AGENDA

Meeting Type:	BUSINESS
Date:	09/28/1998

City of Charlotte, City Clerk's Office

CHARLOTTE

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, September 28, 1998

5:00 p.m.	**Conference Center**
	Dinner Briefing **(See Table of Contents)**
6:30 p.m.	**Meeting Chamber**
	• **Invocation** • **Pledge of Allegiance** • **Awards and Recognitions** • **Citizens Forum**
7:00 p.m.	• **Formal Business Meeting**

1998 Council Retreat Priorities

Top Priorities for 1998

Transportation Plan (20 years plus)

Transit Plan and Tax

Westside Strategy Plan

Community Oriented Policing Evaluation and Direction

Connectivity Neighborhoods and Road System Policy Direction

High Priorities for 1998

Court System Expansion

Parking Garage / Convention Hotel

Trolley

Corridor Plan

State Roads Strategy

Airport Plan Implementation

Neighborhood Business Revitalization Strategy and Action Plan

Business Retention Strategy and Action Plan

CITY COUNCIL AGENDA

Monday, September 28, 1998

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. NC League of Municipalities Meeting in Charlotte

Staff: Del Borgsdorf

Time: 10 Minutes

Attachment 1

2. Briar Creek/Woodland and Merry Oaks Small Area Plan

Staff: Warren Burgess and Jack Daniels

Time: 20 Minutes

Attachment 2

6:30 P.M. CITIZENS HEARING
MEETING CHAMBER

CONSENT

3. Consent agenda items 12 through 26 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

Staff Resource: Julie Burch

PUBLIC HEARING

4. Public Hearing to Close a Portion of Wilson Row and an Alleyway

Action:

A. Conduct a Public Hearing to abandon a portion of Wilson Row and an Alleyway; 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: 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 Council Action in accordance with the Statute

Petitioner: Erman J Evans

Right-Of-Way to be abandoned:
A portion of Wilson Row and an alleyway

Location:
Rights-of-way located between Kee Court and South Tryon Street

Reason:
To incorporate the right-of-way into adjacent property owned by Petitioner and abutting property owners

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
Private Utility Companies - No objection
Wilmore Neighborhood Association - No objection

City Departments
Review has identified no apparent reason this closing would

1 Be contrary to the public interest, or
2 Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299

Attachment 3
Map

5. Public Hearing to Close Hefner Drive

Action:

A. Conduct a Public Hearing to abandon a portion of Hefner Drive; 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: 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 Council Action in accordance with the Statute

Petitioner:
J Donald Childress and Fred W Klein, Jr

Right-Of-Way to be abandoned:
A portion of Hefner Drive

Location:
From West Tyvola Road to its terminus

Reason:
To incorporate the right-of-way into adjacent property owned by the Petitioners

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 Associations -
Reid Park Association - No objection

Private Utility Companies - No objection

City Departments
Review has identified no apparent reason this closing would

1 Be contrary to the public interest, or
2 Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299

Attachment 4
Map

6. Public Hearing on Sale of Property in First Ward to Trinity Episcopal School, a North Carolina Non-Profit Corporation

Action:

A. Conduct a Public Hearing on the Sale and Ground Lease for property at the intersection of Ninth Street and McDowell Street to Trinity Episcopal School, a North Carolina Non-Profit Corporation; and

B. Adopt a Resolution authorizing the Mayor to execute a Ground Lease and Purchase and Sale Agreement for the ground lease and sale of property at the intersection of Ninth Street and McDowell Street to Trinity Episcopal School, a North Carolina Non-Profit Corporation.

Staff Resource: Kent Winslow

Focus Area: Economic Development

Policy:

- Maximize the City's return from its current asset portfolio by pursuing alternative ownership/ management strategies which optimize the benefits of private ownership while meeting the City's public policy objectives (From *Guidelines for Service Contracting and Asset Management* adopted by City Council July 25, 1994)

- Create a vibrant, new, mixed income residential neighborhood in Uptown Charlotte and increase property values in First Ward and the tax base of the City of Charlotte and Mecklenburg County (From *First Ward Master Plan* adopted by City Council July 28, 1997)

Explanation:

- Trinity Episcopal School, Inc presented a contract to purchase approximately two acres of land, at fair market value of $337,590, for development of an Episcopal School Trinity is also proposing a 49-year lease at $1 00 per year for approximately 1 8 acres of land at the intersection of Ninth Street and McDowell Street to be used for open space, play ground area, community park use, and access to the greenway system This contract is in accordance with NCGS 160A-457 allowing the transfer of real estate within a community development project area through a private sale

- Notice of Sale was published in *The Mecklenburg Times* Tuesday, September 15, 1998 and Tuesday, September 22, 1998

- Councilmembers were provided a copy of the Notice of Sale, which included terms of the contract, in the September 11, 1998 Council Manager Memo

Background:

- July 28, 1997 City Council approved the First Ward Master Plan which outlines development goals and objectives for First Ward

- July 27, 1998 City Council approved the designation of the First Ward Master Plan as a Community Development Plan and the designation of First Ward as a Community Development Project Area enabling the City to negotiate a private sale according to NCGS 160A-457

- September 8, 1998 City Council was presented plans for proposed development in the Garden District by Trinity Episcopal School and NationsBank Community Development Corporation

Attachment 5
Map

7. Public Hearing on Sale of Property in First Ward to NationsBank Community Development Corporation

Action:

A. Conduct a Public Hearing on the sale of property in the Garden District of First Ward to NationsBank Community Development Corporation (NBCDC); and

B. Adopt a Resolution authorizing the Mayor to execute a Purchase and Sale Agreement for the sale of property in the Garden District of First Ward to NationsBank Community Development Corporation (NBCDC).

Staff Resource: Kent Winslow

Focus Area: Economic Development

Policy:

- Maximize the City's return from its current asset portfolio by pursuing alternative ownership/ management strategies which meet the City's public policy objective (From *Guidelines for Service Contracting and Asset Management* adopted by City Council July 25, 1994)

- Create a vibrant, new, mixed income residential neighborhood in Uptown Charlotte and increase property values in First Ward and the tax base of the City of Charlotte and Mecklenburg County (From *First Ward Master Plan* adopted by City Council July 28, 1997)

Explanation:

- NBCDC presented a contract to purchase approximately 7 9 acres, at fair market value of $1,593,360, in the Garden District of First Ward for development of mixed income housing NBCDC is proposing to purchase this property to implement the First Ward Master Plan

- Notice of Sale was published in *The Mecklenburg Times* Tuesday, September 15, 1998 and Tuesday, September 22, 1998

Background:

- July 28, 1997 City Council approved the First Ward Master Plan which outlines development goals and objectives for First Ward

- July 27, 1998 City Council approved the designation of the First Ward Master Plan as a Community Development Plan and the designation of First Ward as a Community Development Project Area enabling the City to negotiate a private sale according to NCGS 160A-457

- September 8, 1998 City Council was presented plans for proposed development in the Garden District by NBCDC and Trinity Episcopal School

Attachment 5
Map

POLICY

8. **City Manager's Report**

BUSINESS

9. **Approve a Resolution to Join the "Project Impact" Disaster Resistant Community Initiative**

Action: **Approve a joint resolution with the Mecklenburg County Board of Commissioners and the Contingency Planning Association of the Carolinas to accept the Federal Emergency Management Association's invitation to join the "Project Impact" disaster resistant community initiative.**

Staff Resource: Wayne Broome

Focus Area: Public Safety

Explanation:

- Charlotte-Mecklenburg is one of two communities in North Carolina and only 50 nationwide which have been designated by the Federal Emergency Management Agency for the Project Impact program

- The purpose of Project Impact is to combine private sector and federal, state and local government efforts in disaster planning The project will emphasize community planning to build a disaster resistant community

- Initiatives undertaken will include

  - educational and training programs

  - identification of public and private resources for disaster response

  - development of partnerships with the private sector

- review of local building codes

- The Mecklenburg County Commission approved the joint resolution on August 11, 1998

Attachment 6
Joint Resolution

10. New Arena Committee Site Visits Funding

Action:

A. Approve the plan of the Mayor/Council-appointed New Arena Committee to visit arenas in Washington, Philadelphia and Cleveland; and

B. Decide between two alternative ways of paying for the expense of the two-day trip. The cost is estimated at $17,000 to $20,000:

- **Total cost to be borne by the Charlotte Hornets; or**

- **Total cost to be borne by the City of Charlotte with Charlotte Hornets furnishing the plane, but reimbursed by the City.**

Staff Resource: Del Borgsdorf

Focus Area: Economic Development

Explanation:

- The New Arena Committee believes it is important to visit several "state-of-the-art" arenas which have been built recently in response to the realities of today's NBA/entertainment world

- The Charlotte Hornets and the Auditorium-Coliseum-Convention Center Authority together reimbursed the City a total of $183,515, such amount reflecting the City's costs for the process which led to the new Amending Agreement dated April 13, 1998 This amount is available for use by the New Arena Committee and will be the source of funding for the proposed site visits

- The Committee will prepare a complete budget request for review by the City Manager This will be submitted for Council action after the Committee has completed sufficient deliberation to estimate expenditure needs for consulting assistance or other information gathering

Background:

- The Charlotte Coliseum, which opened in 1988, was designed to be an all-purpose community facility fully capable of hosting major college basketball events

- During construction of the Charlotte Coliseum, the prospects of an NBA franchise arose The Coliseum was not originally designed to be an NBA arena, however, amenities were added later when it was determined the new coliseum would be the home of the Hornets

- Today's NBA/entertainment world is more demanding in terms of the requirements it places on potential host facilities Therefore, it is important that the New Arena Committee sees first-hand the designs/layouts, concepts and amenities which today are deemed essential to a successful arena operation

11. Nominations for Boards and Commissions

Action: **Nominate candidates to serve on the Neighborhood Matching Grants City Wide Review Team.**

NEIGHBORHOOD MATCHING GRANTS CITY WIDE REVIEW TEAM

On July 27, 1998, City Council approved the expansion of the City Wide Review Team for large grants from 7 to 11 members The City Wide Review Team is recommending that the four new members include two business representatives and two neighborhood representatives

Attachment 7

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

12. Various Bids

A. South Boulevard & Providence Road-Sidewalk Improvements — **Engineering and Property Management**

Recommendation: The City Engineer recommends the low bid of $334,029 by KIP Corporation of Charlotte, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$ 0	0%	5%
WBE	$ 0	0%	6%
NBE	$ 0	0%	1%

MWBD Compliance: Yes Kip Corporation will self perform

B. US Airways Maintenance Facility - 5535 Wilkinson Boulevard; Package 6 - Site Work **Aviation**

Recommendation: The Aviation Director recommends the low bid of $498,340 00 by Thomas Construction Company of the Carolinas, Inc of Charlotte, North Carolina

Competition Status:

MWBD Status:	Amount	% of Project	Project Goals
MBE	$38,000	7 6%	
WBE	$37,363	7 5%	
DBE	$75,363	15 11%	15%

MWBD Compliance: Yes

C. Davis Lake and Highland Creek Areas - 1997 Annexation Sewer Mains **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $2,350,931 07 by Buckeye Construction Company, Inc of Canton, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$22,400	0 95%	4%
WBE	$66,100	2 80%	4%

MWBD Compliance: Yes The Utility Department has reviewed the Contractor's documentation and determined that the Contractor will and can self-perform the majority of work on this contract The Contractor will continue to make the good faith effort to meet the goals on this contract if other subcontracting opportunities arise

D 30 MGD Raw Water Pump - Catawba River Raw Water Pumping Station **CMU**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $319,200 by Cajun Constructors, Inc. of Baton Rouge, Louisiana

MWBD Compliance: Yes The Utility Department has reviewed the Contractor's documentation and determined that Cajun Constructors can and will self-perform all the work on this contract

13. Refund of Certain Taxes

Action: **Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $8,233.14.**

Attachment 8
Resolution
List of Refunds

14. In Rem Remedy

For In Rem Remedy #A - #P, 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 3212 Boyd Street (Lakewood)
B 108 Halsey Street (Lakewood)
C 331 Harrison Street (Lakewood)
D 1504 North Caldwell Street (Optimist Park)
E 1710 Sumter Street (Seversville) - Commercial Structure
F 2505 Faber Street (Wingate)
G 2511 Faber Street (Wingate)
H 2517 Faber Street (Wingate)
I 2521 Faber Street (Wingate)
J 1420 Remount Road (Revolution Park)
K 2150 Camp Greene Street (Ashley Park)
L 1921 Washington Avenue (McCrorey Heights)

Complaint

M 1025 Marble Street (Thomasboro/Hoskins)
N 5311 Victoria Avenue (Mallard Creek)

Field Observation

O 3614 Tuckaseegee Road (Enderly Park)

Public Safety

A. 3212 Boyd Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3212 Boyd Street (Lakewood), located in the City Within a City boundaries.

Attachment 9

B. 108 Halsey Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 108 Halsey Street (Lakewood), located in the City Within a City boundaries.

Attachment 10

C. 331 Harrison Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 331 Harrison Street (Lakewood), located in the City Within a City boundaries.

Attachment 11

D. 1504 North Caldwell Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1504 North Caldwell Street (Optimist Park), located in the City Within a City boundaries.

Attachment 12

E. 1710 Sumter Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the commercial structure at 1710 Sumter Street (Seversville), located in the City Within a City boundaries.

Attachment 13

F. 2505 Faber Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2505 Faber Street (Wingate), located in the City Within a City boundaries.

Attachment 14

G. 2511 Faber Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2511 Faber Street (Wingate), located in the City Within a City boundaries.

Attachment 15

H. 2517 Faber Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2517 Faber Street (Wingate), located in the City Within a City boundaries.

Attachment 16

I. 2521 Faber Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2521 Faber Street (Wingate), located in the City Within a City boundaries.

Attachment 17

J. 1420 Remount Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1420 Remount Road (Revolution Park), located in the City Within a City boundaries.

Attachment 18

K. 2150 Camp Greene Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2150 Camp Greene Street (Ashley Park), located in the City Within a City boundaries.

Attachment 19

L. 1921 Washington Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1921 Washington Avenue (McCrorey Heights), located in the City Within a City boundaries.

Attachment 20

Complaint

M. 1025 Marble Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1025 Marble Street (Thomasboro/Hoskins), located in the City Within a City boundaries.

Attachment 21

N. 5311 Victoria Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 5311 Victoria Avenue (Mallard Creek), located outside the City Within a City boundaries.

Attachment 22

O. 3614 Tuckaseegee Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3614 Tuckaseegee Road (Enderly Park), located in the City Within a City boundaries.

Attachment 23

CONSENT II

15. Independence Boulevard Busway Project

Action:

A. Adopt a budget ordinance for $800,000; and

B. Approve agreement for $713,848 with Ralph Whitehead Associates, Inc. of Charlotte for engineering services for the Independence Boulevard Busway Project.

Explanation:

- A busway demonstration project on Independence Boulevard was approved as part of the Five-Year Transportation Plan

- The purpose of this study is

  - to conduct a planning and land use process with extensive citizen involvement to identify the best option for conversion of the US 74 HOV lane to a busway extending from the John Belk Freeway to Albemarle Road, and

  - to clearly define the concept of the best alternate, including conceptual design of the project and conceptual plans for stations

  The study will also include the investigation of any federal environmental compliance documents required for this project

- This agreement may be amended in the future to provide additional services such as preliminary engineering and final design

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

MWBD:

13% WBE	1% ABE
6% BBE	12% HBE

Funding:

The budget ordinance appropriates $800,000 from the Transit Fund fund balance Funding is included for the contract award and staff costs

16. FY98 Storm Water Maintenance Package B - Renewal #3

Action: **Approve Renewal #3 for $430,825 to the contract with United Construction, Inc. for continued construction of FY98 Storm Water Maintenance Package B. The renewal will increase the contract amount from $1,292,475 to $1,723,300.**

Explanation:

- This renewal will enable Storm Water Services to continue regular maintenance activities under this contract, recognizing good contractor performance and competitive prices

- Storm water maintenance contracts are originally bid in a range that provides bidding opportunities to all licensed contractors Where the contractor's work has been of good quality, a renewal is recommended to extend the contract

- Renewals for these contracts typically equal the original contract amount The contract documents provide for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship

MWBD: United Construction, Inc is an ABE

Funding: Storm Water Capital Investment Plan

17. USGS FY99 Cooperative Agreement

Action: **Approve the FY99 cooperative program agreement with the United States Geological Survey (USGS) for storm water resource activities for $315,760.**

Explanation:

- The FY99 cooperative program agreement with the USGS includes

  - Continued maintenance and operation of rainfall and streamflow gaging sites,

  - Sampling for water quality at six (6) sites,

- Real time hydrologic data collection, and

- Official documentation of floods as well as an interpretive report documenting work done in the area of water quality

- The total cost of the service is $561,770 The City's share is $315,760 The USGS will pay the remainder of the cost

Funding: Storm Water Services Operating Budget

18. North Mecklenburg Water Treatment Plant Litigation

Action: **Adopt a budget ordinance totaling $275,000 for North Mecklenburg Water Treatment Plant litigation.**

Explanation: Additional funds are needed to permit the City to continue its defense to the claims directed against the City in the North Mecklenburg Water Treatment Plant litigation

Background: In May of 1997, Port City Electric Company filed the original lawsuit against the City, the City's engineering consultant (Black & Veatch) and two other prime contractors involved in constructing the North Mecklenburg Water Treatment Plant (Brasfield & Gorrie General Contractor, Inc and Lee Construction Company) Since the litigation was initiated, Lee's bonding company and a Lee subcontractor have become parties in the litigation By confidential memo, the City Attorney's Office has briefed the Mayor and Council on the status of this litigation

Funding: Water and Sewer Capital Investment Plan

19. Intake Screen Modifications - Catawba River Raw Water Pumping Station

Action:

A. Allow the apparent low bidder, Kemp Construction, Inc. to withdraw its bid of $314,475 due to mathematical errors and incomplete bid forms and return Kemp its bid bond as required by NCGS 143-129.1.

B. Award contract for Intake Screen Modifications to the next low bidder Cajun Constructors, Inc. for the bid amount of $409,672.

Explanation:

- Project will rehabilitate existing screens and provide two new screens to meet water supply demands at the existing pumping station
- Kemp Construction requested to withdraw its bid due to cost omissions within their bid, which would cause financial hardship to perform at the bid price The contractor provided documentation of the errors and the omission of cost within their bid tabulation, as is required in order to have his bid bond returned
- Cajun Constructors, Inc of Baton Rouge, Louisiana is the second low bid Cajun has been approved on another facility expansion for CMUD previously, and has 25 years experience in water and wastewater facility expansions

MWBD: The Utility Department has reviewed the contractor's documentation and determined that Cajun Constructors can and will self-perform all the work on this contract

Summary of Bids:

Kemp Construction, Inc -	$314,475
Cajun Constructors, Inc -	$409,672
Gilbert Engineering Co -	$416,430
Hall Contracting Corp -	$425,145
Hickory Construction Company, Inc -	$430,500

Funding: Water and Sewer Capital Investment Plan

20. FAA Grant Budget Ordinance

Action:

A. **Adopt a budget ordinance totaling $51,405 appropriating supplemental proceeds from a Federal Aviation Administration Grant.**

Explanation:

- On April 10, 1995, City Council accepted a FAA Grant in the amount of $5,570,198 for Airport Master Plan Land Acquisition The FAA has amended the grant to provide an additional $51,405 in federal funds
- This budget ordinance appropriates the additional federal funds to the project
- The Airport Advisory Committee recommends approval

21. FAA Grant Acceptance and Budget Ordinance

Action:

A. **Adopt a resolution accepting Federal Aviation Administration (FAA) grant AIP-33 in the amount of $1,914,234 for Master Plan Land Acquisition; and**

B. **Adopt a budget ordinance totaling $1,914,234 appropriating the FAA grant.**

Explanation:

- Each year, the FAA provides entitlement funds based on passenger enplanements Charlotte's FY98 entitlements are $7,257,160 On May 26, 1998 Council accepted $5,342,926 of the entitlement funds
- This grant in the amount of $1,914,234 to fund the Master Plan Land Acquisition represents the balance of the Airport's FY98 entitlement funds
- The Airport Advisory Committee recommends approval

22. Resolution accepting FAA Grant

Action: **Adopt a Resolution authorizing the Aviation Director to accept a Federal Aviation Administration (FAA) grant to provide additional Federal funding for Airport Noise Compatibility.**

Explanation:

- It is anticipated that the FAA will offer a grant of approximately $5 million This will provide additional federal funding for the Airport's Noise Compatibility Program This grant is additional FY98 Discretionary Funds and will cover 80% of eligible project costs Since the federal fiscal year ends September 30, the grant must be accepted by the City by that date
- This resolution will authorize the Aviation Director to accept the grant on behalf of the City, if offered by the FAA prior to the end of the federal fiscal year
- If these Federal funds materialize, the total amount of FAA funds accepted for this federal fiscal year will total $19,622,102

Background Under the federal legislation for Airport Improvement, the FAA is required to obligate a portion of the federal funding for noise projects The FAA has advised the Airport that additional noise money may become available at the close of the fiscal year due to the inability of another Airport to commit to their noise project

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

23. Sale of City Property - 4322 Pebblebrook Drive

Action: **Approve the sale of City owned property located at 4322 Pebblebrook Drive.**

Explanation:

- The sale of City owned property is subject to compliance with the provisions of the North Carolina Statutes

- The offer to purchase is $58,000 with the Airport paying for a realty fee of 3% and down payment assistance of $3,000

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

Summary:

Property Address	4322 Pebblebrook Drive
Tax Code	061-121-19
Buyer's Name	Vanessa Olton
Offer	$58,000

Background:

- In accordance with the Part 150 Plan, the Airport acquired 32 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 4322 Pebblebrook Drive and listed the property for $55,000 in the Multiple Listing Service for sale to the public September 1998

24. Sale of 4828 Carmel Road

Action: **Approve the sale of 4828 Carmel Road.**

Explanation: The property was purchased by the City to acquire right-of-way for the Carmel Road widening project This property (tax code 209-302-56) was listed for sale with an independent real estate broker The original purchase contract was for $165,000 The highest upset bid was $173,500 submitted by Abla and Osama Sallam The upset bid is $500 over the appraised value No further upset bids have been received

25. Property Transactions

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

Acquisitions:

A. **Project:** Water Main-Mallard Creek Church Road, Parcel #12
Owner(s) Lester Herlocker & Associates, Inc
Property Address 627 E Mallard Creek Church Road
Property to be Acquired 6,250 sq ft (1435 ac) of permanent easement plus temporary construction easement
Improvements None
Purchase Price $10,500
Remarks Required easements needed for the construction and maintenance of a 36-inch water main long Mallard Creek Church Road Compensation based upon independent appraisal
Zoned INST **Use** Vacant
Tax Value $49,330
Tax Code 051-022-06

Condemnations:

B. **Project** Colony Road Extension-Phase II, Parcel #67
Owner(s) Richard J Rink & wf , Marie L Rink & any other parties of interest
Property Address 2636 Lori Lane
Property to be Acquired 3,964 sq ft (0 091 ac) of temporary construction easement
Improvements Trees & landscaping
Purchase Price $2,175
Remarks: A temporary construction easement is required for the construction of Colony Road Extension project Property owner's counteroffer was over five times our appraised amount without justification
Zoned R-3 **Use** Single Family Residential
Tax Value $249,450
Tax Code 211-361-17

26. Minutes

Action: **Approve minutes as follows:**

- September 8, 1998 Workshop
- September 14, 1998 Business Meeting