AGENDA

Meeting Type:	B
Date:	11/09/98

City of Charlotte, City Clerk's Office

Office copy

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Al Rousso
Tim Sellers
Sara Spencer

Council Agenda

CITY COUNCIL MEETING
Monday, November 9, 1998

5:00 p.m. — **Conference Center**

Dinner Briefing
(See Table of Contents)

7:00 p.m. — **Meeting Chamber**

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**

1998 Council Retreat Priorities

Top Priorities for 1998

Transportation Plan (20 years plus)

Transit Plan and Tax

Westside Strategy Plan

Community Oriented Policing: Evaluation and Direction

Connectivity: Neighborhoods and Road System: Policy Direction

High Priorities for 1998

Court System Expansion

Parking Garage / Convention Hotel

Trolley

Corridor Plan

State Roads Strategy

Airport Plan: Implementation

Neighborhood Business Revitalization Strategy and Action Plan

Business Retention Strategy and Action Plan

CITY COUNCIL AGENDA

Monday, November 9, 1998

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Financial Partners Status Report

Resource: Curt Walton
Greg Higgins and Jay Riley, Project Managers, Deloitte & Touche

Time: 15 minutes

Attachment 1

2. I-485 Interchange Study Process

Resource: Tim Gibbs

Time: 10 minutes

Attachment 2

3. Convention Center Hotel and Parking Negotiations

Resource: Tom Flynn

Time: 15 minutes

Attachment 3

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

CONSENT

4. Consent agenda items 11 through 29 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Vi Alexander Lyles

PUBLIC HEARING

5. Briar Creek/Woodland and Merry Oaks Small Area Plan

Action: **Hold a public hearing to receive input on the Briar Creek/Woodland and Merry Oaks Small Area Plan Volume 1: Concept Plan.**

Committee Chair: Rod Autrey

Staff Resource: Jack Daniels and Debra Campbell

Focus Area: City Within A City (CWAC)

Explanation:

- At the July 14 meeting of Council's CWAC Committee, the Briar Creek/Woodland and Merry Oaks Plan was discussed and unanimously recommended for approval. This public hearing is for Council to receive comments and input on the plan prior to taking final action on the Concept Plan on November 23, 1998.

- The Briar Creek/Woodland and Merry Oaks Small Area Plan Volume 1: Concept Plan was developed in response to a request from neighborhood residents who expressed concern over the amount and type of multi-family development occurring in their neighborhoods. In addition to addressing land use, the Concept Plan also includes recommendations on transportation, schools, parks, community safety and human services.

- Volume 2: The Implementation Plan outlines actions needed to implement the plan. **This document is being submitted for information only and no official action is being requested on Volume 2.**

Committee Discussion: At the July 14 CWAC Committee meeting, the members toured the area with Planning Commission staff and residents from the Briar Creek/Woodland and Merry Oaks neighborhoods. The committee voted unanimously 3-0 to approve the plan as submitted. Council members in attendance were Rod Autrey, Patrick Cannon and Sara Spencer. No changes were recommended by the Committee. Planning staff also presented an overview of the plan at Council's September 28, 1998 Dinner Meeting.

Community Input:

- Planning staff mailed approximately 1,450 notices of this public hearing to property owners and area businesses. Planning staff worked with a study group to develop this plan. The study group included neighborhood representatives, apartment managers, business interests and service providers. There was also representation from emerging ethnic groups in the area i.e. Latinos and Asians.

- The study group met a total of 10 times from February through November 1997. A general neighborhood meeting was held on December 11, 1997 to present the draft plan. Over 200 people attended.

Attachment 4
Volume 1: Concept Plan
Volume 2: Implementation Plan

6. Hold Public Hearing And Enact Ordinance To Amend Housing Code

Action:

A. Hold public hearing on amendment to Housing Code; and

B. Adopt recommendation of the CWAC Committee to enact an ordinance to amend the Housing Code to eliminate criminal liability for dwelling owners for all code violations except for: collecting rent from the tenant of a dwelling that has one or more specified serious violations, permitting a new tenant to move into such a dwelling, failing to inform a new tenant of pending code enforcement proceedings against a dwelling, or failing to comply with an order to repair or demolish a dwelling.

Committee Chair: Rod Autrey

Staff Resource: Doug Canty
Senior Assistant City Attorney

Focus Area: City Within A City

Policy: As stated in the Housing Code, to provide "standards for places of habitation for the protection of the life, health, safety, welfare and property of the general public and owners and occupants of places of habitation."

Explanation:

- Under the Housing Code at present, an owner of a dwelling commits a criminal act if he permits the occupancy of a dwelling that contains only one violation of the Code, even if the violation is very minor. Representatives of one of the local landlords' associations state that the organization's greatest objection to housing code enforcement is that its members can be prosecuted, unfairly in their view, for allowing a tenant to occupy a dwelling that contains only a very minor code violation, such as a torn window screen or a small crack in an interior wall.

- The proposed amendment would eliminate criminal liability for owners for all but the most serious of Code violations and failure to comply with an Order to correct Code violations. An owner would commit a crime only by:

  1. continuing to collect rent for the occupancy of a dwelling that contained one or more of the specified serious violations; or

  2. permitting a new tenant to move into a dwelling that contained one of the serious violations; or

  3. failing to inform a new tenant of a dwelling of the existence of code enforcement proceedings against the dwelling; or

  4. failing to comply with an order to correct Code violations.

- Except for the change in the criminal liability provisions, code enforcement would remain the same. The code enforcement official would continue to seek the correction of all code violations; owners would continue to be subject to civil penalties for failing to obey orders to repair or to demolish dwellings; and the City would continue to demolish dilapidated dwellings in appropriate situations.

- There are twelve provisions in the Housing Code that would remain serious and criminal. They include:

  1. rotted, fire damaged, or insect damaged steps, flooring, or structural supports;

  2. fire hazard in a chimney that is in use;

  3. unsafe wiring;

  4. unsafe ceiling or roof;

  5. no potable water supply;

6. no operable heating equipment, as required during November, December, January, February, or March;

7. no operable sanitary facilities;

8. severe rat infestation where the dwelling is not impervious to pests;

9. no safe, continuous, and unobstructed exit from the interior of the building to the exterior at street or grade level;

10. no access provided to all rooms within a dwelling unit without passing through a public space;

11. any window or door providing access to any dwelling unit lacking an operable lock or the owner failing to provide a change of locks or keys to a new tenant; and

12. no operable smoke detector or alarm.

Committee Discussion: Councilmember Sellers made a motion to "recommend that City Council approve the proposed amendment to Section 11-35 of the Housing Code addressing criminal liability." The proposed amendment would eliminate criminal liability for owners for all but the most serious of Code violations and failure to comply with an Order to correct Code violations. This motion carried 3 to 1 with Councilmember Cannon dissenting. Councilmember Cannon's reason for voting against the amendment centered around the need for a stronger level of enforcement of the current Code.

Community Input:

- Representatives of the City Attorney's Office and Neighborhood Development have held a series of meetings with representatives of the Charlotte Landlord Association, the Charlotte Apartment Association, Legal Services of the Southern Piedmont, the Charlotte Housing Partnership, Northwest Corridor CDC, Belmont Neighborhood Development Corporation, and Charlotte Organizing Project

- The proposed ordinance represents a compromise reached among representatives of landlord groups and tenant advocates.

Attachment 5
CWAC Committee Minutes
Ordinance

POLICY

7. City Manager's Report

BUSINESS

8. Access to Employee Personnel Files

Action: **Approve a resolution authorizing the City Manager to permit access to employee personnel files for statistical, research, or teaching purposes, pursuant to North Carolina General Statute 160A-168.**

Staff Resource: Bill Wilder

Explanation:

- The City of Charlotte is increasingly involved in research projects that compare its performance to other cities or allow the city to evaluate its own performance in critical areas. On occasion, these research projects require the researcher to access employee personnel files to gather the necessary data. The most recent example of such a study was Dr. Vivian Lord's research on the attributes of successful police officers for which Council approved access to Police personnel files in March 1996.

- North Carolina General Statute 160A-168(c2) provides that the City Council must adopt a resolution before employee personnel files may be accessed for research purposes. Approval of the resolution will authorize the City Manager to approve research access requests on a case-by-case basis.

- Access to personnel files will be granted only to professional representatives of a training, research, or academic institution. The researchers must agree not to release information that identifies the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes.

Attachment 6
Resolution

9. Date to Reschedule the City Clerk Evaluation

Action: **Set a closed session for the purpose of conducting the evaluation of the City Clerk. The suggested time is:**

November 16, 1998
Room: CH-14
3:30 p.m.

10. Nominations for Boards and Commissions

Action: **Nominate candidates to serve on the Business Advisory Committee.**

A. **BUSINESS ADVISORY COMMITTEE**

This new Committee was approved by Council on September 12, 1998. It is to consist of six citizens who shall serve staggered terms from one to three years. The Economic Development and Planning Committee recommends that the six Council appointees reflect the need for diverse representation of our economy (i.e., transportation, finance, small business, minority business, high technology business) but not be specifically tied to those sectors of Charlotte's economy.

Councilmember Reid nominated Ned Fowler, Ron Johnson and Fred Macholz at the October 26 meeting. The nominations were left open to be completed at this meeting.

Attachment 7
Committee Application

Consent

Introduction to CONSENT

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

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

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

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

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

CONSENT

11. Various Bids

A. Compute Infrastructure Wiring Upgrade, Phase III — **Business Support Services**

Recommendation: The Business Support Services Director recommends the low bid of $293,860 by Network Cabling Systems, Inc.,Charlotte, North Carolina. This includes infrastructure wiring of several remote City buildings.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$293,860	100%	N/A

B. Six Mile Creek East - 1997 Annexation Sewer Mains **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $1,923,502.54 by Mecklenburg Contracting Company of Oxford, North Carolina. This includes installing sewer trunk mains and street mains in the annexation areas in Southern Mecklenburg County.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0.00	0.00%	3%
WBE	$122,170	6.35%	5%

C. Water and Sewer Main Construction - FY99 Contract G - Street Main Extensions **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $986,440.20 by McDaniel Construction Contractors, Incorporated of Bostic, North Carolina. This includes installing a sewer line, five water mains, and twenty manholes.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$986,440.20	100%	3%

D. Water and Sewer Main Construction - FY 99 Contract H - Street Main Extensions **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $1,017,617.20 by R. H. Price, Incorporated of Charlotte, North Carolina. This includes installing a new sewer line, new water mains and manholes.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$1,000.00	0.1%	2%
WBE	$1,015,617.20	99.8%	3%
NAE	$1,000.00	0.1%	NA

E. **Storm Water Maintenance FY99A** — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $470,029.50 by 7-Star Construction of Rock Hill, South Carolina. This project is part of an ongoing program to provide maintenance, repairs, and construction on existing storm water systems or to construct new storm water systems where none exist within the city limits.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$470,029.50	100%	6%
WBE	$ 0	0%	6%

F. **Remove Old Terminal Building Tower and Reroof Terminal** — **Aviation**

Recommendation: The Aviation Director recommends the low bid of $696,600 by Cyclone Roofing Company of Charlotte, North Carolina. This project will replace the existing roof that leaks and remove the old FAA tower cab and radar room.

MWBD Status:	Amount	% of Project	Project Goals
MBE	$39,000	6%	
DBE	$39,000	6%	5%

12. Approve Resolution of Intent To Abandon Street And Set Public Hearing - Portion of Providence Road

Action:

A. **Adopt the Resolution of Intent to abandon a portion of Providence Road; and**

B. **Set a Public Hearing for December 14, 1998.**

Policy:

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

Explanation:

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

Petitioner:
Charles N. Myers

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

Location:
Between Briar Creek and Pinewood Circle

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

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

Adjoining property owners - No objection

Neighborhood Associations - No objection
Eastover Resident's Association
Greentree Neighborhood Association
Sedgewood Circle/Meadowbrook
Barclay Down HOA
Wendover Hills HOA
Olde Foxcroft HOA

Private Utility Companies - No objection

City Departments
Review has identified no apparent reason this closing would:
1. Be contrary to the public interest; or

2. Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299.

Attachment 8
Map

13. Approve Resolution of Intent To Abandon Street And Set Public Hearing - Portion of Kemp Street

Action:

A. Adopt the Resolution of Intent to abandon a portion of Kemp Street; and

B. Set a Public Hearing for December 14, 1998.

Policy:

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

Explanation:

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

Petitioner:
Deborah A. Moser

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

Location:
Between Neal Drive and Owen Boulevard

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

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

Adjoining property owners - No objection

Neighborhood Association - No objection
Autumnwood Community Association

Private Utility Companies - No objection

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

1. Be contrary to the public interest; or
2. Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299.

Attachment 9
Map

14. Approve Resolution of Intent To Abandon Street And Set Public Hearing - Butterfield Street

Action:

A. Adopt the Resolution of Intent to abandon Butterfield Street; and

B. Set a Public Hearing for December 14, 1998.

Policy:

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

Explanation:

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

Petitioner:
Hal Abernethy

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

Location:
Between Craighead Road and Philemon Avenue

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

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

Adjoining property owners - No objection

Neighborhood Association -
Ritex Avenue Homeowners Association

Private Utility Companies - No objection

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

1. Be contrary to the public interest; or
2. Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299.

Attachment 10
Map

15. Refund of Certain Taxes

Action:

A. Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $1,961.24.

B. Adopt a resolution authorizing the refund of business privilege license payments made in error in the amount of $5,747.19.

Attachment 11
Resolution
List of Refunds

CONSENT II

16. South Corridor Transitway Grant Authorizing Resolution

Action: **Adopt a resolution authorizing the Director of Transportation to accept an award from the North Carolina Department of Transportation (NCDOT) for the State's share of funding for a Planning/ Environmental Analysis of the South Corridor Transitway.**

Explanation:

- On May 14, 1998, the City was awarded a grant from the Federal Transit Administration to fund a Planning/Environmental Impact Study of the South Corridor from Uptown Charlotte to Pineville.

- This resolution is in response to a North Carolina Department of Transportation (NCDOT) request. On September 11, 1998, the North Carolina Board of Transportation approved funds amounting to ten percent of the study's cost. NCDOT requires a resolution authorizing the appropriate city official to sign grant agreements and provide any certifications and assurances.

- On June 8, 1998, Council adopted a budget ordinance appropriating $1,245,958 and awarded a $545,000 contract to Barton-Aschman Associates to perform the South Corridor planning/environmental study financed with Federal, State, and local funds. The study should be complete by September, 1999.

- A financial summary of the June 8, 1998 budget ordinance is shown below:

FTA	(80%)	$ 996,766
NCDOT	(10%)	124,596
CITY	(10%)	124,596
TOTAL		$1,245,958

Funds listed above will finance the Planning/ Environmental Analysis and other studies required for implementation.

17. PeopleSoft HRMS Implementation Contract

Action:

Approve an amendment to the contract with ARIS Corporation for data conversion services associated with installation of the PeopleSoft HRM/Payroll System in the amount not to exceed $125,600.

Explanation:

- This contract amendment is to provide additional resources to utilize an automated data conversion tool to complete the translation of current payroll, job and employee data to PeopleSoft.

- Implementation of the PeopleSoft integrated Human Resource and Payroll System (HRMS) requires conversion of data from multiple systems into the single, integrated PeopleSoft system. The systems were written in multiple languages including COBOL.

- Council approved the original contract with ARIS Corporation on June 22, 1998 in the amount of $2,193,181. At that time, detailed information on data conversion requirements was not available. The alternatives considered included the use of programmers to write conversion programs or the use of an automated tool to translate the data to a language readable by the PeopleSoft application.

  That analysis has now been completed and we have determined that contract services for the use of an automated tool is the best and most cost effective method. The estimated cost for contract programmers to write the routines is between $200,000 and $250,000. Contract programmers would be required because the resources are not available from in-house staff. The automated tool option was selected because of the lower cost and the shorter time frame required to complete the conversion. It is estimated that this phase of the project will cost $125,600 for fees and expenses, which will be less than the cost of contract programmers.

- Therefore, it is recommended that the contract with ARIS Corporation be amended to provide the technical resources required to use the tool to complete the conversion effort.

Funding: HRMS Technology Funds

18. Utility Billing System Implementation Contract

Action: **Approve a contract with Team Technology, Inc. (TTI) for contract labor in an amount not to exceed $200,000.**

Explanation:

- This contract is for designing custom reports using Seagate Crystal software, documentation of procedures and training manuals. These services are necessary to implement the new Utility Billing System.

- On August 25, 1997, Council adopted a budget ordinance appropriating $5,400,000 for the purchase of a new Utility Billing System and related project implementation expenses.

- This contract with TTI was part of the original budget and implementation plan approved for the new Utility Billing System.

- The project is on budget and on schedule for implementation by March 31, 1999.

- This contract with TTI is recommended based on the following:

  1. A Request for Proposal was issued and TTI was the successful bidder.

  2. TTI has extensive experience in designing custom reports and documenting procedures.

  3. TTI is based in the Charlotte area, is female-owned and has local resources available immediately to respond to City needs.

Funding: Water and Sewer Operating Fund

19. Children's Theater of Charlotte Leases

Action: **Adopt a Resolution of Intent to:**

A. Extend a lease with the Children's Theater of Charlotte, Inc. for property at 1017 East Morehead Street for a term of five years at a rate of $1 per year; and

B. Approve a lease agreement for property at 2400 The Plaza for a term of five years at a rate of $1 per year.

Explanation:

- The current lease with the Children's Theater of Charlotte, Inc., 1017 East Morehead Street expires December 11, 1998.
- Renewal of this lease for five years at $1 per year, which is typical for the City's cultural facilities, will extend the lease period to December 11, 2003.
- Either party may terminate either lease with a ninety (90) day written notice.
- The Children's Theater is experiencing a shortage of space at the Morehead Street facility. They have requested the lease of additional space for costume design and storage in a portion of City-owned property at 2400 The Plaza (the old Radio Shop). The facility currently houses radio and antennae equipment which must be maintained. The lease would be for five years and would be concurrent with the Morehead Street lease until December 11, 2003.
- Approval of this action will direct the City Clerk to publish the resolution and a notice of Council's intent to execute a lease extension and lease agreement, as required by law, at the November 23, 1998, Business Meeting.

- A copy of the original lease agreement is on file in Engineering & Property Management's Real Estate Division.

Attachment 12
Additional Information

20. TekSystems Technical Support Contract

Action: **Approve an amendment to the contract with TekSystems for contract labor, not to exceed $226,000.**

Explanation:

- On June 8, 1998, the Information Technology Division of Business Support Services executed a contract with TekSystems to provide customer service contract labor.

- As the scope of staffing needs changed, the contract was amended to add the provision of additional services as well as to extend the contract term to September 30, 1998 for a maximum of $94,000.

- With the severe labor shortage in information technology professionals, the Division has been unsuccessful in filling vacant positions in a timely fashion. With the need for employees in the critical area of network management, it is recommended the positions be filled for the short term with temporary contract assistance.

- Providing these additional resources will require extending the term of the existing contract to May 31, 1999 with a new contract maximum of $226,000.

Funding: Information Technology FY99 Operating Budget and the Technology Fund

21. Watershed Management System

Action:

A. Approve an Interlocal Agreement between the City and County to cooperatively fund and procure the Watershed Management System (WMS).

B. Adopt a budget ordinance appropriating 1,240,000 from the Storm Water Capital and Operating Fund balances.

C. Approve an additional $633,263 for Hayes, Seay, Mattern & Mattern (HSMM) to develop and implement additional features to the WMS which includes reimbursement from Mecklenburg County of $446,271.

Explanation:

A. Interlocal Agreement:

- The Interlocal Agreement represents a cooperative initiative between the City and County to improve storm water management and design. The Watershed Management System is a computer system that integrates inventory data for the drainage infrastructure, engineering models of runoff and flooding, and floodplain mapping. The system will enable staff to:
  - Efficiently analyze and provide solutions for existing drainage problem areas.
  - Predict flood levels for different amounts of rainfall.
  - Aid developers in preparing plans by providing storm water information.
  - Efficiently analyze the impacts of land use changes on water quantity and quality as part of regulatory and rezoning reviews.
- The Mecklenburg County Commission is scheduled to approve the Interlocal Agreement on November 17, 1998.

B. Budget Ordinance:

- Conceptual design and implementation of the system were initially funded in the FY98 Storm Water budget.

- Coordination with the County moved the award of the implementation contract into FY99, allowing some of the FY98 funds to be transferred to storm drain repairs. Generally, available funds are transferred to accelerate actual storm drain repairs whenever possible.

- The budget ordinance will appropriate money from the FY99 Storm Water fund balances to finance the implementation of the system.

C. Additional Funds:

- Conceptual plans were completed in September 1998 within budget. The City is now prepared to begin the implementation stage.

- Development of the conceptual design identified some implementation features for both the City and County that were not envisioned in the original package. These additional features require approval of $186,992 for the City and $446,271 for the County.

- The total contract amount for implementation will be $1,427,698, with $446,271 to be reimbursed by the County.

- The consultant will provide maintenance and support services, including free updates and enhancements, for five years from final acceptance of the system.

- HSMM was selected using the Council-approved process.

Attachment 13
Interlocal Agreement
Chart

22. Franklin Plant Rehabilitation and Upgrades - Professional Services Contract

Action: **Approve a contract with Malcolm Pirnie, Inc. for $3,475,500 to provide design and construction administration for improvements at the Franklin Water Treatment Plant.**

Explanation:

- This contract will provide for design and construction administration of the improvements required to 1) increase the available water treatment capacity at the Franklin Plant, and 2) provide necessary upgrades and capital repairs to existing plant facilities.

- The proposed work includes:

  - Increasing plant capacity through hydraulic and electrical improvements

  - Meeting all regulatory requirements for processing more water through the plant

  - Design and construction administration of various upgrades and capital repairs necessary throughout the plant. These include addition of an Alum Sludge Storage Facility; safety improvements (asbestos and lead removal and OSHA compliance tasks); Clearwell repairs and improvements; generator replacement at High Service Pump Station #1; and other necessary repairs.

Funding: Water and Sewer Capital Investment Plan

23. North and East Mecklenburg Water Transmission Mains - Professional Services Contract - Amendment #5

Action: **Approve Amendment #5 to the Professional Services contract with W.K. Dickson for the design and construction management for a water transmission main on W.T. Harris Boulevard for $162,450.**

Explanation:

- This amendment will add the design of 15,400 feet of 16-inch water main to the W. K. Dickson contract to provide water services for the expanding residential and commercial growth on W.T. Harris Boulevard between Plaza Road and Old Concord Road.

- The construction of this main will connect two, 12-inch, dead-end water mains and thus improve the water quality in this area. It will also provide a second feed for the water mains on Old Concord Road, Rocky River Road, Grier Road and Plaza Road.

Funding: Water and Sewer Capital Investment Plan

Background:

- The original contract with W. K. Dickson for design services of a 36-inch water main along W.T. Harris Boulevard between US 29 and NC 49 was approved by City Council on October 9, 1995, for $441,600.00.

- Amendment #1 for design services associated with changes in project scope due to NCDOT concerns was approved by the Key Business Executive on February 21, 1997 for $27,240.00.

- Amendment #2 for design services to realign the 36-inch main at W.T. Harris and The Plaza was approved by the Key Business Executive on June 6, 1997, for $3,000.

- Amendment #3 for design services adding a 42-inch main to the site of the proposed Mallard Creek Elevated storage tank was approved by the Key Business Executive on March 3, 1998, for $20,023.10.

- Amendment #4 for design services to add a 36-inch valve vault at Mallard Creek Church Road was approved by the Key Business Executive on July 3, 1998, for $34,533.00.

- Amendment #5 will increase the total amount of the contract to $688,846.10.

24. Airport Temporary Services Contract

Action: **Award a three-year contract to Manpower for providing parking cashiers and other personnel services at the Airport.**

Explanation:

- This contract will provide a pool of approximately 130 employees (personnel for parking lot cashiers, taxi starters, information counter attendants, Welcome Center attendants and tour guides) on a 24-hour, seven day a week basis.

- A selection committee comprised of airport staff and a representative from the Airport Advisory Committee reviewed five proposals. Based on their proposals, Manpower and Mega Force were interviewed. Manpower was selected based on their capabilities and their lowest mark up rate.

- Temporary service companies were reviewed on the following criteria:

  - billing rate/mark up rate
  - previous work experience
  - capability to attract and retain employees
  - employee programs and benefits

- Company comparisons are as follows:

Company	Mark-up	Total Estimated Contract Cost
Manpower	31%*	$2,846,410
Mega Force	34%	$2,889,040
Personnel	36%	$2,932,160
Unlimited		
Central Parking	38%	$2,975,432

Accustaff	39.50%	$3,003,620

*Mark up of 31% for first year, 32% for second year, 33% for third year

- Employees will be paid the following hourly rates:

Parking lot cashier	$7.00
Taxi starter	$7.00
Information Counter/Welcome Center	$8.00
Tour Guide	$8.00

Community Input: The Airport Advisory Committee is recommending the award of this contract.

Funding: Aviation Operating Budget

25. Sale of Property - 900 North Brevard Street

Action: **Adopt a Resolution approving the sale of property at 900 North Brevard Street (tax parcel 081-032-01) to David M. Bilbro for $20,000.**

Explanation: The City has received an offer to purchase this vacant property for $20,000 from David M. Bilbro. The property has been advertised for upset bid and no other offers were received. Appraised value of the property is $20,000. The property was declared surplus after there were no respondents to the memorandum sent to all Key Business Units. This property was marketed in-house; therefore, no brokerage fees were involved.

Attachment 14
Map

26. Sale of Right-of-Way

Action: **Approve the sale of right-of-way on three City-owned parcels to NCDOT for I-485 for $5,175.**

Explanation:

- North Carolina Department of Transportation (NCDOT) has requested, in accordance with North Carolina General Statute 160A-274 (Sale, lease, exchange and joint use of governmental property), that the Airport sell them a portion of three parcels that the Airport owns in the right-of-way of I-485.

- Two of the parcels were acquired as a part of the FAR Part 150 Land Acquisition program and the other parcel was acquired as a part of our Master Plan Land program.

- The selling prices were determined through the appraisal process. NCDOT will be responsible for preparation of deeds and the legal costs associated with the acquisition of each parcel. The Airport will advertise this sale in the local paper in accordance with North Carolina General Statute 160A-267(Private sale).

  8321 Tuckaseegee Road
  Acquisition of .135 acres of frontage on this parcel. The selling price for this right-of-way is $3,375.

  8315 Tuckaseegee Road
  Acquisition of .053 acres of frontage on this parcel. The selling price for this right-of-way is $1,325.

  8833 Walkers Ferry Road
  Acquisition of .030 acres of this parcel. The selling price for this right-of-way is $475.

27. Exchange of Right-of-Way

Action: **Approve an exchange of right-of-way between North Carolina Department of Transportation (NCDOT) and the City of Charlotte to the widen NC 49 (South Tryon Street).**

Explanation: NCDOT has requested, in accordance with NCGS 160A-274 (sale, lease, exchange and joint use of governmental property), that the City exchange a portion of property (tax code 167-061-01) owned by the City for property adjacent to Renaissance Park (tax code 143-231-01) owned by NCDOT to widen NC 49.

- NCDOT will acquire 0.94 acres of City-owned property on the east side of South Tryon Street (leased to Michael Jordan Golf Driving Range), tax code 167-061-01.

- The City will acquire 0.783 acres to be abandoned on the west side of Tyvola Road along Renaissance Park to be used for a ditch to prevent methane migration from Renaissance Park (formerly a landfill), tax code 143-231-01.

- NCDOT will compensate the City $46,500 for labor and materials to replant a tree buffer in compliance with the tree ordinance on the leased premises.

28. Property Transactions

Action: **Approve the following property acquisition (A-B) and adopt the condemnation resolution (C-D).**

Acquisitions:

A. Project: Colony Road Extension-Phase II, Parcel #85
Owner(s): Michael C. White & wf., Jodie Lanie White
Property Address: 4511 Grandfather's Lane
Property to be Acquired: Permanent retaining wall easement, 1,026 sq.ft. (.0236 ac.) plus temporary construction easement 493 sq.ft. (.0113 ac.)
Improvements: Leyland Cypress trees

Purchase Price: $10,500
Remarks: Required easements for the construction of Colony Road Extension-Phase II. Compensation based upon an independent appraisal.

Zoned: R-3 **Use**: Single-Family Residential
Tax Value: $276,590 (value of entire parcel)
Tax Code: 211-604-11

B. **Project:** FAR Part 150 Land Acquisition
Owner(s): Mr. and Mrs. Lewis Townsend
Property Address: 8124 Tuckaseegee Road
Property to be acquired: 1.566 acres
Improvements: house
Purchase Price: $90,000
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement

Zoned: R3 **Use:** Single Family Residence
Tax Value: $77,250
Tax Code: 055-381-09

Condemnations:

C. **Project**: Colony Road Extension-Phase II, Parcel #11
Owner(s): The Rea Road Investment Partnership, a North Carolina General Partnership and any other parties of interest.
Property Address: 4000 Rea Road
Property to be Acquired: 150,120 sq.ft. (3.446 ac.) plus 114,730 sq.ft. (2.634 ac.) of temporary construction easement.
Improvements: None
Purchase Price: $408,000
Remarks: The City has yet to reach an agreement after numerous contacts. The owner's attorney requests that condemnation be approved so the matter can be litigated.

Zoned: R-3 **Use**: Single-Family
Tax Value: $1,944,430 (value of entire parcel)
Tax Code: 211-241-10

D. **Project**: Colony Road Extension - Phase II, Parcel #86
Owner(s): Gerard Jean Billarant & wf., Catherine S. Billarant & any other parties of interest.
Property Address: 4517 Grandfather's Lane
Property to be Acquired: 2,652 sq.ft. (.0609 ac.)
Improvements: None
Purchase Price: $9,325
Remarks: Permanent retaining wall easement and a storm drainage easement are needed for the construction of this project. Owner has refused to accept the City's offer based on an independent appraisal made on the property. Owner made a counter-offer of approximately twice the appraised damages without justification.

Zoned: R-3 **Use**: Single-Family Residential
Tax Value: $292,100 (value of entire parcel)
Tax Code: 211-604-12

29. Minutes

Action: **Approve minutes as follows:**

- **October 12, 1998 Business Meeting**
- **October 21, 1998 Zoning Meeting**
- **October 26, 1998 Business Meeting**