

AGENDA

Meeting Type:	BUSINESS
Date:	06/24/1996

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

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

Council Agenda

CITY COUNCIL MEETING **Monday, June 24, 1996**

5:00 p.m.

Conference Center

**Dinner Briefing
(See Table of Contents)**

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

Formal Business Meeting

CITY COUNCIL AGENDA

Monday, June 24, 1996
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CONSENT

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**5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER**

- 1. Internet Access to Government**
- 2. Stadium Update**
- 3. Uptown Cadet Program**

**6:30 P.M. CITIZENS HEARING
MEETING CHAMBER**

CONSENT

- 4. Consent agenda items 15 through 30 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

Staff Resource: Julie Burch

PUBLIC HEARING

- 5. Public Hearing and Resolution to Abandon and Close Shady Hills Circle**

Action:

- A. Conduct a public hearing to abandon Shady Hills Circle; and**
- B. Adopt the Resolution to Close.**

Staff Resource: Doug Gillis

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

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

Background: **Petitioner:**
Dayton Hudson Corporation

Right-of-Way to be abandoned:
Shady Hills Circle

Location:
Southeastwardly from/to University City Boulevard between Carolyn Lane and Chancellor Park Drive.

Reason:
To incorporate the right-of-way into the adjacent property to facilitate the development of a new Target Store/shopping center in accordance with Rezoning Petition 96-20 (approved March 25, 1996).

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(s) - No objection
Shady Hills 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 individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes.

Attachment 1
Vicinity Map

ZONING DECISION

5. Zoning Petition #96-33

Action: Decision on Petition #96-33 by Lang Priester for a change in zoning for approximately 1.46 acres on the east side of Newland Road between Gilbert Street and Holly Street from R-5 to O-1(CD).

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved with the following modification:

- The requested district be modified to R-8MF(CD).

This decision was deferred for one week at the May 20 meeting, and to June 10 at the May 28 Council Meeting, and to June 24 at the June 10 Council Meeting.

Attachment 2

6. Zoning Petition No. 96-37

Action: Decision on Petition No. 96-37 by James F. Beahan for a change in zoning for approximately 13,000 square feet located on the northerly side of the Rutland Plastic Technologies, Inc. Properties east of Rodney Street and south of I-485 from R-4 to I-2.

The Zoning Committee recommends this petition be approved.

Attachment 3

7. Zoning Petition No. 96-41

Action: **Decision on Petition No. 96-41 by D. L. Phillips Investment Builders, Inc. for a change in zoning for approximately 9.6 acres on the west side of Barringer Drive at Stuart Andrew Boulevard from I-1(CD) to I-2 (CD) and consideration of an I-1(CD) Site Plan Amendment.**

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends this petition be approved with the following modifications:

- That there be no vehicular traffic or loading docks permitted on the side of the tract abutting the existing residential development, that tractor trailer parking be limited to the parking area shown on the site plan, and; that a note be incorporated providing a stormwater easement through the site.

Attachment 4

8. Zoning Petition No. 96-63

Action: **Decision on Petition No. 96-63 by Claire K. Tate for a change in zoning for approximately 10.74 acres located between Lakewood Avenue and Norwood Drive, south of Kalyne Street from R-5 with a Special Use Permit for Institutional Use in a residential district to Institutional with termination of the Special Use Permit.**

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee will meet to discuss this rezoning at 4:30 p.m. on June 24, 1996. At that time they will have a recommendation for Council on this Petition.

Attachment 5

POLICY

9. City Manager's Report

10. Hoskins Mill Bankruptcy

Action: Approve the City's waiver of its right to declare a default in its loan to Hoskins Mill Associates Limited Partnership because of the Court approved sale of the property that secures the loan.

Staff Resource: J. W. Walton

Focus Area: City Within a City

Policy: Preservation of existing, affordable low-income housing units.

Explanation of Request:

- The City has been advised that Hoskins Mill Apartments Limited Partnership (a new partnership) intends to purchase substantially all the assets of Hoskins Mill Associates Limited Partnership (the current debtor) pursuant to the Second Amended Plan of Reorganization for the debtor which was confirmed by the United States Bankruptcy Court for the Western District of North Carolina by order entered May 31, 1996.
- City Council approval of this action will confirm that the City of Charlotte does not and will not consider that the new partnership's purchase of the current debtor's assets as set forth in the Second Amended Plan of Reorganization constitutes a default or warranty under the term of
 - the Innovative Housing Fund Loan Agreement between Trenton Properties, Inc. and the City dated November 30, 1987;

- the Amended and Restated Innovative Housing Fund Loan Agreement in the amount of \$2,355,000 dated December 31, 1988, as amended or modified; or
 - any note, mortgage, deed of trust, security agreement, guaranty agreement, subordination agreement, collateral assignment or other instrument or agreement executed in connection with either the original Loan Agreement or the Amended Loan Agreement.
- City Attorney's Office has determined that only City Council has the authority to approve or disapprove this action.
 - This action will not affect the City's current lien position.
 - Approval of this action will preserve the 189 units of housing for low-income families and the elderly and correct the existing code violations.
 - Delay of this action will cause the new partnership to lose one month of tax credits which will impact needed revenue for the project to move forward.
 - Disapproval of this action might cause the project to be closed down and the property sold as part of the bankruptcy proceedings.
 - Attached is a background of previous Council actions.
 - Additional information will be included in Friday's Council-Manager Memo.

Attachment 6
Background

BUSINESS

11. Josh Birmingham Parkway Pilot Landscaping Plan

Action: Consider a pilot landscaping plan for Josh Birmingham Parkway proposed by the North Carolina Department of Transportation (NCDOT) at the request of Parkway Advertising.

Staff Resource: Jerry Orr

Explanation of Request:

- Since 1992, Parkway Advertising and Adams Outdoor Advertising have repeatedly petitioned NCDOT to cut trees on Josh Birmingham Parkway.
- The North Carolina Department of Transportation (NCDOT) has proposed a pilot project to cut trees and plant wildflowers, if Charlotte City Council and the Airport indicate their support.
- The NCDOT proposal is in response to a request made by billboard owner, Ed McCoy of Parkway Advertising.
- The Airport Advisory Committee (AAC) voted on May 7, 1996 to "take no exception to the State's landscaping plan, so long as the screening of off-site development is no less than it is presently."
- The NCDOT planted the pine trees when the road was constructed. The trees screen mobile homes and commercial buildings from the road. The intent was to provide a heavily landscaped non-commercial entrance to the Airport.
- The Aviation Director does not support the removal of trees to improve the view of billboards.
- In January 1992 Adams Outdoor Advertising sued the NCDOT for planting vegetation in front of or near their billboards. They lost their case.

Background:

- On March 8, 1994 Parkway Advertising and Adams Outdoor Advertising approached the Airport with a voluntary landscaping plan. The plan proposed to selectively cut random natural growth trees on certain portions of the Parkway and install replacement landscape material at the billboard owners' expense. The cost of the plan was approximately \$50,000. The Airport would have been responsible for maintaining the landscaped areas. The AAC voted to support the billboard owners' landscaping proposal to NCDOT.
- On April 8, 1994 the Airport notified NCDOT of the AAC's approval of the landscaping plan. NCDOT reviewed and denied the request because selective removal of vegetation violated the State's current policies and practices.
- On July 6, 1994 Parkway Advertising sent a letter to NCDOT questioning the reason for denial of the landscaping plan.
- On September 27, 1994 NCDOT reviewed the billboard owners' request again and reaffirmed their original decision to deny the landscaping plan for the same reasons.
- The City's Arborist has advised that it is inconsistent with the City policy to allow trees to be pruned or removed from the Parkway to improve the view of billboards.
- On November 1, 1995 Peter Pappas, member of the NCDOT Board, notified City Council Member Ella Scarborough that the NCDOT staff is prepared to implement a pilot landscaping project on the Parkway, upon receiving notification from the Charlotte City Council and Airport for total support of selective clearing and replanting.

12. Convention Center - Legal Representation

Action: Approve a contract in the amount of \$450,000 with Moore & Van Allen for legal representation regarding the Convention Center litigation.

Staff Resource: Mac McCarley and Clark Reading

Explanation of Request:

- Moore & Van Allen is representing the City in the City's lawsuits against Blythe Construction Company and Joseph Shisko, Inc. in relation to the construction of the new Convention Center.
- This Contract will fund Moore & Van Allen's expenses incurred during litigation. It is anticipated that this Contract will cover these expenses through completion of these cases. This item is consistent with the briefings given to Council in Executive Session on April 22 and June 10.
- Moore & Van Allen has been working under separate contracts (\$50,000 for Shisko and \$50,000 for Blythe) that were intended to cover initial research. This new Contract will be in addition to the current contracts, and will consolidate the legal work on these two cases into one contract.
- Funding for the contract is available in the Convention Center account.

13. Employee Health Insurance Stop Loss Coverage

Action: Approve a one year contract with Lexington Insurance Company to provide specific "stop loss" coverage for health insurance claims which exceed \$200,000 each fiscal year per individual.

Staff Resource: Bill Wilder

Policy:

Human Resources' management philosophy adopted by City Council provides that the City will aggressively manage costs for employee group benefits.

Explanation of Request:

- The Human Resources' philosophy approved by the City Council provides that benefits programs will be reviewed on a regular basis and changed as circumstances warrant.
- Consistent with the Human Resources' philosophy, all of the employee group insurance programs are currently going through a competitive bidding process. The bidding process for health insurance coverage should be completed and recommendations presented to the City Council within the next two months. The results of the bidding processes for other insurance coverages should be completed shortly thereafter.
- The City has a group health insurance program which is primarily "self funded." Under the "self funded" approach, the City budget includes the funds for the payment of health insurance claims, and a company (currently Healthsource - Provident) is retained to process claims and manage the health care network. There are financial benefits to the City under this funding approach, including the avoidance of premium taxes.
- The only health insurance claims which the City does not self fund are those which exceed \$200,000 for a covered individual in a fiscal year. The City purchases specific "stop loss" insurance to cover the liability for these claims. Other organizations with workforces comparable in size to the City typically purchase specific "stop loss" insurance coverage.
- The rebidding process for specific "stop loss" insurance has been completed. This process had to be completed sooner than the rebidding processes for other coverages due to the following reasons:

1. The specific "stop loss" insurance contract is for a July - June period.
2. There could be a large financial liability to the City if the most cost-effective contract were not in effect for July 1996. (The claims incurred for the period of time when the most cost-effective contract were not in effect would not count as credit toward the "stop loss" amount.)

- As part of the rebidding process for specific "stop loss" coverage, Requests for Proposals were sent to ten companies which specialize in providing such coverage for group health insurance plans. In addition, advertisements were placed in The Charlotte Observer and The Business Journal to request proposals.
- Following is a list of the companies which submitted bids and the approximate annual cost for each company. (The cost is approximate because the premiums will be paid monthly by the City and will be based on the number of actual employees which are on the payroll each month.)

\$ 171,284	Lexington Insurance Company
\$ 174,299	Canada Life
\$ 179,681	American Stop Loss
\$ 290,679	Intermediary Insurance Services
\$ 444,323	Provident Life and Accident

NOTE: The current contract cost with Provident Life and Accident is \$387,651.

- It is recommended that the City contract with Lexington Insurance Company (owned by American International Group) for the following reasons:
 1. It is the company with the lowest bid. The contract would result in a \$273,038 savings for FY97 that will be retained in the Insurance Fund until the rebidding process is completed.
 2. Client references have been checked and are positive.
 3. The company has either Exceptional or Superior ratings by the prominent rating agencies.

- It is recommended that the contract include the following premium structure to be funded by the City:

\$1.66 per month for each employee with single coverage

\$4.08 per month for each employee with dependent coverage

Background:

- The \$200,000 “stop loss” amount is based on actuarial analyses and was approved last year by the City Council as part of the FY96 budget approval process.

14. Closed Session

Action:

Move that Council go into closed session to consider the qualifications, competence, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Introduction to CONSENT I and II

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

CONSENT I

15. Various Bids

A. Chipley-Fugate Storm Drainage Repair **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of \$748,889.36 by KIP Corporation of Charlotte, NC. This storm drainage repair project includes drainage, grading, paving, seeding & mulching, erosion control, water/sanitary sewer relocations and replacements, and traffic control. The project runs from Edwards Branch near Colonnade Drive eastward crossing Briar Creek Road, Washburn Avenue, Fortune Street, Chipley Avenue, and Fugate Avenue, terminating at Monroe Road.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$25,418	3%	9%
ABE	0	0	1%
WBE	\$16,693	2%	5%

Compliance: Yes. Low bidder has shown good faith effort.

B. Storm Water Maintenance FY96-E

**Engineering and
Property Management**

Recommendation: The City Engineer recommends the low bid of \$359,755 by Blythe Development Company Of Charlotte, N.C. This storm water maintenance project will provide maintenance, repair, and construction for six months on various drainage projects within the city limits.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$21,600	6%	6%
WBE	\$21,600	6%	6%

Compliance: Yes.

C. Quick Lime - CMUD Chemicals

CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends acceptance of an award in the amount of \$278,400 to Eastern Ridge Lime Company, of Ripplemead, Virginia. Also recommend approval for the option to renew for an additional two (2) year period at the same terms and conditions subject to available funds. The Quick Lime is a vital component for stabilization of the residuals resulting from the treatment of wastewater.

MWBD Compliance: Yes. There are no known MWBD vendors.

D. Rubber Tired Loader

CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low acceptable bid of \$155,184 by L. B. Smith Equipment Co., Charlotte, NC. The loader will be used by the Residual Management Facility at McAlpine Creek Wastewater Treatment Plant.

MWBD Compliance: Yes. There are no known MWBD vendors.

16. Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of \$13,947.50.

Attachment 7

17. Speed Limit Change

Action: Adopt ordinances to lower the speed limit on 9 Charlotte streets as follows:

Neighborhood 25 MPH Program:

First Street (Todd Park)
Second Street (Todd Park)
Third Street (Todd Park)
E. Todd Lane (Todd Park)
Rounding Run Road (Raintree)
Todd Road (Todd Park)
W. Todd Lane (Todd Park)
Winfield Drive (Sheffield Park)

CDOT Safety Evaluation:

Park Drive from 35 MPH to 25 MPH

18. Set Public Hearing to Abandon Beech Street

Action: A. Adopt the Resolution of Intent to abandon Beech Street; and

B. Set a Public Hearing for July 22, 1996.

Attachment 8
Vicinity Map

19. Set Public Hearing to Abandon a Portion of China Grove Church Road

Action: A. Adopt the Resolution of Intent to abandon a portion of China Grove Church Road; and

B. Set a Public Hearing for July 22, 1996.

Attachment 9
Vicinity Map

CONSENT II

20. Revised Council Meeting Schedule for 1996

Action: Approve the revised official Council Meeting Schedule for 1996.

Explanation of Request:

- N.C. General Statute 143-318.12 requires that a schedule showing the time and place of regular meetings be kept on file with the City Clerk.
- In order to make this schedule complete, the City Clerk has added the Lunch Briefings to the schedule for the second and fourth Mondays.

Attachment 10

21. Uptown Decorative Sign Ordinance

Action: Adopt an ordinance regulating decorative signs within the public rights-of-way in Municipal Service Districts 1, 2, and 3, and to exempt such signs from provisions contained in the Zoning Ordinance, Chapter 13.

Explanaton of Request: These provisions are established to regulate temporary decorative signs within public rights-of-way in municipal service districts 1, 2, and 3 in order to accomplish the following:

- This ordinance was previously approved by City Council on February 8, 1993. Recently, it has been discovered that the ordinance was inadvertently removed from the City Code with another ordinance revision.
- To provide standards/guidelines regarding the display of banners, flags, pennants and other decorative and informative signs on public rights-of-way or public property in municipal service districts 1, 2, and 3.

- To restrict the display of decorative signs which overloads the public's capacity to receive information, which violates privacy or which increases the probability of accidents by distracting attention or obstructing vision.
- To provide opportunities for sponsors to promote events sanctioned through its contract with the Central Charlotte Division of the Charlotte Chamber of Commerce (CCD) by the city council or by the city manager or his designee.
- To provide an opportunity for the general business district to display decorative, seasonal banners on the Tryon Street Mall, Trade Street, and other streets within the central business district;
- To establish guidelines which include, but are not limited to, size, materials, locations, erection and removal of decorative signs within municipal service districts 1, 2, and 3; and
- To delegate an administrative procedure to the CCD for application, issuance of approval and display of decorative signs within the municipal service districts 1,2, and 3.

22. Airport Reroofing Budget Ordinance and Contract Award

- Action:**
- A. Approve a budget ordinance appropriating \$230,000 of bond funds interest earnings to complete project funding; and**
 - B. Award a \$943,500 contract to the low bidder, Cyclone Roofing of Matthews, NC for the reroofing of portions of the airport terminal building.**

- Explanation of Request:**
- This contract will provide for the reroofing of the main terminal building, covering approximately 108,000 square feet.

- Due to expansions and construction, such as the additions of Concourse D and the food court/atrium, the roof has become weakened and leaks. A major portion of the reroofing will take place on the roof installed in 1982.
- The contract amount of \$943,500 is 17.9% under the estimated cost of \$1,149,208.
- In May 1996 the Airport did not receive three bidders and readvertised the project bids per state bid laws.
- In June 1996 the Airport received the following bids:

Cyclone Roofing Company	\$943,500
Murton Roofing of SC	\$1,379,550

DBE Goal	5%
DBE Achieved	7.1%

Background:

23. FAA Grant Acceptance, Budget Ordinance and Contract Awards to Ramp B Expansion and Air Cargo Center - Phase 3

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) Grant, in the amount of \$8,520,828;
 - B. Approve a budget ordinance to appropriate the FAA grant and Airport funds for the construction of the Ramp B Expansion and Air Cargo Center - Phase 3;
 - C. Award a construction contract in the amount of \$3,982,467.25 to W. C. English, Inc. of Lynchburg, VA for the Air Cargo Center - Phase 3;

- D. Award a construction contract in the amount of \$8,550,647 to W. C. English, Inc. of Lynchburg, VA for the Ramp B Expansion;
- E. Award a quality assurance testing contract for the Air Cargo Center-Phase 3 in the amount of \$100,000 to On-Spec Testing, Inc. of Charlotte, NC; and
- F. Award a quality assurance testing contract in the amount of \$ 150,000 to Law Engineering, Inc. of Charlotte, NC for the Ramp B Expansion.

Explanation of Request:

- The FAA has offered a grant in the amount of \$8,520,828 of which \$2,773,828 is a portion of our entitlement funds for FY96 and \$5,747,000 is capacity discretionary funds for FY96.
- Each year, the FAA provides entitlement funds based on passenger enplanements. FY96 entitlement funds total \$6,511,603 and the remaining entitlement funds will be used for reimbursement of Master Plan Land Acquisition in a companion Council action.
- In addition, the FAA provides funding at the Secretary of Transportation's discretion to high priority airport projects. This year the FAA will provide \$10,447,000 in discretionary funding that will be used for Noise Compatibility and Airport capacity issues.

**Air Cargo Center - Phase 3 Bid Summary
(includes bid alternate)**

W. C. English, Inc.	\$3,982,467.25
APAC-Georgia, Inc.	\$3,987,243.31
Lane Construction	\$4,683,890.30

DBE Goal	20.0%
DBE Achieved	20.3%

Ramp B Expansion

W. C. English, Inc.	\$8,550,647.00*
APAC-Georgia, Inc.	\$9,510,097.80
Lane Construction Co.	\$9,667,402.00
The Hardaway Co.	\$10,784,703.00

*Negotiated contract amount to bring project within budget.

DBE Goal	21.0%
DBE Achieved	21.0%

Quality Assurance Testing - Air Cargo Center
On-Spec Testing \$100,000.00

DBE Goal	25%
DBE Achieved	100%

Quality Assurance Testing - Ramp B Expansion
Law Engineering \$150,000.00

DBE Goal	5%
DBE Achieved	10%

Funding:

The FAA is providing for 75% of project costs. The remaining matching funds of 25% are provided with Airport funding. A future Airport Revenue Bond will be issued for permanent financing of the projects.

Background:

- 1987 - The Airport Master Plan identified the expansion of the cargo ramp and the air carrier ramp.
- 1990 - The Airport Cargo Master Plan identified the expansion of the cargo area on the south side of the Airport along Yorkmont Rd.
- June 1995 - Council awarded a design contract for Ramp B Expansion and appropriated funds for Ramp B Expansion.
- August 1995 - Capacity Enhancement Plan identified \$7 million in delay avoidance savings available by the combination of Taxiway F construction and Ramp B Expansion.

- September 1995 - Council accepted FAA Grant AIP-25 for the Taxiway F Construction, which is the first phase of the Ramp B Expansion.

24. FAA Grant Acceptance and Budget Ordinance

- Action:**
- A. **Adopt a resolution accepting a Federal Aviation Administration (FAA) Grant, in the amount of \$8,437,775; and**
 - B. **Adopt a Budget Ordinance to appropriate the FAA funds for the reimbursement of Master Plan Land Acquisition costs, and FAR Part 150 Land Acquisition and Sound Attenuation.**
- Explanation of Request:**
- The FAA has offered this grant in the amount of \$8,437,775. \$3,737,775 is a portion of this year's entitlement funds and \$4,700,000 is noise discretionary funds.
 - The Master Plan Land Acquisition is for reimbursement of two parcels totaling 29.8 acres and the relocation of AMP Corporation and Harvest Temple Church.
 - The FAR Part 150 Land Acquisition is for the purchase of 55 parcels and relocation costs.
- Funding:**
- The FAA will provide a federal grant to fund 75% of the Master Plan land project costs and 80% of the FAR Part 150 land project costs.
- Background:**
- In October 1988 City Council approved an action plan for accelerating the Airport's FAR Part 150 Noise Compatibility Program.
 - To date, the Airport has expended over \$34 million in Federal and City funds for the Noise Compatibility Program, including:

- acquiring 290 residences, and
- insulating 221 homes, 3 schools and 5 churches.

25. Duke Power Parking Deck Budget Ordinance

Action: Approve a budget ordinance for the Duke Power Parking Deck Fund in the amount of \$700,000.

Explanation of Request:

- In July 1994, City Council approved the financial agreement between the City, Duke Power, and Central Parking for managing the new NFL Stadium Parking Deck. The deck opened for business on May 1, 1996.
- This action appropriates Duke Power rent and parking fees necessary to pay for the deck's operating expenses and debt service.
- The deck is owned by the City. The land is owned by Duke Power. Duke Power rents a portion of the spaces from the City and pays rent to the City based on the allocated share of the debt service payment and operating expenses. The parking fee revenues are shared among the City and Duke Power based on the ratio of spaces occupied.

26. Debt Service Payment Budget Ordinance

Action: Approve a budget ordinance totaling \$350,000 from Municipal Debt Service Fund fund balance for an additional debt payment due for FY96.

Explanation of Request:

- In October 1995 the City refinanced two 1992 general obligation bond issues that resulted in savings of \$1.5 million. In order to accomplish this, the City was required to make the scheduled FY96 debt service payment on the 1992 bonds, as well as an unscheduled FY96 debt service payment on the new refunding bonds.

- This action provides the funds necessary to make the additional payment. The need for the additional payment was known at the time of the refinancing and was taken into consideration in calculating the \$1.5 million savings.

27. Resolution, Budget Ordinance and Construction Contract for the Town of Matthews Water Mains - Phase 2

Action:

- A. Adopt a resolution amending the F96-00 Capital Investment Plan accelerating the Matthews Water Main Phase II project;**
- B. Approve a budget ordinance appropriating \$3,245,000 deposited by the Town of Matthews; and**
- C. Approve a construction contract with State Utility Contractors, Inc. for the construction of the Town of Matthews Water Mains - Phase 2 for \$1,190,230.15.**

Explanation of Request:

- This project will be funded by Matthews bonds. The Town of Matthews has already deposited \$6,000,000 with the City of Charlotte for water main design and construction.
- The budget ordinance will appropriate \$3,245,000 from Matthews Water Bonds.
- The construction contract with State Utility Contractors, Inc. is for construction of the project (\$1,190,230.15).
- The request for the resolution, budget ordinance and construction contract have been combined into one action since all are required to go forward with this project.

- The Charlotte-Mecklenburg Utility Director recommends the low bid of \$1,190,230.15 by State Utility Contractors, Inc. of Monroe, North Carolina.

MWBD Status:

	Amount	% of Project	Project Goals
BBE	\$19,890	1.7%	5%
WBE	\$8,375	0.7%	3%

Compliance: Yes. The contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women-owned business firms. State Utility Contractors, Inc. has committed all available subcontract opportunities to minority and women businesses. The remainder of the work will be performed by State Utility Contractors' forces.

28. Assets Forfeiture Funds Budget Ordinance

Action: Approve a budget ordinance appropriating \$46,512 in assets forfeiture funds for the DARE Camp and the purchase of additional computers for Property Control.

Explanation of Request:

- The Police Department plans to use assets forfeiture funds for two separate expenditures. The first is an appropriation of \$20,000 to the DARE Camp of Champions which is held every summer. Two hundred young people who graduate from DARE classes in Charlotte-Mecklenburg Schools are selected to attend the week-long camp which teaches discipline, team building, leadership and life skills. The students who attend represent a cross-section of the community and are chosen based on their performance in DARE and their potential to become effective peer leaders.

- The camp is funded by private donations. The proposed appropriation from assets forfeiture funds will supplement those contributions. The money will be used for cabins, food, transportation for the campers and educational and recreational materials.
- This expenditure is allowed under the provision of the assets forfeiture laws which allows the Police Department to use up to 15% of assets forfeiture funds during each fiscal year in support of programs outside the department which further the goals of law enforcement. These funds will also be used to leverage additional matching contributions from other sources.
- \$26,512 of the assets forfeiture funds will be used to equip four additional computer work stations in the Property Control Bureau with computers, monitors, printers, software, and cabling. This equipment will be used for the Police Department's computerized property control system which will aid in the tracking of evidence and recovered property.

29. Property Transaction

Action: Adopt the following condemnation resolution.

- B.** **Project:** Sanitary Sewer to Stoney Creek Tributary to Mallard Creek Road, Parcel #3
Owner(s): Miranda Boger Heirs and any other parties of interest.
Property Address: 6.96 acres off Sir Anthony Drive.
Property to be acquired: 51,192 sq.ft. (1.18 ac.)
Improvements: None
Purchase Price: \$2,700
Remarks: Ms. Miranda Boger died without a will which left 24 heirs to the above property. Some of the heirs are out of the state and some are not willing to cooperate; therefore, condemnation is requested to avoid delay of the project.
- Zoned:** R-3 **Use:** Vacant
1991 Tax Value: \$250
Tax Code: 029-031-01

30. Meeting Minutes

Action: Approve minutes as follows:

- May 13, 1996 Business Meeting
- May 14, 1996 Budget Workshop
- May 16, 1996 Budget Workshop
- May 20, 1996 Zoning Meeting
- May 21, 1996 Budget Workshop
- May 23, 1996 Budget Workshop

ANNOUNCEMENTS

On July 22, 1996, the City Council will nominate citizens to fill seats on the following Boards:

1. **Airport Advisory Committee**
Two three year appointments beginning August, 1996. One must reside on the west side of Charlotte. Frances Harkey and Bill Covington are eligible to be reappointed.
2. **Domestic Violence Advisory Board**
One regular three year appointment beginning September, 1996. Valerie Woodard is not eligible to be reappointed.
3. **Minority/Women's Business Development Program Advisory Committee**
One appointment beginning immediately and serving the duration of the program, until January, 1998, to replace Councilmember Malachi Greene.
4. **Mint Museum Board**
One three year appointment beginning August, 1996. Nancy Williams is eligible to be reappointed.
5. **Parade Permit Committee**
One appointment to fill an unexpired term beginning immediately and ending January 1, 1998. Todd Duncan has resigned.
6. **Parole Accountability Committee**
One position beginning immediately to fill an unexpired term ending June, 1998. Keith Shannon has resigned.
7. **Taxicab Review Board**
One appointment beginning immediately and expiring September, 1997 to represent the Operating Permit Holder designation. Joyce Bradley has not met attendance requirements.

Applications may be obtained from the Office of the City Clerk by calling 336-2248. All applications must be returned by 5:00 p.m. on July 16, 1996.