AGENDA

Meeting Type:	B
Date:	04/08/1985

City of Charlotte, City Clerk's Office

Charlotte

CITY COUNCIL AGENDA

Monday, April 1, 1985

12:00 - 3·00 PM	-	Luncheon and Presentations - Training Center Six Mile Creek Police Career Development Discussion Coliseum Office Space, City-County Office Building
3 00 PM	-	City Council Meeting Council Chamber

ITEM NO.

1. Invocation.

2. Consider approval of minutes of the regular meeting of February 25, 1985, special zoning meeting of March 4, 1985; and regular meeting of March 11, 1985.

PUBLIC HEARING

3. A. Conduct public hearing to consider proposal by Avraham Massachi for the purchase of land and structure at 116-118 Frazier Avenue, Five Points Neighborhood Strategy Area.

   B Recommend approval of the sale of land and structure to Avraham Massachi in the Five Points Neighborhood Strategy Area known as Block 3, Parcel No. 3, located at 116-118 Frazier Avenue for a purchase price of $6,050 00

council agenda

Mayor Harvey B Gantt Mayor Pro Tem Minette Conrad Trosch

Charlie S Dannelly
Laura Page Frech
Ann Hammond
Paul Francis Juneau
Ron Leeper
Sue Myrick
Pamella G Patterson
Herbert Spaugh, Jr
Richard Vinroot
Velva W Woollen

The Redevelopment Plan for Five Points provides for the disposal of acquired land for development by public or private parties; a public hearing before City Council is required by law. The total purchase price of the land and structure was $6,050.00 which is the fair reuse value of the property and structure as determined by the review appraiser.

A proposal was received by the Real Estate Division on February 1, 1985, from Avraham Massachi to purchase the property for $6,050.00, rehabilitate the structure for residential rental housing (duplex), and adequately landscape the surrounding property. The estimated cost of rehabilitating the structure will be $30,000.00. The disposal of this parcel will assist in meeting the objectives of the Redevelopment Plan for Five Points.

Engineering/Real Estate and Community Development Department concur in this request.

A map identifying the location of the property is attached.

Attachment No. 1

POLICY AGENDA

4. A. Consider realignment of election district boundaries in order to maintain required population balance involving (1) the assignment of newly annexed residents to District 7, and (2) the shifting of one precinct (from among three options) to an adjoining district.

The annexation of Raintree and Providence Plantation makes it necessary to shift some City Council district boundaries in order to maintain the population balance required under the one person, one vote ruling.

Specifically, the addition of 5,200 persons in the annexed area to District 7 creates a differential of 12.73% between the largest and smallest districts -- which exceeds the maximum permitted of 10%. As a result, the population of District 7 must be reduced by shifting one precinct to an adjoining district This proposal offers three alternative methods for accomplishing that shift.

Option A - Shift Precinct 85 (3,483 persons) from District 7 to District 5.

Option B - Shift Precinct 67 (2,127 persons) from District 7 to District 5.

Option C - Shift Precinct 57 (2,605 persons) from District 7 to District 6

In addition, under each option the newly annexed residents would be assigned to District 7.

In proposing these options, the following technical points were considered. (1) it should result in a deviation of less than 10% between the largest and smallest districts; (2) it should not dilute the voting strength of minority groups, and (3) it should not unnecessarily divide a neighborhood.

Each option meets these considerations, as indicated in the attached tables. However, the Planning Staff recommends Option A for the following reasons:

(1) it has the lowest deviation (by a small margin),
(2) it reunites the Stonehaven neighborhood in the same election district; and
(3) it completes the trend in recent realignments of establishing Sardis Road as the boundary between Districts 5 and 7

Attachment No. 2

B. Consider a minor adjustment in the boundary between Districts 4 and 1 to shift a two-square block area along Sugar Creek Road from District 4 to District 1 to conform with recent precinct and state house district boundary changes.

In 1984, the North Carolina General Assembly reassigned a two-square block area along Sugar Creek Road from State House District 60 to State House District 59. In turn, this required the local Board of Elections to move the voters from Precinct 42 to Precinct 27.

As a result, the 64 residents in this area are represented by one City Council member (District 4), while the remaining 5,681 residents in their precinct are represented by another City Council member (District 1), since Sugar Creek Road is the boundary line between the two districts.

To simplify matters for the voters, the Elections Supervisor suggests a minor adjustment in the boundary between District 4 and District 1.

The adjustment is shown on the attached map Residents of the two-block area would be moved from District 4 to District 1 to make those boundaries consistent with the precinct and state house district boundary changes.

The move affects 64 residents, 28 of whom are black. The residents live on the portions of Munsee Street, Argyle Drive, and Yuma Street shown on the map. The move would thus enable these residents to share the same City Council representative as the rest of their precinct, and reduce confusion for these voters

Attachment No. 3

BUSINESS

5. Consider adoption of a Budget Ordinance for $7,500 to provide funding for the Mecklenburg 400th Anniversary Committee to sponsor performing arts events and exhibits during fiscal year 1985 for the purpose of commemorating America's 400th anniversary.

The 400th Anniversary Committee for Mecklenburg County is a quasi-governmental organization comprised of local business and professional people and, whose chairman is appointed by the governor. The committee is recognized by the State as the local entity assuming responsibility for celebrating America's 400th anniversary during calendar years 1984 through 1987. The committee, however, is autonomous in that it does not receive financial assistance from the State and program planning is within the discretion of the local committee.

The 400th Anniversary Committee is requesting City funding for the purpose of providing historical video presentations, public historic displays, performing arts activities and to co-sponsor exhibits at Spirit Square during the remainder of fiscal year 1985. An additional request for equivalent funding may be made for FY 1987.

The 400th Anniversary Committee originally requested City funding during the FY 1985 budget process, but was referred to the Convention and Visitors Bureau by City Council. The Bureau decided that the request was not relative to their function and declined funding which resulted in the resubmittal for City funding. Adequate statutory authority to provide such funding can be found in G.S. §153A-437 and G.S. §160A-488.

Attached is a letter from David H. Henderson, Chairman, Mecklenburg 400th Committee.

The Budget and Evaluation Department, City Attorney, and Finance Department have reviewed the request; funding is available in the FY 85 general fund contingency. Council may want to consider funding one-half the requested $7,500 contingent on one-half funding coming from the County.

Attachment No. 4

* * * * * * * * *

The City Attorney advises that Agenda Items No. 6 through 27 may be considered in one motion. However, any member of Council may request that an item be divided and voted on separately.

* * * * * * * * *

ORDINANCES

6. Recommend adoption of an ordinance amending Chapter 20 of the City Code relative to appointment of members of the Parade Permit Committee.

The proposed ordinance provides that: (1) the three City departments represented on the Parade Permit Committee will be Police, Transportation, and Operations (Operations substituted for Fire Department); (2) the City representatives will be appointed by the City Manager; and (3) the designation of chairman and vice chairman will be made by the City Manager.

A copy of the March 13 Council-Manager memorandum, which explains the reasons for the requested ordinance, is attached.

Attachment No. 5

7. Recommend adoption of an ordinance amending Chapter 23 of the City Code to make it explicit that the Historic District Commission has the authority to preserve important landscaping and natural features of a historic district and to permit appeals by "any aggrieved party".

North Carolina General Statutes state that a local governing board may, in its discretion, require certificates of appropriateness for any change in important landscaping and natural features of a historic district. The City Attorney's Office is of the opinion that "important landscaping and natural features of the area" is implied in the City Code, but the City Attorney's Office wishes to remove any doubt a certificate of appropriateness is required to change important landscaping and natural features of a historic district by using the specific language from the general statute itself.

North Carolina General Statutes also provide that an appeal may be taken from the decision of the Historic District Commission to the Board of Adjustment "by any aggrieved party". The City Code allows anyone to make an appeal from the Commission to the Zoning Board of Adjustment. The City Attorney's Office recommends that Code be amended to use the same language in the general statute, "by any aggrieved party", which is also the specific language that has been interpreted by the courts of North Carolina in various court decisions.

RESOLUTIONS

8. A. Recommend adoption of a Resolution authorizing an interlocal agreement pertaining to the provision of animal control services by the City of Charlotte to the Town of Matthews.

B. Recommend adoption of a Resolution authorizing an interlocal agreement pertaining to the provision of animal control services by the City of Charlotte to the Town of Mint Hill.

C. Recommend adoption of a Resolution authorizing an interlocal agreement pertaining to the provision of animal control services by the City of Charlotte to the Town of Davidson.

When the City of Charlotte and Mecklenburg County Animal Control Divisions were consolidated, the City agreed to patrol the entire county, with the County reimbursing the City for patrols outside the city limits of Charlotte. Services include routine patrols, rabies tag violations, complaints, etc.

For services in the small towns to continue, however, North Carolina General Statutes require that an interlocal agreement be adopted. An agreement with Cornelius was adopted on February 25, 1985.

The towns of Matthews and Mint Hill wish the City of Charlotte to continue to provide animal control services and both have adopted the interlocal agreements.

Besides requesting the City of Charlotte to provide the level of services under the Mecklenburg County Animal Control Ordinance, Davidson has made an additional, special request that animal control officers patrol the town five hours per week to enforce "leash law" violations. The Operations and Finance Departments have mutually agreed that $310 70/month would be acceptable compensation to the City. The town would be reimbursed for any voluntary payment of citations by violators, but the town would not be reimbursed if the City had to take the citizen to court for the violation.

9. Recommend adoption of a Resolution authorizing the sale of $8.0 million General Obligation Bond Anticipation Notes for the previously approved Two-Thirds Bond for purposes of: (a) Street Improvements, (b) Land Acquisition, and (c) Park Improvements.

In January, 1985, City Council approved the issuance of $8.0 million of general obligation bonds under the North Carolina General Statutes provision known as the "two-thirds" rule. This rule provides for the issuance of bonds equal to two-thirds of the amount of general obligation net-debt reduction in the previous fiscal year, without a voter referendum. In order to benefit from a two-thirds bond issue, no new general obligation debt was issued by the City during all of FY 1984 and to date in FY 1985. Issuance and delivery of the two-thirds bonds must occur before June 30, 1985 or before any other general obligation bonds are sold prior to this date.

The City has scheduled the sale of $57.2 million authorized and unissued general obligation bonds, including the two-thirds issue proceeds, on April 30, 1985. Since it is a legal requirement that bonds issued under the two-thirds rule be sold before other general obligation bonds being offered, it has been determined that the City would benefit from the sale of general obligation bond anticipation notes in the amount of $8.0 million which would be dated April 16, 1985 with a maturity date of May 29, 1985. The notes would be paid at maturity from the proceeds of the April 30 bond sale. This would meet the legal requirements for issuance of two-thirds bonds and would result in less issuance cost for bonds being offered on April 30, 1985.

10. Recommend adoption of a Resolution of Intent to abandon a portion of Maggie Lane and set Monday, May 13, 1985 for a public hearing.

11. Recommend adoption of a Resolution of Intent to abandon a portion of Mustang Lane and set Monday, May 13, 1985 for a public hearing.

BID LIST

12. Recommend approval of the bid list as shown. The following contract awards are all low bid and within budget estimates unless otherwise noted. Each project or purchase was authorized in the annual budget.

A. Fire Truck - 1-85 Ft. Articulated Elevated Platform Complete with Chassis, Cab, Elevating Platform Body Ground Ladders & 1,000 GPM Pump and Equipment, as specified. — Fire Dept.

Recommendation: By Fire Chief and Purchasing Director that the low bid, Pierce Mfg., Inc., Appleton, Wisconsin, in the amount of $270,196.00, be accepted for award of contract on a unit price basis.

Project Description This unit is a replacement for a 1952 model fire truck which is no longer dependable.

Source of Funding General Fund - Fire Department (Operations Division) - Lease/Purchase.

B. Pipe, Vitrified Clay — Utility Dept.

Recommendation. By Utility Director and Purchasing Director that Contract #72-175, Pomona Pipe Products, Greensboro, N. C., for Vitrified Clay Pipe be extended in accordance with State Statute 160A-17 effective December 12, 1984 through December 11, 1985, at the current contract prices.

Project Description Vitrified Clay Pipe is used for the construction and repair of sewer lines. Pomona Pipe Products has offered to extend this contract at the same prices even though they have experienced some price increases.

Source of Funding Water and Sewer Operating Fund - Sewer Laterals, Sewer Field Operations, and Sewer Maintenance.

C. Hydraulic Power Dumping Mechanisms and Crew Carts. — Operations Dept Sanitation Div.

Recommendation By Operations Director and Purchasing Director that the low bid, Applied Products, Inc., Statesville, N. C., in the amount of $66,652.00, be accepted for award of contract on a unit price basis.

Project Description: This new equipment will serve to improve the overall efficiency of residential refuse collection operations by improving crews' productivity and by lowering the incidence of back injuries associated with lifting refuse containers into rear-loading packers. To take advantage of the favorable prices offered by Applied Products, the total award reflects an increase of five dumping mechanisms and 15 carts over the quantities originally indicated in the bid with the total now being 38 dumping mechanisms and 144 carts.

Source of Funding: General Fund - Operations Department (Sanitation Division).

D. Fourth Ward Sidewalks, Phase V Community Dev.

Recommendation: By the City Engineer that the negotiated low bid of $285,006.87, as submitted by Crowder Construction Co., be accepted for award on a unit price basis.

Project Description: This is the last of the currently funded public improvements in the Fourth Ward Historic District which were approved by City Council in 1978. Work includes construction of brick paver sidewalks and granite curb; incidental storm drainage and paving are also included. Locations for the work are:

N. Poplar St. from W Trade St. to W. Seventh St.
W. Sixth St. from N. Pine St. to N. Church St.
W. Tenth St. from N. Graham St. to N. Poplar St.

Source of Funding General Revenue Sharing - Fourth Ward Urban Renewal.

TREE PRUNING CONTRACT

13. (1) Recommend cancellation of the contract with Bartlett Tree Expert Company to systematically prune street trees at a unit price of $40.54 per tree, and (2) recommend acceptance of a proposal from Davey Tree Expert Company to perform systematic tree pruning at a unit price of $54.60 per tree.

Contract tree pruning was implemented as a productivity improvement in FY 1983. Prior to that time, all tree pruning was performed by the Park Operations Division of the Parks and Recreation Department but it was determined that a combination of City and contract pruning would be more economical. In each of the three years tree pruning has been contracted, proposals were regularly offered from Davey Tree Expert Company and Bartlett Tree Expert Company. When bids were accepted for FY 1985, these were the only two companies offering proposals.

A total of $60,000 was budgeted for the tree pruning program. Davey Tree Expert Company proposed a unit price of $54.60 per tree which would allow 1,098 trees to be pruned; Bartlett Tree Expert Company proposed a unit price of $40.54 per tree which would have allowed 1,480 trees to be pruned. City Council awarded the contract to Bartlett on November 5, 1984 with all work to be completed by May 1, 1985.

Written reports from the field contract supervisors for the City indicated that the contractor had difficulty in hiring and maintaining qualified employees. There were problems in getting the trees pruned in accordance with accepted standards of pruning as outlined in the original contract document and the work was not performed on a timely basis. Since Bartlett Tree Expert Company could not provide sufficient employees or meet the appropriate work schedule, they asked the City, in a letter received on January 24, 1985, to terminate the contract.

Accordingly, the Parks and Recreation Department recommends· (1) cancellation of the agreement with Bartlett Tree Expert Company at $40.54 per tree, and (2) accept the proposal of Davey Tree Expert Company for pruning at $54.60 per tree. The increased cost will result in pruning 1,133 trees instead of the 1,480 budgeted under the previous contract, for a total service reduction of 347 trees.

Approval of this request would allow the tree pruning program to continue in a timely manner and without any further delay beyond the revised October 1, 1985 completion schedule.

The Purchasing Department and City Attorney's Office have reviewed appropriate documents and recommend releasing Bartlett from their contract and accepting Davey's proposal. The City Attorney says the contract does not have to be rebid

CONTRACT EXTENSION

14. Recommend extension of a contract with Peat, Marwick, Mitchell and Company to prepare a Financial Stability Report for issuance of Revenue Bonds to finance Airport expansion.

In order to secure permanent revenue bond financing for various Airport projects totaling approximately $48 million, it will be necessary for the City to contract with several professional firms including financial consultants, underwriters and bond counsel. Initially, an independent feasibility report which addresses the financial aspects of Airport exparsion will be required.

The Airport Manager and Finance Director recommend that Peat, Marwick, Mitchell & Company be authorized to prepare this independent financial feasibility report through an extension to their existing contract with the City. In addition to being one of the "Big Eight" national accounting firms, Peat, Marwick has provided general advisory services to the City with respect to airport financial planning since 1971 and has specific experience in airport consulting and revenue bond financing. The City has been very pleased with the services of Peat, Marwick. This work will be conducted by personnel from their San Francisco office who are recognized experts in the field of airport revenue financing.

Fees to be paid to Peat, Marwick will be determined on the basis of actual time expended on this work at their standard billing rates plus out of pocket expenses. Total cost is estimated at $76,200. The total cost of this and other consultant services used throughout this project will be included in the amount of the bonds and repaid ultimately by users of the airport.

Funds are available in the terminal project to cover this work.

LEASES

15. Recommend amending the present Junior League lease, authorize the Mayor to execute a new 50-year lease to take effect at the expiration of the present lease for property located at 1332 Maryland Avenue, and designate City Manager as appropriate person to sign Special Use Permit application.

At the March 11 Council meeting, Council indicated its intent to accept a proposal of the Junior League to amend the present lease and enter into a new 50-year lease at the expiration of the present lease (October 21, 1989). According to State law, a notice of their proposal was published in the Mecklenburg Times stating the terms of the offer. No other bids or offers were received

In order to construct the proposed addition, the Junior League will have to obtain a Minor Special Use Permit (SUP) to allow an institutional use in a residential zoning district. A requirement of the zoning ordinance provides that the request for an SUP must be made by the property owner or the authorized agent of the property owner. Therefore, it is recommended that the City Manager be designated as the appropriate City official to sign SUP application forms in connection with the Junior League's request.

As reference, a copy of the March 11 agenda item is attached.

Attachment No 6

16. Recommend approval of Partial Agreement of Delta Air Lines, Inc. Leased Premises at the Airport to Piedmont Aviation, Inc.

Delta Air Lines, with six daily flights serving Charlotte, leases two boarding gates on the East Concourse. This concourse is also occupied by Piedmont and United. Since Delta does not have more than one flight on the ground at any one time, Piedmont, which has 145 daily flights, subleases one of Delta's gates when their 16 gates are occupied during peak periods. Delta has now requested that it be permitted to assign a portion of its leased premises, including this boarding gate and its holdroom, to Piedmont.

In accordance with the terms of the 1978 basic agreement with the major airlines serving Charlotte, Council is requested to approve the assignment to Piedmont of a portion of Delta's leased premises. This assignment will transfer the rental obligations of Delta for certain leased premises to Piedmont. Both parties have executed the agreement.

No funds are required.

HOUSING LOANS

17. Recommend approval of loans for permanent financing to purchase property in the Third Ward Area under the Third Ward Loan Program.

The Third Ward Loan Agreement between the City and North Carolina National Bank in the amount of $15,000,000 was entered into on December 14, 1981 and amended December 19, 1983 The interest rate on loans under the program is 9-3/4%.

The loan applications have been reviewed by the City Loan Officer, Community Development Department, and the loan applications contain sufficient information to form the basis for approval of the loans.

Borrower	Property Address	Loan Amount	Appraised Value
David G. Fischer & Leigh S. Fischer	216-B S. Clarkson St.	$66,850	$70,400
Randall C. White	216-D S. Clarkson St	$63,650	$67,000
Burlie Benge & Neal Edwards	Unit 12, Gateway Sq.	$56,500	$59,500
Lemuel Brown	Unit 10, Gateway Sq.	$54,900	$57,800
Barbara A. Lee & Samuel G. Lee	Unit 18, Cedar Oaks	$43,700	$46,000

REHABILITATION LOAN

18. Recommend approval of a loan for $20,850.00 to rehabilitate house at 2409 West Boulevard.

The loan application has been reviewed by the City Loan Officer, Community Development Department, and all criteria for qualifying for financial assistance have been met by the applicant in accordance with the requirements outlined for the Community Development Loan and Grant Program.

Applicant	Property Address	Area	# of Units	Term	Int. Rate	Loan Amount
Beulah Lawrence	2409 W. Blvd.	City Wide	1	20 Yrs.	3%	$20,850

ECONOMIC DEVELOPMENT LOANS

19. A. Recommend approval of a loan for $6,500 to Ethel E. Brown for the purpose of purchasing equipment.

Ethel E. Brown is proposing to open a beauty salon, consisting of 1,000 square feet, in the First Ward Shopping Center. The loan request of $6,500, together with private funds of $6,500, will allow Mrs. Brown to purchase equipment and make leasehold improvements necessary to open the business. The business will be operated as a sole proprietorship; the primary area to be served is the First Ward neighborhood. Mrs. Brown proposes to hire a staff of three licensed beauticians including herself. Other adjacent businesses are a convenience store, grill and a barber shop.

Mrs. Brown has requested a $6,500 loan for five years at 6% from the Economic Development Loan Fund. The collateral for the City loan will be a financial statement filing on the business equipment The loan conditions will require that three job positions be created as a result of the loan.

The Economic Development Loan Committee approved the loan on February 28, 1985.

The loan funds will be drawn from the Community Development Revolving Loan Trust Fund.

ITEM NO.

B. Recommend approval of a loan for $8,000 to Hubert Murphy for the purpose of purchasing equipment.

Mr. Hubert Murphy started a small construction company when it became evident that the City would acquire his business property, Murphy's Superette, for street improvements in the Grier Heights Neighborhood Strategy Area. In 1978, Murphy Concrete and Construction Company started doing specialized subcontracting for driveways, curbs and gutters, and construction of patios and swimming pools. The construction company currently employs six people.

Mr. Murphy has requested an $8,000 loan for three years at 6% interest from the Economic Development Loan Fund. Mr. Murphy will apply $9,755 of personal funds on the heavy truck to be purchased. The City's loan agreement will require Mr. Murphy to add two new job positions to his current labor force of six. The truck will serve as collateral and the City will file a lien on the title. Mr. Murphy lives and works within the Economic Development Assistance Area. Murphy Concrete and Construction Company operates with a comfortable profit each year and the loan is within the debt service ability of the business.

The Economic Development Loan Committee approved the loan request on February 28, 1985.

The loan funds will be drawn from the Community Development Revolving Loan Trust Fund.

RENTAL REHABILITATION PROGRAM LOANS

20. Recommend approval of two Loan Agreements with Key Realty, Inc. under the Rental Rehabilitation program, one for $60,000 and one for $90,000

Key Realty is seeking approval of two Rental Rehabilitation Program loans. One for $60,000 will be for the partial rehabilitation of 12 residential units at 306-312 State Street, and a second loan for $90,000 for like use on 18 residential units at 3419-3427 Kentucky Avenue. Home Federal Savings and Loan Association has issued written commitments on the major portion of the funding with combined construction and take-out loans for refinancing first mortgages on both properties The City will hold second lien positions on both properties with the deferred payment loans due and payable with a flat 5% interest on expiration of the private loan terms.

Total project cost for the State Street property is estimated to be $145,685 consisting of $60,000 in public loan funds, $81,000 in private loan funds, and $4,685 in cash by the owners The private

loan funds are part of a $131,000 refinanced first mortgage on the property. The appraiser's written after-rehabilitation value of the property is estimated to be $254,000 which exceeds the two mortgages by $63,000.

Total project cost for the Kentucky Avenue property is estimated to be $189,675 consisting of $90,000 in public funds, $90,000 in private funds, and $9,675 in cash by the owner. The private loan funds are part of a $170,000 refinanced first mortgage on the property. The appraiser's written after-rehabilitation value of the property is estimated to be $352,000 which exceeds the two mortgages by $92,000.

All qualified tenants in rental rehabilitation units are eligible for rental assistance under the Section 8/Voucher Program.

Funding is from the Department of Housing and Urban Development.

The loan applications have been reviewed by Community Development staff and the City Loan Officer, and all criteria for qualifying for financial assistance have been met by the applicant in accordance with the requirements outlined in the Rental Rehabilitation Program.

CANCELLATION OF SALES CONTRACT

21. Recommend cancellation of the sales contract for $18,130 with James G. Gerrard, Thomas M. Gerrard and Mary Anne Pittmon for the purchase and development of Block 20, Parcel No. 1, located at 700 Seaboard Street in the Greenville Urban Renewal Area and retain the 10% Good Faith Deposit of $1,813.

On September 26, 1983, City Council approved the sale of property at 700 Seaboard Street, consisting of 51,180 square feet, for the development of a tire retreading facility, offices and warehouse. The sales contract provided that the redevelopers submit construction plans, evidence of mortgage financing and take title to the property on or before January 31, 1985.

Although the redevelopers requested an extension of time, which was granted, they failed to submit plans as originally proposed in their contract.

Therefore, in accordance with Section 703 of the contract, the redevelopers were advised by certified mail on February 12, 1985, of the default and informed that if the violation was not corrected within 30 days, the City shall, at its option, terminate the contract and pursuant to the contract, retain the good faith deposit as liquidated damages. The redevelopers have failed to correct the default.

It is recommended that City Council terminate the sales contract and exercise its right to retain the $1,813.00 good faith deposit as liquidated damages.

Engineering/Real Estate and Community Development Department concur in this request.

BUS SHELTER, COMMERCE CENTER

22. Consider request of Charter Properties to move the Bus Shelter in the 100 Block of West Trade Street at the Commerce Center.

Since the opening of the Tryon Street Mall on Thanksgiving Day, 1984, considerable data has been gathered as to the numbers of passengers boarding at the various shelters. The four stops located in the 100 blocks of Trade and Tryon Streets are the most heavily used with significant congestion occurring at the Commerce Center shelter on West Trade Street between 8 00 and 9.00 in the morning. This congestion has resulted in bus patrons actually waiting in the lobby of the Commerce Center during periods of inclement weather and interfering with the normal operation of that building.

The Department of Transportation has implemented several different procedures to reduce the impacts at this location, the latest one being that in-line transfers for Trade Street buses will not be allowed either at the Commerce Center shelter or at the Burger King shelter on East Trade Street. This procedure will go into effect on April 8, 1985 following proper notice to the bus system patrons. It is the feeling of the owners of the Commerce Center, however, that this latest effort to reduce the problem will not be sufficient for their needs, and they have come forth and offered to pay the total cost to relocate the shelter easterly along West Trade Street to the front of the Family Dollar Store. The Commerce Center also has the opportunity to house retail on its first floor which would be important in stabilizing West Trade Street.

Should this move be approved, it will result in not only the relocation of the shelter itself, but four benches in front of the Family Dollar Store would need to be relocated along with a street light pole and the loss of one tree.

It is requested that City Council consider this move and, if the request of the Commerce Center is approved, to 1) authorize the City Manager to enter into an agreement with Charter Properties, representing the owners of the Commerce Center, to pay the full cost of the relocation and 2) authorize the Engineering Department to enter into a Change Order with Weiss Brothers to accomplish the relocation of the shelter.

Charter Properties has also contacted the operators of the Family Dollar Store concerning this matter and has relayed to us that the Family Dollar Store is not opposed to the relocation of the shelter.

Attached is a letter from Charter Properties and a map of the location. We will forward a response from Family Dollar to you prior to Monday's meeting.

No City funds are involved.

Attachment No. 7

ENCROACHMENT AGREEMENT

23. Recommend adoption of a Resolution authorizing the Mayor to execute an encroachment agreement with Southern Railway Company and approve a one time fee of $50.00 for administrative costs

Southern Railway Company has requested the City execute an encroachment agreement for the installation of a water main across the railroad right of way on N.C. State Highway 160 between Sam Neely Road and Westinghouse Boulevard.

This agreement permits the City to install a water main across the railroad right of way; a one-time fee of $50.00 is required to cover administrative costs for the Southern Railway Company.

Funds are provided in the Capital Improvement Program.

Charlotte-Mecklenburg Utility Department, Engineering/Real Estate Division and the Legal Department concur in this request.

24. Recommend approval of a right of way encroachment agreement between the City and Quail Hollow Center Joint Venture for the construction of an irrigation system within the rights of way of Little Avenue, McMahan Drive, Walsh Boulevard, Carmel Road and Carmel Commons Boulevard.

In conjunction with the construction of Quail Hollow Office Center North and South, Quail Hollow Center Joint Venture proposes to install an irrigation system ranging from 6 to 12 inches, behind the curb in the public right of way. A right of way encroachment agreement is necessary and the owners accept full responsibility for the irrigation system including its maintenance.

There are no City funds involved with this request.

The City Attorney, Insurance & Risk Management and the Engineering Department have reviewed the encroachment agreement and found it to be acceptable.

SPECIAL OFFICER PERMIT

25. Recommend approval of applications of Special Officer Permits to James Larry Odell Atkinson, Karen Bryan Goodwin, and Jerline Johnson for use on the premises of Charlotte Park and Recreation Department, Park Ranger Division

This is a standard procedure to allow the authorized individuals to carry out enforcement duties in the specified area. This permit conveys the right to use the regulation equipment in the performance of duties.

TAX REFUNDS

26. Recommend the adoption of Resolutions authorizing the refund of certain taxes in the total amount of $4,244.51 which were assessed through clerical error or illegal levy against 46 tax accounts.

PROPERTY TRANSACTIONS

27. Recommend approval of the following right of way acquisitions

A. Acquisition of 262.50± square feet of permanent easement, at the 400 Block of Whitehaven Avenue, from A. T. Lawing, Jr. (widow), for $1.00, for the Sidewalk Construction Program - Phase 7 (Permanent Easement)

B. Acquisition of 81± square feet of permanent easement, at the 400 Block of Whitehaven Avenue, from Leonard W Simpson and wife, Winifred B., for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

C Acquisition of 78± square feet of permanent easement, at 407 Whitehaven Avenue, from Edna V. Johnson, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

D. Acquisition of 142.50± square feet of permanent easement, at the 400 Block of Whitehaven Avenue, from Edna V. Johnson, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

E. Acquisition of 125± square feet of permanent easement, at 2408 Celia Avenue, from Sylvia L. Grigg, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

F. Acquisition of 125± square feet of permanent easement, at 2406 Celia Avenue, from Evelyn M. Perry, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

G. Acquisition of 125± square feet of permanent easement, at 2404 Celia Avenue, from Emmie L. Delaney, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

H. Acquisition of 150± square feet of permanent easement, at 2400 Celia Avenue, from Sadie F. Brewer, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

I. Acquisition of 462.50± square feet of permanent easement, at the 2300 Block of Celia Avenue, from the Charlotte-Mecklenburg Board of Education, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

J. Acquisition of 437.50± square feet of permanent easement, at (vacant land) 2300 Block of Celia Avenue, from Bernard C. Jamison, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

K. Acquisition of 125± square feet of permanent easement, at 2224 Celia Avenue, from Boyd Plummer and wife, Eleanor, Gene Lipe and wife, Fannie D., for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

L. Acquisition of 250± square feet of permanent easement, at 2226 Celia Avenue, from Rachel T. Collins, for $1.00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

M. Acquisition of 125± square feet of permanent easement, at 2218 Celia Avenue, from Cecil Dunham and wife, Louise M., for $1 00, for the Sidewalk Construction Program - Phase 7. (Permanent Easement)

N. Acquisition of 106.18 linear feet plus temporary easement, at 733 Stratfordshire Drive, Matthews, N.C., from George S Thompson and Karen A. Thompson, for $106.00, for Sanitary Sewer to Serve Benton Woods Subdivision. (Easement)

O. Acquisition of 629.02 linear feet plus temporary easement, at 500 Harrogate Road, from Stephen W. Haas and wife Linda M. Haas, for $1,100.00, for Sanitary Sewer to Serve Benton Woods Subdivision. (Easement)

P. Acquisition of 5,436 square feet, at Johnston Road and N. C. 51, from Treva Woods Townhouse Association, for $1.00, for Access and Drainage Easement - Treva Woods Townhouse Association. (Permanent Easement)

- PENDING MATTERS -

In meeting on Monday, April 22, 1985, City Council will make nominations for appointment to the following

(1) Citizens Advisory Committee - Convention & Visitors Bureau

Eight terms expire on March 26, 1985. All incumbents were appointed a year ago for initial terms and are eligible for reappointment. Appointment will be for two-year terms

(2) Charlotte Uptown Development Corporation - Board of Directors

Francis (Buddy) Kemp has resigned from the Board Appointment will be in the business category, for an unexpired term ending August 31, 1987

(3) Citizens' Advisory Council for Hazardous Chemicals

Two terms expire on Mav 23, 1985 Appointments are for three-year terms Both incumbents are eligible for reappointment

(4) Parks Advisory Committee

Two terms expire on June 1, 1985 Appointments are for three-year terms Both incumbents are eligible for reappointment

(5) Parade Permit Committee

One position for an unexpired term ending March 1, 1986 Nominations were originallv announced for April 1, but have been delaved

- SCHEDULE OF MEETINGS -
April 1 - 12, 1985

Monday, April 1	LUNCHEON and Series of PRESENTATIONS Training Center	12 00 Noon
	COUNCIL MEETING Council Chamber	3.00 p. m.
Monday, April 8	EASTER HOLIDAY (City Offices Closed)	