

AGENDA

Meeting Type:	BUSINESS
Date:	05/13/1996

City of Charlotte, City Clerk's Office

45



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

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

Council Agenda

CITY COUNCIL MEETING
Monday, May 13, 1996

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

Formal Business Meeting

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

- 1. Restructuring Government Committee: Privatization/Competition Advisory Committee**
- 2. Restructuring Government Committee: Multifamily Garbage RFP**

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

CONSENT

- 3. Consent agenda items 12 through 22 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

Staff Resource: Julie Burch

PUBLIC HEARING

4. Public Hearing on Storm Water Fees

- Action:** Conduct a joint public hearing with the Board of County Commissioners on changes to the Storm Water Fee.
- Staff Resource:** Jim Schumacher
- Explanation of Request:**
- The proposed FY97 Capital Investment Program budget includes an increase in the monthly storm water fee.
 - In accordance with State law and the City/County interlocal agreement on storm water services, the Board of County Commissioners must convene a joint public hearing with the City Council prior to the adoption of new storm water fees. The Board of County Commissioners will join the meeting for the storm water hearing only.
- Proposed Fees:**
- The storm water fee for Charlotte property owners consists of two components: 1) the City portion which is used to maintain the minor drainage system; and, 2) the County portion which is used to maintain the major floodways. The following increases in total storm water fees are proposed for FY97:
 - Owners of Single Family Residential property will see the monthly fee increase from \$2.92 to \$3.13;
 - Commercial properties will have fee increases ranging from 7.2% to 8.6%; and
 - The City's lump-sum payment of \$2,500,000 (for streets and public buildings) will increase to \$2,750,000, a 10% increase.

Program Needs:

- Changes in the storm water program and associated increases in the monthly fee are proposed to address the large backlog of drainage repairs and improvements in the community. The expanded program would include:

<u>Program</u>	<u>Total \$</u>
Accelerating the pace of drainage system repairs to eliminate the backlog in six years thereby meeting the original ten year goal.	\$32.6m
Growth in funding for neighborhood flood control projects that increase the flow capacity of the drainage infrastructure.	\$44.5m
Beginning work on a fifteen year goal to improve stream channels that are experiencing erosion but do not need increased flow capacity.	\$14.4 m
Beginning to make drainage improvements in coordination with other neighborhood investments in targeted neighborhoods.	\$ 8.3m
Beginning in FY98 to make drainage improvements that facilitate City economic development goals.	\$ 7.3 m

Establishing Storm Water as an Enterprise Fund:

- In addition to funding the expanded services, annual increases in the storm water fee will allow the 1¢ of the property tax rate that is currently dedicated to storm water to be transferred to debt service. Establishing an enterprise fund for storm water will make it a self-funding program. The 1¢ transfer, along with other revenue sources, will provide the financing for proposed transportation and neighborhood bonds.

Proposed Property Tax Allocation

	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>	<u>FY99</u>	<u>FY00</u>	<u>FY01</u>
General Fund	33.05	43.25	43.25	43.25	43.50	43.50
Debt	5.75	6.75	7.00	7.25	7.25	7.50
Pay-As-You-Go	3.00	1.50	1.50	1.50	1.50	1.50
Storm Water	<u>1.00</u>	<u>1.00</u>	<u>.75</u>	<u>.50</u>	<u>.25</u>	<u>0.00</u>
TOTAL	42.80	52.50	52.50	52.50	52.50	52.50

Next Steps:

- The next steps in the storm water fee process are:
 - The storm water program will be discussed at the Council budget workshop on May 16 at 5:00 p.m.
 - City Council will vote on the new storm water fee with approval of the FY97 City budget on June 10.

Background:

- The City of Charlotte implemented the current storm water program in January 1993. The City is responsible for the streams (2,000 miles inside the City) and storm drains with watersheds less than one square mile. Mecklenburg County retained responsibility for the larger streams (180 miles), those with watersheds greater than one square mile. The City and County adopted an interlocal agreement in 1993 that defines the responsibility of each for storm water services, and in 1994, the County began charging a storm water fee to finance its activities.

Attachment 1

Review of Storm Water Program Strategy and Funding

5. Public Hearing on FY97 Operating Budget and Capital Investment Plan

Action: Receive public comments on the Manager's recommended budget.

Staff Resource: Vi Alexander

Explanation of Request:

- The total recommended budget is \$739.6 million, with \$530 million for operating expenses and \$209.6 million for capital expenditures.
- The Operating Budget reflects transfer of costs from Mecklenburg County to pay for police and garbage disposal.

Police Services

- Since 1992, Mecklenburg County has collected the property tax revenues designated for police services and distributed the money to Charlotte and the towns in the County. Beginning in July 1996, Charlotte will collect the tax money for police services from Charlotte residents and Mecklenburg County will bill residents in the unincorporated areas directly. This means the County tax rate decreases, and the City tax rate increases, by 9.7¢ (to 52.5¢ per \$100 valuation), making this a tax-neutral change for Charlotte residents.

Garbage Disposal/Landfill Fees

- Also beginning July 1996, it is recommended that the current County-charged annual fee of \$38 for single family units and \$23 for multi-family units for garbage disposal be collected by the City and paid to Mecklenburg County for landfill fees.

Other

- Other recommendations include:
 - Increasing water and sewer rates 3.32%, an average of 81¢ per month for customers;
 - Maintaining Transit fares at 85¢ for local service and \$1.15 for express service; and

- Increasing storm water fees 7.3% for single family homeowners and 7.3% - 8.6% for commercial customers.

Capital Budget

- The Capital Budget recommends a \$98.4 million fall bond referendum which is funded without a property tax increase. The bond package includes:
 - \$36.4 million for roads, including widening Fairview/Sharon, Hoskins, Beatties Ford and Prosperity Church Roads, and extending Colony and Johnston Roads;
 - \$32 million for neighborhood improvements in the City's older urban and suburban neighborhoods;
 - \$17.5 million for intersection improvements at Providence, Sharon and Sharon Amity, at Randolph and Wendover, and at Monroe and Sharon Amity; other transportation projects such as minor roadway improvements and bridge replacement; and
 - \$12.5 million for sidewalks and business corridors. Funding for the City-wide sidewalk program is boosted from \$3.5 to \$10 million over a five year period.
- Council workshops are scheduled for review of the budget on May 14, May 16, May 21, May 23, May 30, June 3 and June 4.
- Budget adoption is scheduled for June 10, 1996.
- State law requires a public hearing be held following presentation of the Manager's Recommended Budget and prior to Council adoption of the budget.

Background:

- State law also requires that a public notice be published following presentation of the Manager's Recommended Budget and before the scheduled Public Hearing. The required public notice was published in local newspapers on May 6, 1996.

POLICY

6. City Manager's Report

7. Privatization/Competition Advisory Committee

- Action:** Approve recommendations of Restructuring Government Committee concerning the Privatization/Competition Advisory Committee (PCAC):
- A. Accept the workplans for services contracting and asset management and approve their general direction; and
 - B. Consider the request from the Privatization/Competition Advisory Committee to add two additional members.

Committee Chair: Charles Baker

Staff Resource: David Cooke/Clark Readling

Focus Area: Restructuring Government

- Explanation of Request:**
- A. Accept the workplans of the PCAC and approve their general direction.

On April 24, 1996, the Restructuring Government Committee met with the Privatization/Competition Advisory Committee to review and discuss the Committee's workplans for services contracting and asset management. Copies of the workplans are attached.

In summary, the workplans include the following:

Services Contracting

- Evaluating and monitoring competition results throughout the City

- Completing the Irwin Creek Wastewater Treatment Plant and Vest Water Plant competition; and, evaluating further competition opportunities with water and wastewater plants
- Moving forward on competing the next quadrant or portion of the City for residential solid waste collection
- Other projects including:
 - Special Transit Services
 - Fire/Medic
 - Vehicle & Equipment Maintenance
 - Neighborhood Development Services

Asset Management

- Reviewing properties under the control of CMUD and Neighborhood Development
 - Reviewing assets with values greater than \$5 million, including:
 1. CityFair Parking Deck
 2. Charlotte-Mecklenburg Government Center
 3. Ovens Auditorium
 4. Independence Arena
 - Evaluating the status of properties being marketed this year, including:
 1. Surplus NFL Property (Cedar and W. 4th Street)
 2. Old Navy and Marine Reserve Training Center (W. 5th and 6th Streets)
 3. Old Bus Garage (Brevard and 11th Street)
- B. Consider request from the Privatization/ Competition Advisory Committee to add two members to the Committee.**

At the April 24 meeting, the Privatization/Competition Advisory Committee requested expanding the Committee by two members. A motion to expand the Committee failed to receive a majority vote of the Committee.

The Privatization/Competition Advisory Committee cited as justification their past successes, expanded workplans and time constraints, and the need for additional expertise.

A profile of the desired members includes individuals with business or financial experience, preferably individuals directly involved in outsourcing and contracting decisions.

A copy of the Committee charge and current composition is attached.

Background:

- On November 22, 1993, City Council approved a Citizen's Privatization/Competition Advisory Committee consisting of nine members. Their charge is to:
 - Monitor the progress of the City in implementing services contracting and asset management;
 - Assist and advise the City in implementing Council's goals for services contracting and asset management;
 - Advise City Council and the City Manager on matters relating to privatization, in general;
 - Serve as a resource regarding concerns about fairness of any bidding processes; and

- Recommend services and assets to be considered for competition and privatization, and ways to improve current contracted services.

Attachment: 2

Copies of Workplans
of Committee Charge and Composition

8. FY97 Consolidated Action Plan for Federal Housing Programs

Action: Approve the recommendation of the CWAC Committee to adopt the FY97 Consolidated Action Plan, which describes the activities to be undertaken under the following federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships and Emergency Shelter Grants (ESG) in the estimated amount of \$6,767,000 for the period from July 1, 1996 through June 30, 1997.

Committee Chair: Ella Scarborough

Staff Resource: Willie Ratchford

Focus Area: City Within a City and Community Safety

Policy: On May 8, 1995, Council adopted a Five-Year Consolidated Plan which describes the City's housing and community development strategies and priorities for FY1996-2001 as required by the Department of Housing and Urban Development (HUD). Each year, in order to receive federal funds, entitlement cities must also submit a one-year Consolidated Action Plan describing activities and funding levels for the upcoming fiscal year and indicating any changes to the Five-Year Plan.

Explanation of Request:

- The City's FY97 Consolidated Action Plan is due to HUD on May 15, 1996. Submission of this one-year action plan by that date is required in order for the City to receive an estimated \$6.7 million in federal funds.

- Final entitlements for FY97 are not currently known due to the delay in Congressional budget action. For planning purposes HUD has recommended that we estimate our FY97 grants based on the FY96 amounts as indicated below:

CDBG	\$4,772,000
HOME	1,820,000
ESG	<u>175,000</u>
	\$6,767,000

- The CWAC Committee met April 29, 1996 and recommended the FY97 Consolidated Action Plan to City Council for approval. The Committee approved the following changes, as included in the FY97 Consolidated Action Plan:

- Use of some federal funds to benefit persons over 80% of median income in targeted low-income neighborhoods as part of a community revitalization strategy if approved by HUD;
- Use of federal funds for infrastructure improvements; and
- A Continuum of Care Plan (Homeless Strategy) for homeless service providers

- The FY97 Consolidated Action Plan outlines the following goals for FY97 programs and activities:

- Preserve Existing Housing
- Strengthen Neighborhoods and Community-Based Organizations
- Promote Self-Sufficiency
- Expand the Affordable Housing Supply
- Improve Infrastructure
- Address and Prevent Homelessness through Partners

Funding:

Federal CDBG, HOME and ESG funds

- Appropriation of funds covered by the plan are part of the FY97 budget.

Attachment 3

Background

9. Multifamily Complex Bin and Recyclables Collection Request for Proposal

Action:

Approve the recommendations of the Restructuring Government Committee for the Request for Proposal (RFP) for multifamily bin and recyclables collection service.

Committee Chair:

Charles Baker

Staff Resource:

Wayman Pearson

Focus Area:

Restructuring Government

Explanation of Request:

- The City's multifamily bin and recyclables collection contracts with five contractors are effective through June 30, 1996, and Council has approved extension of the contracts through September 30, 1996. Plans are in progress to rebid these services.
- On April 22, 1996, Council reviewed recommendations of the Restructuring Government Committee on the RFP for multifamily bin and recyclables collection. The Charlotte Apartment Association raised concerns regarding the proposed refuse collection service frequency. Council deferred action on this item to the May 13 Council meeting to allow time for the Committee to address the concerns raised by the Charlotte Apartment Association.

- Current Service:

The current service level for multifamily complexes includes two refuse collections per week from bulk containers, and one recyclables collection. Less than 35% of the multifamily complexes participate in the recycling program.

The current cost of the multifamily bin and recycling contracts is \$ 1.9 million.

- Committee Review:

The Restructuring Government Committee reviewed multifamily collection and issues raised by the Charlotte Apartment Association. The Committee recommends the following items be incorporated into the RFP:

1. Bid Structure:

Structure the RFP to receive three separate bids: (a) Whole City; (b) One half of the City; (c) Second half of the City.

If the same vendor is low bidder in all three quotes, one vendor would be awarded the contract. If the same vendor is not low bidder in all three, more than one contract would be awarded.

This structure will provide three cost options for the services. It will also provide bidders with an opportunity to submit different bids for service in different areas of the City.

2. Bin Collection Service Level:

Provide a service level of two refuse collections per week from standard bulk containers for the first year of the contract/s with the goal of reduction to one refuse collection per week for the remainder of the contract/s term. The ratio of residential units to a bulk container will be changed from 20:1 to 30:1.

Contract/s will be awarded for 3 years with an option of two 1 year extensions.

At the end of the first year, the City will conduct a physical verification. If recyclables tonnage has not increased enough to justify the reduction of one weekly refuse collection service, then the City will implement a plan to achieve the goal of one refuse collection per week.

This change in bin collection service will save approximately \$409,500 in FY97.

The Charlotte Apartment Association recognizes the City's desire to get to one weekly refuse collection service and the need to significantly increase participation in the recycling program in order to reduce the amount of refuse going to the landfill.

The City and the Charlotte Apartment Association plan to work together over the next year to pursue the goal of reduction to one weekly refuse collection through a significant increase in recycling.

3. Recycling Collection Service Level:

Provide one recyclables collection per week. The City will pay by the ton for recyclables collected as well as a fee for the installation and maintenance of recycling stations in multifamily complexes. Paying for recyclables tonnage provides the contractor/s with an incentive to work with multifamily complex owners and managers to encourage residents to recycle.

Develop and implement an aggressive public education program to increase recycling in multifamily complexes. The City, contractor/s and the property owners/managers will work in partnership to achieve this objective.

Until there is some experience with multifamily recycling participation, the cost of the program will not be known.

On July 1, 1996, the City will pay tipping fees to the County for all the garbage it hauls to County designated disposal sites. A reduction in the amount of garbage through recycling will reduce the City's disposal costs.

4. Multifamily Definition:

All multifamily complexes of 30 or more units which are currently serviced by the single family collection crews (both City and BFI) will be included in the RFP to be transferred to multifamily contract collection service.

- The Charlotte Apartment Association supports the inclusion of these recommendations in the RFP.
- In 1979 the City discontinued its dumpster collection service and invited bids from private haulers to provide bulk container collection service to multifamily complexes. The City currently has contracts with five private haulers for collection of refuse and recyclables from multifamily complexes and some public facilities. With the extensions approved by Council, contracts are effective through September 30, 1996.

Background:

BUSINESS

10. SouthTrust Bank Agreement Amendment

- Action:** Authorize City Manager to amend an agreement with SouthTrust Bank to provide the City's match of \$154,375 which corresponds to the bank's increased contribution of \$617,500.
- Staff Resource:** Richard Bargoil
- Focus Area:** City-Within-A-City
- Policy:**
- On October 28, 1991, City Council approved the City-Within-A-City (CWAC) Loan/Equity Pool Program, with the goal of stimulating economic activity by helping meet capital/equity needs of new and expanding businesses and creating jobs for low/moderate income persons.
- Explanation of Request:**
- SouthTrust Bank's increase of \$617,500 will result in a total commitment of \$750,000.
 - SouthTrust Bank has approved one loan for \$132,500 exhausting the bank's current commitment.
 - SouthTrust Bank has now approved a second CWAC loan for \$100,000 and additional loans are being considered.
 - This amendment increases the SouthTrust Bank and City contribution so that new loans may be made.
- Funding:** Development and Revitalization Fund - Urban Development Action Grant repayments.
- Attachment 4**
SouthTrust Bank's Request
Background

11. Appointments to Boards and Commissions

Action: Give ballots to Clerk at dinner so she may announce appointments.

Historic Districts Commission

At the April 22 meeting, Council narrowed the field to three candidates. Councilmember Spencer questioned whether one nominee resides in the Dilworth area as required and it was found that he does not. Therefore, Council should vote on the paper ballot between the two candidates listed.

- (a) Mark Fishero by Councilmember Spencer
- (b) Peter Heyd by Councilmember Reid

Attachment 5

Housing Appeals Board

One appointment beginning immediately to fill an unexpired term which ends December 31, 1996, and also the next full three year term. The vote on April 22 was tied, and the Mayor voted to break the tie. The at large category, however, is designated in the Ordinance as a Council appointment; therefore, Council should vote again to fill this position.

- (a) Charlie Dean by Councilmember Scarborough
- (b) Arthur Moore by Councilmember Reid

Attachment 6

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

12. Various Bids

A. Water and Sewer Main Construction - CMUD FY96 Contract #14 - Street Main Extensions

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$667,981.88 by Propst Construction Company of Concord, North Carolina.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$15,000	2.3%	2%
WBE	\$32,000	4.8%	3%

Compliance: Yes. The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women owned firms. The BBE and WBE goals have been exceeded.

**B. Sanitary Sewer to Serve
7511 Old Concord Road and
10101 Newell-Hickory Grove Road**

CMUD

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$219,775.93 by Dellinger, Inc. of Monroe, North Carolina be accepted.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$4,300	2%	2%
WBE	\$9,150	4.2%	2%

Compliance: Yes - The Contractor has met the requirements of the MWBD Program by exhibiting a good faith effort to utilize minority and women owned firms. The BBE goal has been met and the WBE goal has been exceeded.

**C. Water Distribution Project - 16-Inch and
12-Inch Water Main Along Belmeade Road**

CMUD

Recommendation: Charlotte-Mecklenburg Utility Director recommends the low bid of \$162,779.40 by R.H. Price of Charlotte, North Carolina.

MWBD Compliance: Yes. The Contractor has met the requirements of the MWBD Program by performing 100% of the work with his current work force. R. H. Price, Inc. has submitted documentation regarding their capacity to self-perform this project.

13. Special Officer Permit

Action: Approve an application for Special Officer Permit to Erin A. Long for use on the premises of the Aviation Department as an Airport Safety Officer I.

14. Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of \$7,277.45.

Attachment 7

15. Speed Limit Change

Action: Adopt ordinances to lower the speed limit on 11 Charlotte streets.

Neighborhood 25 MPH Program:

Altondale Avenue (Eastover)
Appley Meade Lane (Wellington)
Creekbed Lane (Huntingtowne Farms)
Farmgate Drive (Grove Park)
Katelyn Drive (Wellington)
Meadowbrook Road (Cotswold)
Placid Place (Cotswold)
Saxonbury Way (Wellington)
Williams Road (Grove Park)
Wintercrest Lane (Picardy)

Engineering Evaluation:

Silver Bell Lane from 35 MPH to 25 MPH

CONSENT II

16. Professional Services Contract for Long Creek Parallel Outfall (Phases I & II)

Action: Approve a Professional Services Contract with Woolpert Consultants for the surveying and design of Long Creek Parallel Outfall - Phases I (\$82,885) and Phase II (\$86,405).

Explanation of Request:

- The professional services contract with Woolpert Consultants is for completion of the surveying and design of both phases of the parallel outfall. CMUD has completed approximately 50% of the surveying and design in-house. CMUD will inspect the projects in-house. The utilization of Woolpert Consultants will allow the projects to be accelerated.

- Phase I is from Oakdale Road to Gum Branch and Phase II is from Gum Branch to the Long Creek Lift Station.

- The consultant was selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process.

Background:

- These sanitary sewer projects were originally approved in the FY90-94 Capital Investment Plan (CIP). The schedule was revised and also approved in the FY96 CIP. These projects were recommended in a study by Henningson, Durham and Richardson Engineering, Inc.

17. Sale of City Property - 43365 Pebblebrook Drive

Action: Approve the sale of City owned property located at 4335 Pebblebrook Drive.

Explanation of Request:

- Sale of City owned property is subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the following offer:

Property Address: 4335 Pebblebrook Drive
Tax Code: 061-102-22
Buyer's Names: Paul Jones, Jr. and Eleanor
G. Jones
Offer: \$59,000

- In accordance with the Part 150 Plan, the airport acquired 23 homes in the Wandawood community, near Harding University High School, because they were located in the highest noise zone. Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan.
- The airport provided noise insulation to 4335 Pebblebrook Drive Court and listed the property in Multiple Listing Service for sale to the public on March 26, 1996. The sale price was determined by an appraisal.
- An offer to purchase was extended through an independent Realtor. The offer is 100% of the asking price.
- The offer was advertised for 10 days in accordance with the statutes for upset bid. No other offers were received.
- The buyer will pay \$59,000. The City will pay the realtor fee of \$1,770. Proceeds of the sale will go to the Airport Fund.

18. Sale of City Property - 2427 Carrington Court

Action: Approve the sale of City owned property located at 2427 Carrington Court.

Explanation of Request:

- Sale of City owned property is subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the following offer:

Property Address: 2427 Carrington Court
Tax Code: 061-102-04
Buyer's Names: Francis Nichols and
Bythenia Davidson
Offer: \$54,500

- In accordance with the Part 150 Plan, the airport acquired 23 homes in the Wandawood community, near Harding University High School, because they were located in the highest noise zone. Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan.
- The airport provided noise insulation to 2427 Carrington Court and listed the property in Multiple Listing Service for sale to the public on March 26, 1996. The sale price was determined by an appraisal.
- An offer to purchase was extended through an independent Realtor. The offer is 100% of the asking price.
- The offer was advertised for 10 days in accordance with the statutes for upset bid. No other offers were received.
- The buyer will pay \$54,500. The City will pay the realtor fee of \$1,635. Proceeds of the sale will go to the Airport Fund.

19. Budget Ordinance for FAA Grant Amendment

Action: Adopt a Budget Ordinance to appropriate Federal Aviation Administration (FAA) Grant Amendment #2 in the amount of \$255,381.

- Explanation of Request:**
- This budget ordinance appropriates additional FAA funds. The ordinance is necessary due to additional condemnation cost.
 - Through the condemnation process of the Master Plan Land Acquisition, Civil Court judgement increased project costs by \$340,507.

Background:

- The FAA is obligated by the original grant to fund additional costs up to 15% of the grant amount.
- This ordinance will reduce the City's share of the project by the amount of the grant amendment.
- In May 1992, City Council accepted a FAA Grant in the amount of \$10,286,051 for the Relocation of NC 160 and Terminal Road Extension, Site Preparation for the Runway 36R Extension, Master Plan Land Acquisition, and FAR Part 150 Land Acquisition Program.
- In June 1995, City Council adopted a resolution to amend the work scope of the grant to include a Security Access System as required by a FAA mandate.

20. Adam Service Area Center Change Order and Budget Ordinance

Action:

- A. **Adopt a budget ordinance appropriating \$275,000 from Environmental Bond funds to pay for additional work associated with unsuitable soil conditions and construction debris at the Adam Service Area Center; and**
- B. **Approve a change order allowance in the amount of \$275,000 to Sealand Contractors Corporation for performing the additional work described in A.**

Explanation of Request

- The Police and Engineering Departments recommend that a budget ordinance appropriating \$275,000 in Environmental Bond Funds for the Adam Service Area Center be adopted. This funding will be used to pay for the additional work associated with the removal of construction debris and soil that is unsuitable for construction of building foundations and parking subgrades.

- While a small quantity of unsuitable soil was expected and planned for in the contract, the actual quantity is much larger. The current project budget is inadequate to pay for this additional work and must be supplemented.
- The City's bond attorneys, Smith, Helms, Mulliss, and Moore, advise us that, although this site is not an environmental hazard, we can use these bonds to cover the costs of this additional work.
- The City Engineering Department recommends that the contractor be issued an allowance change order in the amount of \$275,000 to pay for this work. Payment will be based on negotiated costs for actual measured work.
- In June, we will advise Council of the actual additional cost of the work.

Background:

- The general contractor for the Adam Service Area Center encountered a large quantity of construction debris and soil unsuitable for construction of building and parking areas during grading operations. This situation and action items A and B were discussed at Council's April 22 meeting. City Engineering issued the contractor a Notice to Proceed on April 23 based upon Council's April 22 agreement with this plan of action.

21. Property Transactions

Action:

Approve the following property acquisitions (A-E) and adopt the condemnation resolution (F).

- A. **Project:** F.A.R. Part 150 Land Acquisition
Owner(s): Earl Crocker Estate & Carolyn C. Allen
Property Address: 8200 Byrum Drive
Property to be acquired: 8.749 acres
Improvements: 2-story residence
Tax Value: \$62,560
Purchase Price: \$394,000

Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific 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.

- B.** **Project:** F.A.R. Part 150 Land Acquisition
Owner(s): Mr. and Mrs. Robert Byrum
Property Address: 7404 Byrum Drive
Property to be acquired: 3.189 acres
Improvements: Ranch residence
Tax Value: \$187,130
Purchase Price: \$207,300
Remarks: 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.
- C.** **Project:** Milton Road Widening, Parcel # 116
Owner(s): Duke Power Company
Property Address: 2801 Milton Road
Property to be acquired: 3,779 sq.ft. (0.08 ac.) fee plus 5,197 sq.ft. (0.12 ac.) temporary construction easement.
Improvements: Power poles
Purchase Price: \$31,155

Remarks: This project is causing the loss of approximately eight feet along the front of the property and the relocation of power poles serving a substation. Compensation was determined by an independent appraiser.

Zoned: R-17 MF **Use:** Power station
1991 Tax Value: \$141,890 (entire parcel)
Tax Code: 107-031-01

- D. **Project:** Rhonda Avenue Culvert, Parcel # 1
Owner(s): William Davis Hines & Vonnie S. Hines
Property Address: 6915 Waldorf Court
Property to be acquired: .437 ac.
Improvements: One story brick house
Purchase Price: \$144,000
Remarks: On January 16, 1996, Council approved the concept of purchasing four houses for the Rhonda Avenue Storm Drainage Improvement Project. This parcel is one of the four that meets the objectives of this project. Compensation is based on the appraisal.

Zoned: R-3 **Use:** Residential
1991 Tax Value: \$116,680 (entire parcel)
Tax Code: 189-191-22

- E. **Project:** Sharon Road Minor Roadway Improvements, Parcel # 3
Owner(s): Herbert H. Lyles & wf., Peggy H. Lyles
Property Address: 6639 Sharon Road
Property to be acquired: 2,590 sq.ft. (0.0594 ac.) of temporary construction easement.
Improvements: 102 linear feet of brick wall, landscaping and 3 large shrubs.
Purchase Price: \$ 12,500
Remarks: Acquires a temporary construction easement that includes 102 linear feet of brick wall used for screening from Sharon Road and loss of landscaping. Compensation is based on independent appraisal.

Zoned: R-3 **Use:** Residential
1991 Tax Value: \$160,310 (entire parcel)
Tax Code: 209-286-16

Condemnation:

- F. **Project:** Elevated Water Storage Tanks, Parcel #1
Owner(s): Hazel S. Shannonhouse and any other parties of interest.
Property Address: W. Mallard Creek Church Road
Property to be acquired: 337,155 sq.ft. (7.74 ac.)
662,114 sq.ft. (15.20 ac.) Area remaining.
Improvements: None
Purchase Price: \$ 194,000
Remarks: Acquisition of the high ground, within this site, is required for construction of two water towers. The City's offer of \$194,000 was derived from the highest of three independent appraisals. The property owner's counter-offer of \$1,917,050 is based on a previous sale to NDOT and the Consumer Price Index. The property owner has no immediate plans for development of this vacant property.

Zoned: R-4 **Use:** Vacant
1991 Tax Value: \$206,406 (entire parcel)
Tax Code: 047-175-10

22. Meeting Minutes

Action:

Approve the minutes of the following meetings:

- **March 25 Regular Meeting**
- **March 29 Mini-Retreat**
- **April 1 Council Workshop**
- **April 8 Regular Meeting**
- **April 15 Legislative Breakfast**
- **April 15 Zoning Meeting**