

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael Barnes
Nancy Carter
Andy Dulin
Anthony Foxx
Patsy Kinsey

John W. Lassiter
Don Lochman
James Mitchell, Jr.
Patrick Mumford
Warren F. Turner

CITY COUNCIL WORKSHOP

Monday, May 7, 2007

Room 267

- 5:00 p.m. Dinner**
- 5:15 p.m. Economic Development: Cultural Arts Facilities Update**
- 6:00 p.m. Legislative Update**
- 6:30 p.m. Technology and Business Improvement Process**
- 7:00 p.m. Environment: Recommended Changes to the Pond and Dam Policy**
- 7:15 p.m. City Manager's Report: Metropolitan Transit Commission/City Council Meeting**
- 7:30 p.m. Citizens' Forum
Room 267**

Request for Council Action: Approve Demolition Ordinance for Structure at 4001 Sofley Road

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Cultural Arts Facilities Update

COUNCIL FOCUS AREA: Economic Development

RESOURCES: Debra Campbell, Planning
Bob Bertges, Wachovia
Michelle Haas, Engineering & Property Management

KEY POINTS:

- In September 2006, City Council approved agreements to move forward on construction of five cultural facilities.
- On October 9, City Council reviewed the building architecture and conceptual site plan design for the Wachovia cultural facilities.
- This briefing will provide an update on the following:
 - Wachovia Cultural Facilities
 - Design
 - Landscape/Hardscape
 - Budget
 - Schedule
 - MWBE participation
 - Discovery Place Renovation

COUNCIL DECISION OR DIRECTION REQUESTED:

None is required at this time.

ATTACHMENTS:

None.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Legislative Update

COUNCIL FOCUS AREA: All Focus Areas

RESOURCES: Boyd Cauble
Ron Kimble

KEY POINTS:

- The focus of this presentation will be to share information on:
 - Status of Charlotte's legislative items for 2007
 - Other key areas of concern on some of the 3,400+ bills introduced this year
 - Possible strategies to achieve success on our initiatives:
 - Contacts to be made/by whom
 - Assistance from League of Municipalities/Metro Coalition/Other Mecklenburg Towns/Mecklenburg County
 - Who else can help us/how can we partner

COUNCIL DECISION OR DIRECTION REQUESTED:

Identification of key issues for Town Hall Day on May 9.

ATTACHMENTS:

None.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Corporate Business and Technology Strategies for “*One Business: Putting Citizens First*”

COUNCIL FOCUS AREA: All Focus Areas

RESOURCE: Curt Walton

KEY POINTS:

- Staff will provide Council with information regarding the business and technology strategies under development in response to Council’s strategic theme of Comprehensive Citizen Service.
- Since the early 90s the City has been optimizing its individual business units through right-sizing, privatization/competition, and benchmarking efforts.
- The next level of optimization concentrates on the common business areas shared across the business units. Specifically, the Citizen Relationship Management, Asset Management, and Work Management common business functions will be addressed.
- Technology and business strategies have been created to support the optimization of these three common business functions. They will help the organization by reducing unnecessary duplicative resources, spreading the cost of common resources across the organization, leveraging existing investments, and improving the efficiency of the related business processes.

COUNCIL DECISION OR DIRECTION REQUESTED:

None at this time.

ATTACHMENTS:

Technology Guiding Principles

City of Charlotte
Corporate Guiding Principles for Technology

The following guiding principles for managing the City's technological investments were put into place in 2005:

- Adopt a unified and simplified citizen view of City services
- Focus on "Run the Business", with business defined as the comprehensive range of all City services available to our citizens
- Continuation of the status quo is not acceptable – change will occur
- Implement a single technology solution whenever common customers and business needs are served, whether internal or external, with any exception to be approved by the City Manager
- Enable citizens and field employees to access information and accomplish tasks as expeditiously as possible
- Reallocate a portion of existing technology-related funding in KBU budgets to new technologies
- Cost effectiveness is a key factor in technology investment decisions
- Strive to leverage existing enterprise applications to reduce costs
- Information in all its forms is an organizational-wide strategic resource and must be shared across operational lines
- Achievement of the above will be done corporately, collaboratively and expeditiously

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Recommended Changes to the Pond and Dam Policy

COUNCIL FOCUS AREA: Environment

RESOURCES: Daryl Hammock, Engineering & Property Management

KEY POINTS:

- Charlotte City Council adopted a Pond and Dam policy in 1998.
- There are about 1000 existing ponds in Charlotte's sphere of influence.
- Most ponds are on private property, are deteriorating, and are often in disrepair.
- Ponds are useful water quality (remove pollutants) and water quantity (control flood waters) management tools.
- As ponds fail, these public benefits are lost, which is inconsistent with regulatory drivers.
- Last fall, Council members raised questions about the City's pond policy and this briefing is to help address those questions.
- Over the last several months, staff has also been studying possible changes to the policy. This briefing will also summarize the recommended changes to the pond policy.
- The proposed pond policy preserves and enhances the benefits.
- The policy revisions permit staff to consider a wider variety of sites for repairs, ensuring that the most cost-beneficial decisions are made to achieve these goals.
- Staff will continue to have the option of not making improvements to ponds and dams based on cost and benefit criteria.
- The Storm Water Advisory Committee provided input and supports the policy change.
- There is no funding increase associated with this change.

OPTIONS:

Council may adopt the revised policy as recommended by staff or may make changes to the proposed policy.

COUNCIL DECISION OR DIRECTION REQUESTED:

On May 29, the Council will be asked to approve the recommended changes to the Pond and Dam Policy.

ATTACHMENTS:

Original Pond and Dam Policy – 1998

Revised Pond and Dam Policy – 2007

City of Charlotte
Engineering & Property Management Department
Storm Water Services

July 1, 1998

Charlotte Storm Water Services (CSWS) Pond and Dam Policy:

The Pond and Dam Policy is a screening tool used to define public benefit for existing privately owned wet ponds. A pond or dam will qualify for city-funded maintenance only when it can be demonstrated that the pond provides significant flood control, pollution control, and/or safety benefit. Presence of these factors determine public benefit. In general, proper maintenance of the dam and pool of privately owned wet ponds will continue to be the responsibility of the private owner. The CSWS Pond and Dam Policy will be used in the repair and maintenance of ponds, lakes, and dams in the City of Charlotte Storm Water Services maintenance jurisdiction.

Minimum Requirements to Qualify for Service

To qualify for service under the policy a pond must not be receiving a storm water fee credit, and the pond/dam must not be a land development required facility. Also, to qualify for service the following requirements must be met:

- Pond/lake must receive runoff from a public street,
- Owner must donate a permanent maintenance/conservation easement
- Pond/lake must have a minimum drainage area of 25 acres,
- Pond must have a mean depth greater than or equal to 3 feet, and
- Pond/lake must have a minimum surface area to drainage area ratio as listed in the attached table

OR

- The dam must pose a significant and impending hazard to public property (i.e. a road on the crest of the dam)

OR

- The pond must currently provide, or be able to provide in the future, a significant flood control benefit downstream that represents cost avoidance for the City. (i.e. flood protection of homes, roads, etc.)

Concerns such as algae control, mosquitoes, fish kills and trash removal must be addressed either through other governmental services or individuals, and not through this policy.



Minimum Surface Area to Drainage Area Ratios (Percent) for Wet Ponds

Percent Impervious	Average Permanent Pool Depth (feet)						
	3	4	5	6	7	8	9
10	0.59	0.49	0.43	0.35	0.31	0.29	0.26
20	0.97	0.79	0.7	0.59	0.51	0.46	0.44
30	1.34	1.08	0.97	0.85	0.7	0.64	0.62
40	1.73	1.43	1.25	1.03	0.9	0.82	0.77
50	2	1.73	1.5	1.33	1.09	1	0.92
60	2.39	2.03	1.66	1.51	1.29	1.17	1.1
70	2.75	2.27	1.96	1.79	1.48	1.35	1.29

From: Storm Water BMP's, NCDEHNR, November 1995 (15A NCAC 2H.1000)

Implementation:

Ponds and dams, which meet the minimum requirements listed above, will be ranked by order of highest public benefit following a detailed engineering analysis of the pond/dam (performed by the City). The repairs will begin on the highest ranking ponds after all required maintenance easements have been obtained, subject to the availability of funds for these capital repairs.

The policy will make use of a set of ranking factors which are not part of the policy, and which will be used to quantify the level of public benefit. The City reserves the right to perform a benefit-cost study for any pond/dam service, and disqualify a pond/dam that fails to provide enough benefit to justify the cost. An owner or resident may elect to share the cost of service with the City to preserve a pond/dam to cover the non-public benefits it provides the residents. Additionally, policy-specific easement/conservation easements will be used to protect the City's capital investment.



Charlotte Storm Water Services



Title: **Pond and Dam Policy**

ID #: **POL-27**

Division/Program Manager: **Jim Schumacher**

Approval: _____

Original Date: **7/01/98**

Revised Date: **3/6/07**

Revision #: **1**

Introduction

- Maintenance of the dam and pond of privately owned wet ponds/lakes is the responsibility of the private owner(s). A pond and dam will qualify for City-funded improvements and maintenance only when it is determined by the City that the pond/lake provides significant public benefits, such as flood control, pollution control, and/or safety.
- Dam structures subject to the State Dam Safety Law are under the purview of the NC Department of Natural Resources. Dam modifications required by the state do not qualify for City funding unless the City Engineer determines that appropriate public benefits can also be achieved in accordance with this policy.
- The control of issues such as algae, mosquitoes, fish kills, and trash removal is not a public benefit that qualifies for maintenance or improvements through this policy.

Requirements for study

The following conditions as evaluated by the City Engineer must be met in order to qualify for study and consideration of City funding for dam and pond improvements:

- The pond/lake must provide, or be able to provide, a significant flood control benefit downstream of the structure, that represents cost avoidance to the City in the construction and maintenance of drainage infrastructure.

OR

- The pond/lake must provide the opportunity to remove at least 10,000 pounds of pollutants annually.

OR

- The dam must pose a significant threat and impending hazard to public property, such as a public street.

OR

- The pond/lake is part of a larger, comprehensive watershed management plan or water quality plan.

AND

- The pond/lake is not a regulatory requirement associated with residential or commercial development.
- The pond/lake is not receiving a storm water fee credit.
- The owner(s) dedicate drainage and/or conservation easements at no cost to the City and sign maintenance agreements, all as determined appropriate by the City Engineer.

Implementation

- Ponds and dams that qualify for study through the above criteria will be evaluated, as City funding allows, to determine the extent of public benefits that can be achieved by improvements and/or ongoing maintenance.
- The City Engineer may allow the owner(s) to contribute to the cost of the analysis and improvements to address existing or potential private benefits and schedule drivers.
- Ponds and dams that are determined to provide, or have the ability to provide, significant public benefits will be ranked by criteria including cost/benefit ratios, flood control benefits, water quality benefits, safety, infrastructure needs, and coordination with other City investments and policies.
- The highest ranking pond and dam improvement projects will be submitted for funding in accordance with the City's Capital Improvement Budgeting Process.

Demolition Request for 4001 Sofley Road

Action: Approve demolition ordinance for structure at 4001 Sofley Road.

Staff Resource: Walter Abernethy, Neighborhood Development

Explanation

- On June 8, 2006, a petition to inspect the property at 4001 Sofley Road, signed by seven neighbors, was submitted to Code Enforcement.
- An order was issued to the property owner to remove or demolish the structure on or before January 18, 2007.
- The existing tenant was relocated in December 2006 due to the unsafe condition of the mobile home.
- On April 23, 2007, Code Enforcement recommended to City Council that a demolition ordinance be approved for the mobile home at 4001 Sofley Road. The City has declared the structure as unsafe and the occupant of the structure was recommended for relocation because of the dangerous conditions identified.
- The Council deferred the decision for two weeks in order for staff to respond to questions raised at meeting. Below are brief responses to the questions. Also, refer to the attachments for more detailed information.

- **What will happen to Mr. Hughes if demolition is approved?**

Mr. Hughes indicated that this is his permanent address and that he has been living in the mobile home since February 2007. According to Mecklenburg County tax records, Mr. Hughes owns at least 17 other tax parcels in Mecklenburg County. Most parcels are occupied with mobile homes and one parcel is developed with a 2,400 square foot single family residence.

Mr. Hughes is not eligible for relocation assistance from the City because he has not lived in the mobile home during the code enforcement process. Housing Code regulations state that it is illegal for anyone other than the original tenant to occupy or reoccupy a dwelling after a complaint notice has been received or an order to demolish has been issued.

- **Does the owner have the financial capability to make the repairs to the structure?**

Staff has no information to attest to Mr. Hughes's financial capability. The cost to make repairs is \$7,800. The tax value of the structure is \$1,200. Please refer to the attachments for a summary of the violation list.

- **Is the mobile home connected to the water, sewer and electrical system?**

The water has been disconnected since March 1, 2007. The mobile home does have a sewer connection. CMUD is currently not billing the address for sewer

services. According to Duke Energy, the mobile home has had power since December 17, 2005, which may have been disconnected at the breaker box.

○ **Did staff try to work with Mr. Hughes while he was the landlord of the property?**

Yes, Mr. Hughes, the owner of the structure did not attend the initial hearing to discuss whether or not the Housing Code violations or conditions exist on the property, nor did he appeal the demolition order to the Housing Appeals Board. Mr. Hughes claims to be living in the structure and making repairs. He has not obtained any of the required repair permits. Mr. Hughes has admitted to illegally removing the posted unsafe sign from the property and has ignored staff's requests for replacement.

Upon reinspection of the property on April 13, 2007, the inspector found the property had been partially cleaned up and that minor and insufficient repairs had been made. Each violation was explained to Mr. Hughes, as well as the need to procure permits for the work. Mr. Hughes was also advised that it is illegal to occupy a dwelling after a demolition order is issued.

○ **Does Mr. Hughes consider this his permanent address?**

Mr. Hughes asserts that 4001 Sofley Road is his permanent address and that he has been living in the mobile home since February 2007, although he owns 17 other properties in Mecklenburg County. In addition, per the property reinspection on April 13, 2007, the mobile home did not appear lived in, as there were no furniture or floor coverings.

○ **Did the elderly woman who previously lived in the mobile home have water and power?**

Yes, per the inspector of record.

○ **Has any criminal activity taken place on the property?**

Charlotte-Mecklenburg Police Department records indicate one arrest, nine other documented offenses and 25 calls for service since 2004.

Funding

Cost to demolish is \$3,500, which is funded out of the In-Rem Account.

Attachments

Demolition Ordinance

Citizen Petition for Inspection

Summary of Housing inspection check list for 4001 Sofley Road

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4001 SOFLEY ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF AUSTIN HUGHES 6542 RUMPLE ROAD, CHARLOTTE, NC 28262

WHEREAS, the dwelling located at 4001 Sofley Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 4001 Sofley Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Assistant City Attorney

GENERAL INFORMATION	
Property Address	4001 Sofley Road
Neighborhood	Neighborhood Statistical Area 40- Sugaw Creek / Ritch Ave
Council District	#1
Owner(s)	Austin Hughes
Owner(s) Address	6542 Rumble Road Charlotte, NC 28262
KEY FACTS	
Focus Area	Housing & Neighborhood Development & Community Safety
Neighborhood Assessment Ranking	Challenged
CODE ENFORCEMENT INFORMATION	
◆ Reason for Inspection:	Petition
◆ Date of the Inspection:	09/08/2006
◆ Filed Lis Pendens:	10/19/2006
◆ Title report received:	10/30/2006
◆ Owner(s) notified of Complaint and Notice of Hearing by advertisement and certified mail by:	11/24/2006
◆ Held hearings for owner(s) by:	12/5/2006
◆ Owner(s) ordered to demolish structure by:	12/29/2006
◆ Owner(s) have not repaired, or complied with order to demolish.	
◆ Structure occupied:	No
◆ Demolition cost:	\$3,500
◆ Lien will be placed on the property for the cost of Demolition.	

NOTIFICATION TO OWNER

Owner and parties of interest have been advised that failure to comply with the Order to Demolish the structure would result in City Council being requested to approve demolition by the City and a lien being placed on the property for the cost of demolition.

OPTIONS

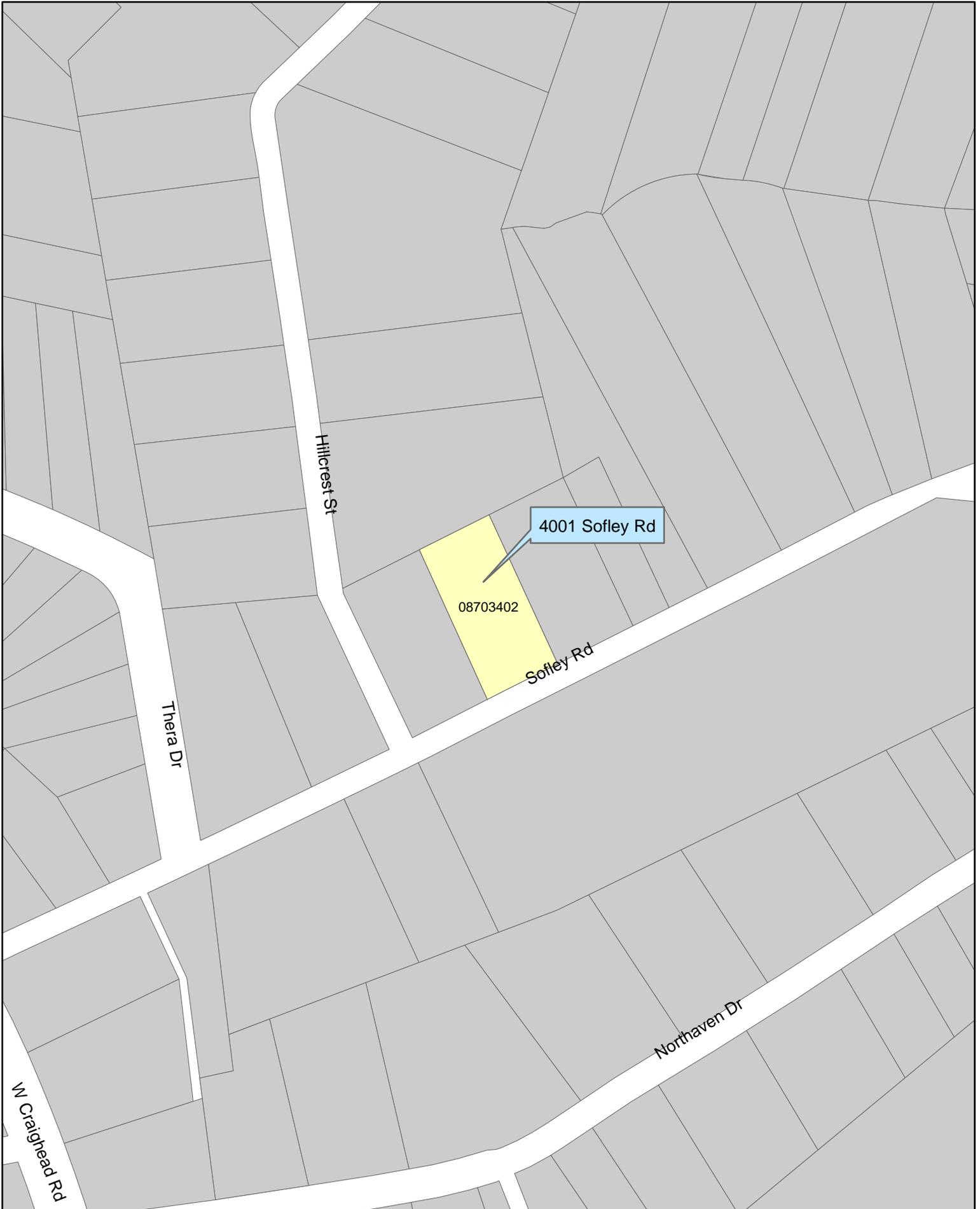
IN-REM REPAIR	REHAB TO CITY STANDARD	REPLACEMENT HOUSING	DEMOLITION
Estimated In-Rem Repair Cost: \$7,800	Acquisition & Rehabilitation Cost	New Replacement Structure Cost	Demolition Cost \$3,500
In-Rem Repair is not recommended because the In-Rem Repair cost is greater than 65% of the tax value.	Acquisition and rehabilitation are not applicable, because this is a mobile home	Replacement housing is not applicable, because this structure is in a mobile home park.	

RECOMMENDATION FOR DEMOLITION

Demolition is recommended because:

- Estimated In-Rem Repair cost of: \$7,800, which is 650% of the structure tax value which is \$1,200.
- City rehab costs analysis is not applicable.
- New construction analysis is not applicable.
- Violations include: Electrical, structural and plumbing violations.
- The age of the mobile home is unknown.

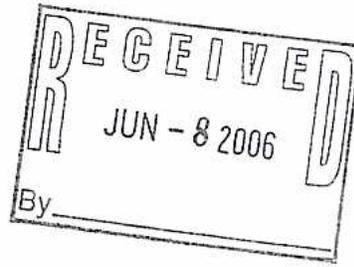
4001 Sofley Road



4001 Sofley Road



June 6, 2006



City of Charlotte
Neighborhood Development Department
Attention: Mike Jenkins
600 East Trade Street
Charlotte, NC 28202

Reference: Property & Dwelling Concerns
4001 Sofley Road
Charlotte, NC 28206

Dear Mr. Jenkins,

Please review the enclosed information concerning the above mentioned property.

- 1) Signed Petition
- 2) Photos of property

We have several issues with the property and the actual dwelling. As you can see from the enclosed pictures, the sides of the trailer are coming off, exposing the insulation which has mold and mildew. The smell is so strong that we can smell it at our house next door. The under pinning is also decaying and falling off the trailer. We are also concerned for the ladies living there. One of them is in her eighties.

The other issues are rats, septic tank problems, parking of cars/trucks without tags, the grass continually needs cutting and there is a good deal of trash in the back yard.

Thank you for your immediate attention to this matter. If you need any additional information, please feel to contact one of us at following numbers.

Jim Beach 704 - 597 - 4231 Direct Line
Lynn Beach 704 - 789 - 0169

Regards,

A handwritten signature in cursive script that reads "Jim Beach".

Jim Beach

June 6, 2006

Petition To Inspect Property
4001 Sofley Road
Charlotte, NC 28206

We the undersigned, are requesting that the above property be inspected by the City Inspector. Please review the attached photos showing the condition of the trailer. There is a terrible smell of mold and mildew coming from the dwelling which we can smell every time we go outside.

Name: JAMES BEACH Jim Beach
Address: 4003 SOFLEY RD

Name: Lynn Beach Lynn Beach
Address: 4003 Sofley Road

Name: MOSES LAVIEN, OM Lam
Address: 3925 SOFLEY ROAD, CHARLOTTE, NC 28206

Name: Pamela Miller Pamela Miller
Address: 4013 Sofley Rd Charlotte, NC 28206

Name: Rene Spoto Rene Spoto
Address: 813 Thru Dr. Charlotte, NC 28204

Name: Rosie Spoto Rosie Spoto
address: 812 Thru Dr. Charlotte NC 28204

Name: Becky Phelps Becky Phelps
address: 4735 Northaven Dr. Charlotte NC 28206

Name: _____
address: _____

Summary of Inspection Check List
4001 Sofley Road

Space and Use

11-77(m) – Door(s) not provided at all doorways leading to bedrooms, toilet rooms, bathrooms, and all rooms adjoining a public space

Back right and left bedroom doors not closing properly/left bedroom door hole/door jambs missing damaged both bedrooms

11-77(n) – All doors providing access to living unit do not have operable locks. Owner shall provide a change of locks, or keys for new tenants (DANGEROUS)

Sliding glass door lock not operable

11-77(o) – All doors opening to the outside not reasonably weathertight

Front door/sliding glass door not weathertight/glass in sliding glass door broken

11-77(p) – Smoke detector or alarm inoperable or missing (DANGEROUS)

Not operable

11-77(q) – Carbon monoxide alarm inoperable or missing (DANGEROUS)

Missing

Light and Ventilation

11-78(c) – Window screen(s) do not fit snugly

Missing

11-78(c) – Window screen(s) mesh torn or defective

Missing/damaged

11-78(d) – Window screen(s) are permanently fixed, or fastened

Missing/damaged

11-78(g) – Window(s) are not reasonably weathertight

Sill/casing living room damaged/decayed

11-79(b) – Platforms, steps/handrails provided to serve exits not maintained in safe condition (DANGEROUS)

Front deck-rim joist sagging/nails protruding from deck/railing loose rear deck nails protruding/railing not to code and loose

Plumbing Requirements

11-80(a) – All plumbing *to be installed* shall be installed in accordance with the State Building Code

Water heater not installed to code/missing pop off valve/cut off valve/need plumbing and electrical permit

11-80(c) – Fixtures not operable

Faucets/tub/toilet left side not operable

11-80(e) – Water closet loose and/or leaking

Toilet loose

11-80(f) – Shower stall floor/wall leaking
Shower door off its hinges

11-80(i) – Lavatory not installed
Caulk around sink

Heating Facilities

11-81(a) – Dwelling unit not capable of being adequately heated and weatherproof
HVAC not wired properly/need electrical and mechanical permit

Electrical Facilities

11-82(a) – Electrical receptacle(s), ceiling fixture(s), or other fixtures hanging loose
Throughout/receptacle outside

11-82(e) – Unsafe wiring observed (DANGEROUS)
Panel box/and window a/c units pigtailed

11-82(g) – Circuits overloaded

11-82(i) – All wiring *to be installed* shall be installed in accordance with National Electrical Code
Need electrical permit/panel box missing dead front/wiring exposed at HVAC units

Structural Standards

11-83(a)(1) – Beneath the building, firm ground, reasonably dry, properly drained and no water running under building conditions not maintained
Underpinning damaged

11-83(b)(1) – Floor decayed and/or termite damage and/or fire damaged and/or broken, overloaded or sagging sills (DANGEROUS)
Floor sagging in kitchen/bathroom

11-83(b)(7)(8) – Flooring loose and/or not reasonably level
At kitchen and living room

11-83(c)(5)(6) – Siding not weathertight, with holes or excessive cracks and/or decayed boards or loosing siding observed
Siding in rear damaged coming off

11-83(d)(3) – Wall material is loose
Paneling warped throughout/molding loose or missing

11-83(e)(5) – Ceiling finish is loose
Water leak in kitchen

11-83(g)(3) – Post and/or railings not structurally sound
Front and back deck

11-83(h)(3) – Post(s) and/or railing(s) not firmly fastened and maintained
Front and back deck