

**AGENDA**

Meeting Type:	BUSINESS
Date:	09/24/1996

City of Charlotte, City Clerk's Office



*Mayor Patrick McCrory    Mayor Pro Tem Al Rousso*

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<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** **Tuesday, September 24, 1996**

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**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**





## BUSINESS

<u>11.</u>	Charlotte Neighborhood Fund	12	5
<u>12.</u>	Extension of Contracts for Multifamily Solid Waste Collection Services	15	
<u>13.</u>	Solid Waste Collection Services Contract Amendment	16	
<u>14.</u>	October 7 Workshop Agenda	17	

## CONSENT I

<u>15.</u>	Various Bids	18	
	A. Bus Tires	18	
	B. Sanitary Sewer Construction - 2500 Rocky River Road	18	
	C. Water and Sewer Main Construction - FY97 Contract C - Street Main	19	
<u>16.</u>	In Rem Remedy	20	
	A. 224-26 N. Irwin Avenue	21	6
	B. 314 Norwood Drive	21	7
	C. 2313-15 Tate Street	21	8
	D. 2325-27 Tate Street	21	9
	E. 2014 Rozzelles Ferry Road	22	10
	F. 2801 Clyde Road	22	11
	G. 500 Nelson Avenue	22	12
	H. 408-10 Tuckaseegee Road	22	13
	I. 128 Lakewood Avenue	23	14
	J. 2927 Clyde Drive	23	15
	K. 912-14 Harrill Street	23	16
	L. 842-44 Belmont Avenue	23	17
	M. 420 Nelson Avenue	24	18
	N. 308 Skyland Avenue	24	19
	O. 219 Orange Street	24	20
	P. 2609 Hemphill Street	24	21
	Q. 2611 Hemphill Street	25	22
	R. 212 Jones Street	25	23
	S. 9350 China Grove Church Road	25	24

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
<u>17.</u>	Speed Limit Change	26	
<u>18.</u>	Refund of Certain Taxes	26	25

## CONSENT II

<u>19.</u>	Declaration of Withdrawal from Dedication	27	26
<u>20.</u>	Agreement for the Purchase and Sale of Electricity	28	
<u>21.</u>	Airport Satellite Parking Lot Expansion - Budget Ordinance and Bid Award	29	
<u>22.</u>	Resolution Accepting FAA Grant	30	
<u>23.</u>	USGS FY97 Cooperative Agreement	31	
<u>24.</u>	FY96 Storm Water Maintenance Package C - Change Order #1	32	
<u>25.</u>	Condemnation Settlement	33	
<u>26.</u>	Property Transactions	34	

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

- 1. Citizen Comments on Airport Master Plan Process**
- 2. City Within A City Committee Report: In Rem Policy/Process;  
Charlotte Neighborhood Fund**
- 3. Economic Development and Planning Committee Report: Urban  
Corridor Districts**

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

**CONSENT**

- 4. Consent agenda items 15 through 26 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

# PUBLIC HEARING

## 5. Public Hearing to Close a Portion of West Twenty-Third Street

**Action:** A. Conduct a public hearing to abandon a portion of West Twenty-Third Street; and

B. Adopt the Resolution to Close.

**Staff Resource:** Scott Putnam

**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 this public right-of-way.

**Background:**

- **Petitioner:**  
BellSouth Telecommunications, Inc.
- **Right-of-Way to be abandoned:**  
A portion of West Twenty-Third Street
- **Location:**  
From approximately 210 feet northwest of N. Poplar Street to Hobbs Street
- **Reason:**  
To incorporate the right-of-way into the adjacent property to combine existing parking lots
- **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  
Dellehey Courts Association





- **Reason:**  
To incorporate the right-of-way into the adjacent property to develop the proposed Grand Oak 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 association(s) - No objection
  - Private Utility Companies - No objection
  - City Departments' review has not identified a reason this closing would:
    - Be contrary to the public interest; or,
    - Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes.

**Attachment 2**  
Vicinity Map

**7. Public Hearing to Close an Unnamed Right-of-Way Between Euclid and Cleveland Avenues**

- Action:**
- A. **Conduct a public hearing to abandon an unnamed right-of-way between Euclid and Cleveland Avenues; and**
  - B. **Adopt the Resolution to Close.**
- Staff Resource:** Scott Putnam
- 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 this public right-of-way.

**Background:**

- **Petitioner:**  
Robert M. Ryan, The Boulevard Company
- **Right-of-Way to be abandoned:**  
Unnamed right-of-way between Euclid and Cleveland Avenues
- **Location:**  
From Cleveland Avenue southeastwardly for a distance of approximately 243 feet
- **Reason:**  
To incorporate the right-of-way into the adjacent property to develop the proposed Atherton Heights subdivision by The Boulevard Company
- **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  
Brookhill Community Organization
  - Private Utility Companies - No objection
  - City Departments' review has not identified a reason this closing would:  
  
Be contrary to the public interest; or,  
  
Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes.

**Attachment 3  
Vicinity Map**

# ZONING DECISION

## 8. Urban Corridor District (Zoning Petition # 96-19)

**Action:** Approve the Economic Development and Planning Committee recommendation to:

- A. Defer a decision on the Urban Corridor District (Zoning Petition No. 96-19) until a pilot corridor design plan has been completed; and
- B. Authorize staff to initiate a corridor design plan for the segment of East Boulevard between Little Sugar Creek and Dilworth Road East.

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Laura Harmon and Dave Smith

- Explanation of Request:**
- The rezoning petition for the Urban Corridor District text amendment was referred by the full Council to the Economic Development and Planning Committee for resolution of some outstanding issues.
  - Because of legal difficulties in resolving the issue "3/4 vote" for individual parcels, the Committee recommends that the final decision for this proposed zoning district be postponed until Council has the opportunity to review an example of an actual corridor design plan which would include the zoning standards for a particular corridor. The "3/4 vote" requires nine affirmative votes to rezone a property which has been protested by the property owner or adjacent owners.

- The committee recommends that a pilot corridor design plan be developed for the segment of East Boulevard between Dilworth Road East and Little Sugar Creek. The Planning Commission will appoint a task force to work with Planning staff to develop the plan for East Boulevard. Property owners will be surveyed to determine which owners are interested in participating on the task force. Civic and business groups, such as the Dilworth Community Development Association and the Charlotte Metro Business Council, will also be asked to identify potential task force members.
  
- Staff anticipates that a pilot corridor design plan could be completed by the middle of 1997. By considering petition 96-19 and a completed corridor design plan at the same time, the concerns about "downzoning" and the "3/4 vote" can be assessed against a concrete example instead of in the abstract. A completed corridor design plan will provide a context for discussion of the following:
  - the advantages and disadvantages of the application of the Urban Corridor District;
  - the definition of a "downzoning";
  - whether the City's method of applying the protest petition provides sufficient protection for small property owners;
  - the desirability of adopting an individual voting procedure for "downzoning" properties; and
  - the advantages and disadvantages of a "sunset" provision.
  
- City Attorney staff will continue to work with representatives of the real estate community to deal with the issue of "downzoning" and the "3/4 vote."

**Background:**

- Earlier this year the Charlotte-Mecklenburg Planning Commission initiated a rezoning request (Zoning Petition # 96-19) for a text amendment for a new zoning district that would allow the development of tailored zoning standards for some of Charlotte's urban business corridors. These standards would address elements such as building heights, floor area ratio or densities, permitted uses, parking requirements, and setbacks. The specific standards would be different for each individual corridor.
  - On April 22, the Zoning Committee of the Planning Commission unanimously recommended that the City Council adopt the proposed district.
  - On May 20, the City Council referred Rezoning Petition 96-19 (Text Amendment for the proposed Urban Corridor District) to the Economic Development and Planning Committee for resolution of outstanding issues related to the proposed district.
  - The Economic Development and Planning Committee met on July 9 and identified two outstanding issues related to the proposed Urban Corridor District. The first issue was the desire to include a "sunset" provision for the district. The second issue was the potential to invoke a "3/4 vote" for individual parcels that are being "downzoned". The Committee directed staff to develop potential approaches for dealing with these two issues.
  - Prior to the September 4 meeting of the Economic Development and Planning Committee, City staff reviewed the two outstanding issues. Options for dealing with the "sunset" provision were identified. However, the City Attorney's Office stated that the protest petition statute will not accommodate a "3/4 vote" for individual properties.

- Because the staff could not identify an acceptable resolution to the "3/4 vote" issue, it was recommended that City Council defer the decision on the Urban Corridor District until a pilot corridor design plan, which would be used to implement the Urban Corridor District, has been completed.

**Attachment 4**  
**Zoning Committee Recommendation**

# POLICY

## 9. City Manager's Report

## 10. Annexation Resolutions of Intent

- Action:** Adopt seven resolutions stating the intent of the City to consider the annexation of seven areas and establish a date for public hearings. The recommended date for the public hearings is Thursday, November 14 at 7:00 p.m. in the Lobby Level Meeting Chambers of the Charlotte-Mecklenburg Government Center.
- Staff Resource:** Dick Black and Mike Boyd
- Explanation of Request:**
- These resolutions are required by state annexation statutes and state the intent of the City to consider annexation. The resolutions describe the boundaries of the areas under consideration and establish a date for public hearings on the question of annexation. By statute the date for such public hearings must be at least 45 days and not more than 90 days following passage of the resolutions.
  - All property owners in the proposed annexation areas will be notified by mail of the November 14 public hearings. The public hearings will also be advertised in The Charlotte Observer.
- Funding:**
- The Preliminary Report indicated projected service costs of \$7,345,222 and \$10,092,728 in the first and second years respectively, offset by projected revenue of \$10,533,639 and \$13,364,945 in the first and second years of annexation. Capital improvement funds in the amount of \$19,003,450 are proposed for water and sewer service extensions and reconstruction of streets and construction of two fire stations.



**Background:**

- On September 11, 1995, City Council passed Resolutions of Consideration which delineated the geographical areas under consideration. The Preliminary Annexation Report, a summary of all proposed areas, was provided to City Council at the September 16, 1996 Dinner Meeting. The Resolution of Intent is the next step in the annexation process. Copies of the Annexation Study Areas and the Preliminary Annexation Report (September 1996) are available from the Planning Commission.
  
- At the September 16 Dinner Meeting, Council was asked to establish dates for two special work sessions on annexation. The suggested dates for the work sessions are:
  - September 30 (4:00 p.m.) work session on the FY97 Annexation Process and Procedure; and
  
  - October 7 (4:00 p.m.) work session on the FY97 Annexation Impacts on the Structure of Council Districts.

# BUSINESS

## 11. Charlotte Neighborhood Fund

- Action:**
- A. Approve the recommendation of the City Within a City Committee to approve a \$200,000 City of Charlotte contribution to the Charlotte Neighborhood Fund; and
  - B. Authorize the Acting City Manager to enter into a Memorandum of Understanding with The Enterprise Foundation to administer the Charlotte Neighborhood Fund.

**Chair:** Ella Scarborough

**Staff Resources:** Willie Ratchford and J. W. Walton

**Focus Area:** City Within a City and Community Safety Plan

**Policy:** The City's Consolidated Plan for expending federal housing funds identifies strengthening neighborhoods and community organizations as a priority.

- Explanation of Request:**
- The Charlotte Neighborhood Fund (CNF) is a partnership between The Enterprise Foundation, major banks, Fannie Mae, community housing development corporations and the City of Charlotte.
  - The City's partner in this effort, The Enterprise Foundation, is a national foundation formed in 1981 by developer James W. Rouse. It fosters housing and neighborhood development activities that serves and actively involves very low income people.

- The purpose of the CNF is to provide dollars for operating support and capacity building to community housing development corporations (or CHDOs). A CHDO is a Community - Based, Non Profit Housing Developer with the provision of Affordable Housing as part of its mission. The proposed capacity building support is aimed at increasing housing production by local CHDOs and increasing the skills of their staff.
- The following organizations are certified as CHDOs and will be eligible for the funds: Belmont Community Development Corporation, Grier Heights Economic Foundation, Northwest Corridor Community Development Corporation, Reid Park Community Development Corporation and Wilmore Neighborhood Association.
- A request for proposal process will be used to select CHDOs for funding.
- CNF will consist of two components, operating support and project development. The operating support component will be administered by The Enterprise Foundation and will be funded at the level of \$500,000 per year. The funding is as follows:

City of Charlotte	\$200,000
The Enterprise Foundation	100,000
Major Banks	100,000
Local Banks	50,000
Fannie Mae	<u>50,000</u>
	\$500,000

- The operating support component is a three year program with \$500,000 funding for each year. Future City funding of \$200,000 per year will be recommended and if aproved allocated as part of the City's annual "budget process." The Enterprise Foundation will be responsible for raising the contributions from each participating partner.

- The second component of the CNF will be the creation of a \$1,000,000 project development fund which will provide the CHDOs with project development dollars on an as-needed basis. The funding sources are as follows:

City of Charlotte	\$ 500,000
The Enterprise Foundation	<u>500,000</u>
	\$1,000,000

- The \$500,000 has already been appropriated as part of the annual budget process and will be allocated on a project by project basis upon submittal of proposals and the appropriate approvals depending upon the amount of the funding request. Council will approve any project over \$100,000.
- The Enterprise Foundation funds of \$600,000 have been committed (\$100,000 for operating support and \$500,000 for project development). The Enterprise Foundation is in the process of securing the additional \$200,000 from the banks and Fannie Mae. Therefore, the City's \$200,000 contribution is now needed to establish the CNF.
- In the past, the City has funded CHDOs directly with capacity building money. The CNF is a new initiative that creates a public/private partnership to ensure a level of funding for CHDOs to help them build capacity.
- CHDOs had input in the development of the CNF at the City's monthly round table meetings for housing providers. Representatives from The Enterprise Foundation have met with the CHDOs and the CHDOs have had a opportunity to review a draft Request for Proposals.

**Funding:**

Federal HOME funds and local Innovative Housing funds. \$92,100 in HOME funds were set aside for capacity building as part of this year's annual budget process and \$107,900 will come from the Innovative Housing fund.

**Attachment 5**

## 12. Extension of Contracts for Multifamily Solid Waste Collection Services

**Action:** Approve extensions of contracts for multifamily solid waste collection services from October 1, 1996, through November 30, 1996 totalling \$292,184.

**Staff Resource:** Wayman Pearson

**Explanation of Request:**

- The City has contracts with five contractors to provide multifamily solid waste collection services. The contracts expire on September 30, 1996.
- The contract(s) for this service have been rebid and Container Corporation of Carolina submitted the low bid. On September 9, 1996, Council approved awarding a five year contract for multifamily solid waste collection services to Container Corporation of Carolina. In order to avoid any disruption of service and provide sufficient transition time for the new contractor to get organized, the current contracts must be extended for a two month period through November 30, 1996.

**Funding:** Solid Waste Services Operating Budget

**Background:**

- During the next two months, the City and Container Corporation of Charlotte will complete the following tasks:
  - Communication with the Charlotte Apartment Association and property managers regarding:
    - a. the change in service provider;
    - b. changes in the standardized collection formulas for refuse; and
    - c. campaign for increased participation in the recycling program.

- Assistance in replacing dumpsters and/or compactors wherever necessary. New and old contractors will have to work out liability arrangements in cases where property owners are bound by contract for leased/rental dumpsters.
- Placement of new recycling stations. Distribution of recycling bins, as requested.
- Service unit verifications and route development.
- Miscellaneous administrative duties.

### 13. Solid Waste Collection Services Contract Amendment

**Action:** Approve amendment to the contract with Browning-Ferris Industries of South Atlantic, Inc., incorporating provision for reimbursing contractor for disposal costs. The amendment will not exceed \$1,002,000.

**Staff Resource:** Wayman Pearson

**Explanation of Request:**

- On September 1, 1995, the City of Charlotte entered into a contract with Browning-Ferris Industries of South Atlantic, Inc. for solid waste collection services. Disposal costs were not included in the contract since Mecklenburg County's solid waste user fee entitled residential refuse to be disposed free-of-charge at County designated disposal sites.
- On July 1, 1996, Mecklenburg County stopped levying the solid waste fee for trash disposal and implemented direct charge to haulers for materials disposed of at County disposal sites. The City of Charlotte levied a solid waste fee on city residents in order to pay the direct charges for disposal of solid waste collected by the City and its contractors. The revenues from the City fee cover the expense of this contract.

- The contract with Browning-Ferris Industries of South Atlantic, Inc., only covers a rate for collection. Disposal costs are not addressed in the contract. It is therefore necessary for the contract to be amended to include provision for the City to reimburse Browning-Ferris Industries of South Atlantic, Inc., for actual disposal charges.

**Funding:**

**Solid Waste Services Operating Budget**

- Since FY94, Mecklenburg County has levied a solid waste fee on residential units within the County (excluding the Town of Matthews). The fee was used to pay for the disposal of trash collected within the County. The County stopped levying this fee on June 30, 1996. The City of Charlotte started levying the fee on its residents effective July 1, 1996.
- Effective July 1, 1996, all haulers, City and private, will be invoiced by the County for materials disposed of at their disposal sites.

**14. October 7 Workshop Plan**

**Action:**

**Approve topics for the October 7 Workshop agenda.**

- **Economic Development Workplan**
- **Airport Master Plan and Part 150 Plan**
- **Balanced Scorecard Project**

## 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. Bus Tires

CDOT

**Recommendation:** The Director of Transportation recommends the low bid of \$797,292.60 by Goodyear Tire and Rubber Company of Akron, Ohio.

**MWBD Compliance:** Yes. There are no known MWBE suppliers for this service.

#### B. Sanitary Sewer Construction - 2500 Rocky River Road

CMUD

**Recommendation:** The Charlotte-Mecklenburg Utility Director recommends the low bid of \$135,956.21 by Foster Utilities, Incorporated of Pineville, North Carolina.



<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
<b>BBE</b>	\$0	0%	12%
<b>WBE</b>	\$25,875	19%	11%

**Compliance:** Yes. The Utility Department has reviewed the Contractor's MWB documentation and determined that he has exceeded the goal for WBE participation and has made and will continue to make a good faith effort to meet the MBE goal for this project.

**C. Water and Sewer Main Construction - CMUD  
FY 97 Contract C - Street Main Extensions**

**Recommendation:** The Charlotte-Mecklenburg Utility Director recommends the low bid of \$868,688.20 by Utilityworks, Incorporated of Stanfield, North Carolina.

<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
<b>BBE</b>	\$17,500	2%	2%
<b>WBE</b>	\$26,100	3%	3%

**Compliance:** Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to use minority and women business firms. The goal for BBE and WBE participation has been met for this project.

## 16. In Rem Remedy

For In Rem Remedy #A - #S, the public purpose and policy is outlined here.

- Public Purpose:
- Eliminate a blighting influence in a City Within a City neighborhood.
  - Reduce the proportion of substandard housing from 2.3% to 1% by 1997. (One of the goals of City Within a City is to continue housing preservation efforts.)
  - Increase tax value of property by making land available for potential infill housing development.

- Policy:
- City Within a City
  - Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety - from Police and/or Fire Dept.
2. Complaint - from petition by citizens or from tenant
3. Field Observation - from concentrated code enforcement program

The In Rem Remedy items are listed below by category identifying the street address and neighborhood.

### Public Safety

- A. 224-26 N. Irwin Avenue - Third Ward
- B. 314 Norwood Drive - Lakewood
- C. 2313-15 Tate Street - Washington Heights
- D. 2325-27 Tate Street - Washington Heights
- E. 2014 Rozzelles Ferry Road - Smallwood
- F. 2801 Clyde Drive - Elenore Heights
- G. 500 Nelson Avenue - Oakview Terrace

### Complaint

- H. 408-10 Tuckaseegee Road - Seversville
- I. 128 Lakewood Avenue - Lakewood
- J. 2927 Clyde Drive - Smallwood
- K. 912-14 Harrill Street - Belmont
- L. 842-44 Belmont Avenue - Belmont
- M. 420 Nelson Avenue - Oakview Terrace

### Field Observation

- N. 308 Skyland Avenue - Grier Heights
- O. 219 Orange Street - Grier Heights
- P. 2609 Hemphill Street - Pinecrest
- Q. 2611 Hemphill Street - Pinecrest
- R. 212 Jones Street - Lakewood
- S. 9350 China Grove Church Road - Sterling

**A. 224-26 N. Irwin Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 224-26 N. Irwin Avenue (Third Ward Neighborhood), located in the City Within a City boundaries.

Attachment 6

**B. 314 Norwood Drive**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 314 Norwood Drive (Lakewood Neighborhood), located in the City Within a City boundaries.

Attachment 7

**C. 2313-15 Tate Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2313-15 Tate Street (Washington Heights Neighborhood), located in the City Within a City boundaries.

Attachment 8

**D. 2325-27 Tate Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2325-27 Tate Street (Washington Heights Neighborhood), located in the City Within a City boundaries.

Attachment 9

**E. 2014 Rozzelles Ferry Road**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2014 Rozzelles Ferry Road (Smallwood Neighborhood), located in the City Within a City boundaries.

Attachment 10

**F. 2801 Clyde Drive**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2801 Clyde Drive (Elenore Heights Neighborhood), located in the City Within a City boundaries.

Attachment 11

**G. 500 Nelson Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 500 Nelson Avenue (Oakview Terrace Neighborhood), located in the City Within a City boundaries.

Attachment 12

**H. 408-10 Tuckaseegee Road**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 408-10 Tuckaseegee Road (Seversville Neighborhood), located in the City Within a City boundaries.

Attachment 13

**I. 128 Lakewood Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 128 Lakewood Avenue (Lakewood Neighborhood), located in the City Within a City boundaries.

Attachment 14

**J. 2927 Clyde Drive**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2927 Clyde Drive (Smallwood Neighborhood), located in the City Within a City boundaries.

Attachment 15

**K. 912-14 Harrill Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 912-14 Harrill Street (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 16

**L. 842-44 Belmont Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 842-44 Belmont Avenue (Belmont Neighborhood), located in the City Within a City boundaries.

Attachment 17

**M. 420 Nelson Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 420 Nelson Avenue (Oakview Terrace Neighborhood), located in the City Within a City boundaries.

**Attachment 18**

**N. 308 Skyland Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 308 Skyland Avenue (Grier Heights Neighborhood), located in the City Within a City boundaries.

**Attachment 19**

**O. 219 Orange Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 219 Orange Street (Grier Heights Neighborhood), located in the City Within a City boundaries.

**Attachment 20**

**P. 2609 Hemphill Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2609 Hemphill Street (Pinecrest Neighborhood), located in the City Within a City boundaries.

**Attachment 21**

**Q. 2611 Hemphill Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2611 Hemphill Street (Pinecrest Neighborhood), located in the City Within a City boundaries.

**Attachment 22**

**R. 212 Jones Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 212 Jones Street (Lakewood Neighborhood), located in the City Within a City boundaries.

**Attachment 23**

**S. 9350 China Grove Church Road**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 9350 China Grove Church Road (Sterling Neighborhood), located outside the City Within a City boundaries.

**Attachment 24**

## 17. Speed Limit Change

**Action:** Adopt ordinances to lower the speed limit on 14 Charlotte streets.

Neighborhood 25 MPH Program:

Ann Marie Drive (Nations Ford Homes)  
Barclay Downs Drive from Morrison Boulevard to Runnymede Lane  
Caldwell Street (Dilworth)  
Choyce Avenue (Nations Ford Homes)  
Choyce Circle (Nations Ford Homes)  
Garnette Place (Lincoln Heights)  
Greenwood Drive (Nations Ford Homes)  
Mitchell Street (Lincoln Heights)  
Nations Drive (Nations Ford Homes)  
Sheryl Circle (Nations Ford Homes)  
St.Luke Street (Lincoln Heights)

CDOT Evaluation:

East Forest Drive	from 35 MPH to 25 MPH
Forest Drive	from 35 MPH to 25 MPH
Overhill Road	from 35 MPH to 25 MPH
Shoreham Drive	from 35 MPH to 25 MPH

## 18. Refund of Certain Taxes

**Action:** Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of \$825.

**Attachment 25**



## CONSENT II

### 19. Declaration of Withdrawal from Dedication - Pinewood Avenue, Wood Island Avenue, Unnamed Street off Belvedere Avenue, and Portion of an Alleyway west of Pinewood Avenue

**Action:** Adopt a resolution stating that Pinewood Avenue, Wood Island Avenue, Unnamed Street off Belvedere Avenue, and portion of an Alleyway west of Pinewood Avenue are not part of the adopted street plan (thoroughfare plan).

**Staff Resource:** Scott Putnam

**Explanation of Request:**

- According to North Carolina General Statute 136-96, a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal.
- The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan. These unused street rights-of-way are not part of any such plan; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution. The petitioner will maintain existing sanitary and storm drainage easements for the Charlotte-Mecklenburg Utility Department (CMUD).
- These street rights-of-way are part of an undeveloped subdivision in the Plaza-Midwood neighborhood. The owners of the property are currently under contract to sell the property to Torrey Homes, which has submitted a new subdivision plan to the Charlotte-Mecklenburg Planning Commission for approval.

**Background:** **Petitioner:**  
First Union National Bank, Successor Trustee for adjoining property owners:

- M. Lee Heath
- M. Lee Heath, Jr.
- Anne Heath Hardage

**Right-of-Way to be abandoned:**

Pinewood Avenue (unopened)

Wood Island Avenue (unopened)

Unnamed Street south of Belvedere Avenue (unopened)

Alleyway west of Pinewood Avenue (unopened)

**Location:**

Pinewood Avenue

- from approximately 265 feet southeast of Belvedere Avenue southeastwardly approximately 665 feet to its terminus

Wood Island Avenue

- from Pinewood Avenue southwardly and eastwardly 505 feet to Pinewood Avenue

Unnamed Street

- from Belvedere Avenue southwardly approximately 1,450 feet to its terminus

Alleyway

- from Pinewood Avenue westwardly approximately 122 feet

**Reason:**

To incorporate the right-of-way into the adjacent property for a proposed subdivision development

**Attachment 26**

Map

**20. Agreement for the Purchase and Sale of Electricity**

**Action:**

**Approve agreement with Crescent Electric Membership Corporation for purchase of electrical power to the North Mecklenburg Water Treatment Plant.**

**Explanation of Request:**

- The North Mecklenburg Water Treatment Plant will be served by Crescent Electric Membership Corporation (CEMC).

- Under this agreement, CEMC and the City will enter a ten-year contract for electric power at CEMC's coincident peak rate schedule. This schedule will allow CMUD to take advantage of the lowest possible rate structure for purchasing electric power.
- Crescent Electric is the area provider of electrical service for the North Mecklenburg Water Treatment Plant. Duke Power and Crescent electric are involved in a lawsuit concerning exclusive territorial rights to the area encompassing the plant.

**Funding:** The electric charges are paid from utility operating funds.

**21. Airport Satellite Parking Lot Expansion Budget Ordinance and Bid Award**

- Action:**
- A. **Adopt a Budget Ordinance to appropriate \$650,000 to fund the expansion of the Satellite Parking Lot; and**
  - B. **Award the low bid for a construction contract to Dirtworks, Inc. in the amount of \$480,185.06.**

- Explanation of Request:**
- Council is asked to appropriate \$650,000 in airport funds to construct this facility. The project will include grading, paving, fencing, a toll plaza, bus shelters and design fees for a 1,100 space addition to the Satellite Parking lot.
  - Council is asked to award the low bid for a construction contract in the amount of \$480,185.06 to Dirtworks Inc.
  - The DBE goal is 14% and the amount achieved is 15.7%.

**Funding:** The airport will fund the construction of this facility. Airport passengers will repay the Airport's investment through parking fees.

**Background:**

- The airport has 7,438 parking spaces that produced \$10.3 million in revenue in FY96.
- The 1987 Airport Master Plan identified property to be acquired for airport purposes. In October 1994 the airport acquired a 19-acre tract and added Satellite Parking.
- Currently, the Remote and Satellite Parking lots are 90 - 100% full on a daily basis. The expansion of the existing Satellite Parking lot is the most economical way to provide additional low cost surface parking.

**22. Resolution Accepting FAA Grant**

**Action:**

**Adopt a resolution authorizing the Aviation Director to accept a Federal Aviation Administration (FAA) Grant to provide the Federal share for Ramp B expansion.**

**Explanation of Request:**

- Last year Aviation received \$10.7 in federal funds to construct a new taxiway and expand Ramp B. This project was identified in the Airport Capacity Enhancement Plan as an improvement which would allow the airfield to operate more efficiently. Based on a series of computer simulation studies, conducted by the FAA, it was determined that this project would produce an annual delay cost avoidance of \$9 million to the airlines if constructed.
- It is anticipated that the FAA will offer a grant of approximately \$3.8 million to provide the federal share of the construction of the expansion of Ramp B. This grant is FY96 Discretionary Funds and will reimburse the airport for 75% of the costs associated with the expansion of the ramp. Since the federal fiscal year ends September 30, the grant must be accepted by the City by that date.
- This resolution would authorize the Aviation Director to accept the grant on behalf of the City, if offered by the FAA, prior to the end of the federal fiscal year.

- Under the FAA Airport Improvement Program, the Airport is entitled to federal grants based on passengers boarded.
- The airport anticipates asking Council to appropriate the grant funds and award a construction contract in October if federal funds materialize.

**Funding:** The FAA grant will be appropriated at a later Council meeting once the final amount is determined.

### 23. USGS FY97 Cooperative Agreement

**Action:** Approve the FY97 cooperative program agreement with the United States Geological Survey USGS for storm water resource activities in the amount of \$272,930.

- Explanation of Request:**
- The FY95 cooperative program agreement with USGS includes:
    - Continued maintenance and operation of rainfall and streamflow gaging sites;
    - Installation of three new streamflow gaging sites; and
    - Installation of three atmospheric testing sites; and
    - Sampling for water quality at seven sites.
  - The total cost of services is \$545,860. The City's share is \$272,930. USGS will pay the remainder of the cost.

**Funding:** Storm Water Services Fund

- Background:**
- Since 1924, the USGS has conducted a variety of water resource projects through cooperative programs with the City.

- The program continues the ongoing operation of streamflow and rainfall gages. The EPA, through the City's Storm Water Discharge Permit, requires the water quality sampling. The atmospheric deposition testing will identify pollutants in rain.

## **24. FY96 Storm Water Maintenance Package C Change Order #1**

**Action:** Approve Change Order #1 for \$340,500.00 to the contract with Blythe Development Company for continued construction of FY96 Storm Water Maintenance Package C. The change order will increase the contract amount from \$519,605 to \$860,105.

**Explanation of Request:**

- This change order recognizes good performance by the contractor and good existing unit prices. This type of contract is originally bid in a range that provides bidding opportunity to all licensed contractors. Where the contractor's work has been of good quality, a change order is recommended to extend the contract.
- Change Order #1 for Blythe Development Company (FY96C) will provide funds to continue work under this contract for approximately three months from the approval date.

**Funding:** Storm Water Services Fund

**Background:**

- The Storm Water Maintenance Program provides a method to perform repairs to existing drainage infrastructure identified through citizens' requests. Repairs are made through yearly contracts; projects are prioritized and assigned to the contractors continuously, with payment based on unit prices.

Blythe Development Company has made a commitment to expend a minimum of 12% (totaling more than \$100,000) of the contract funds in utilizing MWBE subcontractors - 6% BBE and 6% WBE. This commitment extends to include this change order.

## 25. Condemnation Settlement

**Action:** Sell property currently owned by the City of Charlotte to Gus G. Bacogeorge and wife, Calliope F. Bacogeorge as part of a settlement agreement reached between the parties in a lawsuit entitled City of Charlotte v. Gus G. Bacogeorge and wife, Calliope F. Bacogeorge (93-CVS-7564)

**Explanation of Request:**

- On or about June 22, 1993, the City of Charlotte filed a condemnation action to acquire right-of-way located at the intersection of Monroe Road and Eastway Drive for the Monroe-Eastway-Wendover Intersection Improvement Project.
- Defendants Bacogeorge filed an answer in the matter alleging that the deposit amount did not adequately compensate them for the property condemned.
- The City of Charlotte and the defendants Bacogeorge have reached an agreement to settle this matter. One facet of the settlement agreement is the sale of property owned by the City of Charlotte to the defendants Bacogeorge. The property to be sold is the adjoining lot, which will help compensate the Bacogeorges for the intersection right-of-way taken.
- The property to be sold has been appraised by independent appraiser Jack Morgan for the City of Charlotte, and appraised for \$55,000.00.
- The City Attorney's Office is requesting that City Council approve the sale of this property in order for the City to comply with that aspect of the settlement agreement and bring this case to a conclusion.

## 26. Property Transactions

**Action:** Approve the following property transactions.

**Acquisitions:** For acquisition A and B, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific condition and size of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain features. Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. The owners are eligible for relocation benefits. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement.

- A. **Project:** F.A.R. Part 150 Land Acquisition  
**Owner(s):** Mrs. Mabel H. Ludwick  
**Property Address:** 2421 Newberry Street  
**Property to be acquired:** .472 acres  
**Improvements:** Frame Ranch Residence  
**Tax Value:** \$28,800  
**Purchase Price:** \$30,000
- B. **Project:** F.A.R. Part 150 Land Acquisition  
**Owner(s):** Mr. and Mrs. Charles King  
**Property Address:** 8408 Todd Road  
**Property to be acquired:** .459 acres  
**Improvements:** Frame Ranch Residence  
**Tax Value:** \$72,250  
**Purchase Price:** \$83,000
- C. **Project:** Proposed 8-inch sanitary sewer to serve 8101 South Boulevard, Parcel #2  
**Owner(s):** Storage Trust Properties LP  
**Property to be acquired:** 7921 South Boulevard 3,450 sq.ft. (0.08 ac.) permanent easement plus 3,450 sq. ft. (0.08 ac.) temporary construction easement.  
**Improvements:** Large shrubs, planting areas.  
**Purchase Price:** \$ 10,000  
**Remarks:** The compensation reflects damages to existing vegetation in the easement area and is based on an independent appraisal.



**Zoned:** BDCD **Use:** Business  
**1991 Tax Value:** \$ 1,085,840  
**Tax Code:** 173-241-19

- D. **Project:** Proposed 8-inch Sanitary Sewer to Serve 8101 South Boulevard, Parcel #1  
**Owner(s):** Circle K Properties, Inc.  
**Property Address:** 7905 South Boulevard.  
**Property to be acquired:** 2,430 sq.ft. (0.06 ac.) permanent easement, plus 2,475 sq.ft. (0.06 ac.) temporary construction easement.  
**Improvements:** Vacuum, sign wiring, plants, tree, landscape areas.  
**Purchase Price:** \$ 10,000  
**Remarks:** The compensation reflects damages to existing improvements in the easement area and is based on an independent appraisal.

**Zoned:** BDCD **Use:** Business  
**1991 Tax Value:** \$ 416,480  
**Tax Code:** 173-241-17

- E. **Project:** Beatties Ford Road Business Corridor-West Trade Street, Parcel #1  
**Owner(s):** Craig Hugh Caldwell & Clara J. Johnson  
**Property Address:** 1554 West Trade Street.  
**Property to be acquired:** Building and .121 acres (total parcel)  
**Improvements:** Building  
**Purchase Price:** \$ 74,200  
**Remarks:** Total acquisition of this property is required for the Beatties Ford Road Business Corridor-West Trade Street widening project. Compensation is based on an independent appraisal.

**Zoned:** B-2  
**Use:** Lounge/Commercial-Building  
**1991 Tax Value:** \$ 74,480  
**Tax Code:** 078-181-01

## **ANNOUNCEMENTS**

On October 28, 1996 City Council will make nominations to fill vacant positions on the following boards:

1. **Airport Advisory Committee**  
Two one year positions beginning November, 1996 to fill regional member designation. Applicants will be recommended by the Carolinas Partnership, and must live outside Mecklenburg County. Incumbents are not eligible to be reappointed.
2. **Citizens Oversight Committee for Cable Television**  
One position beginning immediately to fill an unexpired term plus a two year term ending March 31, 1999. Jennifer Shook did not meet attendance requirements.
3. **Civil Service Board - Alternate Members**  
Two new appointments beginning November, 1996 and ending May, 1998. Must be electors of Mecklenburg County.
4. **Community Housing Development Corporation**  
One person knowledgeable in real estate law to serve a three year position beginning in January, 1997. David R. Wiles is not eligible to be reappointed.
5. **Community Relations Committee**  
One appointment beginning immediately and ending July, 1998 to fill an unexpired term. Vacancy created when Mayor McCrory named Council appointee Charles Winn Vice Chairman, so Mr. Winn became a Mayoral appointment, and Council needs to appoint someone else.
6. **Housing Authority**  
One three year appointment beginning December 18, 1996 to replace Rickey Hall who is not eligible to be reappointed.
7. **Tree Advisory Committee**  
Three three year appointments beginning January, 1997. Roger Braswell, Vicki Ray and Carrie Winter are all eligible to be reappointed.
8. **Waste Management Advisory Board**  
One recommendation to the County Commission to fill an unexpired term beginning immediately and ending September 30, 1998 to represent the legal category. Charles C. Lucas did not meet the County's attendance requirements.

9. **Youth Involvement Council Advisory Board**

One appointment beginning immediately and ending August 15, 1997 to fill an unexpired term. Michael Whitehead has resigned.

Applications may be obtained by calling the Office of the City Clerk at 336-2248. All applications must be returned by 5:00 p.m. on Monday, October 21.