

**AGENDA**

Meeting Type:	BUSINESS
Date:	04/22/1996

City of Charlotte, City Clerk's Office



*Mayor Patrick McCrory    Mayor Pro Tem Al Rousso*

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

## ***Council Agenda***

### **CITY COUNCIL MEETING** **Monday, April 22, 1996**

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<b>5:00 p.m.</b>	<b><u>Conference Center</u></b>  <b>Dinner Briefing</b> <b>(See Table of Contents)</b>
<b>6:30 p.m.</b>	<b><u>Meeting Chamber</u></b>  <ul style="list-style-type: none"><li>● <b>Invocation</b></li><li>● <b>Pledge of Allegiance</b></li><li>● <b>Citizens Hearing</b></li></ul>
<b>7:00 p.m.</b>	<b>Formal Business Meeting</b>



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## CONSENT I

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

### **1. Convention Center Construction Lawsuits**

### **2. Closed Session**

**Action:** Adopt a motion to hold a closed session pursuant to G.S. § 143-318.11(3) for the purpose of conferring with the City Attorney and the City Engineer concerning Convention Center construction lawsuits.

## **6:00 P.M. PUBLIC HEARING MEETING CHAMBER**

### **3. Public Hearing Concerning Charlotte Hornets and Charlotte Coliseum**

**Action:** Conduct a public hearing concerning the Charlotte Hornets and Charlotte Coliseum.

**Staff Resource:** Del Borgsdorf

**Explanation of Request:** At the April 1 workshop Council received a report from the City Consultant, CSL International, on the Charlotte Hornets and the Charlotte Coliseum. Council asked that a public hearing be set to hear citizen comments on this subject.

The public hearing has been advertised in the Charlotte Observer and highlighted on the Government Channel April 18 - 22. News releases were sent to all local media. Craig Skiem, CSL International, Principal, appeared on Final Edition (WTVI). City Report, 60 second spots, carried on 15 radio stations, featured this hearing on April 20-22. On April 22 at 5:30 p.m. the consultant will present an issue briefing for the public. The Government Channel will televise this program live.

## **CITIZENS HEARING**

## CONSENT ITEMS

- 4. Consent agenda items 12 through 19 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

**Staff Resource:** Julie Burch

## PUBLIC HEARING

- 5. Public Hearing and Resolution to Close a Portion of Old Wilmount Road**

**Action:**

- A. Conduct a public hearing to abandon portion of Old Wilmount Road; and**
- B. Adopt the Resolution to Close.**

**Staff Resource:** Scott Putnam

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

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

**Background:**

**Petitioner:**  
Elsie Mobley Turner, Wyndham Charlotte Garden Hotel Limited Partnership

**Right-of-Way to be abandoned:**  
An unused portion of Old Wilmount Road

**Location:**  
From Oak Lake Boulevard westwardly approximately 425 feet to Wilmount Road.



**Explanation of Request:**

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

**Background:**

**Petitioner:**

James F. Beahan, Rutland Plastics Technologies, Inc.

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

Portions of China Grove Church Road and Packard Street

**Location:**

China Grove Church Road - from Rodney Street southeastwardly approximately 546 feet.

Packard Street - from China Grove Church Road northeastwardly approximately 110 feet.

**Reason:**

To eliminate sections which are no longer used as public streets.

**Notification:**

In accordance with City policy the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies, and City Departments for review.

**Adjoining property owners - No objection**

**Neighborhood association(s) - No objection**  
Sterling Community Organization

**Private Utility Companies - No objection**

Staff review has identified no apparent reason this closing would:

1. Be contrary to the public interest; or,
2. Deprive any individuals(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in the statutes.

**Attachment 2**  
Vicinity Map

# POLICY

## 7. City Manager's Report

## 8. Capital Needs Advisory Committee Report

**Action:** Approve the Economic Development and Planning Committee recommendation to adopt the Capital Needs Advisory Report that includes principles and policies for capital investment.

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Vi Alexander

**Policy:** Council's Restructuring Government Focus Area includes the objective of implementing a process to review the capital program including the Capital Needs Assessment and the Capital Investment Plan.

**Explanation of Request:**

- Council received the Committee Report at the April Workshop. The Economic Development and Planning Committee met April 15 and unanimously approved the report.
- The Committee Report recommends three principles for capital investment decision-making:
  - preserve the existing tax base,
  - stimulate growth in the tax base, and
  - provide for a balance in capital investments.
- The Committee Report includes the following new capital investment policy statements:
  - Preservation of the existing tax base is a fundamental principle for City capital investment decision-making.

- The City will continue to form partnerships with citizens and businesses to leverage public dollars making this a community of choice for living, working and leisure activities.
- Neighborhoods are the foundation of the community; a reinvestment program focusing on all neighborhoods should be emphasis in a comprehensive capital investment strategy.
- The Committee Report identifies three major priorities for capital investment:
  - roads,
  - neighborhoods, and
  - storm water.
- The Economic Development and Planning Committee recommended that the Capital Needs Advisory Committee Report include review of human investment in the capital planning process. The Capital Needs Committee's recommendation for modifying the current process for needs has been revised as follows:
  - Page 7, item 4: Link long range business and service delivery plans to infrastructure "AND HUMAN" investment plans.
- The Economic Development and Planning Committee plans to discuss the process for capital needs identification at a future meeting.

**Background:**

- Council approved a joint capital planning resolution on June 8, 1995 to include the City, County and Schools. At the October 1995 Workshop, Council approved a work plan for joint capital planning that included the creation of a 15-member Capital Needs Advisory Committee. Half of the appointments were made by the Mayor and half by Council. The Committee has undertaken comprehensive review of the Capital Needs Assessment and Capital Investment Plan involving six committee meetings (15 hours) from December 13, 1995 through March 6, 1996.

**Attachment 3**  
**Capital Needs Advisory Committee Report**

## BUSINESS

### **9. Extension of Multifamily Complex Bin and Recyclables Collection Contract**

**Action:** Approve extension of the current multifamily bin and recyclables collection contracts to September 30, 1996.

**Staff Resource:** Wayman Pearson

**Policy:** Restructuring Government; Competition

**Explanation of Request:** In 1993, Council approved renegotiated multifamily bin and recyclables contracts for a period of three years, effective through June 30, 1996. The Council is expected to award the new contract/s in June 1996. In order to avoid any disruption of service and provide sufficient transition time for the new contractor/s, the current contracts must be extended for a 3 month period, through September 30, 1996.

**Background:** 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. Contracts are effective through June 30, 1996.

### **10. Multifamily Complex Bin and Recyclables Collection Request for Proposal**

**Action:** Approve the recommendations of the Restructuring Government Committee on the Request for Proposal for multifamily bin and recyclables collection service contracts.

**Committee Chair:** Charlie Baker

**Staff Resource:** Wayman Pearson

**Policy:** Restructuring Government; Competition

**Explanation of Request:**

- The City's multifamily bin and recyclables collection contracts with five contractors are effective through June 30, 1996 and plans are in progress to rebid this service.

- Current Service:

The current service level for multifamily complexes includes two refuse collections per week from bulk containers, and one recyclables collection. Less than 50% of the multifamily complexes participate in the recycling program.

The cost of the multifamily refuse and recycling contracts is currently \$ 1.9 million.

- Committee Review:

The Restructuring Government Committee reviewed the multifamily collection system and recommends the following items be incorporated into the Request for Proposal to the private sector:

1. Bid Structure:

Structure the Request for Proposal 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 bid in all three quotes, one vendor would be awarded the contract. If the same vendor is not low bid in all three, more than one contract would be awarded.

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

2. Service Level:

Provide a service level of one refuse collection per week from a standard bulk container.

This changes the multifamily collection to be consistent with single family units which receive one refuse collection per week. The Committee recommends standardizing services to provide equity in frequency to all types of service units. This change will save approximately \$781,000 annually.

3. Recycling:

Provide one recyclables collection per week. The City will pay by the ton for recyclables as well as a fee for the installation and maintenance of recycling stations in multifamily complexes.

The Committee recommends an emphasis on recycling in multifamily complexes. Currently, residents of multifamily complexes participate in the recycling program at a much lower level than single family residents.

Since the City will pay by the ton for recyclables and pay the cost for the recycling stations, it is not known whether the emphasis on recycling will increase participation and therefore the cost of the program.

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 20 or more units which are currently serviced by the single family collection crews (both City and BFI) will be included in the Request for Proposal to be transferred to multifamily contract collection service.

**Background:**

- 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. Contracts are effective through June 30, 1996. Multifamily complexes currently receive two refuse collections per week from standard bulk containers and a weekly recyclables collection service.

**11. Appointments to Boards and Commissions**

**Action:**

**Vote on the paper ballots and turn them in at dinner so that the City Clerk may announce the results.**

1. Auditorium-Coliseum-Convention Center

Authority

One three-year appointment beginning May 1996. John Fennebresque is not eligible to be reappointed.

- (a) John Paul de Bernardo by Councilmember Jackson
- (b) John Gresham by Councilmember Spencer
- (c) Anthony Hunt by Councilmember Scarborough
- (d) Bernard Johnson by Councilmember Majeed
- (e) Graeme Keith, Jr. by Councilmember Wheeler
- (f) Barney Lawson by Councilmember Reid
- (g) Robert Seymour by Councilmember Baker

**Attachment 4**

2. Certified Development Corporation

One appointment will represent private lending institutions. Elizabeth Brown does not wish to be reappointed.

- (a) Thad Downs by Councilmember Reid
- (b) Eugene Johnson\* by Councilmember Scarborough
- (c) William Shiffli\* by Councilmember Wheeler

\*Candidate does not fit private lending institution category.

**Attachment 5**

3. Civil Service Board

One three-year appointment beginning May 1996. Rudy Torrence is not eligible to be reappointed.

- (a) Patrick Clark by Councilmember Spencer
- (b) Dwayne Collins by Councilmember Cannon
- (c) Harvey Katowitz by Councilmember Jackson
- (d) Joe Papa by Councilmember Reid
- (e) Valerie Woodard by Councilmember Scarborough

**Attachment 6**

4. Clean City Committee

Two three-year positions beginning July 1996. Mable Cunningham is not eligible. Edgar Ray has moved away from the city.

- (a) Lisa McIntire by Councilmember Wheeler
- (b) Mary Elizabeth McNamara by Councilmember Wheeler
- (c) Minnie Mitchell by Councilmember Spencer
- (d) Cynthia Ann Storelli by Councilmember Reid
- (e) Dennis Warfle by Councilmember Spencer

**Attachment 7**

5. Historic Districts Committee

One appointment to fill an unexpired term beginning immediately and ending June 30, 1998. Applicant must be a residential property owner in Dilworth. Frank Hirsch has resigned.

- (a) Mark Fishero by Councilmember Spencer
- (b) Peter Heyd by Councilmember Reid
- (c) Stephen Hofstatter by Councilmember Jackson
- (c) Michael Kolb by Councilmember Cannon

**Attachment 8**

6. Housing Appeals Board

One appointment beginning immediately, ending December 31, 1996 and the next full three-year term to fill the at-large position. Karen Woods has resigned.

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

**Attachment 9**

7. Parole Accountability Committee

One three-year appointment beginning June 1996. Tobin Henry does not wish to be reappointed.

- (a) Kerry Humphrey by Councilmember Sellers
- (b) Harvey Katowitz by Councilmember Jackson
- (c) Garry McFadden by Councilmember Cannon
- (d) Robert Washington by Councilmember Scarborough

**Attachment 10**

8. Sister Cities Committee  
Seven two-year appointments beginning April 1996. George Dorsey and Suzanne Harter are not eligible to be reappointed. Robbie Bateman, Ann Hammond, Linda Hammond, Holly Fugate Scheppegrell and Raymond Worsley do not wish to be reappointed.
- (a) Tawana Allen by Councilmember Scarborough
  - (b) Amad Daniels by Councilmember Cannon
  - (c) Charles Forrest by Councilmember Majeed
  - (d) Marilyn Forrest by Councilmember Wheeler
  - (e) Lori Ann Frazier by Councilmembers Baker & Wheeler
  - (f) Suzanne Johnson by Councilmembers Reid & Wheeler
  - (g) Norman Manley by Councilmember Reid
  - (h) Kimberly Mitchell by Councilmember Cannon

#### **Attachment 11**

9. Storm Water Advisory Committee  
One three-year appointment beginning April 1996. Must be employed full time in land development or the design of buildings or land improvements. The incumbent, Steve Brumm, was appointed by the town of Huntersville and does not wish to be reappointed. This category was drawn by the City in the last lottery, so Council is charged with appointing someone to fill this position.
- (a) Shay Baird by Councilmember Majeed
  - (b) William T. Crowder by Councilmember Baker

#### **Attachment 12**

10. Zoning Board of Adjustment

One appointment to fill an unexpired term beginning immediately and ending January 30, 1999. Stephanie Carter has resigned.

- (a) Clarke Baldwin by Councilmember Majeed
- (b) Steve Farnie by Councilmember Sellers
- (c) Ken Hammond by Councilmember Jackson
- (d) David Harrison by Councilmember Cannon
- (e) Bill Mowry by Councilmember Reid
- (f) George Wallace by Councilmember Spencer
- (g) Paul Woollard by Councilmember Baker

**Attachment 13**

## 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. FY96 Sidewalk Improvements  
Package #2**

**Engineering and  
Property Management**

**Recommendation:** The City Engineer recommends the low bid of \$586,449.51 by Blythe Development Co. of Charlotte, NC. This contract will construct sidewalk, storm drainage, and related work on Sudbury Road, Glenstar Terrace, Hoskins Road, and Piney Grove Road.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$34,498	6%	6%
WBE	\$24,910	4%	4%

**Compliance:** Yes.

**B. Non-Thoroughfare Sidewalks  
Package #3**

**Engineering and  
Property Management**

**Recommendation:** The City Engineer recommends the low bid of \$118,188 by United Construction of Charlotte, NC. This contract will construct sidewalk, storm drainage, and related work on Wilann Drive, Lakedell Drive, and Shannonhouse Drive.

<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	0	0	4%
ABE	\$118,188	100%	0%
WBE	0	0	3%

**Compliance:** Yes.

**C. Water Distribution Project -  
16-Inch Water Main Along Ridge Road**

**CMUD**

**Recommendation:** Charlotte-Mecklenburg Utility Director recommends the low bid of \$257,703.08 by RDR, Incorporated of Stanfield, North Carolina.

<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
BBE	\$400	0.2%	2%
WBE	\$10,000	3.9%	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. RDR, Incorporated has committed all available subcontract opportunities to MWBD firms. The remaining work will be performed by RDR forces. RDR has stated that should additional subcontract opportunities arise, they will make every effort to utilize minority and women businesses. The WBE goal has been exceeded.

**13. Resolution of Intent to Abandon Street and Set Public Hearing for a  
Portion of Garris Road**

- Action:**
- A. Adopt the Resolution of Intent to abandon a portion of Garris Road; and**
  - B. Set a Public Hearing for May 28, 1996.**

**Attachment 14  
Vicinity Map**

## **14. Speed Limit Change**

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

### **Neighborhood 25 MPH Program:**

**Bevington Place (Piper Glen)  
Brewton Drive (Genesis Park)  
Chilham Place (Ridgeloach)  
Colony Woods Drive (Colony Woods)  
Double Oaks Road (Genesis Park)  
Genesis Park Place (Genesis Park)  
Hampton Oaks Lane (Providence Plantation)  
Mosstree Circle (Grove Park)  
Netherhall Drive (Wellington)  
Ridgeloach Place (Ridgeloach)  
Rushwind Drive (Genesis Park)**

### **Engineering Evaluation:**

**Brandon Forest Drive (Oberbeck Village) from  
35 mph to 25 mph**

**Chesapeake Drive (Hoskins) from 45 mph to 35 mph**

**Marsh Road (Sedgefield) from 35 mph to 30 mph**

## CONSENT II

### 15. Convention Center Finishes Change Order #11

- Action:**
- A.** Approve Change Order #11 to the Convention Center Finishes contract with Cecil Malone for \$487,500 as a final closeout settlement, increasing their contract from \$14,102,139 to \$14,589,639; and
  - B.** Adopt a Budget Ordinance to appropriate Convention Center funds totaling \$1,621,249 from Interest Earnings and Refinancing Savings to the construction account.

**Explanation of Request:**

- Change Order #11 is the result of negotiations to settle a series of claims submitted by Cecil Malone which totaled \$1.3 million.
- The City, Fluor Daniel, and Cecil Malone have been negotiating this request for additional compensation since June 1995, but had not been able to reach an agreement.
- On March 21, 1996, the City and Cecil Malone, through the use of an impartial mediator, were able to agree on a final settlement of \$487,500 as full and final payment for all services by Cecil Malone.
- In January 1995, our construction manager projected \$9.2 million in costs to complete unfinished work, settle claims, and cover other project expenses necessary to close out this project. This projection left us with a shortfall of \$3 million in our construction budget until we recovered money owed us by poorly performing contractors.

- In February 1995, Council appropriated \$3 million from Convention Center interest earnings to cover this shortfall in cash flow. It was our intention that these funds would be sufficient to complete the project. Since then, our actual costs for claim settlements, unfinished work and other costs have been higher than anticipated, and we have received additional claims.
- Because most of the funds remaining in the construction account are committed, it is necessary to transfer the remaining Refinancing Savings (\$719,78) and Interest Earnings (\$901,671) to the construction account. The Interest Earnings funds can only be spent on Convention Center issues.
- The City is still in litigation with two poorly performing contractors to recover money due the project. This is taking longer than originally anticipated, and potential recovery is several months away. However, we still expect to recover a substantial amount of money from these lawsuits.
- Staff will keep Council informed of expenditures of these newly transferred funds and the project budget when all contracts are completely closed out.

**Attachment 15**  
**Finishes Contract Background**  
**Expenditures Summary**

**16. Inspection of City Bridges**

**Action:** **Approve an Agreement for Engineering Services with DS Atlantic for \$213,215.**

**Policy:** The Federal Government mandates that bridges/culverts greater than 20 feet in span be inspected every two years.

**Explanation of Request:**

- Council approved a Municipal Agreement on November 13, 1995, with the North Carolina Department of Transportation (NCDOT) to share the cost of the mandated inspections.
- This Agreement provides for inspection services and report preparation for 121 qualifying bridges and culverts. The City will be reimbursed under the Municipal Agreement for 80% of these costs. The City cost is \$42,643.
- DS Atlantic was selected to perform bridge inspections using the Council approved Selection Process.

**17. Lease Agreement for Police Baker Two District Office**

**Action:**

**Approve a four year lease agreement in the amount of \$215,460 between the Charlotte-Mecklenburg Police Department and Childress Klein Properties for the Baker Two District Office.**

**Explanation of Request:**

- As part of its conversion to community policing and decentralization of police services, the Police Department is locating nine of its twelve patrol district offices in the geographic locations they serve.
- The Police Department wishes to enter into a four year lease agreement with Childress Klein Properties to provide 3,990 square feet of office space for the Baker Two District.
- The office will be located at the Arboretum in the 3200 block of Pineville-Matthews Road, near the intersection of Raintree Lane.
- The space will be used as the district office for Baker Two and will include a roll call room, locker rooms, and administrative offices.

- The space meets all of the Police Department's criteria for the selection of district office sites. The criteria includes the cost of the site, central location within the district and service area, major street access, public transit access and adequate parking space.
- The lease is for a four year period at a cost of \$4,488.75 per month or \$53,865 per year. These costs include \$10 per square foot for rent and \$3.50 per square foot for Common Area Maintenance (CAM). While the rent will not increase during the course of the four year lease, the CAM will be adjusted annually (upward or downward).
- The cost of the space is \$10 per square foot, a rate that the Real Estate Division indicates is substantially lower than similar properties in this area of the city.
- The Planning Commission has reviewed the site for the office and the Real Estate Division has reviewed the lease.

## **18. Utility Information Management System**

**The Restructuring Government Committee reviews this item on April 17. The item will be sent in the Friday, April 19, Council-Manager Memo.**

## **19. Property Transactions**

**Action: Approve the following property acquisitions (A-B).**

**Acquisitions:**

**A. Project: F.A.R. Part 150 Land Acquisition  
Owner(s): Mr. and Mrs. Raleigh Holbert  
Property Address: 2415 Eatonton Street  
Property to be acquired: .248 acres  
Improvements: 2 bedroom, 1 bath, ranch  
Tax Value: \$30,650  
Purchase Price: \$35,000**

**Remarks:** The purchase was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the 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:** Beatties Ford Road Left Turn Lane, Parcel #5  
**Owner(s):** Liberty North Carolina, Inc., PREFCO III Limited Partnership, and NationsBank, National Association.  
**Property Address:** 2249 Beatties Ford Road  
**Property to be acquired:** 1,407 sq.ft. (0.0323 ac.) plus 1,311 sq.ft. (0.03 ac.) temporary construction easement.  
**Improvements:** Sign and shrubs  
**Purchase Price:** \$22,515  
**Remarks:** The project involves the construction of a center lane for left turns causing the loss of about 9' of property along Beatties Ford Road. Compensation was determined by an independent appraiser.
- Zoned:** B1      **Use:** Bank  
**1991 Tax Value:** \$119,880  
**Tax Code:** 069-171-23