with the petitioners and representatives of Shalom Park Foundation ,Inc and the Lansdowne Civic League on December 17, 1996 to resolve the concerns An agreement was reached in principle at the meeting and a draft agreement has been prepared which is currently being circulated to all parties for review It is anticipated that by the February 10, 1997 meeting the final agreement will be executed by all parties and that the petitioners will submit a request to the Council to withdraw the petition

Background:

Petitioner:
Harold G and Helen L Gibson
Peter M and Deborah F Sauvin

Right-Of-Way to be abandoned:
Unnamed street off Lansdowne Road (right-of-way is unimproved and unused)

Location:
From Lansdowne Road (600 block) westwardly approximately 200 feet to its end

Reason:
To eliminate the potential for increases in traffic on Lansdowne Road that may result from development of adjacent property

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

Adjoining property owner - Foundation of Shalom Park, Inc /Alan Feldman opposes the abandonment of this right-of-way because it limits potential access to their undeveloped property (The undeveloped portion of their property has potential access to Jefferson Drive or to Providence Road through the existing developed portion See attached map)

Neighborhood association(s) - No objection
Lansdowne Civic League

Private Utility Companies - No objection

City Departments review has not identified a reason this closing would

1 Be contrary to the public interest, or

2 Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes

Attachment 15
Vicinity Map

20. Budget Ordinance to fund Municipal Agreement Traffic Signal Installations

Action: **Approve a Budget Ordinance totaling $3 million in State Department of Transportation (NCDOT) revenues for City Department of Transportation (CDOT) installation of State system traffic signals within the City limits.**

Explanation of Request:

- The NCDOT reimburses the City under municipal agreements for installation and maintenance of State signals within the City limits

- This arrangement ensures efficient maintenance, use of compatible equipment, and timely upgrades and interconnection of signals

- The budget ordinance provides a funding source for the City to purchase State signal equipment, other necessary equipment, and contractual services to fulfill the requirements of municipal agreements until reimbursement is provided by the State

- On February 12, 1990, Council approved $1 3 million for State reimbursement This funding has been expended and a new ordinance is needed This new budget ordinance for $3 million should be sufficient for several years

21. Transit Grant Application, Resolution and Budget Ordinance

Action:

A. Adopt a resolution authorizing a grant application to the Federal Transit Administration (FTA) and the North Carolina Department of Transportation (NCDOT) for financing the purchase of seven replacement buses.

B. Adopt a resolution amending the FY97-2001 Capital Investment Plan.

C. Adopt a budget ordinance appropriating $1,750,000.

Explanation of Request

- This resolution is in response to a NCDOT request It will become a part of their application package to the federal government

- On August 28, 1995, Council approved a grant application for Federal and State discretionary funds to purchase 31 handicap accessible replacement buses This application was combined with capital needs from other North Carolina urban areas and became a Statewide request for $20 million in Federal earmarked funds for 1996-97

- The FY97 Federal budget funded $3 97 million of NCDOT's request for $20 million In November, NCDOT allocated $1 75 million of these funds to Charlotte for the replacement of seven buses

- The new buses will replace Charlotte Transit vehicles which are 15 years old The new buses will be accessible to the disabled, moving the City closer to compliance with the Americans with Disabilities Act The 1982 buses to be replaced have traveled an average of 425,000 miles These buses rank high on our priority list for scheduled replacement due to age, maintenance costs, and compliance with the American with Disabilities Act

A financial summary of the grant application is shown below

FTA	(80%)	$1,400,000
NCDOT	(10%)	175,000
CITY	(10%)	175,000

22. Ainsworth Street Declaration of Withdrawal from Dedication

Action: **Adopt a resolution stating that Ainsworth Street is not part of the adopted street plan (thoroughfare plan).**

Explanation of Request:

- Mr Robert G Sanders, attorney for the adjoining property owner, Mr Bernie Pence, contacted us requesting the dedication be abandoned

- According to North Carolina General Statute 136-96, a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal

- The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan This unused and unopened street right-of-way is not part of any such plan, therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution Right-of-way on Ainsworth Street sufficient to meet minimum thoroughfare requirements for Monroe Road has been retained and is not part of this petition The petitioner will maintain existing sanitary and storm drainage easements for the Charlotte-Mecklenburg Utility Department (CMUD)

Background:

Adjoining Property Owner:
Mr Bernie Pence
Mr Robert G Sanders (agent)

Right-of-Way to be abandoned:
Ainsworth Street

Location:
From Monroe Road northwardly approximately 400 feet to its end

Reason:
To incorporate the right-of-way into the adjacent property to provide the required setback for a building addition to Automobile Recovery Bureau of North Carolina, Inc located at 2819 Monroe Road

Attachment 16
Map

23. FY97 Storm Water Maintenance Package B Change Order #1

Action:

Approve Change Order #1 for $364,275 to the contract with United Construction Company for continued construction of FY97 Storm Water Maintenance Package B. The change order will increase the contract amount from $364,275 to $728,550.

Explanation of Request:

- The addition of funds to this contract recognizes good performance by the contractor and good existing unit prices This type of contract is originally bid in a range that provides bidding opportunity to all licensed contractors Where the contractor's work has been of good quality, a change order to extend the contract is recommended In FY97 Storm Water Services bid five maintenance contracts

- Change Order #1 for United Construction Company will provide funds to continue work under this contract for approximately three months

Funding: Storm Water Services Fund

Background:

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

- United Construction Company has committed to self-performing under this contract, i e , they do not customarily subcontract any elements of this work This commitment extends through this change order United Construction is certified with the City as an Asian-American business

24. Declare City-Owned Property on Quincey Street Surplus and Accept an Offer to Purchase Subject to the Upset Bid Process

Action: **Declare City owned property on Quincey Street surplus and authorize City staff to accept an offer to purchase from Walker Wells subject to the Upset Bid Process.**

Policy Consistent with the Asset Management Policy adopted by City Council on July 13, 1994, the City is to manage and maximize its existing portfolio of assets by packaging and marketing existing properties for sale

Explanation of Request:

- An offer was received for $17,772 from Walker Wells for the purchase of City-owned property located on the corner of S Mint and Quincey Streets The appraised value is $13,500 This is a 0 204 acre tract zoned industrial (I-2) A copy of the tax map is attached Staff recommends acceptance of the offer subject to the upset bid process

Background:

- City departments were polled in November 1996 No department identified a need for the property The Planning Commission reviewed the mandatory referral in October 1996 and unanimously approved the disposition of this property

- If approved, the sale of this property will be advertised by upset bid process in The Mecklenburg Times Final offer will be submitted to City Council for acceptance at a later meeting

Attachment 17
Map

25. Financing for FY97 Equipment Purchases

Action:

Adopt a resolution approving the terms of an Installment Payment Contract (lease\purchase) and related financing documents to fund the FY97 Capital Equipment Requirements. The principal amount of the contract will be approximately $4.63 million.

Explanation of Request:

- Adoption of the resolution will authorize the City Manager and the Finance Director to negotiate the documents necessary to secure funding for the City's FY 97 Capital Equipment Requirements The resolution also approves the following

  - The Installment Payment Contract

  - The Trust Agreement

  - The Preliminary Official Statement

- The Underwriters, the Contract of Purchase and its related Letter of Representations

- The Placement Agent, the Placement Agreement and its related Letter of Representations

- The City has used this or similar types of financing for equipment since 1982

Funding: Annual debt service appropriations by City Council

Background: The FY98 Operating Budget will include an estimated debt service amount to pay the first year's interest and principal payments on the FY97 Installment Payment Contract as well as payments on previous years' agreements On June 10, 1996 Council authorized staff to proceed with necessary actions to secure an Installment Payment Contract to fund the FY97 Capital Equipment Requirements

Attachment 18
List of Equipment

26. Purchase of Microcomputers and Related Equipment through State Term Contracts

Action: **Adopt a resolution authorizing the purchase of microcomputers and related equipment through State term contracts.**

Explanation of Request:

- This resolution will allow key businesses to purchase microcomputers and related equipment, i e printers, monitors, etc., through North Carolina state term contracts subject to the availability of appropriated funds

- Recently the State of North Carolina revised its rules to allow local governments to purchase from certain state term contracts if they have been competitively bid The first set of contracts City Council is being asked to award with this authorization is for computers and related equipment

- Staff contacted the State of North Carolina Department of Administration to obtain information about the contracts for microcomputers and related equipment, awarded effective July 1, 1996 through June 30, 1997 Business Support Services - Information Technology then evaluated the manufacturers and specifications outlined in the state contracts and found the information to be compatible with the City's requirements It was then determined the City's needs could be served best by purchasing such equipment under the state contracts

- Staff believes that economies of scale pricing can be realized through certain state wide contracts For example, the City recently received prices for microcomputers The base price was approximately $300 more than the price established under the state's current term contracts

- After the current state contracts expire, staff expects the state to competitively award new contracts If the future contracts offer the City favorable purchasing arrangements, key businesses could then continue to purchase from state contracts

- Subject to the availability of appropriated and unencumbered funds, future Council action on purchases under the state contracts would not be required

- If the City's experience with state microcomputer contracts proves successful, staff will consider seeking Council's authorization to purchase other commodities in this manner

Funding: Funds are available in various Key Business Units' budgets

Attachment 19
Resolution

27. Water Main Rehabilitation/Replacement - Professional Services Contract

Action: **Approve a Professional Services Contract with W. K. Dickson for the surveying and design of various water main rehabilitation and replacement projects not to exceed $250,000.**

Explanation of Request:

- The professional services contract with W K Dickson is for the surveying and design of water mains to replace those that are aging, deteriorating and are sources of red water complaints
- The consultant was selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process

Funding: Water and Sewer Capital Account

Background:

- CMUD has recently developed a water main rehabilitation/replacement program to identify problem areas and develop comprehensive solutions Many of these areas are older neighborhoods, where low pressure and red water complaints are common Rehabilitation and/or replacement of these lines will result in better quality water, better pressure, increase fire flow and reduced pumping costs

28. Purchase of Brighton On Matthews Subdivision Water System

Action: **Approve contract with Mid South Water Systems, Incorporated for the purchase of the water system serving Brighton Subdivision. The purchase price is $36,000.**

Policy CMUD recommends the purchase of private water systems when homeowners apply for City service through the Street Extension Program and the new City main would parallel the private system

Explanation of Request:

- Brighton is a 62 lot subdivision located in Matthews on Pleasant Plains Road between South Trade Street and McKee Road Mid South provides water service to the entire subdivision

- CMUD has accepted an application from a Mid South customer for the extension of a water main into the subdivision

- The advantages to the City's purchase of the Mid South system serving Brighton are

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

  - CMUD will acquire 62 new water customers

  - There would not be any cost to the 62 Mid South customers to become CMUD customers

  - CMUD will provide fire protection to the Brighton Subdivision through the extension of 900 feet of a new 6-inch main

- The Town of Matthews supports this proposal

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

Funding: Water and Sewer Capital Account

29. Property Transactions

Action: **Approve the following property acquisitions (A-C) and adopt the condemnation resolutions (D-M)**

Acquisitions:

A **Project:** F A R Part 150 Land Acquisition
Owner(s) Mr and Mrs James G Allred
Property Address 8411 Todd Road
Property to be acquired 6 077 acres
Improvements Brick ranch, 2 bedrooms, 1 bath
Tax Value $104,970
Purchase Price $149,000
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 land The tax value is determined on a more generic basis and will be higher or lower for land with certain attributes Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement

B **Project** Permanent Sanitary Sewer Easement, 1995 Sewer Lines - Mint Hill, Parcel # 6, Project # 516-96-546
Owner(s): Carl McEwen Ellington
Property Address 6148 Robin Hollow Drive
Property to be acquired 37,888 sq ft (0 869 ac) Plus temporary construction easement 44,550 ± sq ft (1 023 ac)
Improvements: Trees
Purchase Price $ 10,000
Remarks Easement needed for the construction and maintenance of an 8-inch sanitary sewer line Acquisition price includes compensation for loss of trees and easement areas acquired

C **Project** Land Acquisition, Fourth/Kings/Third Intersection Improvements, Parcel # 5, Project # 512-91-022
Owner(s) Michael J Mattick
Property Address 137 South Kings Drive
Property to be acquired 406 sq ft (00932 ac) plus 608 sq ft (01396 ac) of temporary construction easement
Improvements Concrete steps, walkway, crepe myrtles
Purchase Price $ 11,750
Remarks Area acquired is needed to construct the proposed Kings Drive intersection improvements The compensation amount is based upon independent appraisal

Condemnations:

D **Project:** Duke Power McGuire Sanitary Sewer Line, Parcel #5, Project # 516-97-501
Owner(s): Latta G Kidd & Shelia C Kidd & any other parties of interest
Property Address: 6211 Jim Kidd Road, Huntersville, NC 28078
Property to be acquired: 71,004 50 sq ft (1 63 ac)
Improvements: Trees, fencing
Purchase Price $ 4,100
Remarks: A permanent and temporary construction easement is needed through the middle of the property Compensation is based on appraisal and covers loss of improvements in acquired areas Counter-offer was over four times the City's appraisal and without justification

E **Project:** Duke Power McGuire Sanitary Sewer Line, Parcel #6, Project # 516-97-501
Owner(s): Anthony David Kidd and any other parties of interest
Property Address: Stephens Road, Huntersville, NC 28078
Property to be acquired: 25,720 45 sq ft (59 ac)
Improvements: Trees, pasture grass
Purchase Price: $ 1,700

Remarks: A permanent and temporary construction easement is needed across the southwest corner of the property Consideration price based on appraisal covers loss of improvements and areas acquired The property owners counter-offer is over three times appraised offer and without justification

F **Project:** Duke Power McGuire Sanitary Sewer Line, Parcel #7, Project # 516-97-501
Owner(s): Anthony David Kidd & wf , Sadie T Kidd & any other parties of interest
Property Address: 5600 Stephens Road, Huntersville, NC 28078
Property to be acquired: 21,312 90 sq ft (49 ac)
Improvements: Trees, pasture grass, fencing
Purchase Price: $ 1,500
Remarks: A permanent and temporary construction easement is needed across the northern portion of the property The appraisal price covers loss of improvements and areas acquired The property owners counter offer is over three times the City's appraised offer and without justification

G **Project:** Duke Power McGuire Sanitary Sewer Line, Parcel # 9, Project # 516-97-501
Owner(s): Edgar L Juhan & wf , Edna C Juhan & any other parties of interest
Property Address: Cashion Road
Property to be acquired: 21,665 96 sq ft (.50 ac)
Improvements: Trees
Purchase Price: $ 1,050
Remarks: A permanent & temporary construction easement is needed for the installation of a sanitary sewer line The City's independent appraisal offer was $ 1,050 The property owners counter offer was over three times the City's appraisal without justification to substantiate counter offer

H **Project:** Duke Power McGuire Sanitary Sewer Line, Parcel # 10, Project # 516-97-501
Owner(s): Walnut Creek Farm Limited Partnership and any other parties of interest
Property Address: 6316 Cashion Road
Property to be acquired: 136,550 05 sq ft (3 14 ac)
Improvements: Pasture grass, temporary fencing
Purchase Price: $ 12,200
Remarks: A permanent & temporary construction easement is needed across the middle of the property Property owner submitted a counter-offer over three times the City's appraised offer without justification

I **Project:** Duke Power McGuire Sanitary Sewer Line, Parcel # 12, Project # 516-97-501
Owner(s): Edgar L Juhan & wf , Edna C Juhan & any other parties of interest
Property Address: 5917 Cashion Road
Property to be acquired: 53,633 30 sq ft (1 24 ac)
Improvements: Trees
Purchase Price: $3,050
Remarks: A permanent and a temporary construction easement is needed for the installation of a sanitary sewer line The City's independent appraisal offer was $3,050 The property owners counter-offer was over two times the appraisal amount Property owner could not present justification to substantiate counter offer

J **Project:** Sidewalks-Eleven Thoroughfares - ATP5, North Tryon/Sugar Creek/The Plaza, Parcel # 2C, Project # 512-96-015
Owner(s): Robert M Byrnes & any other parties of interest
Property Address: 3941 McMillan Street
Property to be acquired: 1,762 30 sq ft (04 ac)
Improvements: None
Purchase Price: $700

Remarks: A permanent utility and temporary construction easement is needed to complete this sidewalk project City's offer is based on an independent appraisal Condemnation is requested because owner is deceased with no apparent heirs to the property

M **Project:** Fourth/Kings/Third Intersection Improvements, Parcel # 2, Project # 512-91-022
Owner(s): Costas N Melissaris & wf , Nicolette C and any other parties of interest
Property Address: 209 South Kings Drive
Property to be acquired: 42 sq ft (000964 ac)
Improvements: Asphalt pavement
Purchase Price: $ 275
Remarks: A permanent down guy wire easement is needed for a utility pole relocated by the proposed Kings Drive widening project City staff and Duke Power Company staff investigated all alternative locations to identify a location acceptable to the owner The owner objects to any location on his property The compensation amount is based upon independent appraisal

30. Minutes

Action: **Approve minutes as follows:**

- **November 18 Zoning Meeting**
- **November 25 Business Meeting**
- **December 2 Workshop**
- **December 13 Mini Retreat**