AGENDA

Meeting Type.	B
Date	05-23-1992
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
March 23, 1992

6:30 p.m. CITIZENS' HEARING

1. **PROCLAMATION-** National Submarine Day - April 11, 1992.

2. Jim Grice, 1540 Bear Mountain Road - 393-5873 - Chief Stone's improper use of Police Force.

3. Sean Corry, 9600-D Vinca Circle - 549-9194 - Unpaved portion of Suther Road between Grier Road and Highway #49.

4. Ray Glinski, 9721 Watergate Road - 525-1033 - User fees & requesting Resolution by Council.

5. Clara Haner, 2114 Norcross Place - 334-2114 - Objection to Mr. Womack of CD Department coming for inspection after fire without permission.

6. Timothy Scott Powell (Homeless) - Application to solicit alms for personal use.

7. James Sexton, 1537 Hawthorne Lane - 3433-4955 - Recreation Center for Belmont Community.

8. Ron Primeau, 105 Shady Oak Trail - 552-5697 - Garr ~~Band~~ Land at 200 Tuckaseegee Road.

9. Junior E. Bush, 401 Alda Drive - 336-4040 - Ventilation in men's rest room at Charlotte Transit.

10. Estelle Walsh, 2321 Lynnhaven Street - 332-3595 - Transportation problems - buses.

11. Sarah Duncan, 6634 Wilgrove-Mint Hill Road - 378-8881 - Keeping the 53X bus.

12. Andrea Betaudier, 320-G Vienna Lane - 373-8604 - Keeping 41 - Pineville Bus Express.

13. Marvin Wilson, 4419 Monroe Road - 331-9515 - Mechanical Division/Fire Department.

7:00 P.M. Meeting

1. Invocation by Father Richard Allen of St. Ann's Catholic Church.

2. Announcements

Wednesday, March 25,	5:00 p.m. City Council Public Safety Committee - CMGC Rooms 270-271.
Monday, March 30,	3:00 p.m. City Council Community Development and Housing Committee - CMGC Rooms 270-271.

3. The following requests to speak to agenda items have been received:

(a) Agenda Item No. 4 - Greenville Development Area.

(1) Pastor Barbara Brewton, 1222 Oaklawn Avenue - 333-4280.

(2) Anthony Hunt, 1222 Oaklawn Avenue - 333-4280.

(b) Agenda Item No. 10 - Park Road Extension Barricade

(1) Fred Bryant, 1850 East Third Street - 333-1680

(2) Bailey Patrick, 900 Baxter Street - 372-1120

(3) Steve Jankawski, 8219 Trailview Drive - 542-8750

(c) Agenda Item No. 20-J - Auctioneer Services

(1) H. Parks Helms, First Union Tower - 372-4884

(2) W. Craig Lawing, 5521 Brookshire Boulevard - 399-6372

(d) ITEM #16 - COMPUTER MODEL FOR SCHOOLS

(1) DR THEODORE MCLAUGHLIN, 3808 FOXCROFT RD, 28211 366-5206

(2) JOE MILLER, 4413 ST IVES PL, 366-6172

#12 Mohammad Jenatian, 4532 Montezuma Trail, 537-8814

CITY COUNCIL BRIEFING 3/23/92

Mayor	✓	Autry	✓
Campbell	✓	Booth	✓
Clodfelter	✓	Cherico	✓
Hammond	✓	Andrews	
McCrory		Keber	
Majeed	✓	Kinsey	✓
Mangum	✓	Walton	✓
Martin	✓		
Patterson			
Reid	✓		
Scarborough	✓		
Wheeler			

5:25

Autry
Cinroot
Kinsey - Need members from all sectors of ~~community~~ county

Autry
Martin
Cranton - Report speaks for itself.
Autry
Hammond/Campbell - put on agenda
Booth / Kinsey - approve Tax Ref. unan.

Vinroot
Scarborough/Hammond - Approve Vision Plan -

Vinroot
Boyd Cauble - Legislative Plan WILL BE ON 4/6 agenda
Local Bills - Henry needs bad time - Scheduling meeting with delegation
Mid - April -
① Firemen's Retirement Fund Bill
② Uniform Traffic Control Bill -
③ On-Duty Police Officer Definition -
④ Return of intangibles to Municipalities by State
⑤ Economic Dev. Financing Bill
⑥ Criminal Justice Commission Recommendations

Vinroot
Cauble
Martin
Underhill

Martin
Stone 6.5.15A - 2000
White
Vinroot
White - Auctioneer Item
Martin
Underhill
Vinroot
Martin
Reid - Estimates
Syfert -
Reid
White
Reid
Martin
Syfert
Reid
Syfert
Reid
Syfert
Cloodfeller 20B - Spring Resurf.
3/4 mil use savings for Sidewalk &
Scarborough Curb & Gutter
Cloodfeller
Syfert

Clodfelter
Vinroot
Reid
Stone - Citation is the warrant
Reid
Stone
Reid
Vinroot
Stone
Reid
White - Sheriff's Dept. has not
Stone wanted books
White
Majeed
Stone
Majeed
Stone
Clodfelter
Vinroot
Campbell
Stone
Campbell
Stone
Campbell
Stone

Campbell
Vinroot
Campbell
Reid
Vinroot
Stone
Vinroot
Campbell
Stone
Campbell
Scarborough
Stone -
Vinroot
Clodfelter - Disposition of surplus property - What happens to proceeds?
Vinroot
Clodfelter
Syfert
Vinroot
Scarborough
White - Functional Consolidation
Syfert. Bill #9 -
Vinroot
Reid

Caudill -
Vermont - Defer 9- + 50-J.
Seifert - 31-B Dark Room - Full
Clodfelter - TAb-4- Page 3 - item I.
Reid
White -
Hudnuts
White
Reid - Traffic Signal
Scarborough - Item-N - Page 35
White
Vermont
Clodfelter -
Adjourned at 6:25 pm

Council Meeting 3/23/92

Mayor ✓
Campbell ✓
Clodfelter ✓
Hammond ✓
McCrory ~~absent~~ arrived at 7:03
Majeed ✓
Mangum ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler absent

6:30

Vinroot
#1 Submarine day
R. J. "SHORTY" LEBONVILLE
Vinroot
Hammond
Jim Grice
Mangum
Grice
Vinroot

Price
Sean Corry - Requesting sidewalk
Vinroot
Clodfelter
Ray Blinske
James Sefton
Vinroot
James Sefton
Martin
Sefton
Estelle Walsh
Clodfelter
Sara Duncan
Campbell
White
Campbell
Martin / Scarborough - Bring before Transportation Committee
Andrea Betaudier

who gets 8 free passes per day?

McCrory arrived at 7:03

Scarborough
Hammond
Martin
Betaudier
Martin

White
Martin
Vinroot
Martin
Vinroot
Mayor Russell Knox (DAVIDSON) - SMPO
Martin
Knox
Marvin Wilson

7:15

7:15

Father Richard Allen

Vinroot

Clodfelter 3:30 Committee Mtg.

Thursday

Vinroot

#2 Patterson / Scarborough App including 2/11 Minutes

Unan.

#3

McCrory / Martin Close - Unan.

Mangum / Scarborough Adopt - Unan.

#4

Vinroot

~~Pastor Barbara Brewton~~

Martin

Pastor Barbara Brewton

Anthony Hunt

Scarborough - Caution light for pedestrians?

Martin

Hunt

Scarborough

Hunt

Clodfelter - What will be done with proceeds

White

Clodfelter
Syfert
Clodfelter
Martin
Vinroot
Scarborough / Martin Close
Martin / Patterson Option 1
Reid

VOTE Unan.

Hammond #20J - Defer 2 weeks
Hammond / Martin - Unan

#31B - Approved by Manager - Remove.
Hammond / Scarborough Unan.

#9 Hammond - #9 60 day deferral old Coliseum
Hammond / Scarborough Defer - Unan.

Mangum - 20J
Vinroot - Remove from agenda - don't need 60 days
White
Reid

#5
Hammond / Scarborough Close - Unan.

#6 Consent Pull 20C + 31A
McCrory 20K - More Info
McCrory / Patterson Approve Rest - Unan.

#20 C
Reid · Can't we delay a year?
White
Syfert
Campbell
Syfert
McCrory
Syfert · Had to do with gasolene
Mc
Hammond / Patterson Approve
No - Reid

#31 A
Reid
Borgsdorf
Reid
Borgsdorf
Reid
Borgsdorf
Reid
Reid / Cloodfelter Delay for more info
Vinroot
White
Vinroot
Reid
Vinroot

Martin
Borgdorf
Martin
Scarborough
Reid
Clodfelter
Borgdorf
Vote - unan.

#7

Clodfelter
Reid
Clodfelter
Reid
Clodfelter

Elba, Mangum,
Wheeler, Clodfelter, Martin

Reid
Clodfelter
Clodfelter / Scarborough App A
McCrory
Clodfelter
McCrory
Clodfelter
Reid
Clodfelter
Martin

Clodfelter
Reid
Clodfelter - Proceed with establishment of a utility - way of funding & programming - City & County will be consolidated - work cooperatively with County

Reid
Clodfelter
Reid
Clodfelter
Campbell
Clodfelter
Schumacher -
Campbell
Schumacher
Campbell
Schumacher
Campbell
Schumacher
Campbell
Schumacher
Campbell
Clodfelter
Campbell - B
Clodfelter
Patterson

TAPE 2

several million each year

Scarborough
Hammond
Reid
McCrory

8:09

VOTE - A No Campbell, McCrory, Reid

McCrory
Clodfelter
Campbell
Clodfelter
Campbell
Mangum / Scarborough : Move B
Unan.
Clodfelter
Campbell
Mangum
Mangum / Clodfelter C-1
Patterson
Schumacher
Patterson
Mangum
Patterson
Campbell
Subst Campbell / Hammond C-2
Majeed
Martin

Mangum
Campbell
Clodfelter
~~[illegible]~~ McCrory
Campbell
McCrory
Campbell
Reid - What kind of surplus in CMUT
Vinroot
Alexander - $20mil now -
Reid
Alexander
Reid
Alexander
Reid
Alexander -
Vinroot
Clodfelter
Vinroot
Hammond
Campbell / Reid Defer until
~~[illegible]~~ budget time
NO MANGUM

7D

Clodfelter

Reid / Scarborough approve D
Unan.

#8 Mangum / Scarborough
McCrory
White
McCrory
White
McCrory
White
McCrory
Hammond
Majeed NC Mandate?
White Yes
Majeed
White
Syfert - County could deny use of landfill
Majeed
Syfert
Majeed
VOTE NO McCRORY
#9 Reid - Item deferred
McCrory
Mangum
Majeed

White
Vinroot

Recess 8:45
Reconvene 8:50

#10 Vinroot
Fred Bryant
Bailey Patrick
Steve Jankowski
Clodfelter
Patterson No
Reid Yes
Martin Yes
Mangum Yes
Mangum / Scarborough Amp. #10
Mojeed Yes
Hammond No
Campbell No
McCrory No
Clodfelter - Yes
Scarborough - Yes
Vinroot
Mangum
Martin
Campbell
Reid

VOTE - NO - Campbell, Hammond, Patterson,
VINROOT VETO McCrory

#11 Cloodfelter / Hammond
Majed
Reid
VOTE NO Campbell, Reid, Martin

#12
White
Martin
Scarborough
Vinroot
Mohammad Jenkins
Mangum
Jenkins
Mangum / McCrory
McCrory - Crime Stoppers on 32
Scarborough
Jenkins
VOTE - Unan.
~~#13~~ #13 Mangum / Martin
#14 Scarborough
Campbell / Mangum Excuse Pat
+ Ella

Campbell / Mangum Appr #14
Reed
Subst. Reid / Campbell
Bill the project.
Vinroot
Hammond
Vinroot
Majed
Martin
Borgsdorf
VOTE - YES
Reid - Hammond
Clodfelter - WAIVED 7-3
Mangum / Martin - Put Pat + Ella
back in - no conflict.
#15 Mangum / Reid Approve
VOTE - Unan.
#16 Mangum / Hammond
Joe Miller
Martin
White
McCrory
Subst. Campbell / Scarborough Deny
Clodfelter

Stan Watkins
Clodfelter
Mangum
Watkins
Mangum
Watkins
Mangum
Watkins
Campbell
Watkins
Mangum
Majeed
Joe Miller
Clodfelter
Reid
Reid / Clodfelter amend - provided school
systems uses own funds
to hire a reputable demographer
so model will be accurate
McCrory - $45,000
Reid
VOTE - NO - McCrory

#1 Mangum / Reid approve

Mangum

Campbell / Reid Adjourn

10:10 p.m.

CHARLOTTE

Meetings in March '92

THE WEEK OF MARCH 2 - 6

2, Monday

9:00 a.m. CITY COUNCIL/COUNTY COMMISSION/CHAMBER OF COMMERCE (Presentation on State Air Cargo Park) - CMGC, Conference Center

12 Noon PLANNING COMMISSION - CMGC, 8th Floor Conference Room

1:30 p.m. PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room

3:00 p.m. CITY COUNCIL PUBLIC SERVICES COMMITTEE (Solid Waste Management) - CMGC, Room 271

5:00 p.m. CITY COUNCIL/Workshop - CMGC, Conference Center

3, Tuesday

8:30 a.m. CIVIL SERVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

4, Wednesday

7:30 a.m. PLANNING COMMISSION/City Within A City Committee - CMGC, 8th Floor Conference Room

8:30 a.m. CIVIL SERVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

4:30 p.m. CITIZENS CABLE OVERSIGHT COMMITTEE - CMGC, 7th Floor Conference Room

6:30 p.m. YOUTH INVOLVEMENT COUNCIL - CMGC, Rooms 270-271

7:00 p.m. PUBLIC MEETING ON CANKERWORM CONTROL PLAN - CMGC, Conference Center

THE WEEK OF MARCH 9 - 13

9, Monday

7:00 p.m. HISTORIC LANDMARKS COMMISSION - The Law Building, 730 E. Trade St., Suite 100

10, Tuesday,

3:00 p.m. HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room

3:30 p.m. POLICE CONSOLIDATION STAKEHOLDERS COMMITTEE - CMGC, Rooms 270-271

4:00 p.m. AIRPORT ADVISORY COMMITTEE - Charlotte-Douglas International Airport, Conference Room A

4:30 p.m. PLANNING COMMISSION/First Ward Committee - CMGC, 8th Floor Conference Room

11, Wednesday

8:00 a.m. CLEAN CITY COMMITTEE - CMGC, Room 270

8:30 a.m. CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room

9:30 a.m. CIVIL SERVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

4:00 p.m. HISTORIC DISTRICT COMMISSION - CMGC, 8th Floor Conference Room

12, Thursday

8:30 a.m. CIVIL SERVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

2:00 p.m. CMUD ADVISORY COMMITTEE - Charlotte-Mecklenburg Utility Department, 5100 Brookshire Blvd.

4:00 p.m. CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte, NC 28202-2861

704/336-2395

THE WEEK OF MARCH 16 - 20

16, Monday

5:00 p.m. **COUNCIL/MANAGER DINNER** - CMGC, Meeting Chamber Conference Room

6:00 p.m. **CITY COUNCIL MEETING/Zoning Hearings** - CMGC, Meeting Chamber

17 Tuesday

2:00 p.m. **HOUSING AUTHORITY** - Administrative Offices, 1301 South Boulevard

6:00 p.m. **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center

18, Wednesday,

7:30 a.m. **PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271

6:30 p.m. **YOUTH INVOLVEMENT COUNCIL/Heritage Panel** - Garinger High School Cafeteria

7:00 p.m. **METROPOLITAN PLANNING ORGANIZATION** - CMGC, Conference Center

19, Thursday

7:00 p.m. **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270

20, Friday

7:30 a.m. **PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

11:00 a.m. **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Meeting Chamber Conference Room

THE WEEK OF MARCH 23 - 27

23, Monday

4:30 p.m. **PLANNING COMMISSION/Zoning Committee** - CMGC, 8th Floor Conference Room

5:00 p.m. **COUNCIL/MANAGER DINNER** - CMGC, Conference Center

6:30 p.m. **CITIZENS HEARING** - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

7:00 p.m. **CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

24, Tuesday

12:00 Noon **CITY COUNCIL/COUNTY COMMISSION/Discussion on Consolidation** - CMGC, Conference Center

3:00 p.m. **PLANNING COMMISSION/Executive Committee** - CMGC, 8th Floor Conference Room

26, Thursday

4:30 p.m. **CHARLOTTE TRANSIT ADVISORY COMMITTEE** - CMGC, Room 119

5:00 p.m. **CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

MARCH 30 - 31

30, Monday

9:00 a.m. **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Convention Center, VIP-B Conference Room

31, Tuesday

1:00 p.m. **CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, 700 N. Tryon Street, Building Standards Training Room

-30-

These organizations will not meet in March:

Advisory Energy Commission
Community Relations Committee
Firemen's Retirement Board
Insurance & Risk Mgmt. Advisory Board
Parade Permit Committee
Storm Water Task Force

March 23, 1992 City Council Agenda
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CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

Stan Campbell
Daniel G. Clodfelter
Patrick McCrory
Nasif Rashad Majeed
Thomas A. Mangum
Hoyle H. Martin
Cyndee Patterson
Don D. Reid
Ella Butler Scarborough
Lynn M. Wheeler

Council Agenda

Monday, March 23, 1992

4:00 p.m.	-	Parks and Police Consolidation Briefing, Room 267
5:00 p.m.	-	Council/Manager dinner • Legislative Package Update • Visions Committee Presentation
6:30 p.m.	-	Citizens Hearing
7:00 p.m.	-	Council Meeting

ALSO APPROVE 2/11 CENTRAL DISTRICT PLAN PUBLIC HEARING

ITEM NO.

1. Invocation by Father Richard Allen of St. Ann's Catholic Church.

2. Consider approval of minutes of January 28 Joint Meeting, February 10 Briefing and Regular Meeting, February 17 Zoning Meeting, February 18 Joint City/County/School Board Meeting and February 21 and 22 Council Retreat.

Patterson/Scarborough app. minutes unan.

PUBLIC HEARINGS

3. A. Conduct a public hearing on Amendment No. 5 to the Redevelopment Plan for Brooklyn Urban Renewal Area - Section No. 3.

B. Recommend adoption of a resolution approving Amendment No. 5 to the Redevelopment Plan for the Brooklyn Urban Renewal Area - Section No. 3.

Staff Resource: Del Borgsdorf

Council Action: N. C. Redevelopment Law requires that prior to amending a redevelopment plan, the City Council conduct a public hearing. Following the hearing, it is recommended that Council adopt a resolution amending Section 3 of the Brooklyn Urban Renewal Plan.

McCrory/Martin close Hrng. unan.
Mangum/Scarborough adopt. Res. unan.

Res. #1 B-28 p. 452

CD

ITEM NO.

Details of Amendment

The amendment will allow development of the Pretrial Jail and Work Release Facility proposed by Mecklenburg County to be built to the Urban Mixed Use District (UMUD) standards.

- Development requirements of the Redevelopment Plan are not consistent with the development requirements of the UMUD zoning district for the site.

- The architects representing Mecklenburg County have requested that the Redevelopment Plan be amended so that the building setback requirements and open space requirements conform to the UMUD zoning district requirements.

- The present Redevelopment Plan requires a 20 ft. setback from all streets. UMUD requires a 12 ft. setback and gives specific requirements for walkways and landscaping.

- UMUD does not mandate a specified percentage of open space for a non office use. The Redevelopment Plan presently requires that no more than 45% of the site be covered by buildings.

What are Council's options?

Council could modify the amendment as presented or decide not to amend the plan, thereby requiring development to conform to the existing requirements set forth in the redevelopment plan.

What is the citizen input on this issue?

In order for the amendment to be effective, the City must obtain the consent of the owners of every parcel of real property located within the redevelopment area covered by the redevelopment plan that (1) was sold by the Redevelopment Commission subject to a contract between the purchaser and the Commission for redevelopment of the property, and (2) will be affected by the proposed amendment. Since this amendment will affect any future redevelopment of parcels in the

redevelopment area, staff is soliciting the consent of the owners of four parcels acquired from the Redevelopment Commission in Brooklyn Urban Renewal Area - Section No. 3.

Clearances: The proposed amendment was recommended for approval by the Charlotte-Mecklenburg Planning Commission's Planning Committee at their January 28, 1992 meeting. A copy of their recommendation is attached.

Attachment No. 1

Scarborough/Martin
Clee Hargrave
Martin/Patterson
app. Optional
Urban.

4.

A. Conduct a public hearing to consider the sale of City-owned land at Oaklawn and Burton Streets in the Greenville Redevelopment Area (Tax Parcel 078-445-01) for the appraised value of $23,900 to the Community Outreach Mission Church to be used as a parking lot.

B. Recommend approval of the sale of subject land to the Community Outreach Mission Church contingent upon a rezoning of the property and variances necessary to permit the proposed use.

Staff Resource: Del Borgsdorf

Council Action: City Council is requested to (1) conduct a public hearing to consider the sale of City-owned land at Oaklawn and Burton Streets in the Greenville Redevelopment Area for the appraised value of $23,900 to the Community Outreach Mission Church to be used as a parking lot and (2) approve the sale to the Church contingent upon a rezoning of the property and variances necessary to permit the proposed use.

Details of the Sale: Why is the City doing this?
The public hearing is required by State law.

The Community Development Department received a request to purchase the land from the Community Outreach Mission Church in January 1992 (copy attached as Exhibit A.). The church plans to expand its facilities at 1222 Oaklawn Avenue and needs additional space for parking. This City-owned lot is across the street from the church.

CD

How much will this cost?
There is no additional cost to the City other than staff time for processing the request and the cost of the appraisal. If City Council authorizes the sale, the money received will be program income for the CDBG program and would go toward acquisition of additional land for low/moderate income families for housing in accordance with City policy.

The land has been appraised by Bullock Mortgage & Appraisal Co. at $23,900 based on the highest and best use. The tax value of the property is $20,000.

What is citizen input on this issue?

- To date the Community Development Department has received two letters of support for this proposal (copies attached as Exhibit B).

- Fay Jones, President of Fairview Homes Community, has submitted a letter expressing residents' support for the Community Outreach Mission Church's proposal to purchase this land in order to construct a parking lot. The Fairview Homes Community is located adjacent to the Community Outreach Mission Church.

- Also, a letter of support has been received from Wallace Paysour, proprietor of Paysour Super Market, which is located next door to subject property.

- If City Council decides to sell the land, the Planning staff must notify all adjacent property owners because of the rezoning.

Background information is attached with details on the Mandatory Referral process which recommended the rezoning and necessary variances. A map is also attached.

What are Council's options?

1. To hold the public hearing and approve the sale contingent upon a rezoning of the property and a zoning variance.
2. To hold the public hearing and delay approval of the sale until the property is rezoned and zoning variance obtained.

3. To hold the public hearing and reject the sale.

Clearances: Community Development Department.

Attachment No. 2

5. Conduct a public hearing to receive citizens views regarding the housing and non-housing needs in Charlotte and the proposed uses of FY93 Community Development Block Grant (CDBG) funds ($4,008,000), CDBG Program Income ($1,219,000) and Unprogrammed CDBG funds ($66,170) totaling $5,293,170.

Hammond/Scarborough close hrng. item.

Staff Resource: Del Borgsdorf

Council Action: Conduct a public hearing relating to housing and non-housing needs in Charlotte and the proposed use of FY93 CDBG funds. The hearing will be conducted in two parts:

- Part 1 is to receive input from citizens regarding the housing and non-housing community development needs in Charlotte.
- Part 2 is to receive citizen input regarding the proposed uses of FY93 Community Development Block Grant funds of $4,008,000, CDBG Program Income of $1,219,000 and Unprogrammed CDBG funds of $66,170 for a total of $5,293,170 and our CDBG program performance for FY92.

CDBG Grant: Background information is attached which includes proposed uses of the CDBG funds.

At the May 26, 1992 Council meeting, Council will be requested to approve the "Final Statement of Community Development Objectives and the Projected Use of Funds" for FY93 CDBG funds, CDBG Program Income and Unprogrammed CDBG funds totaling $5,293,170 and the submission of the FY93 CDBG application.

CD

ITEM NO.

Why is the City doing this?
Prior to submission of the Community Development Block Grant (CDBG) application to the Department of Housing and Urban Development (HUD) to receive Charlotte's annual CDBG grant, the City must hold at least one public hearing to obtain citizen input. This hearing is the second of two.

The first public hearing was conducted by the Community Development Department on March 19, 1992 at 7:00 p.m. at the Charlotte-Mecklenburg Government Center and followed the same format stated above.

Clearances: Community Development Department.

Attachment No. 3

VOTE ON CONSENT ITEMS

6. Agenda items 18 through 32 may be considered in one motion except for those items removed from the consent agenda as a result of a Council member making such a request of the City Clerk prior to the meeting.

Staff Resource: Pam Syfert

POLICY

7. Recommend adoption of the recommendations of the Planning Committee regarding policies for the Charlotte Storm Water Program.

Staff Resource: Pam Syfert

Council Action — Planning Committee Recommendations

A. That City Council proceed with the process for development of a new Storm Water Management Program by adopting the policy statements developed by the citizens' task force, consultants, and staff. The policy statements are attached.

Clodfelter/Scarborough
app. "A"
7-3
no - Campbell, McCrory, Reid

Eng.

Rates are not being adopted at this time; however for comparative purposes, the approximate storm water fees that would result from these policies are shown below:

Single family homes	$ 3.05 per month;
Other properties	$43.32 per impervious acre per month.

All properties would pay the same rate for each square foot of impervious cover ($0.00098 or slightly less than one cent) plus a fixed cost per account of $0.48. An acre is 43,560 square feet.

B. That payment of the storm water fee for City maintained streets and City owned properties be paid with a portion of existing General Fund revenues which support current storm water activities. Total current expenditures are approximately $5 million. The storm water fee for City streets and buildings would be about $2.75 million.

C. That City Council select an option for use of the remaining revenues currently used for storm water activities (approximately $2.25 million per year):

1. Supplement the storm water fee with the remainder of the current revenues used for storm water (resulting in no increase or decrease to the operating budget), which reduces the amount of storm water fees to approximately the following:

Single family homes	$ 2.60 per month;
Other properties	$35.82 per impervious acre per month.

2. Return the current revenues to the operating budget. Based on the current schedule for the storm water program, these funds would be available January, 1993.

Mangum/Scarborough App. "B" Unan.

Mangum/Clodfelter App. "C-1"

Subst. Campbell/Hammond App. "C-2"

Campbell/Reid Defer "C" until Budget Time 9-1 NO-MANGUM

Reid/Scarborough App. D Unan.

D. That the Planning Committee continue to develop recommendations related to the storm water program to be considered by City Council at or before the public hearing on storm water fees expected to occur in May. Issues currently being discussed include fee credits for property owners who have detention basins or other mitigative measures, and dividing the single family home fee structure into two or more "tiers" to generally reflect amount of impervious cover.

Additional Information
A full description of the work of the task force including a summary of the discussion of the task force, consultants, and staff during development of the policy statements is included in the attached task force report dated January, 1992.

Background

A citizens' task force was appointed by the City Council in March, 1991 to advise on policies for a comprehensive Storm Water Management Program. The program is to incorporate: (1) measures to comply with EPA water quality regulations; (2) a systematic maintenance and capital improvement plan for the City's drainage infrastructure; and (3) a utility fee funding mechanism. The task force members represent a diverse group of stakeholders who worked with the consultants and staff to develop a series of policy statements. These policy statements form a foundation for the City's Storm Water Management Program.

The Planning Committee has reviewed the policy statements and is forwarding them to the City Council along with related recommendations. The Planning Committee is also examining specific issues in further detail, and will be making recommendations on those issues at a later time.

Attachment No. 4

8. Recommend (1) implementation of a pilot recycling program in multifamily complexes; (2) adherance to the January 1, 1993 mandated deadline for implementing the Citywide multifamily recycling program and (3) the City Manager to rebid the current refuse collection contracts as recommended by City Council's Public Service Committee.

Margam/Scarborough
Approve
9-1
No - McCrory

Staff Resource: Pam Syfert

Council Action: The Public Service Committee recommends that Council approve:

- (1) Immediate implementation of a pilot recycling program in multifamily complexes;
- (2) Adherance to the January 1, 1993 mandated deadline for implementing the Citywide multifamily recycling program rather than requesting Mecklenburg County for a 6-month program delay, and
- (3) Authorization for the City Manager to rebid the current refuse collection contracts.

Mandated Recycling: On November 18, 1991, the Mecklenburg County Board of Commissioners adopted an ordinance "To Provide For Flow Control Of Solid Waste." The flow control regulations are intended to ensure compliance with the provisions of North Carolina State Senate Bill 111 and Mecklenburg County's Solid Waste Management Plan which mandate recycling of 25% of the waste stream by 1993 and 40% by 2001.

Solid Waste

Multifamily Recycling: In order to be in total compliance with the flow control ordinance, the City must provide (or arrange) for recycling collection service to multifamily residents by January 1, 1993. The City's obligation to adhere to Mecklenburg County's flow control ordinance is based on the terms of the Interlocal Agreement.

Service Options There is no consensus in the solid waste industry on the most effective collection system for multifamily recycling. It is therefore essential that the City (and contractors) implement pilot programs in several types of complexes in order that data may be obtained to determine workable service options and costs. Attached are viable service options for multifamily recycling service which were presented to the Public Service Committee. (Attachment I)

Financing Options Several options for financing a multifamily recycling program were also presented to the Public Service Committee (Attachment II). The committee recommends that funding for the program be handled in conjunction with the FY93 budget process.

Rebid Contracts It is expected that the introduction of recycling service in multifamily complexes will reduce the amount of other solid waste that is collected. In order to plan for this reduction in the waste stream, the Public Service Committee recommends that Council authorize the City Manager to rebid the current refuse collection contracts.

Funding: General Fund.

Clearances: Public Service Committee, City Manager's Office, Budget & Evaluation, Solid Waste Services.

Attachment No. 5

9. Consider Independence Arena Management Group's request for a 60-day extension for raising $2 million.

Staff Resource: Boyd Cauble

Hammond/Scarborough Removed from agenda - no need to defer. Urban

Council Action

The City has been advised by Independence Arena Management Group that they will not have the necessary $2 million in escrow by the March 31 date specified in the lease agreement. They are requesting a 60-day extension to allow them to follow-up on additional leads which they feel may provide them the necessary funding to complete the total Independence Arena renovations.

The attached memorandum from Independence Arena formally requests the 60-day extension for the $2 million March 31 deadline, i.e., an extension until May 31, 1992. Independence Arena Management Group also requests at least a 60-day delay in any decisions regarding the designation of Independence Arena as a historic landmark.

Background

On April 8, 1991, City Council approved an agreement with the Independence Arena Management Group to lease the Independence Arena to the group for 35 years.

- The lease was contingent upon the tenant meeting certain obligations and deadlines.
- One deadline was for depositing funds in an escrow account which will be used to renovate Independence Arena prior to opening the arena for public events.
- The first deadline for depositing $2 million is March 31. After depositing the $2 million, the tenant is authorized to proceed with renovation work on the arena.
- A checklist of items to be addressed during the renovation period was agreed to and incorporated into the agreement.
- Furthermore, prior to opening the arena, the tenant agreed to deposit the remainder of the $3 million total estimated renovation cost in escrow and complete all renovation activities.

Attachment No. 6

Manager

10. Consider placing a barricade on Park Road within Charlotte's city limits to permanently block this thoroughfare's connection to Carolina Place Parkway.

Staff Resource: Julie Burch

Park Road Extension

Park Road Extension is a proposed extension of Park Road from its current end near Kingfisher Drive to Carolina Place Parkway south of Pineville. This minor thoroughfare between NC 51 and US 521 was added to the Thoroughfare Plan in 1986.

- On July 20, 1988, the Metropolitan Planning Organization (MPO) approved a realignment of Park Road Extension so that it intersected with Carolina Place Parkway rather than US 521.

- On February 19, 1992, the MPO voted to keep Park Road Extension on the Thoroughfare Plan as a minor thoroughfare as recommended by the Technical Coordinating Committee (TCC). The City of Charlotte had requested, in January 1992, MPO consideration of removal of Park Road Extension (NC 51 to Carolina Place Parkway) from the Thoroughfare Plan. (See attached map.)

Council Action

Several Councilmembers have requested that Council consider permanently barricading Park Road south of Kingfisher Drive to prevent the thoroughfare's connection to Carolina Place Parkway.

- The North Carolina Department of Transportation (NCDOT), as part of Southern Outer Loop construction, will build a bridge for Park Road to span the freeway. Along with the bridge, NCDOT will construct approximately 1100 feet of Park Road, beginning about 75 feet south of Kingfisher and ending almost 750 feet south of the Outer Loop bridge. NCDOT is scheduled to bid this entire project (bridge and Park Road) in May 1992.

- The remaining segment of Park Road Extension (south of the Outer Loop to Carolina Place Parkway) will be constructed by the private sector.

Mangum/Scarborough
Approve 6-4
No - Campbell, Hammond, McCrory, + Patterson
Mayor Vermont Vetoed
Will be item on next agenda

CDOT

- Council has previously approved blocking, completely or partially, residential streets in response to neighborhood concerns about through traffic. Examples include Colony and Reddman Roads.

- If Council approves a permanent barricade on this thoroughfare, the Charlotte Department of Transportation (CDOT) will coordinate signage, etc. with NCDOT and the Town of Pineville to inform motorists that the road is not a through street.

- If Council decides to barricade Park Road, the NCDOT could decide to add this roadway to the State system. NCDOT then could remove the barricade.

- Planning staff remains opposed to Park Road Extension's connection to Carolina Place Parkway.

Attachment No. 7

RCA ? Ord. #3 #3303 B-40 P 391

11. Recommend approval of an ordinance amending Chapter 3 of the City Code entitled "Animals" as to license fees and proration of license fees.

Staff Resource: Don Steger

Council Action: Council is requested to approve two amendments regarding animal license fees. The amendments are described in A. and B. below.

Amendment A: The amendment increases animal license fees as follows:

	From	To
Spayed/neutered dogs and cats	5.00	7.50
Fertile dogs and cats	20.00	25.00
Equine animals	5.00	10.00
Security dogs	20.00	25.00

Revenue generated by this fee increase is estimated at $150,000 per year.

Clerk letter/Memorandum
Aff. 7-3
No Comment
Reid, Martin

Animal Control
Steger

- Animal licensing fees have not been increased in 10 years. Revenues from animal license fees currently recover approximately 60% of animal registration costs. The increased fees would recover approximately 90% of costs.

- The lower dollar increase in spay/neuter license fee is consistent with the long-standing policy of promoting spay/neuter surgeries. This policy has proved to be a cost effective method of controlling the animal population in the community.

Amendment B The amendment replaces the current license fee proration method from one which automatically reduces the fee in half for all pet owners at mid-year to one which is based on the month in which the animal actually became property of the citizen.

- The current method of license fee proration provides an incentive for citizens to wait until January to purchase their licenses. Each year there is an increase in animal registrations in January.

- The proposed method would correct this problem by prorating license fees only for owners of animals who legitimately obtain a new animal in any month between January and June of the fiscal year. The amount of the license fee discount would depend on the month the animal was obtained.

- The estimated annual revenue from this change is $20,000.

Background Additional information is attached on license fees and licensing proration.

Attachment No. 8

Res #12 B-28 P-491 #13 Res B-40 P-494

12. A. Recommend adoption of a joint resolution with the Mecklenburg County Commission establishing a cooperative Crime Stoppers Committee and Reward Fund.

B. Recommend adoption of a resolution abolishing the Charlotte Safety Action Committee.

Staff Resource: Don Steger

Council Action: Council is requested to adopt a resolution (A) which makes Crime Stoppers a joint City-County program. The second action (B) is to abolish the Charlotte Safety Action Committee which was established in February, 1982 as the City's crime stoppers program. With this joint City-County program, we no longer have a need for the City only committee.

- The resolution establishes a Crime Stoppers' Committee with seven members, two appointees each from the City Council and County Commission, one appointee each from the ~~City and County Managers~~ and a chairperson appointed alternately by the Mayor and the chairman of the County Commissioners.

- The committee will have the authority to raise funds for the reward fund in both the City and County.

Creation of a joint program will allow Crime Stoppers to:

- publicize crimes occurring in the City, County, and in incorporated towns within the County.
- raise money for the reward fund throughout Mecklenburg County,
- build a stronger base of support for the program.

The County Commission approved this resolution on February 17, 1992.

Funding: Crime Stoppers is funded through private contributions to the reward fund.

Clearances: The City Manager's Office, Police Department and City Attorney have approved this request.

Either Council Action is wrong or Resolution is wrong Number of members appointed by whom. Items on agenda? All 3 or 1 say something different.

1 by Mayor
1 by Chair Co. Commissioners

McCoy
Margaret approve this.

13. The following topics are proposed for discussion at the April 6, 1992 Council workshop:

Staff Resource: Pam Syfert

- The future of the Art Commission
- Botanical Garden briefing
- Legislative package briefing
- Budget briefing: Capital Improvement Program

Manzan/Martin unan. Manager

BUSINESS

14. Recommend (1) approve the use of right-of-way by Blythe Industries, Inc. for the construction of the Convention Center for a period of approximately two and one-half years, (2) authorize the City Manager to execute a right-of-way lease agreement approving such use, and (3) waive the lease fee of $173,236.00.

Staff Resource: Del Borgsdorf

Council Action

City Council is requested to:

1. Approve the use of the right-of-way by Blythe Industries, Inc. for construction of the Convention Center.

2. Authorize the City Manager to execute a right-of-way lease agreement approving such use.

3. Waive the lease costs associated with its use.

Blythe Industries, Inc. is asking to:

1. Close the sidewalk area and use the right-of-way behind the curb lines on Brevard, Stonewall, College, and Second Streets along the Convention Center site's frontage. (Sidewalks along Duke Power Company's frontage on College and Second Streets would not be closed.)

2. Have use of the right-of-way from February 24, 1992 to August 31, 1994.

3. Have the charge for lease of the right-of-way ($173,236.00) waived since the amount would merely be passed on to the City as a cost of constructing the new Convention Center.

Campbell/Manzan Ethridge Pat + Ella unan.

Campbell/Manzan app.

Subst. Reid/Campbell Bill the project yes- Reid, Hammond, Clodfelter 5-3

Manzan/Martin - allow Ella + Pat to vote - no conflict unan

CDOT

Then vote was 7-3 so fee is waived

Alternatives:
Council could consider making the contractor pay all or a portion of the fee. However, he would want to pass such charges on to the City.

Costs:
No City funds are involved in approving Blythe Industries, Inc. request.

Council Policy:
City Council approves the temporary use of right-of-way to construct buildings if such uses are for more than one year or extend into the Central Business District's holiday shopping season (Thanksgiving through New Year's.) Staff approves uses otherwise.

Since City Council adopted a temporary street closing/right-of-way lease policy on September 23, 1985, it has waived charges for public purpose buildings such as the expansion of Discovery Place and the Blumenthal Center for the Performing Arts.

Clearances: The Charlotte Department of Transportation has approved the right-of-way areas to be closed and time period of use.

15. Recommend approval to sell 18 acres of McAlpine Wastewater Management Facility property to the North Carolina Department of Transportation for construction of the Charlotte Outer Loop for a total price of $653,125.

Staff Resource: Julie Burch

Outer Loop: The Charlotte Outer Loop will cross the McAlpine Wastewater Management Facility, requiring 18 acres of that property for right-of-way (see attached map).

- City staff has negotiated a settlement with NCDOT that includes compensation for the roadway right-of-way, severance damages and the estimated cost of necessary upgrades to the sewer facilities.

- Relocation of sewer lines will be by City contract with direct reimbursement by NCDOT. The added cost of upgrades will be paid for with funds designated from this property sale.

Margaret Reid
app. urban

CMUD

Presentation to City Council
March 23, 1992
R Theodore McLaughlin and Joe L Miller
Co-Funding a computer model for CMS school siting

Mayor Vinroot and members of the City Council·

Over three years ago Citizens for Effective Government started to study two aspects of the Charlotte Mecklenburg Schools (CMS) We studied the extent to which they spent bond money on buildings they promised in their sales campaign to sell the bonds to the voters We found they did not stick to their plan very well at all In fact they promised the same school three bond elections in a row Secondly, and more importantly, we studied the CMS projection of their student population year by year out to the fall of 1999

Upon analysis we found their projection to be unreasonably high About that time there were approximately 75,000 students in the school system and their forecast for the fall of 1999, ten years from then, was 112,500 About a 50% increase in 10 years We analyzed the historical student population of CMS and found that ten years earlier there had been 7,000 more students This in itself was surprising to us and to most people we talked to The question was, "If we have 7,000 fewer students than ten years ago how come we have so much school crowding?" The answer was that those superintendents, before Dr Murphy, closed schools to classes, opened these school buildings to house more bureaucrats, and intentionally crowded the remaining schools

Now consider the CMS projections of school population in 1999 We applied every statistical measure we were then aware of to this projection and came to believe the CMS projection was 20,000 students too high We checked with the North Carolina State Demographer who said that the CMS projection was impossibly high and that our projection of about 92,500 students for the fall of 1999 was also too high

We presented our case to the then head of Research for CMS and his assistant Mr Chuck Dulaney They did not want to listen to our position Finally we got an audience with Dr Relic At that meeting Dr Relic stood by his projection but asked Joe Miller to find for him the name of two nationally known demographers and he would bring one of them in to review their projection Joe will tell you the rest of the story.

Mayor Vinroot and Members of the City Council

By networking I came up with two nationally known demographers One of them was the former Chief of Section, Population Projections, Bureau of the Census. I spent about an hour with him on the telephone At his desk he had on-line access to historical populations and projections for every county in the United States He brought Mecklenburg County up on his screen When I told him what the CMS projection was for 1999 he actually laughed in derision He told me that unless the CMS knows something about fertility rates and in-migration that he doesn't know the CMS projection could not possibly happen Although he would not give me a projection number he told me that my projection of 92,500 probably was too high

I spoke with another demographer with somewhat the same result

We then sent these two names to Dr Relic who responded that he couldn't afford the $5,000 fee plus travel and per diem they wanted to do the study but that if I could get them to do the job free CMS would allow them to come in and talk to his Research Department

In the past two years CMS has lowered their projection for the fall of 1999 from 112,500 to 103,423, however they are still 11,000 above my projection which was described by others as too high

It is my view that if the proposed computer model is developed and then erroneous population projections are used we will end up siting too many schools If the projection of population is off by 11,000 we will be planning 15 too many schools at $7,500,000 each or over $110,000,000 in schools we won't need

I respectfully suggest that you could solve this problem by agreeing to contribute whatever the city's share of this project is if, and only if, CMS will include at the beginning of the study a population projection prepared by a nationally known demographer, not a computer forecasting specialist and not a statistician, but a bona fide nationally recognized demographer

Then and only then are you going to get a valid siting projection for which you are paying part

#16

Presentation to City Council
March 23, 1992
R Theodore McLaughlin and Joe L Miller
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Then and only then are you going to get a valid siting projection for which you are paying part

- Construction of the Outer Loop will require relocation of portions of the McMullen Creek, McAlpine Creek and Sugar Creek outfall sewers. These relocations will be included in an upcoming agenda and will use a portion of the property sale proceeds for financing.

Clearances: Utility Director and Engineering/Real Estate Supervisor concur with this request.

Attachment No. 9

16. Recommend approval of the consultant (University of North Carolina at Charlotte) to develop a computer model to forecast space and facility needs of the school system and authorize the Planning staff to negotiate a contract for an amount not to exceed $90,000.

Staff Resource: Del Borgsdorf

Council Action: This action recommends that Council authorize the Planning staff to negotiate a contract not to exceed $90,000 with the University of North Carolina for development of a computer model to forecast space and facility needs of the school system.

Selection Process: The project management team for the School Facilities Master Plan, which consists of staff from the Schools and Planning Commission, reviewed all proposals submitted and selected three consultants to interview on February 21, 1992. An interview team consisting of staff representatives from the City, County, and Schools and a representative from the Chamber of Commerce interviewed the three consultants. The project management team and the interview team unanimously ranked the UNCC consultant team as the number one choice for the project.

Margum/Hammond App.
Subst. Campbell/Scarborough
Deny
Reid amended orig motion to app - provided school system uses own funds to hire a demographer so model will be accurate
9-1
Yes-McCrory
Planning

School Facilities Master Plan

A proposal for a school facilities master plan was endorsed by the Board of Education in December, 1990. Under that proposal, the school board would provide $45,000 for community education and other support expenses. The City and County would set aside $100,000 for specialized consultant services. Council agreed to this during FY92 budget discussions.

As part of the planning process for the School Facilities Master Plan, the University of North Carolina at Charlotte, in cooperation with the North Carolina Institute for Transportation, Research and Education, will develop a computer model for forecasting the impact of population and other growth, and alternative school management policies on the space and facility needs of the Charlotte-Mecklenburg school district.

Funding: The $90,000 for the specialized consultant services was approved in the Planning Department FY92 Budget.

Clearances: The Director of the Charlotte-Mecklenburg Planning Commission and the Deputy Superintendent of the Charlotte-Mecklenburg Schools have coordinated efforts of the Project Management Team in selecting a consultant for City Council approval.

17. Recommend approval of the FY93 HOME program description and submission of a grant application to HUD of $2,124,000.

Staff Resource: Del Borgsdorf

Council Action: City Council is requested to approve the FY93 HOME program description and submission of a grant application to HUD for $2,124,000 (See attachment).

HOME Program: Why is the City doing this?
This is the first year for participation in the HOME program. HOME is a new federal program under which Charlotte, as an entitlement city, has been allocated $2,124,000 in grant funds. An application for these funds must be submitted to HUD prior to March 28, 1992.

Morgan/Reid
CPP
unan.

CD

How much will this cost?
No local cost.

What is citizen input on this issue?
Citizens' input was received on the use of HOME funds as part of the public hearings held regarding the Comprehensive Housing Affordability Strategy (CHAS).

Background:

- The proposed use of FY93 funds under the HOME program was included in the Comprehensive Housing Affordability Strategy (CHAS) Plan which City Council approved on October 28, 1991 (attached) and HUD approved January 2, 1992. The priority ranking established for utilizing HOME funds by the City is as follows:

  1. Acquisition
  2. Rehabilitation
  3. New Construction
  4. Tenant-based Rental Assistance

- The proposed uses for the HOME funds of $2,124,000 is summarized in the following table:

PROPOSED USE OF HOME FUNDS

Activities		Amount
Acquisition and Rehabilitation		$1,318,600
Acquisition & Disposition Program (ADP)	$1,000,000	
Nonprofit-Sponsored Housing	318,600	
Rehabilitation of Rental Housing		300,000
Selective Rehabilitation		505,400
Total HOME Funds		$2,124,000

- The emphasis of the HOME grant application is on the production of decent, affordable housing for low-income residents through housing rehabilitation and acquisition.

The Acquisition/Rehabilitation program will permit the acquisition and rehabilitation of existing, substandard housing for subsequent sale (or rent) to low-income families. A significant portion of these activities are expected to be carried out by local nonprofit organizations. (The HOME program requires that 15 percent of Charlotte's total grant allocation be set-aside for use by community-based nonprofits.)

- The Rehabilitation of Rental Housing program provides low-interest or deferred-payment loans to absentee owners for rehabilitation of rental housing affordable to low-income families. The Selective Rehabilitation program provides low-interest loans to low-income owner-occupants for needed improvements to their homes.

- Once the funds are made available to the City through a grant agreement with HUD, an agenda item will be prepared for City Council's approval of a budget ordinance to appropriate the $2,124,000. Even though the HOME grant funds are anticipated to be available for expenditure in April 1992, the City (through its Community Development Department) will not begin expending the funds until July 1, 1992 in order to keep the grant funds on the City's fiscal year.

Funding: If the grant is approved, the funding will be appropriated in the FY93 Budget Ordinance.

Clearances: Community Development Department. The Grants Review Committee is reviewing the grant application.

Attachment No. 10

ITEM NO.

Pull 20C 20J 31A PULL 31B NOT COUNCIL APPROVAL

McCorry/Patterson Approve Rest of Consent Unan

CONSENT

BUDGET ORDINANCE

Ord #1 #3301-X B-40 P-389

18. Recommend adoption of a budget ordinance to provide a supplemental appropriation of $19,000 for sewer main extension along Beards Creek tributary to Matthews.

Sewer Project — The following Bid section recommends award of a low bid of $266,041 for construction of Beards Creek sanitary sewer project.

$19,000 Needed — Total project cost to include engineering services, property acquisitions and construction is estimated to be $330,200. CMUD's original estimate was $311,200, or $19,000 less than projected.

Factors which contributed to the higher than projected cost are:

- Final route selection increased total footage of pipe.
- Revised estimates on projected quantities of rock excavation exceeded original estimate.

CMUD

Funding: The budget ordinance transfers $19,000 from a previously completed phase of Beards Creek.

Clearances: Utility Department; Budget and Evaluation.

B-28 P-45 Res. #2 Ord #2 #3302-X B-40 P-390

19. Recommend (A) adoption of a resolution amending the FY92-96 Capital Improvement Program by advancing $2.1 million from FY93 to FY92 for the McAlpine Creek Flow Equalization Project, and; (B) adoption of a budget ordinance appropriating $3,450,000 for the project, with $1,350,000 being transferred from the McAlpine Creek Expansion Project.

Flow Equalization Facility — The following Bid section recommends award of bids for the construction of a flow equalization facility at McAlpine Creek Wastewater Treatment Plant. This facility will be used to store flows which arrive at a rate higher than the plant can treat. When the flow rates subside, the stored wastewater is re-introduced into the plant for treatment. This type of daily equalization will improve the ability to meet National Pollution Discharge Emission Standards (NPDES) permit requirements.

CMUD

The total estimated cost is projected to exceed budget by $1,350,000. Due to the critical need of this project, CMUD staff recommends that we proceed with construction.

The scope of project has increased to include parts of the McAlpine Treatment Plant Expansion project as well as overflows that could occur on a routine basis.

BID LIST

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

A. Sardis Road Widening — Engineering

Recommendation: By the City Engineer based on the recommendation of the consultant, Ralph Whitehead & Associates, that the low bid of $3,935,684.74, as submitted by Blythe Industries, be accepted for award on a unit price basis.

Project Description: This project will widen Sardis Road to four lanes from Rama Road/Sardis Road intersection to south of Sardis Road North with appropriate left turn lanes as identified. The work includes grading, drainage, paving, sidewalk, curb and gutter and utilities. The Charlotte Department of Transportation identified the need to widen Sardis Road based on current and projected traffic volumes. Due to rapid growth in the area, traffic congestion is projected to increase.

M/WBE Status:

The contractor has committed M/WBE participation of:

	AMOUNT	PERCENT OF TOTAL PROJECT COST	PROJECT GOALS
MBE	$208,201.15	5.4%	14%
WBE	$143,655.00	3.7%	8%

The Engineering Department has reviewed the contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the M/WBE Program. The M/WBE Program Director concurs in the determination.

Eng

Source of Funding: General Capital Improvement Fund - (Sardis Road Widening - 1988 Street Bonds). Water and Sewer Capital Improvement Fund - (Water and Sewer Relocation for Street Improvements).

Estimated Cost:	$5,185,000.00	
Low Bid:	3,935,684.74	
Difference:	$1,249,315.26	(24%)

Project savings will be reprogrammed in the FY93-97 Preliminary Capital Improvement Program.

B. Spring Resurfacing - 92 CDOT

Recommendation: By the City Engineer that the low bid of $2,031,335.65, as submitted by Rea Construction Company, be accepted for award on a unit price basis.

Project Description: This in one of two contracts let each year to resurface city streets. This project will include the resurfacing of approximately 95 miles of streets throughout the city with 93,600 tons of asphalt. Approximately 60,000 square yards of existing pavement will be milled.

M/WBE Status:

The contractor has complied with the M/WBE contract provisions which allow him to perform all the work with his own forces.

Source of Funding: Powell Bill Fund - (Contracted Asphalt Street Resurfacing).

Estimated Cost:	$2,800,000.00	
Low Bid:	2,031,335.65	
Difference:	$ 768,664.35	(27%)

Project savings will be reprogrammed in the FY93 Recommended Operating Budget.

Eno

C. Northeast Satellite Yard — Engineering

Recommendation: By the City Engineer based on the recommendation of the consultant, Brice-Morris Associates, that the low bids and alternates be accepted for award:

- General Contract with M. B. Kahn of Charlotte for the negotiated base bid plus selected alternates for a lump sum price of $1,099,549.00.

- Plumbing Contract with Mecklenburg Plumbing of Charlotte for the negotiated base bid plus alternates for a lump sum price of $73,747.00.

- Electrical Contract with Universal Electrical of Charlotte for the negotiated base bid plus alternates for a lump sum price of $84,698.00.

- Mechanical Contract with Southeast of Charlotte for the negotiated base bid plus alternates for a lump sum price of $41,820.00.

Hammond | Patterson approve 9-1 No Reid

Project Description: This project is a new satellite facility for the Street Maintenance Division of CDOT at General Commerce Drive and Orr Road. It will consist of an office/ready room building, covered storage sheds for equipment and construction materials, a truck wash building, and a single-bay vehicle maintenance building.

The need for this project is based on the increasing size of Charlotte, and cost-efficent operations. A Street Maintenance Division study concluded that aproximately $350,000 in annual savings could be realized by operating from an east side yard. Funds for this facility were approved in the FY91 and FY92 CIP budgets.

E-2

M/WBE Participation:

GENERAL
The general contractor has committed M/WBE participation of:

	AMOUNT	PERCENT OF TOTAL PROJECT COST	PROJECT GOALS
MBE	$ 0	0%	15%
WBE	$90,752.00	6.5%	5%

The Engineering Department has reviewed the contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the M/WBE Program. The M/WBE Program Director concurs in the determination.

PLUMBING
The contractor has certified that he will perform all of the work with his own forces as allowed by the M/WBE Program.

MECHANICAL
The contractor has certified that he will perform all of the work with his own forces as allowed by the M/WBE Program.

ELECTRICAL
The contractor has certified that he will perform all of the work with his own forces as allowed by the M/WBE Program.

Source of Funding: General Capital Improvement Fund - (Maintenance Yard Facilities - Sale of Land and Two-Thirds Bonds).

The total of the original base bids was $1,686,144.00 or $386,144.00 over the fixed limit of construction. The architect has negotiated with the low bidders to reduce the project cost under the fixed limit of construction of $1,300,000.

D. Highway 51 District Park Concession/Restroom Building — Engineering

Recommendation: By the City Engineer based on the recommendation of the consultant, Derek Church Williams, that the apparent low bid submitted by Financial Contractors be rejected for failure to submit a proper bid security as required by North Carolina General Statute 143-129 and that the low bid, $118,755.40, as submitted by T. K. Browne Construction, be accepted for award on a lump sum price basis.

2nd

North Carolina General Statute 143-129 requires that a 5% bid security be submitted with the bid. Financial Contractors did not submit a bid security with their bid. City Attorney's Office has rendered an opinion that the bid by Financial Contractors must be rejected for failure to comply with the statute.

Eng

Project Description: The City of Charlotte and the Charlotte-Mecklenburg Board of Education have agreed to share the cost and use of four softball fields and a football/track complex.

M/WBE Status

The contractor has committed M/WBE participation of:

	AMOUNT	PERCENT OF TOTAL PROJECT COST	PROJECT GOALS
MBE	$12,980.00	11%	20%
WBE	$ 1,525.00	1%	10%

The Engineering Department has reviewed the contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the M/WBE Program. The M/WBE Director concurs in the determination.

Source of Funding: General Capital Improvement Fund - (Highway 51 District Park - Charlotte-Mecklenburg Board of Education and Park Bonds).

Estimated Cost:	$125,000.00	
Low Bid:	118,755.40	
Difference:	$ 6,244.60	(5%)

E. Sanitary Sewer Construction Beards Creek Tributary To Matthews — Charlotte-Mecklenburg Utility Dept.

Recommendation: Director, Charlotte-Mecklenburg Utility Department recommends that the low bid by Dellinger, Inc. of Monroe, North Carolina in the amount of $266,040.68 be accepted for award of contract on a unit price basis.

Purchasing

Project Description: Construction of this project will extend sewer lines from the existing Beards Creek outfall to Industrial Drive and Matthews Street. The need for this project is based on the continued growth in this area. In addition, the extension of this sewer line will eliminate two lift stations.

M/WBE Status:

CMUD's projected M/WBE goals:
MBE - 5% WBE - 6%

Dellinger's projected M/WBE goals:
MBE - 0.56% WBE - 7.14%

The contractor has complied with the requirements of the M/WBE program.

Source of Funding: Water/Sewer Capital Improvement Fund-(Beards Creek Outfall - Tributary to Matthews).

Estimated Cost:	$359,000.00	
Low Bid:	266,040.68	
Difference:	$ 92,959.32	(26%)

F. Electrical Alterations
Vest Station Water Treatment
Plant

Charlotte-Mecklenburg
Utility Department

Recommendation: Director, Charlotte-Mecklenburg Utility Department recommends that the low bid by Port City Electric Company, Incorporated of Mooresville, North Carolina in the amount of $81,950.00 be accepted for award of contract on a unit price basis.

Project Description: The existing transformer is oil filled and does not meet the North Carolina Electrical Code. Lighting needs to be upgraded, and the switchgear is obsolete making parts for repairs impossible to find. Construction of this project will eliminate these problems bringing the electrical system up to date and in accordance with the electrical codes.

Purchasing

M/WBE Status:

The contractor has complied with the requirements of the M/WBE program. Port City has the capability to perform and normally performs all elements of the work with their own work forces.

Source of Funding: Water/Sewer Capital Improvement Fund-(Electrical Equipment Replacement at Vest Water Treatment Plant).

Estimated Cost:	$100,000.00	
Low Bid:	81,950.00	
Difference:	$ 18,050.00	(18%)

G. Sanitary Sewer Construction Stoney Creek Tributary to Ridge Road — Charlotte-Mecklenburg Utility Department

Recommendation: Director, Charlotte-Mecklenburg Utility Department recommends that the low bid by Trans-State Construction of Denver, North Carolina in the amount of $1,167,608.08 be accepted for award of contract on a unit price basis.

Project Description: Construction of this project will provide sewer service to Highland Creek, a residential development being constructed in northeast Mecklenburg County on Ridge Road near Eastfield Road.

M/WBE Status:

CMUD's projected M/WBE goals:
MBE - 4% WBE - 3%

Trans-State's projected M/WBE goals:
MBE - 0% WBE - 4.46%

The contractor has complied with the requirements of the M/WBE program.

Source of Funding: Water/Sewer Construction Fund - (American Newland Associates).

Estimated Cost:	$1,200,000.00	
Low Bid:	1,167,608.08	
Difference:	$ 32,391.92	(3%)

Purchasing

H. One (1) Fire Truck — Fire Department

Recommendation: By Purchasing Director and Fire Chief that one tanker truck in the amount of $115,733.00 be added to the existing contract with Central States Equipment (81-109) which was awarded by City Council February 25, 1991.

Project Description: The tanker to be replaced is a 1973 International Harvester Model 1700. The tanker is located at 2337 Keller Avenue off Beatties Ford Road and is used primarily to ensure that water is available for incidents on the I-85 and I-77 corridors where no fire hydrants are located. The present tanker has no foam capability.

M/WBE Status: No known MWBE vendors for this equipment.

Source of Funding: General Capital Equipment Fund - (Fire Department).

Purchasing

I. Carpet Concourse B & C — Aviation

Recommendation: The Aviation Director recommends that the contract be awarded to the low bidder, Terry's Contract Carpets, in the amount of $205,045.00.

Project Description: Airport Revenue Bonds were issued in 1987 to provide for certain capital improvements for the Airport Terminal Building. This contract provides installation of new carpet on Concourses B and C. Due to the heavy passenger traffic, the existing carpet needs replacing. Additionally, the new carpet enhances the interior design changes requested by USAir. All project costs are debt serviced through rental payments from USAir.

M/WBE Status: The apparent low bidder was determined to be responsive to the DBE requirements of the contract.

Airport DBE Goal = 5%
DBE Achievement = 1%
- MBE @ 1%
- WBE @ 0%

Source of Funding: Airport Terminal Capital Project Fund-(1987 Airport Revenue Bonds - South Terminal Expansion).

Purchasing

J. Auctioneer Services City-County Purchasing

Recommendation: It is the recommendation of the Auctioneer Services Review Committee, Purchasing Director and the City Manager to award a contract for Auctioneer Services to the most responsive proposer, Wayne Evans Auction Company, Columbus, Georgia, for Proposal # 1 for a two year period.

EVANS ABSORBS THE COST OF 2 MAJOR EXPENSES PREVIOUSLY INCURRED BY THE CITY. THE OTHER PROPOSERS CALL THESE "ADDED" EXPENSES, THESE WILL SAVE THE CITY $11,542.32.

Bid Summary:

Proposal #1 includes Fidelity Bond:

	Rank	Commission Rate
Wayne Evans Auction Co., Columbus, GA	1	6.95%
Lawing Auction Co., Charlotte, NC	2	5.89%
Godley Auction Co., Charlotte, NC	3	6.50%

Proposal #2 excludes Fidelity Bond. City Collects Revenue and Assumes Responsibility for Monies.

Wayne Evans Auction Co., Columbus, GA	1	6.85%
Stone Auction Co., Bailey, NC	2	4.65%
Lawing Auction Co., Charlotte, NC	3	5.75%
King Auction Co., Fletcher, NC	4	9.50%

Hammond/Scarborough Defer 2 weeks year.

Project Description: To coordinate and conduct auctions for the City, County and all other government entities within Mecklenburg County to dispose of surplus, obsolete and/or worn vehicles and equipment.

Wayne Evans Auction Company has been in the auction business for 30 plus years and has specialized in municipal auction sales for the past decade, conducting 62 major sales ($500,000 and over) in the past five years. Excellent references were received from the City of Atlanta, the City of Tallahassee, Florida and Monroe County, Alabama.

Based on previous sales amounts, commissions will exceed $50,000 over the duration of this contract period.

Request for Proposals (RFP) for auctioneer services were received on Friday, February 28, 1992.

- An Auctioneer Services Review Committee headed by the Purchasing Department (with representatives from County Internal Audit and Equipment Services) reviewed and ranked each proposal based upon pre-established criteria as outlined in the RFP.

- Criteria included 1) qualifications and experience, 2) proposed services meeting the City's need and requirements and 3) fees for proposed services.

P. Purchasing

- As a potential cost savings measure for the City, County and School Board, this year's RFP included a unique feature which allowed each proposer to submit a commission rate including the cost of a fidelity bond (Proposal # 1) and a commission rate excluding the cost of a fidelity bond (Proposal # 2).

- Under Proposal # 2, the City would provide staff to collect auction proceeds on the day of the sale and avoid the expense of the fidelity bond.

- The savings between Proposal #1 and Proposal #2 is $500.00. Based on this and the other findings of the Auction Review Committee, it is recommended that Wayne Evans be awarded a contract for Auctioneer Services for Proposal #1.

- Detailed information on the Wayne Evans Auction Company proposal is attached.

M/WBE Status: RFP's were mailed to one known certified WBE and one known MBE, without response, one proposal was received from a stated WBE. Four of the five companies submitting proposals agreed to subcontract in the areas of concessions and towing services.

Attachment No. 11

K. 1-Police Surveillance Van — Police

Recommendation: By Purchasing Director and Police Chief that the Council action of January 13, 1992 to purchase the van from AID be rescinded so that new bids may be requested.

Bid Summary:

Sirchie Fingerprint Labs	Medford, N. J.	$57,782.00
National Police Supply (Sirchie)	Charlotte, N. C.	59,350.00
Audio Intelligence Devices	Ft. Lauderdale, Fl.	60,949.00

Project Description: After the Council action of January 13, the specifications were found to be restrictive to the point that only one company could comply. The specifications will be rewritten and rebid.

Purchasing

There is the possibility that legal action could be taken against the City if the order is placed with AID.

Source of Funding: Recommendation that all bids be rejected.

L. Flow Equalization Facilities General Construction McAlpine Creek Wastewater Management Facility — Charlotte-Mecklenburg Utility Dept.

Recommendation: Director, Charlotte-Mecklenburg Utility Department recommends that the low bid by SCE, Incorporated of Birmingham, Alabama in the amount of $7,342,368.00 be accepted for award of contract on a unit price basis.

Project Description: In past years, wet weather overflows have commonly occurred on the sewer outfalls leading to the McAlpine Wastewater Management Facility. Recent plant improvements have largely eliminated the overflows. However, during storm events, flows through the plant exceed its treatment capacity.

This project will provide for temporary diversion and storage of excess wet weather flow by pumping it to holding lagoons. When the storm subsides, the stored liquid will be returned to the plant for treatment. This project also provides for storage of peak daily flows during normal operations, with the stored liquid returned to the plant during low flow periods of the day. This project will result in a great reduction in the treatment capacity required and a more efficient treatment process.

Facilities to be constructed include an equalization pump station containing five pumps and attached two unit grit removal facility, conversion of an existing lagoon into an equalization basin, piping, paving, grading and associated work.

M/WBE Status:

CMUD's projected M/WBE goals:
MBE - 15% WBE - 3%

SCE committed 0.3% to MBE's and 9.46% to WBE's certified with the City of Charlotte. SCE committed to WBE's certified with the NCDOT but not presently certified with the City.

Purchasing

Due to the Associated General Contractors Association not listing SCE as a bidder, many subcontractors missed quoting to SCE prior to bid.

SCE is negotiating with those MWBE's to try and increase MWBE participation.

One aspect of the project under negotiation with MWBE's is pouring and finishing the concrete, which is a large percentage of work.

The contractor has complied with the requirements of the M/WBE program.

Source of Funding: Water/Sewer Capital Improvement Fund-Flow Equalization at McAlpine Creek Wastewater Treatment Plant).

Estimated Cost:	$7,130,000.00
Low Bid:	7,342,368.00
Difference:	($ 212,368.00)

M. Flow Equalization Facilities Electrical Construction McAlpine Creek Wastewater Management Facility — Charlotte-Mecklenburg Utility Dept.

Recommendation: Director, Charlotte-Mecklenburg Utility Department recommends that the low bid by Bryant Electric Repair Company of Gastonia, North Carolina in the amount of $555,000.00 be accepted for award of contract on a lump sum basis.

M/WBE Status:

The contractor has complied with the requirements of the M/WBE program. Bryant Electric Repair has the capability to perform and historically performs all elements of the work with their own work forces.

Source of Funding: Water/Sewer Capital Improvement Fund-(Flow Equalization at McAlpine Creek Wastewater Treatment Plant).

Estimated Cost:	$820,000.00	
Low Bid:	555,000.00	
Difference:	$265,000.00	(32%)

Purchasing

N. Plant Hot Mix, Asphalt — CDOT
90,935 (est.) Tons — Street Div.

Recommendation: By Purchasing Director and Department of Transportation Director that the low bidders for each section be accepted for award of contracts follows:

Crowder Construction Co.	Sec. I	$279,905.00
Rea Construction Co.	Sec. II & III	$1,249,080.00
APAC-Carolina, Inc.	Sec. IV	$355,861.00

Project Description: Plant mix asphalt is used for needed street repairs and to resurface City streets.

The bid proposal was arranged in four sections, each geographically surrounding one or more of local asphalt plants. The section distinction allows the City to consider the location of each asphalt plant when reviewing the bids for each section.

The recommendations reflect the City's estimated cost of hauling asphalt from the various plants to the midpoint of the respective sections. The midpoints were selected by the Street Maintenance Division as the most central location within each section. They represent an arbitrary job site location from which the hauling cost within each section from all prospective plant locations were determined. The cost includes both the contractor's bid price, the City's estimated cost for labor and equipment to haul the material.

Purchasing

The contracts this year will include an escalation clause for the first time. Previously, vendors could ask for price increases but there was no provision for price decreases. These will now be based on third party published prices.

M/WBE Status: There were no known M/WBE contractors, but one of the successful vendors is sub-contracting hauling in the amount of $91,000.00

Source of Funding: Powell Bill Fund - (Street Paving by City Forces). The bid prices this year are $1.50 - $2.50 per ton lower than last year.

O. Asphalt, Cold Mix

CDOT
Street Div.

Recommendation: By Purchasing Director and Operations Director that the low bid in the amount of $150,000, by Rea Construction Co. be accepted for award of contract on a unit price basis.

Project Description: Cold mix asphalt is used for needed street repairs.

Source of Funding: Powell Bill Fund - (Street Paving by City Forces). The price for the cold mix asphalt in this bid reflects no increase over last year's contract price. ($37.50 per ton in this bid and last year's contract.) Optional delivery costs by the company are down in this year's bid.

Purchasing

LEASE AMENDMENT

21. Recommend approval of amendment to lease agreement with Host International, Inc. to operate news/gifts concessions at the airport.

Council Action

Council is requested to approve an amendment to the agreement and lease with Host International, Inc., a wholly owned subsidiary of Marriott Corporation, to operate the news/gifts concessions at the airport.

The following are key provisions of this amendment:

Amendment

1. The term of the lease is extended to five years from the date of beneficial occupancy of the terminal expansion to be completed in 1993.

2. Host will continue to have the exclusive right to sell news, tobacco, gifts and general merchandise in the terminal (name brand shops).

3. Host pays the City 10% of all sales of franchise stores, 13% of other news and sundry items sales and 25% of gifts and general merchandise sales, with a minimum annual guarantee of $1,200,000 increasing to $1,450,000 in 1994.

Aviation

4. Host agrees to accommodate existing DBE firms now operating in the terminal building so that they could continue operating in the terminal expansion. Host will increase the level of DBE participation from 10% of total gross receipts to 15%.

5. Host will construct the additional merchandising facilities for the terminal expansion. (Approximate cost to Host of $2,400,000) Host agrees to amortize its investment in the leasehold improvements on a straight line basis for a period of eight years from installation. City agrees to reimburse Host for unamortized investment in the leasehold improvements at the termination of the agreement.

Reasons for the recommended amendment are explained in the attachment.

Clearances: The Airport Advisory Committee unanimously concurs in the recommendation of extending the Host International lease agreement. The Airport's concessionaire consultant, KMPG Peat Marwick, recommends this course of action.

Attachment No. 12

AGREEMENT

22. Recommend approval of an agreement with ESP Associates, P.A. for $100,000 to perform unspecified surveying services during 1992.

Council Action: Council is requested to approve an agreement with ESP Associates for $100,000 for surveying services during 1992. ESP is recommended by a selection committee comprised of representatives from the Engineering Department using the Council-approved consultant selection process.

Surveying Services: Surveying services are required on virtually every project that the Engineering Department has underway or has proposed for construction. Due to the number of projects under design and construction in the Engineering Department, the department is unable to meet the surveying needs with in-house surveying personnel. This surveying contract will allow us to provide the survey services necessary without having to delay the projects.

Project Cost: The agreement provides funds for surveying services on an as-needed basis; therefore, the surveyor will be compensated on an hourly basis. The hourly rates charged by ESP Associates, Inc. are comparable to the rates charged in this area for similar services.

Eng.

Funding: The appropriate capital project accounts will be assessed for survey work.

Clearances: This agreement has been reviewed by the Attorney's Office and reviewed and approved by the Engineering Department.

INTERLOCAL AGREEMENT AMENDMENTS

Res #3 B 28 p. 455

23. A. Recommend adoption of a resolution authorizing an amendment to an Interlocal Agreement pertaining to the provision of animal control services by the Charlotte/Mecklenburg Animal Control Department to the Town of Mint Hill.

Res #4 B-28 p 459

B. Recommend adoption of a resolution authorizing an amendment to an Interlocal Agreement pertaining to the provision of animal control services by the Charlotte/Mecklenburg Animal Control Department to the Town of Huntersville.

Animal Control

Council Action: The proposed amendments to the City/County Interlocal Agreement will provide the same level of Animal Control services to the towns of Mint Hill and Huntersville as is currently provided in the unincorporated areas of the county. In addition, approval will afford greater consistency in the enforcement of all applicable laws.

Should Council not adopt the amendments, the Charlotte/Mecklenburg Animal Control Department will continue enforcement of the previously adopted County ordinance. However, this would greatly reduce the level of service provided to the County residents living in Mint Hill and Huntersville.

Citizen Input: The Town Administrators from both the Mint Hill and Huntersville areas reported that since adoption of the new laws they had received hundreds of phone calls from citizens voicing support of the new laws and requesting enforcement in their areas.

Funding: Revenues generated from licensing and enforcement actions will offset the cost of the increased level of service.

REHABILITATION LOAN

24. Recommend approval of a loan agreement with Ernestine Harris for $64,684 to refinance and rehabilitate her home located at 2029 Parson Street.

Detailed information on the loan is attached.

Clearances: The loan package has been reviewed by the Community Development Department and all criteria to qualify for financial assistance have been met by the applicant in accordance with the requirements outlined in the Community Development Standard Rehabilitation Loan Program.

Attachment No. 13

CD

REPLACEMENT HOUSING AGREEMENT/LOAN

25. A. Recommend approval of a tri-party agreement between the City and New Visions Homes, collectively, to build and finance three new houses and, individually, with Eunice B. Pressley and Gloria P. Rains, Barbara A. Clark and Jerry M. Osborne to purchase the new replacement houses.

B. Recommend approval of three construction loans in the total amount of $169,023 to New Visions Homes to construct the new houses.

C. Recommend approval of three permanent loans under the Replacement Housing Program for Eunice B. Pressley and Gloria P. Rains ($64,107), Barbara A. Clark ($56,257) and Jerry M. Osborne ($55,958) to purchase the houses.

Council Action City Council is requested to approve a tri-party agreement between the City, New Vision Homes and three individuals.

- The tri-party agreement calls for the City and New Vision Homes to build and finance the houses and for the individuals to purchase the new replacement houses.

- City Council is also requested to approve three construction loans to New Vision Homes for $169,023 to construct the houses and approve three permanent loans to the above individuals to purchase the houses.

Background information is attached.

Funding: CDBG Replacement Housing Account.

Clearances: Community Development Department and an external Evaluation Committee.

Attachment No. 14

WAIVER - STORM DRAINAGE ASSESSMENT

26. Recommend waiver of the private property owner assessment of $3,000 for the Storm Drainage Repair Project at 1733 Parson Street.

Council Action: City Council is requested to waive the $3,000 private property owner final assessment for the 1733 Parson Street Storm Drainage Repair Project (SDRP).

Parson Street Drainage:

- In accordance with the City's Storm Drainage Repair Program, Council authorized storm drainage improvements involving one residence and City right-of-way in September 1989. Construction was completed in June 1990. The improvements involved replacing approximately 200 feet of 24-inch pipe on private property and two catch basins in the street. The total cost of repairs was $25,889.53 with the City's share being $22,889.53 and the property owner's share $3,000.

- The improvements were constructed in an effort to improve the flooding situation on Parson Street and on private property. The best solution would have been to improve the drainage system throughout the neighborhood. Due to complexities involved with the basin-wide petition method, it was decided to limit improvements to the street and one property (1733 Parson Street).

- The project is within the Belmont Neighborhood Reinvestment area. Last fall voters approved bonds to fund storm drainage improvements for this area. Now the complete neighborhood storm drainage solution will be constructed.

- On January 13, 1992, Council approved assessing the involved property owner 20 percent of the private property improvements ($3,000). After further review requested by the property owner, however, the Engineering Department is recommending that the assessment be waived in the interest of good customer service. The limited storm drainage improvements made are not as successful to resolve private property drainage problems as

Eng.

staff and the property owner desire. In addition, the storm drainage system on this property will again be under construction in the spring of 1992 as part of the bond funded Belmont project. All further improvements will be funded at no cost to private property owners.

Funding: Storm Drainage Repair Capital Account.

Clearances: Waiver of the final assessment has been reviewed and approved by the Attorney's Office.

STORM DRAINAGE

Rep 2,#5 B-28 p-463

27. Recommend adoption of a resolution to repair the storm drainage system at 224 and 228 Altondale Avenue and assess a portion of the cost to the involved property owners in accordance with the Storm Drainage Repair Policy.

Location of Drainage Problem: 224 and 228 Altondale Avenue.

Ranking: High Priority

Improvements Proposed: Replace approximately 120 feet of 36-inch pipe, replace culvert under Altondale, construct drainage structures, replace driveway and seed and mulch disturbed areas.

Total Estimated Cost of Repairs: $58,000.00

Involved Property Owners' Cost: Twenty percent of improvements on private property ($6,600.00).

City's Cost: Remaining cost of improvements on private property ($51,400.00).

Petition Requirements: The involved property owners have signed the petition.

Hearing Requirements: No public hearing is required.

Next Steps: Upon Council approval of this action, staff will proceed to sign and construct improvements. After construction is complete, the involved property owners will be assessed their share of actual costs. Their costs will not exeed the $6,600 estimated share.

Eng

Funding: Storm Drainage Repair Capital Account.

EXCHANGE OF PROPERTY

28. Recommend approval of an exchange of City-owned property adjoining Boyce Road Park for property along Sardis Road owned by Christian School Association of Charlotte to widen Sardis Road.

Council Action: Council is requested to approve an exchange of City-owned property adjoining Boyce Road Park for property along the frontage of Sardis Road owned by the Christian School Association of Charlotte to widen Sardis Road.

Sardis Road Project:

- The City owns .578 acres of land which is a part of Boyce Road Park and is isolated across a creek from the main park area.
- The land is used as a part of the Christian School Association ballfield per a previous agreement with the City.
- The exchange of property will provide the school with compensation for the right-of-way needed to widen Sardis Road.
- When the school constructed additional improvements on their campus in 1986, regulations at the time required them to donate 20 ft. of additional right of way. A letter of intent to donate the right of way was submitted by the school in return for the occupancy permit; however, the right of way has not been formally donated. That requirement was contested by the school at that time and Council soon thereafter voluntarily changed the ordinance. The City Attorney's office feels we can require the school to donate the previously committed right of way, however, acknowledges that opinion could be contested.
- The appraised value of land to be conveyed to the school is $24,700. The value of property to be acquired from the school for Sardis Road improvements is $19,800. The value of right of way previously committed to be donated by the school is $38,500.

End

- The City's widening of Sardis Road will require 55,659 S.F. (1.28 ac.) of right of way (includes 20' right of way committed to donate) plus 18,431 S.F. (0.423 ac.) of Temporary Construction Easement.

- The Christian School Association of Charlotte has agreed to the trade.

- City staff recommends approval of the land exhange since the value of land is similiar, the school is already using the City property to be exchanged, the property is not easily accessible from other public property and no practical public use for the property has been identified. The exchange will clear up the contested question of whether the prior commitment to donate right of way can be enforced.

Funding: Sardis Road Widening Project: No funds requested for this property exchange.

Clearances: The Legal Department, Park & Recreation Department, Planning Commission and Engineering/ Real Estate approve of this exchange. The Mandatory Referral was approved and is attached.

Attachment No. 15

TAX REFUND

29. Recommend adoption of a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $199,502.91.

Res #6 B 28 P-467

Finance

SET PUBLIC HEARINGS

30. A. Recommend adoption of a resolution of intent to abandon a portion of an alleyway east of Louise Avenue and set a public hearing for May 26, 1992.

B. Recommend adoption of a resolution of intent to abandon a portion of an alleyway ~~south~~ west of East 35th Street and set a public hearing for May 26, 1992.

C. Recommend adoption of a resolution of intent to abandon a portion of an alleyway south of Holt Street and set a public hearing for May 26, 1992.

D. Recommend adoption of a resolution of intent to abandon a portion of East 29th Street and an alleyway south of East 29th Street and set a public hearing for May 26, 1992.

E. Recommend adoption of a resolution of intent to abandon Eloise Avenue and set a public hearing for May 26, 1992.

CDOT

PROPERTY TRANSACTIONS

31. Recommend approval of the following property transactions and adoption of the condemnation resolutions.

Reid/Clark Defer for more info from urban

A. Project: Law Enforcement Center Site
Owner(s): Heirs of J.C. Hardin - Richard C. Porter, J.T. Mays and Anne Robinson Murphy
Property Address: 610 East Fifth Street
Parcel Number: 3
Property to be acquired: Total Property Acquisition = 4,335 Square Feet
Improvements: None
Price: $200,000
Remarks: The property is used as a parking lot. It was appraised as part of an assemblage of other parcels for the Law Enforcement Center. Consequently, the market value would differ from the tax value.

The appraisal of the entire block constitutes a unity of value for a single use. Therefore, all property owners receive a proportional share of the proceeds established by two independent appraisers.

ZONED: B-2 USE: Parking

TAX CODE: 080-083-07 TAX VALUE: $ 33,600

R.E.

NOT NECESSARY FOR COUNCIL APPROVAL. APPROVED BY MANAGER.

Hammond Scarborough

RE Remove from agenda

B. Project: Park/Johnston Road Widening, Phase II, Segment IV
Owner(s): Clyde E. Robinson and wife, Mary M. Robinson
Property Address: 8523 Sharon Brook Road
Parcel Number: 515
Property to be acquired: None
Improvements: Landscaping, Lawn, Shade trees
Price: $10,000
Remarks:

Estimated Fair Market Value Before Taking	=	$ 280,650
Estimated Fair Market Value After Taking	=	$ 270,650
Difference Between Before and After Value	=	$ 10,000

ZONED: R-9MF USE: Single-Family-Residential

TAX CODE: 207-022-01 TAX VALUE: $139,380

C. Project: Park/Johnston Road Widening, Phase II, Segment IV
Owner(s): Margaret H. Caudle, widow of Charles B. Caudle
Property Address: 1441 Sharon Road West
Parcel Number: 517
Property to be acquired: 860 Square Feet (0.0197 AC)
Temporary Construction Easement 1,508 Square Feet (0.0346 AC)
Improvements: Paved driveway, asphalt paved driveway entrances, privacy hedge, landscaping, shade trees, lawn
Price: $14,000
Remarks:

Estimated Fair Market Value Before Taking	=	$ 61,500
Estimated Fair Market Value After Taking	=	$ 47,500
Difference Between Before and After Value	=	$ 14,000

On January 27, 1992, City Council approved a Resolution Authorizing Condemnation proceedings. However, a negotiated settlement was reached prior to filing condemnation. Therefore, we are asking City Council to rescind that Resolution Authorizing Condemnation in the amount of $10,850 dated 01/27/92.

RE

ZONED: R-9MF USE: Single-Family-Residential

TAX CODE: 173-233-07 TAX VALUE: $ 50,080

D. Project: Park/Johnston Road Widening, Phase II, Segment IV
Owner(s): J. Tom Huntley and wife Dovie C. Huntley
Property Address: 1339 Sharon Road West
Parcel Number: 521
Property to be acquired: 3,973 Square Feet (0.0912 AC), plus Temporary Construction Easement 1,951 Square Feet (0.0448 AC)
Improvements: Landscaping, Lawn, Asphalt paving, paved entranceways
Price: $34,300
Remarks:

Estimated Fair Market Value Before Taking	=	$ 363,600
Estimated Fair Market Value After Taking	=	$ 329,300
Difference Between Before and After Value	=	$ 34,300

ZONED: B-2 USE: Business

TAX CODE: 173-234-03 TAX VALUE: $301,570

R E

E. Project: Park/Johnston Road Widening, Phase II, Segment IV
Owner(s): Louis F. Harrelson
Property Address: 8601 South Boulevard
Parcel Number: 505
Property to be acquired: 767 Square Feet (0.0176 AC), plus 7,957 Square Feet (0.1827 AC) Temporary Construction Easement
Improvements: Asphalt-paved parking lot, steel pole fence, light standards, landscaping and lawn
Price: $50,000
Remarks:

Value of Property Before Taking	=	$1,326,500
Value of Property After Taking	=	$1,276,500
Difference Between Before and After Value	=	$ 50,000

ZONED: B-2 USE: Car Dealership
TAX CODE: 172-234-04 TAX VALUE: $1,034,770

R.E.

F. Project: Monroe/Eastway/Wendover Drive
Owner(s): Ms. Pansy L. Terry
Property Address: 4217 Eastway Drive
Parcel Number: 56
Property to be acquired: 22,343 Square Feet (0.513 AC)
Improvements: Single Family House
Price: $46,500
Remarks:
Total take of real estate and all improvements located thereon.

ZONED: R-9MF USE: Residential
TAX CODE: 159-062-37 TAX VALUE: $ 44,940

R E.

G. Project: Monroe/Eastway/Wendover Drive
Owner(s): Elizabeth D. Winslow
Property Address: 4227 Eastway Drive
Parcel Number: 54
Property to be acquired: Total Take
Improvements: Total acquisition of a one-story single family residence and all improvements located thereon.
Price: $55,500
Remarks:
Estimated Fair Market Value of the property by independent appraisal is $ 55,500.

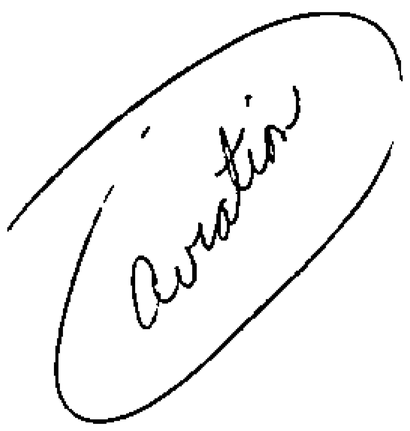
ZONED: R-9MF USE: Residential
TAX CODE: 159-062-40 TAX VALUE: $ 52,860

R E.

H. Project: F.A.R. Part 150 land Acquisition Program - Residential Purchase
Owner(s): Opal G. Johnson
Property Address: 6500 Lake Barry Drive
Charlotte, N. C. 28214
Property to be acquired: .364 acres
Improvements: 3 bedrooms, 1 bath, ranch
Tax Value: $45,010.00 Purchase Price: $59,000.00
Remarks: Purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraisal takes into consideration specific quality and quantity of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes. The tax department has lowered the evaluations in Moores Park due to "economic obsolescence" (proximity to the Airport). Residential property acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

Aviation

I. Project: F.A.R. Part 150 land Acquisition Program - Residential Purchase
Owner(s): Kenneth L. Wood and wife, Alberta
Property Address: 6337 Teresa Avenue
Charlotte, N. C. 28214
Property to be acquired: .402 acres
Improvements: 2 bedrooms, 1 bath, ranch
Tax Value: $51,430.00 Purchase Price: $64,000.00
Remarks: Purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraisal takes into consideration specific quality and quantity of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes. The tax department has lowered the evaluations in Moores Park due to "economic obsolescence" (proximity to the Airport). Residential property acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.



J. Project: F.A.R. Part 150 land Acquisition Program - Residential Purchase
Owner(s): William R. Grant and wife, Charlotte
Property Address: 6420 Virginia Avenue
Charlotte, N. C. 28214
Property to be acquired: .395 acres
Improvements: 4 bedrooms, 2 bath, ranch
Tax Value: $61,310.00 Purchase Price: $72,750.00
Remarks: Purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraisal takes into consideration specific quality and quantity of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes. The tax department has lowered the evaluations in Moores Park due to "economic obsolescence" (proximity to the Airport). Residential property acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

K. Project: F.A.R. Part 150 land Acquisition Program - Residential Purchase
Owner(s): Charles R. Elliott and wife, Sue
Property Address: 3404 Marshall Drive
Charlotte, N. C. 28214
Property to be acquired: .490 acres
Improvements: 3 bedrooms, 2 bath, ranch
Tax Value: $79,210.00 Purchase Price: $87,500.00
Remarks: Purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraisal takes into consideration specific quality and quantity of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes. The tax department has lowered the evaluations in Moores Park due to "economic obsolescence" (proximity to the Airport). Residential property acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

Aviation

L. Project: F.A.R. Part 150 land Acquisition Program - Residential Purchase
Owner(s): Luther F. Caldwell and wife, Wilma
Property Address: 3026 Moores Lake Drive
Charlotte, N. C. 28214
Property to be acquired: .556 acres
Improvements: 3 bedrooms, 2 bath, ranch
Tax Value: $77,620.00 Purchase Price: $79,000.00
Remarks: Purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraisal takes into consideration specific quality and quantity of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes. The tax department has lowered the evaluations in Moores Park due to "economic obsolescence" (proximity to the Airport). Residential property acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

Aviation

M. Project: F.A.R. Part 150 land Acquisition Program - Residential Purchase
Owner(s): Robert W. Johnson
Property Address: 6332 Lake Barry Drive
Charlotte, N. C. 28214
Property to be acquired: .134 acres
Improvements: 3 bedrooms, 1.5 baths, ranch
Tax Value: $40,430.00 Purchase Price: $59,000.00
Remarks: Purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraisal takes into consideration specific quality and quantity of the house. The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes. The tax department has lowered the evaluations in Moores Park due to "economic obsolescence" (proximity to the Airport). Residential property acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

Aviation

N. Project: Airport Master Plan Acquisition
Owner(s): Charles V. Reeves
Property Address: Sears Road
Charlotte, N. C. 28214
Property to be acquired: .755 acres
Improvements: Vacant land
Tax Value: $4,610 Purchase Price: $21,200
Remarks: Purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraisal takes into consideration specific quality and quantity of the property. The tax value is determined on a more generic basis and will be higher or lower for property with certain attributes. This property is being acquired under Airport Master Plan Land Acquisition guidelines.

Aviation

UTILITY CONTRACTS

32. Recommend approval of the contracts between the City of Charlotte and the applicants listed below:

A. This is an extension contract for new development in accordance with the Water/Sewer Extension Policy. It is a 5-year reimbursable contract. The applicant has deposited 10% of the estimated construction cost with the remaining 90% to be deposited prior to construction. There is no cost to the City and no funds are needed. Utility Director recommends approval.

CMUD

Charlotte I-85 Associates, Ltd. to construct 2,100 linear feet of 16-inch water main along Sam Wilson Road, outside the Charlotte City Limits. Estimated Cost - $119,300.00 Water Contract No. 300-90-191

B. This is a 5-year reimbursable contract for the extension of a sanitary sewer outfall along Stoney Creek (Mallard Creek basin) to serve Highland Creek, a residential development being constructed in northeast Mecklenburg County on Ridge Road near Eastfield Road. The applicant has deposited 10% of the estimated construction cost with the remaining 90% to be deposited prior to construction. There is no cost to the City and no funds are needed. Utility Director recommends approval.

CMUD

Estimated Cost - $1,530,000.00 Sanitary Sewer Job No. 300-89-770.

American Newland Associates - Applicant

EXHIBIT A

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

6 MAR 92 3:
COMMUNITY D

INTER-OFFICE COMMUNICATION

DATE March 6, 1992

TO: J. W. Walton, Director,
Community Development Department

FROM. Martin R. Cramton, Jr.,
Planning Director

SUBJECT: Amendment No. 5 to Brooklyn U. R. Plan - Section 3
Mecklenburg County Pre-Trial Jail & Work Release Facility

The Planning Committee considered amendment to Brooklyn Urban Renewal Plan as referenced above on January 28, 1992. This amendment was unanimously approved.

If additional information is needed please let us know.

MRCJr.·MMC:dmh

Background:

- The Community Development Department received a letter from Pastor Barbara Brewton on behalf of the Community Outreach Mission Church dated January 13, 1992 requesting to purchase the City-owned lot (Tax Parcel 078-445-01) across the street from the Church in order to build accessory parking. The Church plans to expand its facilities at 1222 Oaklawn Avenue such that it will need additional space for parking. According to Pastor Brewton, the only space large enough and within reasonable distance is the subject property.

- Because the lot is across the street from and not contiguous to the Church, and because it is currently zoned for residential use, the property must be rezoned. The rezoning process would begin upon Council's conditional approval of the sale. This rezoning affects the Greenville Special Project Plan.

- The lot is vacant and currently attracts loiterers. It is reportedly used for illegal drug activity, creating health and safety hazards for neighborhood residents.

- In accordance with the City's Mandatory Referral processs, the proposed sale was referred to the Charlotte-Mecklenburg Planning Commission for an evaluation and recommendation to Council. The Planning Committee first heard the issue on February 18, 1992 and deferred its decision based on insufficient information as to the Church's expansion plans. The Committee heard the issue again on March 2, 1992 and recommended approval of the sale of Tax Parcel 078-445-01 to the Community Outreach Mission Church contingent upon a rezoning of the property and necessary variances to permit the proposed use. A copy of the Mandatory Referral is attached as Exhibit C.

- A tax map indicating subject property is attached as Exhibit D.

EXHIBIT A

22 JAN 92 10:22
CO.ATTY CITY OF

community outreach mission church

MATTHEW 28 19-20

PASTOR BARBARA BREWTON

JANUARY 13,1992

J. W. WALTON
DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
600 EAST FOURTH STREET
CHARLOTTE, N.C. 28202-2859

RE: TAX PARCEL # 078-44-01 AT OAKLAWN AVENUE.

DEAR MR. WALTON:

THE COMMUNITY OUTREACH CHURCH IS CURRENTLY EMBARKED ON A MISSION TO RECAPTURE ITS SURROUNDING COMMUNITY. WE HAVE ENGAGED AND RECEIVED THE SUPPORT OF THE CITY OFFICIALS AND RESIDENCES ALIKE IN THIS EFFORT.

OUR COMMUNITY OUTREACH SERVICES HAVE EXPANDED TO THE POINT THAT WE ARE FORCED TO EXPAND OUR FACILITIES. OUR ARCHITECT HAS INFORMED US THAT TO DO SO WE WILL NEED ADDITIONAL SPACE FOR PARKING. THE ONLY SPACE LARGE ENOUGH AND WITHIN REASONABLE DISTANCE IS THE LOT LOCATED ON THE SOUTH EAST CORNER OF OAKLAWN AT BURTON STREET WHICH THE CITY OF CHARLOTTE IS OWNER.

WE WOULD LIKE TO PURCHASE THE LAND REFERRED TO ABOVE TO BE USED FOR CHURCH PARKING. THIS LAND IS CURRENTLY ZONED R-6. WE WOULD LIKE TO PURCHASE THE LAND CONTINGENT ON REZONING TO R-1. THIS WILL ALLOW US TO CONVERT THE LOT INTO A PARKING LOT. CURRENTLY THE LOT IS USED FOR LOITERING AND SUBSTANCE ABUSE RELATED ACTIVITIES

WE WOULD LIKE TO PURCHASE THE LOT FOR THE APPRAISED VALUE BASED ON THE PROPOSED USE.

WE HOPE THAT YOU WILL LOOK FAVORABLY ON OUR REQUEST.

THANK YOU,

Barbara J. Brewton

PASTOR BARBARA J. BREWTON

BJB/hr

If this letter acknowledges an offering it can be used for income tax purposes

1222 OAKLAWN AVE • P O BOX 16714 • CHARLOTTE, NC 28216 • (704) 333-4280 • (704) 335-0206

EXHIBIT B

Fay Jones
Fairview Homes Community
1723-#C Lloyd St.
Charlotte, NC 28206

January, 14, 1992

To whom it may comcern:

Community Outreach Church has been working diligently in the surrounding communities for a number of years. The church family have helped many to overcome physical, mental and other differculties. They are making a difference in the city as well as in the community.

Pastor Bruton and her members are dedicated to provide spiritual guidance as well as the physical revitilization of the surrounding community.

Pastor Brewton and the Genisis Board is working to bring about a change with the revitilization of many of the run down and abandoned houses in our community.

We support the efforts of the Community Outreach Church and the Genisis Board and we will do whatever we can to assist the Community Outreach Church and the Genisis Board.

We understand that the Community Outreach Church want to purchase the lot on the corner of Burton Street and Oaklawn Avenue to make a parking lot and this is fine with the residents of the Fairview Homes Community

We spport the sale of this lot and rezoning of the lot to the Community Outreach Church to be used as a parking lot.

The work that they are doing is making a difference in this community and we Pray that the Lord keep using them to do his work for many years to come.

Fay Jones

Fay Jones
President Fairview Homes Community

September 7, 1991

To whom it may concern:

Community Outreach Church has been working in our community for the past eight years. They have helped many people who suffer from various problems. Substance abuse plagues our community. Thru their religious teachings and faith they have helped many people withdraw from chemical and alcohol dependence.

Pastor Bruton has suffered many personal hardships, yet continues to be commited to the total revitalization of our community.

Her work with developing a housing restoration program and providing substance abuse counseling are just a few areas that her efforts have made a difference. We support her efforts and we will do whatever we can to assist the Community Outreach Church.

It has been brought to our attention that Community Outreach Church desires to purchase the lot across the street from our shopping center. Currently the lot is filled with trash, wine, beer bottles drug perifernalia, and drug users hang around day and night. This is certainly not acceptable or desirable in our community.

We understand that the church wants to expand and to do so they want to use the lot referenced above for a parking lot.

I am in support of the sale and rezonning of this lot from R-6 to R-I to the Comminity Outreach Church for the use of a parking lot.

We know that this will enhance the appearance of our neighborhood immensely. We hope that you will look favorably upon their request.

Walace Paysour

Wallace Paysour
Paysour Super Market
Owner

EXHIBIT C

MANDATORY REFERRAL REPORT NO. 92-4
CHARLOTTE-MECKLENBURG PLANNING COMMISSION

SALE OF PROPERTY - GREENVILLE
FEBRUARY 1992

PROJECT PROPOSAL AND LOCATION

The Community Development Department proposes to sell a .81-acre parcel of land (tax parcel number 078-445-01) in the Greenville neighborhood. This parcel is on the southeast corner of Oaklawn Avenue and Burton Street. The property would be sold to the Community Outreach Church for use as a parking lot. The parking lot is needed to meet zoning regulations associated with an expansion of the church from 300 to approximately 600 seats.

PROJECT JUSTIFICATION

The sale of this property would permit expansion of the Community Outreach Church and its well-known neighborhood support activities. The Community Development Department believes this sale is consistent with the City's policy of disposing of surplus property in redevelopment areas when the sale would promote redevelopment and is in response to an offer to purchase.

RELATIONSHIP TO OTHER PUBLIC AND PRIVATE PROJECTS

The Greenville Special Project Plan, adopted in 1987, calls for multi-family residential use of this site. Near shopping and transit, the site is still well-suited for such use.

The Housing Partnership is currently constructing over 100 single family homes in the Greenville neighborhood in order to revitalize the area. This effort should make remaining parcels of land, such as this one, more attractive for further residential growth.

The Central District Plan is recommending that properties adjacent to the Community Outreach Church be rezoned from multi-family to single family. This could facilitate expansion of the church in the Genesis Park area rather than into Greenville

PROJECT IMPACT

In order to be used for off-site parking, this parcel would need to be rezoned to at least an OFFICE zoning designation. Since adjacent properties are single family residential, the required setbacks and buffers would consume an estimated 42% of this lot, greatly reducing its suitability for parking. Statements in support of the sale of this property have maintained that its current vacant use encourages loitering and substance abuse. Converting this vacant lot to a parking lot would seem to intensify this problem unless deliberate measures were taken to limit access to the lot. Those measures, such as high fences or unsightly gates, could adversely affect the appearance of the site, thereby hampering revitalization efforts in Greenville

PROJECT COST

N/A

STAFF RECOMMENDATION

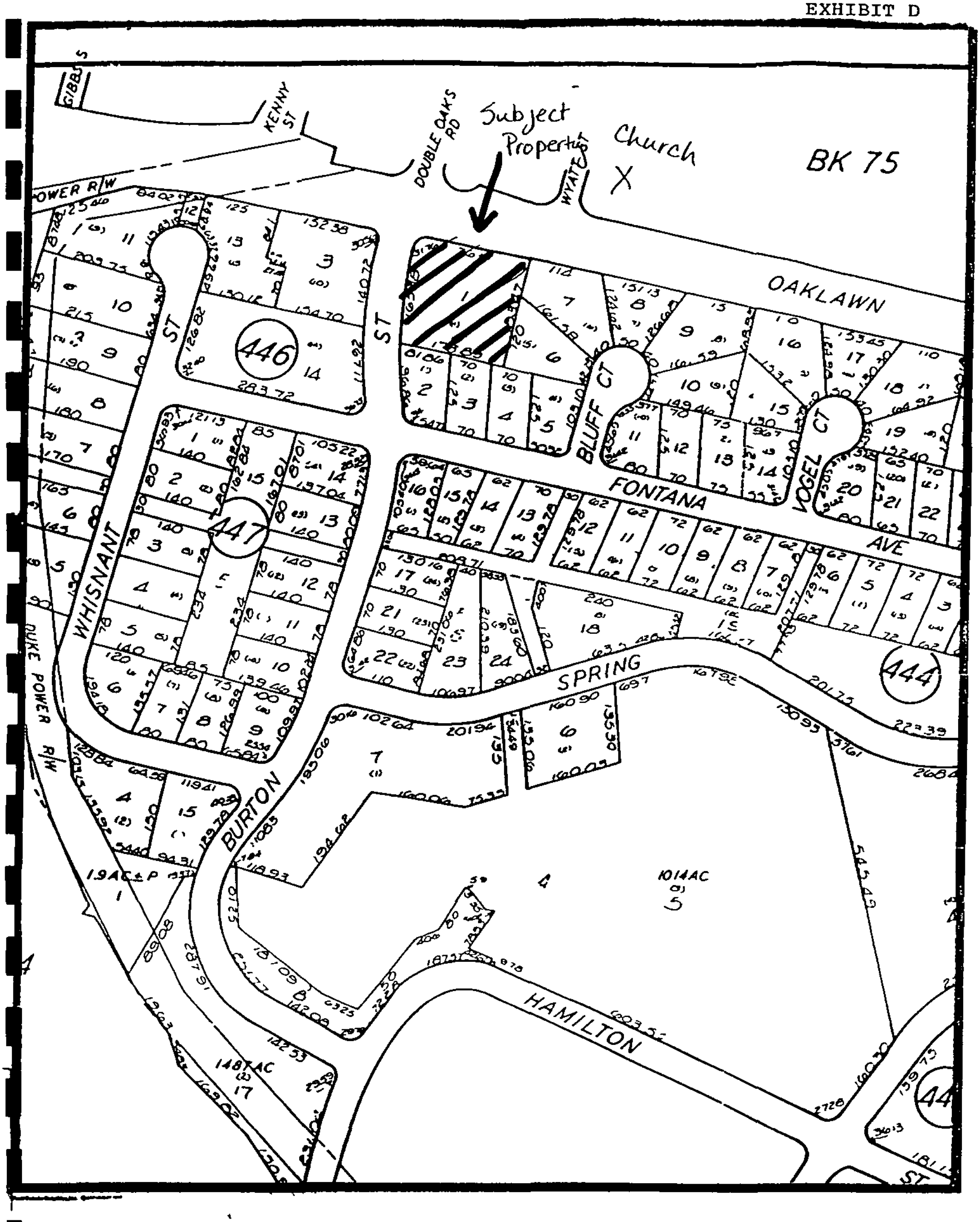
The staff has reservations concerning this proposed sale. First, the use of this property as a parking lot could hamper Greenville revitalization efforts. Second, almost half of the site could not actually be utilized for parking. Thirdly, the parking lot would be separated from the church by a four-lane highway which is actually five lanes at this intersection. That is clearly a potential safety problem. Lastly, the church owns one vacant lot to the north of it, and the lot beyond that has recently had the house removed. With some thought to rezonings currently recommended by the Central District Plan, expansion on the north side of Oaklawn Avenue may be an alternative to this proposed site in Greenville. Until that has been fully investigated, the staff recommends DENIAL of this proposed sale.

If the sale of this property is approved, we recommend that it be conditioned upon a requirement that access to the lot be continually controlled and that resulting fences, gates, or similar facilities not give the lot a fortress appearance or otherwise detract from the neighborhood. Some vegetative screening of the fence from Oaklawn Avenue and Burton Street should be required. Consideration should also be given to requiring an off-duty police officer to direct traffic at this crossing point during high use periods.

PLANNING COMMITTEE RECOMMENDATION

The Committee voted 7-0 to recommend sale of the property subject to the Community Outreach Church obtaining all variances and rezonings necessary to accommodate expansion of the church and the use of this site for parking.

EXHIBIT D



SUBJECT PROPERTY

BACKGROUND

- Charlotte is an entitlement city, which means that it is "entitled" to receive a grant each year from the CDBG program. This is the 18th year for participation in the CDBG program. The proposed use of FY93 CDBG funds was included in the Comprehensive Housing Affordability Strategy (CHAS) Plan which City Council approved on October 23, 1991 and HUD approved January 2, 1992.

- The proposed uses for the CDBG funds totaling $5,293,170 are summarized in the following table:

PROPOSED USES OF CDBG FUNDS

Activities	Amount
Selective Rehabilitation	$1,818,747
Acquisition	444,342
Relocation/Tenant Assistance	465,533
Replacement Housing/ New Construction	638,323
Homeownership Downpayment Assistance	21,470
Public Services	539,800
Program Delivery	828,039
Administration	536,916
Sub-Total	$5,293,170

- The emphasis of the CDBG grant application will be on preservation of the existing housing stock through housing rehabilitation and acquisition. The rehabilitation program provides low interest or deferred payment loans to lower-income families. The acquisition program will purchase existing substandard housing in order to rehabilitate the property to provide affordable housing for lower income-families, either directly or in concert with non-profit organizations.

- When the home of a loan applicant is so deteriorated that it is not feasible for rehabilitation, replacement housing will be provided through acquisition of existing housing or new construction, either directly by the City or in concert with non-profit organizations. Relocatees who are unable to qualify for home purchase under the Charlotte-Mecklenburg Housing Partnership program will be assisted in obtaining affordable housing through relocation benefits, the replacement housing program and/or downpayment assistance.

- Public services include remedial education programs for lower-income school-age youth in targeted neighborhoods.

- City Council will be requested to approve the "Final Statement of Community Development Objectives and the Projected Use of Funds" for FY93 CDBG funds, CDBG Program Income and Unprogrammed CDBG funds totaling $5,293,170 and the submission of the FY93 CDBG Application at its May 26, 1992 Council meeting.

- Since inception of Charlotte's Community Development Program in 1975, Charlotte has received $92.003 million. The FY93 grant will bring that total to $96.011 million.

CHARLOTTE STORM WATER MANAGEMENT POLICY STATEMENTS

A The mission of the City of Charlotte storm water management program is to. develop, implement, and adequately and equitably fund a comprehensive storm water quantity and quality management program which cost effectively plans, constructs, acquires, regulates, operates and maintains storm water drainage systems that safely and efficiently control runoff within the City, protects lives and property, complements and supports other City programs and priorities and those of other governmental entities and agencies, eliminates or reduces to the maximum extent practicable the discharge of pollutants to receiving waters, and enhances the natural resources of the City

Note - While not included in the above Mission Statement, the Storm Water Task Force also recommends and endorses the following additional program element· That the City Storm Water Management Program specifically cooperate and work with Mecklenburg County at appropriate levels to the end that the City and County Storm Water management efforts will eventually be consolidated

B The following eleven priorities are to guide development and early efforts of the storm water management program in the City of Charlotte They are meant to be broad in nature and provide for a logical "building block" approach to program growth and development These program priorities balance the long term need for an adequate program foundation with immediate attention to critical, physical storm water management needs related to flooding, erosion or water quality problems

1 Establish a long-term program strategy

2 Implement an adequately funded and effective storm water program

3 Schedule and provide adequate support services (administrative, personnel, data and physical plant)

4 Develop a drainage system inventory

5 Identify and prioritize storm water quantity and quality problems

6 Solve the worst storm water quantity and quality problems first

7 Acquire properties and easements necessary for effective storm water management

8 Review and revise ordinances and regulations

9 Satisfy EPA requirements and other applicable government regulations

10 Initiate storm water master planning

11 Continue active program of public education and involvement

12 Attempt where possible and practical to subcontract to private contractors as much of the work as possible

13 Pursue a "governmental consensus" that the storm water utility can be structured to house all storm water tasks and responsibilities

C The extent of the drainage system for which the City is responsible for maintenance and capital improvement should be expanded gradually, as follows·

1 continue maintenance of all drainage facilities within public rights-of-way regardless of size,

2 only extend responsibility onto private property when

- o permanent easements are dedicated or otherwise available from the private property owner, and
- o need is established based on technical criteria,

3 define the maximum upstream limit of the City's extent of service as

- o the point at which runoff from a publicly dedicated street enters the drainage system, or
- o when a drainage feature needs repairs/improvements which have public benefits that exceed the cost

D Consistent with the Program Mission and approved budget, one of the City's objectives in creating a comprehensive storm water program is to begin proactive management of the system of channels, culverts, and pipes that make up the City's drainage infrastructure. Recognizing the remedial needs of the existing drainage system, and the delay associated with prioritizing capital improvements through master planning, the City's early strategy should be a four-point approach

1 Begin a city-wide remedial maintenance program to optimize the effectiveness of the existing drainage infrastructure,

2 Develop maintenance levels of service for the portions of the drainage system which have undergone remedial maintenance or capital improvement

3 Begin the initial phase of the capital improvement program through the design of previously identified and thoroughly studied high priority capital improvement projects with the objective of beginning construction in 1993

4 Begin high priority capital improvements as soon as practicable (approximately 1996) based on city-wide master planning of the drainage system,

E The overall scope and level of service for the storm water program should be defined as follows:

1 The funding of the majority of existing storm water services should be shifted to the revenues of the storm water program

2 The minimum requirements of the NPDES storm water quality permit should be met

3 There should be on-going efforts to improve the quality of surface waters through cost effective storm water management practices

4 The objective of remedial maintenance of the drainage system is to correct the backlog of repairs within ten years

5 Cleaning and routine maintenance services should be provided when storm water drainage systems operate outside acceptable tolerances

6 City-wide master planning of capital improvements should be completed in five years in preparation for a capital bond issue, while maintaining a minimum level of interim capital improvements based on known high priorities

7 A public awareness and education program should inform the community on storm water services and activities

8 The initial service charge should remain constant through the first five years of operation

9 All aspects of the program should be coordinated with Mecklenburg County at the appropriate levels to the end that the City and County storm water management programs will eventually be consolidated

F The guiding philosophies of the City's Storm Water Quality Management Program should be:

1 To protect the quality of surface water resources,

2 To meet the minimum requirements of the EPA permit as defined by the permit writer, except where thorough study indicates that additional measures will result in cost effective, long term environmental benefits

3 To pursue a thorough data collection and problem identification and analysis program, and

4 To appropriate and spend capital funds cautiously only where structural solutions make long term proven sense

5 Continue to stress strict water quality enforcement procedures and work toward developing effective county-wide water quality programs using the best and most efficient methods of technology

G The following three philosophies form the basis for all funding decisions in the storm water program·

1 Costs of the storm water program will generally be distributed to rate payers on the basis of their contribution to the problem

2 The underlying philosophy for financing storm water should not contain consideration of level of service differences at this time This may be reconsidered in the future

3 The storm water funding strategy should (1) consider a mix of funding methods, (2) be flexible, and (3) should be applied in a broad sense

H The City's funding strategy should be to

1 design an innovative service charge rate structure that is simple in form and consistent with the program mission and priorities, and to make adjustments as necessary to maintain that consistency as the program evolves,

2 allow for the general categories of
- o modifications to the basic utility service charge, and
- o phased-in secondary funding methods as the needs of the program dictate in the future,

3 establish a storm water "enterprise" accounting unit as a first step if a utility rate methodology is adopted, in order to make implementation of the program a "utility" expense rather than a general tax expense (currently programmed funds would become a "loan" for interim financing)

I Consideration of prior private investment in storm water systems should not be included in the City's rate methodology, credits should not be allowed for private parties and other public agencies for prior capital investment in storm water facilities

J The City's storm water program should require storm water systems which handle properly the

impacts of future land development on water quantity and quality, and in the case of publicly constructed facilities, consider future use and future impacts on the drainage system as follows:

1 address the issue of payment for excess system capacity within the rate structure (for example system development charges) and not through impact fees or other external funding mechanisms,

2 have the rate base bear the initial cost of providing excess system capacity rather than presently undeveloped properties, and

3 design a system development charge that will (if and when activated) place an equitable proportion of the capital costs on properties when they are developed and make use of excess capacity provided in the system

K The City should include water quality in the funding philosophy as follows

1 In addition to storm water quantity, the initial rate analysis should include those program-wide storm water quality activities that can be reasonably foreseen, and allocate such expense across the rate base,

2 The rate structure should be flexible enough to allow for future inclusion of more detailed consideration of storm water quality costs when better data is available and the Storm Water Quality Management Program associated with the EPA permit is better defined, and

3 When better data is available, the City should allocate the costs of storm water quality services and facilities to properties in proportion to their role in the creation of those costs

L Storm water fees should be charged to all public properties, including streets, roadways, and highways, on the same basis as charges to private properties

M Below are the fundamental elements of the City's utility rate structure and strategies for adding secondary funding sources as the program evolves It is noted that consideration of water quality improvement is expressed or implied, as appropriate, in all aspects of the storm water program and funding structure

BASIC RATE CONCEPT

1 The service charge rate structure should be configured such that other secondary funding mechanisms can fit into it as appropriate

2 The rate structure should be based only on impervious area

MODIFICATION FACTORS

1 A simplified rate should be used for single-family residential properties, regardless of which basic rate methodology is selected

2 A base rate should cover fixed costs per account

3 A policy should be established by the storm water program which will grant credits for mitigation measures (such as on-site detention) that reduce runoff and/or pollution

4 Other modification factors should not be included initially

5 Initially, costs of service which vary by geographic area (e g , master planning in the individual watersheds) should be treated as non-variable costs in calculating service charges

SECONDARY FUNDING METHODS

1 Plans review and inspection fees and special service charges should be included in the initial rate structure

2 Revenue and general obligation bonding, pay-as-you-go funding, and special assessment districts should be incorporated into the funding structure to supplement the capital program

3 Authorizing legislation for two additional secondary funding methods should be pursued fee-in-lieu-of and developer extension/latecomer fees

4 System development charges should be incorporated as a secondary funding method if a basic rate methodology based solely on impervious area is used and a significant capital improvement program is begun

5 Federal and state sources should (continue to) be pursued as secondary funding sources

N The ordinance establishing the storm water program should

1 define the storm water service area to include all lands within the corporate jurisdiction of Charlotte (areas annexed to the City should be added to the storm water service area in the annexation ordinance),

2 authorize the provision of special services for limited clientele groups, both within and outside the service area (for example areas of the county or small towns could be legally serviced through the use of inter-local agreement),

3 empower the agency to establish the extent of service by storm water program activity (e g maintenance, regulation, etc) as they are implemented and to make modifications to the extent(s) of service as necessary

STORM WATER TASK FORCE

REPORT TO

CHARLOTTE CITY COUNCIL

January, 1992

Storm Water Task Force

Sam Smith, Chairman

Kevin Caldwell	Jesse Callis
Jim Clay	Otis Crowder
Susan Foster	Vivian Gray
Steve Hoots	Mike Johns
Margaret Markey	Sally Martin
Ed McMahan	Henry Pharr, II
Lamar Powers	David Reule
Steve Schreiner	Dale Stewart
Wanda Towler	Tom West

Executive Summary

A citizens Task Force was appointed by the City Council in March, 1991 to work with the City staff and consultants in developing a comprehensive storm water program The Program is to incorporate 1) measures to comply with EPA water quality regulations; 2) a systematic maintenance and capital improvement plan for the City's drainage infrastructure, and 3) a utility fee funding mechanism. The charge to the Task Force was to:

Assist the City Council and City Manager in developing an urban storm water management program for the City of Charlotte by·

- Advising on a level of service for maintenance and capital improvement of the drainage system
- Advising on a water quality management plan.
- Advising on a utility rate structure.
- Participating in hearings and public meetings.
- Recommending the make-up and charge of a permanent advisory board for the storm water program.

The Task Force has worked with the consultants and staff to reach consensus on a series of Policy Statements that respond to the first three items of City Council's charge and form the foundation of the City's Storm Water Management Program Following are the key policies (the complete Policy Statements with Task Force discussion are the final section of this report)

a. The funding of the majority of existing storm water services should be shifted to the revenues of the storm water program.

b The minimum requirements of the NPDES storm water quality permit should be met and there should be on-going efforts to improve the quality of surface waters through cost effective storm water management practices

c The objective of remedial maintenance of the drainage system should be to correct the backlog of repairs within ten years

d Cleaning and routine maintenance services should be provided when storm water drainage systems operate outside acceptable tolerances

e. City-wide master planning of capital improvements should be completed in five years in preparation for a capital bond issue, while maintaining a minimum level of interim capital improvements based on known high priorities.

f. A public awareness and education program should inform the community on storm water services and activities

g. Costs of the storm water program should generally be distributed to rate payers on the basis of their contribution to the problem (calculated based on the amount of impervious area on their property)

h A simplified rate should be used for single family residential properties.

i. The initial service charge rate should remain constant through the first five years of operation

j All aspects of the program should be coordinated with Mecklenburg County at the appropriate levels to the end that the City and County storm water management programs will eventually be consolidated

k. Storm water fees should be charged to all public properties, including streets, roadways, and highways, on the same basis as charges to private properties.

In addition, the Task Force adopted by majority vote two statements regarding the timing and implementation of the storm water program that represent an alternative to the Policy Statements

1. Organization of a Storm Water Utility. The feeling of the constituency groups is that there should be a delay of the organization (of) the storm water utility until all of the following transpire.

   a. storm water utilities of the county and city are consolidated;

   b the EPA storm water permit has been issued and its terms and conditions thoroughly analyzed,

   c the completion of master planning and inventory

2 Interim Activities During the interim, the organization of the storm water utility the City through Engineering (and) other applicable departments should.

   a continue the current level of maintenance (both routine and remedial),

   b proceed with bond-funded projects to repair existing systems to protect life and property,

   c. accelerate master planning,

   d stress water quality enforcement,
      i. the elimination of illegal connections to the storm water drainage system.
      ii education of the public regarding the disposal of hazardous waste
      iii provide convenient centers for the collection of household hazardous waste.

   e. the completion of master planning and inventory.

   f. undertake review and analysis of quantity and quality mitigation practices to establish their effectiveness so as to formulate a credit schedule for such practices.

   Further, the City should commence increased public education while creating opportunities for citizen "feedback "

Why Does Charlotte Need New Storm Water Services?

The City's drainage infrastructure has been constructed along with development of the City over the last 100+ years. Through its street maintenance activities, the City has maintained a portion of the system. However, the majority of the ditches, creeks and pipes are on private property, and have received little maintenance These systems are now failing due to their age and/or inadequate size.

- The City has approximately 170,000 storm drains that total 2,400 miles in length
- Over 10,000 of the storm drains were originally constructed more than 80 years ago
- Over 50,000 of the storm drains were originally constructed more than 30 years ago
- Some 2,500 catch basins, pipes, and culverts in the City are broken and need repair or replacement at an estimated cost of $8,500,000
- About 9,700 catch basins, pipes, channels, and ditches in the City are blocked and need to be cleaned at an estimated cost of $12,000,000
- Replacement of storm drains across the City that are too small will cost over $100,000,000
- The construction of new thoroughfares and widening of existing streets compounds existing drainage problems on private property
- Dams that do not meet State safety standards must be renovated.
- Storm water runoff is a major contributor to water pollution, and the US Environmental Protection Agency is requiring Charlotte to implement a plan to protect urban storm water quality.

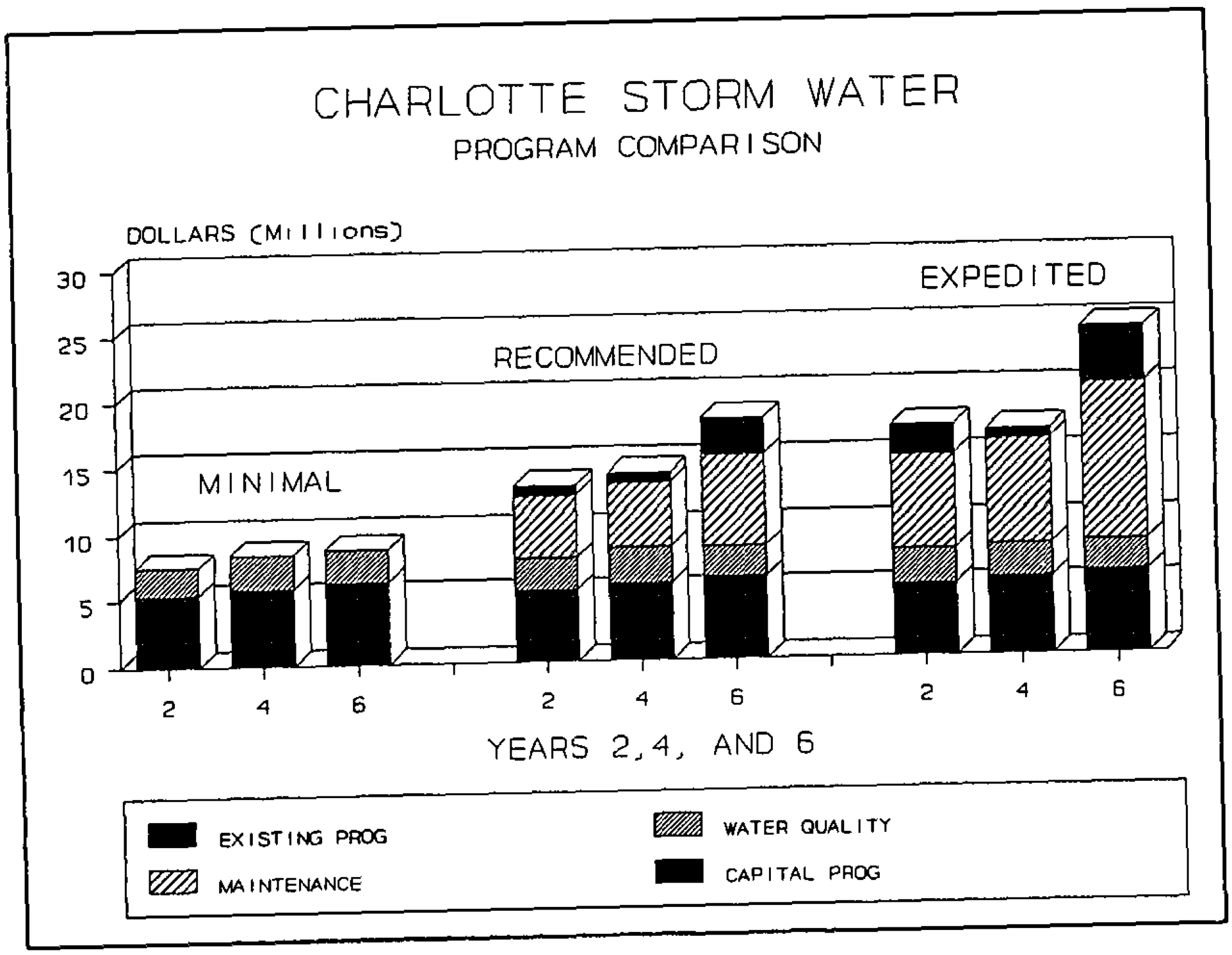
Repair and replacement of the failing drainage system, and implementation of a Storm Water Quality Management Plan, are basic services associated with maintaining the community's infrastructure City Council determined that a comprehensive, proactive approach to storm water services was needed, and in October, 1988, approved the concept of a storm water utility to meet storm water service needs in the community

Magnitude of Cost

Based on the proposed scope of the storm water program, available data such as the cost of existing services, some assumptions about level of service, and the experience of other cities, the consultants have developed approximate annual program costs for the first six years. For comparison purposes, two other scenarios have been estimated:

- Minimal - existing services plus only the water quality programs required by the NPDES regulations;
- Expedited - A more aggressive program which assumes accelerated schedules for meeting maintenance and capital improvement needs.

The following chart and table illustrate the recommended program in terms of existing expenditures, water quality programs, maintenance, and capital improvements; and compares these costs to the other two scenarios



YR	EXISTING	WATER QUALITY	MAINTE-NANCE	CAP IMPR.	TOTAL
MINIMAL PROGRAM					
2	$5,280,550	$2,144,950	$0	$0	$7,425,500
4	$5,678,605	$2,658,835	$0	$0	$8,337,440
6	$6,076,660	$2,592,540	$0	$0	$8,669,200
RECOMMENDED PROGRAM					
2	$5,280,550	$2,333,706	$4,542,913	$700,000	$12,857,169
4	$5,678,605	$2,883,291	$4,829,556	$700,000	$14,091,452
6	$6,076,660	$2,417,014	$6,897,943	$2,700,000	$18,091,617
EXPEDITED PROGRAM					
2	$5,280,550	$2,743,910	$7,104,420	$2,200,000	$17,328,880
4	$5,678,605	$2,600,191	$7,938,132	$700,000	$16,916,928
6	$6,076,660	$2,445,052	$11,880,824	$4,200,000	$24,602,536

The following table illustrates the estimated program costs based on functional areas Costs of service are preliminary estimates by the consultants, and allocations are estimates derived from the City's Cost Allocation Plan These costs are indicative of the magnitude of costs associated with the Policy Statements. Actual budgets will be prepared in conjunction with the Budget and Evaluation Department prior to establishing an actual storm water rate.

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6
STORM WATER MGMT FUNCTIONAL AREAS	FY93 1/2 YEAR	FY94	FY95	FY96	FY97	FY98
ADMINISTRATION • Departmental Allocations for Legal, Personnel Accounting, etc • Management staff	$675,000	$1,040,000	$1,092,000	$1,144,000	$1,196 000	$1,248,000
SPECIAL COSTS • Repay Start up Costs *	$304,444	$608,889	$639,333	$669,778	$786,472	0
BILLING COSTS • Billing and Collection ** • Customer Service	$366,500	$733 000	$769,650	$806,300	$842,950	$879,600
PLANNING, DESIGN, & ENGINEERING • Program Planning/Development • Public Education • Master Planning • Engineering Staff • Water Quality Programs	$2,463,000	$1,783,300	$1,896,930	$1,885,338	$1,146 407	$1 002,530
OPERATIONS AND MAINT • Routine Maintenance • Remedial Maintenance • Spill Response • Equipment Purchase • Operations Yard	$1,928,000	$6 282,900	$6,216,176	$6,991,508	$8,196 042	$10 312 911
REGS AND ENFORCEMENT • Permit Administration • Inspections • Monitoring and Sampling	$372,100	$549,880	$710,094	$749,408	$783,472	$817,536
CAPITAL IMPROVEMENTS • Interim Capital Projects • Master Plan Capital Projects • Easements and ROW	$500 000	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$4,000,000
****** GRAND TOTALS	$6,609,044	$12,997,969	$13,324,184	$14 246,332	$14,951,343	$18,260,577

* These figures are repayment with utility fee revenues of program development expenditures made during 1991 and 1992

** These figures are a rough estimate of billing costs, and it is expected the County will pay one half of the cost for a combined billing

Based on preliminary estimates of impervious area in Charlotte, the consultants have calculated the service charge rates associated with the recommended program and the other two scenarios.

	Single Family Residential (assume 2500 sq ft)	Other Properties
Recommended Program	$3 00 to $4 00 per month	$52 to $70/month per impervious acre
Minimal Program	$1 70 to $2 10 per month	$30 to $37/month per impervious acre
Expedited Program	$4 00 to $5 00 per month	$70 to $87/month per impervious acre

The "rates" discussed refer to a flat rate monthly charge for a single family residence Rates for other properties are calculated based on their total impervious area (rooftop, pavement, etc) when compared to the impervious area of a typical single family residence For example, a typical single family residence may have 2,500 square feet of impervious area This is termed one "equivalent residential unit" (ERU) of impervious area Other non-single family residential properties, such as commercial, industrial, multi-family, and institutional, are charged a multiple of the ERU charge based on the amount of impervious area they have compared to the base amount contained in the ERU.

The following table illustrates the storm water fee for several randomly chosen properties along with information showing the property taxes each property would pay to support the storm water program if it was funded through taxes

Location	Impervious Acreage	Monthly Fee	*Property Tax/ 6 cent increase
Single Family Residence (tax value = $71,000)	0 06 (2,500 sq ft)	$3 55	$3 55
Single Family Residence (tax value = $50 000)	0 06 (2,500 sq ft)	$3 55	$2 50
Single Family Residence (tax value = $150,000)	0 06 (2,500 sq ft)	$3 55	$7 50
Nationsbank Corporate Center	1 9	$120	$15,000
Government Center	2 6	$160	0
Rotunda Office Building	5 3	$330	$1,500
West Charlotte High School	10	$620	0
Southern Engineering	10 1	$625	$150
Radiator Specialty	10 9	$670	$270
Eastland Mall	78	$4,800	$2 900

* These figures represent the property taxes each property would pay if the storm water program was funded through taxes

Policy Statements

WITH

Task Force/Consultants/Staff Discussion

Note. The Task Force completed draft Policy Statements in October, 1991. Changes and additions by the Task Force in January, 1992 are indicated in the following text with an underline

Program Mission Statement
"Program Mission & Priorities" Issue #1, Tab #6

The mission of the City of Charlotte storm water management program is to: develop, implement, and adequately and equitably fund a comprehensive storm water quantity and quality management program which cost effectively plans, constructs, acquires, regulates, operates and maintains storm water drainage systems that safely and efficiently control runoff within the City, protects lives and property, complements and supports other City programs and priorities and those of other governmental entities and agencies, eliminates or reduces to the maximum extent practicable the discharge of pollutants to receiving waters, and enhances the natural resources of the City.

Note - While not included in the above Mission Statement, the Storm Water Task Force also recommends and endorses the following additional program element: That the City Storm Water Management Program specifically cooperate and work with Mecklenburg County at appropriate levels to the end that the City and County Storm Water management efforts will eventually be consolidated.

Discussion

The Storm Water Task Force reached consensus agreement on the above mission statement It was noted that the Mission Statement may need to be re-addressed later in the process to incorporate program decisions

The Charlotte Storm Water Task Force discussed this issue during a meeting on April 23, 1991

Program Priorities
"Program Mission & Priorities" Issue #2, Tab #6

The following eleven priorities are to guide development and early efforts of the storm water management program in the City of Charlotte. They are meant to be broad in nature and provide for a logical "building block" approach to program growth and development. These program priorities balance the long term need for an adequate program foundation with immediate attention to critical, physical storm water management needs related to flooding, erosion or water quality problems.

1. Establish a long-term program strategy

The most critical need at the present time is program development in response to the anticipated demands placed on the city by the EPA storm water regulations, and the need of the City to deal with operational and capital demands brought on by

flooding problems and aging infrastructure This focus on program growth and development is expected to lead to changes in priorities, responsibilities, and roles within the City organization Operational enhancements and capital improvements must be geared to the existing conditions and capabilities

2 ***Implement an adequately funded and effective storm water program***

A previous study for the City has shown that implementation of a storm water utility with service fee funding is the most equitable and viable way to generate sufficient revenue to meet expected demands on the City's storm water management program The City Council has adopted, in principle, a storm water utility and has directed staff to begin its development

3 ***Schedule and provide adequate support services (administrative, personnel, data and physical plant)***

Resources and support services required to implement operating programs and capital improvements should be put in place and/or upgraded according to a schedule which ensures that functions and projects dependent upon them are not delayed Some of these support resources, such as a viable Geographic Information System, may take a considerable lead time to develop to the point of providing adequate support

4 ***Develop a drainage system inventory***

An accurate, complete, and up-to-date inventory of the drainage systems in the City must be assembled The basic information is needed early in 1993 because many other program elements, such as system maintenance and capital projects, are dependent on that information base

5 ***Identify and prioritize storm water quantity and quality problems***

Flooding, pollution, and erosion problems and complaints should be investigated and placed in priority The basis for setting priority must be professionally driven and based on such factors as health and safety, degree of potential damage, etc

6 ***Solve the worst storm water quantity and quality problems first***

There are critical problems which can not await the development of a more fully capable storm water program Therefore, the worst drainage problems, and those which most endanger public health and safety, should be addressed first through a mix of capital improvements and operating measures Interim, mitigative steps should be adopted in cases where timely solutions to physical problems are not attainable

7 ***Acquire properties and easements necessary for effective storm water management***

For a City to provide effective long-term maintenance of its drainage system, it must, in some sense, "own" it Properties and easements necessary for the storm water program should be acquired as soon as possible through measures such as an

amendment of the subdivision ordinance to require dedication of permanent drainage easements on private property, and purchase as soon as funds are available

8 ***Review and revise ordinances and regulations***

The City must have sufficient legal authority to fully regulate all aspects of and impacts to its storm water system, both for water quality and water quantity Ordinances and regulations must be amended as soon as practicable to provide the authority required by the EPA regulations related to water quality, and to regulate the maintenance, improvement, and extension of the drainage infrastructure

9 ***Satisfy EPA requirements and other applicable government regulations***

The Federal government has mandated that the City must obtain an NPDES permit for the discharge of storm water to waters-of-the-state by November of 1992 Other laws and regulations, such as recent State of North Carolina rules on water supply watershed protection, may impact various aspects of the storm water program The initial program must comply with the EPA storm water regulations and stay within the bounds of other applicable government requirements, and remain flexible enough to meet changing regulatory requirements

10 ***Initiate storm water master planning***

Areas which appear to have systemic problems or those areas of the city which will undergo development or significant redevelopment should be subject to a storm water master plan Storm water master planning is the only vehicle by which the interaction of problems, the prioritization of problems throughout a wide area, and the potential impacts of development can be accurately assessed and mitigative measures developed

11 ***Continue active program of public education and involvement***

In order for the storm water management program to be ultimately effective, it must gain the widespread support of the citizens of Charlotte This is especially true in the area of storm water quality wherein the solution to many of the surface water pollution problems will require widespread education and cooperation One of the goals of the storm water program in public education and involvement is to begin to instill a sense of "ownership" of the creeks and channels in the minds of the citizens, such that these drainage conveyances are seen as an amenity to be preserved

12 ***Attempt where possible and practical to subcontract to private contractors as much of the work as possible.***

The Storm Water Program should operate as efficiently as possible, while maintaining established levels of service and quality. Use of privater contractors should be regularly evaluated and considered as a way to carry out program activities.

13 ***Pursue a "governmental consensus" that the storm water utility can be structured to house all storm water tasks and responsibilities.***

Discussion

Hector Cyre briefly reviewed the subject of Major Program Priorities, explaining that it is critical to outline the priorities of the City very early in the process in order to guide the development of the storm water program Activities can generally be grouped into three categories 1)implementation - involving the organizational, functional and financial issues, 2)assembling support resources -those necessary to effectively carry out the program, and 3)prioritizing actual storm water/drainage problems Hector stressed that it is important for the Task Force to deal with these activities at the policy and goal level, leaving detailed work for the staff and consultants to carry out in the context of the policies and goals established by the Task Force and City Council

Several Task Force members indicated that the priorities outlined in the Policy Paper did not seem to focus on water quality as much as water quantity The program priorities should specifically address water quality, both in the context of the EPA regulations and broader water quality goals of the community

The Task Force discussed the general content of the eight priorities outlined in the Policy Paper, concluding that they were not specific enough and were not in any logical sequence It was decided to agree on a key phrase for each priority, with the consultants adding a brief description of each for the Policy Statement Consensus was reached on eleven program priorities as described above

The Charlotte Storm Water Task Force discussed this issue during meetings on May 7 and May 21, 1991, and January 21, 1992

Establish Service Area
"Establish Service Area" Issue #1, Tab #7

The ordinance establishing the storm water program should:

1. ***define the storm water service area to include all lands within the corporate jurisdiction of Charlotte (areas annexed to the City should be added to the storm water service area in the annexation ordinance);***

2. ***authorize the provision of special services for limited clientele groups, both within and outside the service area (for example: areas of the county or small towns could be legally serviced through the use of inter-local agreement);***

3. ***empower the agency to establish the extent of service by storm water program activity (e.g. maintenance, regulation, etc.) as they are implemented and to make modifications to the extent(s) of service as necessary.***

Discussion

"Service Area" is where the City's program will be performed - its outer boundaries While a simple answer might be "the Charlotte City limits", there may be some

compelling reasons to limit or leave the door open for extension of these limits, either initially or at some time in the future It is unlikely, though possible, that there would be a portion of the City of Charlotte that would not be covered by the program But there may be cases where entities outside the boundaries of the City may request special services from the City In that case the ability to execute inter-local agreements and perform such services might be in the interests of the City The Task Force also recommends that when City and County storm water programs are consolidated, the service area be defined to coincide with the county boundaries

"Extent of Service" refers to the elements of the drainage system for which the City will be responsible and the various ways it will serve these systems It defines the "inner boundaries" in a way similar to the way "Service Area" defines the outer boundaries

A drainage system, starting from the headwaters and moving downstream towards the mouth, carries incrementally larger and larger flows, has the capacity for greater damage, and passes through larger and larger conveyance structures The Extent of Service policy generally seeks to define the point in this dendritic system where the City of Charlotte should assume some level of responsibility (the threshold), and to define which responsibilities (program activities) the City will assume for different portions of the drainage system

There may be compelling reasons that the City would wish to assume different responsibilities for different parts of the system Because utility rate payers are individually charged on the basis of contribution to the runoff in the systems and not on the basis of services rendered to them alone, this should not prove to be an inequity For example, while the City would probably be concerned about pollution issues throughout the drainage system up through the very smallest streams (and even remote from streams), the same might not be true of maintenance activities, master planning, or flood control There may also be cases where the City would wish to provide services, but would choose to do so at a later time The Extent of Service policy decision allows the program to make and modify these determinations when needed based on assessment of a number of factors, including such things as cost, impact of not providing such services, effectiveness of service, timing, etc

The Charlotte Storm Water Task Force discussed this issue during a meeting on June 4, 1991

Storm Water Quality Program Philosophy
"Water Quality Management Plan" Issue #1, Tab #3

The guiding philosophies of the City's Storm Water Quality Management Program should be:

- ***To protect the quality of surface water resources;***
- ***To meet the minimum requirements of the EPA permit as defined by the permit writer, except where thorough study indicates that additional measures will result in cost effective, long term environmental benefits.***

- ***To pursue a thorough data collection and problem identification and analysis program; and***

- ***To appropriate and spend capital funds cautiously only where structural solutions make long term proven sense.***

- ***Continue to stress strict water quality enforcement procedures and work toward developing effective county-wide water quality programs using the best and most efficient methods of technology.***

Discussion

The Water Quality Act of 1987 requires that storm water dischargers to "Waters of the United States" (including Charlotte) be subject to the National Pollution Discharge Elimination System (NPDES) permit program The requirements outlined in the regulation are far reaching, in that it requires the discharger to develop a comprehensive storm water quality management program (SWQMP) The basic standard for the municipal permits is to control the discharge of pollution from storm water runoff and prohibit non-storm water discharges to the municipal storm drainage system to the "maximum extent practicable" or "MEP"

The difficulty in the storm water NPDES program (and its greatest strength) is that there is no clear definition of Maximum Extent Practicable The reason for this is that, unlike industrial or wastewater discharges, there are, as yet, no numerical standards which apply generally to storm water discharges There is no generic standard or goal for each municipal program Solutions to storm water problems tend to be found through the use of source control measures called Best Management Practices or BMP's There are structural (such as retention ponds and infiltration basins) and non-structural (such as restrictive zoning and public awareness programs) BMP's

The consultants outlined several points to be considered in formulating a water quality program

- Basic program elements are dictated by the regulations
- The approach should be to 1)identify problems, 2)implement a BMP, 3)assess the result, and 4)change the BMP as appropriate
- Try inexpensive BMP's before investing in structural solutions
- Address the worst problems first
- Developing standards and controls for new development to prevent compounding of problems
- The EPA has stated it is important for the first permit period not be focused solely on "planning for controls" to the detriment of "implementing necessary controls"

Issues discussed by the Task Force are outlined below

- Because water quality problems and solutions are not yet well defined, the City should move into a water quality program cautiously
- Water quality is very important to the community, and corrective measures are desired where significant benefit can be shown to result
- Both structural and non-structural BMP's should be evaluated in light of other community goals

- Thorough data collection and analysis will provide the basis for informed and wise decisions
- Public awareness and education is very important

Based on the discussion, a consensus was reached on the three policy statements above for the storm water quality management program

The Charlotte Storm Water Task Force discussed this issue during meetings on August 13 and October 1, 1991, and January 21, 1992

Drainage System Extent of Service
"Level of Service and Cost" Issue #1, Tab #8

The extent of the drainage system for which the City is responsible for maintenance and capital improvement should be expanded gradually, as follows:

1. *continue maintenance of all drainage facilities within public rights-of-way regardless of size;*

2. *only extend responsibility onto private property when.*

   - *permanent easements are dedicated or otherwise available from the private property owner, and*
   - *need is established based on technical criteria;*

3. *define the maximum upstream limit of the City's extent of service as:*

   - *the point at which runoff from a publicly dedicated street enters the drainage system, or*
   - *when a drainage feature needs repairs/improvements which have public benefits that exceed the cost.*

Discussion

The City currently maintains all drainage features located in publicly maintained street rights-of-way The City's responsibility on private property is limited to approximately 4 5 miles of pipe system that has been acquired through various programs over the last several years This practice of maintaining only occasional portions of the drainage system results in poor overall performance of the system One of the City's primary goals for the storm water program is to better manage and maintain the "system," which requires that the scope of the City's maintenance and improvement responsibility be expanded

In expanding the scope of responsibility, it is appropriate to define the limits of that responsibility for maintenance and improvement of the drainage system There is some case law related to the definition and the method for determining "public water," and recent law in North Carolina would indicate that when the City maintains or improves a particular segment of the system, it has incurred some ongoing responsibility for the performance of that system Therefore, it is important to expand extent of service in a controlled and supportable way given the resources of the City at any time

Though the City may assume maintenance and improvement responsibility for certain portions of the drainage system, it does not necessarily have to perform the same type and level of service on each and every drainage segment There may be reasons, based perhaps on health and safety issues, why the City might proscribe a higher level of design and maintenance for particular portions of the system The guiding principle is that the City treat similar situated parts of the system in a similar manner

The Storm Water Task Force discussed this issue during a meeting on August 27, 1991

System Maintenance and Improvement Strategy

"Level of Service and Cost" Issue #2, Tab #8

Consistent with the Program Mission and approved budget, one of the City's objectives in creating a comprehensive storm water program is to begin proactive management of the system channels, culverts, and pipes that make up the City's drainage infrastructure. Recognizing the remedial needs of the existing drainage system, and the delay associated with prioritizing capital improvements through master planning, the City's early strategy should be a four-point approach:

1. ***Begin a city-wide remedial maintenance program to optimize the effectiveness of the existing drainage infrastructure;***

2. ***Develop maintenance levels of service for the portions of the drainage system which have undergone remedial maintenance or capital improvement.***

3. ***Begin the initial phase of the capital improvement program through the design of previously identified and thoroughly studied high priority capital improvement projects with the objective of beginning construction in 1993.***

4. ***Begin high priority capital improvements as soon as practicable (approximately 1996) based on city-wide master planning of the drainage system;***

Discussion

The fundamental needs of the drainage system related to capacity are improvements in certain areas and on-going maintenance to sustain the minimum desired capacity Both long term and short term strategies are needed to provide storm water services throughout the City's "extent of service" area Four activities are identified, which represent a long and short term strategy for both improvement and maintenance, respectively

Long Term Capital Improvement Projects - Capital projects represent the replacement of a deteriorated drainage facility and/or the upgrading of the capacity of a facility Capital projects are identified and prioritized through city-wide master planning It can be expected that construction of the first projects identified through master planning could begin approximately 1996, following master planning, design, easement acquisition, and bidding

Short Term Capital Improvement Projects - In light of the delay to capital improvements associated with master planning, it is desirable to identify known, high priority problems that can be constructed in the interim The Engineering Department has extensive files on known drainage problems Projects which can reasonably be expected to be consistent with the master planning and will not have any detrimental effect on the system (i e move the problem somewhere else) can be identified for immediate design of improvements The number and cost of these immediate projects will be subject to approval of City Council and the availability of funding

On-going Maintenance - On-going maintenance is the periodic cleaning, repairs, and improvements to the drainage system necessary to maintain it's effectiveness at a certain level of performance The amount of on-going maintenance will gradually increase as components of the drainage system are renovated or improved The next step in development of program policies is to define the level of performance, or "level of service," to be provided by the City's drainage infrastructure

Remedial Maintenance - Remedial maintenance is the renovation necessary to optimize the performance of the drainage system The focus would be on cleaning and repairs to restore the usefulness of the existing network of pipes and channels, even though they may ultimately be upgraded for a higher capacity By definition, remedial maintenance would be a one time activity, once system capacity is restored, on-going maintenance would sustain it For a system that has historically received very little maintenance such as in Charlotte, it can be expected that remedial maintenance will yield significant benefits in the early stages of the program

The Storm Water Task Force discussed this issue during a meeting on August 27, 1991

Overall Level of Service
"Level of Service and Cost" Issue #3, Tab #8

The overall scope and level of service for the storm water program should be defined as follows:

- ***The funding of the majority of existing storm water services should be shifted to the revenues of the storm water program.***
- ***The minimum requirements of the NPDES storm water quality permit should be met.***
- ***There should be on-going efforts to improve the quality of surface waters through cost effective storm water management practices.***
- ***The objective of remedial maintenance of the drainage system is to correct the backlog of repairs within ten years.***
- ***Cleaning and routine maintenance services should be provided when storm water drainage systems operate outside acceptable tolerances.***
- ***City-wide master planning of capital improvements should be***

completed in five years in preparation for a capital bond issue, while maintaining a minimum level of interim capital improvements based on known high priorities.

- *A public awareness and education program should inform the community on storm water services and activities.*

- *The initial service charge should remain constant through the first five years of operation.*

- *All aspects of the program should be coordinated with Mecklenburg County at the appropriate levels to the end that the City and County storm water management programs will eventually be consolidated.*

Discussion

The Task Force has developed a series of policies that form the foundation for the structure, scope and priorities of the City's comprehensive Storm Water Management Program The consultants and staff have used those earlier decisions, which provide both direction and limitations, along with other available information to define the overall level of service to be provided by the program Following is a summary of the basis for the "Overall Level of Service" policy statements above

Existing storm water services- Documents such as the City's Operating Budget, Capital Budget, and Cost Allocation Plan have been used to determine the cost of existing storm water services These existing services include such activities as maintenance and improvement of the drainage system located in street rights-of-way, mowing of roadside ditches, regulation and enforcement, and assistance to property owners with drainage problems The current sources of funding are the General Fund and the Powell Bill (State distribution of gasoline taxes) With the implementation of a storm water service charge, the cost of existing programs should be shifted to the revenues of the storm water program

Storm water quality- The Water Quality Act of 1987 requires the City to develop a comprehensive storm water quality management program (SWQMP), which prohibits non-storm water discharges to the municipal drainage system to the "maximum extent practicable " The difficulty in the storm water NPDES program (and its greatest strength) is that there is no clear definition of Maximum Extent Practicable Although basic program elements are dictated by the regulations, there is no generic standard or goal for each municipal program Solutions to storm water problems tend to be found through the use of source control measures called Best Management Practices, or BMP's There are structural (such as retention ponds and infiltration basins) and non-structural (such as restrictive zoning and public awareness programs) BMP's

In that water quality problems and solutions are not yet well defined, the City should move into a water quality program cautiously However, corrective measures are desired where significant benefit can be shown to result The Water Quality Plan should meet only the minimum requirements of the regulations initially, but include thorough data collection and analysis to provide the basis for informed and wise program decisions

Remedial maintenance- The results of the Pilot Basin Inventory indicate that the backlog of remedial maintenance and repairs city-wide (primarily on private property) represents a cost of $20,500,000 A backlog of this magnitude cannot be addressed in one or even a few years The policy statements call for a gradual, building block approach to expanding the program's scope of responsibility Accordingly, responsibility should be extended onto private property only when permanent easements are dedicated or otherwise available from the property owner, and need is established based on technical criteria Furthermore, there is a practical limitation on how quickly real estate agents and maintenance crews can be recruited, trained, and put into service In light of these limitations, a ten year objective is realistic to eliminate the great majority of the backlog

Routine maintenance- "Condition" level of service standards compare the physical condition of various parts of the drainage system to pre-determined functional objectives or goals Condition standards answer the question "what level of deterioration and clogging of the system is allowable before the system should be cleaned and restored to design capacity?" Condition standards are selected with a basis in the actual adverse impacts of exceeding the condition balanced with the costs of maintaining the system on a periodic or routine basis The consultants analyzed the performance impact of various levels of obstruction of the drainage system The recommendation of the consultants and the Task Force is that most components of the system can be up to 40 percent obstructed without a major damaging increase in water levels However, large culverts and pipes (greater than 36 inches) warrant cleaning when blockage exceeds 20 percent Obviously, emergency or unique situations might require special consideration for stricter standards developed on a case-by-case basis

Capital improvements- The program priorities of developing a drainage system inventory and solving the worst problems first prescribe an orderly assessment of existing conditions, and systematic planning of improvements The Pilot Basin Inventory already completed indicates that an inventory of the drainage system in the remainder of the City can be completed in approximately one year Master planning of capital improvements throughout the City, utilizing the inventory data, is expected to take four to five years When completed, the master plans will guide major capital improvements to the system, which should be funded through a bond issue at that time In the interim, existing bonds and pay-as-you-go funding should be used to make capital improvements based on currently known and thoroughly studied high priority projects

Public education- In order for the storm water management program to be ultimately effective, it must gain the widespread support of the citizens of Charlotte This is especially true in the area of storm water quality wherein the solution to many of the surface water pollution problems will require widespread education and cooperation One of the goals of the storm water program in public education and involvement is to begin to instill a sense of "ownership" of the creeks and channels in the minds of the citizens, such that these drainage conveyances are seen as an amenity to be preserved

Service charge- A gradual expansion of responsibility for maintenance and improvement of the drainage system results in annual program costs growing during

the first years of service It is not practical or desirable, however, to adjust the service charge each year Instead, normal practice for utilities is to adopt a rate that will provide the needed revenue over a period of years A fund balance in the first years of the period is balanced by a deficit in the later years The City's initial rate should be adopted to cover the first five year period A new rate in year six would then correspond to the beginning of bond debt associated with implementation of the capital improvement master plans

City/County functional consolidation- Both the City of Charlotte and Mecklenburg County have existing storm water programs and a need for additional storm water services (and therefore additional revenues) Because a clear basis for one of the jurisdictions to take responsibility for the entire program has not yet been developed, both are proceeding with expansions to the programs and implementation of utility service charges Common elements, such as billing, design and regulatory standards, and public education are being handled jointly All aspects of the City program should be coordinated with Mecklenburg County at the appropriate levels to the end that the City and County storm water management programs will eventually be consolidated

Philosophical Basis for Distributing Cost
"Funding Strategy"
Issue #1, Tab #10

The following three philosophies form the basis for all funding decisions in the storm water program:

1. ***Costs of the storm water program will generally be distributed to rate payers on the basis of their contribution to the problem.***

2. ***The underlying philosophy for financing storm water should not contain consideration of level of service differences at this time. This may be reconsidered in the future.***

3. ***The storm water funding strategy should: (1) consider a mix of funding methods, (2) be flexible, and (3) should be applied in a broad sense.***

Discussion

Hector Cyre reviewed methods of distributing storm drainage costs, explaining that, traditionally, funding has been based on benefit The last 20 years has seen a shift to "cost of service," and water quality is rapidly becoming a significant new consideration in storm water funding The basic issues are

Contribution to Runoff The most equitable way to distribute the majority of the costs of providing storm water services to the City of Charlotte is on the basis of each individual contribution to storm water runoff The details of applying this philosophy will be addressed by the Task Force in later work

Levels of Service There are many types of situations where differing levels of service, both in system capacity and in operational services, may exist Some examples might be

- Two neighborhoods with systems that can handle different levels of flooding without damage, should one pay more or one less?

- A particular system that, by its nature, demands more maintenance efforts, should it pay more?
- A neighborhood that requests a higher level of design or operational service than the standard, should they pay more?
- A neighborhood that, by its own actions, impacts the drainage system such that it requires more maintenance, should it pay more?

While there may be good reasons to require different fees in each of these cases, it is the opinion of the Task Force that these situations would complicate rate considerations to an unacceptable degree in the formative stages of the storm water program and rate structure, and therefore, consideration of level of service should be delayed until such time as the maturity of the program and availability of sufficient data and information may warrant their inclusion

Mix of Methods The different types of storm water management services, service levels, and the cost of service are not sufficiently well-defined at this time to base funding specifically on them through highly refined rate calculations The use of a mix of funding methods would allow for the flexibility to consider special situations where a different funding method might provide superior equity

Flexibility A substantial transition is anticipated in the storm water management program during the next five years, which will likely require that a range of funding methods be used and that changes be made from time to time, therefore, the City's storm water funding philosophy should be flexible

Broad Application The City's storm water management funding philosophy should be broadly interpreted until the program becomes more refined In the initial stages of funding development, it will not be possible to define rates, payments or services with exact accuracy However, every effort should be made to apply the underlying funding philosophy (contributors pay in accordance with contribution) as accurately as possible in every funding method

The Charlotte Storm Water Task Force discussed this issue during a meeting on May 21, 1991

Overall Funding Strategy

"Funding Strategy" Issue #2, Tab #10

The City's funding strategy should be to:

1. ***design an innovative service charge rate structure that is simple in form and consistent with the program mission and priorities, and to make adjustments as necessary to maintain that consistency as the program evolves;***

2. ***allow for the general categories of:***
   - ***modifications to the basic utility service charge,***
   - ***and phased-in secondary funding methods as the needs of the program dictate in the future;***

3. ***establish a storm water "enterprise" accounting unit as a first step if a utility rate methodology is adopted, in order to make***

implementation of the program a "utility" expense rather than a general tax expense (currently programmed funds would become a "loan" for interim financing).

Discussion

The City needs to address immediate funding needs associated with the implementation period (1991-1992) The strategy for implementation funding should transfer developmental costs to the future utility ratepayers as early in the process as possible This would maximize the equity of bearing the utility development costs, begin the process of establishing an identity for the program and key personnel stability, and eventually free storm water bond funds (used to develop the utility on an inter-fund loan basis) for other drainage purposes

The City also needs to spell out its strategy for funding the next five to ten years of the storm water management program It should be kept as simple as possible, while remaining consistent with the program mission and priorities over the first five years The strategy should allow for a sequential "building block" process recommended for the operating and capital improvement programs It should address storm water quality management funding needs as well as storm water quantity management funding Major changes in the rate methodology should be avoided for the first five years of the program

The rate structure must allow for change within its structure to provide the flexibility to remain effective in the first five-year period of the utility The use of modification factors (such as a flat rate fee for residential properties) and secondary funding methods (such as special services fees and in-lieu of construction fees) enhance simplicity, provide flexibility and improve equity Specific choices of modification factors and secondary funding methods will be made later

The Charlotte Storm Water Task Force discussed this issue during a meeting on June 4, 1991

Consideration of Prior Investment
"Funding Strategy" Issue #3, Tab #10

Consideration of prior private investment in storm water systems should not be included in the City's rate methodology; credits should not be allowed for private parties and other public agencies for prior capital investment in storm water facilities.

Discussion

The most common practice elsewhere has been to not give credits for prior capital investment in storm water systems Many city and county storm water utilities employ service charge modifiers, adjustments, or credits of various types, mostly on a case by case basis However, such credits are nearly always based on the mitigative effects of facilities, and do not consider the amount of prior capital investment They are often conditioned on proper continuing maintenance of the facilities by the owner

Capital investment in storm water systems by other than the City (and Mecklenburg County) is typically made either for the convenience of the property owner or to mitigate the impact of a development or road project Others are required by the City to protect the development site, neighboring properties, or downstream areas The City incurs no responsibility or obligation to compensate private parties or other

public agencies for their investment in storm water facilities, regardless of why they are built

Many practical obstacles exist What facilities would be eligible for such treatment? How would the present value of the prior capital investment be determined? Who would receive credit for a prior investment, the developer who incurred it or the current property owner? If the City wished to give service charge rate credits to private property owners or to other public agencies for prior capital investment in storm water facilities, it would need data on the cost of the systems and who paid for them The City would have to rely on the owners and agencies to provide this information, and it would be difficult to verify in many cases Prior private capital investment does not necessarily correlate to benefits to ratepayers How would these benefits be determined?
Normal practice in storm water, wastewater, water, and other municipal rate design throughout the country indicates that, if prior investment is to be considered at all it is more practical to address service charge credits or other adjustments on a case by case basis within general policy guidelines Very few utility rate structures provide direct credit for capital investment through their rate methodology It does not appear practical for Charlotte's storm water rate methodology to directly incorporate consideration of prior capital investment

The Charlotte Storm Water Task Force discussed this issue during meetings on June 25 and July 30, 1991

Future Use of Storm Water Systems
"Funding Strategy"
Issue #4, Tab 10

The City's storm water program should require storm water systems which handle properly the impacts of future land development on water quantity and quality, <u>and in the case of publicly constructed facilities</u>, consider future use and future impacts on the drainage system as follows:

1. ***address the issue of payment for excess system capacity within the rate structure (for example: system development charges) and not through impact fees or other external funding mechanisms;***

2. ***have the rate base bear the initial cost of providing excess system capacity rather than presently undeveloped properties; and***

3. ***design a system development charge that will (if and when activated) place an equitable proportion of the capital costs on properties when they are developed and make use of excess capacity provided in the system.***

Discussion

The selection of funding methods, design of service charge rates, and their application to specific properties may be determined in part on the properties' future use of and impact on the City's storm water systems The primary issue is the distribution of capital costs among undeveloped and developed properties over the life cycle of the projects This is especially true in the case of the funding methods most commonly used for capital projects planned, designed, and built with extra capacity to serve future needs

When new development occurs or capital improvements are constructed it is logical that they take into account, in a reasonable way, the impacts of future development which will use them The typical case is the construction of detention or flow conveyance structures (culverts, bridges, pipe systems) downstream from undeveloped property There are many ways to take anticipated development into account in the technical design of the structures The exact methodologies used to do this will vary from site to site and will be covered in guidance to be issued

This policy statement deals with how to handle this situation from a financial perspective The question is "how should the costs of the extra capacity built into storm water systems in anticipation of future upstream development be borne?" The most common storm water funding methods and service charge rate structures address site conditions which influence system use only in a current time-frame, and according to current standards Future system use has not been specifically accounted for in the design of rates in most communities, in part because they lack a sufficient level of detail on capital costs They do not charge undeveloped or underdeveloped properties on the basis of their potential future use of the systems because that level of use is speculative, even when comprehensive land use plans, zoning codes, and storm water master plans are available Some cities do not consider it totally equitable for the developer to bear the cost of over-sizing structures without compensation In those cases, there would be a cost recovery system built into the rate structure so that new upstream development would pay their fair share of the excess capacity

There are two main ways to do this in typical storm water rate structures The major difference between the two is who incurs the initial cost for excess capacity In the first, called "system development charges", the ratepayers (public dollars) would pay the difference between some base size of structure and the larger size required The City would then collect portions of this cost as upstream properties develop In the second, called "developer extension/ latecomer fees", the developer is installing the facilities, pays for the over-sizing, and would collect from new upstream development as it occurs It is deemed advisable that in most cases the rate base should bear the cost of over-sizing and recover the cost using a system development charge when it is instituted However, it is recognized that developers generally install drainage facilities as land is developed. Today, the developer does not recover any of that capital cost. The use of a developer extension/latecomer fee should be considered, as it would allow the developer the opportunity to recover some of the cost of system capacity that will be utilized by future development.

The Charlotte Storm Water Task Force discussed this issue during a meeting on June 18, 1991 and January 21, 1992

Funding Philosophy for Water Quality
"Funding Strategy"
Issue #5, Tab #10

The City should include water quality in the funding philosophy as follows:

1. ***In addition to storm water quantity, the initial rate analysis should include those program-wide storm water quality activities that can be reasonably foreseen, and allocate such expense across the rate base;***

2. ***The rate structure should be flexible enough to allow for future***

inclusion of more detailed consideration of storm water quality costs when better data is available and the Storm Water Quality Management Program associated with the EPA permit is better defined; and

3. ***When better data is available, the City should allocate the costs of storm water quality services and facilities to properties in proportion to their role in the creation of those costs.***

Discussion

Storm water service charges allow funding for various components of storm water management programs to be tailored through the rate design to reflect the origin of costs Widely-accepted rate design concepts have been developed for equitably distributing the cost of storm water quantity control With the increasing emphasis on storm water quality management, the City of Charlotte should address how and to what level of detail it wishes to incorporate water quality in its funding philosophy and service charge rate design

There is a growing body of information on the cost of various aspects of a storm water quality management program (SWQMP) Many of these costs e g , sampling and monitoring are program-wide and should be spread over the rate base Many costs can be anticipated through initial development of the EPA required SWQMP in 1991 and 1992 These anticipated costs can then be factored into the rate study and covered by the program-wide rate base

Other costs will be more applicable to individual property owners An example might be maintenance costs for a structural best management practice designed to reduce pollution from a specific site If the City's storm water program assumes responsibility for this maintenance it is logical to require the property which generates the need for this service (by generating the pollution) to pay for it

This type of individualized information on storm water quality program costs will not be realized until several years into the first permit period (the 1994-1996 time frame) The initial rate structure must be flexible enough to allow for proper allocation of these costs to those properties which generate the need

After a number of years of sampling and monitoring of both runoff from different types of property and receiving waters, a body of Charlotte-specific data will grow This data may then allow for a restructuring of the basic rate methodology to reflect pollution generating characteristics of types of property and the costs incurred by dealing with this pollution in a way similar to how properties are handled in terms of storm water quantity runoff At that time the basic rate methodology could reflect both the quantity and quality aspects of storm water runoff

The Charlotte Storm Water Task Force discussed this issue during a meeting on June 18, 1991

Allocation of Costs to Public Property
"Funding Strategy"

Storm water fees should be charged to all public properties, including streets, roadways, and highways, on the same basis as charges to private properties.

Issue #6, Tab #10

Discussion

Public properties generate storm water runoff proportional to the amount of impervious property just as private properties do. Streets and highways in particular can represent a significant portion of the impervious area in a community. It is therefore appropriate for public properties to be charged a fee for storm water services. This practice has the effect of spreading the cost of services over a broader ratebase, i.e., the users of public facilities.

The Charlotte Storm Water Task Force discussed this issue during a meeting on January 21, 1992.

Funding Methods-Rate Methodology
"Rate Methods"
Issue #1, Tab #11

Below are the fundamental elements of the City's utility rate structure and strategies for adding secondary funding sources as the program evolves. It is noted that consideration of water quality improvement is expressed or implied, as appropriate, in all aspects of the storm water program and funding structure.

BASIC RATE CONCEPT

1. ***The service charge rate structure should be configured such that other secondary funding mechanisms can fit into it as appropriate.***

2. ***The rate structure should be based only on impervious area.***

MODIFICATION FACTORS

1. ***A simplified rate should be used for single-family residential properties, regardless of which basic rate methodology is selected.***

2. ***A base rate should cover fixed costs per account.***

3. ***A policy should be established by the storm water program which will grant credits for mitigation measures (such as on-site detention) that reduce runoff and/or pollution (delete-and are required or agreed to by the City).***

4. ***Other modification factors should not be included initially.***

5. ***Initially, costs of service which vary by geographic area (e.g., master planning in the individual watersheds) should be treated as non-variable costs in calculating service charges.***

SECONDARY FUNDING METHODS

1. ***Plans review and inspection fees and special service charges should***

be included in the initial rate structure.

2. ***Revenue and general obligation bonding, pay-as-you-go funding, and special assessment districts should be incorporated into the funding structure to supplement the capital program.***

3. ***Authorizing legislation for two additional secondary funding methods should be pursued: fee-in-lieu-of and developer extension/latecomer fees.***

4. ***System development charges should be incorporated as a secondary funding method if a basic rate methodology based solely on impervious area is used and a significant capital improvement program is begun.***

5. ***Federal and state sources should (continue to) be pursued as secondary funding sources.***

Discussion

In order to address traditional storm water problems such as flooding and erosion, and to provide the resources necessary to meet United States Environmental Protection Agency water quality requirements, the City Council has elected to establish a comprehensive storm water utility The selection of a preferred rate methodology is a fundamental decision for a storm water program in that the utility fees generally provide for as much as eighty to ninety percent of the total annualized expense of operations and capital investment The remainder comes from a variety of secondary funding sources

The analysis of a rate methodology and secondary funding sources can be discussed in three steps, (1) the basic rate methodology, (2) modification factors which can be applied to any of the rate concepts to enhance equity, reduce costs, and meet other objectives, and (3) the secondary funding methods that can be adopted in concert with the service charges

Basic Rate Concept

Most service charge rate methodologies elsewhere have been based on one or two parameters which reasonably distribute the cost of storm water services and facilities related to water quantity control Five basic rate concepts were considered for Charlotte by the consultants

- impervious area,
- both impervious area and gross area,
- impervious area and impervious percentage,
- gross area and an intensity of development factor, and
- gross area only, with extensive use of modifying factors

It is important to emphasize both simplicity and future flexibility in consideration of a basic rate methodology Of the five rate methodologies examined, two fit the

objectives of simplicity and flexibility better than others, the impervious area approach and the gross area/intensity of development method They are very easy to explain to the general public If the city wishes to charge undeveloped land either now or in the future then a basic rate methodology involving gross area is required If not, then the methodology involving only impervious area is best

The consultants recommended a rate structure based on impervious area only due to it's simplicity and consistency with the basic philosophy that properties pay for storm water services based on their contribution to the problem Discussion by the Task Force centered on the definition of impervious area and on a minimum size threshold such that undeveloped land with minor impervious area would not be charged It was noted that not charging undeveloped land would encourage the environmental benefits of limited density and open space A thirty acre plot of land with one acre of impervious area would pay the same as a one acre plot of land which was all impervious

It is difficult to deal with storm water quality solely through the basic rate concept Pollution from runoff has been found to correlate with impervious area But other types of pollution are very site and activity specific It is difficult to provide sufficient incentive to construct and maintain a structural device merely through reduction in fees Rather, environmental control is better provided through regulatory programs which, for example, require the use of structural and non-structural best management practices or set targets for pollution reduction Secondary funding methods, such as special service charges, can cover the cost of many specific storm water program water quality activities (such as detention inspection)

Modification Factors

Modification factors have the ability to simplify collection of fees or to enhance equity of the rate structure The rate modifications examined would allow the City to alter its service charge calculations by considering conditions on individual properties that influence how they impact the cost of service Several would isolate certain expenses to persons or properties which demand a service or service level in addition to that generally provided to all ratepayers, and would change the distribution of costs

The consultants recommend using a simplified rate for single family residential charges to save considerable cost in the collection of impervious data and in the database upkeep without unduly changing equity of fee structures "Simplified" means not using individually measured impervious areas for each residence The Task Committee reserves the right to investigate and recommend a tiered structure if it appears warranted during the rate study A "typical" amount of impervious area would be defined for the "typical" residence (for example 2,500 square feet) Non-residential properties would pay a multiple of the "typical" residence charge based on their total impervious area For example, if a non-single family residential property had ten times the "typical" 2,500 square feet (25,000 sq ft), they would pay ten times the residential flat rate A variation is to develop tiers of flat rates based on total land size or levels of total imperviousness Costs of data development and upkeep increase as this type of complexity is added The consensus was that a

"simplified" rate for single family property should be used, based on data to be acquired later in the process

The consultants recommend a base rate per account to distribute fixed costs (e g costs of billing) equally among the storm water accounts and thus enhance equity slightly It is most effective when gross area is used and a number of accounts exist which have no development involved but which should bear an appropriate share of the fixed costs It tends to shift the cost of the program slightly toward residential ratepayers

Many communities allow utility fee credits for on-site detention systems While on-site detention systems, when properly designed, constructed and maintained can be generally effective in reducing pollution discharge and flooding damage downstream, they do not necessarily reduce the costs of the storm water program Nor is there a one-to-one correspondence with peak flow reduction and credits Total volume of outflow, water quality and timing of the peak flow are important to consider There are uncertainties associated with the storm water quality management requirements that will emerge from the NPDES permit The inspection and regulatory workload resulting from NPDES permit conditions may actually cause on-site detention to increase the cost of service rather than diminish it

Credit for on-site detention and other measures which might mitigate public costs was considered by the Task Force to be a desirable modification factor which would encourage and reward private effort to reduce demand on system capacity and possibly pollution discharge Credit would be granted in cases where the water quantity or quality benefits of private investment could be demonstrated. Existing detention systems would need to be investigated for continued effectiveness prior to a full or partial credit being granted All detention credits would be predicated on the continued proper function of the basins through the application of appropriate maintenance by the site owner The amount, type and administration of such a credit should be developed later when more information is available Also, additional credit might be given to a site which, at the request of the city, provides additional detention capacity beyond its own required needs

The remaining rate modifications considered are more complicated and are not recommended by the consultants at this time Those which would create surcharges or credits for individual properties require that data be gathered and analyzed for many but not necessarily all properties in the service area This is potentially very costly Although they could enhance equity if suitable data was assembled and technically proper formulae were developed, the information supporting the use of many of the more complicated rate modifiers is suspect As more knowledge is gained, they may become more cost-effective and practical, but at the present time are not appropriate in Charlotte

Geographically variable costs are those costs incurred due to activity in one portion of the City such as master planning, specific special maintenance, etc At present there is not the ability or the desire to track these individual neighborhood costs and calculate them in individual rates In the past all tax payers paid for certain capital improvements, planning and maintenance activities At this time it is not considered totally equitable to require only the recipients of such services now to bear the full

burden The decisions on allocation of such special services and planning are meant to be professionally not politically driven There may be a case for special charges to provide services to a neighborhood which are above a set standard but not simply to bring it up to a common standard The basic principle is that similarly situated properties are treated similarly

Secondary Funding Methods

Secondary funding methods which support service charges and enhance equity tend to be established as programs evolve and the costs are better defined Most storm water utilities elsewhere have made only limited use of secondary funding methods, especially during their formative period However, the EPA regulations and associated water quality programs will increase the use of secondary funding methods for regulatory review, field inspections, monitoring, and other activities
The consultants recommend plans review and inspection fees and special service charges Plans review and inspection fees offset the cost of development related activities and shift the cost of them from the general rate base to the development activities which require them The fee should bear a relationship with the actual cost of the services provided Special service charges provide the same capability to offset the cost of special services (such as detention inspection) by charging those activities/properties which require the service to pay for the service

Continuing to use the existing bond fund for local storm water capital improvements through a matching program does not add a great deal of revenue to the program, but provides an interim source of limited funding until the City can prepare and adopt a storm water capital improvement plan The current matching requirement is a good tool for involving the community in the projects and for leveraging the limited funds and can be combined with a special assessment district It is expected the demand for neighborhood projects will only increase once a service charge is implemented In the future, the City will need to institute an annual budget line item for small capital projects which do not fit within a major capital improvement program

Pay-as-you-go funding of capital improvements is a viable alternative for some capital improvements, land acquisition needs, and equipment purchases which are inexpensive enough to be funded through annual budget appropriations The consultants recommend the city use pay-as-you-go funding of capital improvements whenever it can meet the identified storm water capital investment priorities, rather than incurring the additional interest expense of bonding

The City might be able to establish in-lieu of construction fees under the umbrella of the storm water utility service charge, however, state legislation is probably required The City should pursue the legislation when more information is available, such as the impact of NPDES permit conditions, capital improvement plans, etc In-lieu fees are successful when a source of front-end funding is available for regional capital improvements The credit given might be based on the specific cost of the on-site system avoided, cost of the regional replacement facility or on some formula basically reflective of general costs

Legislation would definitely appear to be needed for impact fees and developer extension/latecomer fees Even if allowed by statute at this time, the consultants' recommendation is that the City not use impact fees They tend to require a large investment in capital improvement planning and administration, and simpler mechanisms exist for a storm water utility to gain developers' financial participation in capital improvements which serve growth A developer extension/latecomer fee would be desirable to the development community It would not generate additional revenue for the storm water management program, but would increase the administrative burden on the staff

Over the five-year period examined in the analysis, the City may also wish to adopt system development charges to improve the long-term equity of capital improvement funding This method is used for special purposes having to do with funding of capital improvements A system development charge is only appropriate if the city adopts a rate methodology based only on impervious area and enters into major capital improvements

Federal and State funding for urban storm water management has traditionally been very limited, almost non-existent Although the NPDES permit requirements are directly driven by federal legislation, the EPA and other federal agencies are not providing financial support to local governments to meet the permit application requirements or on-going storm water management demands Technical assistance is the practical limit of aid related to the NPDES program Generally speaking, the City should not anticipate that federal or state funding will be a meaningful factor in the overall funding of its storm water program

The Charlotte Storm Water Task Force discussed this issue during meetings on June 25, July 16, and July 30

ATTACHMENT I

MULTIFAMILY RECYCLING SERVICE OPTIONS

OPTION 1	OPTION 2
Centralized recycling drop-off points consisting of (i) 4 90/105 gallon containers or (ii) 4cu yd box The containers will be provided maintained and secured with locks and chains by the contractor/City	Residents will be responsible for bringing their individual bins to a centralized collection site on collection day and for retrieving their empty bins later that same day
Contractor/City provides individual bins to all residents	Contractor/City provides all residents with individual (properly identified) recycling containers
The management of the multifamily residential complexes is responsible for providing sufficient secure space for these recycling drop off points	The management of the multifamily residential complexes is responsible for providing a centralized secure space for residents to leave their individual containers
Contractor/City crews will collect the recyclable materials and deliver these materials properly sorted to a site designated by the City/County	Contractor/City crews will collect the recyclable materials from individual bins and deliver these materials, properly sorted to a site designated by the City/County
Weekly or Bi-Weekly collection	Weekly or Bi-Weekly collection
---	---
COSTS City offers the contractor a 5 year collection contract with an annual increase equal to no more than _____% of the CPI	City offers the contractor a 5 year collection contract with an annual increase equal to no more than ____% of the CPI
City and contractor will handle communication with complex managements resident volunteers and advertising/brochures etc	City and contractor will handle communication with complex managements resident volunteers and advertising/brochures etc

MULTIFAMILY RECYCLING SERVICE OPTIONS

OPTION 1	OPTION 2
Contractor is paid a weekly or bi weekly collection cost per recycling drop-off point This cost should include the annualized costs of equipment containers advertising and O & M	Contractor is paid a fixed weekly or bi-weekly collection cost for a) Total number of individual bins supplied to occupied units or b) Only the total number of bins set out each week
City Actual Cost	City Actual Cost
--- ---	---
ISSUES	
Rebid all refuse collection contracts to account for anticipated reduction in refuse waste stream	Rebid all refuse collection contracts to account for anticipated reduction in refuse waste stream

City of Charlotte
Solid Waste Services Department
February 26 1992

ATTACHMENT II

MULTI-FAMILY RECYCLING FUNDING OPTIONS

MARCH 2, 1992

A number of alternatives exist to address the provision of recycling to all City residents; however, none of the options are without cost. The City has competing needs, such as maintenance of City-wide current service levels and public safety concerns. To meet the desired goals of the County's Flow Control Ordinance, we present several options. In order to provide service expansion as described in the preceding discussion, the cost will be $1.7 million.

Funding Options:

1. Negotiate with the County for delay of implementation.

2. Proceed with the timetable as desired by the County's Flow Control Ordinance.

   a. Absorb in current General Fund budget. An additional $1.7 million is needed. Council has the Program Budget to examine other services being provided. Decide if service(s) will be changed to pay for multi-family recycling.

   b. Increase Property Tax. An addition of one cent generates $2.4 million; .7 cents generates $1.7 million.

   c. Assess User Fees. Establish user fees, based on one of the following:

      Charge fees either to:

      - Everyone, or

      - Direct users only

        - o Fee for recycling for multi-family units only;
        - o Fee for recycling for every City household;
        - o Fee for all garbage collection services.

ROBINSON, BRADSHAW & HINSON, P A
ATTORNEYS AT LAW
1900 INDEPENDENCE CENTER
101 NORTH TRYON STREET
CHARLOTTE NORTH CAROLINA 28246

TELEPHONE (704) 377 2536
FAX (704) 378 4000

ROBERT W BRADSHAW, JR
(704) 377 8300

SOUTH CAROLINA OFF CE
THE GUARDIAN BU LDING
ONE LAW PLACE SU TE 600
P O DRAWER 12070
ROCK H LL S C 2973

TELEPHONE (803) 325 2900
FAX (803) 325 2929

March 11, 1992

BY HAND DELIVERY

Mr. Boyd F. Cauble
Executive Assistant
to City Manager
600 East Fourth Street
Charlotte, North Carolina 28202-2853

Re: Lease Agreement dated as of April 1, 1991 between City of Charlotte and Independence Area Management Group

Dear Boyd:

Under the terms of the above lease, the tenant is obligated to deposit to the escrow fund on or before March 31, 1992 funds or irrevocable sight letters of credit in an amount equal to $2 million. If this deposit has not been made by that date, the City may, at its option, elect to terminate the lease pursuant to paragraph 6(b) of the lease.

As we have discussed, the tenant has worked diligently since the Lease Agreement was signed to secure the necessary financial support for the renovation of Independence Arena contemplated by the lease. Because of unfavorable economic conditions, however, firm commitments for such support have not been obtained as of today. There are some possible sources of support which are still being pursued and, on behalf of the tenant, we are requesting that the City agree to extend the March 31, 1992 deadline for 60 days, *ie* until May 31, 1992. We believe there is little to be lost by the City agreeing to such an extension and much to be gained by the City, the tenant and the community if satisfactory financial support could be secured during this period from the leads which are now being actively pursued. We would appreciate your bringing this matter to council's attention and, of course, we would be happy to provide any additional information concerning this request which you or council feels is appropriate.

We would also request that any council decision concerning the designation of Independence Arena as a historic landmark also be deferred for a period of 60 days, assuming that our request for the

deferral requested above is granted. In other words if we are able to secure adequate financing during the 60-day extension and go forward with the renovation of Independence Arena, we would also like to be heard on the issue of the Arena being designated as a historic landmark.

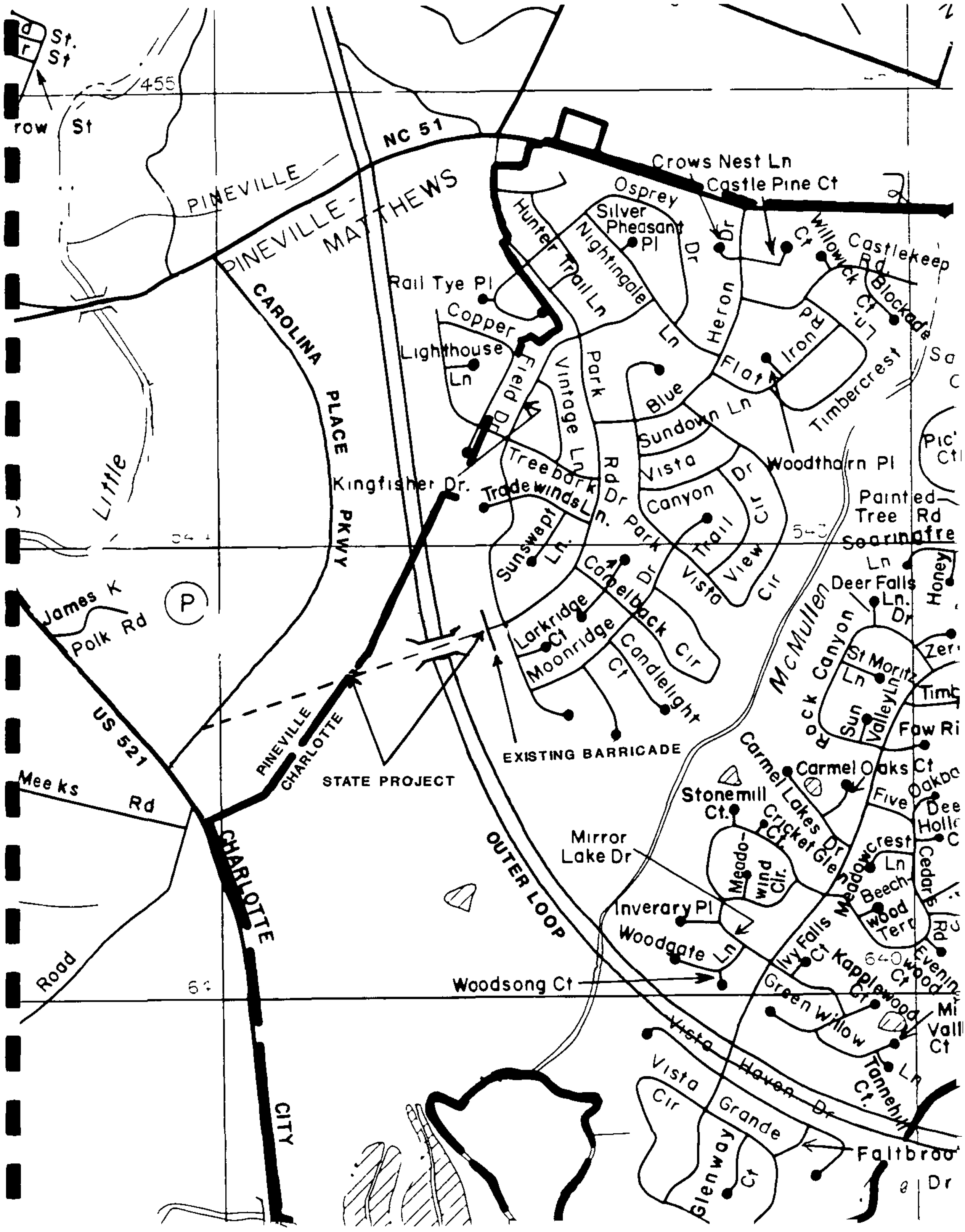
Please call if you have any questions.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

Robert W. Bradshaw, Jr.

RWBjr:lri


NC 51
PINEVILLE
PINEVILLE-MATTHEWS
CAROLINA PLACE PKWY
Little
Crows Nest Ln
Castle Pine Ct
Osprey
Silver Pheasant Pl
Nightingale Dr
Hunter Trail Ln
Rail Tye Pl
Copper
Lighthouse Ln
Field Pl
Vintage Ln
Park Rd
Heron Ln
Blue Sundown Ln
Flat Iron Rd
Willowick Ct
Castlekeep Blockade Ln
Timbercrest
Woodthorn Pl
Vista Canyon Dr
Trail Cir
View Cir
Treebark Dr
Tradewinds Ln.
Kingfisher Dr.
Sunswept Ln.
Painted Tree Rd
Soarinafre
Deer Falls Ln.
Honey
McMullen
Rock Canyon Dr
St Moritz Ln
Sun Valley Ln
Fow Ri
Camelback Cir
Candlelight Ct
Larkridge Ct
Moonridge
James K Polk Rd
US 521
Meeks Rd
PINEVILLE CHARLOTTE
STATE PROJECT
EXISTING BARRICADE
CHARLOTTE CITY
OUTER LOOP
Carmel Lakes Dr
Carmel Oaks Ct
Stonemill Ct.
Cricket Glen Ct
Five Oaks
Mirror Lake Dr
Meadowcrest Ln
Meadowind Cir.
Beech Wood Terr
Cedars Rd
Inverary Pl
Woodgate Ln
Ivy Falls Ct
Kapplewood Ct
Green Willow Ln
Tannehill Ct.
Woodsong Ct
Vista Haven Dr
Vista Cir
Vista Grande
Glenway Ct
Faltbrod
Road
455
640

Animal Control License Fees

A: License Fees

- Current fees were established in 1981

- The differential fees were established to provide an incentive for dogs and cat owners to have their pets altered. The policy of promoting spay/neuter surgeries has proved to a cost effective method of addressing the communities animal over population problem.

- Animal registration costs (ie. personnel salaries, data processing, etc) have out paced revenues generated through license fees over the last ten years. The marginal increase in fees will help recover the costs of the animal registration program.

- A marginal increase in animal adoption, reclaim, and boarding fees have been approved by the City Manager and will be in effect on April 1, 1992 (See attached fee schedule)

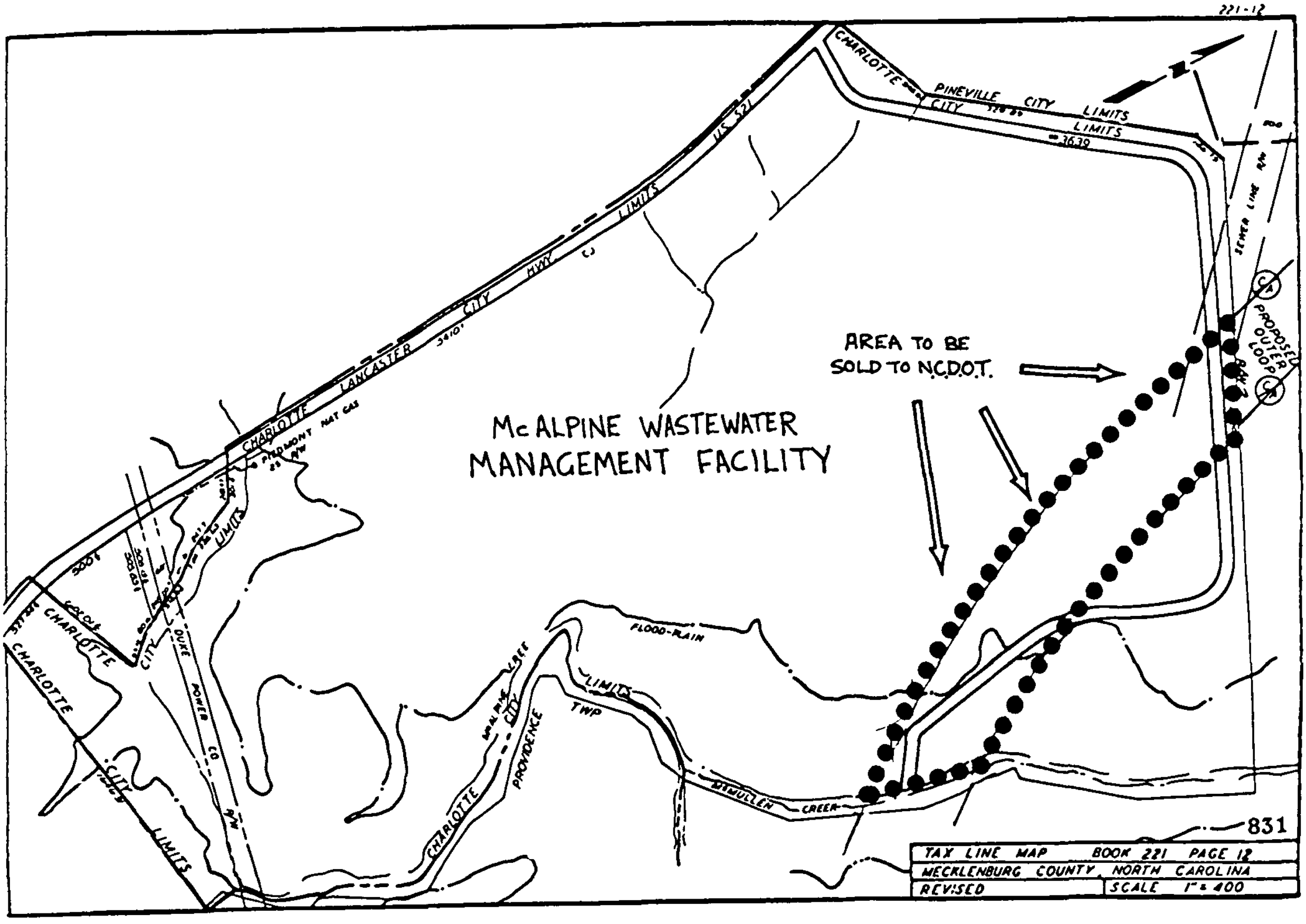
B: Licensing Proration

- The licensing proration method was approved in 1981 with the intention of being fair to citizens who obtained their animals after mid year.

  This method has, instead, contributed to inequities between responsible pet owners and delinquent pet owners.

- Since 1981, it is estimated that the City of Charlotte has lost over $100,000 in revenues due to the abuse of this policy.

- The proposed method preserves the original intent of the policy minimizing the possibilities for its abuse.


221-12
McALPINE WASTEWATER
MANAGEMENT FACILITY
AREA TO BE
SOLD TO N.C.D.O.T.
CHARLOTTE
PINEVILLE CITY LIMITS
CITY LIMITS
3639
U.S. 521
LANCASTER HWY
CITY LIMITS
3410'
PIEDMONT NAT GAS
DUKE POWER CO
CITY LIMITS
CHARLOTTE
CITY LIMITS
CHARLOTTE
CITY LIMITS
CHARLOTTE
PROVIDENCE
TWP
LIMITS
FLOOD-PLAIN
McALPINE CREEK
SEWER LINE R/W
PROPOSED OUTER LOOP
831
TAX LINE MAP BOOK 221 PAGE 12
MECKLENBURG COUNTY, NORTH CAROLINA
REVISED
SCALE 1" = 400

H O M E

INVESTMENT PARTNERSHIPS PROGRAM

of the

CITY OF CHARLOTTE, NORTH CAROLINA

PROGRAM DESCRIPTION FOR FY 92-93 GRANT YEAR

SUBMITTED MARCH 20, 1992

CITY OF CHARLOTTE, NORTH CAROLINA

HOME INVESTMENT PARTNERSHIPS PROGRAM

PROGRAM DESCRIPTION

(1) Estimated use of HOME funds. The City of Charlotte's approved FY92 Comprehensive Housing Affordability Strategy (CHAS) permits four eligible activities for the use of HOME funds. These include acquisition, rehabilitation, new construction (subject to restrictions) and tenant-based rental assistance. For the first grant year, Charlotte's HOME allocation is $2,124,000.

Using the broad definition of moderate or substantial rehabilitation of non-luxury housing provided under 24 CFR 92.205, which also includes acquisition of real property, site improvement, conversion, demolition, relocation of displaced persons and other expenses, the City of Charlotte estimates that it will use its entire HOME allocation for activities which fall under this category. Of this amount, $318,600 or 15 percent of the total allocation will be set aside as required for community housing development organizations for rehabilitation activities including the acquisition of real property.

Examples of the types of projects to be assisted with HOME funds under this category include the rehabilitation, or acquisition and rehabilitation, of multi-family and single-family housing by the City, non-profit organizations or for-profit entities for the purpose of providing housing affordable to low- and very low-income Charlotte families. It is anticipated that HOME-assisted projects will be located primarily in the 21 census tracts indicated in the City's CHAS as having the greatest proportion of substandard, largely absentee-owned housing and which are currently experiencing significant disinvestment (map at Exhibit A). Such absentee-owned properties will be acquired and/or rehabilitated with HOME funds to meet the requirements of the local housing code. Where necessary or appropriate, other measures such as energy efficiency-related improvements, lead-based paint abatement and major system repair or replacement will also be made.

For the first grant year, the City of Charlotte does not intend to use HOME funds for first-time homebuyer's assistance or tenant-based rental assistance. However, to the extent that it is necessary for affordability and available from other sources of funds, such assistance will be used in connection with HOME-assisted projects. Such assistance will typically include local or federal Section 8 rent subsidies, downpayment assistance and/or low-interest mortgage loans.

The City is not requesting the use of any of its HOME funds for new construction projects at the present time due to restrictions on the use of HOME funds for new construction and the availability of other funds designated for that purpose. Therefore, it is anticipated that for the period covered by this Program Description, the new housing objectives identified in the City's approved CHAS will be met using local Innovative Housing Fund resources and CDBG funds.

It is estimated that the primary form of HOME investment will be loans, both amortizing and deferred payment, at terms to be determined by the City but not in excess of project requirements. The forms of assistance shall be consistent with those listed under 24 CFR 92.205(b).

Estimate of whether units assisted will be rental or owner-occupied. It is estimated that the majority of the units assisted with HOME funds will be rental units. Absentee-owned properties will be acquired and/or rehabilitated with HOME funds primarily in the 21 census tracts where absentee-owned houses are currently experiencing disinvestment. Once the City has acquired the property through its Acquisition and Disposition Program, it would then seek to create home-ownership opportunities through acquisition/rehabilitation and subsequent purchase or lease-purchase by low-income families. Owner-occupied units assisted with HOME funds will include units rehabilitated under the City's Selective Rehabilitation program, which provides loans to income eligible owner-occupants for that purpose.

(2) Community Housing Development Organization Set-Aside. The City of Charlotte will reserve $318,600 or 15 percent of its $2,124,000 HOME allocation for use by local community housing development organizations (CHDOs) which meet the definition of a CDHO established under 24 CFR 92.2. In March 1992, the City of Charlotte Community Development Department contacted those local nonprofit organizations which it has reason to believe either already qualify as a CHDO or may wish to become a CHDO for the purpose of applying for HOME funds under the CHDO set-aside. The organizations were informed of the anticipated availability of the funds, CHDO eligibility requirements, eligible uses of HOME funds under the CHAS and the anticipated procedure for applying for the funds.

Subject to City Council approval, the procedure for distributing the funds will be as follows. After the City receives its HOME allocation, it will issue a Request for Proposals from CHDOs for project-specific assistance in carrying out eligible activities consistent with the City's CHAS and HOME Program Description. Accordingly, selection criteria to be developed will target projects involving housing rehabilitation and acquisition activities. As set forth at 24 CFR 92.300(c), up to 10 percent of the total CHDO set-aside may be awarded for project-specific predevelopment costs described under 24 CFR 92 301

While actual expenditures are difficult to anticipate at the present time, it is estimated that Charlotte's entire CHDO set-aside will be obligated within the required 18 months, and that the 10 percent eligible to be spent for project-specific predevelopment costs will be loaned to one or more CHDOs for that purpose. Based upon projected current rates of demand and the restrictions on eligible uses noted above, it is anticipated that the funds will be loaned for projects involving acquisition and/or rehabilitation of single-family or multi-family housing located in the City's 21 targeted census tracts.

The City has begun providing technical assistance to local housing nonprofits in determining their potential status as CHDOs and formulating project proposals for eligible activities. Before disbursing any HOME funds awarded under the CHDO set-aside, the City will execute a written agreement with the project sponsor. Such written agreements will include at a minimum all provisions required under 24 CFR 92.504. The City will monitor HOME projects sponsored by CHDOs for compliance with all HOME program requirements and adherence to standards of financial accountability and performance stipulated in the written agreement.

(3) Affirmative Marketing Policies and Procedures. As it currently does for units assisted under the Rental Rehabilitation Program, the Community Development Department shall require that HOME-assisted housing units be affirmatively marketed to all racial, ethnic and gender groups in the housing market area as required under 24 CFR 92.351. Owners of HOME-assisted housing for sale or rent will be required to demonstrate a good faith effort to provide information and otherwise attract tenants or buyers in the market area who might be unlikely to apply for the housing without special outreach. Good faith effort may include, but is not limited to, the following steps to be undertaken by borrower/owners (which are currently written into Rental Rehabilitation loan agreements):

(a) Marketing the units to persons on the City's Relocation Workload and the Section 8 Waiting List of the Charlotte Housing Authority;
(b) Using the Equal Housing Opportunity logotype or slogan in advertising units for rent or sale;
(c) Notifying organizations with an interest in fair housing, such as Neighborhood Housing Services, Crisis Assistance Ministry, Metrolina Independent Living Center, neighborhood CDCs, churches, Family Housing Services or similar organizations, of the availability of the HOME-assisted units; and
(d) Cooperating with the City in evaluating the affirmative marketing efforts undertaken and the results of those efforts.

In addition to requiring the above actions of owners/borrowers, the City of Charlotte will

(a) Inform the public and potential buyers or tenants about federal fair housing laws and the City's affirmative marketing policy;
(b) Keep records describing the actions taken by the City and owner/ borrowers to affirmatively market units and, to the extent discernible, the results of those actions;
(c) Conduct an annual review of the City's affirmative marketing program to determine the success of affirmative marketing actions and any necessary corrective actions; and
(d) Where corrective action is deemed necessary to ensure compliance with the requirements of 92.351, such action will be taken.

(4) Minority and Women's Business Enterprise Outreach Efforts. In 1982 the City of Charlotte established a comprehensive Minority and Women's Business Enterprise (MWBE) program which is supported by official statements of public policy and headed by a ranking staff person with ongoing oversight responsibilities.

City departments are required to make routine and widely disseminated notice of their status as Equal Employment Opportunity and Affirmative Action Agencies, and to notify the MWBE Office and the general public of all MWBE bid and contract opportunities by Requests for Proposals and bid notices. The MWBE Program Office maintains and provides to City departments and contractors an inventory of appropriate, potential bidders certified by the City as MWBEs and provides technical assistance to MWBEs to assist them with City contract procurement procedures. City departments and contractors are required to report quarterly on MWBE participation in contract awards to the MWBE Office. This information is maintained in centralized records, provided to the City Manager's Office quarterly for use in evaluating departmental and contractor performance, and published in an annual report available to the public.

In an effort to promote maximum participation by minorities and women, and firms owned by minorities and women, in the provision of affordable housing authorized under the HOME Investment Partnership Act, the City of Charlotte's Community Development Department will administer the HOME program and award HOME contracts in full compliance with the City's MWBE policies and procedures and the requirements of 24 CFR 92.350.

CITY OF CHARLOTTE, NORTH CAROLINA

HOME INVESTMENT PARTNERSHIPS PROGRAM

CERTIFICATIONS

In accordance with the HOME Investment Partnerships Act and with 24 CFR 92.150 of the Home Investment Partnerships Program Rule, I, Richard Vinroot, authorized as Mayor to act on behalf of the City of Charlotte, North Carolina, do certify that:

A. Before committing any funds to a project, the City will evaluate the project in accordance with guidelines it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

B. The City of Charlotte does not intend to use HOME funds for new construction to facilitate a neighborhood revitalization program, obviating the need for the certification required by 24 CFR 92.209;

C. The City of Charlotte does not intend to use HOME funds for new construction on the basis of special needs, obviating the need for the certification required by 24 CFR 92.210;

D. The City of Charlotte does not intend to use HOME funds for tenant-based rental assistance, obviating the need for the certification required by 92.211.

E. The submission of the program description is authorized under State and local law, and that the City of Charlotte possesses the legal authority to carry out the HOME Investment Partnerships Program in accordance with HOME regulations;

F. The City of Charlotte will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at CFR Part 24 and the requirements of 24 CFR 92.353;

G. The City of Charlotte will use HOME funds pursuant to its Comprehensive Housing Affordability Strategy (CHAS) approved by HUD and in compliance with all requirements of 24 CFR Part 92;

H. The City of Charlotte will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about:

   (a) The dangers of drug abuse in the workplace;

   (b) The participating jurisdiction's policy of maintaining a drug-free workplace;

   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and

   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);

4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will--

   (a) Abide by the terms of the statement; and

   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under paragraph 4(b), with respect to any employee who is so convicted--

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

The site for the performance of work done in connection with this grant is:

Charlotte-Mecklenburg Government Center
600 East Fourth Street
Charlotte, North Carolina 28202; and

I. And, to the best of my knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the City of Charlotte, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph (h) of this certification be included in the award documents for all subawards, at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

_____
Name and Title

_____ _____
Signature Date

EXHIBIT A

Concentration of Substandard Housing
1990 Survey

CITY OF CHARLOTTE, NC: 21 TARGETED CENSUS TRACTS

Source: Urban Institute

29 OCT 16 11:19
COMMUNITY DEV

CHARLOTTE

Request for Council Action

#7
Cell

To the City Council from the City Manager

Action Requested
Request City Council at its October 28, 1991, meeting to receive the Community Development and Housing Committee's recommendation to approve the City's Comprehensive Housing Affordability Strategy (CHAS) for submission to the U. S. Department of Housing and Urban Development (HUD) by October 31, 1991.

Responsible Department
Community Development

APPROVED BY CITY COUNCIL
OCT 28 1991
Pat Starkey
City Clerk

This request should be organized according to the following categories
Background Explanation of Request Source of Funding Clearances Bibliography

Background:
The Comprehensive Housing Affordability Strategy (CHAS) is a five-year plan that creates a new opportunity and challenge for communities to have influence on local housing policies and programs. The CHAS is a new planning document required by the recent housing law, National Affordable Housing Act (NAHA) of 1990, also known as the Cranston-Gonzalez Act. The CHAS replaces the Housing Assistance Plan (HAP) under CDBG programs and the Comprehensive Homeless Assistance Plan (CHAP) under McKinney Act programs and incorporates the City's Housing Policy Plan.

The NAHA mandates that every City and State eligible for funding under the NAHA housing programs and under the Community Development Block Grant (CDBG) program submit a CHAS to HUD once every five years and submit an annual update in each of the intervening four years. The deadline for submitting the CHAS to HUD is October 31, 1991.

NAHA is the first substantial renewal of Federal housing policies in a decade. It re-authorizes funding for several existing housing programs and authorizes the creation and funding of important new housing programs, i.e. HOME and HOPE.

New Resources
The Act authorized expenditures of $1.5 billion in 1992 for HOME affordable housing programs to be distributed nationwide as grants to entitlement jurisdictions. As an entitlement jurisdiction, Charlotte would receive $2 million at the current negotiated funding of $1.5 billion. Eligible activities for HOME funds include rehabilitation - moderate and substantial, new construction, site improvements, acquisition and tenant-based rental assistance. At least 15% of the City's allocation must be set aside for projects that are sponsored by a neighborhood-based organization.

Funding for the rest of the programs authorized by the Act are as follows:

HOPE I (Public & Indian)	$161 million
HOPE II (Multi-Family)	$ 95 million
HOPE III (Single Family)	$ 95 million
Elderly Independence	$ 10 million
Shelter Plus Care	$ 37.2 million for Section 202 Rental Assistance
	$ 73.3 million for Section 8 Mod. Rehab. SRO

These funds will be distributed through competitive application.

The CHAS, in its simplest terms, is a structured attempt to think through the significant housing issues faced by low- and moderate-income households, elderly and disabled households, and homeless population in a city, and to describe ways in which that city will utilize Federal housing dollars over the next five years to address those issues. The Federal Government is asking communities to think about how, why and where they will spend new Federal housing dollars before they receive these dollars. Once in place, the CHAS will serve as a management tool to determine the City's housing investment decisions.

The CHAS document consists of five components: Part one, the Needs Assessment, summarizes available data on the current housing needs of the homeless, other special needs population and of income eligible families. Part two, Market and Inventory Conditions, summarizes local market and inventory characteristics, including trends in population, household formation and housing. Part three, Strategies, integrates the review of needs and conditions in a structured format to determine priorities for investment over the ensuing five-year period. Part four, Resources, reviews various types of resources needed and anticipated to be available to implement the strategy (including resources for homelessness, as well as private, Federal and public resources and plans for coordination and use of the Low-Income Housing Tax Credit. The final part, Implementation, translates the five-year strategy and the available resources into plans and goals for the number of families to be assisted in the ensuing year.

The following is a brief summary of the needs, market inventory and resources documented or identified in this CHAS:

(1) 1988 HAP data illustrates there are 16,513 households of low-income renters with housing problems or housing conditions that are substandard, overcrowded or unaffordable (more than 35% of their income).

(2) The low-income renters that cannot locate decent, affordable housing are comprised of 15.5% elderly, 75.5% small family and 9% large family households.

(3) No data was readily available for homeowners that cannot locate decent, affordable housing.

(4) The general consenus of homeless care providers is that the total homeless population is in the 2,000-3,000 range (sheltered and unsheltered). Included in this estimated range (conservatively counted at 938) are the hidden homeless or near-homeless, a more elusive population, defined as persons currently doubling up with friends or relatives or persons threatened with eviction because shelter payments are sufficiently behind.

(5) According to Metrolina AIDS staff, an estimated 250 individuals had AIDS in September 1991 in Charlotte.

(6) Special needs service providers state that 1,500 people that have disabilities will require housing over the next 5 years and 3,509 elderly have special housing needs.

(7) The 1990 Census indicates a total population of 395,934 - 66% White, 32% Black, 1% Hispanic and 1% American Indian, Asian or Pacific Islanders. Charlotte's population increased an estimated 21,687 people (417,621) through annexation of five county areas on July 1, 1991.

(8) According to the 1990 Census data:

- There are 158,991 occupied housing units or households (51% owner-occupied units, 42% renter occupied and 7% vacant units).

- There are 170,430 housing units; a surplus of 11,519 units over the number of households or occupied housing units.

(9) 1988 HAP data indicates there were 7,165 residential units deteriorated or substandard in Charlotte.

(10) Approximately 735 housing units were demolished since 1986.

(11) A 1990 Housing Quality Survey prepared by the Urban Institute of UNCC shows that the City's current deteriorated residential structures are approximately 4,645 units and dilapidated residential structures are 900 units.

(12) The Urban Institute attributed the few dilapidated structures requiring major repairs or demolition to the City's vigorous code enforcement and rehabilitation program.

(13) An inventory of assisted housing shows 6,796 units of HUD-assisted housing (Section 202, 236 and public housing units; site specific Section 8 and NC Housing Finance Agency), 580 constructed units from the Innovative Housing Fund excluding other HUD assisted units and 1,957 units of Section 8 voucher/certificates that are tenant based, for an overall total of 9,333 units of assisted housing in the City of Charlotte.

(14) Charlotte Housing Authority's current waiting list is 7,640 families.

(15) In April 1991 the average monthly market rate rental was $427 which requires a minimum annual income of $17,000 to afford.

(16) In April 1991 the average house sale price in Charlotte was $114,000 requiring a minimum annual income of $38,000 to afford.

Summary of CHAS Development Process

On April 8, 1991, a two-part public hearing was held by City Council to obtain comments from citizens on CDBG Program expenditures for FY92 funds and to solicit citizens' input on local housing needs in order to prepare the Comprehensive Housing Affordability Strategy (CHAS). A combined public hearing was held for the convenience of the citizenry to accommodate its interest in both the CDBG expenditures and CHAS.

Advertisements notifying citizens of the combined public hearing were placed in the Charlotte Observer on March 24, 1991 and March 31, 1991 and in the Charlotte Post on March 29, 1991 and April 5, 1991.

A second public hearing was held on April 17, 1991 at the Charlotte-Mecklenburg Government Center by the Community Development Department staff. The second hearing was held in order to receive additional citizens' comments on housing needs for the CHAS and to review CDBG program performance and recommended program activities. This hearing was advertised in the Charlotte Observer on April 14, 1991 and in the Charlotte Post on April 5, 1991 and April 12, 1991.

Citizen response to the two public hearings was limited. Therefore, in assessing the City's housing needs for CHAS, the Community Development Department staff updated the housing needs assessment made in the City's existing HAP, CHAP and local Housing Policy Plan using available 1990 census data and other resources.

Also, contact was initiated with agencies involved in the local housing delivery system and agencies providing services to the homeless, elderly, persons with AIDS and the mentally and physically disabled. These providers communicated updated statistics and information on the needs of their constituents. The Charlotte Housing Authority was contacted to get current data on public housing. All of this information was incorporated into the working draft of the CHAS.

The working draft of the CHAS was distributed on August 23, 1991 to community groups, non-profit organizations and various housing and social service providers that are involved in providing housing to the Charlotte residents who earn 80% or less of the area's median income (AMI). (The list of organizations receiving the draft CHAS is attached as Exhibit A, and the organizations that responded is attached as Exhibit B). The release of the working draft began the 60-day public comment period. A brief statement on the CHAS content and purpose appeared in the Charlotte Observer on August 27, 1991 and the Charlotte Post on August 28, 1991. Copies of the working draft was made accessible to citizens in the area to review on

August 23, 1991 at the Main Public Library, 310 N. Tryon Street, and the Mecklenburg County Government Center, 600 E. Fourth Street, second floor, in the Public Service & Information (PSI) Center.

Meetings were held with the housing providers which requested a meeting with Community Development staff in order to comment on the CHAS. (Exhibit C indicates persons that requested a meeting.) Comments received on the working draft of the CHAS were incorporated into a revised CHAS.

On October 7, 1991 a City Council workshop was held to inform City Council members and the public of the housing issues, background and recent housing accomplishments, community needs and strategies to meet the housing needs. Individuals from agencies involved in the City's housing delivery system were involved in planning the workshop and were asked to offer their perspective on local housing needs. (Lists of workshop participants and invitees to the workshop are attached as Exhibit D.) An effort was made to identify for City Council and residents major policy concerns the City is facing day-to-day and on which guidance is needed to enable the City to work effectively for the citizens of Charlotte.

On October 14, 1991, City Council's Community Development and Housing Committee met to continue the discussion of major policy considerations and to develop strategies for utilizing new federal funds to increase the supply of affordable housing. The Committee recommended approval of the CHAS by City Council and made minor revisions to the CHAS. The minutes of the CD & Housing Committee meeting are attached as Exhibit E and indicate the points of discussion.

Proposed Strategy for HOME Funds

The priority ranking established for utilizing HOME funds by the City is as follows:

1. Acquisition
2. Rehabilitation
3. New Construction
4. Tenant-based Rental Assistance

Charlotte's first and second priorities for assistance over the next five years is preservation of existing dwelling units through an aggressive City acquisition/disposition policy (ADP) and rehabilitation, both moderate and substantial. This policy choice is based partly on market conditions and partly on the assumption that acquisition and rehabilitation of eligible properties is often more cost effective than new construction. It is also predicated on the belief that a transfer of ownership of eligible properties to non-profit agencies will result in a longer-term solution to the affordability problem than alternative policy choices aimed exclusively at strengthening demand, i.e. expanding local rent subsidies. The City believes that acquiring and rehabilitating the existing housing stock represents the best opportunity to increase quality, quantity and affordable housing for residents, both renters and homeowners.

The third priority will be new construction in permissible areas as defined in the locational policy criteria and neighborhoods where there is few or no assisted housing units. The fourth priority is rental assistance for

low-income renters. An adequate data base showing the real need for Federally-assisted housing in the community will be developed. (The Executive Summary of the CHAS is attached as Exhibit F which gives an in-depth analysis on the priority use of funds.)

Anticipated resources for the 1992 fiscal year will be the City's Entitlement CDBG Program ($3,800,000); Emergency Shelter Grant ($86,000); HOME ($2,000,000); a $17,500,000 mortgage pool established by a consortium of six banks in 1990 available for single-family home mortgages and the Innovative Housing Fund ($4,500,000).

With these anticipated resources for 1992, it is expected that 370 units of decent, affordable housing will be provided to low-income families. Numerous other families and individuals will receive assistance through remedial education for youth, job creation from loans to businesses from two revolving loan funds, code enforcement and housing services counseling.

Attached for your information as Exhibit G is the CHAS.

Explanation of Request:
Request City Council to receive the Community Development and Housing Committee's recommendation to approve the Comprehensive Housing Affordability Strategy (CHAS) for submission to the U. S. Department of Housing and Urban Development by October 31, 1991.

Source of Funding:
None. However, the CHAS will enable the City to be eligible to receive funding from the CDBG and NAHA housing programs.

Clearances:
Community Development and Housing Committee.

Bibliography:
Documentation is on file in the Community Development Department.

Wayne Evans Auction Company

Wayne Evans Auction Company (Columbus, Ga.) submitted the best overall proposals based upon the City's criteria and therefore received the highest ranking. In addition to submitting the best overall proposals, Wayne Evans Auction Company absorbs the costs of two major expenses previously incurred by the City -- expenses that the other proposers address as "added" expenses. These expenses which are absorbed by Wayne Evans Auction Company are explained below:

1. Brochures: 10,000 2-color. Based on the last auction's actual costs, a net savings of $5,158.07 (1.03%) will be realized. This will also increase our potential bidders list by 4,000 or 40% at no additional cost.

2. Mechanic: Wayne Evans Auction Co. will provide (at no additional cost) an experienced, full-time mechanic, service truck and appropriate tools to provide set up and perform mechanical services, i.e. replacing wires, spark plugs, coils, batteries, etc. to ensure that everything possible is running and in operational order. Based on our last auction, the City will realize a net savings of $3,484.25 in outside labor costs, and $2,900.00 in internal labor costs for a total savings of $6,384.25 or 1.27% of the estimated auction proceeds.

   When these actual costs (2.3%) are deducted from the quoted commission rates for both Proposals the adjusted commission rates are actually reduced to 4.65% and 4.55%, respectively. (a .35% /.45% reduction, or $1,750.00) from our previous contract).

   Wayne Evans Auction Company's proposal also offers services not previously received by the City that will enhance the auction process while providing for expense savings in outside services, internal costs and staff time. The actual savings will be more clearly defined and accounted for after the first sale conducted by Wayne Evans Auction Company and are explained below:

   - Using the Auctioneer's mechanic, we will draw parts needed from our inventory or purchase from our vendors at contract prices. This method will allow us to maintain more accurate records of funds spent and actual parts used, as well as avoid a percentage mark up on parts costs.

- Wayne Evans Auction Company has agreed to contract with the towing company, coordinate delivery to the sale site without any cost mark up. This is a time consuming & cumbersome task. Other proposers agreed to handle this service but at a fee of up to 20% over cost.

- A staffed, mobile office - with telephones, facsimile machine, computer, etc. - will be on site two weeks prior to the sale. This service will save a significant amount of time.

- Two sound-equipped auction trucks will be provided. A back up sound system is required. This is the only company that provides two complete mobile units, minimizing the delay should a system fail. Having two units will also expedite the sale process by reducing set up time involved in moving from section to section at the auction site.

The savings between Proposal # 1 and Proposal # 2 is $500.00. Based on this and the other findings of the Auction Review Committee, it is recommended that Wayne Evans be awarded a contract for Auctioneer Services for Proposal # 1.

Host International

1. In 1986 the City awarded Host International a lease providing the exclusive concession to news/gifts sales in the passenger terminal at the airport, following an extensive process of competitive bidding during which all interested participants were given a full opportunity to compete.

2. In 1986 the airport contemplated there would be an extensive relocation of news/gifts concession locations and the lease was drafted to provide a term of five years and to give the City an option to require Host to negotiate a 10 year extension at the City's option. At that time all potential concessionaires were advised that even though the lease term was short the City most likely would extend the term of the lease through negotiations rather than rebidding.

3. In 1986 there were discussions underway with Piedmont Airlines to rearrange and expand the terminal concession area. Construction on this project was anticipated to begin in 1988 and be completed in 1990. Having nothing to do with Host, the news/gifts concession expansion of the terminal and relocation and expansion of concession areas has been delayed. Construction is now underway with completion scheduled for 1993.

4. Rebidding at this time would present transition difficulties for the airport as required dates for closing of existing shops and opening of new shops is spread over a 2 year period. (i.e. a new concessionaire would be required to come in and upfit a shop for a 1 year period)

5. Host has invested considerable monies in expanded and additional facilities on the concourses (i.e. duty free and news/gift stand on Concourse D which opened in April 1990) Airport would be obligated to purchase unamortized investment from Host.

6. Host bid a minimum annual guarantee of $1.2 million anticipating expanded facilities during their initial 5 year lease. They have paid the guarantee but have not benefited from expanded facilities.

7. Host has met DBE commitments despite DBE subcontractors failure to pay rentals timely.

8. Host has 38 years experience in airport merchandising and currently operates news/gifts locations at Boston, New York, Minneapolis/St. Paul, Baltimore, Tampa, Dallas, Phoenix, Chicago, Denver and a number of other airports.

Ernestine Harris Loan

What is Council being asked to approve?
City Council is requested to approve a loan agreement with Ernestine Harris for $64,684 to refinance and rehabilitate her home located at 2029 Parson Street.

Why is the City doing this?
Ernestine Harris applied for a rehabilitation loan for her house as a result of code enforcement action. Rehabilitation of the property will bring the home at 2029 Parson Street into compliance with the City's Housing Code. The refinancing of her existing first mortgage balance of $7,985 with Metmor Financial, Inc. and her existing second mortgage balance of $16,400 with David Kinney Realty will allow the City to be in a first lien position and will reduce the City's risk of exposure to foreclosure.

What are Council's options?
1. Approve a $64,684 loan to rehabilitate and refinance Ernestine Harris' home.
2. Approve a $40,299 loan to Ernestine Harris to rehabilitate her house and not refinance her existing mortgages which leaves the City in third lien position.
3. Not to approve the loan agreement with Ernestine Harris.

How much will this cost?
The breakdown of total costs are:

Rehabilitation Cost	$35,954
Contingency	3,595
Attorney Fees/Closing Costs	750
Refinancing 1st Mortgage	7,985
Refinancing 2nd Mortgage	16,400
TOTAL LOAN AMOUNT	$64,684

Background:

- Homeowner: Ernestine Harris
- Address: 2029 Parson Street
- Age: 44
- Family Composition: Ernestine Harris and 11 year old daughter
- Monthly Income: $1,299.49
- Source of Income: Charlotte-Mecklenburg Board of Education and Irby's Salon of Beauty
- Household Income: 48% of median income for a family of two

- Analysis of household income:

Gross Monthly Income	$1,299.49
Less Federal Taxes	- 51.88
	$1,247.61
	x 30%
Available for Housing	$ 374.28
Less Taxes & Insurance (Est.)	- 70.65
Available for Loan Payment	$ 303.63

- Council's approved Standard Rehabilitation Program states that a family is to pay no more than 30% of their gross monthly income, less federal taxes, toward housing expense. (Housing expenses are defined as principal and interest payments, real estate taxes and insurances.)

- Type of assistance:

Loan Amount	$64,684
Interest Rate	3%
Term	30 Years
Monthly Payments	$272.96

- After rehabilitation appraised value of property: $60,000

Tri-Party Agreement

Why is the City doing this?
As a result of code enforcement action to property at 217 Goff Street, 316 Frazier Avenue and 325 South Cloudman Street, it was determined that the houses had aged beyond their economic life and they could not be feasibly repaired and required demolition. The owner-occupants of these houses were placed on the City's relocation workload. The City's Relocation Local Option Policy provides replacement housing benefits to owner-occupants when their houses are to be demolished.

How much will this cost:
The construction loan to New Vision Homes will be $169,023. The construction loan will be provided at 0% interest to New Vision Homes from CDBG replacement housing funds and will be repaid to the City through the permanent financing of the houses using the City's Replacement Housing Program. The three permanent loans will be as follows:

Eunice B. Pressley and Gloria P. Rains	$64,107
Barbara A. Clark	$56,257
Jerry Osborne	$55,958

New Vision Homes will be required to provide the City with an Irrevocable Letter of Credit for $169,023 to guarantee the construction of the houses.

What is citizen input on this issue?
The homeowners, Eunice Pressley, Barbara Clark and Jerry Osborne have reviewed the plans and costs of the proposals and have chosen New Vision Homes as the builder.

Background:

- Community Development Department solicited proposals from interested developers through a Request for Proposals (RFP) process.

- The RFP process involved the following actions:

  - RFPs mailed on January 17, 1992 to nineteen (19) potential developers.

  - Proposals received from seven (7) developers on February 6, 1992 from the following developers:

    1. Roberts Construction/United Construction
    2. New Visions Homes
    3. R. Arnell Homes
    4. Eddins Construction
    5. Persis Construction
    6. Potter Associates
    7. American Family Homes

- An Evaluation Committee, consisting of three housing professionals, was established to review and rate each of the proposals. There was not a consensus among the Committee members regarding the proposals. However, New Visions Homes was ranked either first or second by all members.

- Exhibit A gives the background and loan analysis for each homeowner.

- The Selection Rehabilitation Program's criteria was used to determine the homeowner's ability to pay. It states that a family is to pay no more than 30% of their gross monthly income less federal taxes toward housing expense. (Housing expenses are defined as principal and interest payments, real estate taxes and insurance.)

EXHIBIT A

- Homeowner: Eunice B. Pressley
- Address: 325 S. Cloudman Street
- Age: 70

- Placed on the relocation workload on April 5, 1991 through code enforcement action due to fire damage to her house and insufficient insurance to complete the repairs.

- Mrs. Pressley has lived in this property for over 20 years and wishes to remain in the neighborhood.

- Family Composition: Mrs. Pressley, her daughter and four grandchildren

- Mrs. Pressley and her daughter, Mrs. Gloria Rains, will jointly purchase the new replacement house.

- Monthly Income: $ 397.00 (Mrs. Pressley)
  591.56 (Mrs. Rains)
  433.33 (Mrs. Rains)
  $1,421.89
- Source of Income: Social Security (Mrs. Pressley)
  Wachovia Bank (Mrs. Rains)
  Child Support (Mrs. Rains)
- Household income: 37% of the median income for a family of six

- Analysis of Household Income:

Gross Monthly Income:	$1,421.89
Less: Federal Taxes	- 47.67
	$1,374.22
	x 30%
Available for Housing	$ 412.27
Less: Taxes & Ins. (Est.)	- 93.53
Available for Loan Payment	$ 318.74

- Council's approved Standard Rehabilitation Program states that a family is to pay no more than 30% of their gross monthly income, less federal taxes, toward housing expense. (Housing expenses are defined as principal and interest payments, real estate taxes and insurance.)

- Type of Assistance:
  Loan Amount: $64,107
  Interest Rate: 3%
  Term: 25 Years
  Monthly Payment: $303.87

- Breakdown of Total Cost:

Purchase Price of Replacement House	$62,607
Attorney Fees/Closing Costs	1,500
Total Loan Amount	$64,107

- Homeowner: Barbara A. Clark
- Address: 217 Goff Street
- Age: 38

- Placed on relocation workload on August 26, 1991 through code enforcement action.

- Ms. Clark has lived in this property for 14 years and wishes to remain in the neighborhood.

- Family Composition: Barbara Clark
- Monthly Income: $865.80
- Source of Income: Quincy's Family Steak House
- Household income: 36% of the median income for a family of one

- Analysis of Household Income:

Gross Monthly Income:	$865.80
Less: Federal Taxes	-118.90
	746.90
	x 30%
Available for Housing	$224.07
Less: Taxes & Ins. (Est.)	- 82.84
Available for Loan Payment	$141.23

- Council's approved Standard Rehabilitation Program states that a family is to pay no more than 30% of their gross monthly income, less federal taxes, toward housing expense. (Housing expenses are defined as principal and interest payments, real estate taxes and insurance.)

- Type of Assistance:

Loan Amount:	$25,447
Interest Rate:	3%
Term:	20 Years
Monthly Payment:	$141.23

DPL Amount:	$30,810
Interest Rate:	0%
Term:	20 Years or due and payable at the death of Ms. Clark or the sale, rental or refinancing of her house.

Total Assistance: $56,257

- Breakdown of Total Cost:

Purchase Price of Replacement House	$51,958
Attorney Fees/Closing Costs	1,500
Refinancing Delinquent Property Taxes	2,799
Total Loan Amount	$56,257

- Homeowner: Jerry M. Osborne
- Address: 316 Frazier Avenue
- Age: 44

- Placed on the Relocation workload in December 1989 through code enforcement action.

- Mr. Osborne inherited this property about 10 years ago and had lived there for 10 years prior to that. He wishes to remain in the neighborhood.

- Family composition: Jerry Osborne
- Household income: 44% of the median income for a family of one
- Monthly Income: $1,033.33
- Source of Income: Self-employed caddie with PGA tour

- Analysis of Household Income:

Gross Monthly Income:	$1,033.33
Less: Federal Taxes	- 40.33
	$ 993.00
	x 30%
Available for Housing	$ 297.90
Less: Taxes & Ins. (Est.)	- 85.35
Available for Loan Payment	$ 212.55

- Council's approved Standard Rehabilitation Program states that a family is to pay no more than 30% of their gross monthly income, less federal taxes, toward housing expense. (Housing expenses are defined as principal and interest payments, real estate taxes and insurance.)

- Type of Assistance:

Loan Amount:	$38,297
Interest Rate:	3%
Term:	20 Years
Monthly Payment:	$212.55
DPL Amount:	$17,661
Interest Rate:	0%
Term:	20 Years or due and payable at the death of Mr. Osborne or the sale, rental or refinancing of his house.
Total Assistance:	$55,958

- Breakdown of Total Cost:

Purchase Price of Replacement House	$54,458
Attorney Fees/Closing Costs	1,500
Total Loan Amount	$55,958

Mandatory Referral Report No. 91-32
Charlotte-Mecklenburg Planning Commission

Exchange of Boyce Road Park Property for Right-of-Way on Sardis Road

Project Proposal and Justification

The proposal consist of an exchange of property within Boyce Road Park for right-of-way on Sardis Road. The park property consists of .578 acres and is isolated across a small creek opposite the park (see attached map). The new alignment will bring the property line of the park to the center line of the creek. The Charlotte Christian School has encroached on the property with the development of new ball fields. The right-of-way to be acquired consists .498 acres and will be used for the widening of Sardis Road in front of the school.

Project Impacts and Relation to Other Public/Private Projects

In developing their new ball fields, Charlotte Christian School encroached on the park by realigning the creek and separating the property shown from the park; this has made the .578 acres unusable for park facilities. Also, the school has cleared the park property, creating an unsightly view from the park. The exchange of property will provide the school with compensation for the right-of-way needed to widen Sardis Road.

Project Cost

There will be no exchange of funds associated with this project.

Recommendation

Planning staff recommends the exchange of property be approved. With the exchange, staff also recommends that the school plant pine seedlings along their side of the creek to serve as a buffer between the cleared property and the park.

Planning Commission Recommendations

The Planning Committee approved staff recommendation at their meeting on November 19, 1991.