AGENDA

Meeting Type.	BUSINESS
Date:	01/26/1998

City of Charlotte, City Clerk's Office

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Al Rousso
Tim Sellers
Sara Spencer

Council Agenda

CITY COUNCIL MEETING
Monday, January 26, 1998

5:00 p.m. — **Conference Center**

Dinner Briefing
(See Table of Contents)

6:30 p.m. — **Meeting Chamber**

- **Invocation**
- **Pledge of Allegiance**
- **Citizens Forum**

7:00 p.m.

- **Awards and Recognitions**
- **Formal Business Meeting**

CITY COUNCIL AGENDA

Monday, January 26, 1998

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

6:30 P.M. CITIZENS FORUM
MEETING CHAMBER

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Status Report on BFI Contract for Garbage Collection

Staff Resource: Wayman Pearson

Time: 5 00

Attachment 1

2. Public Safety Committee: Community Improvement Ordinance Amendments

Committee Chair: Don Reid

Staff Resource: Walter Abernathy

Time: 5 15

Attachment 2

3. Sale of the Old Convention Center

Staff Resource: Kent Winslow

Time: 5 30

Attachment 3

6:30 P.M. CITIZENS FORUM
MEETING CHAMBER

ZONING

4. Zoning Decision for Rezoning Petition Number 97-85

Action:

Consider decision on Petition Number 97-85 by Hammett Construction Company for a change in zoning for approximately six acres southwest of Brookshire Boulevard at the end of Impala Lane, near Old Plank Road from R-3 to R-8MF(CD).

Explanation of Request:

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

- This hearing was deferred for 30 days on November 17, 1997 and December 15, 1997, and 6 days at the January 20, 1998 Zoning Meeting

- The Zoning Committee voted to recommend approval of this petition, with the following modification

  - a note will be added to the plan committing the petitioner to the use of deed restrictions to limit occupancy of the proposed units to individuals 55 years of age or older

Attachment 4

5. Zoning Decision for Rezoning Petition Number 97-91

Action: **Consider decision on Petition Number 97-91 by Gandy Development Corp. for a change in zoning for approximately 12.84 acres located on the east side of Westerwood Drive approximately 0.4 miles north of Tuckaseegee Road from R-3 to R-4.**

Explanation of Request:

- A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property
- The Zoning Committee voted to recommend denial of this petition
- This petition was deferred from the January 20, 1998 Zoning Meeting

Attachment 5

6. Zoning Decision for Rezoning Petition Number 97-98

Action: **Consider decision on Petition Number 97-98 by Freightliner of Charlotte for a change in zoning for approximately 2.773 acres located on the south side of Cannon Avenue, east of Graham Street R-4 to B-2(CD).**

Explanation of Request:

- A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property
- The Zoning Committee voted to recommend approval of this petition, with the following modifications
  - the existing screening fence on the abutting B-2(CD) site will be replaced with the 8-foot fence with brick columns used elsewhere on the site,

- a note will be added to the plan indicating that drainage calculations will be performed to ensure that the existing detention facility can handle the increased flow from this expansion, and

- this decision was deferred from the January 20, 1998 Zoning Meeting

Attachment 6

CONSENT

7. Consent agenda items 17 through 30 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Julie Burch

POLICY

8. City Manager's Report: Coliseum - Hornets Update

9. Council Retreat Action Item Follow-Up

This space is being reserved on the agenda for any requested action item(s) as a result of the City Council Retreat, January 22-24 Additional information will be provided on Monday, January 26

10. Criminal Activity Within Heavily Wooded Lots on Residentially Zoned Property

Action: **Approve recommendation from the Public Safety Committee to amend a City ordinance to allow the Community Improvement Division to require property owners to remove overgrowth on heavily wooded, vacant lots when criminal activity exists on the property.**

Committee Chair: Don Reid

Staff Resource: Wayman Pearson and Dennis Nowicki

Focus Area: Public Safety

Explanation of Request:

- Within many of our neighborhoods, there are heavily wooded and densely overgrown lots Within these areas, the Police Department sometimes experiences problems with drug use, alcohol violations, stolen property, fires and other illegal activities The wooded and densely overgrown characteristics limit good visibility and prevent the detection of suspected criminal activities These lots also become health and sanitation problem areas involving illegal dumping, rodent infestation and garbage accumulation

- The Code Enforcement staff are experiencing problems in these areas, primarily in CWAC neighborhoods

- The current ordinance exempts grass cutting and the removal of overgrowth in areas where equipment cannot maneuver because of the density of the area

- Approval of the ordinance amendment would allow the Police Department to refer lots within residential areas to Community Improvement when these conditions exist Commercial and industrial properties would not fall under this ordinance

- Two important criteria for applying the recommended ordinance amendment are documented criminal activity on a property and residential zoning A detailed listing of the enforcement procedures is included in the attachment

- During the first year of implementation, Council will receive quarterly updates on the impact of the ordinance amendment

Committee Discussion:

- The Public Safety Committee (Reid, Majeed, Wheeler, Cannon and Sellers) met on September 3, 1997 to authorize staff to develop an ordinance addressing criminal activity within densely wooded areas The Committee reviewed a video of the Grier Heights neighborhood which highlighted the problems of overgrown areas and vagrant housing

- On December 8, 1997 the amended ordinance was presented to the Committee for approval Committee discussion centered on two points

  - Criminal activity must be present in order to apply ordinance requirements, and

  - restricting the ordinance amendment to residentially zoned properties

- **The Committee voted unanimously to approve the amended ordinance.** Council members present were Don Reid and Patrick Cannon

Community Input: Community Improvement staff met with the Charlotte Landlords and Property Managers Association in October 1997 to solicit input regarding this ordinance amendment They expressed no concerns Neighborhood organizations in Grier Heights, Belmont and Reid Park recommend approval of the amendment

Attachment 7
Ordinance Amendment
Enforcement and Reporting Procedures

11. Repeat Offenders of the Health and Sanitation Ordinance

Action: **Approve recommendation from the Public Safety Committee to amend a City Ordinance to allow the Community Improvement Division to proceed with corrective action against repeat offenders without notification.**

Committee Chair: Don Reid

Staff Resource: Wayman Pearson

Focus Area: Public Safety

Explanation of Request:

- In FY97 Community Improvement inspected 23,600 locations for violations of the City's Health and Sanitation Ordinance These inspections addressed litter code violations such as
  - High weeds and grass,
  - Accumulations of trash and junk,
  - Precollection violations,
  - Littered construction sites,
  - Illegal signs, and
  - Abandoned/junk/hazardous vehicles and other health and sanitation oriented violations
- The current ordinance requires renotification each time violations recur

- Inspectors now identify violations either by service request (i e , citizens, other city/county departments, etc) or by independent observation When a service request is received, inspectors respond within two working days to verify the violation Notices of violations are mailed and/or given in person requiring compliance within seven days Mailed notices of violations extend the compliance period to allow for delivery

- Under some circumstances, the Community Improvement Inspector may grant extensions to allow more time for citizen compliance Upon reinspection, if the violations are not corrected, the inspector must do one or more of the following (all of which extend the compliance period)

  - Issue a citation (requires payment and correction of the violation(s) within 15 days),

  - Hire a contractor to eliminate the violations (contractor corrects violations and property owner is billed for the service), and/or

  - Pursue compliance through Environmental Court process (Court orders correction of the violation(s))

- Community Improvement estimates that more than 25% of its yearly investigations involve repeat offenses

- Approval of the ordinance amendment would allow Community Improvement to proceed with corrective action against repeat offenders without renotification The enforcement process would track any repeat Health and Sanitation violations within a 12 month period

- With the occurrence of a third violation of any type within a twelve month period, the Community Improvement Division would notify the violator in writing that any future violation at the same location would result in immediate enforcement action without additional notification, either written or verbal The third notification would include prior violation dates and a summary of the offenses

- Approval of the proposed amendment would have the following impacts

  - positively impact the cleanliness of the neighborhoods and address community concerns about repeat problems,

  - improve staff efficiency, and

  - serve as deterrent for repeat violations

- Community Improvement would modify its "Notice of Violation" to reflect the changes within the proposed ordinance amendment and provide a 90-day grace period to educate landlords, property managers, and other affected parties

Committee Discussion: The Public Safety Committee (Reid, Majeed, Wheeler, Cannon, and Sellers) met on September 3, 1997 to authorize staff to develop an ordinance addressing the problems with repeat offenders Council members present were Don Reid, Nasif Majeed, Patrick Cannon and Tim Sellers The Committee voted unanimously to proceed with the development of the ordinance On December 8, 1997 the amended ordinance was presented to the Committee for approval Committee discussion was supportive of efforts to increase efficiency and effectiveness of enforcement **The Committee voted unanimously to approve the amended ordinance.** Council members present were Don Reid and Patrick Cannon

Community Input: Community Improvement staff met with the Charlotte Landlord Association in October, 1997 to solicit input regarding this ordinance amendment In applying this ordinance amendment, the Association asked Community Improvement to continue its policy of seeking enforcement alternatives against the property resident as well as the property owner

Attachment 8
Ordinance Amendment

12. Housing Counseling Services Competition - UJAMMA, Inc.

The Request for Council Action will be distributed at the Council Retreat on Friday, January 24

13. Housing Counseling Services Competition - Consumer Credit Counseling Services of Charlotte

The Request for Council Action will be distributed at the Council Retreat on Friday, January 24

BUSINESS

14. Museum of the New South

Action: **Consider adoption of a budget ordinance for $200,000 as requested by the Museum of the New South as a contribution toward its core exhibit.**

Staff Resource: Curt Walton

Explanation of Request:

- The Museum of the New South requests a $200,000 City contribution towards its $1 4 million core exhibit
- The $200,000 will be used for exhibit fabrication and installation
- The core exhibit "will provide an in-depth view of the economic, social, cultural, and political forces that have shaped Charlotte and the Carolina Piedmont since the end of the Civil War "
- The core exhibit is scheduled to be installed in 2000-2001 During 1998 and 1999 museum staff will complete design work, develop accompanying educational programs, install preliminary test exhibits, and evaluate visitor satisfaction

Background:

- The Museum of the New South was organized in 1991 to preserve and present the history of Charlotte and 13 surrounding Carolina Piedmont counties
- The Museum acquired a permanent site in 1994 at 324 N College Street Renovation and operation of the space has been funded through private contributions and State grants
- The Museum has raised $6 million of a $7 million campaign to complete structural changes to the building and install the core exhibit
- The Museum's current operating budget is approximately $700,000

Funding:

- The $200,000 contribution would come from General Fund Fund Balance
- General Fund Fund Balance currently has a balance of approximately $17 million

Attachment 9
Funding request from the Museum of the New South

15. NCDOT Transit Technology Grant Application and Budget Ordinance

Action:

A. Authorize the Director of Transportation to file an application with the North Carolina Department of Transportation (NCDOT) for a transit technology grant; and

B. Adopt a budget ordinance appropriating $230,000 which includes a State share of $207,000 (90%).

Staff Resource: Lynn Purnell

Focus Area: Transportation

Explanation of Request:

- The City is applying for $207,000 in Advanced Public Transportation Technology funds from NCDOT In the 1997 legislative session, the General Assembly approved Governor Hunt's Transit 2001 Program This Program increases State capital and operating assistance for public transit annually by $18 million statewide, and includes $1 million earmarked for implementing technology innovations
- The Charlotte Department of Transportation (CDOT) will use the funds to

- Improve the Department's web pages to include Charlotte Transit route and schedule information, vanpool opportunities, and carpool interest forms With this technology, citizens can obtain public transportation information at home from personal computers or from kiosks at the Transportation Center, Library, Community Centers, Malls, and other major pedestrian generators Estimated costs are $30,000

- Purchase a computerized staff scheduling system This computer software optimizes the allocation of drivers to Charlotte Transit routes to minimize overtime We anticipate an estimated savings of 1-2% in driver payroll costs which are currently $9 million a year Software is expected to cost approximately $150,000

- An additional feature of the software will permit Charlotte Transit to replace and upgrade its current automated telephone information service Estimated cost is $50,000

- A financial summary of the grant application is shown below

NCDOT	(90%)	$207,000
CITY	(10%)	23,000
TOTAL		$230,000

- The Board of Transportation will consider grant applications in March After the grant is approved, staff will solicit bids for the proposed technologies, and Council will be asked to approve the purchase contract mid-summer

Funding: The budget ordinance estimates and appropriates the State funding and transfers the local match to the appropriate account The local match was included in the FY98 annual budget ordinance

16. Council Calendar Revision

Action: **Approve revision of Council's Official Meeting Calendar by canceling or rescheduling the regular Council Meeting set for May 11, 1998.**

Staff Resource: Brenda Freeze

Explanation of Request: The City Clerk is required by law to maintain an official schedule of Council's regular meetings The Chamber Inter-City Visit in Houston has been changed to May 11 through May 13, conflicting with the regular business meeting already set for May 11 Another regular business meeting is scheduled for Tuesday, May 26

Attachment 10
Proposed Revised Calendar

Introduction to 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 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

17. Various Bids

A. Fire Station 8 Renovations
1201 The Plaza

Engineering and Property Management

Recommendation: The City Engineer recommends the low bid of $987,399 by United Building Construction Co of Charlotte, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$134,022	16%	8%
ABE	$37,585	4%	0%
NBE	$1,000	0 1%	1%
WBE	$39,997	5%	6%

MWBD Compliance: Yes

B. Pierson Pond Rehabilitation **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $279,414 28 by United Construction Company Inc of Charlotte, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$0	0%	1%
ABE	$279,414 28	100%	0%

MWBD Compliance: Yes

Attachment 11
Map

18. In Rem Remedy

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

Public Purpose:

- Eliminate a blighting influence in a City Within a City neighborhood
- Reduce the proportion of substandard housing from 2 3% to 1% in 1997 (One of the goals of City Within a City is to continue housing preservation efforts)
- Increase tax value of property by making land available for potential infill housing development

Policy:

- City Within a City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories

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

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

Public Safety

A 1005 Fairground Street (Enderly Park)
B 5826 Howard Street (Rockwell Park)

Field Observation

C 1708 Seigle Avenue (Belmont)
D 2316-18 Rozzelles Ferry Road (Smallwood)
E 328 Bacon Avenue (Smallwood)

Public Safety

A. 1005 Fairground Street

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1005 Fairground Street (Enderly Park), located in the City Within a City boundaries.**

Attachment 12

B. **5826 Howard Street**

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 5826 Howard Street (Rockwell Park), located in the City Within a City boundaries.**

Attachment 13

<u>Field Observation</u>

C. **1708 Seigle Avenue**

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1708 Seigle Avenue (Belmont), located in the City Within a City boundaries.**

Attachment 14

D. **2316-18 Rozzelles Ferry Road**

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2316-18 Rozzelles Ferry Road (Smallwood), located in the City Within a City boundaries.**

Attachment 15

E. **328 Bacon Avenue**

Action: **Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 328 Bacon Avenue (Smallwood), located in the City Within a City boundaries.**

Attachment 16

CONSENT II

19. Irwin Creek Wastewater Treatment Plant- Professional Services Contract

Action: **Approve a professional services contract totaling $2,598,499 with HDR Engineering for design and construction management for various projects at the Irwin Creek Wastewater Treatment Plant.**

Explanation of Request:

- This contract is for the design and construction of various capital plant improvements which are necessary to meet permit limits at the Irwin Creek Wastewater Treatment Plant
- Improvements include various pumping and process units, three new secondary clarifiers and a sludge thickening facility
- HDR Engineering was chosen by competitive process to perform professional engineering services for this work A contract for the preliminary engineering study was awarded by Council on August 26, 1996
- The total project cost is estimated at $17 4 million Funding for this project was approved by Council in the FY97-01 Capital Investment Plan

Funding: Water and Sewer Capital Investment Fund

20. Sugar Creek Wastewater Treatment Plant - Amendment #1

Action: **Approve Amendment #1 totaling $379,148 to the HDR Engineering contract for construction management and inspection of odor control facilities.**

Explanation of Request:

- Amendment #1 will provide for construction administration and inspection of odor control improvements at the Sugar Creek Plant and the sludge transfer line from Sugar Creek Plant to the McAlpine Creek Plant These facilities have been designed by HDR, are under contract, and are scheduled for completion in November 1998

- Amendment #1 will allow construction management of the odor control improvements including
  - covers for odor discharging process units,
  - fans and odorous air ducts,
  - a two stage central odor scrubber facility,
  - a primary sludge pumping station,
  - new waste activated sludge pumps, and
  - two pipe lines to transfer sludge to the McAlpine Creek Wastewater Management Facility
- With this amendment, the HDR Engineering contract will increase from $743,867 to $1,123,015
- The sludge pumping improvements and the sludge transfer pipelines are being built based on a plant optimization study The study identified a $4 million capital cost saving by transferring Sugar Creek Plant sludge to the McAlpine Creek Plant in lieu of constructing a sludge de-watering facility at Sugar Creek
- HDR Engineering was chosen by competitive process to provide engineering services for the Sugar Creek Plant upgrade Because of their familiarity with plant facilities, they were chosen to design the odor control facilities identified in a 1996 odor study.

Funding: Water and Sewer Capital Investment Fund

21. McAlpine Creek Wastewater Management Facility Expansion to 64 MGD - Amendment #4

Action: **Approve Amendment No. 4 totaling $1,001,484 to HDR Engineering contract for design and construction management of the McAlpine Creek Wastewater Management Facility Expansion to 64 Million Gallons per Day.**

Explanation of Request:

- Amendment #4 will provide for construction management and inspection services for construction of sludge management facilities at the McAlpine Creek Plant
- The need for these facilities was identified in a 1997 optimization study of CMUD's wastewater treatment plants and included facilities to process the sludge to be transferred from the Sugar Creek Plant The optimization plan provided for savings of $4 million in capital costs compared to the original plan to build a sludge de-watering facility at the Sugar Creek Plant
- With this amendment, the HDR contract will increase from $6,231,209 to $7,232,693

Funding: Water and Sewer Capital Investment Fund

22. Sardis Road North/Monroe Road Major Intersection Improvement

Action: **Approve Agreement for $154,150 with Ralph Whitehead Associates, Inc. for engineering services for Sardis Road North/Monroe Road Major Intersection Improvement Project.**

Explanation of Request:

- Funding for this intersection improvement was included in the November 5, 1996, voter-approved $66 4 million Street Bonds

- This Agreement is for planning, design and bid phase services which will provide for reconstruction of the intersection of Sardis Road North and Monroe Road It will provide for the addition of east and west bound through lanes on the east bound approach of Sardis Road North, and the correction of sight distance problems

- This Agreement may be amended in the future to provide services such as right-of-way assistance and construction administration

- Ralph Whitehead Associates, Inc was selected using the Council-approved process

- The cost of these services is comparable to the cost of similar work for other transportation projects

Funding: General Capital Investment Fund

23. Arrowood Road/Nations Ford Road Minor Intersection Improvement

Action: **Approve Agreement for $304,632 with Gannett Fleming Corddry and Carpenter, Inc. (Gannett Fleming) for engineering services for Arrowood Road / Nations Ford Road Minor Roadway Improvement Project.**

Explanation of Request:

- Funding for this intersection improvement was included in the November 5, 1996, voter approved $66 4 million Street Bonds

- This Agreement is for planning, design, and bid phase services which will provide for minor roadway improvements along Nations Ford Road between Arrowood Road and the Ramblewood Neighborhood, south of Old Nations Ford Road Improvements include roadway widening and realignment, turning improvements, drainage improvements, and sidewalk construction

- This Agreement may be amended in the future to provide services such as right-of-way assistance and construction administration

- Gannett Fleming was selected using the Council-approved process

- The cost of these services is comparable to the cost of similar work for other transportation projects

Funding: General Capital Investment Fund

24. FY98 Annexation Street Improvements, Change Order #1

Action: **Approve Change Order #1 totaling $244,629.66 to the contract with Crowder Construction Company of Charlotte, North Carolina.**

Explanation of Request:

- During roadway construction, the culverts on Polk and White Streets and Laborde Avenue were inspected and found to be deteriorated If not replaced, they pose a potential safety hazard In addition, the culverts are undersized to carry a 25-year storm event

- This change order will provide funds to replace the culverts

- Prices were taken from existing unit prices and negotiated prices for new items, and are appropriate for the work being performed

- Council awarded the original contract for $978,032 to Crowder Construction Company on June 23, 1997 The new contract amount is $1,222,661 66

Funding: General Capital Investment Fund

Attachment 17
Map

25. Bucknell/Chilton Storm Drainage Project, Amendment #2

Action: **Approve Amendment #2 for $127,125 with McKim & Creed Engineers, PA, for design services for Bucknell/Chilton Storm Drainage Project.**

Explanation of Request:

- This contract is for planning and design of storm drainage improvements for the Bucknell/Chilton neighborhood and the intersection of Sharon Road and Chilton Place

- On September 12, 1996, the original Agreement was awarded for Phase I which included a planning study of the neighborhood drainage system for $43,144 On September 29, 1997, Amendment #1 was awarded for Phase II which included a study of the Sharon/Chilton intersection, field survey, and permitting coordination for $70,901

- Amendment # 2 will provide funds for Phase III and increase the total contract amount to $241,170 This Amendment will include preliminary and final design for the neighborhood storm drainage improvements

- A third Amendment may be requested to provide Phase IV services including design of intersection improvements and construction inspection services

- The Bucknell/Chilton Storm Water Project is ranked as a high priority Construction is estimated to begin in December 1998

- McKim & Creed Engineers, PA, was selected using the Council-approved process

- The cost of these services is comparable to the cost of similar work for other storm water drainage projects

MWBD: 5% WBE

Funding: Storm Water Capital Project Fund

26. Sale of City Property - 4401 McKinley Drive

Action: **Approve the sale of City owned property located at 4401 McKinley Drive**

Explanation of Request

- Council is requested to approve the sale of City owned property subject to compliance with the provisions of the North Carolina Statutes and pursuant to the terms of the following offer

- In accordance with the Part 150 Plan, the Airport acquired 23 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan (less than 75DNL)

- The Airport provided noise insulation to 4401 McKinley Drive and listed the property in the Multiple Listing Service for sale to the public November 1994 Subsequently, there was major vandalism to the property and the property was withdrawn from the market Repairs were completed and it was placed back on the market in September 1997 for $55,000 The property was appraised in October 1994 for $51,500, however, other properties in that area are now listing for $55,000

- An offer to purchase was extended to the airport The offer is $52,000 with the airport paying for a realty fee of 3% and closing costs that are required by FHA/VA to be paid by seller This offer is contingent upon buyer obtaining financing, binder to be returned if buyer is unable to obtain loan

- The offer was advertised for 10 days in accordance with North Carolina General Statute 160A-269 for upset bid No offers were received

Community Input: The Airport Advisory Committee recommends approval

Summary of Bids:

Property Address	4401 McKinley Drive
Tax Code	061-081-31
Buyer's Names	Cynthia Fields
Offer	$52,000

27. Sale of Two Lots on Carmel Road

Action: **Adopt a Resolution directing advertisement of an offer to purchase two lots on Carmel Road for receiving upset bids.**

Explanation of Request:

- The property was purchased by the City to acquire right-of-way for the Carmel Road widening project Two vacant lots, 4900 Carmel Road, tax code 209-302-38, and 4912 Carmel Road, tax code 209-302-37, were listed for sale for $26,000 and $28,000 respectively with an independent real estate broker An offer to purchase was submitted by James DeMare for $50,000 for both lots
- The price offered is 93% of appraised value
- James DeMare intends to build single family homes on the lots following all applicable zoning and building regulations
- If a qualifying upset bid is received prior to February 9 at 2 00 p m , notice of the upset bid will be published and further upset bids solicited The process will continue until no more qualified upset bids are received At this time, the highest qualified upset bid will be recommended for acceptance by City Council

28. Sale of City Property at 2600-2632 South Tryon Street

Action: **Approve the sale of property at 2600-2632 South Tryon Street for $137,600 to Charlotte Coin Laundry, Inc.**

Explanation of Request:

- City Council authorized the sale of this property by upset bid on November 24, 1997
- This 1 5 acre vacant tract is zoned B-1 which is primarily designated for businesses and services of all types at locations on major thoroughfares An independent appraisal indicates fair market value is $114,800

- Advertisement for sale by upset bid was published in *The Mecklenburg Times* The highest qualifying bid was received for $137,600 from Charlotte Coin Laundry on December 15, 1997

- Terms of the Agreement include

  - $6,880 earnest money deposited at time of acceptance of Agreement,

  - Buyer has 90 days due diligence from date of acceptance for investigation with regard to environmental assessment and to secure financing for acquisition and development of the property At any time during this 90-day period, Buyer can terminate Agreement and earnest money will be returned,

  - Buyer has one additional due diligence period of 90 days from the end of the initial 90 day period to complete necessary due diligence at a cost of an additional $5,000 deposit which shall be non-refundable but shall apply to purchase price,

  - In the event Buyer determines the property is not suitable for Buyer's proposed use after the initial 90-day examination period, Buyer forfeits original Deposit and any additional Deposits,

  - Buyer agrees to develop the site within 36 months from execution of Agreement subject to all applicable zoning and building code regulations or property will revert to City, and

  - Buyer intends to develop the property as a retail coin-operated laundry

- This property has been marketed through multiple listing and the Commercial Board of Realtors for 18 months

29. Property Transactions

Action: **Approve the following property acquisitions (A-B) and adopt the condemnation resolutions (C-E).**

Acquisitions:

A. **Project:** Water Main-Mallard Creek Church Road, Parcel #9
Owner(s) Pi Kappa Phi Building Corp at UNCC
Property Address 523 E Mallard Creek Church Road
Property to be Acquired 8,800 s f (2022 ac) of Permanent Easement plus Temporary Construction Easement
Improvements· Trees & shrubs
Purchase Price $13,200
Remarks Required easements for the installation of a 36-inch water line Compensation based upon an independent certified appraiser
Zoned INST **Use** Fraternity House
Tax Value $115,260 (1998 valuation)
Tax Code 051-022-02

B. **Project** Northwest Circumferential Grade Separation - ATP 8, Parcel #44
Owner(s) Roy D Meridth
Property Address 7027 Old Mt Holly Road
Property to be Acquired 74,488 s f (1 71 ac) Total acquisition of property
Improvements Single family residence and outbuilding
Purchase Price $56,500
Remarks Total acquisition of this property is required for the NW Circumferential grade separation project Compensation is based on two independent appraisals made on this property
Zoned R-17 **Use** Residential
Tax Value $34,560 (1998 valuation)
Tax Code 057-202-01

Condemnations:

C. **Project** 1997 Annexation - Davis Lake, Parcel #15
Owner(s) K B Godley, II, LLC & any other parties of interest
Property Address 6001 Hucks Road
Property to be Acquired 14,522 10 s f (333 ac)
Improvements Trees
Purchase Price $1,155

Remarks Permanent sanitary sewer easement and temporary construction easement are required for this project Property owner has yet to respond after numerous contacts by acquisition staff
Zoned I2CD **Use** Industrial
Tax Value $623,450 (1998 valuation)
Tax Code 027-191-10

D. **Project** 1997 Annexation - Davis Lake, Parcel #14
Owner(s) K B Godley, II, LLC, & any other parties of interest
Property Address 9440 Bob Beatty Road
Property to be Acquired 9,507 s f (218 ac)
Improvements Trees
Purchase Price $1,332
Remarks Permanent sanitary sewer easement and temporary construction easement are required for this project Property owner has yet to respond after numerous contacts by acquisition staff
Zoned I-2 **Use** Industrial
Tax Value $123,870 (1998 valuation)
Tax Code 027-191-12

E. **Project** 1997 Annexation - Six Mile Creek East, Parcel #28
Owner(s) Charles W Earp & wf , Ruth T Earp & any other parties of interest
Property Address 10401 Andiron Drive
Property to be Acquired 1,977 5 s f (045 ac)
Improvements Trees
Purchase Price $3,000
Remarks A permanent easement and temporary construction easement are required for this project Property owner submitted a counteroffer which was more than six times greater than the City's independent certified appraisal
Zoned R-3 **Use** Single Family
Tax Value $184,920 (1998 valuation)
Tax Code 231-101-69

F. **Project** 1997 Annexation/Six Mile West, Parcel #33
Owner(s) Eddie Lee Smith, William Davis Smith & Milton Davis & any other parties of interest
Property Address 11124 Providence Road
Property to be Acquired 3,013 95 s f (07 ac) Of Permanent Easement plus 4,963 95 s f (12 ac) Of Temporary Construction Easement
Improvements Trees
Purchase Price $1,000
Remarks Permanent sanitary sewer easement and temporary construction easement are required for this project Condemnation is requested since agent has been unable to contact all of the property owners or their heirs
Zoned R3 **Use** Single family
Tax Value $22,770 (1998 valuation)
Tax Code 229-153-02

G. **Project** 1997 Annexation - Six Mile Creek West, Parcel #34
Owner(s) Eddie Lee Smith, William Davis Smith, Milton Davis & Henry Smith & any other parties of interest
Property Address 11116 Providence Road
Property to be Acquired 3,164 40 s f (08 ac) of Permanent Easement plus 3,591 45 s f (09 ac) of Temporary Construction Easement
Improvements Trees
Purchase Price $900
Remarks Permanent sanitary sewer easement and temporary construction easement are required for this project Condemnation is requested since agent has been unable to contact all of property owners or their heirs
Zoned R-3 **Use** Single family
Tax Value $15,340 (1998 valuation)
Tax Code 229-153-08

30. Minutes

Action: **Approve minutes as follows:**

- **January 5, 1998, Workshop Meeting**
- **January 12, 1998, Business Meeting**