AGENDA

Meeting Type:	BUSINESS
Date:	11/14/1994

City of Charlotte, City Clerk's Office

Mayor Richard Vinroot *Mayor Pro Tem Patrick McCrory*

Charles Baker *Hoyle 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, November 14, 1994

5:00 p.m. — **Conference Center**

- **Police Beat - LIVE** Mike BLANTON
- **Legislative Package** Boyd Cauble
- **Landscaping for I-277 & I-77** FGA
- **Council-Manager Relations Committee Report: Council Travel Policy and Proposed Changes to Council Rules of Procedure** Julia / CBAKER

6:30 p.m. — **Meeting Chamber**

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

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

CITY COUNCIL AGENDA
Monday, November 14, 1994
TABLE OF CONTENTS

Item No.		Page No.	Attachment No.
	MINUTES AND CONSENT		
1.	Approval of Minutes except Oct. 19	1	
2.	Consent Items	1	
	POLICY		
3.	Landscaping/Maintenance Issues Related to I-277 and I-77	1	
	BUSINESS		
4	New Loan with Reid Park Associates	5	1
5.	Conservation Lease with Mecklenburg County for property Within the Mountain Island Lake Watershed Protection Zone	7	2
6.	National Institute of Justice Grant Application	9	
7.	Roadway Projects Priority List - 2015 Transportation Plan	11	3
8.	Property for Lease - Ott Street at Seigle Avenue	13	4
9.	Radio Communications Facility Lease	14	
10	Voluntary Annexation - Annexation Ordinance	16	5

Item No.		Page No.	Attachment No.
	BUSINESS CONTINUED...		
11.	Water System Purchase - Chesney Glen	17	
12.	Bond Referendum Results	19	
13.	Appointments to Boards and Commissions	19	6, 7
14.	Appointments to CRC's Action Committee	20	
15.	Closed Session Motion	21	
	CONSENT I		
16.	Various Bids		
	A. Maintenance Lifts	22	
	B. ADA Compliance	22	
	C. Local Area Network Expansion	23	
	D. Central Avenue Business Corridor	23	
	E. Police & Fire Academy Modular/Mobile Classrooms	23	
	F. Carmel Road Widening, Segment 1	24	
	G. Bus Washer Rebuild	24	
17.	In Rem Remedy		
	A. 437 East Woodlawn Road	25	8
	B. 505 East Worthington Avenue	25	9
	C. 1421 Choyce Avenue	25	10
	D. 1124 Little Rock Road	26	11
	E 2305 Tate Street	26	12
	F. 225 South Turner Avenue	26	13
	G. 214 Harrison Street	27	14
18.	Refund of Certain Taxes	27	15

9 items

Item No.		Page No.	Attachment No.
	CONSENT II		
19.	Auctioneer Services	28	
20.	FAA Grant Amendment	29	
21.	Charlotte Firefighters' Retirement System Disability Regulation Changes	30	16
22.	Charlotte Mecklenburg Police Department (CMPD) Construction Management Services, Amendment #1	31	
23.	Charlotte Mecklenburg Police Department (CMPD) Site Excavation Change Order #1	32	
24	Sardis Road Widening, Change Order # 5	33	
25.	Storm Water Planning/Engineering Services - Ronda Avenue	34	17
26	Americans With Disabilities Act (ADA) FY95/FY96 Modification Implementation	35	18
27.	Property Transactions	36	

C

Item No.

MINUTES

1. Approve Minutes of: September 26 Regular Meeting; October 3 Council Workshop; October 10 Regular Meeting, and October 19 Zoning Meeting

Pull- 16C - 16F - 16G - 17B - 19 - 24 - 25 - 26 - 27C

CONSENT ITEMS

Approve others

2. Consent agenda items 16 through 27 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Must take under

Staff Resource: Julie Burch

POLICY

3. Landscaping/Maintenance Issues Related to I-277 and I-77

Action: Consider issues reviewed by the Economic Development Committee:

Accept North Carolina Department of Transportation (NCDOT) offer of additional landscaping along I-277 and I-77 in return for City maintenance.

Committee Chair: Lynn Wheeler

Staff Resource: Jim Humphrey

Wh/Camp

Accept Landscaping Defer I-277 Mowing 8-3

No / McC Reid Jackson

Eng.

Policy:

According to Council's Center City Charlotte Urban Design Plan, the appearance of Uptown is significant to the image of the City. The completion of the new Convention Center and NFL Stadium make I-77 and I-277 more important gateways to Uptown.

Explanation of Request:

- NCDOT has offered to install an additional ± $330,000 in landscaping (trees, shrubs, etc.) along I-277 and I-77 (between NC-16 and I-85) if City will accept on-going maintenance cost (funds will not be offered if City does not accept on-going maintenance costs).

- NCDOT will pursue additional $200,000-$250,000 in funding next year under same arrangement.

- City staff believes NCDOT's current level of landscape maintenance does not meet goals for Uptown and expectation of citizens. NCDOT mows once every 5-6 weeks with infrequent trash pick-up, hedge clipping, mulch replenishment and trimming/herbicide application around guard rails, sign posts, and supports. NCDOT does not have funds to increase maintenance and has decreased maintenance funding statewide.

- Staff would also like City Council to consider additional funding to allow mowing on a three (3) week schedule and assumption of maintenance responsibility (to a higher level) for landscaping at all I-277 loop interchanges. City funds would not be needed in FY95. Funding impacts to the City are as follows:

	FY96	FY97	FY98
Landscaping	$ 0	$ 33,000	$ 58,000
I-277 Loop Mowing	$32,000	$ 85,000	$107,000
	$32,000	$118,000	$165,000

- I-277 loop maintenance costs are for mowing/trash pick-up, trimming, herbicide application on a 3-week schedule as well as costs to assume responsibility for landscaping maintenance at I-77/I-277 interchanges at Wilkinson Boulevard, West Trade Street, South Boulevard, 5th Street, and NC16. Costs shown assume NCDOT reimbursement of approximately $15,000 per year which is their current maintenance expenditure.

- All City cost figures are rough and should be considered order of magnitude only. Cost figures were supplied by the current contractor. Since no plans or specific schedule for construction have been established, many assumptions were made. The estimated on-going yearly cost after FY97 to the City is shown under FY98. Costs are reduced in preceding years assuming that landscape maintenance will be a City responsibility.

- To meet design/construction schedule for I-77 widening, NCDOT has requested a decision regarding City commitment to maintain added landscaping by December 1, 1994.

- Council does not have to fund higher I-277 loop maintenance to obtain NCDOT landscaping offer.

- FY96 and FY97 funding for additional landscape maintenance at all I-277 interchanges would be identified during FY96 and FY97 budget deliberations.

Background:

- In 1990, City Council approved the Center City Charlotte Urban Design Plan which highlighted Uptown's significance, desire for high land use/design standards, importance of gateways, and added priority for partnership projects. Through City/NCDOT cooperation, NCDOT has landscaped South Blvd, Wilkinson Blvd, and West Trade interchanges.

- NCDOT has awarded a contract to widen I-77 between Wilkinson Blvd. and I-85. Construction is fast tracked for completion prior to NFL season, Fall 1996. Contract includes $270,000 to landscape 5th Street and NC 16 interchanges.

- The City of Winston-Salem has accepted maintenance responsibility for mowing of interstates within their City limits due to concerns related to the level of NCDOT maintenance. Charlotte currently maintains several NCDOT roads at a higher level of maintenance through municipal agreements (Billy Graham Parkway, portions of NC74, NC16).

- Budget Outlook - A presentation regarding FY96 budget projections will occur during Council's November 11-12 retreat.

- City Council's Economic Development Committee discussed these issues at their October 26 meeting and unanimously referred the issues to the full Council.

BUSINESS

4. **New Loan with Reid Park Associates**

Action:

A. **Approve a total project cost of $626,831 for Reid Park Associates (RPA) by making a new loan for $468,865 and providing a grant for $157,966.**

B. **Approve a budget ordinance appropriating the new loan amount and the grant.**

ORD# 9
175-X
BK. 46, Pg. 94

Staff Resource: J. W. Walton

Policy:

- The project will address the following City housing goals:
  - Creating home ownership opportunities for low-income families;
  - Stabilizing a target neighborhood by removing blight and increasing the proportion of homeowners, both factors associated with the reduction of crime; and
  - Increasing the capacity of a community-based housing development organization.

Explanation of Request:

The project costs will be disbursed as follows:

- New loan for $468,865 will be used to.
  1. Purchase 13 parcels of raw land for new construction purposes ($24,430);
  2. Purchase 2 parcels (land and structures) for rehabilitation purposes ($43,350);
  3. Rehabilitate 2 duplex units into 2 single-family homes ($82,980); and

4. Provide $318,105 to construct 1 model unit for $66,659 and establish a revolving loan fund of $251,446 to construct 12 additional pre-sold homes.

- Grant for $157,966 will be used to:

  1. Pay debt owed the City and First Union Trust for 14 structures that were purchased from private land owner by RPA where the housing structures are too costly to rehabilitate ($129,606); and

  2. Demolish the 14 structures ($28,360).

Background:

- On December 14, 1992 City Council approved $487,836 financing for a project sponsored by Reid Park Associates (RPA) which included the acquisition and rehabilitation of 10 properties (with 14 dwelling units) in the Reid Park neighborhood to be owned and operated by this community-based organization as affordable rental housing. Only $149,886 was spent to acquire 10 parcels of land including structures; $337,950 was unspent.

- Since that time, a thorough analysis has indicated that it is economically infeasible to rehabilitate all but 2 of the structures. The most cost effective and desirable course of action is to demolish these structures, acquire some additional parcels and develop a total of 13 new single-family homes in Reid Park for sale to low-income families.

- The proposed project differs in 4 significant ways from the original plan:

  1. All but 2 of the homes are being built new, rather than rehabilitated;

2. The new homes will be sold to eligible families rather than rented;

3. The proposed project is now larger, in that the original plan involved 10 parcels and the revised plan involves 16 parcels; and

4. The City must provide a grant to RPA to demolish 14 structures to keep the cost of new construction affordable.

Attachment 1
Description of Loan and Grant to Reid Park Associates
Chart - Breakdown of Costs by Structure
Background
Three Bedroom Floor Plan
Four Bedroom Floor Plan

5. Conservation Lease with Mecklenburg County for Property Within the Mountain Island Lake Watershed Protection Zone

Action: **Authorize Staff to enter into a Conservation Lease Agreement with Mecklenburg County to manage two tracts of watershed property for passive recreational use.**

Staff Resource: Ben Russell

Policy: Council has adopted a policy to procure and protect land in Mecklenburg County within 1/4 mile of the Catawba River and Mountain Island Lake to protect our water supply.

Mart/Oth
unan

CMAD

Explanation of Request:

- Under the watershed protection program, the City has acquired an 80 acre tract on Neck Road and a 210 acre tract on Stephens Road. Council approved purchase of the Neck Road property in April of 1994. The Stephens Road tract was acquired through a land swap with Crescent Resources for Tract 2 of the Coliseum Center property, and approved by Council in November of 1993.

- Additional justification for purchase of the Neck Road property was that the property would be leased to Mecklenburg County for passive recreational use by the Park & Recreation Department. In exchange, the County was to transfer fee simple title to a raw water main right-of-way crossing the Brown's Cove Park property on Lake Norman. This property was required to provide proper control of the right-of-way for the raw water pipeline supplying the North Mecklenburg Water Treatment Plant, and to meet legal requirements for Duke Power to supply electric power to the water plant.

- On November 7, 1994, the Mecklenburg County Commission approved the transfer of the Brown's Cove Park parcel to the City on a fee simple basis.

- Since the Stephens Road tract is largely within the watershed protection zone, CMUD has reached an agreement with Mecklenburg County Park & Recreation Department to include that tract in the conservation lease as well. This arrangement will provide for professional management of both tracts and will ensure that the property is dedicated to passive recreational use only. Passive recreational use will be limited to development of the land for such purposes as nature walks, hiking trails, etc.

Funding: No commitment of funds is required.

Attachment 2
Vicinity Map

6. National Institute of Justice Grant Application

Action:

A. Approve a $194,968 grant application to the National Institute of Justice to evaluate community policing and other initiatives in the Community Safety Plan, and

B. A budget ordinance appropriating grant funds.

ORD# 10
#176-X
BK 46, PG. 95

Staff Resource: Chief Dennis Nowicki

Policy: Goal seven of the City's Community Safety Plan is to implement a five-year Community Safety Plan and an annual evaluation.

Explanation of Request.

- The Police Department wishes to apply for a grant from the National Institute of Justice to evaluate community policing in Charlotte. This report will help us better determine the organizational changes needed to fully support community policing, and will tie into the previously approved PERF study

- Under this grant, the City would contract with the Criminal Justice Department at the University of North Carolina at Charlotte to conduct an evaluation of community policing. Elements of the evaluation will include:

  - A comparative evaluation of the impact of community policing which contrasts a police district implementing community policing with one where the program is not yet in place,

Scan other cover

Police

- An examination of the factors that contribute to the successful implementation of community policing as well as the obstacles to successful implementation,

- An assessment of the impact of community policing on crime and victimization, citizen fear, citizen satisfaction with the police, quality of life, and solving neighborhood problems,

- The relationship between community policing and other Community Safety Plan initiatives such as the establishment of a domestic violence unit.

- Research techniques will include:

- An analysis of relevant departmental documents and data.

- Interviews with citizens, police officers, and community service providers.

- Observation at roll calls, police-citizen meetings, and police command staff meetings.

- Video taping in the experimental and control districts to assess the impact of community policing on the physical appearance of neighborhoods.

- The $194,968 is entirely federal funding that will cover the full cost of the research. The funds require no match from the City. The Police Department has agreed to provide staff time for oversight of the project and to provide the researchers access to departmental personnel and data.

- This research should provide one of the most comprehensive evaluations of community policing in the country and will help us better determine the organizational changes needed to fully support community policing.

Funding: All grant funds are federal monies and require no financial match from the City.

7. Roadway Projects Priority List - 2015 Transportation Plan

Action: **Approve the Roadway Projects Priority List from the Mecklenburg/Union 2015 Transportation Plan and direct the City's representative to the Metropolitan Planning Organization (MPO) on this issue.**

Staff Resource: Bob Pressley

Policy:

Scan/who MPO is Mot recommendation Lmar

- On December 14, 1992, Council authorized the Mayor to sign a Memorandum of Understanding for cooperative, coordinated, and comprehensive transportation planning among the 14 jurisdictions composing the Mecklenburg/Union MPO.

- As a party to this memorandum, Charlotte has worked with the other jurisdictions in the MPO to update the urban area's long-range transportation plan consistent with Federal planning regulations.

Explanation of Request:

- Transportation staff from Charlotte, Mecklenburg County, and Union County (the Technical Coordinating Committee or TCC) presented a prioritized list of 105 roadway projects to the MPO on September 21 and October 12. This list, based on staff's technical work over the past 2 years, summarized the roadway improvements which need to be implemented by 2015 to accommodate projected travel demand.

DOT

- The TCC prioritized list is based on staff's professional assessment of road priorities. However, the MPO revised the list on October 21, adding 2 projects and changing the priority of the first 10 projects. (Both lists are attached.)

- Council is requested to provide MPO representative Stan Campbell with direction prior to an expected November 16 MPO vote.

- The MPO-adopted roadway priority list will be the basis for:

  1) The MPO's December 1994 submission to the North Carolina Department of Transportation for possible project additions to the State's 1996-2002 Transportation Improvement Program, to be issued in May 1995, and

  2) The roadway section of the City's FY 1996-2000 Capital Improvement Program.

Background:

- Federal planning regulations require that the MPO's 20-year roadway needs list reflect estimated funding. Staff's analysis, described in the attached, indicates that 94 of the 107 needed projects will be constructed by 2015 if:

  1) The "Committee of 100's" proposed up to one percent sales tax levy is implemented, providing local funding of $400 million to complete 14 projects on the Metropolitan Roadway Plan,

  2) NCDOT maintains current spending levels on State roadways over the next 20 years, resulting in $372 million expended to complete 51 projects, and

3) The City of Charlotte spends $132 million by 2015 to build 32 roadway projects on the municipal highway system.

- The attached roadway summary indicates project priority by funding category.

Attachment 3
2015 MPO Transportation Plan Roadway Project Priority 2015 Transportation Plan Financially Constrained Plan
2015 TCC Transportation Plan Road Project Priority

8. Property for Lease - Ott Street and Seigle Avenue

Action: **Authorize the City Manager to execute and approve the lease and any modifications or amendments for the portion of the Central Yard located on Ott Street for $1.00 annually to Seigle Avenue Presbyterian Church for expansion of their playground facilities.**

Staff Resource: Kent G. Winslow

Policy: Part of the City Within A City initiative is to facilitate partnerships with community organizations to further neighborhood development goals.

Explanation of Request: Seigle Avenue Presbyterian Church is requesting a 10 year lease of a strip of land 25 feet wide by 180 feet long from the City's Central Yard located at the rear of the church's property.

Background:

- Representatives of the church appeared before Council on October 24, 1994.

Board Comm
Unan

RE

- The church expansion will house new space for their preschool program, GED, parish nurse, "Success by Six" program, Scouts, tutoring, and other community programs.

- The new education building will be constructed on property owned by the church.

- The building code and the state day care rules require additional land for playground area based on the number of children enrolled. The church will obtain the additional land required by City and State regulations through this lease.

- The City will relocate fence and sand pit in this area at a total cost of approximately $8,800 (funds will be expensed from the satellite yard facility account). The church will be responsible for the grading and modification of the drainage as part of their development at a cost of approximately $11,000.

- The City will not object to the church's request for a variance from the 50' screening buffer from the Zoning Board of Adjustments

Attachment 4
Map

9. **Radio Communications Facility Lease**

Action: **Approve a lease for placement of antennas and rental of floor space in the rooftop equipment room on the CMGC building to Dial Call, Inc.**

Staff Resource: Kent Winslow

Mart | Cow
wrow

RE

Policy:

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

Explanation of Request:

- Terms of the one (1) lease agreement are:
  - Five (5) year Base Term with three (3) options to renew for five (5) years each.
  - During the Base Term, the lease rate with Dial Call, Inc. will be $140 per antenna per month. A maximum of twelve (12) antennas will be initially placed on the rooftop location.
  - In addition, the City will lease space for radio communication equipment in the rooftop equipment room for $325 monthly.
  - These rates are comparable to current marketplace rates for private operators in the local area. Rental rates for renewal periods are subject to renegotiation.
- The projected income from the agreement will equal $24,060 annually. Revenues generated over the initial term of the lease agreement are projected at approximately $120,300.

Background:

- Dial Call, Inc. has approached the City about the possibility of leasing radio communication facility space to accommodate antennas and communication equipment for their paging and radio communication service.

Item No.

- Business support services - CIS and Engineering & Property Management reviewed Dial Call, Inc.'s request and determined space was available. The lease will not interfere with the current or future needs of the City at this site. Also, leasing such space at this and other Communications Facility sites can help offset the cost of the initial installation and future operation of the radio system.

- Other non-City owned antennas are currently on the building. Dial Call, Inc. antennas are approximately 20 inches long and are not visible from the ground.

- In January 1992, City Council approved the first Communications Facility lease for Metro Mobile. This lease has generated over $27,000 in revenues as of December 1993.

- The second Communications Facility lease was approved by City Council in February 1994 with the Two Way radio and will generate revenues of approximately $12,000 annually.

- Third and fourth Communications Facility leases were approved by City Council on May 9, 1994 with Dial Call, Inc. and will generate revenues of approximately $27,000 annually.

10. Voluntary Annexation - Annexation Ordinance Mat/wh una

Action: **Adopt an ordinance for final approval of voluntary annexation of the IBM and YMCA properties.**

Staff Resource: Dick Black

Policy: Voluntary Annexation Procedures

ORD # 11
177-X
BK 46, Pg. 96-99

Explanation of Request:

- The purpose for requesting annexation is to bring the entire IBM private street into the City and thus, be eligible for maintenance by the City. A portion of the IBM street was annexed on June 30, 1994 as part of the University Research Park Annexation.

- The next step in the process is the adoption of the annexation ordinance. The earliest Council date at which the ordinance can be adopted is November 14, 1994. (60 day notice requirement of the Sphere of Influence Agreement). The date the ordinance is adopted is also the recommended date for the annexation to become effective.

Background:

IBM and YMCA are the owners of the property proposed for voluntary annexation. The property contains approximately 75 acres and is located on the south side of W.T. Harris Boulevard West adjacent to the recent University Research Park Annexation (June 30, 1994). The IBM property is presently undeveloped, except for an existing private street. The YMCA property is developed A public hearing for the voluntary annexation of IBM and YMCA properties was held on September 26, 1994. There were no speakers at the hearing

Attachment 5
Proposed Annexation Map

11. Water System Purchase - Chesney Glen

Action:

Approve contract with Mid South Water Systems, Incorporated for the purchase of the water system serving a portion of Chesney Glen Subdivision. Purchase price is $14,000.

first Mark unan

Chas

Item No.

Staff Resource: Doug Bean

Explanation of Request:

- Chesney Glen is located in Matthews on South Trade Street.
- CMUD has received an application to extend water service to a residential lot in Chesney Glen Subdivision.

CMUD recommends purchasing the Mid South system instead of installing a new water main that would parallel the existing Mid South system.

The advantages to the City's purchase of the Mid South system in Chesney Glen are:

- It would avoid disruption to the community by eliminating the need to install a parallel water system.
- CMUD would acquire 14 new customers.
- There would not be any cost to the 14 Mid South customers to become CMUD customers.
- 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.
- Funds are available to purchase this system.

Background:

The Street Extension Program of CMUD's policy provides for the extension of water mains to residential properties that desire to become a CMUD customer. Under this program, one Mid South customer in Chesney Glen initiated an extension of a CMUD main in order to disconnect from Mid South and reconnect to the City system

Item No.

12. Bond Referendum Results

Action:

A. Recognize City Clerk for the purpose of reading the results of the November 8 Bond Referendum, and

B. Adoption of a resolution declaring the results of the Special Bond Referendum held on November 8, 1994 on the questions of approving $69,110,000 Water Bonds, $59,730,000 Sanitary Sewer Bonds, and $25,000,000 Storm Water Drainage Bonds and to authorize the publication of the results.

Reso # 3 Bk. 33, Pg. 73-79 Conf Scan

Staff Resource: Henry W. Underhill, Jr., City Attorney

Explanation of Request: Once the City receives a certified copy of the results of a Bond Referendum from the County Board of Elections, State Law requires that the City Council adopt a resolution declaring the results of that referendum. The adoption of the recommended resolution will satisfy this legal requirement.

13. Appointments to Boards and Commissions

1. Citizens Cable Oversight Committee
On October 24, Council appointed Stephen Sellers. Mr. Sellers has declined due to lack of time. Please vote for one candidate from the applications presented previously:

(a) John Breeding by Councilmember Reid
(b) Sidney Evans by Councilmember Majeed*
(*)(c) Robert Thomas by Councilmember Campbell

*Did not receive application as requested.

Attachment 6

2. Tree Advisory Committee

Council was advised to vote for two candidates for this committee on October 24. This was a mistake, because the incumbent was reappointed on October 10 which filled one of the positions. Please choose between the two candidates with the highest number of votes as listed below for the one remaining seat:

(a) Hardin Minor by Councilmember Spencer
(*)(b) Stephen Vermillion by Councilmember Jackson

Attachment 7

14. Appointments to CRC's Action Committee

Action: **On October 24, City Council approved a recommendation from the CD and Housing Committee to appoint an ad hoc committee consisting of 15 members to review Chapter 12 of the City Code, the Human Relations Ordinance, for possible revision.**

Due to time constraints to have a report by February 15, 1994, Council is asked to nominate three persons to this ad-hoc committee at this meeting. Appointments will be made on November 29, 1994. The Mayor will appoint two persons.

CRC

Item No.

15 . Closed Session Motion

Action: Adopt a motion to hold a closed session at the conclusion of this meeting for the purpose of considering candidates for the City Attorney's position as permitted by the G.S. § 143-318. 11(a)(b).

Mot | Sec
unan

ADDENDUM:

Action Requested: That Council select another date for the November Zoning Meeting

Explanation of Request.

It was discovered late this afternoon that the newspaper did not run the required advertisement for the November zoning meeting Somehow this was lost in the electronic mail system between the City Clerk's Office and the Purchasing Department and the paper did not receive it Council now must set another date and it cannot be prior to November 29

Options

* November 29 before regular meeting
* November 30
* December 6, 7 or 8

Mon Dec 5
Scan who
know

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 MWBE criteria.

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

CONSENT I Mart/ ahr unan

16. Various Bids

A. Maintenance Lifts — **Business Support Services**

Recommendation: The Business Support Services Executive recommends that the low bid of $53,265 by B.P.S. Equipment of Charlotte be accepted.

Compliance: No known MWBE vendors for this equipment.

Does not say what it is

B. ADA Compliance — **Business Support Services**

Recommendation: The Business Support Services Executive recommends that the low bid of $59,930 by Lift-A-Loft Corporation of Muncie, Indiana be accepted.

Compliance: There are no known MWBE vendors for this equipment

Two self-propelled lifts for lifting wheelchair bound passengers to comply with the ADA mandates

(Sent both these to purchasing)

Dave Cooke

Item No.

C. **Local Area Network Expansion** — **Business Support Services**

Recommendation: The Business Support Services Executive recommends that the low bid of $282,589.81 by Cabletron Systems of Rochester, New Hampshire be accepted.

MWBE Status:	Amount	% of Project	Project Goals
MBE	N/A		
WBE	N/A		

Compliance: There are no known MWBE bidders for this equipment.

Program Director Concur: Yes

D. **Central Avenue Business Corridor** — **Engineering and Property Mgt.**

Recommendation: City Engineer recommends that the low bid of $675,798.48 by Ferebee Corporation of Charlotte, NC be accepted.

MWBE Status:	Amount	% of Project	Project Goals
MBE	$19,750	3.1%	3%
WBE	$ 7,400	1.2%	1%

Compliance: Yes.

Program Director Concur: Yes. Contractor has complied with the requirements and intent of the MWBE Program by exceeding the established contract goals.

E. **Police & Fire Academy Modular/Mobile Classrooms** — **Engineering and Property Mgt.**

Recommendation: City Engineer recommends that the low bid of $168,991.07 by Spacemaster Buildings of Charlotte, NC be accepted

MWBE Status:	Amount	% of Project	Project Goals
MBE	$19,000	11.6%	5%
WBE	$ 4,283	2.6%	4%

Compliance: Yes

Program Director Concur: Yes. Contractor has complied with the requirements and intent of the MWBE Program by exceeding the established overall contract goals.

F. Carmel Road Widening, Segment 1 (NC 51 to Quail Hollow Road) — **Engineering and Property Mgt.**

who read

Recommendation: The City Engineer recommends that the low bid of $2,807,537.84 by Ferebee Corporation of Charlotte, N.C. be accepted.

MWBE Status:	Amount	% of Project	Project Goals
BBE	$138,400	5.4%	5%
WBE	$752,906	29.5%	4%

Compliance: Yes. Contractor has complied with the requirements and intent of the MWBE Program by exceeding the established contract goals.

Program Director Concur: YES

G. Bus Washer Rebuild — **Business Support Services**

Scott/Carol

2 No

Reid & Jackson

Recommendation: The Business Support Services Executive recommends that the low bid of $161,820 by Zimmer Car Wash Repair of Monroe, N.C. be accepted.

MWBE Status:	Amount	% of Project	Proj Goals
MBE	0	0	10%
WBE	15,000	9.27%	3%

Compliance: Yes, some subcontract work is going to a WBE firm

Program Director Concur: Yes

Purchasing

17. **In Rem Remedy**

A. **437 East Woodlawn Road**

ORD# 1
#167-X
BK.461 Pg 86

Action: **Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 437 East Woodlawn Road (Madison Park Neighborhood) which is located in the City Within a City boundaries.**

Attachment 8
Background
Analysis
Picture
Map

B. **505 East Worthington Avenue**

ORD# 8
#174-X
BK.461 Pg.93
no Rid

Approve subject to Historic District Guidelines
2 No Rid Mart

Action: **Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 505 East Worthington Avenue (Dilworth Neighborhood) which is located in the City Within a City boundaries.**

Attachment 9
Background
Analysis
Picture
Map

C. **1421 Choyce Avenue**

ORD# 2
#168-X
BK.461, Pg.87

Action: **Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1421 Choyce Avenue (Yorkmont Neighborhood) which is outside the City Within a City boundaries.**

Attachment 10
Background
Analysis
Picture
Map

ORD # 3
169-X
BK 46, Pg 88

D. 1124 Little Rock Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1124 Little Rock Road (Forest Pawtuckett Neighborhood) which is outside the City Within a City boundaries.

Attachment 11
Background
Analysis
Picture
Map

ORD # 4
#170-X
BK 46, Pg. 89

E. 2305 Tate Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2305 Tate Street (Biddleville Neighborhood) which is located in the City Within a City boundaries.

Attachment 12
Background
Analysis
Picture
Map

F. 225 South Turner Avenue

ORD # 5
171-X
BK 46, Pg. 90

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 225 South Turner Avenue (Smallwood Neighborhood) which is located in the City Within a City boundaries.

Attachment 13
Background
Analysis
Picture
Map

CD

ORD# 6
#172-X
BK 46, pg. 91

G. **214 Harrison Street**

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to repair the dwelling at 214 Harrison Street (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries.**

Attachment 14
Background
Analysis
Picture
Map

CP

18. **Refund of Certain Taxes**

Res # 1
BK. 33, pg. 68-70

Action: **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $8,308.15.**

Attachment 15
Additional listing of taxpayers who have received refunds less than $100, and more than $100 (As required by Resolution Book 27, Page 493, June 24, 1991.

Finance

Pulled by STAFF

CONSENT II

19. Auctioneer Services

Action: **Award a contract for Auctioneer Services to Wayne Evans Auction Company for a one year period with the City's option to renew the contract for four (4) additional one (1) year periods.**

Explanation of Request: The purpose of this contract is to provide Auctioneer Services for the disposal of surplus property for the City of Charlotte, Mecklenburg County, the ABC Board, Charlotte-Mecklenburg Schools and other local agencies that may also benefit from their participation in this contract.

Funding: Auction Revenues

Background: The City has two major auctions annually, one in the spring and one in the fall of each year. Several local agencies including the ABC Board, Mecklenburg County and the School Board also participate in the City's annual auction.

$ 69,500/year

The most recent auction contract has expired and the City issued a Request for Proposal (RFP) to award a new auction contract in October 1994.

During the past two years, the auction has generated in excess of $1 million in gross sales annually.

Five RFP's were received. The auction RFP's were evaluated by a team of City and County staff from Purchasing, Contracts Administration, City and County Internal Audit and City and County Equipment Services.

Proposal responses were evaluated on the basis of commission rates, MWBE participation, municipal auction experience, history of being in the auction profession, references, equipment and personnel.

Purchasing

The auction review team evaluated proposals individually and collectively based on the above-mentioned criteria. Wayne Evans Auction Company clearly presented the best proposal and was unanimously recommended by the auction proposal review team.

The MWBE participation will be 100% to include towing concessions, printing and notary services.

20. FAA Grant Amendment

ORD# 7
173-X
BK 46, PG 92

Action:

Adopt a Budget Ordinance appropriating Federal grant funds amounting to $133,018 to provide additional funding for Airport development. This grant amendment brings the total Federal funding to $11,051,582.00 for the Airport Improvements Program.

Explanation of Request:

- Project costs have now been finalized and the Federal Aviation Administration (FAA) has offered this grant amendment to cover additional project costs which are eligible for Federal funding.

- These Federal grant monies provide additional funding for the Airport's FAR Part 150 Noise Compatibility Program, Security System and Operations Center improvements, purchase of an Airport Rescue & Firefighting vehicle, and reimbursement for land acquisition costs.

Funding:

The attached Ordinance appropriates Federal funds amounting to $133,018 to the project accounts. The City's share of overall project costs is paid by the airlines through fees and charges under the terms of their lease agreements.

AVIATION

Background: On September 23, 1991, City Council accepted a FAA Grant in the amount of $10,918,564 to provide funding for the FY91 Airport Improvements Project. Seventy five percent of total project costs are eligible for Federal funding.

21. Charlotte Firefighters' Retirement System (CFRS) Disability Regulation Changes

Action: **Adopt resolution approving changes to the CFRS Disability Regulation.**

Explanation of Request:

Resol 2
BK 33, Pg 71-72

- The North Carolina General Assembly ratified amendments to the Charlotte Firefighters' Retirement System Act (CFRS) on June 6, 1989. The amendments incorporated language specifying that disability retirement applications would be administered pursuant to rules and regulations adopted by the Board of Trustees (of the Charlotte Firefighters' Retirement System); and approved by the City of Charlotte and administered in a uniform and nondiscriminatory manner.

- The City Council approved the CFRS Disability Regulation on February 26, 1990.

- Subsequent to City Council's approval of the Disability Regulation, the Board of Trustees received a legal opinion from the City Attorney advising that members of the CFRS on February 26, 1990 had vested benefits under the procedural language eliminated from the Act on June 6, 1989.

- The language adopted by the Board of Trustees and recommended for approval by the City Council includes the administrative procedures which apply to those vested benefits. The change is merely a housekeeping measure.

Jpw

- The recommended Disability Regulation also eliminated conflicting language regarding the authority to determine whether a disability was duty related or non-duty related.

- The revised language will require:

  - the Medical Board to certify whether a disability exists, and

  - the Board of Trustees to make the determination regarding whether a disability is duty related or non-duty related.

Attachment 16
Resolution
CFRS Regulations

22. Charlotte Mecklenburg Police Department (CMPD) Construction Management Services, Amendment #1

Action: **Approve amendment #1 to the Construction Management services contract with F. N. Thompson / Turner for $145,000.**

Explanation of Request: This amendment will increase the Construction Manager's (CM) contract from $1,805,500 to $1,950,500 and will pay for costs that will be or have been incurred due to additions to the original scope of the CM's work and extension of the project design phase.

Background: The City entered into an agreement with F. N. Thompson / Turner in May 1993 to provide construction management services for the CMPD.

Pol.c

The planning and design phases of this project have been very unusual because a number of major decisions had to be made as the project was being designed. Decisions on consolidation of City and County Police, County funding, City and County parking, and the evolution of service delivery questions such as Community Based Policing and decentralization have contributed to an extension of the design time and the construction management services. Some of the additional services required include:

1. Feasibility estimates on different uses of the former County Police building at 618 N.College Street

2. Estimates on various parking deck capacities were required and design of the deck was halted for a period of time until a resolution was reached on additional funding

3. Additional estimates on the Bureau Station program

The additional services and time extensions will cause the CM to exceed their preconstruction staff allowance by approximately $72,000 and the City is contractually obligated to reimburse the CM for salaries paid to people assigned to the job. The City is also contractually obligated to negotiate a fee on these services. We have reached an agreement to pay the CM a fee of $40,000 for the preconstruction phase.

23. Charlotte Mecklenburg Police Department (CMPD), Site Excavation Change Order #1

Action: **Approve change order #1 to the CMPD Site Excavation contract with Hall Contracting Corp. for $150,646.**

fol o

Item No.

Explanation of Request:

- This change order is for blasting and excavation of rock required for construction of the CMPD. The Construction Manager estimated the amount of rock that needed to be blasted and removed based upon seventeen soil borings and eighteen test pits performed on the site. The amount of rock requiring blasting and removal is more than they estimated and in excess of Hall Contracting's contract allowances.

- The unit prices on the rock blasting and excavation allowances in Hall's contract are reasonable and significantly less than that of the other contractors competing for this work.

Background: Council approved the contract with Hall Contracting Corporation on September 26, 1994 to excavate the site for the CMPD.

This change order will increase Hall's contract from $674,583 to $825,229.

24. **Sardis Road Widening, Change Order #5**

Action: **Approve Change Order #5 to the contract with Blythe Construction, Inc. in the amount of $114,240. This action will change the contract amount from $4,063,789.54 to $4,178,029.54.**

Explanation of Request:

- This change order will provide funding for additional quantities of asphalt and asphalt cement necessary to complete the project.

- The cost of asphalt cement (6% of total quantity of asphalt mix) has increased $37.50 per ton since the contract was awarded. This adjustment amounts to $72,000 or 15% of the total change order. The contract requires an adjustment to the base index cost set at the time of bidding

Jack | McC

To Defer until 11-29 Vote

- The additional asphalt is required due to extension of the project limits and a projected overrun of the surface pavement quantity.

- The cost of the additional asphalt is determined by the contract unit prices.

Background: The Sardis Road Widening project was awarded by Council on 23 March, 1992.

25. Storm Water Planning/Engineering Services - Ronda Avenue

Action: **Approve the agreement for Engineering Services with Espey, Huston & Associates, Inc. for $64,100 to provide Storm Water planning services for the Ronda Avenue Area Neighborhood.**

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 neighborhood represents a high priority capital project in the City.

Explanation of Request:

- Based on the Council-approved guidelines for prioritizing storm water projects, this project was selected as one of the top-ranking capital storm drainage projects in the City.

- House and roadway flooding is occurring in the project area. Citizens in the neighborhood have contacted the City repeatedly, requesting assistance with their storm drainage problems.

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

- This agreement is for the planning phase only. An amendment for the design phase will follow once the planning is completed.

Attachment 17
Vicinity Map Showing Project Limits

26. Americans with Disabilities Act (ADA) FY95/FY96 Modification Implementation

Action: **Approve Amendment #1 for $124,990 to the Agreement with Woolpert Consultants to provide architectural services for the implementation of the Americans With Disabilities Act (ADA) FY95 / FY96 modifications. Approval of this Amendment will increase the total amount of the agreement from $240,668.00 to $365,658.**

Scan want to approve

Policy: Policy to comply with the Americans With Disabilities Act (ADA)

Explanation of Request:

- Woolpert has completed the City's facility surveys with the most public contact and a review of the programs offered in each of the facilities as required by ADA . Woolpert has recommended physical changes to the surveyed facilities estimated at $600,000.

- The estimated cost is a significant savings from the original projection of $2 to $3 million. The savings are being realized as a result of determining low-cost alternatives to physical modifications identified by working with the disabled community.

- City staff has developed a 5-year implementation plan for facility modifications which allots $160,000 per year. Staff has

MC/Reid
Deferred until 1/29
7-4
(Scan Comm MAD Spencer)

Pat Robson

worked closely with the Charlotte Mecklenburg Advocacy Council for People With Disabilities throughout the process and have their concurrence on the 5-year implementation.

- The original agreement with Woolpert was for the facility surveys, to assist City staff with the program survey, and to provide recommendations for making the facilities accessible and estimates.

- Woolpert has provided consulting services and acted as the City's expert on ADA issues as they relate to City facilities and other facilities the City is involved with.

- This amendment will provide for bid phase and construction administration services for FY95 and for construction documents, bid phase and construction administration services for FY96 as well as an unspecified allowance to continue to provide expert consulting services on ADA issues and facility reviews as needed.

Attachment 18
Background and Listing of Facilities to be Modified in the 5 Year Implementation Plan

27 Property Transactions

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

Acquisitions:

A. **Project: Carmel Road Widening, Parcel No. 94**
Owner(s): John C. Dingens & wf , Nan L. Dingens
Property Address: 4633 Carmel Road

RE

Property to be acquired: 5,135.89 sq.ft. (0.1179 AC.) of fee simple acquisition plus Temporary Construction Easement of 3,639.21 sq.ft (0.0835 AC.)
Improvements: Landscaping, holly, hedge fence and metal fence
Tax Value: $299,990
Purchase Price: $48,000
Remarks: The property owners live on the corner of Carmel Road and Carmel Valley Drive. The project will affect two sides of their property. This project requires fee simple and Temporary Construction Easement acquisition causing a loss of landscaping in addition to moving the road closer to the front of their residence.

Zoned: R-3 Use: Residential
Tax Code: 211-173-03

B. **Project: Carmel Road Widening, Parcel #78**
Owner(s): Sam McMahon, Jr. & wf., Carolyn G. McMahon
Property Address: 5210 Carmel Road
Property to be acquired: 5,352.99 sq.ft. (0.12288 AC.) plus Temporary Construction Easement of 7,313.07 sq.ft. (0.1679 AC.)
Improvements: Landscaping, trees, brick columns, sprinkler system and shrubs
Tax Value: $597,330
Purchase Price: $25,100
Remarks: This road widening project requires fee simple, permanent and temporary easement acquisition causing a loss of landscaping in addition to moving the road closer to their residence.

Zoned: R-3 Use: Residential
Tax Code: 209-262-15

RE

Item No.

Condemnation:

Deferred 30 days for further

C. **Project: Deer Creek Subdivision Sanitary Sewer Right-of-Way, Parcel #1 of 1**
Owner(s): Mildred Newitt Hogoboom and any other parties of interest.
Property Address: 5.68 ± acres off Axis Court (York Road Area)
Property to be acquired: 1,561.00 sq.ft. (0.036 AC.) plus Temporary Construction Easement of 1,560.00 sq.ft. (0.035 AC.)
Improvements: None
Tax Value: $12,370
Purchase Price: $100.00
Remarks: The subject parcel is located off Axis Court which is off York Road. The project requires the acquisition of a 15′ wide Permanent Sanitary Sewer Easement and a 15′ Temporary Construction Easement. After numerous phone conversations with property owner and her attorneys, the City's offer based on appraisal was refused. Most of parcel is located in flood plain area. Total Area: 247,420.80 ± sq.ft. (5.680 ± AC.), Permanent Easement to be Condemned: 1,561.00 sq.ft. (0.036 AC.); Temporary Construction Easement: 1,560.00 sq.ft. (0.035 AC.); Area Remaining: 245,859.80 ± sq.ft. (5.644 ± AC.)

Zoned: R-3 Use: Vacant
Tax Code: 201-301-05

RE