AGENDA

Meeting Type:	W
Date.	10-05-1987
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE.

City Council Workshop
October 5, 1987

CITY COUNCIL WORKSHOP

October 5, 1987

AGENDA

5:00 - 6:30 p.m. INDEPENDENCE BOULEVARD DISCUSSION

Staff Resources: Terry Lathrop and Bill Finger

6:30 - 7:00 p.m. DINNER

7:00 - 8:00 p.m. STORM DRAINAGE - SECOND PHASE

Staff Resource: Jim Schumacher

8:00 - 8:30 p.m. APPAREL MART STATUS REPORT

Staff Resource: Greg Gaskins

8·30 - 9:00 p.m. DISCUSSION ON MAKING COUNCIL COMMITTEES MORE EFFECTIVE

Staff Resources: Tom Finnie, Dave Cook and Anne Tompkins

NOTE: Plan on ending discussion no later than 9:00 p.m. If discussion not completed by 9:00, the item(s) will be included in a future agenda.

Independence Boulevard

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
P O BOX 25201
RALEIGH 27611

JAMES G MARTIN
GOVERNOR

JAMES E HARRINGTON
SECRETARY

DIVISION OF HIGHWAYS

GEORGE E WELLS P E
STATE HIGHWAY ADMINISTRATOR

September 14, 1987

Mr. Troy Pollard, Chairman
Charlotte-Mecklenburg Metropolitan Planning Organization
7204 Matthews - Mint Hill Road
Mint Hill, North Carolina 28212

Dear Mr. Pollard:

Our Department appreciates and relies upon guidance from local transportation planning organizations as we adopt highway improvement projects across the state. Identification of highway improvements and establishment of priorities from thoughtful evaluation by those closest to the need at the local level is invaluable in our highway planning process. Close coordination with local planning organizations is now more critical than ever in light of opportunities available under provisions of House Bill 1211. We will continue to rely upon advice from the local level to achieve the greatest benefit from limited highway dollars. This is especially true in major metropolitan areas like Charlotte.

The relationship that exists between our Department and the Charlotte - Mecklenburg Metropolitan Planning Organization (CMMPO) is an excellent example of state-local partnerships that are so important in good highway planning. The active role CMMPO has taken in guiding past highway improvements has resulted in wise expenditure of funds to relieve major traffic problems in the Charlotte-Mecklenburg area. We consider good communication and close coordination with CMMPO vital to the continued success of state-local planning for other much needed highway improvements in your area.

One major result of previous coordination at the local level is the allocation of funds in our Transportation Improvement Program for Charlotte's priority improvements on Independence Boulevard under Project U-209. The primary purpose of this letter is to re-affirm our Department's commitment of $68 million in the Transportation Improvement Program, guided by priorities

established at the local level, to purchase right of way and widen Independence Boulevard from Brookshire Freeway to Albemarle Road. We are moving ahead with design, right of way acquisition, and plan preparation for the first construction contract to be let in Fall 1988. Our updated TIP to be approved by the Board of Transportation in November will include funding for Independence Boulevard improvements on the following schedule:

U-209D: From Waterman Avenue to Eastway Drive

R/W acquisition underway	-	$2,700,000 estimated
Construction in FY 88	-	$2,500,000 estimated

U-209C: From Briar Creek to Waterman Avenue

R/W Acquisition underway	-	$7,700,000 estimated
Construction in FY 91	-	$5,000,000 estimated

U-209B: From Brookshire Freeway to Briar Creek

R/W Acquisition FY 92,93	-	$20,500,000 estimated
Construction in FY 96	-	$10,000,000 estimated

U209E: From Eastway Drive to Albemarle Road

R/W Acquisition FY 94,95	-	$11,400,000 estimated
Construction in FY 96	-	$ 8,200,000 estimated
R/W Subtotal	-	$42,300,000 estimated
Construction Subtotal	-	$25,700,000 estimated
Total Project Cost	-	$68,000,000

Cost estimates for this work will be continually monitored to keep proposed improvements within the $68 million allocated in the TIP.

The second purpose of this letter is to request re-affirmation from CMMPO on allocation of $68 million for improving Independence Boulevard. Although this is in keeping with priorities established previously at the local level, in the spirit of communication and coordination we feel it appropriate to point out CMMPO still has the option of reconsidering the priority of other TIP projects for expenditure of these funds. We have no intention of deviating from the established plan for advancing Independence Boulevard to construction unless advised to do so from the local level. While options remain open at this time, alternatives will diminish as major expenditure of funds

for right of way continues on Independence Boulevard. If CMMPO desires to consider alternatives for expenditure of the $68 million committed by our Department, it would be advisable to notify us quickly. Otherwise, we will continue to follow the established plan for Independence Boulevard improvements in accordance with previous commitments.

I will appreciate hearing from you on this matter at your earliest convenience.

Sincerely,

George E. Wells

George E. Wells, PE
State Highway Administrator

GEW/WGM/am

cc: Mr. J. E. Harrington, Secretary of Transportation
Mr. Harvey B. Gantt, Mayor, City of Charlotte
Mr. Seddon Goode, Jr., Member, Board of Transportation
Mr. J. E. Nance, Member, Board of Transportation
Mr. Jim Garrison. Member, Board of Transportation
Ms. Sarah McAulay
Mr. William Earnhart
Mr. Bobby Lowery
Mr. Ken Wise
Mr. W. B. Mayhew
Mr. Richard Vinroot
Mr. John Blackmon
Mr. Bobby Mayhew
Ms. Ann Hicks
Ms. Carla DuPuy
Mr. R. N. Pressley, Jr., PE

item 17
Attach 14

Request for Council Action

Charlotte

To the City Council
From the City Manager
Action Requested That Council concur in a proposed agreement for funding of priority transportation projects and take certain steps to implement same.

Responsible Department Department of Transportation

This request should be organized according to the following categories Background, Explanation of Request, Source of Funding, Clearances, Bibliography.

APPROVED BY CITY COUNCIL
AUG 12 1985

Pat Sharkey
City Clerk

BACKGROUND

On August 6, 1985 you received a report and a presentation concerning a tentative agreement that has been developed between the City, the County and members of the North Carolina Board of Transportation concerning funding and implementation of certain priority transportation projects in Charlotte and Mecklenburg County. A copy of the report is attached.

EXPLANATION

In order for staff to finalize the agreement necessary between the City, Meckelnburg County and the Board of Transportation, Council is requested to take the following actions:

1) Endorse the agreement and funding scenario as outlined.
2) Accept the NC 51 project for City construction and instruct staff to report back in 90 days with a refined project scope, schedule and cost estimate.
3) Authorize the amending of the FY 86/FY 90 Capital Improvement Budget to reflect this agreement.
4) Authorize the City Council representative to the Metropolitan Planning Organization (MPO) to vote to amend the Charlotte-Mecklenburg Transportation Improvement Program (TIP) to reflect this agreement.

As part of number 3 above, a resolution amending the FY 86/FY 90 Capital Improvement Budget is also attached for approval.

For Office Use Only

Date Submitted August 2, 1985

Agenda Date Requested August 12, 1985

Consequences if Agenda Date is Delayed or Action is Deferred Delay in implementation of badly needed transportation improvements.

Contact Person for Questions from the City Manager's Office R. N. Pressley, Jr., Director, Department of Transportation

Authorized by _____
Department Head

Approved by _____
Assistant City Manager

List Attachments

Resolution amending FY 86-FY 90
Capital Improvement Budget

M E M O R A N D U M

DATE: August 1, 1985

TO: Mayor & City Council

FROM: O. Wendell White
City Manager

SUBJECT: Transportation Projects Funding

Since the June 19 press conference which you jointly held with representatives of the County Commission and Mr. Seddon Goode, Jr., Vice-Chairman of the North Carolina Board of Transportation, we have been working to finalize an agreement on funding those priority roadway improvement projects needed for Charlotte and Mecklenburg County. We have been working to find ways of accelerating the projects and cut back on coordination problems. With your concurrence and subject to final approval of the Board of Transportation, the agreement is as follows:

1. The North Carolina Department of Transportation (NCDOT) will fund <u>all</u> of the Independence Boulevard (US 74) project from I-277 to Albemarle Road including the matching of any Urban Mass Transportation Administration (UMTA) grant for a busway. There will be no requirement for City participation. Mr. Goode is also working with the NCDOT staff to have construction begun by FY 89 as currently programmed and has identified State funds to begin design and right-of-way acquisition early.

2. The NCDOT will proceed as quickly as possible to construct the Pineville By-Pass portion of the Southern Outer Belt and to acquire right-of-way for the remainder. Supplemental funding has been requested from the Governor's Office to meet the accelerated schedule.

3. The Tyvola Road Extension project is currently estimated to be $2,500,000 over budget. A significant portion ($1,000,000) of the overrun is caused by rapidly increasing land costs near the new Coliseum site. In addition, the relocation of Yorkmont Road caused by the construction of the Tyvola Road/Billy Graham Parkway Interchange requires that the NCDOT maintenance facility on Yorkmont Road be relocated. The cost ($1,500,000) for moving this facility was not included in the budget for Tyvola. We would utilize City transportation funds freed from US 74 to resolve this problem.

4. The City will fund all of the Highway 51 Widening from Pineville to Matthews with City funds and the $3 million from Mecklenburg County. There will be no participation in this project by the NCDOT. Since the City will not need to prepare an environmental impact statement which is required of the State when Federal funds are used, this project can move to construction faster under this proposal.

   You will recall that the development policy approved for the NC 51 Corridor called for an urban parkway with a grassed median. The estimated cost was over $18,000,000. The project currently envisioned does not include the grassed median. For this reason, we would propose to hold a series of meetings with various neighborhood groups over the next 90 days to define the final scope of the project. This time would also be spent to refine the project cost estimate based upon a realistic construction schedule including anticipated inflation increases. The cost estimates listed below may need to be modified as a result of these efforts.

5. As part of the overall agreement (see summary below), Mr. Goode will recommend to the Board of Transportation that they assume funding responsibility for two City projects.

   These two projects are:

   (1) Idlewild Road Widening, and
   (2) South Boulevard/Woodlawn Road Intersection

   This will allow us to utilize City funds to accelerate the NC 51 project.

Under the scenario described above, the City will need funds as foll

(1)	NC 51 Widening	-	$12,600,000
(2)	Tyvola Road Extension	-	$ 2,500,000
(3)	Contingency	-	$ 500,000
	TOTAL		$15,600,000

The source for these funds would be:

(1)	$ 8,000,000	-	US 74 Account
(2)	$ 3,000,000	-	Mecklenburg County Contribution to NC 51
(3)	$ 1,700,000	-	TSM Intersection Account (South Boulevard/ Woodlawn)
(4)	$ 2,300,000	-	Idlewild Road Account
	$ 600,000	-	Developer Contributions (NC 51/NC 16 Intersection)
	$15,600,000		TOTAL

The effect of this agreement is to allow us to accelerate these important projects and to have the NCDOT fully responsible for US 74 while the City is fully responsible for NC 51.

In order for staff to complete work on this agreement and to secure the funding sources, City Council is requested at its August 12 meeting to:

1. Endorse the agreement and funding scenario as outlined above.

2. Accept the NC 51 project for City construction and instruct staff to report back in 90 days with a refined project scope, schedule and cost estimate.

3. Authorize the amending of the FY 86/FY 90 Capital Improvement Budget to reflect this agreement.

4. Authorize the City Council representative to the Metropolitan Planning Organization (MPO) to vote to amend the Charlotte-Mecklenburg Transportation Improvement Program (TIP) to reflect this agreement.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AMENDING THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 1986 to 1990.

WHEREAS, the City of Charlotte recognizes and intends to address the roadway system needs of this growing community; and

WHEREAS, the City of Charlotte desires to enter into a Transportation Improvements Agreement with the State of North Carolina; and

WHEREAS, the City of Charlotte has a five year Capital Improvement Program based on priorities developed in fiscal year 1985 that balances the potential physical development planning with long-range financial capacity.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in its regular session duly assembled, that it does hereby amend the Capital Improvement Program for fiscal years 1986 to 1990 to incorporate a Transportation Improvements Agreement with the State of North Carolina with the following changes:

- The North Carolina Department of Transportation will:
  1. Fund all of the Independence Boulevard project from I-277 to Albemarle Road including the matching of any Urban Mass Transportation Administration grant for a busway.
  2. Proceed as quickly as possible to construct the Pineville By-Pass portion of the Outer Belt and to acquire right-of-way for the remaining portions.

3. Assume funding for the two City projects of Idlewild Road Widening and South Boulevard/ Woodlawn Road Intersection.

o The City of Charlotte will:

1. Fund all of the Highway 51 Widening from Pineville to Matthews. The project will include a $3 million contribution from Mecklenburg County.

2. Increase the project budget of Tyvola Road Extension by approximately $2.5 million to cover increased right-of-way costs and relocation of the North Carolina Department of Transportation maintenance facility on Yorkmont Road.

This 12th day of August, 1985.

Approved as to form:

Henry W. Underhill, Jr.
City Attorney
by David M. Smith
Asst City Attorney

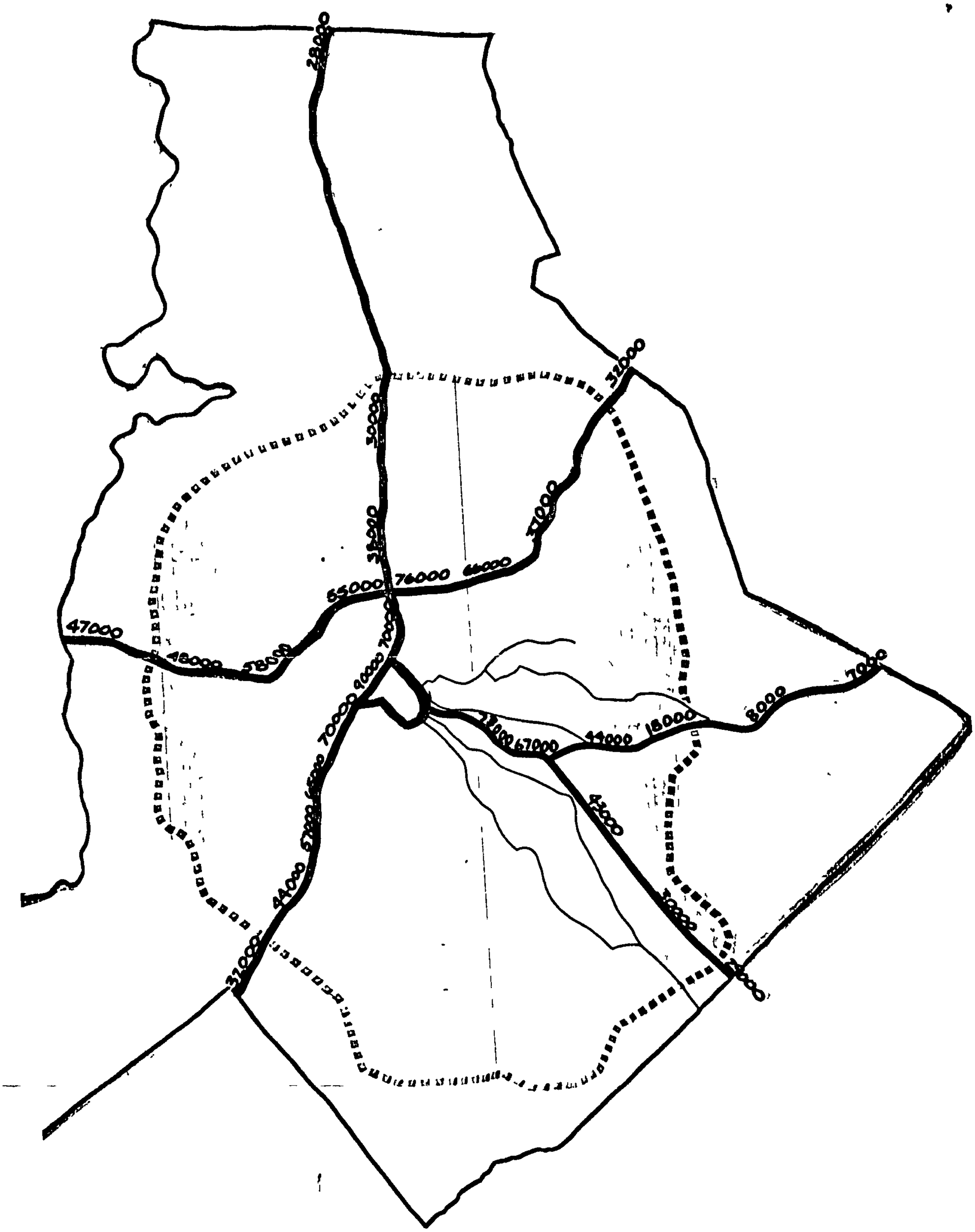
CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 12th day of August, 1985, the reference having been made in Minute Book 84, and recorded in full in Resolution Book 21, at Page(s) 204-205.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 13th day of August, 1985.

Pat Sharkey

PAT SHARKEY, ~~CITY~~ CLERK



1985 AVERAGE WEEKDAY TRAFFIC

10/5/87

(Independence Boulevard information will be handed out at the workshop.)

NOTES

Storm Drainage

Storm Drainage Facilities
Maintenance on Private Property

Discussion of Options

The definition of maintenance with respect to drainage facilities on private property is "cleaning and minor repair to make existing facilities functional". This contrasts with projects we expect to undertake through the Storm Drainage Repair Policy, which are termed improvement projects. For example, if an 18-inch pipe were clogged with silt and debris, maintenance would involve cleaning the existing pipe so that its full capacity will be utilized. This action will reduce the frequency of flooding somewhat. An improvement project would be to upgrade the existing pipe to the 30-inch culvert that present standards dictate. This would significantly decrease the frequency of flooding albeit at significantly higher costs. In his study of Charlotte's Drainage Policies and Regulations, Dr. Malcom concluded that a range of options exist for dealing with maintenance of drainage facilities on private property. The discussion becomes what level of funding can be justified by the benefits received. Four options have been identified. In order of increasing City involvement, they are as follows·

1. Status Quo - Property owners continue to be responsible for maintenance on their property. There is no direct cost to the City although little maintenance is actually performed.

2. Investigators issue citations to property owners for not maintaining adequate drainage on their property. This is analagous to the Community Improvement Division, which issues citations for tall grass, junk cars, etc. However, correcting drainage problems is significantly more difficult than cutting grass, often involving more than one property.

3. City responds to requests from property owners and performs work necessary to make existing facilities function. It is difficult to project what the demand for this service might be. It would increase the public's expectations with respect to the City's responsibilities and would likely result in pressure to increase future budget allocations. It would also lead to confusion as to whether drainage is a public or private responsibility.

4. The City would accept responsibility for maintenance on private property and would operate maintenance crews on a scheduled basis. Some property owners would not voluntarily permit maintenance activity on their property and rights-of-way would have to be purchased. Again, it is very difficult to determine the budget necessary to adequately meet the demand. Problem areas in the system would mandate the need for an extensive Capital Improvement Program. This option basically adopts drainage on private property as a public responsibility and represents a significant cost for an indefinite period of time.

The recommendation is to either maintain the present posture that maintenance on private property is a private responsibility or accept full responsibility

and establish a proactive, planned maintenance and improvement program. The latter involves significant expenditures; the only practical method of generating revenues of that magnitude are through a City or County-wide enterprise utility.

If Council wishes to consider a change from this recommendation, we would recommend a six month trial period in representative neighborhoods of Option 3.

STORM DRAINAGE FACILITIES
MAINTENANCE ON PRIVATE PROPERTY

Comparison of Discussion of Options

Four primary options have been identified. In order of increasing City involvement, they are as follows:

1. MAINTAIN THE PRESENT POLICY - Annual cost $0.
   Individual property owners would continue to be responsible for maintenance on their property. As a matter of policy, the City has only used its authority to require property owners to perform maintenance when a public hazard or public property is involved.

Advantages	Disadvantages
- The City is not responsible for - No additional expenditure	- Little Maintenance is actually

2. CITATION/ENFORCEMENT PROGRAM - Annual cost $200,000.
   The City Charter grants the authority to require property owners to provide and maintain necessary drainage facilities. An investigator/administrative group would issue citations to property owners not maintaining adequate drainage on their property. Failure of property owner to meet a deadline would result in a court order for compliance or the City contracting for the work and placing a lien on the property.

Advantages	Disadvantages
- Property owner is responsible for maintenance	- Program is a police action
- City forces will not or will rarely perform work on private property	- Increased contention among property owners and between City and citizens
- No need for waivers from property owners	- Correcting drainage problems are often complex, involving more than one property

3. CITY MAINTENANCE ON REQUEST - Annual cost $450,000 for 2 crews.
   City would respond to requests from property owners and perform work necessary to make existing facilities function, but not make significant system improvements. Drainage improvements on private property would continue to be accomplished through the Storm Drainage Repair Policy.

Advantages	Disadvantages
- City is providing a service to citizens	- Requires that all involved property owners sign a waiver of liability

- Maintenance work is performed, albeit on a selective basis

- We may have to notify property owners of work upstream which affects them

- Moderate risk to City

- Difficult to control demand

- Increases expectations of citizens

4. SCHEDULED CITY MAINTENANCE - Annual cost $1,700,000 for 8 crews. The City would operate several maintenance crews on a scheduled basis to maintain all private property drainage systems. Listed cost does not include any funds for acquisition of easements.

Advantages

- A pro-active, systematic approach

- City performs maintenance - no question of responsibility

Disadvantages

- Requires permanent easements which would have to be donated or acquired through condemnation

- City accepts full liability for drainage problems

- Property owners may object to removal of fences and shrubbery and damage to lawns and gardens

- Can not accurately determine magnitude of problem - 8 crews? 20 crews?

- Increases expectations of citizens; difficult to control budget requirements

DRAINAGE MAINTENANCE ON PRIVATE PROPERTY

Funding Options

Presently, Charlotte does not allocate any funds directly to maintenance of drainage facilities on private property. The Storm Drainage Repair Policy, funded at $500,000 per year, corrects a small number of drainage problems, although these projects are primarily improvements to the system rather than maintenance. The City's maintenance of drainage facilities in street rights-of-way is incorporated in the Street Maintenance Division's budget and an upgrade/improvements CIP account. Four options available for further funding of drainage maintenance on private property are as follows:

1. General Funds - General fund monies could be allocated to these programs.

2. Special Assessments - State statutes allow City Council to enact one-time, special assessments, distributing costs to all property owners in a drainage basin. This is primarily suited to specific improvement projects, or perhaps remedial maintenance, but is not well suited to an ongoing maintenance program.

3. Drainage Districts - Each drainage basin would become a drainage district, and the property owners in each district would be taxed to fund necessary improvements and/or maintenance in that district. State statutes define this as a very complex process, requiring public hearings, quasi-municipal corporations, cumbersome procedures, etc.

4. Stormwater Utility - Probably the most thorough method of generating revenue is the enterprise utility. Similar to the water and sewer department, each property owner is charged a fee for receiving a service. In the case of a stormwater utility, the service provided is the construction and maintenance of the drainage system. The revenue generated funds administration, planning, design, construction, and on-going maintenance of drainage facilities.

NOTES

Apparel Mart

TRADEMART

October 5, 1987

ANALYSIS OF CURRENT ISSUES

I. Introduction:

On May 5, 1987, negotiations between the City and Crosland-Erwin-Merrifield (CEM) Associates were concluded for the development of a Trademart and parking facility located on the block bordered by East Fifth, East Sixth and North College Streets and the Southern Railroad tracks. Pursuant to these agreements, CEM Associates will build the Trademart and parking facilities and the City will buy the land on which they sit for 5.6 million dollars when these facilities are ready for occupancy by the Carolina-Virginia Fashion Exhibitors. The City will then lease this land to CEM Associates for a rent which begins at $50,000 and increases to $600,000 by the seventh year of the lease. In addition, the City will receive 18% of the net operating income received above the base amount in 1992 and thereafter.

II. Additional Proposal:

On September 9, 1987, CEM Associates proposed to the City that our current arrangements be amended to provide for an increase in the Trademart project by adding a Days Inn Hotel and 250 additional parking spaces. CEM Associates and City staff have met on this subject and believe an agreement could be worked out if that is the desire of the City under the following terms:

1. City would amend its ground lease to allow a hotel as a "permitted use".

2. City would approve changes to exhibition structure necessary to accommodate a hotel as a "material alteration".

3. Crosland-Erwin-Merrifield Associates would agree to increase the City's return so that the City would be in the same relative position as if the hotel had been originally contemplated.

Note that none of these changes would be appropriate unless the Council agrees to the zoning changes requested by CEM Associates, but not yet approved by Council.

If the City agrees to this proposal, it will get the benefit of the hotel and larger parking deck and the additional revenues they produce without increasing the City's contribution to the project. It would take a few weeks to actually work out the legal amendments necessary, but no new negotiations would be required since CEM Associates has agreed to provide the City with the same relative portion of the pie as if the changes had always been contemplated.

NOTES

Council Committees

MAKING COUNCIL COMMITTEES MORE EFFECTIVE

Purpose: To provide an opportunity for Council to discuss and identify strategies to make Council Committees more effective

Discussion Questions:

- Can the committee system be improved to assist Council's goals in the policy-making process?
- What strategies/techniques does Council think would promote Council's goals in the committee system?

NOTES

1 ea 238710 formal minutes 05

Council workshop

10/5/87 5:15 pm

Mayor ✓
Donnelly see notes
Fleming ✓
Hammond ✓
Lupu ✓
Matthews ✓
C Patterson ✓
P Patterson ✓
Round ✓
Troset ✓
Vincent ✓
Woollen ✓

#4 Council Committees
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Round
Bill Finger DOT

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7:50 pm

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Mayer cancelled 10/13 mtg

Matthews / Russo
agreed 9 c 5