AGENDA

Meeting Type:	WORKSHOP
Date:	08/03/1987

City of Charlotte, City Clerk's Office

August 3 Council Workshop

A G E N D A

5:00 p.m. - Tree Ordinance

5:25 p.m. - Coliseum

6:05 p.m. - Dinner

6:20 p.m. - Sanitation System

7:20 p.m. - Freedom Park

7:55 p.m. - Bond Referendum Discussion

8:30 p.m. - Subdivison Ordinance Review

Tree Ordinance

The Charlotte Tree Advisory Commission has had Chapter 21 of the City Code under study for over a year. On March 24, 1986, we conducted a public meeting to request input from citizen groups that might be affected by the proposed changes. This public meeting resulted in several changes. Attached is a summary of the key recommendations and an ordinance that shows the current requirements and all recommended changes.

SUMMARY OF PROPOSED
TREE ORDINANCE CHANGES

(CHAPTER 21 OF CITY ORDINANCE)

1. Number of members on the Tree Commission

   It is proposed to increase the number of members from 10 to 12. The Tree Commission feels these two new seats would allow wider representation for the people of Charlotte.

   Additional Cost: None

2. Protection of trees within the street right-of-way

   Rewording of current ordinance provisions will help preserve more City owned street trees. This would require greater protection of our trees than is currently provided.

   Additional Cost: None

3. Collection for damage to street trees

   This rewording will more specifically detail the current ordinance provisions for collecting the value of street trees damaged illegally. This wording is recommended by the City Attorney's Office.

   Additional Cost: None

4. Tree preservation in designated setback areas

   This proposal would require preservation of significant trees within setback areas. This applies only to newly developed commercial and multi-family sites. Also, it would require tree protection plans for those trees and a permit to remove large trees within the setback areas. Property currently zoned single family is excluded.

   Additional Cost: Since this would require a more detailed review of site plans and additional site visits, one professional and 1/2 administrative support person would be required ($32,500).

5. Tree planting requirements

   There would be an increase in the number of perimeter and internal trees to be planted on commercial and multi-family sites. The size of the planting area to grow trees will be larger. There will be a higher percentage of large maturing trees planted as a result of these changes and, therefore, a greater impact upon our community.

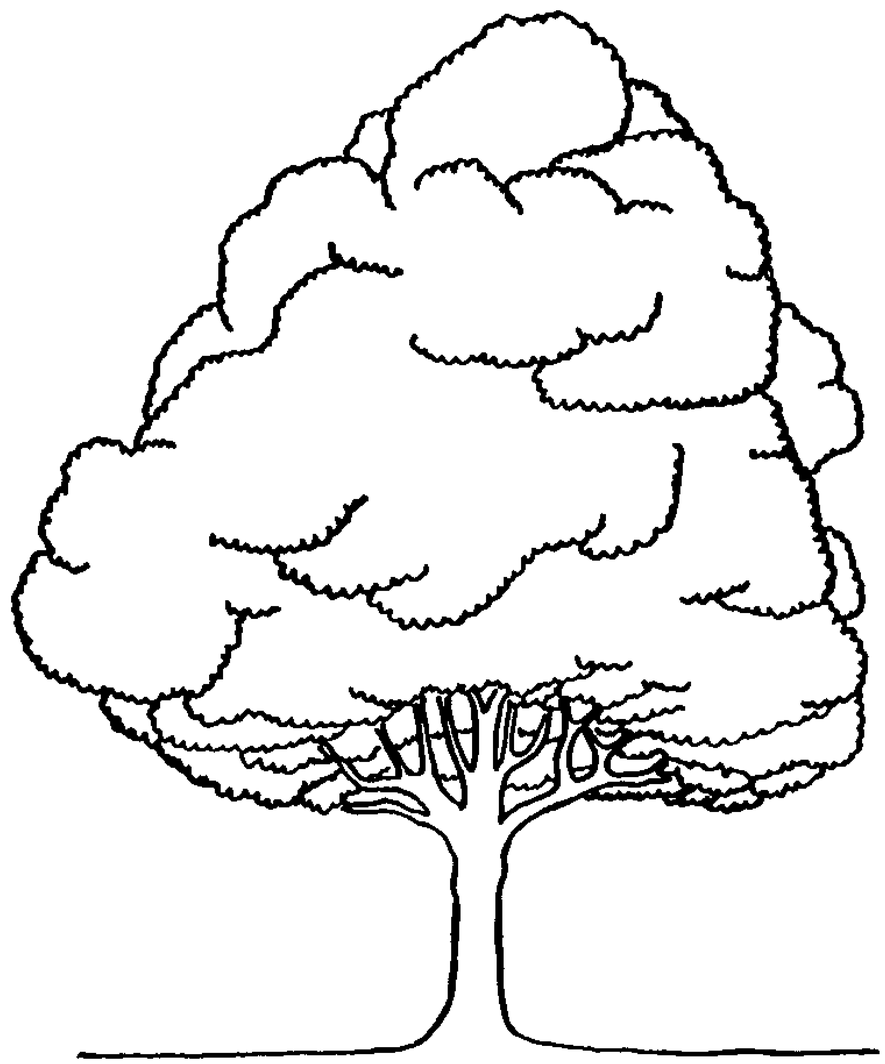
   Additional Cost: This change would require a more detailed review of site plans and the ability to negotiate site and parking changes. One professional and 1/2 administrative support person would be required ($32,500).

6. Utility specifications (private and public)

   A review of all utility specifications for pruning and trenching would take place every two years.

   Additional Cost: None

If all proposed changes are adopted, the total budget demand would be $65,000 in addition to current funding levels.



The Charlotte Tree Advisory Commission

Proposed Changes to
Chapter 21 "Trees" City Code

JULY 1, 1987

Chapter 21

TREES

ARTICLE I. IN GENERAL

Sec. 21-1. Purpose and intent.

The purpose of this chapter is to regulate and control the planting of trees and shrubbery, to encourage the protection of existing trees and shrubbery in the streets and public grounds within the city, to regulate the preservation, replacement and indiscriminate removal of trees on private property at both new developments and alterations to previous developments, and to establish procedures and practices for fulfilling these purposes
(Code 1961, § 22-1, Ord No 1287, § 1, 1 10 83)

Sec 21-1 Purpose and intent
The purpose of this chapter is to regulate and control planting of trees and shrubbery, to vigorously encourage the protection of existing trees in the street and public grounds within the City, including where their root systems extend onto private property, regulate the preservation, replacement and indiscriminant removal of trees on private property on both new developments and alterations to previous developments, and to establish procedures and practices for fulfilling these purposes

Sec. 21-2. Tree advisory commission.

The city council may establish a tree advisory commission This commission may from time to time make recommendations relative to trees and shrubbery to the city manager or his authorized representative. The tree commission shall be composed of ten (10) members, a majority of whom shall be residents of the city Five (5) of the members shall be appointed by the city council and three (3) of the members shall be appointed by the mayor The remaining two (2) members shall be representatives of the landscaping division They shall be ex-officio members and shall be present at meetings when so requested by the secretary of the tree commission. Those members appointed by the mayor and city council shall serve terms of three (3) years and no member appointed by the mayor and city council shall be eligible to serve more than two (2) consecutive full terms
(Code 1961, § 22 2; Ord No 1016, § 1, 7-27-81, Ord No 1287, § 1, 1 10-83)

Sec. 21-2. Tree Advisory Commission.

The City Council may establish a Tree Advisory Commission This Commission may from time to time make recommendations relative to trees and shrubbery to the City Manager or his authorized representative The Tree Commission shall be composed of twelve (12) members, a majority of whom shall be residents of the City Six (6) of the members shall be appointed by the City Council and four (4) of the members shall be appointed by the Mayor The remaining two (2) members shall be representatives of the Parks and Recreation Department and shall be ex-officio members Those members appointed by the Mayor and City Council shall serve terms of three (3) years and no member appointed by the Mayor and City Council shall be eligible to serve more than two (2) consecutive full terms Member terms shall be appointed on a staggered basis, so that no more than five (5) of the ten (10) appointed seats become vacant at one time

Sec. 21-3. Superintendent of park operations—Jurisdiction, duties and authority.

(a) For the purpose of carrying out the provisions of this chapter, ~~the superintendent of park operations, in conjunction with the city arborist~~, shall have the jurisdiction, authority, control, supervision and direction over all trees and shrubs planted or growing in or upon the ~~streets between the sidewalk and the curbline~~, and on public grounds within the city, and the planting, removal, care, maintenance and protection thereof In addition, they shall have the authority to regulate the preservation, replacement and indiscriminate removal of trees on private property as set out in article III of this chapter ~~The superintendent of park operations~~ shall also have the responsibility of enforcing this chapter

the Director of the Parks and Recreation Department or his designee,

public right-of-way

The City Arborist

~~(b) The superintendent of park operations shall be responsible for formulating a master street tree plan The master street tree plan shall specify the species of trees to be planted on each of the streets or other public sites in the city Prior to its publication, the plan shall be presented to the tree commission for review and recommendation as may be necessary From and after the effective date of the master street tree plan, or any amendment thereof, all planting shall conform thereto All tree planting, maintenance and removal is to be performed by the staff of the park operations division in accordance with the master street tree plan~~

(b) The City Arborist shall be responsible for formulating a master street tree plan The master street tree plan shall specify the priorities, standards, and guidelines for tree planting on streets and other public sites in the city Prior to its publication, the plan shall be presented to the Tree Commission for review and recommendation as may be necessary From and after the effective date of the master street tree plan, or any amendment thereof, all planting shall conform thereto All tree planting, maintenance and removal is to be in accordance with the master street tree plan

The plan

(c) ~~The superintendent of park operations~~ shall consider existing and future utility and environmental factors when recommending a specific species for each of the streets and other public sites in the city

(d) The ~~superintendent of park operations and~~ the city arborist shall have the authority to review all requests for permits for any planting, removal and/or trimming or cutting of trees in any public area They shall also have the authority to attach reasonable conditions to these permits and to grant or deny permits
(Code 1961, § 22-3, Ord No 1287, § 1, 1 10-83)

Sec. 21-4. Same—Authority to treat or remove trees or shrubbery on private grounds.

(a) ~~The superintendent of park operations~~ The City, under the power herein given, may cause or order to be removed any tree or part thereof on private grounds which is in an unsafe condition, or which, by reason of its nature, is injurious to sewers or other public improvements, or is affected with an injurious fungus, insect, or other pest.

(b) The ~~superintendent of park operations or his agents~~ City, shall have the power to enter upon any private grounds in the city and to spray, or otherwise treat or cause or order to be sprayed or otherwise treated, any tree or shrub infected or infested by any parasite, insect or pest, when it shall be necessary in his opinion to do so to prevent the breeding or scattering of any parasite or animal pest, and to prevent danger therefrom to persons or property or to trees and shrubs planted in the public streets or other public places

(c) Whenever, in the opinion of ~~the superintendent of park operations~~ The City, trimming or treatment or removal of any such tree or shrub located on private grounds shall be deemed wise, ~~the superintendent of park operations or a member of his staff~~ the City shall have the power to trim, treat or remove any such tree or shrub, or cause or order the same to be done.

(d) Prior to exercising the authority conferred by this section, ~~the superintendent of park operations~~ the City shall give the owner or occupant an opportunity to correct the condition by ordering that corrective action be taken. The order shall be in writing to the owner or occupant of the property in question and shall be acted upon within ten (10) days from the date of the receipt of the order If, after ten (10) days, the owner or occupant has not corrected the condition or undertaken action that would lead to a timely correction of the condition, then the ~~superintendent of park operations~~ City is authorized to enter upon the property, perform the work necessary to correct the condition, and to bill the owner or occupant for the actual costs incurred
(Code 1961, § 22-4; Ord No 1287, § 1, 1-10 83)

SECTION 21-5 Definitions

As used in this Chapter, unless the context otherwise requires, the words listed below shall have the following meaning:

Caliper. Diameter measurement of the trunk taken six (6) inches above ground level for trees up to and including four-inch caliper size Measurement shall be taken twelve (12) inches above the ground level for larger trees

City. Director of the Parks and Recreation Department, Superintendent of Park Operations, City Arborist, or their designated agent.

Department The Parks and Recreation Department

DBH (diameter breast height) The diameter of a tree four and one-half (4½) feet above the average ground level

Drip Line A vertical line running through the outermost portions of the tree crown extending to the ground

Homeowner A tenant or owner of an existing single-family or duplex residence

Impervious Cover Buildings and paved areas

Large Maturing Tree Any tree whose height exceeds 35' at maturity

Paved Area. Any ground surface covered with concrete, asphalt, stone, gravel, brick or other paving material

Person A public or private individual, corporation, company, firm, association, trust, estate, commission, board, public or private institution, utility cooperative, or other legal entity

Planting Strip or Area Ground surface free of paved material which is reserved for landscaping purposes

Small Maturing Tree Any tree whose height is less than 35' at maturity

Subdivision Any piece of land divided into two or more lots for the purpose of single family and/or duplex development

Topping Any pruning practice that results in more than ⅓ of the foliage and limbs being removed This includes pruning that leads to the disfigurement of the normal shape of the tree

Tree Protection Zone A distance equal to the designated zoning district setback or 40 feet from the front property line, whichever is less

ARTICLE II. PUBLIC PROPERTY

Sec. 21-21. Trimming, pruning, planting and removal of trees on public property; permit required.

(a) Except as provided herein, any person desiring to remove, destroy, cut, severely prune, including the root system, or treat any tree or shrub in or upon any public street or public property owned by the city, its agencies, boards, authorities and commissions, shall first obtain a written permit from the city arborist on forms furnished by the park operations division Any work performed under such permit must be done in strict accordance with the conditions of the permit and provisions of this chapter

(b) Individual permits shall not be required of public and private utility companies which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the city-county utility department), provided that, the company's written pruning and trenching specifications have been first approved by the park operations division and reviewed by the tree commission provided, however, that, requests for removal of trees shall be handled on an individual permit basis.

(c) Any person desiring to plant a tree or shrubbery upon any public street or public place must also obtain a permit from the park operations division However, before issuance of a permit to plant, the request must also be reviewed by the city's transportation department to determine if the proposed planting would create a sight distance hazard or sidewalk restriction
(Code 1961, § 22-5; Ord No 1287, § 1, 1 10-83)

Sec. 21-21. Trimming, pruning, planting and removal of trees on public property; permit required.

(a) No person shall remove, destroy, cut, severely prune (including the root system) or otherwise treat any tree or shrub having its trunk in or upon any public property or contract with another person to perform such acts without first obtaining a written permit from the City Arborist and without complying strictly with the provisions of the permit and provisions of this chapter

(b) Public and private utilities shall submit written specifications for pruning and trenching operations to the City Arborist for approval Upon approval of its specifications, a utility shall not be required to obtain a permit for routine trenching and pruning operations affecting trees or shrubs having their trunks on public streets or property as long as such work is done in strict accordance with the approved specifications Requests for the removal of trees shall be handled on an individual permit basis Failure to comply with the approved specifications *is a violation of this* ordinance.

(c) No persons shall plant, or contract with another to plant, any tree or shrub in any public street or public place without a permit from the City

(d) The person(s) performing the work and person(s) contracting for the performance shall be jointly and severely liable for any penalties or other enforcement action imposed pursuant to this chapter or other provisions of law on account of work performed in violation of this ordinance

(e) Individual permits will not be required for City and/or NCDOT projects so long as tree preservation and protection requirements are included in the project plans, contract special provisions, and approved by the City Arborist

Sec. 21-22. Injuring trees or shrubbery on public places.

(a) It shall be unlawful for any person, except with written permit, to place or maintain upon the ground in any public street or public place, any stone, cement or other impervious matter or substance in such a manner as may obstruct the free access of air and water to the roots of any tree or shrub in any such street or place This provision shall not apply to the paving, repairing or altering of the public streets, sidewalks and other public places by the city.

~~(b) It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure, to place a guard or protector around any tree on public ground so as to prevent injury to such tree arising out of such erection, repair, alteration or removal The ex tent of area enclosed shall be determined by the su perintendent of park operations or his reprsentative to protect the root zone of the street trees on public property If the erection, repair, alteration or re moval of any structure shall require the trimming, pruning or removal of any tree upon public ground, a written permit shall be obtained as provided in section 21 21~~

(c) It shall be unlawful for any person to attach to any tree or shrub in or upon any public street or public place, or to the guard or stake intended for the protection of such tree, rope, wire, chain, sign, or other device whatsoever, except for the purpose of protecting it or the public
(Code 1961, § 22 6; Ord No 1287, § 1, 1 10 83)

(b) No person shall perform, or contract with another to perform, construction work (including the operation or storage of equipment or materials) within the drip line of any tree or shrub having its trunk on any public street or public property without first obtaining a permit from the City Arborist and complying with requirements which may include requirements that protective enclosures be erected at designated locations The drip line of a tree or shrub is the vertical line running through the outer most portions of the branches of the tree or shrub to the ground

(d) Damages to City trees in violation of the provisions of this Ordinance shall be computed by the City Arborist, using the standard Tree Evaluation Formula provided by the International Society of Arboriculture, and charged to the property owner No claims shall be made more than 5 years after damage can be proven to have occured

Sec. 21-23. Trees, shrubs, etc., adjacent to public property to be kept trimmed; responsibility of owner ~~and superintendent of the park operations division~~.

(a) Trees, vines, bushes, shrubbery or flowers standing in or upon any lot or land adjacent to any public street or public place and having branches, limbs, trunks, or other parts projecting into the public street or place shall be kept trimmed by the owner or occupant of the property on which such vines, trees, bushes, shrubbery or flowers are growing so as not to interfere with the free and safe passage along the public way by pedestrians and vehicular traffic.

(b) If the owner or occupant of such property does not keep this growth from projecting into or on public ground, ~~then the superintendent of park operations~~ the City shall have the authority to order its removal The order shall be in writing to the owner or occupant responsible for such growth and shall be acted upon within ten (10) days from the time of the receipt of the order If, after ten (10) days, the owner or occupant has not responded or acted to remove the projecting growth from such vines, trees, bushes, shrubbery or flowers, then ~~the superintendent of park operations or any member of his staff~~ the City shall have the authority to enter upon the property to perform his work
(Code 1961, § 22 7, Ord No 1287, § 1, 1-10-83)

Sec. 21-24. Planting plan required where more than twenty-five trees to be planted.

(a) Any person desiring to plant more than twenty five (25) trees, shrubs, or vines in or upon the streets between the sidewalk and the curbline and public grounds within the city shall, in addition to applying for a permit, submit a planting plan or written statement in duplicate to the ~~superintendent of park operations~~ City Arborist, who shall return one copy to the applicant and keep one copy on file with the city ~~The superintendent of park operations shall review and approve before issuing a permit to plant~~

(b) All planting plans shall show accurately

(1) The proposed street width, together with its subdivision of pavement, curb and gutter, parking strip and sidewalk areas to a definite indicated scale.

(2) The proposed location of each and every proposed tree, shrub or vine, together with the location of each existing tree, shrub or vine within the proposed street line in scaled relation to the other features of the plan

(3) The variety of each and every tree, shrub or vine proposed to be planted and of those already existing within the proposed street lines, either indicated on the plans or referenced with a number to a key list

(4) The distance, in feet, between trees, shrubs or vines in any one row

(5) The nature of the soil in the planting space to a depth of three (3) feet, and all existing and proposed surface of subsoil drainage system.

(c) All statements filed in lieu of a planting plan shall contain the same information as required on the plan

(Code 1961, § 22 8, Ord No 1287, § 1, 1 10-83)

Sec. 21-25. Tree preservation and/or planting required on public property.

~~It shall be unlawful for the owner of public property to fail to comply with section 21-44 Sec tions 21 42(3), 21-41, and 21 45 through 21-49, shall also apply to public property as well as to private property~~
(Code 1961, § 22-8 1; Ord No 1287, § 1, 1 10 83)

SECTION 21-25 TREE PRESERVATION AND/OR PLANTING REQUIRED ON PUBLIC PROPERTY

It shall be unlawful for the owner of public property to fail to comply with the provisions of this chapter

Secs. 21-26—21-40. Reserved.

ARTICLE III. PRIVATE PROPERTY

Sec. 21-41. Definitions.

As used in this article, unless the context otherwise requires, the words listed below shall have the following meanings.

Caliper Diameter measurement of the trunk taken six (6) inches above the ground level for trees up to and including four-inch caliper size Measurement shall be taken twelve (12) inches above the ground level for larger trees

DBH (diameter breast height). The diameter of a tree four and one-half (4½) feet above the average ground level.

Drip line. A vertical line running through the outermost portions of the tree crown extending to the ground.

Homeowner A tenant or owner of an existing single-family or duplex residence.

Paved area. Any ground surface covered with concrete, asphalt, stone, gravel, brick or other paving material.

Person. A public or private individual, corporation, company, firm, association, trust, estate, commission, board, public or private institution, utility cooperative, or other legal entity

Planting strip or area. Ground surface free of paved material which is reserved for landscaping purposes
(Code 1961, § 22-10; Ord No 1287, § 1, 1 10 83)

Cross reference—Definitions and rules of construction generally, § 1 3

(Moved to SECTION 21-5)

Sec. 21-42. Property to be excluded from the provisions of this article.

This article shall apply to all developers and/or owners of real property, with the following exclusions

(1) Homeowner of a single family or duplex residence

(2) Property to be developed for single family or duplex residential uses

(3) Property zoned B 3 central business district and urban residential district

(Code 1961, § 22 9; Ord No 1287, § 1, 1-10 83)

This article shall apply to all developers and/or owners of real property involved with the erection, repair, alteration or removal of any building or structure, as well as the grading in anticipation of such development. The following are exclusions from this section These exclusions apply to only this section and not to other provisions of this chapter or other parts of the City Code, such as, Zoning Regulations on screening

(1) Homeowner of a single-family or duplex residence

(2) Property to be developed for single-family or duplex residential uses

(3) Property zoned UMUD (Urban Mixed Use District)

The City Arborist shall have the authority to review all requests for permits for any planting, removal and/or trimming or cutting of trees in any public right-of-way

Sec. 21-43. Utility responsibility on private property.

Public and private utilities which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the city-county utility department), shall be required to accomplish all work on property subject to this article in accordance with the company's written pruning and trenching specifications, or as mutually agreeable to the property owner and the utility. Written specifications shall have been first approved by the park operations division and reviewed by the tree commission.

(Code 1961, § 22-11; Ord. No 1287, § 1, 1-19-83)

Sec. 21-43. Utility responsibility on private property.

Public and private utilities which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the city-county utility department), shall be required to accomplish all work on property subject to this article in accordance with the company's written pruning and trenching specifications, or as mutually agreeable to the property owner and the utility Written specifications shall have been first approved by the City and reviewed by the Tree Commission Specifications shall be reviewed at a minimum of every two (2) years by the Commission for needed improvements, and as required by modifications in this Ordinance

Sec. 21-44. Tree preservation and/or planting required for paved areas abutting public rights-of-way.

(a) *Property with less than one acre paved.* A perimeter planting strip, exclusive of access driveways, of five (5) feet abutting the public rights-of-way, shall be required. This planting strip shall include at least one (1) large growing tree with a minimum of two-inch caliper and ten (10) feet in height or small growing or flowering trees with a minimum of one-inch caliper and six (6) feet in height for each fifty (50) linear feet or fraction thereof above twenty-five (25) feet If there are existing trees on the public right-of-way, the planting strip shall be required; however, the superintendent of park operations may grant a variance from the required tree planting The trees to be planted must be from the approved list supplied by the park operations division or as agreed to by the division

(b) *Property with more than one acre of paved area.* Property in this category will require the same perimeter planting strip as set forth in paragraph (a) of this section. In addition, interior planting areas amounting to five (5) percent of the paved area in excess of one (1) acre shall be required These planting areas shall be located either adjacent to the perimeter planting, within the paved area, within ten (10) feet of the paving, or at the base of the building. Residential property at the rear or sides of the site which are not visually a part of the developed property shall not be considered in meeting the requirements of this subsection The number, size and placement of trees required within the planting areas shall be determined in accordance with the following tables

Sec. 21-44 Tree Planting on Private Property Required

(a) Perimeter Planting Requirements- A perimeter planting strip, exclusive of access driveways, with an average width of 8 feet and abutting the public right-of-way shall be required If large maturing trees are used, the planting strip shall include 2 trees with a minimum of 2" of caliper and 8 feet in height in the first 40 feet and 1 tree per 40 feet thereafter or fraction thereof If small maturing trees are used, the same conditions apply, but the increment drops to 30 feet

When a building permit is requested for renovation of a previously developed site, and where the required perimeter strip does not exist, trees are still required, However, in lieu of an 8-foot wide planting strip, a pavement cut-out of a minimum of 80 square feet and with a minimum dimension of 5 feet may be substituted

When a railroad or utility right-of-way separates the perimeter from a City right-of-way, the planting strip requirement and the tree planting requirements must still be met

(b) Internal Planting Requirements- whenever the impervious cover exceeds 10,000 square feet, an area equal to 10% of the total impervious surface must be provided for landscape purposes and tree planting Internal tree planting is required at the rate of 1 tree per 10,000 square feet of impervious cover

Trees must be planted within the paved area so that no parking space is more than 50 feet from a tree minimum unpaved landscape area per tree shall be 200 square feet with a minimum dimension of 8 feet

When a building permit is requested for the renovation of a site previously developed, internal tree planting is still required and the minimum planting area shall be 200 square feet per tree However, only 5% of the total impervious cover must be open for landscape purposes

(c) Tree Specifications - The trees to be planted must be from an approved list supplied by the City Arborist Minimum tree caliper measured 6 inches above ground on all trees shall be 2 inches and the minimum height shall be 8 feet

50% of planted trees shall be large maturing shade trees No trees identified as large maturing shall be planted within 20 feet of an electrical transmission or distribution line This does not include low-voltage coated lines of 240 volts or less or telephone or cablevision lines

TABLE 1

Tree Planting Area Credit and Dimension Table for Large and Medium Size Shade Trees (35—100' Plus, Mature Height)

Tree Origin	Tree Size	Maximum Planting Area Credit per Tree (Square Feet)****	Minimum Planting Area per Tree (Square Feet)	Minimum Dimension of Planting Area of Tree (Feet)	Minimum Spacing Between Trees (Feet)****
Planted	2—2½" caliper, 12—14'*	600	70	7	40
	2½—4" caliper,* 14—17',	750	70	7	40
	4" plus, caliper, 17' plus	900	70	7	40
Existing, "saved"	2—4" caliper*	Same as for planted tree same size	—	—	—
	4— 8" DBH	900	—	—	—
	8—12" DBH	1,000	—	—	—
	12—18" DBH	1,200	—	—	—
	18" plus, DBH	1,300	—	—	—

TABLE 2

Tree Planting Area Credit and Dimension Table for Small Trees (To 35', Mature Height)

Tree Origin	Tree Size	Maximum Planting Area Credit per Tree (Square Feet)****	Minimum Planting Area per Tree (Square Feet)	Minimum Dimension of Planting Area of Tree (Feet)	Minimum Spacing Between Trees (Feet)****
Planted	1—1¼" caliper, 8—10'*	150	15	3	15
	1¼—3" caliper,* 10—12'	175	15	3	15
	3" plus, caliper, 12' plus	200	15	3	15
Existing, 'saved"	1—3" caliper*	Same as for planted tree same size	—	—	—
	3—4" DBH	250	—	—	—
	4—6" DBH	300	—	—	—
	6—8" DBH	400	—	—	—
	8" plus, DBH	550	—	—	—

* Minimum size tree for which planting area credit will be granted

** Additional credit may be granted by the landscaping division if historic or unique trees are "saved

*** Clumps of existing trees shall be granted planting area credit equal to the total area covered by the drip line of the clump

**** Trees may be planted closer but planting area credit will not be granted for the second or additional trees spaced closer than the minimum spacing noted above

(c) *Preserving existing trees.* Existing trees may be utilized to fulfill the above requirements and are given additional credit as set forth in the preceding tables

(d) *Property with more than one acre cleared in anticipation of development.* Property on which more than one (1) acre of land is cleared shall be required to have a perimeter planting strip of five (5) feet abutting the public right-of way, planted as required in paragraph (a) of this section This requirement shall be waived if the property is developed within one (1) year from the date grading permits have been issued

(e) *Parking structures.* A perimeter planting strip adjacent to the public right-of way will be required for parking structures Such planting strip will be equal to the setback requirements for the zoning district, but in no case not more than twenty (20) feet This planting strip shall be planted as set out in subsection (a).

(f) *Tree replacement and protection.* When trees required by this article die, they must be replaced during the next suitable planting season Wheel stops, curbs, or other barriers shall be provided where trees might otherwise be damaged by vehicles

(g) *Variances.* The superintendent of park operations may grant a variance from the requirements of this section where unusual circumstances exist A request for a variance must be submitted in writing to the superintendent and be accompanied by a landscape plan noting that which is proposed in lieu of complying with the chapter Variance requests will be reviewed, denied or approved within thirty (30) days of their receipt. Requests for a delay in complying with the chapter due to poor weather conditions for planting will be approved following written request of the superintendent. Temporary certificates of occupancy will be issued as a result of the approved delay The superintendent will note the time in which planting must be completed Permanent certificates of occupancy will be issued when planting is completed

(Code 1961, § 22 12; Ord No 1287, § 1, 1 10-83)

Sec. 21-45 Protection of existing trees on private property required.

(a) Preservation Standards - No tree larger than 8 inches DBH may be removed from the tree protection zone without a permit No grading in this area may proved prior to the issuance of tree removal permit if one is required by the City

Standards for tree preservation and protection will be published by the Parks and Recreation Department.

(b) Tree Survey Required- Applications for grading, building, and change of use permits on all property except that which is excluded by Sec 21-42 shall provide a tree survey which shall include all trees of 8" DBH and larger within the tree protection zone and all trees over 1" caliper and 6' in height on the City ROW Stands of Southern Yellow Pine species may be indicated by groups with the average tree DBH Survey shall be submitted 30 days prior to site clearing

(c) Tree Protection and Planting Plan Required- All applications for grading plans and building permits shall be accompanied by a tree protection and planting plan which includes the following:

(1) A tree and root plate protection plan for the existing trees on the public right-of-way as specified in section 21-22(b)

(2) A tree and root plate protection plan for existing trees over 8 inches DBH in the tree protection zone

(3) A planting plan for required trees on public and private property Plans that are only for required street tree planting may be in written form

(d) Property with more than one acre in anticipation of development Property on which more than one (1) acre of land is cleared shall be required to have a perimeter planting strip (average of 8 feet) abutting the public right-of-way, planted as required in paragraph (a) and (b) of this section This requirement shall be waived if the property is developed within one (1) year from the date grading permits have been issued

(e) Parking structures A perimeter planting strip adjacent to the public right-of-way will be required for parking structures Such planting strip will be equal to the setback requirements for the zoning district, but in no case not more than twenty (20) feet This planting strip shall be planted as set out in subsection (a)

(f) Tree replacement and protection When trees required by this article die, they must be replaced during the next suitable planting season Wheelstops, curbs, or other barriers shall be provided where trees might otherwise be damaged by vehicles Trees shall be allowed to grow to their natural height and form Topping is prohibited

(g) Variances The City Arborist may grant a variance from the requirements of this section where unusual circumstances exist. A request for for a variance must be submitted in writing and be accompanied by a landscape plan noting that which is proposed in lieu of complying with the Chapter Variance requests will be reviewed, denied or approved within thirty (30) days of their receipt Requests for a delay in complying with the chapter due to poor weather conditions for planting will be approved following written request Temporary certificates of occupancy will be issued as a result of te approved delay and will also note the time in which planting must be completed Permanent certificates of occupancy will be issued when planting is completed

Sec. 21-46. Inspection of sites.

(a) Agents and authorized representatives of ~~the park operations division~~ may periodically inspect sites subject to the provisions of this chapter. ← The Department

(b) If, through inspection, it is determined that a person has failed to comply with the provisions of this chapter, a notice to comply shall be served upon that person by registered mail from the park operations division The notice shall set forth that which will be necessary to comply with the chapter

(c) ~~The park operations division~~ shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this chapter, and for this purpose may enter at reasonable times upon any property, public or private, for this purpose of inspecting the sites subject to the provisions of this chapter No person shall refuse entry or access to any authorized representative or agent of the park operations division who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with such representative while in the process of carrying out his official duties (Code 1961, § 22 13, Ord No 1287, § 1, 1 10 83) ← The Department

Sec. 21-47. Emergencies.

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the requirements of this chapter may be waived by the ~~park operations division~~ during the emergency period so that the requirements of this chapter would in no way hamper private or public work to restore order in the city. This shall not be interpreted to be a license to circumvent the intent of this chapter (Code 1961, § 22-14, Ord No. 1287, § 1, 1-10-83) ← City

Sec. 21-48. Notice and appeal.

(a) Any person who violates any of the provisions of this chapter shall be notified of the specific violation by certified mail.

(b) In the event any person is dissatisfied with a decision of the ~~park operations division~~ City Arborist adversely affecting such person involving the application of this chapter, such person may request a hearing within five (5) working days of the receipt of the violation The request must be in writing and directed to the chairman of the tree commission and the director of the parks and recreation department, who shall jointly appoint a standing three-member board selected from the appointed members of the tree commission who shall act as an appeal board and shall hear complaints of the parties concerned.

(c) After a full and complete hearing held within five (5) working days of receipt of the request, the appeal board shall render its written opinion within five (5) working days, either affirming, overruling or modifying the decision of the ~~park operations division~~ City Arborist, as may be fit and proper under the existing circumstances

(d) If the person remains dissatisfied with the ruling of the appeal board, he may request an appeal to the city council Notice of appeal must be filed within five (5) working days of receipt of the appeal board's decision This notice must be in writing and directed to the director of the parks and recreation department, who shall have the appeal placed before the full city council The city council shall, after a full discussion of the case, render its decision
(Code 1961, § 22 15, Ord No 1287, § 1, 1 10 83)

Sec. 21-49. Penalties.

~~The provisions of this chapter may be enforced by anyone, all or a combination of the remedies authorized and prescribed by this section If a person continues to fail to comply with a particular Code provision after a criminal prosecution of a civil penalty, the person shall continue to remain subject to the remedies prescribed by this section for the continued violation of the particular Code provision.~~

The provisions of this chapter may be enforced by anyone, all or a combination of the remedies authorized and prescribed by this section If a person continues to fail to comply with a particular Code provision after a criminal prosecution of a civil penalty, the person shall continue to remain subject to the remedies prescribed by this section for the continued violation of the particular Code provision

(1) *Criminal.* Any person who knowingly or willfully violates any provision of this chapter shall have committed a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided in section 1 7 of this Code.

(2) *Civil.* Any person who violates any of the provisions of this chapter shall be subject to a civil penalty. The city council shall determine the specific amount of the civil penalty assessed. The civil penalty shall not exceed ten thousand dollars ($10,000 00) No penalty shall be assessed until the violator has been notified of the violation and the time for appeal has expired. At least two (2) weeks before the scheduled meeting of the city council to determine the amount of the civil penalty, the violator shall be invited to the scheduled meeting and shall be given the opportunity to appeal before the city council at that meeting

In determining the amount of the civil penalty, the city council shall consider the amount of money, at the time of the expiration of the date for appealing the violation, that the violator would be required to spend in order to be in compliance with the requirement of the specific Code provision violated

The director of parks and recreation department shall make written demand for payment of the penalty assessed upon the person in violation and shall set forth in detail a description of the violation for which the penalty has been imposed If payment is *not received or equitable settlement reached* within sixty (60) days after demand for payment is made, the matter shall be referred to the city attorney for institution of a civil action in the nature of debt in the name of the city in the appropriate division of the general courts of justice for recovery of the *penalty*

(3) *Citation.* The director of the parks and recreation department shall designate specific *employees of that department to enforce* the provisions of this chapter. Those individuals designated by the director of the parks and recreation department shall have the authority to issue citations for any violation of this chapter in accordance with the following procedures:

a A penalty of ten dollars ($10 00) may be levied against any person who violates any provision of this chapter and who has been issued a citation as specified hereunder. A penalty of twenty-five dollars ($25 00) may be levied

against any person who violates any paragraph of section 21-44 and who has been issued a citation as specified hereunder. There shall be a twenty-five dollar ($25 00) citation issued for each individual tree that has not been planted as required by section 21-44 and the failure to plant each individual tree shall constitute a separate violation

b. A designated parks and recreation department employee is empowered to issue a citation to any person if there is reasonable cause to believe that the person has violated a provision of this chapter The citations may be delivered in person to the violator or, if the violator cannot be readily found, the citation may be mailed. The citation shall direct the violator to appear before the city violations bureau within fifteen (15) days of the date of the citation, or alternatively, pay the citation by mail

c If the violator does not appear before the city's violations bureau and does not pay the citation by mail within fifteen (15) days of its issuance, a delinquency charge of fifteen dollars ($15 00) shall be added to the amount shown on the citation and a notice thereof will be mailed to the violator This notice shall inform the violator that a criminal summons will be issued if the citation and delinquency charge are not paid within fifteen (15) days from the date of the delinquency notice

d If a violator fails to respond to the citation and delinquency notice, a complaint shall be entered against the violator for violation of the cited ordinance and a criminal summons requested Upon conviction, the violator shall be liable for not only the penalty and delinquency charge prescribed by the citation, but also for any criminal penalty the court may impose, pursuant to section 1-7 of this Code, and court costs

e All citation forms shall be maintained in triplicate and shall be serially numbered. Records of all citations shall be maintained so that account may be kept of all such forms.

The city accountant, or his representative, shall periodically investigate the records of the department of parks and recreation for the purpose of determining the disposition of the citations and shall report the result of such investigation to the city manager For the purpose of this investigation, he shall have access to the necessary records of the department.

f Nothing in this section shall preclude the issuance of an arrest warrant when appropriate

(Code 1961, § 22-16, Ord No 1287, § 1, 1 10 83, Ord No 1476, § 2, 1 9-84)

Sec. 21-49. Injunctive relief.

(a) Whenever the city council has reasonable cause to believe that any person is violating this chapter or any rule or order adopted or issued *pursuant to this chapter, or any term, condition* or provision of an approved permit, it may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the city for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property

(b) Upon determination of a court that an alleged violation is occurring, it shall enter such orders or judgements as are necessary to abate the violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violation of this chapter

(Code 1961, § 22-17, Ord No 1287, § 1, 1 10 83)

COLISEUM

At the workshop, the Coliseum architect will present the proposed NBA related modifications. The presentation, which has also been made to the Citizen's Design Review Committee, will include a general discussion of the financial and operational agreements between George Shinn and the Authority. Both Mr. Shinn and the Authority will be present to answer your questions. Additional information will be provided on Monday.

CHARLOTTE CITY COUNCIL WORKSHOP
COLISEUM AGENDA
August 3, 1987

- Overview of Proposed Amenities and Changes

  NBA Locker Rooms

  NBA Ticket Office/Club Building ✓

  Sky Boxes ✓

  Electronics and Advertising ✓

  - Marquee ✓
  - TV in Concourse and Concession Stands ✓
  - Special Center Scoreboard with "Diamond Vision" type Video Display ✓
  - Special Side Scoreboards ✓
  - Electronic Menu Boards at Concessions ✓

  Proposed Amenities, such as:

  - Terrazzo Tile Floors in Concourses ✓
  - Additional Landscaping ✓
  - Entrance Canopy ✓
  - Ceramic Tile in Upper Concourse Rest Rooms ✓
  - Miscellaneous Other Items and Contingency ✓

- Presentation of Amenities and Changes

- Decision Sequence

NOTES

Overview Of Rollout Collection
(twice per week)

Characteristics

1. The customer is required to participate more by rolling garbage to the street.

2. The system is very flexible for responding to holidays and to bad weather.

3. The task system can be accommodated easily.

4. Savings would be realized over a four year period, due to heavy capital expense in year one for purchasing containers. The actual dollar costs are estimated to be $750,000 in year one, with savings of approximately $600,000-$700,000 in future years.

5. Communication with the customer would be difficult and would require an extensive public information strategy.

6. Rollout provides a safer collection system for workers. Not as much lifting is required and workers do not have to handle garbage.

Feelings

1. "The dignity of the sanitation worker is enhanced with rollout."

2. "Rollout reduces the opportunity for interaction with the customer."

3. "Going to rollout will result in fewer/lower skill jobs.

4. "Rollout would hurt the City's appearance."

5. "Rollout is the most efficient system."

6. "Rollout will reduce worker injuries."

Working Papers
Discussion of Refuse Collection
August 3, 1987

I. INTRODUCTION

A. Background
B. What happened

II. OVERVIEW OF REFUSE COLLECTION APPROACHES AND CHARACTERISTICS

A. Current System
B. Old System

III. DISCUSSION OF POLICY QUESTIONS

IV. DATA COMPARING OLD AND NEW SYSTEM

I. INTRODUCTION

A. Background

Our old system of collecting garbage twice a week from the backyard and on Wednesday at curbside was a good system. The customers liked it; we had the flexibility to give our employees holidays; to get the garbage picked up under bad weather conditions; and we didn't have many problems communicating schedule changes to our customers. But, the system was more expensive than other choices, so last year at budget time we looked at changing our garbage collection as a way to reduce costs. The reason we did that was to reduce the proposed property tax increase from six cents to five cents. That tax increase was entirely dedicated to the capital program to replace the loss of General Revenue Sharing.

B. What happened?

When we made the change in November we went to a collection system that:

1. is less costly;
2. is more efficient (requires less labor and equipment);
3. is less flexible;
4. requires the customer to participate;
5. creates communication problems; and
6. doesn't allow us to estimate and plan for the volume of garbage and trash at curbside.

The system also:

1. Reduced the opportunities for customer satisfaction because:

   a. we required the customer to become more informed about the schedule in order to receive curbside, and
   b. we reduced the frequency of pick-ups per week for the customer.

2. In addition, the system changed the job for employees:

   a. we required employees to learn five routes per week instead of three;
   b. we balanced the work week resulting in a longer one and the loss of the task system at least temporarily.
   c. we eliminated scheduled holidays for employees.

The above facts describe the consequences of the particular system we chose. In addition, we had operational problems that only intensified the built-in weaknesses of the new system in comparison to the old.

The most significant operational problem was our inability to get the routes designed correctly the first time. Because of that

problem, we have had to completely re-design the routes. We implemented the new routes the last week in June, a week before implementing a schedule change for the July 4th holiday week.

That schedule change affected some portion of all 380 routes in the system and changed the collection day for 7,500 customers.

Our complaint level the week before the new routes went into effect averaged 75/day, the week of the schedule change the complaints averaged 206/day; 4th of July week complaints averaged 375/day. This last week our complaints are averaging 189/day.

The route changes and 4th of July experiment resulted in a high and unacceptable level of missed pick-ups for our customers.

There are really two major issues: The operational issues which will and must be resolved under any system; and the issue of what type of collection system meets the needs and wants of the community.

The best way to discuss the type of system is to look at the strengths and weaknesses of different approaches to garbage collection in relation to:

1. customer satisfaction
2. meeting employee needs
3. operational flexibility, and
4. cost.

After Council has that overview, they need to discuss the key policy questions that help evaluate which strengths are most important and which weaknesses cannot be tolerated. It's also important to try and list our feelings about the different approaches.

II. OVERVIEW

A. ONCE BACKYARD/ONCE CURBSIDE (CURRENT/MIXED SYSTEM)

Charactistics

1. The customer is required to participate more
   - carry garbage to curbside
   - needs information on when to participate.

2. The system is less flexible to respond to holidays and bad weather.

3. The task system is more difficult to accommodate to the current system.

4. The current system is less expensive: The actual dollar savings are estimated at $600,000 (does not include cost avoidance due to growth for 1987-88 or for future years).

5. Communication with the customer is more difficult and requires a more extensive public information strategy.

Feelings

1. "The City can't seem to get the garbage/trash picked up on schedule."

2. "The employees are all unhappy with the system."

3. "The City looks messier with trash setting out somewhere each day."

4. "The current system is flawed and can never be made to work."

5. "Garbage pick-up is a basic service and should not be the subject of continuing controversy."

6. "The City is not saving any money, but yet the service is reduced."

7. "The new system is less personal and is harder to build rapport between the customer and employee."

8. "The new system is not that bad if the City can get it working properly."

9. "The system is working."

10. "The City ought to go to roll-out."

B. TWICE A WEEK BACKYARD/WEDNESDAY CURBSIDE (THE OLD SYSTEM)

Characteristics

1. Very little customer participation is required. The customer does not have to carry garbage to the curb or know when his garbage is picked up. Wednesday trash pick-up is City-wide (easy to remember).

2. More flexible because we were at the customer's home three times a week.

3. Provided scheduled holidays and accommodated a task system for employees.

4. Is more expensive and less efficient.

5. The traditional public information strategy is effective.

Feelings

1. "Charlotte residents are willing to pay for a "Cadillac" system."

2. "This is the one City service all residents receive and it ought to be first class."

3. "The City looked better under the old system."

4. "This City is too large and it's too difficult to continue to provide backyard collection."

III. POLICY QUESTIONS

A. How much of a burden are we willing to put on the customer?

1. To be informed about schedule changes?
2. To carry to the curb?
3. To make another system change?
4. To accept additional cost?

B. What is the level of tolerance for customer complaints?

1. Do we try to meet objectives of old system?
2. Do we revise the level of objectives because of the new system?

C. How much of a burden are we willing to put on employees?

1. Give up holidays?
2. Give up some holidays in exchange for service changes to customers?
3. Give employees holidays only if the customer is not required to change?
4. Reduce the incentive system?
5. Make another system change?

D. How much flexibility are we willing to give up?

1. Bad weather conditions may disrupt garbage collection for an entire week.

E. What are we willing to tolerate for savings? At which point are the savings not worth the problems of new system?

1. Equivalent of 1/2¢ property tax?
2. Equivalent of 1¢ property tax?
3. Other?

SYSTEM SNAPSHOT

	Mixed June, 1987	Old June, 1987
Number of Permanent Employees	260 Field Employees 4 Field Operations Supervisors 14 Administration & Office 278 Total	325 Field Employees 4 Field Operations Supervisors 13 Administration & Office 342 Total
Number of Temporary Employees	61	19
Cost of Temporary Employees	$28,364	$7,776
Number of Crews	74	88
Number of Service Locations	122,000	116,000
Number of Routes	340 (250 backyard, 90 trash/curbside)	440 (352 backyard, 88 curbside)
Average Number of Service Locations Per Route	499 garbage (backyard) 959 (curbside)	632 garbage (backyard) 1,264 (curbside)
Number of Tons of Refuse Collected	11,917	8,533
Number of Loads Taken to Landfill	2,037	2,110
Amount of Overtime Paid	$56,397	$18,463
Employee Absenteeism Average	12.0%	12.4%
Complaints Received	1,662	1,052
Complaints Per Week/Percent of Weekly Service Locations	.3%	.2%
Complaints Per Day/Percent of Daily Service Locations	.15%	.10%
Actual Number of Complaints Per Day Per Crew	1.0	0.5

Note: The snapshot represents two different points in time (one year apart); the comparison on the following page represents the two systems structure at the same point in time.

SYSTEM COMPARISON
(Mixed System/Old System)

Objective/Component	Mixed	Old
To have an efficient system		
1. Cost (Savings)	Savings of ($612,000); revised from budget estimate of ($697,000) due to increased temporary/overtime	$975,000 additional cost to return to twice-per-week backyard/once-a-week curb-side; 2nd year increase greater for equipment replacement
2. Balanced Workload	Balanced collection over 5 days	Imbalanced with heavy 1st pick-up; variable curbside, light second pick-ups
3. Point of Collection	One trip per week to backyard	Two trips per week to backyard
4. Recycling	Compatible with recycling	Compatible with recycling
Provide service satisfactory to citizens		
1. Number of Complaints	Average 75 daily complaints; no attempt to measure validity (June 1987 data)	Average 50 daily complaints; average 8 daily valid complaints as determined by Crew Chief (June 1986 data)
	Total complaints .16% (less than 2/10 of 1%); pick-ups total 1 million	Total complaints .075% (less than 1/10 of 1%); pick-ups total 1,392,000
2. Service Standard	Standard is the same: no measurement during implementation	Standard was 25% of all crews receive no more than 5 valid monthly complaints: In FY86, 97% of crews achieved standard

Objective/Component	Mixed	Old
Provide service satisfactory to citizens (Continued)		
3. Holiday Collection	Schedule not determined; experiment with curbside collection on July 6th week coincided with route revision	Schedule included 10 holidays; achieved by eliminating curbside collection; maintained twice-a-week backyard
Provide satisfactory working environment		
1. Route Design	Each crew works 5 routes per week; 499 backyard or 959 curbside locations per week	Each crew works 2 routes (combined for curbside); 631 locations per route
2. Task System Standard	Current 41 hour average work week for backyard; 44 hour average curbside	Achieved 37½ hour average work week
3. Holidays	As planned, workers in lieu of holidays receive vacation day; experimented with a holiday schedule July 4	Workers got 10 holidays

Freedom Park

The following material provides background information regarding the current status and future planning of Freedom Park.

Planning Process: Present Status

The Planning Commission Staff began the development of a master plan for Freedom Park with three major information gathering activities. All of these events have focused on obtaining public comments and concerns while stimulating ideas.

The first was a workshop held in February focusing on generating the concerns and issues regarding the park. Ken Polakowski, a Park Design Consultant was the facilitator of a one day workshop held at the Junior League building. Mr. Polakowski solicited information from the public and summarized this information in a findings report. Those participating in this workshop included neighborhood residents, park user groups, and city/county staff (technical committee).

The second event was a user's survey that was distributed Countywide by the Mecklenburg Neighbor's section of the Charlotte Observer. Additional distribution included a Sunday afternoon polling and continual distribution in the park by neighborhood representatives. (Over 550 surveys were returned.)

The third activity included thirty design professionals, students, neighborhood leaders, and city/county staff. Together these individuals volunteered their time for a one day charrette, idea developing session, on May 6. Three teams investigated different concepts for the park addressing issues raised at previous meetings.

Neighborhood leaders organized a one day charrette on June 20th to formulate two concepts for the park's redesign. These concepts were shared with members of the technical committee at an evening presentation.

Planning Staff also held a public meeting on June 23rd to solidify the issues before the development of concepts. Since that meeting the technical committee has focused on a concept orientation for the park.

Planning Process: Future Steps

The planning staff is generating a concept for Freedom Park based upon the issues gathered through the public meetings. Several different alternatives for implementation of the concept will be part of this investigation. This concept will be presented to neighborhood residents at a public meeting in August. Following this meeting the concept will be refined and developed into a master plan for the park.

Freedom Park Budget and Implementation:

Several significant issues have developed which are outlined on page three. These issues can be attributed to one consistent problem, "over use of the park".

The size of Freedom Park, (107 acres) places the park in the classification as a district park. Presently the park is in a neighborhood environment but services the entire community. It is very important to develop a concept and design for the park that adequately address the over use and conflicting use concerns.

Presently the park has $500,000 available for park maintenance and improvements from the Capital Improvements Program under the project heading: Improvements to Existing Parks. It is very important that the master plan set priorities for the implementation of the plan. Projects would be identified through the 10 year capital needs and 5 year CIP.

One project that is very important to the park is the cleaning up of the pond and controlling the bank erosion of the pond, Sugar Creek and Dairy Branch. The estimated costs for this project alone exceeds the present fund allocation.

Staff desires Council guidance on the future of Freedom Park, given the nature of the problems and current limited finding.

Freedom Park Significant Issues

*Freedom Park is in very poor physical condition:

- Water quality of the pond, stream and creek is extremely poor representing a health concern.

- Pond bank erosion is creating problems that are critical to the water quality, existing trees and safety of park users.

- A lack of adequate ground cover in several areas of the park creating erosion problems.

Concept Guide: Freedom Park needs immediate maintenance and design changes to properly control and correct the deterioration of the park.

*Special Event activities are exceeding the park's and neighborhood's capability of handling these large crowds.

- Festival in the Park creates management, crowd control, parking, park abuse, clean-up and financial problems.

- Concerts attracting large crowds create parking, neighborhood and park abuse concerns.

Concept Guide: Special event activities need to be controlled and managed at a level appropriate for the park's capacity.

*Sunday afternoon traffic congestion:

- Auto traffic on East Boulevard and surrounding neighborhood streets create conflicts between residents and visitors to the Park.

- Volume of traffic within the park exceeds the park circulation systems capacity.

Concept Guide: Existing circulation and parking areas need to be redesigned and properly implemented to eliminate congestion and chaos.

*Nature Museum facilities in very poor condition and majority of the activities will be phased out of Freedom Park.

- Existing facility needs continual repairs and maintenance.

- Present location inappropriate for future "nature guide" that will facilitate Freedom Park.

Concept Guide: Nature Museum will move facilities to Discovery Place and maintain a minimal involvement in the park.

*Level of active recreational activity and control of the groups is creating management problems and park abuse.

- Many groups have "assumed" ownership of the park and its facilities.

- The frequency of several activities should be reduced or relocated to other parks which have more appropriate facilities.

Concept Guide: The level of active recreational activity needs to be reduced with several functions to be moved to other locations.

POLICY ON STATE ROADS
IN
CHARLOTTE

At the July 27 Council meeting discussion of the proposed 1987 bond program, Council indicated a desire to discuss the future of City participation in State road projects in light of HB 1211. Below is a summary of the bill and a preliminary list of policy issues which Council will need to consider, depending on the final outcome of the legislation and the fall bond referendum.

H.B. 1211

House Bill 1211, which has been approved in the House of the North Carolina General Assembly and is apparently going to be approved by the Senate, contains the following provisions pertaining to Cities and State Roads:

- State Roads inside municipalities are the responsibility of the North Carolina Department of Transportation (NCDOT) which shall be responsible for maintenance, repair, improvement, widening, construction and reconstruction.

- Municipalities over 100,000 in population may participate in State projects up to a maximum of 25% of right-of-way costs. However, the Board of Transportation cannot require the municipality to participate. This authority to participate expires on June 30, 1990.

- A municipality may make the following improvements to the State highway system using its own funds:

  1. Construction of curbs and gutters
  2. Adding lanes for parking
  3. Construction of storm drainage
  4. Construction of sidewalks
  5. Improve intersections when the municipal governing body determines that such improvements will decrease traffic congestion and improve safety and air quality.

  The municipality may assess the cost of any of the above against the abutting properties.

- Municipalities may make improvements to the State highway system using funds that have been authorized for that purpose by a vote of the people. However, the Board of Transportation shall not give consideration or credit for such locally financed improvements in the TIP.

- Municipalities may make improvements along a portion of a State highway that abuts an approved development.

- In acquiring right of way for any State highway improvement in and around a municipality, municipalities shall be vested with the same authority to acquire such right of way as the NCDOT.

- The City of Charlotte is authorized to improve one thoroughfare (NC 51) that is presently a part of the State highway system and may be partially outside its corporate limits and within the corporate limits of another municipality.

- The ability of a municipality to pay any part of a transportation improvement project shall not be a factor considered by the Board of Transportation in the development and approval of a schedule for major TIP projects to be undertaken by the NCDOT.

POLICY CONSIDERATIONS

There are several State highway system roadways in Charlotte that are in need of improvement but are not now included in the State's Transportation Improvement Program (TIP). Given the demands being placed on funds available to the NCDOT, we do not anticipate these roads being included in the TIP for several years. Policy considerations include:

- o Continuation of the policy to support State Highway system projects and transportation in general to the fullest extent allowed under H.B. 1211, assuming it passes.

- o Participation in Current TIP projects up to a maximum of 25% of right-of-way costs and setting aside a portion of the proposed bond issue to cover these costs.

- o Funding all costs on some locally needed State system improvements in Charlotte using funds from bonds approved for that purpose.

- o Funding the design for some State highway projects so that plans can be completed and used to protect right of way thereby reducing the ultimate total cost of the project.

- o Participation in up to 25% of the cost of right of way for some projects not in the current TIP by setting aside a portion of the proposed bond issue to cover these costs.

While there are certainly significant projects on the City system that need improvement at this time, our most serious needs are still those projects on the State system that have previously been identified:

Westinghouse Boulevard Extension
Monroe Road
Park/Johnston Roads
Beatties Ford Road
Freedom Drive (NC 27)
Brookshire Freeway EIS (NC 16)
Providence Road (NC 16)

Westinghouse Bouelvard Extension is being pursued as part of the Public/Private Sector leveraging program and is under design. Significant donations of right of way have already been committed by the private sector, and the NCDOT has committed to build the necessary bridges to allow the Charlotte Outer Loop to overpass the project.

Monroe Road, Beatties Ford Road and Park/Johnston Roads primarily carry local traffic and are candidates for complete construction by the City.

Freedom Drive, Brookshire Freeway and Providence Road are State numbered routes and carry significant local traffic as well as serving as regional highways. They are candidates for design and right-of-way protection.

Brief Overview of Proposed Subdivision Ordinance

The draft Charlotte-Mecklenburg Subdivision Ordinance is, for the most part, the same as the two existing ordinances. The General Statutes of North Carolina set forth the limits of the authority for local governments under a subdivision ordinance and the Charlotte and Mecklenburg County Special Legislation does not substantially expand that authority This revised ordinance proposal makes use of most of the authority granted in state law _ As of this June, there are a number of bills pending in the Legislature which could enhance the potential utility of a subdivision ordinance However, this draft does not rely on those proposals for any new authority -

Principal Improvements from Present Ordinances

- Clarifies that the ordinance applies to non-residential development as well as residential development
- Authorizes the Planning Staff to approve subdivisions with appeal to the Planning Commission (as is presently the case in Mecklenburg County).
- Sets forth a process and standards for the consideration and approval of variance requests and appeals form administrative determinations
- Enhances the factors which will be reviewed in the approval of a subdivision request, by calling for consistency with adopted plans and protecting existing residential areas
- Includes a number of minor technical improvements relative to utilities and various rights-of-way and easements
- Lengthens the time allowed for local governments to act relative to lands reserved for recreational purposes to that allowed by state law
- Encourages, but does not require, the submission of a sketch plan
- Establishes a process for the approval of certain Minor Subdivisions
- Contains "Reserved" sections for issues yet to be addressed or related to the new zoning ordinance
- Clarifies the improvement requirements for certain arterial streets
- Eliminates the dedication requirement for rights-of-way for Class I and Class II streets, but preserves the reservation requirement
- Clarifies the enforcement authority and remedies

July 30, 1987

SUBDIVISION ORDINANCE MEETING SCHEDULE

DATE	PARTICIPANTS	TIME	PLACE
April 30	Interdepartment Review Team	10:00 a.m.	Planning Commission
May 20	(Ordinance Release)		
June 16	Planning Committee (with the Zoning Committee invited)	4.00-7:00 p.m.	Planning Commission
June 18	Advisory Task Force	7:30 a.m.	Planning Commission
June 25	Advisory Task Force	7:30 a.m.	Planning Commission
July 7 - July 30	Interest Group Meetings o Chamber of Commerce o CIC o Joint Committee	TBA	TBA
July 14	Planning Commission	5:00-7:00 p.m.	Planning Commission
July 15	General Public Meeting	7:00 p.m.	Planning Commission
July 16	Advisory Task Force	7:30 a.m.	Planning Commission
July 21	Planning Commission	4:00-6:00 p.m.	Planning Commission
July 22	County Commission Workshop	4:00-6:00 p.m.	Education Center
August 3	City Council Workshop	7:00-8:00 p.m.	Training Center
August 4	Planning Committee (with the Zoning Committee invited)	4:00-7:00 p.m.	Planning Commission
August 11	Planning Committee (with the Zoning Committee invited)	4:00-7:00 p.m.	Planning Commission
August 25	Last Day to File (County) for October Public Hearing		
Sept. 1	Last Day to File (City) for October Public Hearing		
Oct. 14	Joint City/County Public Hearing	7:00 p.m.	Education Center

Oct. 15	Zoning Committee (with the Planning Committee invited) (Staff Recommendations)	2:00 p.m.	Planning Commission
Oct. 22	If Needed/Zoning Committee (with the Planning Committee invited)	4:00 p.m.	Planning Commission
Nov. 16	County Commission Decision		
Nov. 23	City Council Decision		

Request that City Council adopt a budget ordinance to provide a supplemental appropriation of $478,000 for the new Baseball Stadium.

Engineering Department

Background

On July 9, 1987, bids were received for the construction of the new Baseball Stadium. The low bid, submitted by Metric Constructors, was over budget by approximately $478,000. Negotiations with Metric failed to produce results that were acceptable to all parties involved.

Explanation of Request

On July 27, 1987, City Council proposed to loan the project $478,000 so the Stadium could be built according to the plans previously approved by the City, County, Chamber of Commerce, and the Ball Club. The loan would be paid back by the Ball Club over an eight year period through a 50¢ per person user fee", subject to a guaranteed minimum annual payment. If the Ball Club accepts the proposal, a Budget Ordinance must be adopted to formally make the additional funds available to the project.

Source of Funding

Funding for the loan will be provided from the Municipal Debt Fund, Fund Balance.

Clearances

This action has been cleared by the Finance Department, Budget and Evaluation, the City Attorney's Office and the Engineering Department.

np

APPROVED BY CITY COUNCIL
AUG 3 1987
Pat Sharkey
City Clerk

7/31/87

8/3/87

Award of the construction contract may be further delayed

C D Readling, City Engineer

C D Readling

DLG

ADVANCED IMAGING SYSTEMS
Any Document, Anywhere Anytime (704) 525 4392

The Following Image(s) are...

(Check one of the following)

- [x] Photocopy
- [ ] Poor Quality Original
- [ ] Other_____