AGENDA

Meeting Type:	BUSINESS
Date:	04/11/1994

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot	*Mayor Pro Tem Patrick McCrory*
Charles Baker	*Hoyle H Martin*
Stan Campbell	*Don D Reid*
Patrick D Cannon	*Ella Butler Scarborough*
Mike Jackson	*Sara Spencer*
Nasif Rashad Majeed	*Lynn M Wheeler*

Council Agenda

CITY COUNCIL MEETING
Monday, April 11, 1994

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5 00 p.m — Conference Center

- Mint Museum Property
- Cityfair
- Criminal Justice Commission Report

6 30 p m — Meeting Chamber

- Invocation
- Pledge of Allegiance
- Citizens Hearing

7 00 p m — Formal Business Meeting

CITY COUNCIL AGENDA
Monday, April 11, 1994
TABLE OF CONTENTS

Item No.		Page No	Attachment No.
	PUBLIC HEARING		
1.	Annexation Public Hearing	1	1
	MINUTES AND CONSENT		
2.	Approval of Minutes	2	
3.	Consent Items	3	
	POLICY		
4.	City Manager's Report	3	
	• Update on Tornado Clean-Up		
	• City's Involvement in Final Four		
5.	Citizens Parole Accountability Committee	3	
6.	Handicapped Parking Enforcement Program	6	
7.	Landlord-Tenant Mediation and Reimbursement Program	8	2
8.	Cityfair Sale	11	3

Added 8A Rebid Multi Family Solid Waste

Item No.		Page No	Attachment No.
	BUSINESS		
9.	Business License Fees	14	4
10.	Habitat for Humanity Loan	16	5
11.	Housing Rehabilitation Loan Agreement	18	
12.	Citizens Oversight Committee for Cable Television	20	
13.	Boards and Commissions	20	7-20
	CONSENT I		
14.	Various Bids		
	A Spring Resurfacing	25	
	B 16-Inch Water Main Along Sam Wilson Road	25	
	C Repair of City-Owned Parking Lots	26	
15.	Grant Funds for Police Officers - Charlotte Hornets	26	21
16.	In Rem Remedy - 4228 Rozzelles Ferry Road	27	22
17.	In Rem Remedy - 1916 Patton Avenue	27	23
18.	In Rem Remedy - 316 East Todd Lane	28	24
19.	In Rem Remedy - 317 East Todd Lane	28	25
21.	10% Transfer	28	

Item No.		Page No	Attachment No
	CONSENT II		
22.	Underground Storage Tank - Contract Amendment No 6	29	26
23.	Municipal Agreement - NCDOT	30	
24.	Lower Speed Limit on One Charlotte Street	31	
25.	Property Transactions Land Acquisitions Condemnations	31	

PUBLIC HEARING

1. Annexation Public Hearing

Action

A Conduct a public hearing on April 11, 1994 for a Voluntary Satellite Annexation,

B Decline request to expedite construction of water line as condition of annexation

Staff Resource Dick Black

Explanation of Request:

- Conduct a public hearing on April 11, 1994, for a voluntary satellite annexation petition by First Colony Group, Ltd of 165 acres located on the west side of Vance Road (see attached map) The purpose for requesting annexation is to receive City services as soon as possible following the effective date of annexation

- In meetings with staff, the petitioner has identified the extension of a water main to the property as the major reason for requesting annexation

- The Petitioner does not ask Council to adopt an annexation ordinance immediately Under the City's Annexation Agreements with the Towns, an annexation ordinance could not be adopted until at least sixty days after notice to the Towns of the possible annexation (Notices were mailed March 10)

Wheeler/Cannon
Clse Hrng
unan
Martin/McCrory
Decline Request
unan.

Planning Comm.

- First Colony Group, Ltd will ask Council to expedite the design and construction of a water line to serve the property proposed for annexation The construction of this water line is the subject of an existing five-year, reimbursable contract between First Colony and the City The project is currently in the design stages First Colony does not want an annexation ordinance to be adopted until it is satisfied that the construction of the water line has been expedited and can be completed by October, 1994 If the City will not expedite the water line construction or cannot meet the Petitioner's timetable, First Colony will withdraw the annexation petition

- Staff recommends that Council take no further action on First Colony's request after closing the public hearing The basis for this recommendation is set forth in the attached memo Unless Council directs otherwise, no annexation ordinance will be presented to Council for consideration on a future agenda

Attachment 1

MINUTES

2. Approve Minutes of

February 3 Legislative Breakfast
February 4 and 5 Council Retreat
February 7 Council Workshop
February 14 Regular Meeting
February 15 Joint City/County/School Board Meeting
February 21 Zoning Meeting
February 28 Regular Meeting
March 7 Workshop
March 21 Zoning Meeting

Wheeler Scarborough
app. unan.

CONSENT ITEMS

3. Agenda items 14 through 25 may be considered in one motion except for those items removed from the consent agenda as a result of a Councilmember making such a request of the City Clerk prior to the meeting

Staff Resource: Julie Burch

POLICY

4. City Manager's Report

- Update on Tornado Clean-Up
- City's Involvement in Final Four

5. Citizens Parole Accountability Committee

Action: Approve a Public Safety Committee recommendation to establish a Citizens Parole Accountability Committee

Committee Chair: Pat McCrory

Staff Resource Deputy Chief N J Boger

Policy: The City's Proposed Community Safety Plan includes a strategy to impact the number of parolees returning to this community

Explanation of Request:

- Council's Public Safety Committee recommends the establishment of a Citizens Committee to work with Police and the District Attorney in opposing the parole of some criminal offenders

Wheeler Martin
app. mgr.

POLICE

- The goal of the Committee is to work to oppose the parole of offenders in selected cases including

  - violent crimes
  - cases where the offender committed the crime for which he is incarcerated while on parole
  - cases where the offender has an extensive criminal record

- The charge to the committee will include

  - interacting with the Parole Board at the earliest time after the conviction of the offender by placing a letter in the offender's file at the time of incarceration

  - tracking parole dates and opposing parole by letter and/or personal visits to the Parole Board at the time the offender is considered for parole

  - interacting, when requested, with victims and their families to help them prepare letters and personal comments for the Parole Board

  - coordinating input of other citizens to the Parole Board as needed

  - keeping citizens informed as to the activities of the committee

- The committee chairman would be appointed by the Mayor, six additional members would be appointed by the Council Up to three of the committee members may be crime victims

- Committee members would be appointed for staggered terms so that the committee will always have some experienced members

- The Citizens Parole Accountability Committee will be staffed by a Police Officer who will be reassigned to work with the parole function full time The officer will

  - oppose paroles on behalf of the Police Department

  - screen cases for the Parole Accountability Committee and provide them with needed information to oppose parole

  - monitor parole dates and assist committee in opposing paroles at the time the offender is considered for parole

  - disseminate information to patrol districts and investigative units regarding parolees who return to Charlotte

  - assist, when possible, with programs to place parolees in jobs with local businesses

The Police Department and the District Attorney will provide appropriate training for the committee and will evaluate its effectiveness six and twelve months after implementation

Background

One of the goals of the Public Safety Committee has been to more closely monitor the parole function, both to oppose the parole of violent offenders to this community and, in those cases

where parole is granted, to have better information on parolees who return to Charlotte The committee's ultimate goal is to reduce the number of crimes committed by offenders who are on parole

For the past few months, the Public Safety Committee, District Attorney's Office, and City Staff have explored the concept of establishing a citizens committee to be a voice for the community in opposing paroles in selected cases The committee, aided by increased police involvement with the parole function, is expected to impact the number of offenders who are granted parole

6. Handicapped Parking Enforcement Program

Action.

Wheeler/Martin app. A + B unan.

A Approve a Public Safety Committee recommendation to allow citizen volunteers to issue handicapped parking citations and

B Approve an ordinance to amend Chapter 1 Section 1-7(c) of the City Code to give citizen volunteers enforcement authority for handicapped parking violations.

Ord # 6 3840 B 45 P 256

Committee Chair Pat McCrory

Staff Resource Deputy Chief R L Schurmeier

Policy The City's Proposed Community Safety Plan includes a Resource Utilization goal to use Police Department resources as effectively as possible Under this program, volunteers would supplement police efforts in handicapped parking enforcement, freeing officers for other duties

Police

Item No

Explanation of Request:

- The Public Safety Committee recommends approval of a program under which the Police Department would train citizen volunteers to issue citations for handicapped parking violations Key provisions of the program include

  - recruitment and training of 9-12 volunteers to implement the program on a trial basis

  - screening of all volunteers, including a background check, drug test and polygraph

  - assignment of each volunteer to a patrol district where his work hours and location of work are established in conjunction with the District Captain and day to day supervision is provided by the sergeant

  - violation fine of $100 00 (same fine if officer issues citation)

  - All work will be on a volunteer basis and each program volunteer will sign a waiver releasing the City from liability The enforcement authority of volunteers will be limited to handicapped parking They will have no authority to ticket for any other violations

- The program will be evaluated for effectiveness at six and twelve months after implementation

- Upon adoption of this program, City staff will ask the County Commissioners to adopt a similar program on a County-wide basis

Background Advocates for the disabled approached the City about establishing a program which would enable citizen volunteers to supplement police efforts in issuing citations for handicapped parking The proposed program is patterned after a similar effort in Winston-Salem that has been successful

7. **Landlord-Tenant Mediation and Reimbursement Program**

Action Approve recommendations from the CD and Housing Committee to

Scarborough/Carmon
aff.
Unan.

A Authorize $40,000 to implement the revised Landlord-Tenant Mediation Program.

B Authorize $130,425 to provide a one-time loan to the tenant of up to $1,500 for reimbursement of repairs

Committee Chair. Ella Scarborough

Staff Resource J W Walton

Policy· Charlotte's Comprehensive Housing Affordability Strategy (CHAS) approved by City Council on October 25, 1993 states that the City of Charlotte and local housing providers will pursue programs and activities which address the following priorities

- Preservation of Existing Housing
- Strengthening Neighborhoods and Community-Based Organizations
- Promoting Self-Sufficiency
- Promoting Housing Affordability
- Expanding Affordable Housing

CD

Item No

Explanation of Request:

- On March 16, 1994 the CD and Housing Committee unanimously approved recommendations for the funding authorization and modifications to the City's Landlord-Tenant Mediation Program

- The CD and Housing Committee's recommendations are as follows

A $40,000 to implement the Landlord-Tenant Mediation Program as modified with mandatory referral from Small Claims Court

The funds will be used to hire a mediator technician to coordinate this process with the Courts and to pay for other related program costs A flow chart of the process for mandatory referral to mediation from the Small Claims Court is provided in the Attachment

B $130,425 ($110,000 plus $20,425 in carryover funds) to provide a one-time loan to the tenant of up to $1,500 for reimbursement of repairs where

- the mediator finds that violations were due to tenant abuse rather than owner neglect,

- the landlord agrees not to evict the tenant for six months provided no other lease provisions are violated

The loan will be forgiven if the tenant completes a counseling course at Family Housing Services designed to alter destructive behavior patterns If the tenant does not complete the counseling, the City will seek to collect

the loan through Small Claims Court and inform the landlord that he/she may proceed to evict the tenant according to the lease

The roles and responsibilities of the City, the Court, the landlord, the tenant and Family Housing Services are described in the Attachment

- The revised Landlord-Tenant Mediation and Reimbursement Program was developed with the input of representatives of the Court system, Legal Services, the housing industry and support service providers as well as City staff

- The Landlord-Tenant Mediation and Reimbursement Program as proposed is designed to

  - Preserve the housing stock by minimizing and correcting tenant-caused property damage,

  - Distinguish tenant-caused damage from cases of owner neglect and encourage destructive tenants to alter their behavior patterns,

  - Prevent evictions and the imposition of judgments against tenants who sincerely wish to make restitution for damage they have caused,

  - Lower landlords' perceptions of risk in operating affordable rental housing, and

  - Encourage landlords and tenants to settle their disputes outside the Court system

Attachment 2
Background
Mandatory Referral From Small Claims Court
Roles and Responsibilities

8. Cityfair Sale

Action: Consider The Keith Corporation's request for the City to restructure the Cityfair sales transaction between American Fidelity Property Company and the City

Staff Resource: Del Borgsdorf, Larry Rosenstrauch, Richard Martin

Explanation of Request:

- The Keith Corporation, a local real estate development company, has negotiated a contract to buy Cityfair from its current owners, American Fidelity Property Company.
- The City currently has a mortgage on Cityfair and owns the attached parking deck and the Carolina Theater, both of which are under option to American Fidelity until 1998 The Keith Corporation is requesting that the City restructure portions of the Cityfair contract as part of their purchase These changes to the original agreement with American Fidelity would create a new contract with The Keith Corporation
- The Keiths Would Get
  - $3,500,000 mortgage by City canceled
  - 100 free parking spaces in the City's garage
  - Option to purchase the City' garage and Carolina Theater during the years 1999 through 2004

Jackson/Martin
Defer & allow staff
to continue to negotiate
+ bring back on 4/25
Econ Dev

- The City Would Get
  - $300,000 paid over three years
  - The ability to refinance the parking deck prior to the expiration of the option in 1998 to save approximately $125,000 a year, depending upon interest rates
  - Assurances that Cityfair would open with UNCC and Softplay as tenants
  - Increased tax revenues of approximately $41,000 annually

Options.

Council's Options Are

- **Approve** the Keith's request or some modified version
- **Reject** the Keith's request American Fidelity could sell Cityfair without coming to the City so long as no changes were requested in their original agreement American Fidelity would be able to do this by selling the stock of the company they control to the Keiths or any other buyer The City's mortgage and other arrangements would stay intact American Fidelity could also choose to leave Cityfair closed until they found a suitable buyer or decided to reopen the project themselves
- **Repurchase Cityfair** This right, negotiated by the Blue Ribbon Citizens Committee who handled the sale of Cityfair, permits the City to repurchase Cityfair for the amount American Fidelity has invested currently $1 9 million (plus 12% from the time of expenditure) The principal benefit would be the City's ability to sell or refinance the parking deck

- **Legal Action** against American Fidelity This in not an approach with much promise While American Fidelity may be in default by not using their "best efforts" to develop Cityfair as retail and other technical defaults, our attorneys say that foreclosure on Cityfair is unlikely to be successful

Background

Oct 1988	CityFair opens Developer Carley Capital
Dec 1988	Carley voluntarily surrenders CityFair to Chemical Bank as part of a national workout
Oct 1989	City terminates Chemical Bank's ground lease for defaults, enters into settlement agreement with Chemical Bank to avoid litigation, and takes over the project
Feb 1990	Blue Ribbon Real Estate Committee of citizens formed to handle disposition of Cityfair
June 1990	American Fidelity buys Cityfair
Sept 1991	American Fidelity closes Cityfair and determines to sell their interest in the project
Feb 1994	Keith options Cityfair and brings proposal to City

Attachment 3
Letter of Intent from The Keith Corporation

American Fidelity/Keith contract comparison from City's Attorney, Glen Hardymon

Parking and Tax analysis from Finance

ITEM 8 A

REQUEST FOR COUNCIL ACTION

Action Requested. Approval Of Staff Recommendation To Rebid the Multifamily Solid Waste Collection Contracts.

Explanation of Request: In 1993, City Council directed staff to renegotiate the contracts to correct two problems (1) Collection rate disparities between the contractors for the same service level. (2) The tonnage reporting method, i e the full capacity of the dumpster was reported even if the dumpster was not full.

Wheeler/Jackson Do not rebid now after a total of 3 years to rebid amended to rebid from 7/1/93 carried 6-3 - No. Martin, McCrory, Reid/Spencer + Spencer

Extend for additional 18 mos. to 2 1/2 years (half of existing contract) Yes - Reid & Spencer all others - no

The renegotiated contracts were effective July 1, 1993. Since that time several issues have come up which will impact the cost of these contracts. (1) Mecklenburg County require the City's contractors to deliver "actual" waste collected from City accounts to designated disposal sites. Since this was not a requirement prior to the July 1, 1993, contracts, contractors will have to dedicate trucks to collect waste from only City accounts, thereby increasing their costs which they will pass along to the City. One contractor has already requested a 22% rate increase, and it is reasonable to assume that if the City grants this increase to one contractor that the other three will request a similar rate increase. (2) The City's tonnage verification study indicates that program cost savings can be achieved by a change in the curent ratio of one 8 cubic yard dumpster to 20 service units. (3) The multifamily complex waste collection business is shared unequally by four contractors. Limited opportunities are available for current or new haulers to obtain a share of this business.

Solid Waste

Staff Person: Wayman Pearson

Background:

In 1979, the City contracted with the successful bidder, Container Corporation of Carolina, for multifamily refuse collection service Since that time the service has not been competitively bid and the City currently contracts with four contractors to collect refuse and recyclables from 58,969 service units in 450 complexes.

The current cost of the multi-family collection is $2,330,167.

Attachments:

Issue Paper
Council Minutes
Previous Council Agenda Item

MULTIFAMILY SOLID WASTE COLLECTION CONTRACTS

ISSUES

BACKGROUND:

In 1979, the City contracted with the successful bidder, Container Corporation of Carolina, for multifamily refuse collection service Since that time, the service has not been competitively bid, but the City has contracts with three additional haulers to provide this service The four haulers collect refuse and recyclables from 58,969 service units in 450 complexes The contract haulers and the units they service are as follows

Browning-Ferris Industries	41,528 units
Container Corporation of Carolina	15,283 units
Waste Management of Carolina	2,112 units
Chambers Waste Systems	46 units

In 1993, City Council directed staff to renegotiate the contracts to correct two problems

1 Collection rate disparities between the contractors for the same service level
2 The tonnage reporting method, i e the full capacity of a dumpster was reported even if the dumpster was not full.

The highlights of the renegotiated contracts are:

1 $ 5 25 per dumpster per collection for all contractors
2 A physical verification of the tonnage collected.
3 After Year 1, deduction of recyclables tonnage from the verified refuse tonnage

Currently the ratio of dumpsters to service units in 1 20 The City customizes the service to suit the needs of the multifamily complex, while maintaining the 1 20 ratio for payment purposes.

The Interlocal Agreement between the City and Mecklenburg County requires that the City and its contractors haul solid waste collected to County designated disposal sites In July 1993, the County introduced a residential solid waste disposal fee, assessed directly on County residents (excluding the Town of Matthews). Further, the County ruled that the City and its contractors had to haul "actual" waste collected to the County designated facility. This ruling has a major impact on current collection practices by the contract haulers since the only way in which the "actual" refuse collected from City accounts can be isolated from refuse collected from other accounts is through the use of trucks dedicated to the City's accounts

SWS/40694

1. TONNAGE:

The City contracts for multifamily refuse and recyclables collection at locations all over the City Contractors collect refuse from City accounts as well as from their private customers utilizing the same vehicle The average weight of tonnage from City accounts was determined by the physical verification study Therefore, the contractors deliver to the City designated disposal sites, tonnage that is equivalent in weight to the average tonnage that they are expected to collect from City accounts They haul all other tonnage (which is equivalent to the amount collected from their private customers) to disposal facilities of their choice.

In July 1993, Mecklenburg County ruled that "actual" tonnage collected from City accounts had to be delivered to the designated disposal sites and "equivalent" tonnage was not acceptable Prior to July 1993, the City's contractors delivered "equivalent" tonnage to the designated disposal sites, and this was never an issue The only way in which haulers can isolate the City's refuse is to dedicate vehicles to collect from only City accounts (For example, Mecklenburg County are refusing to give one of the contractors credit for waste hauled on the City's account, because the hauler is unable to prove that the waste was actually hauled to the County designated disposal site)

This is an additional expense for which the haulers expect additional compensation from the City Container Corporation of Carolina has requested a rate increase from $ 5 25 to $ 6 38 per collection per dumpster This request is based on the dedication of three trucks to service the City's contract Browning-Ferris Industries have verbally indicated that they will expect a similar rate increase. Waste Management have indicated that with the limited number of units they service, that it would be cost prohibitive for them to utilize a dedicated truck to service the contract

Issue. The County's ruling that "actual" tonnage collected from City accounts must be delivered to County designated disposal sites is going to increase the operating cost of this program

Impact. The "actual" tonnage concept that the County is now enforcing will increase the City's cost of this program by approximately $ 342,000 per year. This increase negates the $ 250,000 cost savings which the City gained through the 1993 renegotiation process

Haulers who currently have a small share of this business, i e Waste Management and Chambers, will probably not be able to dedicate trucks to collect from the multifamily complexes they currently service under

contract with the City

2. COST:

The City's tonnage verification study indicated that on weight alone, dumpsters were 20% full at each collection The City can obtain cost savings in this program by lowering the ratio of dumpsters to service units Current ratio is one 8-cubic yard dumpster to 20 service units In lowering the ratio of dumpsters to service units, the City will consider weight, volume and seasonal fluctuations

The City pays the haulers a collection rate per dumpster. Therefore, if the City reduces the number of dumpsters needed to service multifamily complexes, the cost of the service could be reduced by at least 25-30% This change may impact the convenience of multifamily complex residents. However, many large complexes, in order to save space on their properties, are moving from several small dumpsters located at different locations within the complex to a single large rolloff container located in one area of the complex, where residents deposit their refuse

Savings may be higher if the contracts were competitively bid

Issue The physical verficiation study indicates that the current ratio of dumpsters to service units is too high

Impact The City would be able to lower its collection costs through reduction in the number of dumpsters and competition

3. PRIVATE HAULERS:

The multifamily complex business is shared unequally by 4 contractors. Some contractors have had contracts for this collection service since 1979, which was the last time that this service was competitively bid Limited opportunities are available for current or new haulers to obtain a share of this business.

Issue. The present contracts have not been competitively bid since 1979.

Impact Rebidding these contracts may result in lower costs and better service

bnissu1

BUSINESS

9. License Fees

Ord. # 7
3841
B-45
P-257

Action: Approve an ordinance to aid in the administration of license fees by changing some license categories as requested by the County Business License Division

Staff Resource: Greg Gaskins

Explanation of Request:

- The County Business License Division administers the Business Privilege License Tax program for the City From time to time they request changes to the ordinance that they think will improve the administration of this function

- Approval of this ordinance will

  - Add radio and TV advertisers to those firms required to be licensed

  - Cause all Christmas Tree lots to be licensed in one category whether the licensee is a grower or not

  - Removes itinerant license (temporary) and places all itinerant type merchants in the same fee category as merchant itinerants (yearly license)

  - Create new category for mobile home parks that were formerly licensed under transient trailer camps since mobile home parks are permanent

McCoy / Martin
app.
unan.

Subst. Jackson - Defer + have Finance comm. look at it
No 2ND TO MOTION
But will have Finance comm. review this anyway

FINANCE

- Make taxicab companies responsible for delinquent license fees of cab drivers who work for them since it is difficult to collect from drivers

- There has been an interpretation since at least 1986 that radio and television stations may be licensed by cities based on advertising revenue The County License Tax Division recommends this change to confirm this interpretation since this is currently not being collected The other four changes are, according to the License Division, to aid administrative problems regarding identification and collection of license fees Attached is a detailed explanation of each change provided by the County Business License Division

Background.

Since 1862, the State of North Carolina has allowed cities to levy business privilege license taxes on all trades, occupations, professions, businesses and franchises carried on within the cities of North Carolina unless the General Assembly has otherwise provided by law Under existing legislation (North Carolina General Statute 160A-211) the City of Charlotte levies a Business Privilege License Tax (BPLT) on businesses within the City, except as restricted by State law

The purpose of the BPLT is to provide a revenue source for the City's General Fund for financing City services and to regulate businesses within the community Mecklenburg County currently administers the BPLT for the City pursuant to contract The County annually recommends updates to the City's ordinance to conform to changes in State laws

On March 9, 1987, the City adopted a substantially revised BPLT ordinance which measured business activity based on gross receipts This new method was adopted after a

study was performed by the accounting firm of Arthur Young and on the recommendation of a blue ribbon business and citizens committee which extensively studied this issue The new tax sets $50 as the minimum charge and $2,000 as the maximum charge The rate is 60 cents per $1,000 of gross receipts

In 1991-92 BPLT collections for City were $4,463,995 In 1992-93 these collections rose to $5,120,974 Obviously, as the number of businesses and their gross receipts increase our collections increase

Attachment 4

10. **Habitat for Humanity Loan**

Action Approve an additional $100,000 loan to Habitat for Humanity of Charlotte, Inc that will refinance an existing $350,000 loan, with an existing balance of $322,000 The refinanced loan will total $422,000

Staff Resource: J W Walton

Scarborough/Campbell
app
unan.

Policy Charlotte's Comprehensive Housing Affordability Strategy (CHAS) approved by City Council on October 25, 1993 states that the City of Charlotte and local housing providers will pursue programs and activities which address the following priorities

- Preservation of Existing Housing
- Strengthening Neighborhoods and Community-Based Organizations
- Promoting Self Sufficiency

CD

Item No

- Promoting Housing Affordability
- Expanding Affordable Housing

Explanation of Request·

- Habitat has requested an additional $100,000 to finance the acquisition of 40 lots for single-family homes to be constructed in Belmont/Villa Heights, Genesis Park, Seversville and Lakewood neighborhoods All of these areas are located in the City Within a City area and all have ongoing activities with the City and their respective neighborhood-based organizations (See Habitat's request in Attachment)

- The terms of Habitat's loan will be the same as the current loan, which is 15 years at 0% interest, with a call provision for the balance due at the end of the 15 years The new quarterly payment will be $7,027 08 (The current quarterly payment is $5,833 33)

- Security for the loan will be the same as the current loan except the amount will be changed to reflect the new quarterly payment Security will be the first $7,027 08 of receipts during each quarter from mortgage payments received by Habitat during the term of the loan

Background

A loan was made to Habitat in April 1990 in the amount of $300,000 for operating expenses related to land acquisition and site development costs

The loan was refinanced with an additional $100,000 being advanced and approved by City Council on January 11, 1993 to finance Habitat's shortfall in fundraising for land acquisition and site development costs

To date, Habitat's quarterly payments on their existing loan have been timely

Habitat produces affordable, single-family housing for persons earning at or below 50% of HUD median income for the Charlotte Mecklenburg area Habitat families' size averages 4 1, all families must have at least two members with one being a child under the age of 16

To date, Habitat has completed 195 single-family homes in Charlotte-Mecklenburg Groundbreaking for the 200th house took place in the Lakewood neighborhood on March 27, 1994

Attachment 5
Habitat's Letter

11. Housing Rehabilitation Loan Agreement

Action: Approve entering into a Housing Rehabilitation Loan Agreement with Lucille Waddell in the amount of $66,805 to rehabilitate and refinance her home at 4838 Ridgeley Drive

Staff Resource: J W Walton

Policy. At the July 12, 1993 Housing Workshop, City Council reviewed, affirmed and refined the City's current housing policies, programs and priorities.

Scarborough/Martin
aff.
No - Reid + Jackson

Rehabilitation Loan Program was approved by City Council in April 1984 On October 12, 1987 City Council approved modifications to the Standard Rehabilitation Loan Program based on review and recommendation from the CD & Housing Committee

This action will provide Lucille Waddell, who is handicapped, with affordable, standard housing and make it handicap accessible

CD

Item No

Explanation of Request:

- Mrs Waddell was referred to the Rehabilitation Loan Program by the Program for Accessible Living (PAL) for handicap modifications to her home and correction of Housing Code violations

- Mrs Waddell has lived at 4838 Ridgeley Drive for 23 years

- Breakdown to Total Costs

Rehabilitation Cost	$38,240
Contingency	3,824
Closing Costs	400
Refinancing Existing Mortgage	24,341
Total Loan Amount	$66,805

- Refinancing of Mrs Wallace's existing mortgage of $24,341 will allow the City to be in a first lien position (instead of second) and will reduce the City's risk of foreclosure (See Pre-Rehab Analysis in Attachment)

- Rehabilitation of the house will provide needed handicap modifications and bring the house into compliance with the City's Housing Code

- The $66,805 housing rehabilitation loan to Lucille Waddell will be financed at a rate of 2% for a term of 30 years with a monthly payment of $246 92 The after-rehabilitation appraised value of the property is $91,000

Background:

See Attachment for additional background

Attachment 6
Pre-Rehab Analysis
Background

12. Appointment to Citizens Oversight Committee for Cable Television

McCrory/Jackson Keep Grady Sharpes + as ex-officio app John Jennings urban.

Sulbst Scarborough/Martin Reappoint John Jennings YES- Cannon, Martin, Scarborough CITY CLERK

Action The City Clerk's Office needs direction as to whether Council wants to reappoint John Jennings or replace him with Grady Sharpes

Explanation of Request

- On February 14, Council appointed Grady Sharpes to replace John Jennings on the Cable Television Committee after receiving information that Mr Jennings was ineligible to serve another term A further check of our records reveals that Mr Jennings' first appointment on September 9, 1990 was to fill an unexpired term , so he is actually eligible to be reappointed

- Mr Sharpes was notified of his appointment, and Mr Jennings wants to serve again

13. Boards and Commissions

A Nominations for Appointments to Boards, Commissions, and Committees

1 AUDITORIUM COLISEUM-CONVENTION CENTER AUTHORITY
Two appointments for regular three year terms beginning April 26, 1994
Johnny Harris is not eligible to be reappointed, Geraldine Sumter is eligible and would like to be reappointed

Attachment 7

2 CERTIFIED DEVELOPMENT CORPORATION
Six regular three year appointments beginning May 1, 1994 Two shall represent business organizations J Mitchell Aberman is not eligible for reappointment Jay Potter is eligible and would like to be reappointed

Three regular appointments shall represent community organizations Linda Butler and Christopher Timmers are eligible and would like to be reappointed Michael Covington has moved out of the State

One regular appointment to represent private lending institutions. Peggy Rollins does not wish to be reappointed

One appointment to fill an unexpired term beginning immediately and ending April 30, 1996 Must represent a private lending institution Stephen Callahan is moving to Washington, D C

Attachment 8

3 CIVIL SERVICE BOARD

One regular three year appointment beginning May 16, 1994 William Kennedy is eligible and would like to be reappointed MUST BE A REGISTERED VOTER IN CITY

Attachment 9

4 CLEAN CITY COMMITTEE

Six regular, three year appointments Heather Fisk would like to be reappointed Jacques Kibler, David Lewis, Lionel Lewis, Elizabeth Madow and Bernice Mayes are all eligible, but do not want to be reappointed

One appointment to fill an unexpired term beginning immediately and ending June 30, 1995 Sam Burrow has resigned

Attachment 10

5 CMUD ADVISORY COMMITTEE
Two three year appointments beginning July 1, 1994 Matthew Holland would like to be reappointed, William Tilley is eligible but does not wish to be reappointed Candidate to replace Tilley should represent a small town

Attachment 11

6 HISTORIC DISTRICT COMMISSION
One three year appointment beginning July 1 to replace Mollie Davis, who is not eligible for reappointment

Attachment 12

7 HOUSING AUTHORITY
One appointment to fill an unexpired term ending December 17, 1994 Must be a resident of public housing Fay Jones has resigned

Attachment 13

8 MINT MUSEUM BOARD OF TRUSTEES
One three year appointment beginning immediately and ending July 31, 1996 Brenda Noel has resigned

Attachment 14

9 NEIGHBORHOOD MATCHING GRANTS COMMITTEE
One appointment to fill an unexpired term in the non-profit category ending April 16, 1996 to replace Joel Segal, who has moved

Attachment 15

10 PLANNING COMMITTEE
One regular three year appointment beginning July 1 Incumbent Gloria Fenning is eligible and would like to be reappointed

Attachment 16

11 SISTER CITIES COMMITTEE
Seven regular two year appointments beginning May 1 George Dorsey, Linda Hammond, and Suzanne Harter would like to be reappointed Priscilla Walters, and James Middlebrooks are eligible but do not want to be reappointed Glenda Durrell and Sidney Lockaby are not eligible for reappointment

Attachment 17

12 SPIRIT SQUARE BOARD OF DIRECTORS
One regular three year appointment beginning July 1 Incumbent Duncan Gray is eligible and wants to be reappointed

Attachment 18

13 TREE ADVISORY COMMISSION
Two appointments to fill unexpired terms ending December 13, 1996
Steve Mitchener and Heather Fisk have resigned

Attachment 19

Item No

14 WASTE MANAGEMENT ADVISORY COMMITTEE

One recommendation to the County Commission to replace Gregory Simmons, who has resigned Must be a Chamber of Commerce representative

This appointment will fill an unexpired term which ends September 30, 1995

Attachment 20

CAN WORK FOR A COMPANY THAT IS A MEMBER

Pull Consent 17, 25G, H, I, J, K, L

Item No Freeze - Remove 16 + 25I from agenda.

Wheeler/Cannon aff. rest

CONSENT

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

Consent I consists of routine items that have been approved in the budget, are within the budget estimate, and have met MWBE criteria

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

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

CONSENT I

14. *Various Bids*

A. Spring Resurfacing

Engineering and Property Management

Recommendation: The City Engineer recommends award to the low bidder, Rea Construction Company of Charlotte, for $2,433,896 19

MWBE Status	Amount	% of Project	Proj Goals
MBE	$194,711 70	8%	8%
WBE	$172,417 21	7 7%	3%

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

B 16-Inch Water Main Along Sam Wilson Road

CMUD

Recommendation The Acting Utility Director recommends that the low bid of $253,073 55 by RDR, Incorporated of Stanfield, North Carolina be accepted

MWBE Status·	Amount	% of Project	Proj Goals
MBE	$ 300 00	0 12%	4%
WBE	$54,600 00	21 2%	7%

Compliance: Yes - The Utility Department has reviewed the Contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the MWBE Program **The Contractor has met and will exceed the project goal for WBE participation**

FY-94

C. Repair of City-Owned Parking Lots — **Engineering and Property Management**

Recommendation· The City Engineer recommends award to the low bidder, Ferebee Corporation of Charlotte, NC for $116,136 30

MWBE Status	Amount	% of Project	Proj Goals
MBE	$0	0	2%
WBE	$0	0	1%

Compliance. Contractor has elected to perform 100% of the work required

15. **Grant Funds for Police Officers - Charlotte Hornets**

Action:

A **Accept contribution in the amount of $92,172 from Charlotte Hornets for the funding of salaries for two Police Officers, a Police vehicle, and the accessory equipment.** #3835-X B-15 P 251

B **Adopt a budget ordinance appropriating the contributed funds** Ord #1 B-15

Police

Item No

Explanation of Request

The first year cost of adding two police officers, including a vehicle and all the necessary accessory equipment totals $92,172 (prorated) The Hornets presented a check for this amount to the City on March 7, 1994 Subsequent years' funding will be incorporated into the City's Annual Budget The second year costs are estimated at $65,060 The Memorandum of Understanding provides for an inflation factor of up to 6% per year

Attachment 21
Memorandum of Understanding

16. **In Rem Remedy - 4228 Rozzelles Ferry Road** PULL PER STAFF REQUEST - SOME REPAIRS HAVE BEEN DONE - WILL MOVE TO REPAIR CATEGORY & MAYBE NOT AT ALL

Action

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 4228 Rozzelles Ferry Road (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries

CD

Attachment 22

17 **In Rem Remedy - 1916 Patton Avenue**

Action:

Wheeler
Campbell PH
Defer 1 year.

Adopt an Ordinance authorizing the use of In Rem Remedy to repair the dwelling at 1916 Patton Avenue (McCrory Heights Neighborhood) which is located in the City Within a City boundaries

Attachment 23

CD

18. In Rem Remedy - 316 East Todd Lane

Ord # 2 #3836-X B-45 P-252

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 316 East Todd Lane (Todd Park Neighborhood) which is located in the City Within a City boundaries

CD

Attachment 24

19. In Rem Remedy - 317 East Todd Lane

Ord # 3 #3837-X B-45 P-253

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 317 East Todd Lane (Todd Park Neighborhood) which is located in the City Within a City boundaries

CD

Attachment 25

21. City Manager's 10% Transfer

City Manager recently exercised his authority to transfer up to 10% of a department's budget or position allocation, as explained in the Council/Manager memorandum of March 31, 1994. Funding was transferred as follows

3 Positions and $85,106 was transferred from the General Fund (Human Resources Employee Medical Services Division) to the Insurance and Risk Management Fund)

CM

CONSENT II

B-16

22. Underground Storage Tanks - Environmental and Engineering Services - Contract Amendment No 6

Action:

A Approve Amendment No 6 to the agreement with Professional Service Industries, Inc. (PSI) for $1,250,000 00 to provide environmental testing, engineering services and contamination clean-up during FY94 for the Underground Storage Tank Program

B Approve a budget ordinance appropriating $1,250,000 in Environmental Protection Bond funds to the Underground Storage Tank Program

Ord #4
3838-X
B-45
p-254

Explanation of Request

- PSI has completed clean-up on 19 sites and is currently working on 26 sites where contamination has occurred and clean-up is underway To date, a preliminary environmental assessment on the condition of all of the City's identified tanks has been completed Approximately 110 tanks will need to be removed and replaced or upgraded

- Amendments have been added to the original agreement as the funding has become available to keep this program on-going in order to comply with the Environmental Protection Agency regulations **See Background Attachment** for details regarding these amendments

Eng

Background

See **ATTACHMENT** for Background

Attachment 26
Background information on contract history and funding

Listing of completed work sites and status of on-going clean-up

Project Cost information for the contract and clean-up cost

23. **Municipal Agreement - NCDOT**

Res #1 B 32 p. 231

Action: **Adopt a Resolution approving a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the construction of I-485 (Charlotte Outer Loop) east of the interchange with Rea Road to east of Tilley Morris Road (Project - 0211 DC).**

Res authorizes Director of CDOT + City Clerk to execute Agreement

Staff Resource Bob Pressley

Explanation of Request:

- City Council is asked to

  Approve the Utility Agreement between the City and NCDOT for construction of I-485 from east of the interchange with Rea Road to east of Tilley Morris Road and allow NCDOT's contractor to perform water and sewer line adjustments and relocation work along the State Highway System for the project

Background

CDOT

The I-485 Project requires certain utility relocations/ adjustments, and a Municipal Agreement between the City and NCDOT is required for construction improvements to proceed

24. **Lower Speed Limit on One Charlotte Street**

Ord #5
3839
B 45
P-255

Action Adopt an ordinance to lower the speed limit on one Charlotte street

Explanation of Request:

- Request Council adopt an ordinance to lower the speed limit, in accordance with Council's approved policy on the Neighborhood 25 MPH Program, on

Coburn Court (Carrington)	25 MPH

Background On May 14, 1984, City Council approved a policy to permit a lowered speed limit on residential streets The policy requires that the residents submit a petition signed by 75 percent of the residents or property owners on the streets and that an engineering evaluation be conducted by the Department of Transportation to determine if the lowered speed limit is appropriate

CDOT

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

Acquisitions

A Project F A R Part 150 Land Acquisition
Owner(s) L F and Mary A Rudisill, Jr
Property Address 2316 Newberry Road
Property to be acquired 237 Acres
Improvements 2 Bedroom, 1 Bath, ranch
Tax Value $35,880 00
Purchase Price $46,000 00
Remarks The purchase price was determined by an independent appraiser and was reviewed by a second appraiser Each appraisal takes into account the specific quality and quantity of the house The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes 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

Aviation

relocation benefits Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement

B **Project** F A R Part 150 Land Acquisition
Owner(s) David and Willie Henderson
Property Address 2314 Newberry Street
Property to be acquired 364 Acres
Improvements 2 Bedroom, 1 Bath, 2-Story
Tax Value $34,270 00
Purchase Price $39,000 00
Remarks The purchase price was determined by an independent appraiser and was reviewed by a second appraiser Each appraisal takes into consideration the specific quality and quantity of the house The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes 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

Aviation

C **Project** 1993 Annexation (Area 2) Trunk to Old Concord Road to Houston Harris Road, Parcel #6
Owner L & M Development Company, A North Carolina Corporation
Property Address 9901 University City Blvd
Property to be acquired 48,896 sq ft (1 12 AC) of Permanent Easement plus, 32,598 sq ft (75 AC) of Temporary Construction Easement
Improvements *None*
Price $10,600
Remarks Permanent Easement needed for construction and maintenance of sanitary sewer causing severe severance damages and loss of trees

Eng/R.E.

Zoned B-1 Use Lounge/Night Club
Tax Value $1,693,490
Tax Code 051-011-14

D **Project** Carmel Road Widening, Parcel #117 & 118
Owner H & R, Inc A North Carolina Corporation
Property Address 3200 and 3204 Trefoil Drive
Property to be acquired 13,364 5 sq ft (0 3068 AC) plus 4,721 69 sq ft (0 1084 AC) Temporary Construction Easement
Improvements None
Price $22,660
Remarks The road widening project required Fee Simple, Permanent and Temporary Easement acquisition causing (1) lot depth reduction severely limiting the development of both lots (2) lost utility at rear yard on both lots due to Down Guy placement in or near the middle of each rear lot lines

Eng / R E.

Zoned R-3 Use Vacant/Residential lots
Tax Value $60,000/ea parcel
Tax Code 211-161-07 & 08

E **Project** Carmel Road Widening, Parcel #70
Owner Zora F Moss & husband, Edward W Moss
Property Address 5417 Carmel Road
Property to be acquired 2,411 88 sq ft. (0 0553 AC) of fee & Permanent Easement plus, 3,313 85 sq ft (0 0761 AC) of Temporary Construction Easement
Improvements Landscaping, large hardwood trees & shrubs
Price $27,400
Remarks The Moss property is affected by Carmel Road shifting toward their house and the loss of large hardwood trees that provides buffer from the present road The compensation amount covers loss of

Eng / R E

property, proximity damages as a result of the loss of trees and the road moving toward house

Zoned R-3 Use Residential
Tax Value $109,730

F **Project** Carmel Road Widening, Parcel #8
Owner Home Federal Savings & Loan Association
Property Address 6342 Carmel Road
Property to be acquired 1,606 47 sq ft (0 0389 AC) fee acquisition plus 2,630 35 sq ft (0 0604 AC) Temporary Construction Easement
Improvements Landscaping, sprinkler, walkway
Price $25,500
Remarks The road widening project requires Fee Simple, Permanent & Temporary Easement acquisition and causing a loss of landscaping (trees & shrubs), sprinkler and walkway in addition to moving the road about 12 5 feet closer to their building
Zoned 01 Use Office
Tax Value $487,570
Tax Code 209-241-03

Eng/R E

Condemnations:

McCrory/Wheeler app. 25 G, H, J, K & man.

Eng/R E.

G **Project** Carmel Road Widening, Parcel #101 Rec # 2 B-38 P. 233
Owner Daniel E Hegarty & wf , Gloria M Hegarty, Great Western Bank, Trustee-Spruillco Ltd and any other parties of interest as they may appear of record

Property Address 4428 Carmel Road
Property to be Condemned 2,816 98 92 sq ft (0 0647 AC)
Improvements Trees & shrubs, seeded grass area
Price $10,000

Reason for Condemnation This project requires the acquisition of Fee, Permanent & Temporary Easements causing the reduction of depth on the property by approximately ten feet, loss of a few trees, shrubs and landscaping The property owners have refused our offer Mr Hegarty stated he expected twice that amount He provided several comparable sales as evidence, however, these comps were not adequate because they were not in like areas with adjustments as required to prove appraised value It is recommended the parcel should be condemned Also, since there are several parties of interest, this would assure the City of clear title to the areas needed
Total Area 23,978 59 sq ft (0 5505 AC), Acquisition Area 1,587 39 sq ft (0 0364 AC), Temporary Construction Easement 1,229 53 sq ft (0 0283 AC) Area Remaining 22,609 77 sq ft (0 5191 AC)

Zoned R-3 Use Residential
Tax Value $190,110
Tax Code 209-272 08

Res #3
b 32
p-235

H **Project** Carmel Road Widening, Parcel #39
Owner R Scott Foss & Jenifer Starnes, Charles T Starnes, Lessees, Sturnbridge Homeowners Association, and any other parties of interest
Property Address 5809 Winburn Lane, Charlotte, NC 28226
Property to be Condemned 2,505 17 sq ft (0 0575 AC)
Improvements Subdivision sign, fence, sprinklers, landscaping
Price $12,700
Reason for Condemnation The property is located at the corner of Carmel Road and Meadowridge Drive North, but fronts Winburn Lane The backyard will be affected due to the loss of the heavy buffer (shrubs) area

Eng/R E.

along Carmel Road including a split rail fence and a subdivision sign with landscaping and sprinkler Condemnation is requested due to dispute over distribution and amount of funds to be paid among the parties of interest Total Area 18,108 93 sq ft (0 4157 AC); Acquisition Area 982 11 sq ft (0 0225 AC), Temporary Construction Easement 1,523 06 sq ft (0 0350 AC), Area Remaining 17,126 82 sq ft (0 3932 AC by Deed)

Zoned R-3 Use Residential
Tax Value $110,410
Tax Code 209 291-04

I

Project 1993 Annexation (Area 2) Trunk to Old Concord Road, Parcel #11
Owner SKH and any other parties of interest
Property Address 9608 University City Blvd
Property to be Condemned 7,854 25 sq ft (180 AC) of Permanent Sanitary Sewer Easement & Temporary Construction Easement
Improvements None
Price $4,400
Reason for Condemnation Total Parcel 134,241 sq ft (3 0817 AC), 4,713 sq ft (1082 AC) of Permanent Easement, 3,141 sq ft (0721 AC) of Temporary Construction Easement, 129,528 sq ft (2 9735 AC) Area Remaining The project requires a 15' wide Permanent Easement along the side property line Property owner rejected City's appraisal of $4,400 and counter offered an amount of $8,800 without justification The owners also wants the City to move the line to adjacent property In view of our appraisal and line change request not being feasible because of rip rap ditch, condemnation is recommended

PULL - HAS BEEN SETTLED. WILL COME TO COUNCIL ON 5/8 FOR ACQUISITION

Eng/RE

Item No.

Zoned I-2 Use Commercial
Tax Value $280,310
Tax Code 051-121-11

Res #4
B 32
P-237

J. **Project** 1993 Annexation (Area 2) Trunk to Old Concord Road, Parcel #2A,2B,2C,2D
Owner James Stewart Alexander, Susan Burr Alexander Boone, John William Alexander, Stella Alexander Harman & any other parties of interest
Property Address US Hwy 29
Property to be Condemned 2,971 sq ft (0682 AC)
Improvements None
Price $250
Reason for Condemnation Total area 1,391,683 sq ft (31 9487 AC), 1,545 sq ft (0355 AC) of Permanent Easement, 1,426 sq ft (0327 AC) of Temporary Construction Easement, 1,390,138 sq ft (31 9130 AC.) Area Remaining This is a 15' Sanitary Sewer Easement that varies along east property line The property owner has refused to get the agreement executed due to the small amount of consideration ($250 00) and the death of some of the heirs Due to the City's inability to obtain clear title, condemnation is recommended

Eng/R.E.

Zoned R-3 Use Vacant
Tax Value
Tax Code 051-021-2A,2B 2C,2D

Res #5
B-32
P-239

K **Project** 1993 Annexation (Area 2) Trunk to Harris-Houston Road, Parcel #12
Owner William W Waters & wf , Lill J Waters & any other parties of interest
Property Address 11001 NC Hwy 49
Property to be Condemned 23,673 sq ft (0 543 AC)
Improvements Trees
Price $3,000

Eng/R.E.

Reason for Condemnation Total Parcel 1,992,057 sq ft (45 7313 AC), 13,456 sq ft (3089 AC) of Permanent Easement; 10,217 sq ft (2345 AC) of Temporary Construction Easement, Area Remaining 1,968,384 sq ft (45 1877 AC) This is 15' wide Sanitary Sewer project 896 49 feet in length The City's offer of $3,000 was based upon independent appraisal The property owner rejected the City's offer His counter-offer is $7,000 He feels since he had to pay Charlotte-Mecklenburg Utility Department fees, it is only fair that he be reimbursed some of his expenses Reimbursement of these fees is not related to this acquisition and condemnation is recommended

Zoned R-4 Use Single Family Tax Value
Tax Code 051 011-18

Res #6 B-32 P 241

L Project 1993 Annexation (Area 3) Trunk to End of Hugh Forest Road, Parcel #1
Owner William W Waters & wf , Lill J Waters & any other parties of interest
Property Address Hugh Forest Road
Property to be Condemned 33,851 sq ft (777 AC)
Improvements Trees
Price $4,900
Reason for Condemnation Total Area 1,386,996 sq ft (31 8911 AC), 18,829 sq ft (4322 AC) of Permanent Easement, 15,013 sq ft (3446 AC) of Temporary Construction Easement, 1,368 167 sq ft (31 4087 AC) of Area Remaining This is a 15 foot wide Sanitary Sewer project 1,266 30 linear feet in length The City's offer of $4,900 now based upon independent appraisals The property owner rejected the City's offer He is a developer and feels that since he has to pay costly Charlotte-

Eng/R E.

Mecklenburg Utility Department fees, it is only fair that he be reimbursed some of his expenses Reimbursements of these fees is not related to his acquisition

Zoned R-3
Use Vacant/Single/Family
Tax Value $582,720
Tax Code 227-061-20