AGENDA

Meeting Type:	BUSINESS
Date:	06/13/1994

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot	*Mayor Pro Tem Patrick McCrory*
Charles Baker	*Hovle H Martin*
Stan Campbell	*Don D Reid*
Patrick D Cannon	*Ella Butler Scarborough*
Mike Jackson	*Sara Spencer*
Nasif Rashad Majeed	*Lynn M Wheeler*

Council Agenda

CITY COUNCIL MEETING
Monday, June 13, 1994

5:00 p.m. — <u>Conference Center</u>

- **Council of Governments Presentation**
- **Transit Management Contract**

6:30 p.m. — <u>Meeting Chamber</u>

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

7:00 p.m. — **Formal Business Meeting**

CITY COUNCIL AGENDA
Monday, June 13, 1994
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Request for Council Action

2A

Res. #7

Cityfair Parking Refinancing

Action: Council is requested to conduct a public hearing relative to the refinancing of the Parking Revenue Bonds that were used to fund the Cityfair Parking Deck

Staff Resource: W. Carey Odom

Policy:

Explanation of Request: A public hearing is required on the plan to refinance the Cityfair Parking Deck Revenue Bonds through the use of an Installment Payment Contract.

Funding: Installment Payment Contract

Background: On May 23, 1994, Council authorized staff to proceed with the refinancing of the Cityfair Parking Deck through the use of an installment payment contract. Council also established June 13, 1994 as the date for a public hearing concerning this matter. The financing documents could not be completed prior to this council meeting. In order to speed up this transaction, Council will be requested to approve the various documents at its Zoning Meeting on June 20, 1994.

To field when to close public Hearing was

Responsible Dept. Finance

Agenda Date Req. June 13, 1994

Consequences if Agenda Date is Delayed or Action is Deferred.
Would delay financing.

Contact Person for Questions from the City Manager's Office:
W Carey Odom

Attachment None

Item No.

To approve w/ Mont / Lewis

MINUTES

1. Consider approval of Council Minutes of: April 18, Zoning Meeting and April 19, Joint City/County/School Board Meeting.

To approve all but 18C, 20, 26, 29 & 32 Mont / Parker unan

CONSENT ITEMS

2. Agenda items 18 through 32 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

2A City Fair Public Hearing

Rec / Wh to close public Hearing unan

Res. # 8 B-32 P-329

PUBLIC HEARING

3. Minority and Women's Business Development Program

Action:

A) Approve the Public Services Committee recommendation to receive the draft Minority and Women's Business Development Program and proposed resolution with legislative findings.

B) Set June 27, 1994 as date for Public Hearing on the program and final adoption of MWBE Business Development Program.

Do approve A + B Wh / Rec Sent Comments to the Small Bus. Advocate to do current Bus. State Technical Assistance & training for all

Staff Resources: David Cooke, Mike High, Anthony Fox

Explanation of Request:

On May 23 City Council approved the policy framework recommendations established by the Public Services Committee and directed staff to finalize the detailed Minority and Woman Business Development Program

Vote on sub - fails 3 yes - Sent comments

Vote on main motion passes unan.

- On June 6 the Public Services Committee met to review the proposed resolution and program details and instructed that it be placed on the Council Agenda as amended. The detailed program was also reviewed with the MWBE Advisory Committee on June 1.

- The timetable as listed below for adoption of the program was also reaffirmed

  - June 13 - Council receive recommended Minority Business Development Program with resolution containing legislative findings, set public hearing and final adoption of the program.

  - June 27 - Public Hearing and final adoption of the Minority and Woman Business Development Program with a Resolution containing Legislative Findings.

Funding:

The Current Program is staffed by two employees in the MWBE Office and supported by staff in other key businesses The program as presented will require additional resources which will be contracted out. These contracted services will be for training, technical assistance, and certification

The preliminary estimate for these services is $150,000. Every effort will be made to coordinate efforts with existing service providers such that training and other services are not duplicated (This amount is not included in the FY95 Budget. *Council will be requested to consider this addition* during upcoming budget workshops.)

Background:

Since 1981 the City has had an MWBE plan. Over the years the plan has been amended on several occasions.

In 1989, a Supreme Court decision involving the City of Richmond, Virginia caused many governments to review the basis of their MWBE Programs.

In 1991, City Council chose to conduct a study to provide data and analysis which would document the need, if any, for a race a gender preference in the award of City Contracts. The study was completed in October 1993.

Attachment 1
Proposed Resolution with Legislative Findings
MWBE Business Development Program

POLICY

4. City Manager's Report

- Fire Department Recognition

5. Implementation of the Rollout Refuse Collection Service

Action: Approve an implementation schedule for the curbside rollout refuse collection service.

Staff Resource: Wayman J. Pearson

Policy: Elimination of the weekly backyard and weekly curbside refuse collection services. Introduction of a weekly automated/semi-automated curbside refuse service from 96 gallon rollout carts.

Explanation of Request:

- The new rollout implementation schedule was to begin service on August 1, 1994 with the City divided into four zones; each zone to have once a week service.

- Refuse, yard waste and recyclable materials are scheduled to be brought to the curb for collection Refuse would be collected in rollout carts

- September 15, 1994 is the date Toter is legally obligated to provide final delivery of all carts. Informally, Toter agreed to complete delivery by July 31 Toter advised the City that due to manufacturing problems, they could not deliver the 145,000 rollout carts prior to the August 1, 1994, rollout service implementation date. Council was advised of the problem on May 23, 1994

Option 1: Delay implementation of roll-out service to all customers until week of September 19, 1994.

Impact:

- Customer Service: Changes effective date for all customers to same week
- Requires notification to all customers regarding delay in change of service date
- Reduction in FY95 savings of $332,200

Option 2:

Go approve Option 2 Bailey | next week

Begin roll-out in Zones 1, 2, and 3 as of August 1, 1994; Zone 4 residents would be asked to bring refuse to the curb on their new collection day, roll-out service would be phased in as the new containers are delivered.

Impact:

- Customer Service: 3/4 of the city starts roll-out as scheduled, Zone 4 residents would have to bring trash to the curb.
- Will change everyone's day of collection during the week of August 1, 1994 Impacts Zone 4 residents by requiring them to bring trash to curb in their existing cans Requires considerable explanation of service change for Zone 4 residents only.
- Reduction in FY95 savings of $128,077.

Option 3: Begin roll-out in Zones 1, 2 and 3 as of August 1, 1994, continue backyard collection in Zone 4 for those who do not wish to bring their trash to the curb; roll-out service would be phased in as containers are delivered.

Impact:

- Customer Service: 3/4 of the city starts roll-out as scheduled; allows Zone 4 residents to continue backyard collection service until roll-out containers are delivered.

- Will change everyone's day of collection during the week of August 1, 1994. Zone 4 residents will change to roll-out service as containers are delivered; will require considerable public information, Zone 4 only

- Reduction in FY95 savings of $286,894

Background:

Administratively, the City and Toter have entered into an Agreement, Amendment No 1, to the Contract for Rollout containers. Toter has agreed to deliver 93,246 containers to customers in Zones 1,2 and 3 no later than July 29, 1994 and approximately 39,000 containers to customers in Zone 4, not later than September 15, 1994 If Toter does not meet this amendment deadline, damages will be paid.

Number of Customers, by Zone.

Zone 1	=	31,747
Zone 2	=	31,689
Zone 3	=	36,510
Zone 4	=	38,560

The original contract obligates Toter to deliver all containers by September 15, 1994.

The FY95 budget includes $2.9 million in savings by implementing roll-out on August 1, 1994 All options will reduce the amount of this savings

Item No.

6. **Privatization of Crime Stoppers Board**

Action:

A. Adopt a resolution to privatize the Charlotte-Mecklenburg Crime Stoppers Board, and

B Approve an ordinance transferring the balance in the Crime Stoppers Reward Fund to Charlotte-Mecklenburg Crime Stoppers, Inc.

Staff Resource: Chief Dennis Nowicki

Explanation of Request:

Res # 1
B-32
P. 321

Ord # 6
3878-X
B-15
P. 361

Move A & B
Second
Unan

- The Charlotte-Mecklenburg Crime Stoppers Board, currently appointed by the City Council and County Commission, has had an increasingly difficult time raising reward funds because it has not had 501(c)(3) tax exempt status. The Board is requesting that it be privatized for the following reasons:

  - Research indicates that other Crime Stoppers boards throughout the country are private and that volunteers serving on those boards are not appointed by political bodies Removing these appointments from the political process has enabled those boards to actively recruit members with expertise in public safety issues and/or fundraising capabilities.

  - Currently, the reward fund used by the Crime Stoppers Board is held in an account controlled by the City. This necessitates a lengthy paper process every time a reward is paid and generates additional work for the City Finance Department

Pol. a

- Council is asked to approve a resolution which separates the Charlotte-Mecklenburg Crime Stoppers Board from local government and makes it a private nonprofit corporation

  The group has received its articles of incorporation as Charlotte-Mecklenburg Crime Stoppers, Inc. and has received tax exempt status from the IRS The Crime Stoppers Board will become self-appointed As vacancies occur, board members will recruit qualified volunteers

- The Charlotte-Mecklenburg Police Department will continue to provide two police officers to co-ordinate the program

- The County Commission approved the privatization of the Crime Stoppers Board on April 4, 1994.

Background:

The Crime Stoppers Program was created in 1982 to provide a means for citizens to anonymously report information on unsolved crimes or ongoing criminal activity. If the information leads to an arrest, the caller is eligible for a cash reward of up to $1,000. In its first ten years, the program resulted in 700 arrests, 1,200 cases cleared and nearly one million dollars in recovered property Approximately $120,000 in rewards were paid

In 1992, the City and County Crime Stoppers Programs were consolidated into the current Charlotte-Mecklenburg Crime Stoppers Board which consists of eight members

7. **Grant Application - DWI Enforcement/Education - Task Force**

Action: **Request Council approval of (1) A $500,000 grant application to the Governor's Highway Safety Program to fund a DWI Enforcement and Education Task Force and (2) A Budget Ordinance appropriating grant funds.**

Staff Resource: Chief Dennis Nowicki

Explanation of Request: #1

ORDINANCE #3879-X B-45 P-362

Will Scan Later

- The Alcohol/Drug Council of North Carolina recently released a five year study that consistently puts Mecklenburg County at the bottom of North Carolina Counties with a lower number of per capita DWI arrests than 99th out of 100 counties

- Traffic enforcement and education, especially as they relate to DWI, are a primary component of community safety National studies have indicated that, on average, only one out of 1250 alcohol impaired drivers is apprehended.

- The Police Department's participation in DWI enforcement efforts such as Operation Eagle and Operation Silent Nights, an enforcement campaign conducted over the past three Christmas holiday seasons, have been highly successful, but the department does not have the resources to establish a unit that concentrates on DWI enforcement on a full-time basis

- The Police Department wishes to apply for a $500,000 grant from the Governor's Highway Safety Program to establish a DWI Task Force. Known as H I T S. (Highway Interdiction and Traffic Safety), the task force will have four major objectives

Pol.

- To enforce violations of the motor vehicle laws with special emphasis placed upon DWI enforcement, ultimately reducing the number of people killed and injured each year in alcohol/drug related auto accidents

- To educate students and the general public to the dangers and consequences of driving while impaired and to increase public awareness of the need for traffic safety.

- To prevent criminal activity upon streets and highways by providing a highly visible, specialized, proactive enforcement unit.

- To thoroughly investigate serious traffic accidents where the negligence of the driver may result in prosecution

The task force will consist of six Police Officers and one Sergeant The Highway Patrol may also assign two Troopers to the task force.

The grant will fund the salaries and benefits for the seven Police personnel assigned to the task force It will also cover all of their specialized training, equipment, including vehicles, and cost of supplies.

The grant requires no matching funds from the City.

Assuming that the task force performs successfully, the Governor's Highway Safety program will renew the funding for two additional years The City is under no obligation to fund the task force once the grant funds expire; however, the Governor's Highway Safety Program hopes

that, if the project is successful, the City will consider continuing the program. At the conclusion of the Grant period, the City will have three options.

- Retain the officers and have them fill positions vacated through attrition
- Increase the department's personnel allocations by seven people, but assign them to other duties.
- Increase the department's personnel allocations by seven people and continue the DWI Task Force, assuming that it has achieved its objectives.

The grant application is supported by the District Attorney, District Court Judges, Students Against Drunk Driving, and Mothers Against Drunk Driving

8. **Community Enterprise Grant Application**

Action: **Approve the City's Enterprise Community Grant Application and nomination of the grant area presented to Council at the June Workshop as an "Enterprise Community".**

Staff Resources: Del Borgsdorf, Stanley D Watkins

Explanation of Request:

- Pursuant to the guidelines of the Community Enterprise program sponsored by the Federal government, the City has to nominate the grant area Council's approval will permit the forwarding of the grant application to the State, who will in turn submit the application to the Federal government by June 30, 1994

To approve Scarl wke

Planning

- This grant application leverages existing funds pledged to City-Within-A-City and the Community Safety Plan.

- Additional information which will include a follow up to Council questions will be mailed out to City Council on June 10, 1994.

Background: Staff has been working with over 150 partners since mid-April to develop the grant application This has included developing the grant process, identifying neighborhood groups in eligible areas, bringing them together for planning sessions, contacting potential partners for ideas and commitments, providing technical support and writing the plan for the projects chosen.

The grant proposal is to develop *Neighborhood Empowerment Centers*. These centers will be run by community development corporations comprised of and controlled by neighborhood residents The centers will focus on training/job placement and business development programs through working with existing nonprofits, government agencies and businesses, such as banks.

9. Citizens Parole Accountability Committee

Action: **Expand the Citizens Parole Accountability Committee from seven to nine members, and give the Mayor authority to appoint the Chairperson and two members.**

Background: At the April 11, 1994 meeting, Council approved a recommendation from the Public Safety Committee to establish a Citizens Parole Accountability Committee.

According to the Public Safety Committee's recommendation, the new committee's chairperson would be appointed by the Mayor, and six additional members would be appointed by the Council. Up to three of the committee members could be crime victims

At the June 2, 1994 Public Hearing for the FY95 budget, the Mayor expressed a desire to expand the membership of the Citizens Parole Accountability Committee.

BUSINESS

10. Volunteer Fire Department Communication

Action: Consider a request from Mecklenburg County for the Charlotte Fire Department to become responsible for the communication needs of the Mecklenburg County Volunteer Fire Departments.

Staff Resource: Don Steger

Explanation of Request: As a result of Police Consolidation, the County was left to determine how to handle the communication needs of MEDIC and Volunteer Fire Departments.

Previously, these duties were the responsibility of County Police Communications. The Old County Communications Center had a staff of 32 personnel. The Interlocal Police Consolidation Agreement sends 10 of the employees to the Communications Center of the Charlotte Mecklenburg Police Department That Agreement leaves 22 employees to handle MEDIC and Volunteer Fire

In December 1993, an "Emergency Communications Needs Committee" was formed to make recommendations on how MEDIC and Volunteer Fire calls should be handled The Committee, co-chaired by Assistant City Manager Don Steger and Assistant County Manager Ed Chapin, had representatives from all groups involved - City Fire, volunteer Fire, Police, MEDIC and M.E.M A C

The Committee failed to reach a consensus, but sent 2 options to the County Manager (Attachment).

Mr. Dr. on 2 Options See W.S. then motion to take no Action Jack Wike

Option 1 - This option, favored by MEDIC, provides 22 Telecommunicators for MEDIC to operate a Third Communications Center. This center would be responsible for handling both MEDIC and Volunteer Fire.

Option 2 - This option, favored by the City Fire, recommends consolidation of MEDIC Dispatch into City Fire. With this consolidation of service, City Fire would also assume the responsibility for Volunteer Fire. This option reduces the number of personnel needed for this function from 22 to 18 The community would realize an annual savings of $179,000

After discussion, the Board of County Commissioners voted to amend Option 1 by leaving the remaining 22 personnel with MEDIC to operate a Third Communications Center to Dispatch MEDIC only. Their amendment asks City Fire to assume the responsibility for Volunteer Fire without additional personnel resources.

City Fire has determined that 5 additional employees (1 position per shift and 5 people are required to staff that position 24 hours a day, 7 days a week) to assume this responsibility Council is requested to deny the County's request for City Fire to assume dispatch responsibilities for volunteer fire for the following reasons:

- The volume of volunteer fire calls is estimated at 3,600 per year The national standard as determined by the National Fire Protection Association for this volume of calls is that at least 2 dispatchers should be on duty on each shift. City Fire is willing to provide the service with one dispatcher per shift The County is requesting City Fire do this with no dispatchers while MEDIC dispatchers are increasing by 5

- During the Emergency Communications Needs Committee discussions, MEDIC indicated that it could provide its service with 17 positions rather than the 22 it is now receiving. These 5 positions appear to be the same that the County will now not transfer to and fund within City Fire

- The volume of calls anticipated cannot be absorbed by City Fire For each volunteer fire call, these are only some of the other actions a dispatcher must take:

  - an average of 2 telephone calls per 911 call;

  - a minimum of 2 siren/pager activations per incident,

  - notification of personnel in the Fire Marshall's Office

  - monitoring State fire frequency

  - recording information pertaining to Alarm Monitoring Companies

Background:

At its meeting on May 16, 1994, the Board of County Commissioners voted to ask the City of Charlotte to assume the responsibility of dispatching the Volunteer Fire Departments

The Board of County Commissioners is asking the City to assume this responsibility without providing additional financial or personnel resources Therefore, under this scenario, the cost would be absorbed within the City's General Fund.

The City taxpayer should not subsidize any portion of the volunteer fire department operation Just as the City is required to pay economic loss to volunteer fire departments when the City annexes, the City should be compensated for services it provides to the county.

Attachment 2

11. Transit Management Contract

Action: **Authorize the Director of Transportation to negotiate a new three-year contract with ATE Management and Service Company, Inc. for Charlotte Transit management.**

Staff Resource: Bob Pressley

Explanation of Request:

- To authorize negotiations with ATE for a new 3-year contract for Charlotte Transit management as recommended by the Qualifications Review Committee (which included staff from Transportation, Budget and Evaluation, Purchasing, and Finance)

- The Qualifications Review Committee unanimously selected ATE over Liberty Systems, Inc., the only other firm to submit qualifications. Liberty manages just 2 transit systems compared to ATE's 54 management clients and 42 private sector contracts.

- The Qualifications Review Committee found no compelling reasons to change from ATE, which was commended for management performance in Charlotte earlier this year by consultant Jack Doolittle, to Liberty, which has limited experience confined to the greater New York City area.

To approve w/o Mont

10-1 No - EMA

DOT

Background:

On March 21, 1994, the City mailed a Request for Qualifications (RFQ) to 13 firms The City's RFQ also was advertised in the April 4 issue of Passenger Transport, a weekly transit newspaper. The advertisement resulted in 6 requests for the RFQ.

On April 29, the City received two Qualifications Statements:

1) ATE Management and Service Company of Cincinnati, Ohio (which has managed Charlotte Transit since 1977)
2) Liberty Systems Inc of Yonkers, New York

Two more companies, Metro Ride, Inc and Mayflower Contract Services, indicated that they could not respond to the RFQ at this time.

The Qualifications Review Committee rated ATE superior in each of the four evaluative categories as shown by the attached.

On June 2, the Transit Advisory Committee discussed the Review Committee's selection of ATE.

The City contract with ATE ends on August 31, 1994. We will request Council approval of the new 3-year agreement at the August 22 meeting

Attachment 3

12. CWAC Loan/Equity Pool Program - UCB

Action:

Approve an amendment to United Carolina Bank's City Within a City (CWAC) Participation Agreement to allow for an increase of $275,000 in the City's contribution to the CWAC Loan/Equity Pool Program.

CP

Staff Resource: J. W Walton

Policy: **On October 28, 1991 City Council approved the use of City Development and Revitalization funds to create the CWAC Loan/Equity Pool Program, a public/private venture with local participating banks aimed at creating jobs for low-income citizens.**

Explanation of Request:

- Because of the interest shown in the CWAC Loan/Equity Pool Program, United Carolina Bank has expended all of the City's CWAC funds set aside for the bank United Carolina Bank has 2 CWAC loan requests in the pipeline which will require additional CWAC funds from the bank and the City.

- United Carolina Bank has advised the City that it is increasing its original commitment of $500,000 to the CWAC Loan/Equity Pool Program by $1,000,000 for a total commitment of $1,500,000

- The amount set aside by the City to match the bank's initial $500,000 contribution was $100,000; however, the amount that should have been set aside was $125,000 Therefore, the requested $275,000 increase represents $25,000 omitted from the original City contribution plus $250,000 for the $1,000,000 United Carolina Bank increase in the CWAC Loan/Equity Pool Program

- The City's commitment to the CWAC Loan/Equity Pool Program is 20% of the total program funds to be loaned (The participating banks commit 80%)

- With United Carolina Bank committing $1,500,000 to the program, the City's 20% contribution would be $375,000 ($100,000 previously committed plus $275,000 increase).

- At the May 23, 1994 Council meeting, review of the CWAC Loan/Equity Pool Program was referred to the Economic Development Committee. It is anticipated that this review will take place in late June or early July

Attachment 4
Background
Table - Banks and City Commitments
CWAC Loan Summary
Bank Letter

13. CWAC Loan/Equity Pool Program - Centura Bank

Action: **Approve an amendment to Centura Bank's City Within a City (CWAC) Participation Agreement to allow for an increase of $230,000 in the City's contribution to the CWAC Loan/Equity Pool Program.**

Staff Resource: J. W. Walton

Policy: **On October 28, 1991 City Council approved the use of City Development and Revitalization funds to create the CWAC Loan/Equity Pool Program, a public/private venture with local participating banks aimed at creating jobs for low-income citizens.**

Wh/ Cen
mon

CB

Explanation of Request:

- Because of the interest shown in the CWAC Loan/Equity Pool Program, Centura Bank has expended all of the City's CWAC funds set aside for the bank. Centura Bank has CWAC loan requests in the pipeline which will require additional CWAC funds from the bank and the City.

- Centura Bank (formerly First Charlotte Bank) has advised the City that it is increasing its original commitment of $100,000 to the CWAC Loan/Equity Pool Program by $900,000 for a total commitment of $1,000,000.

- The amount set aside by the City to match the bank's initial contribution was $20,000; however, the amount that should have been set aside by the City was $25,000. Therefore, the requested increase of $230,000 represents $5,000 omitted from the original City contribution plus $225,000 for the $900,000 Centura Bank increase in the CWAC Loan/Equity Pool Program

- The City's commitment to the CWAC Loan/Equity Pool Program is 20% of the total program funds to be loaned. (The participating banks commit 80%)

- With Centura Bank committing $1,000,000 to the program, the City's 20% contribution would be $250,000 ($20,000 previously committed plus $230,000 increase)

- At the May 23, 1994 Council meeting, review of the CWAC Loan/Equity Pool Program was referred to the Economic Development Committee. It is anticipated that this review will take place in late June or early July.

Attachment 5
Background
Table - Banks and City Commitments
CWAC Loan Summary
Bank Letter

14. Northwest Corridor CDC Loan

Action:

To approve Scar/Mart

A. Approve a $321,640 loan to the Northwest Corridor Community Development Corporation (CDC) to finance the:
- acquisition of 7 properties
- rehabilitation of 6 houses
- demolition & new construction of 1 house

B. Approve entering into a Memorandum of Agreement between the City and participating lender(s) regarding the permanent financing of the houses.

C. Authorize $52,644 of HOME funds for the City's 15% second mortgage financing when 85% financing is provided by participating lender(s).

Staff Resource: J. W Walton

Policy: Charlotte's Comprehensive Affordability Strategy (CHAS) approved by City Council on October 25, 1993 listed Strengthening Neighborhoods and Community-Based Organizations as one of its priorities; and the City agreed to provide financing to housing projects sponsored by the community-based organizations.

Explanation of Request:

- On March 16, 1994 the Northwest Corridor CDC submitted a proposal to acquire 7 properties in the Beatties Ford Road/Johnson C Smith University area. Six (6) of the residential properties will be rehabilitated and 1 will be demolished and a new house constructed. (Maps indicating the location of each property and pictures of the houses are included in the Attachment).

- The house to be demolished is located at 2221 Booker Avenue The Police Department has been working with Northwest Corridor CDC to have this house demolished. It is an abandoned house that is being used by vagrants

- Of the 6 properties to be rehabilitated, 5 are single-family houses which will be sold to low-to-moderate income families and 1 is a duplex which will be owned and managed by Northwest Corridor CDC as rental units The house which will be constructed will be sold to a low-to-moderate income family (Low-to-moderate income is defined as a family earning 80% or less of the Charlotte area's median income For a family of 4 the current income is $33,350)

- The $321,640 loan to the Northwest Corridor CDC will finance:

  - acquisition of 7 properties ($86,920)
  - rehabilitation of 6 properties ($177,380)
  - demolition & new construction of 1 house ($57,340)

A table showing the total development cost by property is provided in the Attachment

- Northwest Corridor CDC will enter into contracts with:

  - Attaboie Renovation to provide a turnkey rehabilitation for 4 properties
  - Mobile Construction to provide a turnkey rehabilitation for 2 properties and the construction of the new house

  These companies were selected by Northwest Corridor CDC through a bid solicitation process.

- The sales price of the 5 rehabilitated, single-family houses will range from $33,109 to $59,807, the sales price for the new single-family house is $69,487. The sales price and square footage for each house is listed in the table provided in the Attachment.

- The City will be the lender of last resort for the permanent financing or "take-out" financing for each of the 6 houses to be sold.

  - Northwest Corridor CDC has had discussions with Southern National Bank and BB&T to provide permanent mortgage financing. Letters from Southern National and BB & T are included in the Attachment indicating their interest

  - If borrowers do not qualify for participating lender's programs, they would be referred to First Funding Mortgage Corporation to see if they qualified for FHA financing. First Funding Mortgage Corporation is a mortgage broker and specializes in qualifying lower-income residents for mortgage financing

- As a last resort, the City would participate in the financing whereby the bank and the City will finance 85% and 15%, respectively, of the sales price of the house, with the City's loan at 0% interest being deferred until the first mortgage is repaid.

- Of the total $321,640 City loan to Northwest Corridor CDC:

  - repayment of the $264,063 for the purchase, rehabilitation and new construction will come from the permanent financing of the 6 single-family houses which will be sold to low-to-moderate income families

  - repayment of the $57,577 for the purchase and rehabilitation of the duplex will come from monthly loan payments based on a 3% rate for a term of 15 years to Northwest Corridor CDC by the City

Attachment 6
Map
Pictures
Banks' Letters
Table
Background

To Excuse Pat & Ella
compliment unan
To approve A + B
compliment
unan

15. City/Duke Power Parking Agreement

Action:

A. **Approve a preliminary agreement between Duke Power and the City of Charlotte for a 2200 space parking garage to meet the City's requirements for the NFL Franchise; and**

Res # 8
B 32
p. 323

Bob Campbell

B. Make preliminary findings of fact in authorizing application to the Local Government Commission (LGC) for issuance of approximately $9.2 million dollars in certificates of participation; and approve the scheduling of a public hearing for the issuance of debt for the parking structure for June 27, 1994.

Staff Resource: Boyd Cauble

Policy: City Council has authorized City staff to negotiate with Duke Power Company in order to lease property from Duke Power upon which the City will build a parking deck which will meet the City's obligations to Richardson Sports to provide 1200 preferred parking spaces on NFL game days. Council authorized staff to spend money which was originally budgeted for surface parking for the deck and issue certificates of participation which will be financed by parking revenue.

The proposed parking structure will provide additional parking for Uptown office workers; stimulate the development of adjacent Uptown office property; provide additional parking for Convention Center attendees at the new Charlotte Convention Center; and meet the City's obligations to Richardson Sports to provide at least 1200 spaces on NFL game days and to assist Richardson Sports in obtaining an additional 2500 preferred parking spaces.

Explanation of Request:

- The City's priorities in entering into the joint development agreement with Duke Power are

  1 To meet the stated public purpose of providing additional parking for use in the Uptown area.

2. To meet the City's obligation to Richardson Sports to provide 1200 parking spaces on game day

3. To minimize any annual financial risk associated with the deck

4. To receive a reasonable return on the City's out of pocket Capital Investment in the parking structure

- Duke Power will lease to the City approximately 270,000 square feet of property behind the Duke Power Center upon which a garage totaling approximately 2200 spaces will be built The deck will be owned by the City and will be financed with the following sources of funds $7 million - City; $2.9 million - Duke Power, $1 million - Richardson Sports, and approximately $9.2 million in the issuance of certificates of participation.

- In consideration of the Duke lease of the property to the City for $1 a year for 40 years (the present value of this lease being $5 2 million), the City will in turn allocate to Duke Power a number of spaces which are not financed by certificates of participation Duke will control approximately 54% of all spaces within the deck

- Duke Power has at risk their design funds totaling approximately $1 million in order to meet a construction schedule which will begin this Fall if Council approves the agreement. Duke will use its best effort to build this project within budget and on time

- Duke will contract with the City to operate the deck. They may sub-contract with a parking operator who will charge rates according to the comparable uptown parking market. Duke will lease their spaces for the amount which when combined with revenues from the City spaces will cover operation and maintenance costs, debt service and reserve fund costs.

- Duke will guarantee the City will never have to pay additional funds to operate the deck on an annual basis provided the City has used its best effort to maximize revenues

- The City will lease its spaces to the public for market rents and will be covered from any annual underage in revenues by a Duke guarantee. In years in which all annual costs are covered by the Duke lease and City revenues, any overage in revenues from City spaces will remain with the City while any overage from Duke controlled spaces will be paid to Duke Power.

- As part of the City's agreement with Richardson Sports to get the NFL franchise, the City promised to provide 1200 prime spaces in close proximity to the stadium for as long as the team plays professional football in the uptown area or for no longer than 99 years. Duke Power will have the option to buy the City's interest in the parking deck after five years of operation If Duke exercises its option to "take out" the City prior to the end of the City's 40-year land lease from Duke, then Duke will assume all City obligations for parking with Richardson Sports. If Duke does not "take out" the City prior to the expiration of the 40-year lease, then Duke will automatically assume the Richardson Sports parking obligation at the end of the lease

- The terms for any "take out" of the City by Duke will be the net present value of the City's remaining lease on the deck.

- The City's parking consultant, Barton Aschman, has projected a positive cash flow from the proposed parking deck to more than cover the costs of financing and operating the proposed facility.

Funding: $7 million from the total $35 million the City budgeted for the NFL project. An additional $9 2 million in certificates of participation, of which approximately $7.7 million will go towards construction costs and $1.5 million towards bond issuance costs and reserves

Background: In the late '80's, Richardson Sports approached the City with the possibility of acquiring an NFL franchise for the uptown area As part of the Richardson's agreement to locate the stadium in the uptown area, Council agreed to buy land for the footprint of the stadium and additional nearby property adequate to accommodate three full-size practice fields. The City also agreed to provide 1200 parking spaces in close proximity to the stadium on game day and to assist Richardson Sports in obtaining an additional 2500 spaces As the City began to purchase Uptown acreage for surface parking, the price of land began to escalate and the amount of available acreage began to dwindle

While assembling land, Richardson Sports approached the City with the proposition of entering into an agreement with Duke Power for constructing a parking garage adjacent to the Stadium In exchange for building the deck, Richardson Sports agreed to donate $1 million for the landscaping and aesthetics which have been incorporated into the proposed parking garage design Council authorized City staff to begin

discussions with Duke Power to fulfill the City's parking obligation to Richardson Sports and add much needed parking in the Uptown area for future development and to provide additional pay parking for Convention Center attendees.

On May 2, 1994, Council was given an outline of the parking garage arrangement with Duke Power Council agreed to authorize staff to proceed in developing the attached memorandum of understanding which outlines the agreement with Duke Power

16. NFL Practice Field

Action:

A. Authorize the City Manager to award the contract for environmental cleanup of the NFL Stadium Practice Field site (Smith Metal and Iron Site) to Four Seasons for $2,395,529 85.

B. Approve Amendment No. 6 with HDR Engineering of North Carolina (HDR) for $290,000 to provide construction administration for the environmental cleanup of the practice field site.

C. Authorize the City Manager to approve and execute an amendment to the Mediation Agreement between the City, Duke Power Company, the Third Ward Neighborhood Association, the State of North Carolina and Elliott Schwartz setting out the distribution of any savings to the parties following the completion of the clean-up

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Staff Resource: Clark Readling

Policy:

Per the development agreement between the City and Richardson Sports, the City must provide environmentally clean land for the practice field site. The land requires environmental cleanup before being turned over to Richardson Sports. See additional information in Attachment.

Explanation of Request:

- The City Manager will award the contract for the Practice Field Cleanup to the low bidder, Four Seasons, upon execution of the deeds by the current property owner.

- Amendment No. 6 is for the construction administration to oversee the cleanup of the practice field site. HDR will administer the Remedial Design contract documents and collect data documenting the remediation results.

Attachment 7
Background information

17. July Workshop Date and Agenda

Action:

To approve
Cont/Comm
Urgent

A) **Approve July 5, 1994 as the date for a July Council Workshop, and**

B) **Approve the following topics for inclusion on the July 5, 1994 Council Workshop Agenda:**

- **Committee of 100 Update**
  - **Preliminary Subcommittee Recommendations**
  - **Land Use Vision**
  - **Barton-Aschman Study Update**
- **Review of Housing Policies**
- **Review of Procedure for Appointing Boards & Commissions**

Jobs Bank

Move Consent Motion/Balance Except for 20, 18c, 27, 26, 32 P

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

18. Various Bids

A. Taylor Avenue Storm Drain Improvements

Recommendation: The City Engineer recommends that the low bid of $160,650.88 from United Construction of Charlotte, be accepted

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$160,650.88	100%	7%
WBE	$0	0%	3%

Compliance: Engineering & Property Management has reviewed contractor's good faith efforts to meet project goals and finds the contractor has complied with the requirements and intent of the MWBE Program The low bidder is a certified MBE

Eng

B. **Charlotte-Mecklenburg Government Center and City Hall Custodial Contract**

Recommendation: The City Engineer recommends that the low bid of $190,699 20 from Budd Services, Inc of Charlotte be accepted

Eng.

Item No.

MWBE Status	Amount	% of Project	Proj Goals
MBE	$2,000	1 2%	2.6 %
WBE	$0	0%	1 6 %

Compliance: Yes Engineering & Property Management has reviewed contractor's good faith efforts to meet project goals and finds the contractor has complied with the requirements and intent of the MWBE Program.

Filed by Mayor's Office Desk/MAPT Union

C. **Lake Enforcement Patrol Boat**

Recommendation: The Chief of Police recommends that the low bid of $70,286 by Sea Ark Marine of Montecello, Arkansas be accepted There are no known MWBE vendors for this equipment.

Compliance: Yes

Program Director Concur: Yes

D. **16-Inch Water Main Along Rocky River and Grier Roads**

Recommendation: The Utility Director recommends that the low bid of $500,393.51 by RDR, Incorporated of Stanfield, North Carolina be accepted.

MWBE Status:

	Amount	% of Project	Proj Goals
MBE	$500	0.1%	5%
WBE	$17,670	3.5%	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.

Program Director Concur: Yes

CMAP

E. Polymeric Flocculent

Recommendation: The Utility Director recommends that the low bid of $220,942 by Cytec Industries of West Patterson, N.J Be accepted There are no known MWBE vendors for this product

GMUD

F. Fire Department Burn Building Repairs

Recommendation: The City Engineer recommends that the low bid of $162,876 00 from Moretti Construction of Charlotte be accepted

Ens'

19. In Rem Remedy - 616 Norris Avenue

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 616 Norris Avenue (Druid Hills Neighborhood) which is located in the City Within a City boundaries.**

Attachment 8
Background
Analysis
Picture
Map

ORD#1
#3873-X
B-45
P-333

Item No

CONSENT II

To Approve Consent

20. Various Bids

A. TRADE/TRYON PAVERS ~~Americans With Disabilities Act (ADA)~~ Renovations to the Square

Recommendation: The City Engineer recommends that the low bid of ~~$142,028.20~~ from United Construction Company, Inc. of Charlotte be accepted.
$ 142,048.20

Description: Construction of new granite curb to be placed at normal curb height, a sub-drainage system, and new concrete and granite sidewalk on the four corners of the square

Justification: This project provides for reconstruction of sidewalks at the corners of Trade and Tryon Streets in order to conform to the American with Disabilities Act of 1990 (ADA) The need for this project is based on pedestrian safety, and mobility.

Consequences If Item Deferred: The schedule for construction of this project was developed by Engineering and Property Management, CDOT, and Uptown Coordinators The work will be performed between upcoming events. If the project is deferred, the project will have to be re-scheduled.

Project History: The need for this project is based on the requirements of the Americans With Disabilities Act, (ADA) in that the visually impaired have no raised curb with which to define the edge of the sidewalk.

This project was advertised for bids in April, 1993. The bids received were excessive ($176,000) The project was redesigned to eliminate pavement milling and resurfacing and re-advertised for bids April, 1994.

Other: The Charlotte Transit System will be affected for a period of 16 days (16 July through 31 July, 1994) when the intersection will be completely closed to vehicular traffic However, pedestrian traffic will be maintained throughout the life of the project

End

21. Year-End Budget Wind-Up Ordinance

Action: Adopt the Fiscal Year-End 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, staff has held non-emergency actions until this year-end ordinance in an attempt to reduce the number of ordinances throughout the fiscal year. 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.

Explanation of Request: Section 1 appropriates revenues ($52,280) from temporary parking on the new Law Enforcement Center (LEC) site to reimburse the LEC construction account for site maintenance expenses incurred

ORD # 2
3978-X
B-45
P-338

Section 2 appropriates funding for an action previously approved by Council but for which a funding ordinance was omitted $500,000 from the City's Housing Fund (Fund Balance $434,317 and estimated rent and other revenues $65,683) in the City Housing Fund were approved by Council October 11, 1993 for rehabilitation of the 309 Housing Units.

Section 3 appropriates $247,840 of program income in the Community Development Fund for Cherry Neighborhood Grants. This action fulfills the agreement Council approved April 13, 1992 whereby the Cherry Neighborhood will repay its outstanding debt with the City with $247,840 cash and by deeding to the City nine parcels of land. City Council further agreed that the cash would be held in escrow by NationsBank and used as Cherry Neighborhood grants NationsBank is

also looking to purchase the nine parcels of land from the City and to build low income, single family houses on them.

Sections 4 and 5 appropriate additional estimated interest income to be transferred to the General and Water and Sewer Debt Service Funds

Sections 6 and 7 transfer the appropriation for payment of the Police Department's Animal Control Bureau's land rent to the Aviation Department from Municipal Debt Service to the Animal Control Bureau's cost center This will assure the expense is shared with the County through the Animal Control Interlocal Agreement FY 94's partial year payment is estimated to be $81,000, to be funded by estimated interest income in the General Fund The payment is deleted from the Municipal Debt Service Fund

Sections 8 and 9 appropriate estimated interest earnings and fund balance in the Aviation Capital Project Funds for upfit of the South Terminal project with security check points ($650,000) and to provide additional funding for the Airport Master Plan land acquisition ($680,000) The security check points construction contract will be included in an upcoming Council Agenda for bid award

Sections 10 appropriates $80,000 from mecklenburg County to the Finance Department's Revenue Division for funding of temporary administrative services necessary for the start-up of the County's Storm Water billing services

Sections 11 through 16 make technical accounting changes to the General, Storm Water, and CMUD CIP Funds. No Fund's bottom line is changed

Background: In late June 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 Most of these corrections are technical accounting changes. Others distribute interest earnings and other revenues to the appropriate accounts.

Attachment 9

22. Annexation Amendment - US 21/NC 115 Area

Action: **Amend Annexation Ordinance No. 3494-X to revise Boundary Description of US 21/NC 115 Area and to set June 30, 1995 as the effective date of annexation**

Explanation of Request:

- A prior Council approved the settlement of the litigation over the annexation of the US 21/NC 115 Area on August 23, 1993. Under the settlement, property owners challenging the annexation agreed to abandon their efforts to prevent this annexation, if the City would revise the legal description of the Area to correct an alleged technical deficiency (inclusion of inaccurate distance) and delay the annexation until June 30, 1995 or later

- A Consent Judgment was entered to confirm the settlement terms and to provide that the Area qualifies for annexation The Consent Judgment is binding on the property owners so long as the City corrects the description and does not annex the Area prior to June 30, 1995. Pursuant to the Consent Judgment, Annexation Ordinance No. 3494-X was formally remanded on April 4, 1994 to the City Council to revise the Boundary Description and to set a new effective date.

OMB# 3
3875-X
B-45
P-337

M Ile Boyd

- If the description is revised as proposed and if the effective date of annexation is set for June 30, 1995, the litigation will be concluded

- If the Council revises the Boundary Description in any other manner, the property owners may continue the litigation.

- The proposed effective date will result in the Area being annexed at the same time as the anticipated schedule for annexation of areas currently under evaluation. This date also involves services being extended at the beginning of a fiscal year and allows property taxes and license fees to be collected for the entire fiscal year

- If an earlier effective date is used, the property owners challenging this annexation will be free to continue their litigation as if no settlement had been reached The Council cannot set an effective date for annexation more than 400 days after adopting an annexation ordinance

- If no action is taken within three months from the Court's remand, the entire annexation proceeding will become null and void, and the City will be required to undertake the annexation process from the beginning. Such an approach would also subject the City to another, potential round of litigation

23. Annexation Amendment - Hembstead/Providence Plantation Area

Action: Amend Annexation Ordinance No. 3496-X to revise Boundary Description of Hembstead/Providence Plantation Area and to set June 30, 1995 as the effective date of annexation.

Explanation of Request:

- A prior City Council approved the settlement of the litigation over the annexation of the Hembstead/ Providence Plantation Area on September 13, 1993. Under the settlement, property owners challenging the annexation agreed to abandon their efforts to prevent this annexation, if the City would revise the legal description of the Area to correct an alleged technical deficiency (inclusion of inaccurate distance, omission of small portion of description) and delay the annexation until June 30, 1995 or later.

- A Consent Judgment was entered to confirm the settlement terms and to provide that the Area qualifies for annexation. The Consent Judgment is binding on the property owners so long as the City corrects the description and does not an annex the Area prior to June 30, 1995 Pursuant to the Consent Judgment, Annexation Ordinance No. 3496-X was formally remanded on April 4, 1994 to the City Council to revise the Boundary Description and to set a new effective date

- If the description is revised as proposed and if the effective date of annexation is set for June 30, 1995, the litigation will be concluded.

- If the Council revises the Boundary Description in any other manner, the property owners may continue the litigation

Ord #3876 B.45 P. 339

A He Bryd

- The proposed effective date will result in the Area being annexed at the same time as the anticipated schedule for annexation of areas currently under evaluation. This date also involves services being extended at the beginning of a fiscal year and allows property taxes and license fees to be collected for the entire fiscal year.

- If an earlier effective date is used, the property owners challenging this annexation will be free to continue their litigation as if no settlement had been reached. The Council cannot set an effective date for annexation more than 400 days after adopting an annexation ordinance

- If no action is taken within three months from the Court's remand, the entire annexation proceeding will become null and void, and the City will be required to undertake the annexation process from the beginning Such an approach would also subject the City to another, potential round of litigation.

Attachment 11

24. **Appropriation of Police Assets Forfeiture Funds**

Action: **Approve a Budget Ordinance appropriating $34,075 in Police Assets Forfeiture Funds.**

Explanation of Request: The Police Department wishes to appropriate $34,075 in Assets Forfeiture Funds which are monies confiscated from drug dealers and subsequently awarded to the Police Department by the courts. This appropriation will enable the Police Department to hire a consultant to upgrade its computerized drug information system The consultant's services will include·

ORD # 5
3877-X
B-45
P. 360

Police

- Interfacing drug arrest records with the Mecklenburg County Criminal Justice Information System.

- Establishing a quality control program that will automatically scan for improperly entered or duplicate entries into the system.

- On-going analysis, design, and development of additional capabilities for the system. These enhancements will make the computerized drug information system a much more useful tool for investigators

25. Water Contract - Ridge Road

Action: **Approve water construction contract with The New Fortis Corporation for the design and construction of a water line along Ridge Road.**

Explanation of Request: This is a 5-year reimbursable contract with The New Fortis Corporation for the design and construction of approximately 1,400 linear feet of 16-inch water main along Ridge Road to serve a new development. The estimated cost of this project is $75,000

Funding: There is no cost to the City.

Background: The 5-year reimbursement program allows applicants to accelerate projects which are included in the Capital Improvement Program approved by Charlotte City Council. The applicant has deposited 10% of the estimated project cost with the remaining 90% to be deposited prior to construction

CMWP

26. Convention Center, Masonry Contract, Change Order No. 5

Action: Approve Change Order No. 5 to the Convention Center masonry contract with Pompano Masonry Corporation in the amount of $301,628 for settlement of their claim for additional compensation.

Explanation of Request:

- This change order is the result of negotiations to settle Pompano's claim for additional compensation originally submitted on February 3, 1994 in the amount of $1,306,724.
- In order to meet Fluor Daniel's schedule for completion of the work, Pompano has had to work in multiple areas of the building simultaneously which has required additional manpower, supervision, and equipment.
- As part of Fluor Daniel's overall schedule recovery plan, they assisted Pompano in locating additional manpower and coordinating their work in order to bring the project back on schedule
- After extensive negotiations, Pompano Masonry, Fluor Daniel, The FWA Group, and the City Engineering and Property Management Department have agreed to a final settlement of $301,628 to cover the costs that were valid and justified.

Background: On May 10, 1993, Council approved the contract with Pompano Masonry in the amount of $3,081,583 for the masonry work on the project.

Council approved change orders No 1 through 3 on the following dates:

Emo

Change Order 1, $97,200 - Aug. 23, 1993
Change Order 2, $65,000 - Feb. 4, 1994
Change Order 3, $73,430 - Feb. 28, 1994

Change order No. 4 in the amount of $19,990 was approved by the City Engineer on May 5, 1994

Approval of this change order will increase Pompano's contract sum from $3,337,203 to $3,638,831.

Attachment 12
(Budget Summary Update)

27. Convention Center, Finishes Contract, Change Order No. 4

Action:

Approve Change Order No. 4 to the Convention Center finishes contract with Cecil Malone Company in the amount of $250,000 for settlement of their claim for additional compensation.

Explanation of Request:

- This change order is the result of negotiations to settle Cecil Malone's claim for additional compensation originally submitted on February 28, 1994 in the amount of $369,509

- The claim includes additional costs to be incurred by Cecil Malone for additional supervision and tools and equipment needed to compress their work to meet the project schedule

Ent.

- Due to construction delays and disruptions, Cecil Malone has had their schedule for installing finishes in the Convention Center reduced by several months In order to meet the completion schedule, Cecil Malone will have to bring in substantially more manpower which requires additional supervision and tools and equipment to support

- Settling this claim early will help to avoid delays in the schedule and will provide the means to finish the project by December 23, 1994

- After extensive negotiations, Cecil Malone, Fluor Daniel, The FWA Group, and the City Engineering and Property Management Department have agreed to a final settlement of $250,000

Background:

On June 14, 1993, Council approved the contract with Cecil Malone in the amount of $9,572,700

On August 23, 1993, Council approved change order No. 1 for $625,101 to replace precast with alternate wall systems

On December 13, 1993, Council approved change order No 2 for $105,989 for the addition of movable walls.

On April 12, 1994, Change Order No 3 was issued against the contract contingency with no increase to the contract sum

Approval of this change order will increase the contract sum with Cecil Malone from $10,303,790 to $10,553,790

Attachment 12
(Budget Summary Update)

Item No.

28. Storm Water Design - Engineering Services

Action: Approve three separate Agreements for Engineering Services for $557,930.00 to provide planning and design services for the following neighborhoods:

A) Londonderry\Seacroft Area (one major drainage system)- Frank Cockinos and Associates- $80,318.00

B) Druid Hills Neighborhood (three major drainage systems)- Presnell Associates, Inc.- $379,344.00

C) Kenlough Drive Area (one major drainage system)- Gannett Fleming Inc.- $98,268.00

Policy: The set of policy statements recommended by the Storm Water Task Force and adopted by City Council in creating the Storm Water program include, "Identify and prioritize storm water quantity and quality problems" and "solve the worst storm water problems first." The selected neighborhoods represent the highest priority capital projects in the City.

Explanation of Request:

- Based on the Council-approved guidelines for prioritizing storm water projects, these projects were selected as the top-ranking capital storm drainage projects in the City.
- The Kenlough Drive and Druid Hills projects are in the City within a City area
- All of the project areas experience house and road flooding. Citizens in these neighborhoods have contacted the City repeatedly requesting assistance with their storm drainage problems

- The price for this work is comparable to the cost of similar work for other storm water drainage projects.

Background: See **ATTACHMENT**

Attachment 13
(MWBE Background and Vicinity Maps)

29. Irwin Creek Wastewater Treatment Plant Engineering Services Contract Amendment

Action: **Approve an Agreement Addendum with Gannett Fleming Corddry and Carpenter, Inc. in the amount of $60,000.00 to provide additional design services relative to aeration and blower system modifications at the Irwin Creek Wastewater Treatment Plant.**

With this Amendment, Gannett Fleming Corddry and Carpenter's contract will increase from $4,408,148 to $4,468,148.

Policy: **A professional engineering services contract can be modified to provide additional engineering services to the City by agreement addendums. CMUD desires to obtain additional design services which will lead to improvements in the aeration and blower system work currently under construction. CMUD seeks to provide more treatment capacity which could be shared with local industrial customers.**

Explanation of Request:

- After construction began at the Irwin Creek Wastewater Treatment Plant (WWTP) in November, 1993, CMUD learned of several compelling factors that called for the immediate evaluation of the construction design.

CMUD

- A long range report was issued by HDR which indicated that Irwin Creek WWTP could be expanded by five million gallons per day.

- A request was made by several industrial customers for additional capacity for industrial permits.

- Duke Power Company indicated that the electrical utility requirements for the Irwin Creek WWTP should be re-evaluated

- CMUD requested Gannett Fleming to prepare an agreement addendum to study these factors affecting Irwin Creek WWTP.

- CMUD requested Gannett Fleming to prepare an agreement addendum to address the *modifications recommended in the study*

Background: The construction to upgrade the Irwin Creek WWTP to meet new discharge limits began with City Council approval of four construction contracts on October 10, 1993.

Gannett Fleming received approval from the City Council on February 11, 1992 to provide study, design and construction services to both Irwin Creek and Sugar Creek WWTP's

30. Mallard Creek Wastewater Treatment Plant Change Order #3

Action: **Approve Change Order #3 for $154,313.00 to the contract with Republic Contracting Corporation to build a water line to the Mallard Creek Wastewater Treatment Plant. Upon approval of this change order, the contract sum will increase from $5,898,887 00 to $6,053,200 00.**

Chup

Policy: A change order to a general construction contract is the specified procedure for making changes to the contract that is desired by the Owner to improve the project or to correct an unforseen condition affecting the completion of the contract. This change order improves the project by adding a dependable source of water for fire protection.

Explanation of Request:

- This change order is for a water line to provide drinking water and fire protection to the wastewater plant site.
- The plant has been served by a single well since it was built in 1980 A new solids dewatering building has been built during the current construction phase, and water for fire protection became needed
- At the beginning of the current expansion project, it was cost prohibitive to extend City water to the site Recent action by the City and the City of Concord to extend the City water main up Highway 29 to Cabarrus County has made the cost of extending water to the plant site feasible

Background: Change Order #1 was approved by CMUD in December, 1993 in the amount of $40,219.00 for digester gas mixing equipment repairs that were discovered when the digesters were being rebuilt Add 37 days.

Change Order #2 was approved by CMUD in April, 1994 in the amount of $33,738.00 for yard hydrant replacements and four large pipe fittings needed to route pipe around unknown obstructions. Add 51 days

Change Order #3 is requested for an 8-inch water main from Highway 29 to the site and for paving repair due to construction Add $154,313.00 and 74 days

31. Street Maintenance Resolution

Action: Adopt a resolution to accept for maintenance, five streets from the NCDOT streets system, and to transfer maintenance responsibility of two streets to NCDOT.

Policy: It is the City's policy to accept State maintained streets upon request and mutual agreement and/or when they are within an annexed area and not part of the NCDOT Primary Road System.

Explanation of Request: The following street locations are included in this resolution

Res # 1
B. 32
P. 308

Res # 2
B. 32
P. 311

- Neal Road SR 2498 from City Limits to private property (1.04 Miles). This street is in the IBM/Research Area to be annexed June 30, 1994. Streets that are being maintained by the NCDOT which are not on their Primary Road System and qualify for maintenance under the City's Street Maintenance Policy, are eligible to be abandoned by the State and accepted for City maintenance.

By mutual agreement between NCDOT and CDOT, the following streets are to be transferred from NCDOT to City's maintenance

- Beatties Ford Road SR 2074 from Capps Hill Mine Road to I-85 (1.19 Miles)

9

- Sharon Road/Quail Hollow Road SR 3600 from Fairview Road to Carmel Road (2 70 Miles)

- Oakdale Road from Auten Road to the City Limit (1.75 Miles)

- Margaret Wallace Road from Sam Newell Road to Idlewild Road (0 88 Miles)

By mutual agreement between CDOT and NCDOT, the following streets are to be transferred from CDOT to NCDOT maintenance:

- Boyer Street is a connector from one State Road to another and would be most effectively maintained by NCDOT.

- Beam Road, a small portion which is presently City maintained as a result of FY94 Annexation. The remainder is maintained by NCDOT. Beam Road crosses in and out of the City Limits, prohibiting maintenance of the entire road by the City.

Background: NCDOT has requested that the City accept the five streets that are now State maintained CDOT has agreed to transfer Boyer Street and a portion of Beam Road to NCDOT. Both agencies have agreed that it is appropriate for these actions to occur.

32. Recommend Approval of the following property transactions and adoption of the condemnation resolutions.

Acquisitions:

A. Project: Carmel Road Widening, Parcel #5
Owner(s): Carmel Professional Center Associates, Inc
Property Address: 6400-6416 Carmel Road
Property to be acquired. 10,081.60 sq.ft (0 2314 AC) of Fee and Permanent Easement plus Temporary Construction Easement of 3,108 58 sq ft (0 0714 AC.)
Improvements landscaping, trees and junipers
Tax Value $593,200
Purchase Price $ 25,100
Remarks. This road widening project requires Fee Simple, Permanent and Temporary Construction Easement acquisition causing a loss of landscaping in addition to moving the road closer to the front of their building
Zoned 0-1 Use· Office Condominiums
Tax Value $593,200
Tax Code: 209-241-17 thru 38

B. **Project: South Boulevard/Archdale Drive/Archdale Drive/Old Pineville Road Intersection Improvement, Parcel #8**
Owner(s) Barry T George & wf., Susan B George and Michael D McGuire & wf , Cindy G McGuire
Property Address· 1319 Archdale Drive
Property to be acquired 1,789 sq ft in fee (0.041 AC.) plus 1,689 sq ft (0.039 AC) Temporary Construction Easement
Improvements Landscaping and Paving
Tax Value: $279,550
Purchase Price $ 34,675
Remarks: This intersection improvement causes loss of frontage on Archdale Drive and limits access to the westbound side of Archdale Drive Compensation was based on the appraisals made on the property
Zoned I-2 Use Hospital/Private Office
Tax Value· $279,550
Tax Code A part of· 173-011-11

C. Project: Carmel Road Widening, Parcel #23
Owner(s) Raymond D Collins & wf , Judith P Collins
Property Address 7426 Brigmore Drive
Property to be acquired 1,551 14 sq ft (0.0356 AC.) of fee simple and 2,893 96 sq.ft (0 0664 AC) of Temporary Construction Easement
Improvements Landscaping, holly hedge and shrubs
Tax Value $110,840
Purchase Price $ 27,750
Remarks. This road widening project requires Fee Simple and Temporary Easement Acquisition causing a loss of landscaping in addition to moving road much closer to side of duplex
Zoned. R-3 Use Duplex
Tax Value $110,840
Tax Code 211-321-27

Real Estate

D. **Project:** 1993 Annexation (Area 2) Trunk to Old Concord Road, Parcel #7
Owner(s): Mahone Development LTD
Property Address: 1201 E Mallard Creek Church Road
Property to be acquired. 13,095 sq ft. (301 AC) plus 11,605 sq ft (0.266 AC) of Temporary Construction Easement
Improvements Trees
Tax Value $670,520
Purchase Price· $11,000
Remarks. The project requires a 15' wide permanent easement through the middle of owners property Permanent Easement needed is 13,095 sq ft (301 AC) plus Temporary Construction Easement of 11,605 sq ft (.266 AC.). Consideration price of $11,000 covers valuable rear yard that could have been used to construct condominium units, loss of trees that provide a wind break and hide manholes
Zoned: Inst Use Apartment
Tax Value· $670,520
Tax Code. 051-011-05

E. **Project:** Carmel Road Widening, Parcel #53
Owner(s) A J Blanchard, Jr & wf , Melvene S. Blanchard
Property Address 5705 Carmel Road
Property to be acquired Fee· 8,470 41 sq ft (0 1944 AC) plus Temporary Construction Easement 524 26 sq ft (0 0120 AC)
Improvements Landscaping
Tax Value: $265,430
Purchase Price. $12,720
Remarks The property fronts Carmel Road The project causes loss of landscaping due to Permanent Easements and Temporary Easements The elevation of the road will rise, thus causing some landscape loss and damage to remainder
Zoned. R-3 Use Residential
Tax Value· $265,430
Tax Code 211-411-14

Real Estate

F. **Project:** Fourth/Hawthorne/Caswell Intersection Improvements, Parcel #11
Owner(s): Rose & Sons Properties, Inc. and Southern Real Estate Company of Charlotte, Inc.
Property Address 1900 Randolph Road
Property to be acquired 327 sq.ft. (0 001 AC) in fee plus 980 sq.ft. (0 023 AC.) Temporary Construction Easement
Improvements: Sign, landscaping, irrigation system
Tax Value: $7,564,850
Purchase Price $14,500
Remarks This intersection improvement project caused loss of corner property Compensation included relocation of a sign, landscaping and relocation of an irrigation system A Right-of-Entry was signed to allow construction upon their attorneys recommendation because of development plans and need of acreage to qualify for permits
Zoned 0-2 Use Office
Tax Value: $7,564,850
Tax Code A part of 155-012-01

G. **Project:** Carmel Road Widening, Parcel #7
Owner(s): James R Bryant, Jr & wf , Frances V Bryant
Property Address· 6501 Carmel Road
Property to be acquired 8,914 90 sq ft (0.20465 AC) of fee and permanent easement plus 2,567 74 sq ft. (0 0589 AC) Temporary Construction Easement
Improvements Trees
Tax Value: $644,700
Purchase Price· $25,200
Remarks This road widening project requires fee simple, Permanent and Temporary Easement acquisition causing the road to be moved in on property and loss of depth in lot
Zoned. 0-1 Use Vacant
Tax Value $644,700
Tax Code· 211-201-10

Real Estate

H. **Project:** Carmel Road Widening, Parcel #62
Owner(s): Mary Dianne Thomas
Property Address. 5521 Carmel Road
Property to be acquired 6,017 08 sq ft (0 1381 AC.) of Fee and Permanent Easement plus 6,029.86 sq ft (0 1385 AC) of Temporary Construction Easement
Improvements Landscaping, trees & shrubbery
Tax Value: $145,210
Purchase Price· $31,600
Remarks: This road widening project requires Fee Simple, Permanent & Temporary Easement acquisition causing a loss of landscaping in addition to moving the road closer to front of their home.
Zoned R-3 Use Residential
Tax Value· $145,210
Tax Code A portion of. 211-183-10

I. **Project**: Carmel Road Widening, Parcel #54
Owner(s)· A J Blanchard, III & wf , Irene Bailey Blanchard
Property Address 5700 Carmel Road
Property to be acquired. Fee· 13,455 20 sq.ft (0.3089 ± AC) plus Temporary Construction Easement 3,144 84 sq ft (0 0722 AC)
Improvements Large brick sign, landscaping, trees, shrubs
Tax Value· $255,780
Purchase Price: $36,300
Remarks. The property is located at the corner of Carmel Road and Glen Forest Drive The project requires the acquisition of a strip of land along the front property line ranging 39 feet to 80 feet ± in depth There is also an elevation change, raising the road about 4 feet
Zoned R-3 Use: Residential
Tax Value $255,780
Tax Code 209-253-17

Real Estate

J. **Project:** Carmel Road Widening, Parcel #56
Owner(s)· Elaine B Eichler & husband John H Eichler
Property Address 5705 Carmel Road
Property to be acquired 5,410.93 sq.ft (0.1242 AC) fee plus 1,608 82 sq.ft (0 0369 ac.)
Improvements Large brick wall sign & shrubs & Landscaping
Tax Value· $80,000
Purchase Price. $11,500
Remarks: The acquisition of a portion of this parcel is required for the construction of the referenced project. The property fronts Carmel Road and Glen Forest Drive. The construction causes a loss of a strip of land ranging from 22 67 feet to 76 feet in depth plus the road elevation will change, raising the road approximately 2 feet. Thus, causing some loss of appeal for developing the corner for residential which was reflected in the appraisal.
Zoned· R-3 Use: Vacant
Tax Value· $80,00
Tax Code 209-253-25

K. **Project:** Carmel Road Widening, Parcel #51
Owner(s): A James Blanchard, Jr & wf , Irene Bailey Blanchard
Property Address 3800 Carmel Forest Drive
Property to be acquired Fee: 7,071 sq ft (0.1623 AC.) plus Temporary Construction Easement 6,027 06 sq ft (0.1384 AC) 2 Down Guy Easements 80 91 sq ft (0 0018 AC.) Permanent Drainage Easement 142 88 sq.ft (0.0033 AC.)
Improvements Several large trees
Tax Value: $24,000
Purchase Price $14,200
Remarks The property is located at the corner of Carmel Road and Carmel Forest Drive Acquisition of a landstrip of 39 feet to 70 ± feet deep is required and the elevation of the road will change by rising 4 ± feet, thus causing some

Real Estate

loss of appeal for future residential development as reflected in the City's appraisal.
Zoned: R-3 Use Vacant Lots (2)
Tax Value: $24,000
Tax Code: 209-253-16

Condemnations:

A. **Project:** Annexation '93 Old Plank Road (Area 7), Parcel #68
Owner(s)· Pine Island Country Club Inc and any other parties of interest
Property Address· 1701 Stoneyridge Drive
Property to be acquired 155,085 sq ft (3 56 AC)
Improvements· Landscaped fairways, trees, concrete cart paths
Tax Value· $2,224,550
Purchase Price ~~$39,500~~ $ 40, 500
Remarks. Condemnation action was previously requested and approved on 3/28/94. An additional 15' of Temporary Construction Easement is required for installation. The proposed Sanitary Sewer Line causes substantial disruption to the golf course playing areas for approximately one month The City's appraised offer takes into account this disruption as well as compensation for reparations and loss of Landscaping. The Country Club considers the City's offer to be entirely too low In particular the amount for increased maintenance and the amount for the easement itself They want to be paid damages on a per tree basis rather than the State Law requirement of "before and after valuations" for acquisitions under Eminent Domain proceedings They consider the damage value to be closer to $250,000 Total area 5,445,021 sq ft (125 AC), 58,834 sq ft. (1 35 AC.) of Permanent Easement, 96,251 sq.ft (2 209 AC) of Temporary Construction Easement with 5,289,936 sq ft (121 4 AC.) remaining
Zoned· R-3 Use. Country Club
Tax Value. $2,224,550
Tax Code· 031-103-63/031-093-10

Part # 3
B-38
P-313

Item No

Resolution 4
B-35
P-315

B. **Project: Carmel Road Widening** , Parcel #44
Owner(s) Sarah Belle Furr Wallace and any other parties of interest
Property Address 5908 Carmel Road
Property to be acquired 23,1206.67 sq ft (0 5307 AC)
Improvements: Portion of two driveways, trees, shrubs
Tax Value: $225,310
Purchase Price: $18,950
Remarks: The property fronts Carmel Road and takes a trip of land ranging from 15 feet to 34 feet in depth from the existing maintained right-of-way. There are several mature trees and landscaping that will also be removed The property owner's attorney requested this go into condemnation, because they refuse to settle until the project is constructed The total area is 134,242 51 sq ft (3.0818 AC. by deed), Area to be acquired in existing maintained right-of-way, 10,489 10 sq ft (0 2408 AC), Area to be acquired outside right-of-way 5,965 79 sq.ft (0 1370 AC), Permanent Drainage Easement 536 42 sq.ft (0.0123 AC), Temporary Construction Easement 6,048 31 sq ft (0 1388 AC.); Permanent Down Guy Easement 81.05 sq ft. (0.0018 AC), Area remaining 117,787.62 sq.ft. (2.7040 AC. by Deed)
Zoned. R-3 Use Residential
Tax Value. $225,310
Tax Code· 209-291-03

Resolution 5
B-35
P-317

C. **Project: Marlwood Circle Culvert Replacement, Parcel #4**
Owner(s) Gene L Wyke and wf , Johnnye D & any other parties of interest
Property Address· 11.07 AC Marlwood Circle
Property to be acquired 10,826 sq.ft (0 249 AC)
Improvements None
Tax Value.
Purchase Price $85

Remarks: The required easement is needed for the construction of a culvert on Marlwood Circle Property owner has refused to sign unless improvements are made on privately owned dam at same time. The City has agreed to review the conditions of the dam, however, safety of ingress and egress of emergency vehicles during flooding dictate priority to proceed with construction of the culvert. Total Area· 407,208 sq ft. (9 35 AC), Area of Permanent Storm Drainage Easement: 1,165 sq.ft (0 027 AC); Area to be acquired outside roadway 704 sq ft (0.016 AC), Area remaining 405,339 sq ft. (9.30 AC), Temporary Construction Easement 5,454 sq ft (0 125 AC)
Zoned· R-3 Use· Residential
Tax Value:
Tax Code: A part of. 109-251-17

6

Rent B.30 P.319

Do approve Wh/Mat Wm

D. **Project: Carmel Road Widening, Parcel #61**
Owner(s): Carmel Retirement Center & any other parties of interest
Property Address· 5512 Carmel Road
Property to be acquired 15,107 82 sq ft (0 3468 AC.)
Improvements· Sprinklers, ornamental trees & shrubs, lamp post and lighting 2-4' brick entrance walls
Tax Value· $3,697,880
Purchase Price: $12,450
Remarks: The road widening project will impact the Retirement Center's decorative entrance way The owners are concerned about the amount of compensation for the trees and shrubs. They are also opposed to the median and contend that it will financially impact other property The City's appraiser hired a landscape specialist to obtain replacement costs of the trees and shrubs The median is not a compensable item and is unlikely to have much of an impact to the property A settlement cannot be reached, therefore, condemnation requested Total Area: 406,052 04 sq ft (0 3217 AC), Existing Right-of-Way to be

acquired: 6,150 06 sq ft (0 1412 AC.), Portion to be acquired: 1,591.06 sq ft (0 0365 AC); Down Guy Easement· 97 13 sq.ft (0 0022 AC); Temporary Construction Easement· 7,269.57 sq ft (0 1669 AC); Area Remaining: 398,310 sq ft (9 1440 AC.)
Zoned. R-3 Use: Retirement Community
Tax Value. $3,697,880
Tax Code. 209-391-34

Recommend Approval of the following property transactions and adoption of the condemnation resolutions.

Acquisitions:

A. Project: F A R Part 150 Land Acquisition
Owner(s): Mr and Mrs Woodrow Blackman
Property Address: 2431 Newberry Street
Property to be acquired 201 Acres
Improvements: 3 Bedroom, 1 Bath, Ranch
Tax Value: $26,260 00
Purchase Price. $36,000 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 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.

Acquisitions:

B. Project: F.A.R. Part 150 Land Acquisition
Owner(s): Mr and Mrs Woodrow Blackman
Property Address: 2429 Newberry Street
Property to be acquired: 425 Acres
Improvements. 2 Bedroom, 1 Bath, Ranch
Tax Value: $31,800.00
Purchase Price. $35,000 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 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.

Acquisitions:

C. Project: F A R Part 150 Land Acquisition
Owner(s). Mr and Mrs Marvin Sadler
Property Address· 2415 Carrington Ct.
Property to be acquired 209 Acres
Improvements· 3 Bedroom, 1 Bath, Ranch
Tax Value: $46,840 00
Purchase Price $51,000 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 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.

Recommend Approval of the following property transactions and adoption of the condemnation resolutions.

Acquisitions:

A. **Project: F.A.R. Part 150 Land Acquisition**
Owner(s): Mr. and Mrs. Luther Wilson
Property Address: 4335 Pebblebrook Drive
Property to be acquired. 200 Acres
Improvements: 2 Bedroom, 1 1/2 Bath Ranch
Tax Value: $53,060 00
Purchase Price: $58,000.00
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

B. **Project: F.A.R. Part 150 Land Acquisition**
Owner(s): Mr. Troy L. Meadows
Property Address: 4340 Pebblebrook Drive
Property to be acquired: 22 Acres
Improvements: 3 Bedroom, 1 Bath Ranch
Tax Value: $46,080 00
Purchase Price: $51,500.00
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.

C. **Project: F.A.R. Part 150 Land Acquisition**
Owner(s). Mr. Tony R Pettis
Property Address 2200 Boyer Street
Property to be acquired .526 Acres
Improvements. 3 Bedroom, 1 Bath Ranch
Tax Value· $62,600 00
Purchase Price $59,000.00
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.