AGENDA

Meeting Type:	B
Date:	08-26-1991
SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Meetings in August '91

THE WEEK OF AUGUST 5 - 9

6	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
7	Wednesday, 12 Noon	CITY COUNCIL REGIONAL ISSUES COMMITTEE _ CMGC, Rooms 270-271
	Wednesday, 1 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION/University City Public Library Ad Hoc Art Advisory Committee - CGMC, 8th Floor Conference room

THE WEEK OF AUGUST 12 - 16

12	Monday, 3 00 p m	CHARLOTTE CLEAN CITY COMMITTEE/Business Beautification Awards Committee - CMGC, Room 270
	Monday, 7 00 p m	HISTORIC LANDMARKS COMMISSION Commission Office, 1221 S Caldwell St
13	Tuesday, 8 00 a m	AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conference Room A
	Tuesday, 3 00 p m	HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room
	Tuesday, 3 00 p m	PLANNING COMMISSION/Planning Committee (Central District Plan Area Tour) - CMGC, 8th Floor Conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p m	STORM WATER TASK FORCE - CMGC, Conference Center
14	Wednesday, 8 00 a m	CHARLOTTE CLEAN CITY COMMITTEE - CMGC, Room 270
	Wednesday, 8 30 a m	CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room
	Wednesday, 4 00 p m	HISTORIC DISTRICT COMMISSION - CMGC, 8th Floor Conference Room
15	Thursday, 4 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION CMGC, 8th Floor Conference Room
	Thursday, 7 00 p m	CHARLOTTE TREE ADVISORY COMMISSION - CMGC, Room 270

THE WEEK OF AUGUST 19 - 23

20	Tuesday, 12 Noon	CITY COUNCIL/COUNTY COMMISSION/SCHOOL BOARD MEETING - CMGC, Conference Center
	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT ADVISORY BOARD/Executive Board - CMGC, 10th Floor Conference Room
	Tuesday, 2 00 p m	HOUSING AUTHORITY - Administrative Office, 1301 S Blvd
	Tuesday, 3 00 p m	PLANNING COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
	Tuesday, 4 00 p m	PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room
	Tuesday, 4 30 p m	COMMUNITY RELATIONS COMMITTEE CMGC, Conference Center
	Tuesday, 6 00 p m	CHARLOTTE ADVISORY PARKS COMMITTEE - CMGC, Rooms 270-271
21	Wednesday, 7 30 a m	CITY COUNCIL/COUNTY COMMISSION/CHAMBER BREAKFAST - Charlotte Chamber, 129 W Trade Street, Conference Room
22	Thursday, 4 30 p m	CHARLOTTE TRANSIT ADVISORY COMMITTEE - CMGC, Room 119

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF AUGUST 26 - 30

26	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** CMGC, Meeting Chamber (Televised Live on Cable Channel 32)
27	Tuesday, 1 00 p m	**CITY ZONING BOARD OF ADJUSTMENT** Hal Marshall Bldg , 700 N Tryon Street, Building Standards Conference Room
	Tuesday, 3 00 p m	**PLANNING COMMISSION/Planning Committee (Central District Plan Area Tour)** - CMGC, 8th Floor Conference Room
	Tuesday, 4 00 p m	**PLANNING COMMISSION/Planning Committee** - 8th Floor Conference Room
	Tuesday, 6 00 p m	**STORM WATER TASK FORCE** - CMGC, Conference Center
28	Wednesday, 9 00 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - Convention Center, 101 S College St , VIP-B Meeting Room
29	Thursday, 5 00 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION** CMGC, 8th floor Conference Room

These organizations will <u>not</u> meet in ·

Advisory Energy Commission
CMUD Advisory Committee
Firemen's Retirement Board
Parade Permit Committee
Private Industry Council

August 26, 1991 City Council Agenda
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CHARLOTTE

Mayor Sue Myrick | *Mayor Pro Tem Cyndee Patterson*

Stanley M Campbell
Daniel G Clodfelter
Ann Hammond
Pat McCrory
Tom Mangum
Hoyle H Martin
Roy Matthews
Ella Butler Scarborough
Richard Vinroot
Lynn M Wheeler

Council Agenda

Monday, August 26, 1991

5:00 p.m.	-	Council-Manager dinner • Stormwater
6:30 p.m.	-	Citizens Hearing
7:00 p.m.	-	Council Meeting

ITEM NO.

1. Invocation by Rev. John Duncan of Caldwell Memorial Presbyterian Church.

2. Consider approval of minutes of June 10 Briefing and Meeting, June 13 South/West District Plan, June 17 Zoning Meeting, June 24 Briefing and Regular Meeting, July 3 Special Meeting, July 15 Zoning Meeting, July 22 Briefing and Regular Meeting and July 24 Joint City/County Meeting on New Zoning Ordinance and July 30 Joint City/County Meeting.

PUBLIC HEARING

3. A. Conduct a public hearing to obtain views of citizens on a proposed ordinance to amend the Charlotte Housing Code.

   B. Recommend adoption of an ordinance to amend the Charlotte Housing Code.

Housing Code Amendment	A Housing Code amendment is proposed to: (1) assist the City Council in meeting its desired goals and objectives through the City Within a City program, and (2) address citizen complaints regarding abandoned structures in their neighborhoods which contribute to blight and slum conditions and the opportunity for crime and drug activities.

Adoption of the ordinance will enhance one of the recommendations of the Crime and Drug Task Force which is to have a code enforcement team identify abandoned houses and buildings used as drug locations.

- The proposed ordinance (Exhibit A) will allow the same code enforcement procedures used for residential structures to be used for nonresidential structures.

- The Community Development Department will assume the code enforcement of nonresidential abandoned structures within the City with priority given in the 21 census tracts containing the most deteriorated housing and the "City Within A City" geographical boundaries (Exhibit B).

- The Building Standards Department will continue the code enforcement of all non-abandoned commercial structures located within the County.

- A letter of agreement has been prepared between the Community Development Department and the Building Standards Department to effect this change (Exhibit C).

Additional detailed information on the recommended amendment is attached.

Funding: Approval will authorize the existing appropriation of In Rem funding to be used for nonresidential structures.

Clearances: The proposed ordinance has been reviewed and approved by the Legal and Community Development Departments.

Staff Resource: Del Borgsdorf

Attachment No. 1

4. A. Conduct a public hearing regarding an amendment to the FY92 Community Development Block Grant (CDBG) Final Statement;

B. Recommend adoption of budget ordinance authorizing transfer of funds to reimburse HUD monitoring findings;

C. Approve an amendment to the CDBG Final Statement of Community Development Objectives and Projected Use of Funds and its filing with HUD for FY92 for $3,751,000, Program Income of $1,243,523, Recaptured Federal Funds of $33,000 and reimbursement of HUD monitoring findings of $225,690 for a total of $5,253,213.

A change in the CDBG application for funds needs to be made because (1) funding changes were made during the FY92 budget adoption after the application for funds had been made to HUD, and (2) to resolve findings from the annual HUD monitoring review. The attachment lists the original and amended funding for the CDBG program revenues and expenditures.

CDBG

On May 13, 1991 City Council approved the Final Statement of Community Development Objectives and Projected Use of Funds for FY92 and approved filing the application with HUD for CDBG funds for FY92. HUD approved the application and the documents executed by the City and HUD.

On June 24, 1991, as part of its approval of the FY92-93 budget, Council made changes to the funding sources for the Community Development Department activities in order to reduce the General Fund appropriation. Because of these funding changes, it is necessary to amend the CDBG Final Statement.

HUD Monitoring

The annual HUD monitoring review of the CDBG program resulted in three findings which require repayment from local funds to reimburse the CDBG program to be used locally for eligible CDBG activities. The three findings involve the Belmont Neighborhood Program, building rent charges for the Community Development Department and the Family Housing Services Contract.

Belmont

A determination was made during the FY92 budget process to be innovative with the Belmont plan as an "urgent need" activity and with the Family Housing Services contract as a "stand alone" housing counseling activity in an effort to reduce reliance on local funding for these programs. HUD disagreed with the City's interpretations of the Federal regulations and insists that the City activities in Belmont are not an "urgent need" but a public service as well as Family Housing Services' housing counseling activity. Therefore, the City exceeded the Federal statutory cap of 15% of CDBG funds for public services and is being requested to repay ineligible expenses of $177,769 with local funds. The Belmont plan for FY92 is funded with local dollars.

Rent Charges

A second finding involves the payment of rent for the space that the Community Development Department occupies in the CMGC for the period since the last monitoring visit. This finding is based on the requirement to have an indirect cost allocation plan. The Finance Department is now preparing that plan for HUD's approval. The repayment being required for the rent charges is $47,921.

Family Housing Services

A third finding related to Family Housing Services repayment is based on 87% of administrative costs charged to the CDBG program without an approved cost allocation plan. HUD is requiring repayment of administrative costs that have not been identified at this time. Our maximum repayment is now estimated to be $30,000 based on the FHS budget. The City will request that HUD allow 60 to 90 days in order to determine the exact amount. These findings will not be repeated since FHS is now paid from local funds, and a cost allocation plan is being developed.

The total repayment for Belmont and the rent charges is $225,690. The repayment is proposed to be made from the Innovative Housing Fund. These funds will reimburse the CDBG acquisition of property program activity and will be utilized to support land acquisition under our innovative housing program; in effect a trade-off of funds.

Council Action: HUD regulations require that the same procedures be followed for amending the final statement as were used for the approval of the original final statement. Therefore, City Council is requested to (1) conduct a public hearing regarding an amendment to the FY92 Community Development Block Grant (CDBG) Final Statement; (2) approve a budget ordinance authorizing transfer of funds to reimburse HUD monitoring findings (see Exhibit A); and (3) approve an amendment to the CDBG Final Statement of Community Development Objectives and Projected Use of Funds (see Exhibit B).

Funding: Community Development Block Grant funds.

Clearances: Budget and Evaluation and Community Development Department. The Grant Review Committee has reviewed the FY92 amended application.

Staff Resource: Del Borgsdorf

Attachment No. 2

5. Recommend the following actions related to the November 5, 1991 bond referendum: (1) Conduct public hearing (2) Adopt bond orders (Water - $14,785,000, Sewer - $48,125,000 and Storm Drainage - $1,200,000) and (3) Adopt a resolution calling for the bond referendum.

Bond Referendum: On June 24, 1991, Council authorized staff to proceed with a bond referendum on November 5, 1991. On July 22, 1991, Council introduced the bond orders for water, sewer and storm drainage bonds and designated August 26, 1991 as the date for a public hearing on the referendum.

Council is requested to take the following actions:

A. Conduct a public hearing concerning the November 5, 1991 bond referendum.
B. Adopt an order authorizing $1,200,000 Storm Drainage Bonds.
C. Adopt an order authorizing $14,785,000 Water Bonds.
D. Adopt an order authorizing $48,125,000 Sanitary Sewer Bonds.
E. Adopt a resolution calling for the bond referendum.

A list of the water and sewer projects is attached.

Clearances: Finance and Bond Counsel.

Staff Resource: Del Borgsdorf

Attachment No. 3

VOTE ON CONSENT ITEMS

6. Agenda items 24 through 48 may be considered in one motion except for those items removed from the consent agenda as a result of a Council member making such a request of the City Clerk prior to the meeting.

Staff Resource: Tom Flynn

POLICY

7. A. Accept the Minority and Women Business Enterprise (MWBE) Reports for 1990 and 1991.

MWBE Reports

The City Council receives regular reports of MWBE participation in City construction and purchasing contracts.

The 1990 and 1991 reports are attached. The reports show the results of competitive bidding by minority and women-owned businesses and review other activities related to achieving Program objectives.

1990

MWBE participation was increased in 1990 due to unexpected bid opportunities created by "Hurricane Hugo" projects. Minority and women bidders were awarded approximately $1 million in emergency purchase orders and contracts for debris removal, hardware, tools, supplies and food service.

1990	Contracts	MBE(%)	WBE(%)	MWBE(%)
Constr.	$73,165,066	$7,445,179(10.1)	$3,159,223(4.3)	$10,604,402(14.4)
Purchsg.	42,689,499	2,630,495(6.1)	1,046,662(2.4)	3,677,157(8.6)

1991
The increase in MWBE participation in 1991 is partly explained by greater efforts of purchasing agents to pursue sub-contracting opportunities in major purchases; and, to improvements in tracking bid and payment records. Decreases in MBE participation in construction contracts reflects the consolidation of more informal projects which were bid in larger packages to effect greater cost savings with these contracts.

1991	Contracts	MBE(%)	WBE(%)	MWBE(%)
Constr.	$83,433,170	$5,210,575(6.2)	$4,367,992(5.2)	$ 9,578,567(11.4)
Purchsg.	32,195,031	1,867,477(5.0)	1,813,827(5.5)	3,470,729(10.5)

Clearances: Major user departments, Legal, Finance, Public Hearings, MWBE Advisory Committee.

Staff Resource: Liz Mills

Attachment No. 4

B. Recommend adoption of the Minority and Women Business Enterprise (MWBE) Program with 1991 revisions.

Revisions The MWBE Program is revised periodically to reflect Federal, State, and local legislation and to maintain objectives recommended for the public interest in the City's contract activity. Revisions recommended for the 1991 program include:

- the designation of MBE for local ethnic minority groups in metropolitan Charlotte which bid City contracts - African Americans, Asian Americans, and native Americans.
- A formal statement of MWBE provisions for construction consultant contracts (MWBE participation has been obtained through informal practices).

Clearances: City staff and the MWBE Advisory Committee conducted seven public information meetings (January through May, 1991). Citizens and organizations comments were considered in developing revisions. The MWBE Advisory Committee recommends adoption.

Staff Resource: Liz Mills

Attachment No. 5

8. Consider a request for waiver of the "two year rule" to allow the resubmission of a rezoning petition that was recently denied.

Two Year Rule

Rezoning Petition No. 91-29, which requested a multi-family classification at the intersection of Castleton and Sharon Amity Roads, was rejected by City Council on July 15 by a vote of 6-4. Subsequently, the petitioner requested waiver of the "two year rule" so that a revised application could be considered for the property. Section 1306 (Effect of Denial) of the Zoning Ordinance, which stipulates the two year waiting period, also allows reapplication of a petition if, after a report from the Planning Commission, City Council determines that there have been substantial changes in conditions or circumstances which may relate to the request.

Zoning Committee

The Zoning Committee added the waiver request to their July 29 work session agenda after receipt of the attached letter dated July 26. The petitioner's agent had also requested time on the agenda for presentation purposes but Zoning Committee viewed a presentation as unnecessary inasmuch as the letter is very comprehensive and complete.

- The Zoning Committee discussed the waiver request for some time focusing on the "substantial changes" wording of the ordinance and the appropriate application of that standard.

- Historically, the "substantial changes" language has been viewed as those changes relating to the surrounding area that are beyond the control of the petitioner, such as the opening of a new road or the adoption of a new land use plan.

- The Zoning Committee discussed the proposed changes to the petition and the associated site plan which include the deletion of over half of the property.

- There was a general consensus that these changes do indeed represent an improvement to the petition as well as a change to the site plan itself.

- However, the Zoning Committee also viewed the deletion of property, in and of itself, as not constituting "substantial changes" as contemplated by the ordinance warranting waiver of the two year rule.

- Each of these changes could have been made by the petitioner up to and including the day of the Council's decision.

Recommendation: Zoning Committee members viewed waiver of the two year rule in this situation as one which would set a dangerous precedent potentially allowing for abuse of the rezoning process. Therefore, the Zoning Committee recommends that the two year rule not be waived for this property.

Staff Resource: Del Borgsdorf

Attachment No. 6

9. Receive information from the Storm Water Task Force and direct the task force to develop recommendations for utility rates and levels of service.

Storm Water Program: The process for developing a comprehensive storm water program approved by Council in March provides for City Council decisions on policy issues at three milestones:

- A package including program priorities, service area, funding strategy and utility rate methods;

- A package involving levels and cost of service; and

- Utility rates.

The citizens task force has discussed in detail the first package and has developed policy information for Council consideration. Because upcoming discussion on level of service and the application of the rate methods to actual program activities may indicate the need to revise/refine their earlier decisions, the task force wishes to reserve that ability by providing information only at this time; policy recommendations for both the

first and second packages will return to Council later this year.

Attached is a task force roster and the policy information developed by the task force. Following is a summary of key issues.

Program Mission & Priorities

The following eleven priorities are to guide development and early efforts of the storm water management program in the City of Charlotte. They are meant to be broad in nature and provide for a logical "building block" approach to program growth and development.

1. Establish a long term strategy.
2. Implement an adequately funded and effective storm water program.
3. Schedule and provide adequate support services (administrative, personnel, data, and physical plant).
4. Develop a drainage system inventory.
5. Identify and prioritize storm water quantity and quality problems.
6. Solve the worst storm water quantity and quality problems.
7. Acquire properties and easements necessary for effective storm water management.
8. Review and revise ordinances and regulations.
9. Satisfy EPA requirements and other applicable government regulations.
10. Initiate storm water master planning.
11. Continue active program of public education and involvement.

Establish Service Area

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

Funding Stategy

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

The City should establish a storm water "enterprise" accounting unit in order to make implementation of the program a "utility" expense rather than a general tax expense.

Rate Methods

The rate structure should be based on impervious area.

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

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

Staff Resource: Julie Burch

Attachment No. 7

10. Recommend approval of an amendment to the Charlotte-Mecklenburg Thoroughfare Plan for Brookshire Freeway Extension.

Brookshire Freeway

The extension of Brookshire Freeway to Interstate 85 has been on the Charlotte-Mecklenburg Thoroughfare Plan since 1977 following the North Carolina Department of Transportation's (NCDOT) decision in the late 1960's to end the freeway south of Interstate 85. The Brookshire Boulevard segment just south of Interstate 85, with its median openings, driveways, and signalized interchange with the interstate, is inconsistent with two rules of freeway design:

- Interchanges between two freeways should never be signal controlled.
- The only safe way to end a freeway is at the interchange with another freeway.

MPO Amends Thorough-fare Plan

On July 17, 1991, the Metropolitan Planning Organization (MPO) unanimously amended the Thoroughfare Plan regarding Brookshire Freeway Extension by:

a. Deleting the alternative route shown on the Thoroughfare Plan (shown on the attached map) which uses a corridor located along the Stewart Creek flood plain and a Duke Power high voltage transmission line right-of-way and

b. Extending the Brookshire Freeway as a freeway/expressway to Interstate 85 along the existing roadway (a distance of about 4,000 feet). At a minimum, this will require the eventual closure of median openings along the present facility. The Interstate 85/ Brookshire interchange, which is under construction, also will require modification for this alternative shown on the attachment.

The NCDOT has indicated that because of funding limitations, the chances of the freeway being extended on a new location which would require a new interchange at I-85 are minimal.

This Thoroughfare Plan revision, recommended by the Technical Coordinating Committee (TCC), resulted from:

- Land use impacts. The Beatties Ford Road Small Area Plan, adopted by Council in November 1985, recommended that Brookshire Freeway not be extended in the Stewart Creek corridor because of impacts on the Oakview Terrace and University Park neighborhoods.

- Environmental impacts. The Federal Highway Administration's and NCDOT's increasing emphasis on wetland protection would reduce the likelihood of a corridor along the Stewart Creek flood plain being selected as the preferred alternative; however, the impacts of this alignment could still be analyzed when an EIS is conducted.

- State perception of the project. On September 20, 1990, NCDOT advised the City that they considered it impractical to include the connector along Stewart Creek as part of the Thoroughfare Plan.

Action Council is requested to approve the Thoroughfare Plan amendment for Brookshire Freeway Extension adopted by the MPO on July 17.

Staff Resource: Julie Burch

Attachment No. 8

11. Recommend approval of the Planning and Public Works Committee's recommendation regarding the Engineering Department's relationship with the Charlotte-Mecklenburg Building Standards Advisory Committee (CMBSAC).

CMBSAC

The Charlotte-Mecklenburg Building Standards Advisory Committee (CMBSAC) requested that City Engineering's land development regulatory activities fall under their umbrella of responsibility. These activities include driveway permits, stormwater detention, Tree Ordinance requirements, etc. CMBSAC currently advises the Building Standards Department, County Engineering and County Commission on County related permitting functions.

Committee Recommendation

The matter was referred to the Planning and Public Works Committee which recommends that the City develop ways to improve informal cooperation and communication with CMBSAC. The committee recognized that a number of citizen committees already advise City Engineering on various aspects of their work. Placing Engineering under CMBSAC's responsibility would require major reorganization of CMBSAC and existing City committees. The committee felt that communication between CMBSAC and City Engineering could be enhanced in the following manner:

1. A member of all City Council appointed advisory committees related to the land development regulatory process will become ex-officio members of CMBSAC, and a member of CMBSAC will become an ex-officio member of City committees advising on the City's land development policies. Currently the Tree Advisory Commission (TAC) is the only Council appointed advisory committee that does not have a CMBSAC representative on its committee. Additionally, the Committee recommended that the chairman of the TAC should be the representative on CMBSAC for the first year.

2. City Engineering will continue to attend CMBSAC meetings for information sharing purposes.

3. CMBSAC will submit a report semi-annually to the City Council on City land development policies and regulations and how they relate to the Building Permit process.

4. This arrangement will be reviewed after one year to determine its effectiveness.

Committee minutes are attached.

Staff Resource: Julie Burch

Attachment No. 9

12. Recommend approval of a sewer back-up claims policy as unanimously recommended by the Planning and Public Works Committee.

Sewer Back-ups

The Planning and Public Works Committee investigated the issue of reimbursing citizens for damages caused as a result of sewer back-ups in the City sewer system. Following are the basic issues related to this question:

- When sewer back-ups happen, the cause of the damage can be in the citizen's private line or the City's main line.

- Citizens are virtually always responsible for back-ups in the private line.

- As a matter of law, cities are not liable for back-ups in City lines unless some negligence was committed by the City. The test for negligence is improper design or maintenance of the system.

- When back-ups occur, it is often impossible to determine any negligence on the City's part, but citizens suffer financial losses, potential health hazards and lingering after-effects.

- Losses of this type would have amounted to nearly $100,000 in known claims if the proposed policy had been in effect.

- Claims not known and claims not valued would also have to be paid when the new policy is accepted.

- If the new policy is put into effect from July 1, 1990, then initial funding would have to be considerably larger for start up program with two years of uncertainty involved.

- The recommended figure of initial funding, estimated to cost $500,000, will be adjusted by experience and reserve level efficiency will improve with experience.

$15,000 The City Attorney has drafted the attached policy which creates liability requiring the City to pay for up to $15,000 in damages for these types of claims. The policy makes the City responsible for the limited payment in the event:

1. The back-up occurs in the public system, not in the customer's private lines.

2. The back-up was not in any way caused by the negligence of the citizen who suffered the damage.

3. The citizen must agree to the installation of a back water valve and assume responsibility for its maintenance. (City to pay for purchasing and installation of valve.)

4. The citizen signs a release discharging the City of further liability and certifies that they receive no further payment.

The effect of accepting liability for these type of claims can be illustrated using FY91 fiscal year claims.

Given present circumstances:

12 claims paid at a cost	$57,078
31 investigated claims denied (based on no liability)	0
	$57,078

CHARLOTTE

12a

Request for Council Action

To: the City Council from the City Manager

Action Requested: **Recommend approval of the Regional Issues Committee recommendation for a contract with UNCC Urban Institute for continuation of regionalism efforts.**

Responsible Department: **City Manager's Office**

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

Background

Attached is a proposal from the UNCC Urban Institute to provide assistance to the Council committee on regionalism in their efforts to form an urban regional organization. The proposal was reviewed and unanimously approved by the Regional Issues Committee on August 7. The primary work program consists of continuing to coordinate regional meetings with cities within our area with the objective of identifying common interests, goals and objectives, work program, funding and other logistical issues.

The Urban Institute will begin their work in mid-August 1991 and conclude their efforts at the end of January 1992. The intended product will be a continuation of our regional dialogue and the formation of a regional urban coalition.

The total estimated cost of the UNCC contract is $19,000. Council is requested to approve the contract with UNCC and a budget ordinance appropriating $19,000 to fund the program from Council's contingency account.

UNC CHARLOTTE
The University of North Carolina at Charlotte
Charlotte N C 28223

Urban Institute
704 547 2307

August 1, 1991

TO CHARLOTTE CITY COUNCIL SUBCOMMITTEE ON REGIONALISM

A. *INTRODUCTION*

The contract that has just been concluded with the City of Charlotte contained provisions for two activities the hosting of a number of city-to-city visits and a culminating conference that included all of the participants in the city-to-city visits These two activities have occurred and the loose ends from the conference are now being processed

The original proposal contained a third optional event· a two-day fall conference Our judgment at this stage of the process is that interest has shifted from holding a second conference to more action oriented items

The primary recommendation coming from the conference was that of proceeding with a process of developing a regional organization of cities. Other recommendations such as developing a regional strategy for a more effective presence in the state legislature and pursuing a regional development strategy depend upon successfully launching a regional organization of cities

The funding provided by the City of Charlotte covered the two activities in the original contract and has been exhausted. The Urban Institute would like to continue in assisting the development of the cities organization, and, to that end, is offering the following proposal for the consideration of the Subcommittee on Regionalism and ultimately the City Council

B. STATEMENT OF PURPOSE

The purpose of this contract is to continue to support the development of a regional organization of cities. The June conference indicated a consensus among attendees on the need for such an organization A regional organization of cities could provide the impetus for a more effective coalition of state representatives from this region. The conference and the city-to-city visits elicited much interest in pursuing a regional development strategy, which would be guided by the cities' organization. In fact, the success of a regional development strategy is dependent upon having a credible sponsor, which the organization of cities would be. At the present time, a model for developing a cooperative regional public policy initiative is underway. Charlotte, Matthews, Pineville, Mint Hill, Huntersville, Cornelius, Davidson, Mooresville, Gastonia, Rock Hill, Monroe, Concord, Kannapolis, and Mecklenburg County are in the process of forming a Mass Transit Partnership. This effort would easily fall under the aegis of the regional organization of cities.

C. WORK PROGRAM

1 A presentation would be made to local government leaders informing them of the purpose of developing a regional organization of cities, asking for the support of the city through a resolution and requesting that a member of the city or town government (elected official) be appointed to the Task Force charged with developing the organization of cities These presentations will be scheduled by Urban Institute personnel McCoy and Gallis will attend these meetings along with a member or members of the Charlotte City Council's Subcommittee on Regional Issues, when convenient The visitation process will be developed with the advice of the chair of the Subcommittee on Regional Issues

2 To assist in the presentations, Gallis will develop new materials in the form of brochures, pamphlets, slides or other media to assist in the understanding of the need for an organization of cities and its potential impact on such pressing issues as a regional development strategy, a regional legislative initiative and the Mass Transit Partnership

3 Meetings will be scheduled with other regional organizations, such as the Councils of Government, the Carolinas Partnership and the Carolinas Counties Coalition, to inform them, to ascertain their interest, and to seek their cooperation A representative of other regional organizations will be asked to attend Task Force meetings as ex officio members.

4 After cities have appointed members of the Task Force, a series of Task Force meetings will be held These meetings will consider establishing a framework through which new regional initiatives can be pursued and a structure that will provide the organization with the capacity to pursue these initiatives To this end, these meetings will consider such issues as mission, goals and objectives, work program, funding, name, membership criteria, voting, and other organizational matters

5 The meetings of the Task Force will be facilitated by Urban Institute personnel This effort will include setting up meetings, facilitating individual sessions, taking minutes, communicating with the Task Force, and writing a final report.

6. If Institute support is needed after the new organization has been formed, then any additional contracts will be negotiated with the Regional Cities Organization

D. TIME FRAME

1 Local Government Visits — August 15 - September 15
2. Task Force — September 15 - January 15.
Would include five or six meetings of the Task Force or designated subgroup.
3 The contract duration would be from August 1, 1991 to January 30, 1992.

E. PROJECT COSTS

The projected cost for this contract extension is $19,000 with an upper limit cap of $22,000 If we find that the cost will exceed $19,000, a contract amendment agreed to by the City of Charlotte will be processed The $19,000 fee will be paid in three equal installments with invoices from the University after the contract has been signed, at the mid-point of the contract period, and at the end of the contract The Urban Institute will provide the City of Charlotte a monthly synopsis of contract activities to include the costs associated with that month's activities

F. SUMMARY

If this proposal is approved by the City of Charlotte, a contract between the City and the University of North Carolina at Charlotte will be executed

Given approval of proposed policy:

12 claims paid at a cost	$ 57,078
28 investigated claims (liability accepted)	51,170
9 investigated claims (value unreported)	0+
? unreported claims (value unknown)	0+
	$108,248+

Committee minutes are in Attachment No. 9.

Funding: If Council approves the policy, a budget ordinance will be included on the September 11, 1991 Council agenda.

Clearances: CMUD, Finance, Legal.

Attachment No. 10

12a.

13. Recommend approval of the September workshop agenda.

The following items are recommended for the Tuesday, September 3 workshop which begins at 5:00 p.m.

Update on Airport issues
Transit route system discussion

BUSINESS

14. ~~Recommend authorizing the City Manager to negotiate an interlocal agreement with Mecklenburg County for a loan of up to $1.2 million for design and right-of-way acquisition for Westinghouse Boulevard widening, and adoption of a budget ordinance appropriating the funds.~~

SUBSTITUTE RECOMMENDATION FROM MANAGER APPROVED.

Council Action: This action will authorize the City Manager to negotiate an interlocal agreement to borrow funds from Mecklenburg County to begin project design on Westinghouse Boulevard improvements. The County Commission's loan is contingent upon the City's:

1) Funding Westinghouse Boulevard widening by reprogramming from construction cost savings from road bond projects (such as Sardis Road widening), or

2) Funding the project from any new revenue sources for street improvement projects, and
3) The City's commitment to repay the County for the advanced funds.

The City Engineering Department has developed the following estimates for the Westinghouse project:

Consultant preparation of design plans	$500,000
City staff planning efforts, administration, and overhead	$300,000
Right-of-way acquisition	$400,000

If the interlocal agreement can be negotiated over the next two months, City Engineering will request Council approval of an engineering consultant for the Westinghouse project on October 28. City Engineering estimates 12-15 months for plan preparation and about one year for right-of- way acquisition. They also estimate construction cost at $4.5 million and the construction period at 1 1/2 to 2 years.

Additional information on Westinghouse Boulevard is attached.

Funding: Repayment of loan will be funded by possible savings from projects already included in the Capital Improvement Program after construction bids are received.

Staff Resource: Julie Burch

Attachment No. 11

15. Recommend approval of granting air rights over North College Street to NCNB-Charter Associates for the construction of a pedestrian bridge, authorize the Mayor/City Manager to execute an easement agreement granting such rights, and waive charges for air rights.

Pedestrian Bridges: Development plans for the NCNB Corporate Center project include a pedestrian bridge over North College Street connecting the project with the new NCNB parking deck.

- City staff and NCNB-Charter Associates determined that the pedestrian bridge should be classified as public.

- The developer agreed to construct, own, and provide all maintenance and operational costs associated with the pedestrian bridge.

- Two other public pedestrian bridges will connect to the NCNB Corporate Center project: an existing bridge across East Trade Street which connects to the Overstreet Mall system, and a bridge that is proposed across East Fifth Street which will connect to CityFair. The North Carolina Performing Arts Center, a public facility, will be accessible from all three bridges.

Waive Air Rights

The City's policy is to charge for air rights over public rights-of-way. Staff recommends that the charge for air rights be waived for the proposed bridge over North College Street. The recommendation is consistent with Council's action regarding the First Union/College Street pedestrian bridge which linked the Overstreet Mall system with retail and a public YMCA facility in the One First Union Center.

Value

The value of the air rights is $61,875, which NCNB-Charter Associates requested be waived during negotiation of right-of-way donation and lease agreements with City staff.

- The developer has agreed to dedicate right-of-way for and construct an additional lane on North College Street between Trade and Fifth Street.

- The City will participate in construction of the lane by paving the widened section.

- The right-of-way for the additional lane has a total value of $876,952.

- Three-fourths of the lane/right-of-way is needed to serve right turns into the parking deck and is the responsibility of NCNB-Charter Associates.

- The remainder of the right-of-way for the extra lane has a value of $226,400 and is a cost for which the City is responsible.

- The right-of-way lease for constructing the NCNB Corporate Center project which is owed to the City is estimated at $283,550.

- The difference, $57,150, will be paid to the City by NCNB-Charter Associates.

Clearances: The City Attorney, Planning staff, Engineering Department/Real Estate Division, and Charlotte Department of Transportation staff concur with this request.

Staff Resource: Del Borgsdorf

16. Recommend approval of the addition of Alternates G-1 and G-2 to the construction contract for Independence Plaza Park.

Martin Cramton will be at the Council meeting to make a visual presentation.

Independence Plaza Park: On February 13, 1989, City Council approved a contract with Danadjieva and Koenig Associates for the design of Independence Plaza Park with a fixed limit of construction of approximately $1.2 million. On July 22, 1991, Council was asked to approve a construction contract with InSite for the construction of Independence Plaza Park for $1,185,608.00. Council awarded the construction contract for $1,078,309.00. This award did not include the two alternates that were recommended by staff.

Alternates: Council is requested to approve the addition of Alternates G-1 and G-2 to the construction contract for Independence Plaza Park.

Alternate G-1: Adds two free standing water sources in the small pool areas. Cost: $68,835.

- The designers' full concept of the park will be realized.

- Provides circulation and movement of the water in the small pool areas.

- Provides good locations for future historical relief panels that depict the history of North Carolina.

Alternate G-2: Adds two free standing sculptural elements. Cost: $38,464

- The designers' full concept of the park will be realized.
- Provides walking and seating areas for interacting with the fountain.
- Keeps the design within the UMUD guidelines and requirements for seating. If this alternate is not approved, staff would need to develop a plan to meet the seating requirements.

The two alternates were part of the designers' original concept and not additions to the design. The designers were asked to identify two items to be bid as alternates to insure that the base bid would not exceed the approved $1.2 million fixed limit of construction. Due to the uncertainty of the bidding climate, had the bids come in over budget, these alternates would have provided a means to award a construction contract within budget without having to delay the project any further for re-design.

Staff recommends that Council approve the addition of Alternate G-1 ($68,835) and Alternate G-2 ($38,464) to the construction contract as part of the original architectural concept. The total construction cost would be $1,185,608.

Funding: Independence Plaza Park Capital Account.

Clearances: These additions have been reviewed by the Attorney's Office and reviewed and approved by the Engineering Department and Planning Staff.

Staff Resource: Martin Cramton

17. Recommend approval of the exchange of 9.55 acres of land to the Charlotte Mecklenburg Board of Education in return for 4.08 acres of School Board land and other considerations, both properties being located on N.C. Highway 51.

Property Exchange: On July 22, 1991 City Council authorized staff to advertise its intent to exchange land on Highway 51 with the Charlotte Mecklenburg School Board. The exchange of this property and other considerations will enable the City and the School Board to jointly develop recreation facilities for a new park and school, specifically four softball fields and a football/soccer and track facility. These athletic facilities will be utilized by both the schools and park users. By working together on this project a greater number of athletic facilities can be made available to the community.

Council is requested to approve the exchange of property; the City will:

a) Transfer 9.55 acres to the School Board.

b) Receive 4.08 acres from the School Board.

c) Secure settlement of the Seversville School land transfer agreement.

d) School Board will pay for design and construction of restroom facility, to be used by patrons of the City park.

e) School Board will pay for contract administration.

Clearances: Parks and Recreation Department, Planning Commission.

Staff Resource: Julie Burch

18. A. Accept an offer to sell up to 1,200,000 cubic yards of soil from Ramblewood Park to Blythe Industries in return for $650,000 and the grading of the property to an elevation determined by the City and in a manner which will be suitable for further development of park facilities. This sale would be carried out under the provision of G.S. 160A-269 (upset bid procedure).

B. Adopt a budget ordinance to appropriate revenue received from this sale into the Ramblewood Park Improvements Account.

Ramblewood Park

Ramblewood is a 79-acre district park on Nations Ford Road which was constructed in the early 80's and expanded to its present size in 1986. At the July 22, 1991 meeting, Council authorized negotiations with Blythe Industries on the exchange of soil in the park for development.

- Blythe Industries proposed to buy up to 1,200,000 cubic yards of soil at Ramblewood Park which is currently under utilized and underdeveloped.

- Soil will be used to build an interchange at I-77 and the outer loop.

- Blythe prepared a preliminary redesign of the park as a soccer complex.

- Estimated cost of all the improvements in Blythe's plan is $1.2 million.

- Parks and Recreation and Engineering Department staff entered into negotiations with Blythe on the exchange of the soil for development.

- Staff determined that the best way for the City to secure a usable facility that meets the needs of all the community is to sell the soil for cash and construct the park to City specifications. This also allows full public input and insures both parties will also have a clear understanding of the entire scope of the project.

- Blythe Industries has submitted a bid deposit with the City.

- City staff will work with all neighborhood groups and the Soccer Association in designing new facilities and attempt to insure the needs of the entire community are fulfilled.

- Parks and Recreation operating budget will be impacted for maintenance and programming in 1992-93.

Council Action: Council action will allow for sale of the soil to Blythe Industries provided no higher bid is received within 10 days. Funds received from the sale of the soil will be used to redesign and reconstruct the park.

Clearances: Parks and Recreation, Planning and Engineering Department. The Charlotte Advisory Parks Committee supports the redevelopment of the park.

Staff Resource: Julie Burch

19. Recommend directing the City Manager to investigate the Statesville Road Landfill, identify any problems, and develop a plan to mitigate them.

Statesville Road Landfill: The purpose of the request is to respond to concerns that have been raised about the storage of vehicles on the Statesville Road landfill.

- January 1, 1971 - Statesville Road landfill was closed to the public.

- September, 1980 - A feasibility study concluded that it was not economically feasible to develop Statesville Road landfill as a park for the public.

- September 1, 1982 - The City of Charlotte leased to City Salvage I, Inc. 18.46 acres of the Statesville Road landfill site for the purpose of parking and storing vehicles resulting from the company's business operation.

- August 31, 1992 - The lease with City Salvage I expires.

Clearances: This has been approved by the City Attorney and the City Engineer.

Staff Resource: Julie Burch

20. A. Recommend approval of two individual permanent loans from the Replacement Housing Program for Mary P. Turner and Margaret S. Hogan to purchase two homes to be constructed by New Vision Homes, Inc.

B. Recommend amendment of a previously approved City Council action by (1) replacing two of the five approved tri-party agreements between the City, New Vision Homes, Inc. and five individual homeowners to build and finance five new homes with tri-party agreements for Mary P. Turner and Margaret S. Hogan and (2) deleting two previously approved homes in the amount of $111,436 from the $259,892 construction loan and replacing them with two new homes in the amount of $123,548 for a new total of $272,004.

Replacement Housing

On March 25, 1991, Council: (1) approved five tri-party agreements to build and finance replacement housing for five owner-occupants on the City's relocation workload, and (2) approved five individual loans for the purchasers to buy the houses. There are outstanding liens on two of the properties. This action recommends deleting the two affected properties and replacing them with two new replacement housing cases.

Three of the five homes approved on March 25 are under construction by Bruce Keith and Gene Ehmann d/b/a New Vision Homes, Inc., as the developer and contractor. These three homes are for Jerome Smith, Girlever Moore and William Johnson.

- Two of the homes (one for Jerry Osborne and the other for Sam Jones) cannot be constructed until existing property liens can be paid off or refinanced as part of the purchaser's loan amount.

- The liens are being negotiated with the lender by an outside attorney to remove them from record or to obtain a negotiated payoff to clear the lien.

- An opinion from the attorney is now pending which will determine the final status of these two cases.

Since New Vision Homes, Inc. was originally provided construction agreements to build five homes, we recommend that two new replacement housing cases for new construction (Mary P. Turner and Margaret S. Hogan) be approved for construction and permanent financing and replace the two (Jerry Osborne and Sam Jones) which were previously approved but cannot be constructed due to liens that exist on the property.

- By replacing the two previously approved homes, the total construction loan of $259,892 will be reduced by $111,436 and replaced with $123,548 for the two new replacement homes for a new total construction loan of $272,004.

- The increased cost to construct these two new homes is due to including handicap requirements and increased material cost.

The additional construction loan of $123,548:

- will be provided at 0% interest to New Vision Homes, Inc. from CDBG Replacement Housing funds

- will be repaid to the City through the permanent financing of these two homes from the Replacement Housing Program

- developers will be required to provide the City with Irrevocable Letters of Credit in the total amount of $123,548 to guarantee the construction of the two homes.

Exhibit A gives the background and loan analysis for each of the homeowners. The two permanent loans will be as follows:

Borrower/Address	Loan Amount	Term	Int. Rate	Type Asst.	Mthly. Pymt.
Mary P. Turn[illegible]	$40,798	20 yrs.	3%	Loan	$226.43
300 Iverson [illegible]y	23,911	20 yrs.	0%	DPL	
	$64,709				
Margaret S. Hogan	$16,708	20 yrs.	3%	Loan	$ 92.73
8810 Moores Chapel Rd.	42,131	20 yrs.	0%	DPL	
	$58,839				

Funding: Community Development Block Grant Replacement Housing Funds.

Clearances: Community Development Department. The loan request and applications for the two borrowers have been reviewed and approved by the City Loan Officer for all criteria required by the Selective Rehabilitation Loan Program.

Staff Resource: Del Borgsdorf

Attachment No. 12

21. Recommend adoption of an ordinance that reduces State reimbursement and State-shared revenue estimates of the General Fund by $656,820 in FY92 and replaces it with an appropriation of fund balance from the General Fund.

FY92 Budget: The General Fund Operating Budget adopted on June 24, 1991 for FY92 anticipated a reduction in State reimbursement revenues and State shared revenues of $793,180. Subsequent to Council adoption of the FY92 budget, the State finalized its budget that increased the estimated negative impact on the City's revenue to $1,450,000 or an additional $656,820.

Funding: General Fund - Fund Balance.

Clearances: Finance and Budget.

22. Recommend approval of a contract for $59,860 with the Harris YMCA for provision of an after school program in the Pine Valley Community.

After School Program

For the past two years the Charlotte Parks and Recreation Department contracted with the Harris Branch of the YMCA to provide a recreation oriented after school program in the Pine Valley Community. Last year's program ran from 3:00 p.m. until 5:00 p.m.; current proposal extends the time frame until 6:00 p.m. and provides a blend of recreation and study assistance to approximately twenty children (ages preschool to 12 years). A contract evaluation is attached.

The program operates from September until mid-June. In addition to on-site services, which are conducted in the community building owned and maintained by the Housing Authority, the YMCA program provided field trips to such places as Carowinds, Discovery Place, Children's Theater, Columbia Zoo, etc. Special events at Christmas and other times along with full scholarships for twelve students to Camp Thunderbird highlight the program which has been well received by the Pine Valley Residents.

The Parks and Recreation Department recommends approval of the contract proposal to provide services in the After School Program from September 3, 1991 until June 12, 1992, Monday through Friday from 3:00 p.m. until 6:00 p.m. at a cost of $59,860.00.

Additional Information:

A proposal to establish a Salvation Army Boys Club for the Pine Valley community was recently received by Parks and Recreation. Given that the City did not solicit bid proposals for this program, no detailed evaluation of the proposal has been made. The annual cost proposed for the program is $104,705.

If made aware of an opportunity to do so, other local service agencies and City departments may be interested in submitting a proposal to run the 1992-93 program. This would be based upon the availability of both the funds and the building for the continuation of the program.

The Harris YMCA has submitted a proposal to operate a summer day camp program in addition to the after-school at a cost of $33,705. An expansion of the program to include summer activities is not recommended at this time; no funds are included in the budget for this program.

Funding: The Charlotte Parks and Recreation Department Budget.

Clearances: Parks and Recreation Department.

Staff Resource: Julie Burch

Attachment No. 13

23. BOARDS AND COMMISSIONS

A. APPOINTMENTS TO BOARDS AND COMMISSIONS

The City Clerk will announce the results of the balloting.

1. Charlotte-Mecklenburg Utility Department Advisory Committee - City Council has two appointments to make with no more than one appointee from a category. Nominations were as follows:

(a) James Ewers - Neighborhood leader, by Councilmember Clodfelter
(b) Stephen Jankowski - Neighborhood leader, by Councilmember Mangum
(c) Dorothy Person - Neighborhood leader, by Councilmember Scarborough - Ms. Person has withdrawn her name.
(d) Mary Lynn Bugge - Neighborhood leader, by Councilmember Hammond - Ms. Bugge has withdrawn her name.
(e) Mansour Edlin - Civil Engineer specializing in water/sewer, by Councilmember Clodfelter
(f) Robert Lyons - Civil Engineer specializing in water/sewer, by Councilmember Vinroot
(g) Scott Henry was nominated by Councilmember Vinroot for the Engineer category, but he does not qualify since he is an electrical engineer.
(h) Otis A. Crowder - Water/sewer contractor, by Councilmember Campbell

Attachment No. 14

2. Charlotte-Mecklenburg Utility Department Advisory Committee - One appointment from nominations by the small towns. We have only received one nomination:

(a) Mr. William V. (Bill) Tilley, by the Town of Mint Hill

Attachment No. 15

CONSENT

BUDGET ORDINANCE

24. Recommend adoption of a budget ordinance to appropriate an annual grant of $49,105 from Duke Power Company for use in planning and implementing emergency response activities in regard to nuclear power facilities.

Emergency Response Funding — In accordance with the North Carolina Emergency Management Act, utility companies operating nuclear power plants must allocate funds, on a yearly agreement basis, to the counties in proximity of the nuclear facilities in order to cover the costs of emergency response activities for such plants.

In this area, Duke Power is responsible for the provision of funding to cover the costs of local emergency response activities in conjunction with the McGuire and Catawba nuclear facilities.

$49,105 Grant — This action appropriates this year's grant of $49,105 that will be used for for planning, training, and resource procurement to enable the community to respond effectively to accidents or incidents at nuclear power plants. This project grant is over and above funding in the current Fire Department operating budget.

Clearances: Fire/Emergency Management; Budget and Evaluation.

25. Recommend adoption of budget ordinance for $100,000 to provide a supplemental appropriation for water main extension along Highway 115 and Gilead Road.

$100,000 Needed — The following Bid section contains a recommended low bid award of $820,035 for a 16-inch water main along Highway 115 and Gilead Road. Total project cost to include engineering, construction and contingency is estimated to be $860,000. The Utility Department's FY90 CIP Budget authorized $760,000 for the Highway 115 water project. These figures represent a budget shortage of $100,000.

The $100,000 is needed because the original estimate was made four years ago; there were fewer bidders than usual (five rather than 10 plus); and the State required repaving Highway 115 rather than patching.

Funding: The budget ordinance will transfer $100,000 from surplus funds in the 60 Inch Raw Water Main Capital Account to the Highway 115 and Gilead Road Capital Account.

Clearances: *Utility Director.*

BID LIST

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

A. 8-Recycling Collection Vehicles — Solid Waste Services

Recommendation: By Acting Purchasing Director and Solid Waste Services Director that these 8 units be purchased from existing Contract #80-143 awarded to Lodal-South, Rockingham, N.C., by City Council on November 13, 1990. Amount of purchase is $569,840.00.

Other Information: The unit cost of these eight vehicles is $71,230 each. In July, 1991 bids were received by the City of Raleigh for six of these vehicles; their bid prices were $76,300 and $74,800. Using Raleigh's low bid figure of $74,800, Charlotte is saving $28,560 by purchasing the vehicles from the November 1990 contract.

Project Description: The FY92 Operating Budget included the addition of six positions and eight recycling collection vehicles. The need for these resources is based on a very successful recycling program which has required overtime work to service.

Source of Funding: FY92 Capital Equipment Fund (Lease/ Purchase) - (Solid Waste Services.)

The following bids, B-J, are for chemicals to be used in the treatment of water and wastewater by the Utility Department.

B. Chemicals, Section 1 Utility Dept.
20 - Tons Aluminum
Sulphate, (Ground Alum)

Recommendation: By Acting Purchasing Director and Utility Director that the low bid Delta Chemical Co., Baltimore, Md., in the amount of $4,898.00, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

C. Chemicals, Section 2 Utility Dept.
583 - Tons Hydrated Lime
Chemical, Bags

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, APG Lime Corp., Ripplemead, Virginia, in the amount of $48,668.84, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

D. Chemicals, Section 3 Utility Dept.
100 - Tons Activated Carbon

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, Acticarb, Dunnellon, Florida, in the amount of $63,380.00, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

E. Chemicals, Section 4 — Utility Dept.
597 - Tons Liquid Chlorine

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, Jones Chemicals, Inc., Charlotte, N. C., in the amount of $69,819.15, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Waste Treatment.)

F. Chemicals, Section 5 — Utility Dept.
180 - Tons Sodium Silicofluoride.

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, Prillaman Chemical Corp., Suffolk, Va., in the amount of $82,440.00, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

G. Chemicals, Section 6 — Utility Dept.
793 - Tons Liquid Hydrogen
Peroxide, 70%

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, FMC Corp., Charlotte, N. C., in the amount of $490,391.20, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

H. Chemicals, Section 7 — Utility Dept.
1,000 - Tons Aluminum Sulphate,
(Liquid Alum)

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, Industrial & Agricultural Chemical Co., Red Springs, N. C., in the amount of $114,550.00 be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

I. Chemicals, Section 8 Utility Dept.
825 - Tons Hydrated Lime,
(Chemical, Bulk)

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, Germany Valley, Morgantown, W. Va., in the amount of $52,800.00, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

J. Chemicals, Section 9 Utility Dept.
150 - Tons Sodium Bicarbonate

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, Industrial & Agricultural Chemical, Inc., Red Springs, N. C., in the amount of $38,550.00, be accepted for award of contract on a unit price basis.

Source of Funding: Water and Sewer Operating Fund - (Chemicals for Water Treatment.)

K. Water Meter Yokes & Accessories Utility Dept.

Recommendation: By Acting Purchasing Director and Utility Director that the low bid, Cities Supply Co., Inc., Sumter, S.C., in the amount of $62,032.96 be accepted for award of contract on a unit basis.

Project Description: Water meter yokes are used in setting water meters for residential water services.

Source of Funding: Water and Sewer Operating Fund - (Water Distribution Inventory Account.)

L. Aluminum Sheets D.O.T.

Recommendation: By Acting Purchasing Director and Director of Department of Transportation that the low bid, Vulcan Aluminum Co., Foley, Alabama, in the amount of $61,632.00, be accepted for award of contract.

Project Description: The proposed purchase is for 1200 sheets of .080 x 5' x 10' aluminum to be used for the manufacture of traffic control signs to replace signs that are damaged and for new signs as they are needed for annexation and upgrades.

Source of Funding: General Fund - (Department of Transportation - Operations Division.)

M. 1 - Fire Truck Fire Dept.

Recommendation: By Acting Purchasing Director and Fire Chief that one pumper truck be added to the existing contract with which was awarded by City Council on January 14, 1991 (81-100).

Project Description: This vehicle will be used to replace an aging truck with poor dependability and high maintenance costs. The original request for quotation was sent to 36 companies and provisions were made in the contract for additional units. Additional bids at this time would not result in lower prices as there have been two price increases in chassis prices since this contract was written.

Source of Funding: FY92 Capital Equipment Fund - (Fire Department.)

N. Water Meters — Utility Dept.

Recommendation: By Acting Purchasing Director and Utility Director that the low bidders meeting specifications for each item be accepted for award of contracts as follows, on a unit price basis.

Schlumberger Ind. Tallassee, Al. $ 23,200.00
(Item 1.: 400-1" Water Meters - Neptune)

Mueller/Hersey Cleveland, N. C. $197,200.00
(Item 2: 90 - 1-1/2" Water Meters - Hersey)
(Item 3: 90 - 2" Water Meters - Hersey)
(Item 4: 20 - 3" Water Meters - Hersey)
(Item 5: 10 - 4" Water Meters - Hersey)
(Item 6: 15 - 6" Water Meters - Hersey)
(Item 7: 15 - 8" Water Meters - Hersey)
(Item 8: 1 - 10" Water Meter - Hersey)
(Item 9: 1 - 12" Water Meter - Hersey)

Project Description: Water meters are used by the Utility Department to measure volumes of water used which determines water/sewer charges for each customer. Meters are needed for new service installations and as replacements for worn and obsolete meters.

Source of Funding: Water and Sewer Operating Fund - (Customer Service - Division Maintenance of Water Meters.) Water and Sewer Operating Fund - (Water Distribution Inventory Account.)

O. Water Distribution Project
24-Inch Water Main Along
Gilead Road & N.C. Hwy. 115

Charlotte-Mecklenburg Utility Dept.

Recommendation: Director, Charlotte-Mecklenburg Utility Department recommends that the low bid by State Utility Contractors, Inc. of Monroe, North Carolina in the amount of $820,034.98 be accepted for award of contract on a unit price basis.

Project Description: Construction of this project will provide Huntersville with improved water service in addition to allowing for new development in the Huntersville area. This project will also connect the existing 24-inch water main in N.C. 115 and the 24-inch water main in U.S. 21, thus providing a stronger pumping feed in the northern part of the County.

Estimated Cost:	$818,843.76	
Low Bid:	820,034.98	
Difference:	$ 1,191.22	(0%)

Source of Funding: Water and Sewer Capital Improvement Fund - (Water Main Along N.C. 115 - Gilead Road.)

P. Park/Johnston Phase II-Segment 3 Engineering

Recommendation: By the City Engineer, based on the recommendation of the consultant, Kimley-Horn & Associates, that the low bid of $2,428,319.27 submitted by Dickerson Carolina, Inc. be accepted for award on a unit price basis.

Project Description: This project provides for the widening of Park Road, Johnston Road, and Sharon Road West (approximately 5.5 miles). Segment 3 refers to the section of Johnston Road from the Park/Johnston intersection across NC 51 to Tifton Drive. Curb and gutter, sidewalks, and various landscaping will be included in the project.

Estimated Cost:	$2,538,500.00	
Low Bid:	2,428,319.27	
Difference:	$ 110,180.73	(4%)

Source of Funding: General Capital Improvement Fund - (Park Road/Johnston Road Widening.)

Q. Sharon Road Median — Engineering

Recommendation: By the City Engineer that the low bid of $79,543.80, as submitted by Ferebee Corporation, be accepted for award on a unit price basis.

Project Description: This project is a safety concern of CDOT and will eliminate left turns across dual lanes. This project includes the construction of a concrete median on Sharon Road from Southpark Mall to Sharon View Road. It also includes revisions to the entrance of Sharon Road Shopping Center. There will be a left turn only lane opening into the Sharon Shopping Center from the south.

Affected property owners have been contacted and are aware of this project.

Estimated Cost:	$94,000.00	
Low Bid:	$79,543.80	
Difference:	$14,456.20	(15%)

Source of Funding: General Capital Improvement Fund - (Minor Intersection Improvement Program.)

R. Parking Lot Repair FY-90 — Engineering

Recommendation: By the City Engineer that the low bid of $385,025.71, as submitted by Rea Construction Company, be accepted for award on a unit price basis.

Project Description: This project includes resurfacing 11 City-owned parking lots with approximately 9,700 tons of asphalt and paving approximately 1.25 miles of the Reedy Creek Parkway. Also included are timber curbing in Reedy Creek Park, and striping of parking spaces in parking lots.

Estimated Cost:	$420,000.00	
Low Bid:	385,025.71	
Difference:	$ 34,974.12	(8%)

Source of Funding: General Capital Improvement Fund - (Resurface Parking Lots.) General Capital Improvement Fund- (Reedy Creek Park.)

BUDGET ORDINANCE/CONTRACT

27. This agenda item contains three actions needed for the N. C. 160 relocation project: funding arrangements, planning and design contract, and municipal agreement with the State. A brief background on the project follows:

N. C. 160 Relocation Project

- will construct a four-lane road in a new location between Wilmont Road and West Boulevard and provide an extension of Terminal Drive to N. C. 160;
- is needed in order to accommodate the 1000 ft. extension of Runway 36R as recommended in the Airport Master Plan;
- will maintain access to the City's air cargo development at the site of the old passenger terminal;
- will provide a better transportation system for the west side.

A. Recommend adoption of an ordinance appropriating $2,356,300 from the Airport Fund Balance to provide the City's share of project funding for the first phase of the Runway 36R Extension Project and adopt a resolution of official intent to reimburse expenditures for capital costs of the Runway 36R Extension Project and certain other Airport Capital Improvements with the proceeds of debt.

Runway 36R On March 12, 1990, City Council approved the extension of runway 36R 1,000 feet to the south. Design and construction for the overall project is estimated at $14 million.

- The first phase of the project, which involves the relocation of NC160 and the extension of Terminal Drive and site preparation for the runway extension, is estimated to cost $9,425,200.
- Although the NC160 relocation work has been in the State's TIP for some time, no State monies are available for this work.
- Therefore, the Airport will be funding all project costs through the Federal Airport Improvement Grant Program in order to expedite the Runway Extension Project.

- This is a high priority Airfield Improvement Project and will be eligible for 75% federal funding.

Funding: The ordinance advances $2,356,300 from the Airport Fund Balance to the Airport Capital Projects Fund. Future debt issues will include this project and will be debt-serviced by airline agreements.

The Federal share of this first phase of the project, in the amount of $7,068,900, will be available through a federal grant to be issued in April 1992.

U.S. Treasury Department regulations issued on April 19, 1991, require the adoption of a resolution that expresses official intent to reimburse in order for the City to be able to reimburse itself from the proceeds of future revenue bond issues.

B. Recommend approval of a contract for engineering services for planning and design of NC160 relocation and Terminal Road extension to Kimley-Horn and Associates, Inc. for $489,106.

Selection Process: Qualification proposals were solicited from engineering firms to provide professional services for the NC160 relocation and Terminal Road extension project in accordance with City and FAA guidelines.

- Advertisements were published and Requests for Proposals were mailed to 35 local and regional engineering firms with roadway experience.

- A selection committee, made up of representatives from Transportation, Engineering and the Aviation Departments, reviewed qualification proposals from 13 firms that submitted proposals and selected four firms for oral interviews: Kimley-Horn Associates, Ko and Associates, Wells-Maniktala Associates and Ralph Whitehead & Associates.

- Kimley-Horn and Associates is recommended based upon their demonstrated interest and

knowledge of the airfield and roadway design criteria necessary to design the project within a very short schedule.

Initially, Kimley Horn and Associates submitted a fee of $298,980. After several negotiations, the design fee of $249,410 was agreed upon. This fee is 7.1% of the estimated construction costs of $3.5 million and is within the fee range of other City approved roadway projects which is 6.0%-8.0%.

C. Recommend adoption of a resolution authorizing a municipal agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the relocation of NC 160 and construction of Terminal Road from relocated NC 160 south to Byrum Drive/Wilmont Road.

Agreement — The agreement outlines the responsibilities of the City in providing adequate traffic control, construction of improvements, acquisition and conveyance of all right-of-way and permanent easements to the NCDOT, and adjustments to or relocation of any privately or publicly owned utilities during construction of the project.

Funding: — All costs associated with this project are being funded by the Aviation Department in conjunction with future FAA grants.

Clearances: — Plans for the construction project are currently being prepared by the Aviation Department's consultant.

GRANT APPLICATION

28. Recommend approval of application for a grant for $75,000 from the Federal Small Business Administration to plant 1000 street trees and adoption of a budget ordinance appropriating the funds.

Grant for Trees — President Bush and Congress have established a grant program called "America the Beautiful." This multiple year program is designed to assist public agencies in planting trees in urban areas on public property.

If approved, this grant would provide funding to plant 1000 street trees along six major streets and in one redevelopment neighborhood:

Statesville Road from North Graham Street to Newland Street
Oaklawn Avenue from I-77 to Statesville Road
North Graham Street from Dawson Stteet to I-85
South Boulevard from Morehead Street to Woodlawn Avenue
West Morehead Street from I-77 to Wilkinson Boulevard
North Tryon Street from Brookshire Boulevard to the City limits
Greenville neighborhood

The trees will be purchased by the City, planted by private contractors, watered and maintained by in-house forces. This program will be a 50-50 cost share between the City and the Small Business Administration program.

Funding: The City's portion of the funding is already appropriated as part of the Parks and Recreation Department (Park Operations) budget.

Clearances: Budget and Evaluation and Parks and Recreation.

CONTRACT

29. Recommend approval of a professional services contract with J. N. Pease Associates, Incorporated for design of renovations and improvements to the Vest Water Treatment Plant at a cost not to exceed $146,354.

Pease Recommended: In January 1991, Request for Proposals for structural evaluation of clearwells #1 and #2 at the Vest Water Treatment Plant were sent to seven engineering firms. Of the proposals received, J.N. Pease Associates was selected to perform this evaluation based on their qualifications and experience in the subject field. On March 11, 1991 a structural evaluation contract with Pease was approved by the Assistant City Manager for a total not to exceed cost of $49,632.00. As part of this contract, an option was included for negotiations concerning additional services such as design which could be added as a separate contract at a later date.

The structural evaluation study by Pease has been completed, and the results indicate certain renovations and improvements are required at the Vest Plant. As part of the option of the evaluation study, CMUD personnel have negotiated with J.N. Pease for the additional service necessitated by the study.

Funding: Vest Water Treatment Plant Capital Account.

Clearances: Utility Director.

AGREEMENT

30. Recommend approval of an agreement for architectural services with Edward D. Stone, Jr. and Associates (EDSA) of Charlotte to provide design services for Statesville Road Community Park for $257,270.

Statesville Road Park

- In June, 1987, City Council approved the purchase of a 306 acre tract of land located on Statesville Road near Ranson Junior High School for development of a new park.

- In December, 1989, City Council approved an agreement with EDSA for $126,945.00 to provide master planning services for Statesville Road Community Park.

- The Council-approved Master Plan identified a portion of the site to be utilized as a botanical garden and phasing of the design and construction of the Statesville Road Community Park.

- The proposed agreement with EDSA will provide design services for Statesville Road Community Park, Phase I. Phase I includes the entrance, roadway, overall site preparation, maintenance area, multi-purpose activity center, lake area facility, three softball fields, three Little League baseball fields, soccer field, and one-third of a proposed trail system.

- These design services are necessary regardless of whether there is a botanical garden.

- Funds of $1.2 million are appropriated in the FY92 CIP for additional land acquisition and funds of $3.8 million are programmed for FY93 CIP for park construction.

Funding: New Park Development Capital Account. This account will be reimbursed by the Statesville Road Park Development Account when funds are available in FY93.

Clearances: The contract has been reviewed and approved by Engineering staff and City Parks and Recreation staff and reviewed by the City Attorney.

31. Recommend approval of an agreement with Brice-Morris Associates, Inc. for $100,000 to provide architectural design services for the Northeast satellite maintenance yard to be located on Orr Road.

Satellite Maintenance Yard: On June 4, 1990, the City Manager approved a $49,000 agreement with Brice-Morris Associates to provide master planning services for the existing central yard and a proposed satellite maintenance yard.

- The current CIP has $1.8 million for development and improvements to maintenance yard facilities. $1.6 million is allocated for design and construction of Street Maintenance facilities at the Northeast satellite yard.

- The proposed facilities for Street Maintenance are:

  Street Maintenance office/ready room, equipment storage shelters, open material storage bins, covered material storage bins, fueling facility, and an equipment wash facility.

- Property for the maintenance yard was purchased in December 1990 and has been rezoned to I-2. Because of Charlotte's increasing size, it will be cost efficient to locate a maintenance yard in this area.

Council Action: The recommended agreement with Brice-Morris Associates will provide the architectural services to design and construct the maintenance facilities.

Funding: Maintenance Yard Facilities Capital Account.

Clearances: This contract has been reviewed by City Engineering Department staff and the City Attorney's Office.

32. Recommend continuation of the agreement between the City of Charlotte and the U.S. Geological Survey (USGS) for the period July 1, 1991 to July 1, 1992.

USGS Agreement: The City of Charlotte and Mecklenburg County have had an approved agreement with the U.S. Geological Survey since 1961. Under this agreement, local cooperative funds are matched by the U.S. Geological Survey.

The services involved include: 1) stream flow measuring analysis to observe the effects of development on flood heights; 2) detailed investigations to determine the effects of landfills on the quality of both surface and groundwaters; 3) updating of floodway maps in the Charlotte-Mecklenburg area.

The total program value is $170,400 with the City providing $85,200 matched by funds from the U. S. Geological Survey.

Funding: Engineering Department's Operating Budget and York Road Methane Gas Control Capital Account.

Clearances: Engineering; Budget and Evaluation Department.

CHANGE ORDER

33. Recommend approval of Change Order No. 1, for $64,630 to the security access control contract with Johnson Control, Inc.

Contract:	Security Access Control at Airport
Contractor:	Johnson Control, Inc.
Date of Award:	February 25, 1991
Amount:	$159,797
Change Order:	$ 64,630

Contract — Under new Federal Airport Security regulations, the Aviation Department is required to provide a higher level of access control to the restricted areas of the Airport. The contract provides for installation of a computerized access control system which enables positive identification at all access points to restricted areas. This project is the first phase of implementation of new Federal security requirements and is funded with 75% Federal participation.

Change Order — The construction budget was established at $267,500 based upon detailed estimates provided by the designer. In order to ensure that the project would be in the allocated budget, several items, including security fencing and airfield electrical work, were excluded from the contract and were to be provided by the Aviation Department through routine in-house work orders. After bids were received, it was determined that Federal funds were available to cover this additional work which is necessary for the successful completion of the project. FAA has concurred that the additional work can be included in the contract with Johnson Control, and thereby, will be eligible for Federal reimbursement.

This change order includes $53,370.00 for the electrical work and $11,260.00 for computer hardware to permit data back-up so the system can be properly restarted in the event of a system failure, thereby maintaining positive access control.

Clearances: Airport Advisory Committee, FAA and project architect concur in this change order.

Funding: Funds are available in the project contingency to cover this work.

LEASE

34. Recommend approval of lease agreement with Mecklenburg County for yard waste processing facility south of Charlotte/Douglas International Airport between Byrum Drive and NC160.

Yard Waste Processing Site

On March 28, 1988, Council approved the following parameters for a cooperative agreement with Mecklenburg County for a yard waste processing site:

- lease to Mecklenburg County at $1.00 per year
- lease of property until land is required for another use
- cost of improvement to land or transportation systems are responsibility of Mecklenburg County

Subsequently, the City Manager's Yard Waste Processing Facility Task Force Report identified and evaluated four potential sites. After further study the Airport site has been agreed upon as the best site. The site contains 13.877 acres and up to 30 acres additional land is available for future expansion if required.

Lease

The lease provides the following:

Property 13.877 acres off Highway 160 south of Byrum Drive on westerly side of clear zone for Runway 18R/36L (New N/S Runway). Access will be from Highway 160 only.

Purpose County constructing a wood and yard waste processing facility. Use is limited to this purpose. The Airport has approved the County's plans to insure that possible future uses of the property by Airport are protected. All responsibility and risk associated with construction belongs to County.

Term Five years with a five year option subject to City's express right to cancel and pay unamortized cost of construction based on pro rata allocation over ten years. County also may cancel if Airport regulations restrict use. The Airport has approved plans and specifications.

Other Provisions: All environmental and legal compliance requirements are responsibility of County. Ground rent of $1.00 annually. County is to remove structures and other improvements and leave driveways and gravel. Dispute resolution procedures included.

Other Pertinent Information: The Airport's district office of the Federal Aviation Administration tion was consulted because property was acquired with FAA grant money. Some provisions recommended by FAA and lease approved by FAA with its requested provisions.

Clearances: Aviation.

RESOLUTION

35. Recommend adoption of a resolution authorizing funds to be advanced from the General Fund-Fund Balance (up to approximately $135,285) and the Water & Sewer Operating Fund-Fund Balance (up to approximately $142,210) to the Capital Equipment Funds. These advances will be repaid from the proceeds of an equipment installment purchase contract (lease/purchase)scheduled to close approximately September 30, 1991.

Equipment Purchases: On July 22, 1991 City Council authorized an installment purchase contract to fund the City's FY92 equipment requirements.

- The Purchasing Department has negotiated the purchase of several equipment items at last year's prices but, with the requirement that they be ordered immediately.

- After Council's action on July 22, 1991, these items were ordered.

- If these items are delivered prior to the closing of the installment purchase contract, the City will need to advance funds from the General Fund-Fund Balance and the Water & Sewer Operating Fund Balance.

- In order for the City to be able to reimburse itself from the installment purchase contract, U.S. Treasury Department regulations issued on April 19, 1991, require the adoption of a resolution that expresses official intent to reimburse.

Funding: FY92 Lease Purchase.

Clearances: Finance and Bond Counsel.

CITY CODE AMENDMENT

36. Recommend adoption of an ordinance transferring responsibility for four City Code sections from the City Engineer to the Director of Transportation.

Reassignments: On April 15, 1991, the City Manager transferred ten minor programs from the Engineering Department to the Department of Transportation (CDOT). These programs are:

- Right-of-Way Leasing
- Right-of-Way Encroachments
- Mid-Block Sight Obstructions
- Sidewalk Repair
- Obstructions/Signs in Right-of-Way
- Trees, Shrubs & Dirt Overhanging Sidewalk
- Railroad Crossing Improvement
- Wheelchair Ramps
- Sidewalk Construction
- Right-of-Way Abandonment

These programs have been transferred to CDOT because they are more in line with responsibilities CDOT already handles, are in some cases overlapping of CDOT programs, and, in general, require CDOT expertise and knowledge for execution.

The City Code needs to be amended to reassign responsibility from the City Engineer to the Director of Transportation.

Funding: The Engineering Department transferred one position to CDOT as part of the FY92 budget in order to handle the increased workload associated with these programs.

Clearances: The City Attorney has reviewed the ordinance and approved it as to form.

LOANS

37. A. Recommend approval of a rehabilitation loan agreement with Estelle Crawford for $51,821 to rehabilitate her home at 800 East 18th Street.

Borrower	Property Address	Amount	Term	Int. Rate	Type of Assist.
Estelle	800 East 18th St.	$19,957	20 Yrs.	3%	Loan
Crawford		$31,864	20 Yrs.	N/A	DPL

Detailed information is attached.

Funding: Community Development Block Grant Funds.

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

Attachment No. 16

B. Recommend approval of a rehabilitation loan agreement with Mr. Alonzo Adams and wife, Leitha, for $52,333 to rehabilitate their home at 920 Sterling Lane.

Borrower	Property Address	Amount	Term	Int. Rate	Type of Assist.
Alonzo Adams & wife Leitha	920 Sterling Lane	$52,333	20 Yrs.	3%	Loan

Detailed information is attached.

Funding: Community Development Block Grant Funds.

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

Attachment No. 17

C. Recommend approval of a replacement housing agreement with Edna Wilson for $53,410 to purchase and rehabilitate a house relocated at 809 Pennsylvania Avenue.

Borrower	Property Address	Amount	Term	Int. Rate	Type of Assist.
Edna	809 Pennsylvania	$ 4,461	20 Yrs.	3%	Loan
Wilson	Ave.	$48,949	20 Yrs.	N/A	DPL

Detailed information is attached.

Funding: Community Development Block Grant Funds.

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

Attachment No. 18

HOUSING CODE ENFORCEMENT

38. Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure located at 2902 Rozzelles Ferry Road (Smallwood). This action ratifies Council's verbal approval of this action.

Detailed information is attached.

Funding: Funds for this action are available and a lien will be placed against the property for cost incurred.

Clearances: Community Development Department.

Attachment No. 19

TAX REFUND

39. Recommend adoption of a resolution authorizing the refund of certain taxes assessed through clerical error or illegal levy in the amount of $45,146.82.

MUNICIPAL AGREEMENT

40. Recommend adoption of a resolution authorizing a municipal agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for construction of a roadway connecting Wilkinson Boulevard to Billy Graham Parkway, realignment of Old Dowd Road at Billy Graham Parkway, and improvements to Wilkinson Boulevard.

Agreement The agreement outlines the responsibilities of the City in providing adequate traffic control and in the acquisition and conveyance of all rights-of-way and permanent easements to the NCDOT required by the Billy Graham/Wilkinson Boulevard project. The project is being designed and constructed by McCoy Properties, Incorporated through a public/private joint venture with the City. Upon completion of the project, it will be accepted by the City and then turned over to the NCDOT for maintenance.

Funding: The City's participation in the cost of this project is $605,000 which was funded from the Private Sector Leveraging Capital Account.

Clearances: Plans for the improvement project have been approved by the Charlotte Department of Transportation (CDOT), the City Engineering Department, and the Charlotte-Mecklenburg Utility Department. The agreement and resolution have also been approved as to form by the City Attorney's office.

UTILITY AGREEMENT

41. Recommend adoption of a resolution authorizing a utility agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the Charlotte Outer Loop from the Southern Railway structure to west of the US 521 Interchange (R-211CD).

Utility Agreement: The construction of this section of the Charlotte Outer Loop requires the adjustment and relocation of certain Charlotte-Mecklenburg Utility Department (CMUD) water and sewer lines. A Utility Agreement between the City and NCDOT is required before utility work can proceed.

The Utility Agreement provides for the NCDOT's contractor to perform water and sewer line adjustments and relocation work. The City of Charlotte is responsible for reimbursing the NCDOT for costs associated with the adjustment/ relocation of CMUD water and sewer lines within State controlled rights-of-way.

Funding: The total estimated cost to the City is $52,480.00 for work involving water and sewer lines. Funds are available in the Relocation of Mains in Widened Streets Capital Account.

Clearances: Plans for the relocation of the water and sewer lines affected by the roadway construction project have been approved by the Charlotte Department of Transportation (CDOT), the City Engineering Department, and the Charlotte-Mecklenburg Utility Department. The agreement and resolution have also been approved as to form by the City Attorney's Office.

STREET WITHDRAWAL

42. Recommend adoption of a resolution to withdraw from dedication a portion of Clayton Drive.

Street Withdrawal: According to North Carolina General Statute 136-96, a right-of-way not utilized as a roadway within 15 years of its dedication can be abandoned through the recording of a Declaration of Withdrawal. The City had no jurisdiction in the implementation of this Statute until June 19, 1987 when an amendment required the City to adopt a resolution stating the right-of-way to be abandoned was not a part of a proposed street plan. A resolution indicating this action is to be adopted by City Council and attached to the Declaration of Withdrawal for recording at the Register of Deeds Office. The Statute does not require the City to investigate possible utility conflicts, other department concerns, or notify adjoining property owners.

Clayton Drive: This portion of Clayton Drive located between Floral Avenue and Scott Avenue is a non-maintained right-of-way that met the requirements of this Statute. The petitioner, Marsh Associates, Inc., has obtained confirmation from the Charlotte Department of Transportation that Clayton Drive is not part of a proposed street plan.

Funding: No City funds are involved.

Clearances: The Charlotte Department of Transportation verifies that Clayton Drive is not part of the street plan.

A map is attached.

Attachment No. 20

SPEED LIMITS

43. Recommend adoption of ordinances amending City Code Section 14-131(c) to: (1) lower the speed limit on a portion of Sharon Amity Road to 35 miles per hour; (2) lower the speed limit on a portion of Quail Hollow Road to 35 miles per hour; (3) lower the speed limit on Camilla Drive to 25 miles per hour; and (4) increase the speed limit on a portion of Reames Road to 45 miles per hour.

Sharon Amity — Sharon Amity Road between Providence Road and Independence Boulevard is a thoroughfare street. Normally a thoroughfare has a recommended speed limit of 45 mph, in accordance with the Council Thoroughfare Speed Limit Policy. The section of Sharon Amity Road between Providence Road and Independence Boulevard is highly congested, has a continuing accident problem, and has a substandard design, both in width, and vertical/horizontal curves. Over the most recent three-year period (1988-1990), there were 144 side-swipe accidents. Consequently, a speed limit of 35 miles per hour would be appropriate.

Sharon Amity Road between Providence Road and Independence Boulevard . . . . . .35 MPH

Quail Hollow — Quail Hollow Road is a thoroughfare street, with a recommended speed limit of 45 mph, in accordance with the Council Thoroughfare Speed Limit Policy. The section of Quail Hollow Road between Heathstead Place and Sharon Road is currently 45 mph. In reconstructing the Quail Hollow/Sharon intersection, the Quail Hollow-to-Sharon movement has been made the through movement. The 35 mph speed limit of Sharon Road needs to be extended out through the new curve section. The end of the school zone is an appropriate location to terminate the 35 mph zone.

Camilla Drive

In accordance with Council's approved policy, one street in one neighborhood has a validated petition and the Charlotte Department of Transportation's engineering study finds a 25 miles per hour speed limit to be appropriate. The street is:

Camilla Drive (Carmel Woods) . . . . . 25 MPH

Reames Road

Although not a thoroughfare street, Reames Road is basically a rural roadway with a recommended speed limit of 45 mph. The section of Reames Road within the City Limits between Lakeview Road and Sunset Avenue is currently 35 mph, based on the statutory municipal limit which took effect upon annexation. It was 55 mph prior to the recent annexation.

Reames Road between Lakeview Road and Sunset Avenue . . . . . 45 mph

ANNUAL ORDER OF COLLECTION OF TAXES

44. Recommend adoption of an order of collection empowering the Office of the Tax Supervisor to collect the City's ad valorem taxes.

John C. Petoskey, City-County Tax Administrator, recommends, upon the advice of the City-County Tax Attorney, that the City Council adopt and that the Mayor sign an annual order of collection of taxes. This action has been taken in previous years.

SPECIAL OFFICER PERMIT

45. Application for Special Officer Permits.

Recommend approval of applications for Special Officer Permits to Steven Dale Williams and Eric Wendell Garrison for use on the premises of Charlotte/Douglas International Airport.

SET PUBLIC HEARING

46. A. Recommend setting a public hearing for September 11, 1991 to obtain the views of citizens on a proposed ordinance to amend the Charlotte Housing Code.

B. Recommend adoption of a resolution setting public hearings for September 16, 1991, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 91-54 through 91-55 and 91-57 through 91-63 for zoning changes.

C. Recommend adoption of a resolution providing for a public hearing on Monday, September 23, 1991, at 7:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, on an application from the Mecklenburg Historical Association for naming the park at the intersection of Trade and Tryon Streets "Thomas Polk Place."

PROPERTY TRANSACTIONS

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

1. Project: Park/Johnston Road Widening Project, Phase II, Segment III
Owner(s): MLH Realty Partnership II
Property Address: 9924 Oakbrook Drive
Property to be acquired: 853 sq.ft. (0.0196 ac.) plus 12,519 sq.ft. (0.2874 ac.) Temporary Construction Easement
Improvements: Ornamental brick wall, Landscaped traffic island, Asphalt paving, Concrete curbing, Landscaping flowers, Shrubs, Trees and Lawn
Price: $19,500.00
Remarks: Zoned: R12MFCD Use: Multifamily Apartments

2. Project: Statesville Road Community Park
Owner(s): Jeffery S. Biggar and wf. Brenda Sue Biggar
Property Address: 12.54 AC off Perkins Road (#2521)
Property to be acquired: 546,242 sq.ft. (12.54 ac.) (Total Take)
Improvements: Trees
Price: $237,000.00

Remarks: To allow for the full development of the proposed lake and to insure its water quality remains acceptable within and being a part of the Statesville Road Community Park.
Zoned: R12 Use: Residential

3. Project: Sardis Road Widening
Owner(s): Gerald Lee Jacobs, Sr.
Property Address: 7101 Sardis Road
Property to be acquired: 8,524 sq.ft. (0.196 ac.) plus 3,343 sq.ft. (0.077 ac.) of Temporary Construction Easement
Improvements: Fence, Shrubs
Price: $11,200.00
Remarks: Zoned: R12 Use: Vacant

4. Project: Sardis Road Widening
Owner(s): BGS Instrumentation, Inc.
Property Address: 2.5 AC. Sardis Road
Property to be acquired: 8,241 sq.ft. (0.189 ac.) plus 2,183 sq.ft. (0.050 ac.) of Temporary Construction Easement
Improvements: Fence, Shrubs
Price: $10,400.00
Remarks: Zoned: R-12 Use: Vacant

5. Project: F.A.R. Part 150 Land Acquisition
Owner(s):Benjamin H. Thomas, Jr.
Property Address: 4615 Belle Oaks Dr., Charlotte, NC 28217
Property to be acquired: .574 acres
Improvements: 3 bdrm, 1.5 bath, ranch house
Price: $56,000.00
Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition eligible for Federal Aviation Administration reimbursement.

6. Project: F.A.R. Part 150 Noise Compatibility Program - Residential Purchase
Owner(s): *Howard L. Graham and wife Phrocine*
Property Address: 7524 Pine Oaks Dr., Charlotte, NC 28217
Property to be acquired: 1.01 acres
Improvements: 3 bdrm, 1.5 bath, ranch house
Price: $67,000.00
Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition eligible for Federal Aviation Administration reimbursement.

7. Project: Airport Master Plan Land Acquisition - 4517 West Boulevard
Owner(s): William D. Leazer
Property Address: 4517 West Boulevard, Charlotte, NC
Improvements: 1952 sq. ft. multi-use building
Property to be acquired: 3.115 acres
Price: $235,000.00
Remarks: Offer based on "fair market" value as determined by appraisers was accepted.

8. Project:F.A.R. Part 150 Land Acquisition - Residential Purchase
Owner(s): Gary D. Merritt
Property Address: 7632 Whippoorwill Dr., Charlotte, NC 28217
Property to be acquired: 1.44 acres
Improvements: 3 bdrm, 1.5 bath, ranch house
Price: $62,500.00
Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition eligible for Federal Aviation Administration reimbursement.

9. Project: F.A.R. Part 150 Program/Residential Purchase
Owner(s):Donald D. McDonald
Property Address: 7533 Whippoorwill Dr., Charlotte, NC 28217
Property to be acquired: .758 acres
Improvements: 3 bdrm, 2 bath, ranch
Price: $77,000
Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

10. Project: Airport Master Plan Acquisition
Owner(s):D.M. Boyd III, et al
Property Address: 4611 West Boulevard
Property to be acquired: 1.49 acres
Improvements: 7200 sq ft multi-use building
Price: $350,000
Remarks: Offer based on "fair market" value as determined by appraisers was accepted.

11. Project: Airport Master Plan Acquisition - 4611 West Boulevard
Owner(s):Jerry R. Coleman and wife Patricia
Property Address: 4627 West Boulevard
Property to be acquired: 3.095 acres
Improvements: 4818 sq. ft. multi-use building
Price: $390,000.00
Remarks: Offer based on "fair market" value as determined by appraisers was accepted.

12. Project: F.A.R. Part 150 Land Acquisition - Residential Purchase
Owner(s):Kenneth G. Stevens and wife Brenda
Property Address: 7424 Pine Oaks Dr., Charlotte, NC 28217
Property to be acquired: 1.026 Acres
Improvements: 3 bdrm, 1.5 bath, ranch house
Price: $65,750.00
Remarks: Residential property acquired per Federal Guidelines 49CFR Part 24 of the Uniform Acquisition and Relocation Act 1970. Owners eligible for relocation benefits. Acquisition and relocation costs eligible for Federal Aviation Administration reimbursement.

CONDEMNATIONS

13. Project: Sardis Road Widening
Owner(s): Emroy H. Blanton & Merillyn T. Blanton and any other parties of interest
Property address: 6501 Sardis Road
Property to be condemned: 19,030 sq.ft. (0.44 ac.) Fee Simple Acquisition, 12,058 sq.ft. (0.27 ac.) Temporary Construction Easement
Improvements: 310 LF of stone wall, stone entrance wall, hedge row and various trees.
Price: $47,400.00
Reason for condemnation: Property owner does not agree with values of appraisal. Receipt of counter-offer will not arrive until after negotiation deadline, which will delay construction of project. Will continue to try to reach a settlement if proper justification is provided.
RESIDUE: 280,279 sq.ft. (6.43 ac.)
Zoned: R-12 Use: Residential

14. Project: Sardis Road Widening
Owner(s): Wanda K. Nabors and any other parties of interest
Property address: 6601 Sardis Road
Property to be condemned: 5,633 sq.ft. (0.129 ac.) Fee Simple Acquisition, 366 sq.ft. (0.008 ac.) Permanent Easement, 4,797 sq.ft. (0.11 ac.) Temporary Construction Easement
Improvements: Oak, Maple, Magnolia trees and shrubs
Price: $14,280.00
Reason for condemnation: At the advice of her attorney, the owner prefers to be condemned and settle in court; therefore, she has refused all offers.
RESIDUE: 140,228 sq.ft. (3.22 ac.).
Zoned: R-12 Use: Residential

15. Project: Sardis Road Widening
Owner(s): Frank P. Lee & Daniel F. Neal and any other parties of interest.
Property address: 7022 Sardis Road
Property to be condemned: 15,511 sq.ft. (.356 ac.) in fee, 5,086 sq.ft. (0.117 ac.) Temporary Construction Easement.
Improvements: Trees, landscaping, yard sprinkler system and lamp posts with electricity.
Price: $26,545.00
Reason for condemnation: Property owners refused appraisal amount stating land value too low and $10,200 would not cover improvements. Their counter-offer was $60,000.00.
RESIDUE: 72,045 sq.ft. (1.654 ac.)
Zoned: R-15 Use: Residential

16. Project: Intersection Improvement Providence/Alexander/Rea Roads
Owner(s): Marsha A. Foy and Jack R. Foy
Property address: 6517 Alexander Road
Property to be condemned: 796 sq.ft. (0.183 ac.) Temporary Construction Easement.
Improvements: Shrubs
Price: $400.00
Reason for condemnation: This is an amendment to a condemnation (approved by Council on March 26, 1990) for additional temporary construction easement area. During construction, it was determined this additional area was needed to improve the grade of the driveway. The compensation for this area will be included in the original condemnation action.
Zoned: R-15 Use: Residential

17. Project: Park/Johnston Road Widening-Phase II, Segment III
Owner(s): Novak-Kutner Associates, Ltd. and any other parties of interest.
Property address: 10609 Johnston Road
Property to be condemned: 2,036 sq.ft. (0.0467 ac.) Permanent Right-of-Way Easement plus 2,197 sq.ft. (0.0505 ac.) Temporary Construction Easement
Improvements: Dual asphalt driveway entrance, asphalt parking lot, chainlink fence, lawn
Price: $17,875.00
Reason for condemnation: Landowner will not accept offer. Wants City to buy all of property for $500,000.00. Claims City is putting them out of business. Condemnation is recommended so project will not be delayed.
RESIDUE: 34,794 (0.7988 ac.).
Zoned: O-15 Use: Child care Center

18. Project: Woodberry/Lumarka/Village Lake Culvert
Owner(s): Sylvia D. Morgan, and any other parties of interest.
Property address: 7501 Gayle Avenue
Property to be condemned: 55 sq.ft. (0.001 ac.) Permanent Drainage Easement plus 1,193 sq.ft. (0.027 ac.) Temporary Construction Easement.
Improvements: Trees, Shrubbery
Price: $1,300.00
Reason for condemnation: Numerous efforts to contact property owner through certified letters, messages in mail box and door hangers were unsuccessful. Therefore, negotiations could never commence.
RESIDUE: 24,818 sq.ft. (0.570 ac.)
Zoned: R-12 Use: Residential

19. Project: Airport Master Plan-4617 West Boulevard
Owner(s):American Legion Morris Field Post #380, Inc.
Property Address: 4617 West Boulevard
Property to be acquired: 9.179 acres
Improvements: 9588 sq. ft. multi-use building
Price: $740,000.00
Remarks: Offer based on "fair market" value as determined by appraisers was refused.

COUNCIL MINUTES

48. The following information should appear in minutes of Charlotte City Council.

The City Manager has recently exercised his authority to transfer up to 10% of a department's budget or position allocation, as explained in the Council/Manager memo of August 21, 1991.

Transfer From:

Position/Dollars	Department	Account
$64,500	General Services	505.01.102

Transfer To:

Position/Dollars	Department	Account
$64,500	Non-Departmental	530.21.821

EXECUTIVE SESSION

49. Recommend adoption of a motion to hold an executive session at the conclusion of this meeting for the purpose of conferring with the City Attorney about a lawsuit entitled Hayes, et. al. vs. City of Charlotte as permitted by G.S. §143-318.11(a)(4).

For 8/26

- ANNOUNCEMENTS -

In its meeting on Monday, September 23, 1991, City Council will make nominations to fill vacancies on the following committees:

1. Advisory Energy Commission - Four appointments beginning December 31, 1991. John H. Johnson from the Gas Utility category and Ralph Neignefind are eligible for reappointment. Ray W. Geiser from the Renewable Energy Environmental category and Albert Behar form the Business Community (NOT INVOLVED IN ENERGY PRODUCTION, ENERGY EQUIPMENT, OR THE PROVISION OF ENERGY SERVICES) are not eligible for reappointment. Terms are for two years.

2. Community Resources Board - One position beginning December 31, 1991, with Marsha Gaspari eligible for reappointment. Terms are for three years.

3. Housing Authority - Three appointments beginning December 17, 1991. Lutitia Hall (Resident) and Phillip M. Davis are eligible for reappointment. W. Donald Carroll is not. Terms are for three years.

4. Safety Action Committee - One position beginning December 31, 1991. Elizabeth Tesky is not eligible for reappointment. Terms are for two years.

5. Tree Advisory Commission - Two appointments beginning December 13, 1991. Randy N. Veltri and Patricia Rodgers are eligible for reappointment. Terms are for three years.

6. Uptown Development Corporation - One appointment of a Councilmember to begin December 31, 1991. Present member is Ella Scarborough. Term is for one year.

EXHIBIT A

ORDINANCE NO._____

AMENDING CHAPTER 11, ARTICLE III, SECTION 11-36 OF THE CITY CODE

AN ORDINANCE AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO CAUSE THE REPAIR, CLOSING, OR DEMOLITION OF ABANDONED STRUCTURES.

Be it ordained by the City Council of the City of Charlotte, North Carolina that:

Section 1. Section 11-36 of the Code of the City of Charlotte shall be rewritten to read as follows:

"Sec. 11-36. Abandoned structures.

(a) Any abandoned structure that is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities, shall be repaired, closed, or demolished. It shall be unlawful for the owner of an abandoned structure to allow the same to become or to remain a health or safety hazard as defined in this subsection.

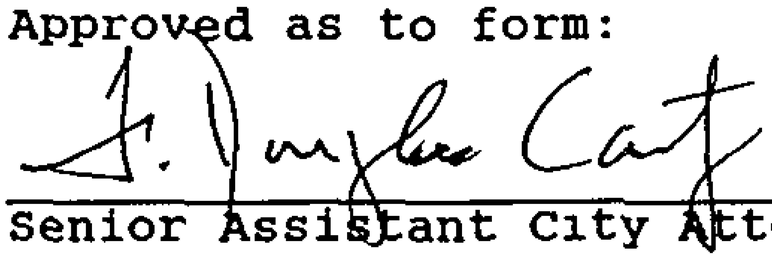
(b) The director shall have the authority to attempt to accomplish the repair, closing, or demolition of unsafe abandoned structures through the procedures set out in Section 11-28, except that if the estimated cost to repair the structure is 50% or more of its value, the structure shall be considered dilapidated, and the director shall order that it be demolished and removed. Upon the failure of the owner of an unsafe abandoned structure to comply with an order of the director to repair, close, or demolish such structure, the director shall present the matter to City Council. If City Council finds that the abandoned structure is unsafe pursuant to subsection (a) of this section, it may adopt an ordinance ordering the director to cause such abandoned structure to be repaired, closed, or demolished. Each such ordinance shall be recorded as provided in Section 11-30, and the cost of any repair, closing, or demolition caused to be made by the director shall be a lien on the premises as provided in Section 11-31.

(c) For purposes of this section, 'abandoned structure' shall mean any structure that has been unoccupied or unused, by its owner or by some person acting under authority of its owner, for a continuous period of thirty (30) days or longer."

Section 2. This ordinance shall become effective upon adoption.

This the _____ day of _____, 1991.

Approved as to form:



Senior Assistant City Attorney

21 1990 Targeted Census Tracts

City Within A City Map

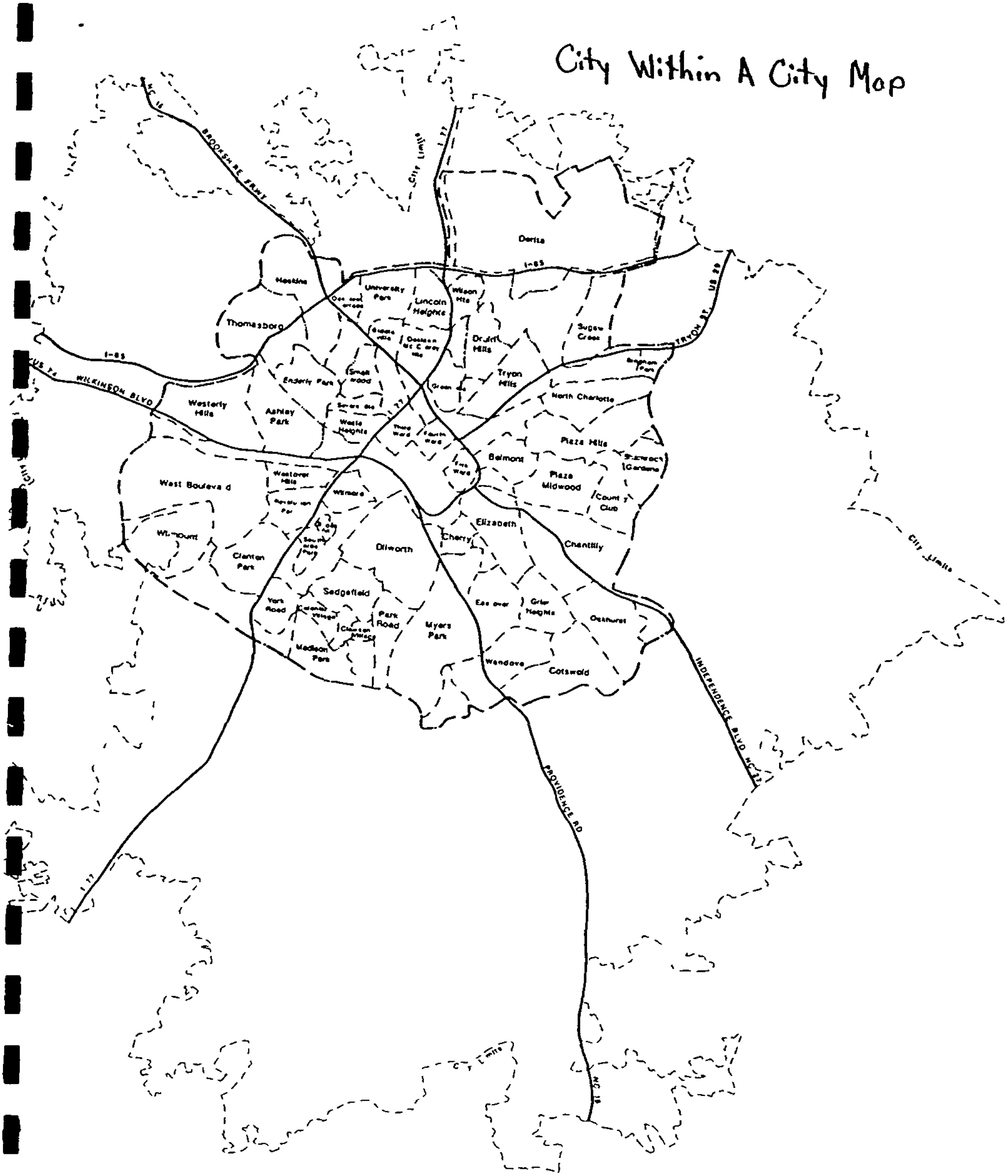


EXHIBIT C

COMMUNITY DEV
2 AUG 91 4:05

MECKLENBURG COUNTY

Charlotte-Mecklenburg
Building Standards Department

August 2, 1991

MEMORANDUM

TO: Jay Walton, Director
Charlotte Community Development Department

FROM: E. L. Woods
Director

SUBJECT: ABANDONED STRUCTURES ORDINANCE

This is to confirm that it is our understanding that the Community Development Department will be the agency responsible for the administration and enforcement of the City's Abandoned Structures Ordinance. It is also our understanding that the Building Standards Department will serve as a resource to the Community Development Department in the areas of building code requirements and determination of necessary repairs.

I recommend that upon adoption of the ordinance that appropriate members of our staffs meet to discuss and develop any necessary procedures.

cc: Wanda Towler
Sam Liner
Sam Leggett

sj/623-32

Housing Code Amendment

In FY83 the City of Charlotte and Mecklenburg County merged their Building Inspection Departments. The City's building inspection responsibility and staff were transferred to the County. Because of the City's commitment to housing, the housing inspection function was retained by the City and merged with the Community Development Department.

- The Community Development Department has the authority to enforce a minimum housing code only on residential buildings and has no authority on any other type of buildings.

- The Building Standards Department currently has the responsibility for code enforcement on nonresidential buildings but few tools to ensure improvement of a structure. They currently order the owner to make the structure secure if it is open and vacant. If the owner refuses, the County can board up the structure.

- The problem with this approach is two-fold: (1) Over a period of time, a boarded-up structure becomes unboarded; and (2) Building Standards does not have sanctions to motivate owners to correct the problems.

- If a building has a number of physical problems, no renter and little equity, the owner may choose to abandon the property.

- This is not the case with residential property, where a combination of in rem activity and civil penalties are used.

In an effort to assist the City Council in meeting its desired goals and objectives through the "City Within A City" program to eliminate the opportunity for crime and drug activities and to address citizens complaints regarding abandoned structures in their neighborhoods which add slum and blight, a review was conducted of the ordinances and enabling statutes that grant Building Standards its operating authority. It became clear that unless a structure featured a life-threatening aspect, all the County can do is board it up, a condition that is temporary at best.

Further reviews were conducted of enabling legislation, including those created specifically for cities. G.S. 161A-441 allows cities to adopt ordinances that would provide for the repair, closing, or demolition of any abandoned structure which the City Council finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living

quarters in the absence of sanitary facilities. Such ordinance, if adopted, may provide for the repair or demolition of abandoned structures pursuant to the same provisions and procedures as are prescribed for the repair or demolition of residences.

The proposed ordinance (Exhibit A) will allow the same code enforcement procedures used for residential structures to be used for nonresidential structures.

- Therefore, the Community Development Department will assume the code enforcement of nonresidential abandoned structures within the City, with priority given in the 21 census tracts containing the most deteriorated housing and the "City Within a City" geographical boundaries (Exhibit B).

- The Building Standards Department will continue the code enforcement of all non-abandoned commercial structures located within the county.

- A letter of agreement has been prepared between the Community Development Department and the Building Standards Department to effectuate this change. (See Exhibit C)

When a commercial structure is identified as abandoned, an inspection will be made on the structure and all violations will be cited. The owner will be served with a Complaint & Notice of Hearing. At the hearing a determination will be made as to whether the structure is deteriorated or dilapidated. An order will be served upon the owner in support of such determination and order the owner to bring the structure into compliance with the order within a specified period of time, not to exceed 90 days. Any owner of a structure who fails to comply with an order, shall be subject to a civil penalty in the amount of $100 for the first day of noncompliance and $10 for each day thereafter until the structure is brought into compliance with the order. Should the owner be unwilling to bring the structure into compliance with the order, an In Rem action will be requested from City Council.

Original and Amended Funding for the CDBG Program Revenues and Expenditures

CD Program Block Grant Revenues	Original	Amended
CDBG	$3,751,000	$3,751,000
Program Income	1,243,523	1,243,523
Recaptured Federal Funds	33,000	33,000
CDBG Monitoring Finding Reimbursement		
- Rental of Building Space	-0-	47,921*
- Belmont Plam Implementation	-0-	177,769*
TOTAL PROGRAM REVENUES	$5,027,523	$5,253,213*

*Denotes change

CD Program Block Grant Expenditures	Original	Amended
Program Activities		
Selective Residential Rehabilitation Assistance	$ 1,456,442	$ 1,456,442
Acquisition of Property	466,013	613,306*
Relocation	373,813	373,813
Home Ownership Down Payment Assistance	13,500	13,500
Replacement Housing	494,098	494,098
Human Service Contracts	538,974	538,974
-Gethsemane Enrichment ($415,149)		
-Bethlehem Center ($123,825)		
Housing Counselling	215,154	-0-*
-Family Housing Services ($215,154)		
SUBTOTAL PROGRAM ACTIVITIES	$ 3,557,994	$ 3,490,133*
Program Delivery		
Code Enforcement	$ -0-	$ 500,000*
Rehabilitation	435,442	435,142*
Relocation	364,146	364,146
Housing and Jobs Development	206,149	-0- *
SUBTOTAL PROGRAM DELIVERY	$ 1,005,737	$ 1,299,288*
Program Administration		
Administration	$ 463,792	$ 463,792
SUBTOTAL PROGRAM ADMINISTRATION	$ 463,792	$ 463,792
TOTAL PROGRAM EXPENDITURES	$ 5,027,523	$ 5,253,213*

*Denotes change

The amended Program Activities budget remains the same except for:

1) Acquisition of property has been reduced by $78,397 due to local budget changes but increased by $225,690 as a result of the HUD reimbursement.

2) Housing counseling will continue to be contracted through Family Housing Services, however, it will be funded in FY92 by the General Fund from the Innovative Housing Fund, rather than from CDBG funds as it has been for the past two years.

The changes to the Program Delivery budget are:

1) Addition of $500,000 in FY92 program delivery costs for Code Enforcement. This activity was formerly funded totally by the City's General Fund. This change in funding from General Fund to CDBG funds will require one for one replacement of housing. (All houses demolished as a result of code enforcement must be replaced by the City.) The General Fund will provide funding for the FY92 Code Enforcement in the amount of $519,092.

2) Reduction of the program delivery costs for Rehabilitation in the amount of $300.

3) Deletion from the CDBG budget of $206,149 in program delivery costs related to Housing and Jobs Development. These costs will be paid equally from the City's Innovative Housing Fund and the Revitalization and Economic Development Fund.

Program emphasis for CDBG activities continues to be on preservation of the existing housing stock. The housing rehabilitation loan program continues to receive the largest funding of the CDBG program activities budget. The program also continues to provide acquisition of houses or land to provide housing for low and moderate income residents. Code enforcement has always been a central part of Charlotte's housing preservation efforts. The proposed FY92 CDBG budget includes approximately half of the funding for the code enforcement program.

The program continues to provide job creation through loans to businesses from two revolving loan funds; however, the program delivery costs for those services are also paid out of one loan fund.

The program also provides home ownership, downpayment assistance, replacement housing, and relocation services. Two remedial education programs for youth from low and moderate income families continued to be funded under the public services component of CDBG.

AMENDED

FINAL STATEMENT

FY92 CDBG APPLICATION

August, 1991

FINAL STATEMENT OF COMMUNITY DEVELOPMENT

OBJECTIVES AND PROJECTED USE OF FUNDS

FY92

Community Development Objectives

The primary objective of the Community Development Program is the development of viable urban communities including decent housing, a suitable living environment and expanding economic opportunities, principally for persons earning 80% or less of City's median income. Consistent with this primary national objective, the City Council has adopted the following general objective for the City of Charlotte and the Community Development Program:

"To preserve the City's housing stock and develop new housing resources and employment opportunities for Charlotte's low and moderate income citizens. Program strategies include:

- Preservation of the existing housing stock through code enforcement and housing rehabilitation.

- Expansion of the housing stock and affordable housing opportunities through:

  - new construction of low to moderate income housing,

  - acquisition and rehabilitation of boarded-up dwellings, and

  - low interest loans to assist low and moderate income families displaced by governmental action to purchase or replace homes.

- Promotion of economic development and business expansion to strengthen neighborhoods through the creation of jobs and economic opportunities for low to moderate income persons.

- Stabilizing communities by providing:
  - Housing counselling for families to become homeowners,
  - Pre and post occupancy counselling,
  - Mortgage Default counselling.
  - Tutorial After School Program for lower-income students

In order to accomplish the stated objectives, we anticipate the expenditure of $5,253,213 comprised of FY92 Community Development Block Grant funds ($3,751,000), Program Income ($1,243,523), Recaptured federal funds ($33,000), and CDBG Monitoring Finding Reimbursement ($225,690).

Projected Use of Funds
FY92

It is projected that $5,253,213 from the sources shown below will be used to implement the listed activities to accomplish program objectives:

Block Grant Resources

- FY92 Block Grant Funds	$3,751,000
- Program Income	1,243,523
- Recaptured Federal Funds	33,000
- CDBG Monitoring Finding Reimbursement	
- Rental of Building Space	47,921
- Belmont Plan Implementation	177,769
TOTAL RESOURCES	$5,253,213

FINAL FY92 BUDGET

Program Activity Budget

Program Activities	Area Served	Original	Amended
• Selective Residential Rehabilitation Assistance (Estimated 58 loans at an average cost of $25,000 per loan.)	Rehabilitation Eligibility Area (City-Wide)	$1,456,442	$1,456,442
• Acquisition Purchase of houses and/or land to provide housing for low/mod residents	City-Wide	466,013	613,306
• Relocation Financial assistance which includes rental assistance and moving benefits. On-going counselling is provided to the individuals and families displaced by code enforcement and other governmental action (approx. 130 residents will be served)	City-Wide	373,813	373,813
• Replacement Housing (New Construction) Replacement of existing housing for homeowners remaining as homeowners and whose homes cannot be rehabilitated economically. (9 units)	City-Wide	494,098	494,098
• Homeownership Down Payment Assistance Housing downpayment, closing costs and monthly housing payments for low/moderate potential homeowners who are purchasing through one of the City's assisted housing development programs. (Approx. 9 residents will be served)	City-Wide	13,500	13,500

FINAL FY92 BUDGET (Continued)

Program Activities (Continued)	Area Served	Original	Amended
• Housing and Job Development Provide housing and job development and related services to neighborhoods in Charlotte. Administer the Economic Development Revolving Loan Fund, Development and Revitalization Loan Program, and the City's Innovative Housing Program.	City Within a City	Recycled loan funds & local funding	Recycled loan funds & local funding
• Human Services Contracts Tutorial assistance provided for youth from 4-12 years of age. The purpose of the program is to prepare the youth for school and gainful employment. (total 629 clients) -Gethsemane Enrichment Program (445 clients) -Bethlehem Center (184 Clients)	City Within a City	538,974	538,974
• Housing counselling is contracted with Family Housing Services to provide: - pre-purchase counselling - homeownership counselling - pre- and post-occupancy counselling - Mortgage default counselling	City-Wide	215,154	0
. Code Enforcement Code Enforcement services are provided city-wide but are concentrated in 21 census tracts containing 75% of the substandard housing in the city.	City-Wide	0 (See Operating Budget, next page.)	0
Total Program Activity Budget		$3,557,994	$3,490,133

FINAL FY92 BUDGET (Continued)

Operating Budget

Program Delivery	Original	Amended
Code Enforcement	0	$ 500,000
Rehabilitation	$ 435,442	$ 435,142
Relocation	364,146	364,146
Housing & Jobs Development	206,149	0
Total Program Delivery	1,005,737	1,299,288
Program Administration		
Administration	463,792	463,792
Total Program Administration	463,792	463,792
GRAND TOTAL	$5,027,523	$5,253,213

See attached Description of Community Development Programs.

DESCRIPTION OF COMMUNITY DEVELOPMENT EXPENDITURES

PROGRAM ACTIVITIES

Selective Residential Rehabilitation Program

This activity offers rehabilitation financial assistance to owners of residential structures throughout the City earning 80% or less of median income and not bankable. Federal assistance is repayable through loans or deferred payment loans based on 30% of assisted family income towards principal, interest, taxes and insurance.

Acquisition

This activity offers the purchase of houses and/or land for low/moderate income residents. As feasible housing or land becomes available on the market, it is purchased and in turn made available to house low/moderate income City-wide residents.

Relocation

Assistance provided for individuals and families who are displaced by code enforcement and other governmental action with the goal of permanently removing families from the relocation workload through:

Moving Assistance: Any resident who qualifies to come on the relocation workload as being displaced due to governmental action is entitled to receive an expense and dislocation allowance to cover the cost of moving and any related expenses up to $5,000.

Rental Assistance: Financial assistance will be provided for approximately 42 months to cover increased housing costs for displacees who are tenants. In order to receive the assistance, the replacement unit must meet the City Housing Code. The rental assistance may not exceed $5,250.

Lease Option Rental Assistance: Lease Option Rental Assistance is the local policy adopted by the City Council to allow an additional rental assistance payment of $7,000 for 42 months to enable displacees to afford standard replacement housing. This is in addition to the $5,250 allowed by HUD.

Home Purchase Loan: Tenants on the relocation workload may be assisted in becoming homeowners. After a preliminary assessment of the feasibility of qualifying, clients are referred to the Charlotte Mecklenburg Housing Partnership (CMHP) where they receive priority for a low interest loan. If their income is insufficient to meet the CMHP guidelines, they are referred for a Home Purchase Loan through the Selective Rehabilitation Program.

Replacement Housing

Replacement of existing housing units for homeowners who are remaining as homeowners and whose homes cannot be rehabilitated economically.

Homeownership Down Payment Assistance

This City-wide activity will provide downpayment, closing costs and monthly housing payments assistance to low/moderate income homeowners at an average of $1,500 per homeowner. The families assisted will come through the City's assisted housing developments such as those developed through the Housing Partnership.

Human Service Contracts

These two contracts are designed to provide approximately 629 youth residing in the City Within a City areas with educational, career learning and communicative skills. The purpose is to prepare the students for school and gainful employment.

- Gethsemane Enrichment Program serves approximately 445 low/moderate income youth principally and primarily from the Five Points, Third Ward, Grier Heights, West Boulevard and Belmont areas.

- Bethlehem Center serves approximately 184 low/moderate income youth from the Southside and West Boulevard areas.

PROGRAM DELIVERY

Rehabilitation
Process housing rehabilitation cases (owner-occupied and absentee-owned) through the financial and construction selective rehabilitation process.

Relocation
Relocation assistance includes financial assistance which provides rental assistance and moving benefits for people who are displaced by code enforcement and other governmental actions.

Code Enforcement
Preserve the city's existing housing stock through concentrated code enforcement activities. Activities are concentrated in 21 census tracts, which contain approximately 75% of the substandard housing in the city. Code enforcement services are provided in other parts of the city only on the basis of complaints or requests.

PROGRAM ADMINISTRATION

Administration

Direct Community Development Department activities including coordination, budgeting, personnel, grants application, reporting and plan development.

City of Charlotte
Proposed Bond Referendum Schedule

Project Title	Amount
Water	
Street Main Extension Program	$ 6,000,000
Water Main Along Carmel Road	5,770,000
North Mecklenburg Water Treatment Plant	2,915,000
Clearwell at Franklin Water Plant	100,000
Total Water	$14,785,000
Sewer	
Street Main Extension Program	$14,000,000
McAlpine Creek Wastewater Treatment Plant Composting Facility	3,243,000
Irwin Creek Wastewater Treatment Plant Improvements/Expansion	3,000,000
Sugar Creek Wastewater Treatment Plant Improvements	5,000,000
Sanitary Sewer Rehabilitation	4,000,000
Sewer System Evaluation Survey	4,000,000
Flow Equalization-McAlpine Creek Wastewater Treatment Plant	2,100,000
Flow Equalization-Sugar Creek Wastewater Treatment Plant	3,600,000
Four Mile Creek Parallel Outfall	5,100,000
Stony Creek Tibutary to Ridge Road	1,458,000
Long Creek Parallel Outfall Phase I	2,254,000
Irvins Creek Tributary to Lawyer's Road	92,000
Caldwell Creek Outfall	88,000
Stony Creek Outfall-Phase III	190,000
Total Sewer	$48,125,000
Storm Drainage	$ 1,200,000
Total Referendum	$64,110,000

(RE1D163)

MINORITY & WOMEN

ENTERPRISE PROGRAM

ANNUAL REPORT

JULY 1, 1990-JUNE 30, 1991

CHARLOTTE

"We want to do business with you"

CITY OF CHARLOTTE

MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM

CONSTRUCTION AND PROCUREMENT CONTRACTS

ANNUAL REPORT, 1991

Minority and Women Business Enterprise Program Office

City of Charlotte-Mecklenburg County Purchasing Department
Charlotte Mecklenburg Government Center
600 East 4th Street
Charlotte, North Carolina 28202-2850
Phone (704) 336-4138

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- Purchasing
- Utility Department

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POLICY STATEMENT

It is the policy of the City of Charlotte to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs, including but not limited to employment, construction projects and lease agreements consistent with the laws of the State of North Carolina.

It is further the policy of the City of Charlotte to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, national origin, religion, sex, age, handicap, or veteran status.

It is further the policy of the City of Charlotte to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve any and all claims of such discrimination.

STATE OF NORTH CAROLINA LEGISLATION
FOR THE CITY OF CHARLOTTE
The General Assembly of North Carolina
1987 Session
Ratified Bill

The City Council may establish minimum minority and/or women's business enterprise participation (M/WBE) requirements, and in that event, shall include such requirements in the specifications for City contracts.

In addition, in construction and repair contracts under which subcontracts are customarily awarded by that primary contractor, the City Council is authorized to establish specifications requiring bidders to subcontract a certain designated percentage of the construction and repair work amount; provided that nothing in the specifications or requirements developed shall be construed to require that the award of subcontracts be made to subcontractors who do not submit the lowest responsible sub-bid and do not meet the bonding requirements otherwise required by law.

Notwithstanding the provisions of G.S. 143-131, the City Council may consider a bidder's compliance with specifications containing MWBE or subcontracting requirements in its award of contracts, and may, in its discretion, refuse to award a contract to a bidder if it determines that the bidder has failed to make a good faith effort to comply with said requirements
(Section 2).
This act shall apply to the City of Charlotte only *(Section 3).*
This act is effective with ratification *(Section 4).*
In the General Assembly read three times and ratified this the 12th day of June, 1987. *Senate Bill 290, Chapter 344*

Robert B. Jordan
President of the Senate

Liston R. Ramsey
Speaker of the House

Executive Summary

A major portion of staff time was used to formulate revisions to the Charlotte MWBE Plan and to conduct public hearings to collect responses to these revisions from the community.

Seven public hearings were scheduled from January through May (1991). Three organizational hearings were conducted for the convenience of the membership of those groups.

Approximately one hundred sixty (160) contractors, business owners, and interested citizens participated in these discussions. If approved, proposed revisions will change the following directives in the MWBE plan:

- certification as minority businesses will apply to those minority groups in the local geographic area who are working in the trades and services used by the City, and who are available to bid City projects. This interpretation is included in the most recent U. S. Supreme Court rulings. If approved, Latin-Americans and Hispanics will not be designated as minority vendors.

- a fee for the costs of copying MWBE bid lists will be assigned for requests which are not related to a City project. The recommended fee is fifteen dollars ($15.00) per classified list or a pro-rated amount for individual trades and service lists.

- MWBE provisions have been developed for professional services used for construction projects.

- separate utilization goals will be maintained for women-owned and for minority businesses.

- purchasing contracts will include annual goals to obtain a more realistic view of subcontracting opportunities in these projects.

In addition to developing revisions for the MWBE Program,City staff has served as consultants to project managers for the proposed new convention center, and the proposed NFL stadium and will provide resource services to these projects for MWBE utilization.

A comparison of MWBE utilization for 1990 and 1991 shows a decrease of approximately 1% for all city contracts. This loss is partly explained by a decrease in Airport construction projects, a decrease in the number of informal construction projects for Engineering services, and because of increased competitive bidding larger, non-minority construction firms.

The data for MWBE participation for the two-year period is listed below

FY	Total Amount	MBE Amount	%	WBE Amount	%	Combined MWBE Amount	%
90	$115,849,535.	$ 10,075,674.	(8.7)	$ 5,205,885.	(4.4)	$15,281,559.	(13.2)
91	115,628,201	$ 7,710,352.	(6.6)	$ 6,508,111.	(5.6)	$14,012,443	(12 1)

City of Charlotte

Minority and Women Business Utilization by Departments

FY '91

Department	Total Amount	MBE Amount	%	WBE Amount	%	Combined MWBE	%
Airport	$ 4,071,136.	$ 632,056.	(15.5)	$ 31,712.	(0.7)	$ 668,318.	(16.4)
Community Development	2,598,581.	1,900,812.	(73.1)	150,698.	(5.8)	2,051,515.	(78.9)
Engineering	54,620,552.	2,953,339.	(5 4)	2,647,331.	(4.8)	5,600,670.	(10.2)
Purchasing	32,195,031.	1,867,477.	(5.0)	1,813,827.	(5.5)	3,470,729.	(10 5)
Utility	22,142,901.	356,668.	(1.6)	1,864,543.	(8.4)	2,221,211.	(10.0)
Totals.	$115,628,201.	$7,710,352.	(6.6)	$6,508,111	(5.6)	$14,012,443.	(12.1)

MWBE participation in city-wide contracting shows an increase in purchasing contracts for commodities and services. Some of these improvements in purchasing activity are the results of changes made in tracking and reporting data in this department.

The decreases in MBE performance in construction contracts may reflect an increase of larger construction projects bid by the City. The trend toward reducing the number of smaller, informal projects may, over a period of time, reduce the number of bid opportunities for smaller contractors.

Program Components Review

Advisory Committee:

The Advisory Committee contributed significant amounts of time and energy examining implications of the Croson v Richmond U.S. Supreme Court ruling for local governments. The committee organized and supported seven public hearings to identify and discuss public comments regarding revisions to the Charlotte MWBE program. Various members of the Advisory Committee presented studies, findings, and guidelines from their agencies to address concerns raised in the legal opinions regarding MWBE programs.

The committee supports the recommendation to conduct an official disparity study. However, it is felt that a ten-year interval of time and experience is a more appropriate time-frame for the study, given the serious budget constraints experienced by the City during 1990-91.

The discussions recorded during the public hearings indicate community interest in expanding the representation of agencies and groups for the Advisory Committee. In response to this concern, the City Manager will receive a request to include the Charlotte-Mecklenburg School District, Native American Cultural Association, Metrolina Minority Contractors and Business Owners, the Women Business Owners, Inc., and more minority contractors in the Advisory Committee.

Certification Committee·

Requests for certification as Minority and Women Business Enterprised increased 65% over 1990. During 1991 three hundred eighteen (318) firms were granted City certifiation. Of these newly certified businesses one hundred ninety three (193) are owned by women, one hundred twenty-five (125) are minority owned.

A majority of these firms are construction and construction-related enterprises (137). Seventy-four (74) are new bidders for professional services, and one-hundred seven (107) are manufacturers and suppliers.

The expected decrease in the number of minority and women-owned businesses seeking City certification has not occurred. In fact, requests have increased each year since 1983. New interest in central certification for the State of North Carolina may result in legislative action during 1991-92. The City will participate as necessary, in these discussions.

Contract Opportunities:

Fewer contract opportunities were available for MWBE bidders during the year. In addition to the over-all impact of an economic recession, many major manufacturers and construction firms bid city projects this year, after a period of absence from our projects. In addition, some smaller construction projects were consolidated for bidding as formal contracts, reducing the number of bid opportunities for MWBE bidders. City staff will evaluate the impact of consolidated bid packaging and will recommend appropriate adjustments as necessary.

Training and Technical Assistance:

Quarterly meetings were conducted to review major projects for City and Mecklenburg County projects. In addition, technical assistance was provided to the Women Business Owners and the Metrolina Minority Contractors and Business Owners in preparing their members for more successful participation in government contracts.

Recommendations

Plan for a disparity study of City contract activity at the ten-year anniversary date of the City's MWBE Program

Evaluate the impact on MWBE participation in Engineering contracts that reflect consolidation of informal projects.

Monitor the assignment of annual goals for the purchase of products and services. Evaluate the results of efforts to identify sub-contract opportunities for purchasing activity.

Provide regular informational meetings for increased public education and interpretation of the revised MWBE Program.

MWBE ADVISORY COMMITTEE

Associated General Contractors	Ed Latham
Carolinas Association of Black Women Entreprenuers	Laura McClettie
Central Piedmont Community College Small Business Center	Emma Quinn
Charlotte Area Business League	George Wallace
Charlotte Chamber	Lawrence Tolliver
Char-Meck Housing Authority	Jim Burfield
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City-County Purchasing	Bill Mouchet
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Staff Resource:	
MWBE Program Assistant	Rachel Entrekin
MWBE Program Director	Elizabeth Mills

CITY OF CHARLOTTE

MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM

CONSTRUCTION AND PROCUREMENT CONTRACTS

ANNUAL REPORT, 1990

Minority and Women Business Enterprise Program Office

City of Charlotte-Mecklenburg County Purchasing Department
Charlotte Mecklenburg Government Center
600 East 4th Street
Charlotte, North Carolina 28202-2850
Phone (704) 336-4138

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POLICY STATEMENT

It is the policy of the City of Charlotte to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs, including but not limited to employment, construction projects and lease agreements consistent with the laws of the State of North Carolina.

It is further the policy of the City of Charlotte to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, national origin, religion, sex, age, handicap, or veteran status.

It is further the policy of the City of Charlotte to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve any and all claims of such discrimination.

STATE OF NORTH CAROLINA LEGISLATION
FOR THE CITY OF CHARLOTTE
The General Assembly of North Carolina
1987 Session
Ratified Bill

The City Council may establish minimum minority and/or women's business enterprise participation (M/WBE) requirements, and in that event, shall include such requirements in the specifications for City contracts

In addition, in construction and repair contracts under which subcontracts are customarily awarded by that primary contractor, the City Council is authorized to establish specifications requiring bidders to subcontract a certain designated percentage of the construction and repair work amount, provided that nothing in the specifications or requirements developed shall be construed to require that the award of subcontracts be made to subcontractors who do not submit the lowest responsible sub-bid and do not meet the bonding requirements otherwise required by law.

Notwithstanding the provisions of G.S. 143-131, the City Council may consider a bidder's compliance with specifications containing MWBE or subcontracting requirements in its award of contracts, and may, in its discretion, refuse to award a contract to a bidder if it determines that the bidder has failed to make a good faith effort to comply with said requirements
(Section 2).
This act shall apply to the City of Charlotte only *(Section 3).*
This act is effective with ratification *(Section 4).*
In the General Assembly read three times and ratified this the 12th day of June, 1987. *Senate Bill 290, Chapter 344*

Robert B. Jordan
President of the Senate

Liston R. Ramsey
Speaker of the House

MWBE PROGRAM OBJECTIVES

1. To provide minorities and women equal opportunities for participation in City construction, professional services, and purchasing contracts.

2. To provide procedures that will enable the City to fulfill requirements of Federal, State, and local governments related to equal employment opportunity and affirmative action in its construction, professional services, and purchasing contracts.

3. To provide procedures that will enable the City to fulfill requirements of Federal, State, and local governments related to minority and women's business participation in its construction, professional services, and purchasing contracts.

4. To provide procedures for determining and monitoring MWBE participation and compliance with MWBE requirements stated in City policy and in its contract documents.

5. To evaluate and report to the City Manager and to the City Council results of City contract activity subject to the provisions of the MWBE Program.

EXECUTIVE SUMMARY

The Minority and Women's Business Enterprise Program obtained the most successful participation of MWBE's in City contracts this year. At no time in the program's tenure have contracts bid by MWBEs exceeded fifteen million dollars ($15,000,000.) This progress is attributed to many factors, but particularly to the following:

Increased confidence of contractors, subcontractors and professional services bidders in the City's commitment to promote small business development through the MWBE Program.

Stronger competitive bidding from minority and women enterprises.

Improved monitoring and project tracking procedures by City departments.

Greater cooperative efforts in communicating and planning for MWBE participation in community-wide projects, public and private.

Increased numbers of MWBE firms requesting City certification

More MWBE Programs in place in local private industry public agencies (banks, school district, hospitals).

A significant amount of MWBE participation was obtained through contracts bid by the City for Hurricane "Hugo" clean-up projects. Minority contractors and suppliers bid successfully for contracts equal to 13.8% of approximately six million dollars ($6,000,000.) spent for hauling debris, building repairs, food service, hardware and tools, and materials. Women business owners were awarded 4.2% of "Hugo" clean-up contracts.

Taking into account the seven million dollars spent for "no bid" items, such as telephone repair services and heavy equipment leasing, total awards to MWBE firms exceeded one million dollars ($1,245,299.) MBEs were awarded $953,185; WBEs obtained $292,114.

In addition to the good performance with "Hugo" contracts, MWBE bidders competed successfully for 13.3% of all other contracts awarded by the City.

MWBE staff have reviewed MWBE legislation and new requirements which take into account the U.S. Supreme Court ruling regarding municipal goals programs. In this regard, the Charlotte MWBE Program is being revised to meet the concern for specificity and precision in determining appropriate compliance provisions.

ADVISORY COMMITTEE

The committee contributed significantly to staff reviews and to the preparation of recommendations for improvements in data collection and reporting of procurement activity with MWBE vendors. As a result, more information regarding bid solicitations, bid responses, analysis of proposals, and recommendations for contract awards will be recorded and reported systematically with quarterly reports.

The committee participated in the several public forums conducted by the City to obtain public opinion of proposed revisions to the MWBE Program. A member of the committee is serving on a State committee which will propose a North Carolina State MWBE/DBE Goals Program. Reports from this work will be helpful to the City in developing our local program.

CERTIFICATION COMMITTEE

City and County staff evaluate all applications for certification as MWBEs, and recommend those firms who meet the criteria for this designation. The committee reports that 196 businesses and corporations met the eligibility requirements during the year. In addition to these new firms, 50 firms were recertified. Four (4) firms were denied certification.

A majority of the new bidders are MBE manufacturers and suppliers (64 of 95). Forty-six (46) construction contractors are about half women, half minority bidders. The number of new professional services bidders continues to increase, of fifty-two (52) new firms, twenty-nine are minority-owned firms.

Over the eight-year tenure of the program, approximately six hundred (600) firms have been placed in inactive status. This results from failure to renew certification, electing to bid independently of the MWBE Program, or failing to meet eligibility criteria for recertification. Further analysis of our inactive files will be completed during the year.

CONTRACT OPPORTUNITIES

Engineering Services conducts pre-bid conferences for all formal contracts, thereby increasing opportunities for contractors and sub-contractors to examine projects together, and to negotiate possible elements of the project for sub-contracting.

Pre-bid conferences have been scheduled more frequently this year in the Utility department and in Purchasing. These meeting serve as a method of introducing new contractors, discussing all elements of our projects, and presenting city staff who will be involved in the project at various times.

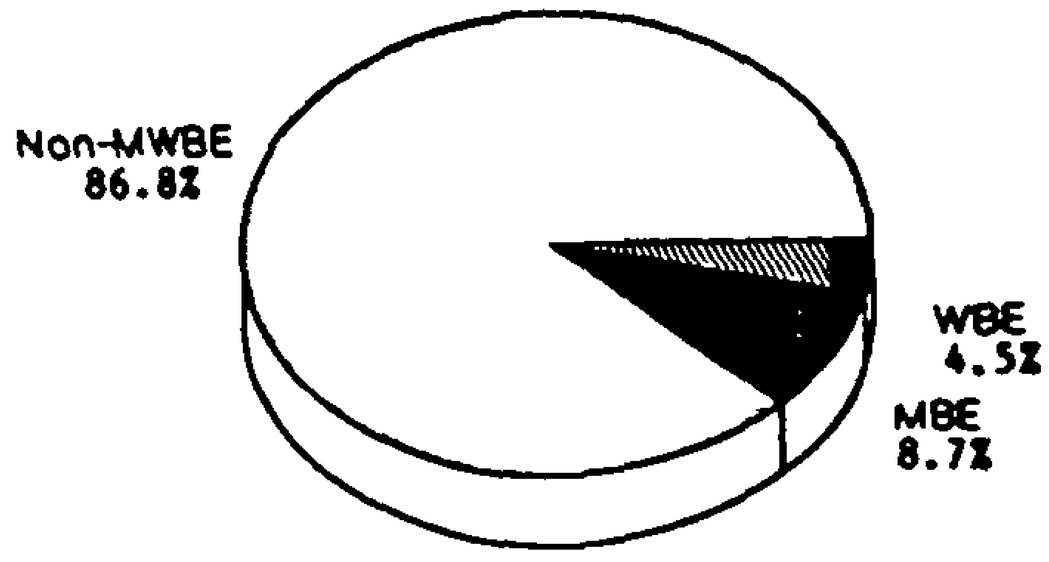
In addition to these conferences, MWBEs have participated with good attendance in three Project Review seminars where some City funding is invested: the Performing Arts Center, proposed NFL Stadium, and proposed Convention Center. In some cases, project managers have already negotiated purchase orders with MWBE forms for preliminary services.

TRAINING AND TECHNICAL ASSISTANCE

Approximately twenty-four (24) different MWBE firms introduced their products and services to various City and County departments during the year. This series of "Meet the New Bidders" is designed to assist small firms with marketing, and reduce the number of individual meetings with user departments. Presentations were made by MWBE firms with office supplies, courier services, temporary help agencies, commercial photography, caterers, and for maintenance supplies.

The favorable response from the various departments indicates that these sessions should be continued during the year.

MWBE Utilization for FY90
(In Millions of Dollars)



MWBE UTILIZATION BY DEPARTMENTS

Department	Total Amount	MBE Amount	WBE Amount	Combined Amount	%
Airport	15,079,053.	2,429,000.	333,295.	2,761,295.	(18.3)
Comm.Dev.	2,953,246.	1,902,613.	164,824.	2,067,437.	(70.0)
Eng. Svs.	38,852,704.	2,468,533	1,714,441.	4,182,974.	(10.7)
Purchasng	42,689,469.	2,630,495.	1,046,662.	3,677,157.	(8.7)
Utility	16,275,063.	645,033.	946,663.	1,591,696.	(9.7)
Totals:	$115,849,535.	10,075,674.	5,205,885.	15,281,559.	(13.2)
"Hugo"	6,800,000.	953,185.	292,114.	1,245,229.	(18.1)

RECOMMENDATIONS

The Advisory Committee reports that possible recommendations for strengthening the Minority and Women Business Enterprise Program for the City of Charlotte will be addressed in the revisions for the Program.

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ATTACHMENT 5

SEE ATTACHED BOOKLET "MINORITY & WOMEN BUSINESS ENTERPRISE PROGRAM"

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It is further the policy of the City of Charlotte to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve any and all claims of such discrimination.

STATE OF NORTH CAROLINA LEGISLATION
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In the General Assembly read three times and ratified this the 12th day of June, 1987. *Senate Bill 290, Chapter 344*

Robert B. Jordan
President of the Senate

Liston R. Ramsey
Speaker of the House

BACKGROUND

The 1991 revisions to the Charlotte Minority and Women Business Enterprise (M/WBE) Program takes into account recent U.S. Supreme Court decisions regarding local government efforts to administer public contracts with M/WBE participation. These rulings are the result of J.A. Croson vs. City of Richmond (Va.) decision, January, 1989.

The Richmond MBE Plan was viewed as a set-aside program requiring quotas for minority participation in public works projects, such quotas were determined by the minority population in that city.

Although the Charlotte M/WBE Program is decidedly different in purpose and design, the ruling in the Croson case called into question the legality of many municipal M/WBE plans and local government policies which seek to provide opportunities for greater parity in the award of public contracts.

The City of Charlotte has examined implications of the Croson ruling by revisiting a 1983 Disparity Study conducted by the Urban Institute at the University of North Carolina at Charlotte. The City has also analyzed contract activity, reviewed annual reports, and sought technical assistance from staff in Federal, State and local agencies concerned with structuring and managing M/WBE utilization programs.

The Charlotte M/WBE Program incorporates many elements recommended into the U.S. Supreme Court ruling. These and other important distinctions are summarized below.

The Charlotte M/WBE Program:

- is based upon a 1983 Disparity Study which found significant disparities in contract bid opportunities and contract award for minority and women businesses.

- is not a set-aside program. Competitive bidding is required for all contractors, sub-contractors, suppliers and distributors. Contracts obtained by M/WBE bidders are subject to the same provisions and requirements as all other bidders.

- is authorized by the Charlotte City Council through its commitment to support the economic development of small business enterprises.

- has application for all City departments and all persons serving as agents of the City.

- requires agencies receiving City funding to adapt M/WBE provisions which include public notice of contract opportunities and solicitation of M/WBE quotes.

- is a flexible, goals-based program. M/WBE goals are determined by the amount of sub-contracting typical for each project, and by the number of competitive, local minority and women bidders certified by the City and available to bid.

- requires appropriate M/WBE provisions in joint venture projects using private/public financing for construction, rehabilitation and building renovations.

- accepts evidence of "good faith efforts" reported by contractors who fail to obtain recommended goals.

- does not require sub-contracting when bidders typically perform all elements of their projects with their own forces.

- encourages voluntary certification for minority and women business owners. All potential bidders may compete for city contracts regardless of their status as minority and women business entrepreneurs. The City will report the dollar value of contracts and subcontracts performed by City-certified M/WBE firms.

Records show that minority contractors obtained only 0.7% of approximately six (6) billion dollars awarded by the City for construction projects from 1980 to 1990. Only 1.2% of one hundred eighty-two million dollars spent for procurements was awarded to minority firms. Women contractors were awarded less than 1% of construction contracts, and only 1.3% of City purchasing contracts during the ten year period.

At the same time, the number of certified M/WBE bidders has increased from approximately 38 in 1980, to more than 350 contractors, manufacturers, and suppliers certified since that time. M/WBE firms are available as potential bidders to quote on 202 of the 242 class codes used by the City to execute contracts.

The M/WBE Advisory Committee and City staff recommends adoption of this plan.

I. PROGRAM OBJECTIVES

A. To provide minorities and women equal opportunity for participation in City construction, professional services, and purchasing contracts.

B. To provide procedures that will enable the City to fulfill requirements of Federal, State, and local governments related to equal employment opportunity and affirmative action in its construction, professional services and purchasing contracts.

C. To provide procedures that will enable the City to fulfill requirements of Federal, State, and local governments related to minority and women's business enterprise participation in its construction, professional services and purchasing contracts.

D. To provide procedures for determining and monitoring M/WBE participation and compliance with M/WBE requirements stated in City policy and in contract documents.

E. To evaluate and report to the City Manager's office and to the City Council results of city contract activity subject to the provisions of the M/WBE program.

II. PROGRAM COMPONENTS

A. ADMINISTRATION

City of Charlotte

To meet the objectives of this program, the City has developed procedures and defined various responsibilities of bidders seeking to contract with the City under the M/WBE Program.

Responsibility for management of the Program is assigned to the City Manager (or his/her designee), and the City Manager is hereby authorized to take all usual and legal administrative actions necessary to implement the program.

Charlotte Douglas International Airport

Contracts administered by the Charlotte Douglas International Airport are governed by the City of Charlotte M/WBE policy and by the Code of Federal Regulations for the Federal Aviation Administration of the U.S. Department of Transportation (41 CFR:60-4.3(a) and 49 CFR:23).

Contracts performed by minority and women-owned business enterprises at any level are reported as Disadvantaged Business Enterprise (DBE) utilization. DBE goals are established by the Federal Aviation Administration for each construction project, lease agreements for concessions, and professional service contracts.

Contractors and subcontractors performing at any level under FAA regulations shall provide maximum opportunity for M/WBE/DBE participation in projects performed in whole or in part with federal funds.

Specific compliance requirements for such contracts are included in contract specifications and documents, and are available in the office of the Aviation Director at the Charlotte Douglas International Airport.

B. MANAGEMENT RESPONSIBILITIES

The City Manager will designate an M/WBE Program Director who shall be responsible for conducting, coordinating and reporting M/WBE activity in construction projects, professional services contracts and in the purchase of commodities and products.

The provisions herewith take precedence over any departmental plans or procedures in conflict with provisions of the M/WBE Program, except for compliance requirements of Federal government, and the State of North Carolina that may require different applications of Federal and State law regarding disadvantaged, minority, and women business utilization in construction and procurement contracts.

C. COMPLIANCE DETERMINATION

The M/WBE Program Director, in consultation with City departments and legal counsel, will review and determine the M/WBE Program Compliance as submitted by bidders for City contracts and shall review departmental recommendations for award of contracts to the City Manager or his designee.

D. EVALUATION

The M/WBE Program Director and departments which administer contracts will provide for systematic, periodic evaluation of all contract activity to determine the type and amount of minority and women business participation in City contracts.

These evaluations and recommendations regarding the effectiveness of the Program will be reviewed by the M/WBE Advisory Committee in preparation for Annual M/WBE reports to the City Manager and the City Council.

E. GRIEVANCE PROCEDURE

Complaints and allegations of discrimination on the basis of race, gender, handicap, religious affiliation and other protections prohibited by Federal, State and local laws which govern equal opportunity may be filed pursuant to the M/WBE Program.

1. Allegations of discrimination must be presented in writing within five (5) days of the occurrence, to the department(s) administering the contract or project.

2. The department shall review the complaint, seek resolution and report their results to the M/WBE Program Director within ten (10) days of receipt of complaint.

3. If resolution is not found, the M/WBE Program Director will examine all records, conduct confidential interviews, and consult with the City Attorney's office to seek resolution. Recommendations made through this process will be reviewed by the appropriate department representative.

4. If resolution is not found, the M/WBE Program Director, the department representative, and the City Attorney's office will consult with the City Manager to seek resolution.

5. If resolution is not found, the grievant will be notified of their right to appeal these findings through all remedies available under Federal and State law.

F. RECORDS AND REPORTING

The M/WBE Program Director will plan for the systematic reporting of all contracts awarded to minority and women owned business enterprises. Such reports shall be made at least four times per year and in an Annual Report to the M/WBE Advisory Committee, City Manager's office, and to the City Council. Reports shall be maintained separately for minority and women owned business participation, except for reports which require Disadvantaged Business Enterprise designations.

G. TRAINING AND TECHNICAL ASSISTANCE

M/WBE bidders may request technical assistance or referrals for assistance from the M/WBE office or from City departments. The City will maintain a plan room and reference library for use by contractors and potential bidders. The M/WBE office will plan seminars, workshops, and special meetings to assist with bidders' competence in plan review, take-offs and price quotes, reviewing State statutes, preparing bid documents, and other topics considered useful to M/WBE bidders.

III. ADVISORY COMMITTEE

The City Manager shall appoint representatives from local branches of Federal, State and local agencies whose purposes include support for the utilization and development of minority and women owned business enterprises to the M/WBE Advisory Committee. Such agencies shall include:

Associated General Contractors
Carolinas Association of Black Women Entrepreneurs
Central Piedmont Community College: Business Center
Charlotte Business League
Charlotte Chamber of Commerce
Charlotte-Mecklenburg Housing Authority
Charlotte-Mecklenburg Human Relations Committee
Mecklenburg County Women's Commission
Metrolina Minority Contractors and Business Owners
Minority Business Development Center
U.S. Small Business Administration
Women Business Owners of Charlotte/Mecklenburg

The Advisory Committee will serve in a voluntary capacity to provide review and direction for the general performance of the M/WBE Program, and shall serve as consultants to the City staff in preparing recommendations and reports regarding program performance.

The M/WBE Program Director shall provide staff support and serve as a resource to the Advisory Committee. The Committee shall meet no less than four (4) times each year and shall rotate the position of the chairperson every two (2) years to different members of the group.

IV. CERTIFICATION COMMITTEE

Women and minority owned firms must apply for certification as M/WBE firms and shall voluntarily disclose sufficient information regarding ownership and management of the business for the Certification Committee to determine the appropriate designations. The certification process will be valid for a period of two (2) years provided the owners notify the City M/WBE office of changes in services, owners, and the location of the business. Certification as M/WBE bidders is a voluntary process and does not preclude a bidder from bidding, negotiating, or performing contracts with the City of Charlotte. The certification process will be completed within thirty (30) days of receipt of a completed application, duly notarized. The City reserves the right to construct and distribute the M/WBE bidders lists, and to place on inactive status all firms failing to respond to bid invitations and declining to participate in City sponsored seminars and workshops designed as a part of the M/WBE Program. Copies of the list will be available for the cost of ($15.00) for producing duplicates.

The certification team shall review applications from business owners who seek to participate in the M/WBE Program and shall verify gender and ethnic background (race) of all firms appearing on the M/WBE bidders list maintained by the City. The designation as minority will be made for businesses owned and managed by U.S. citizens who are Asian-Americans, African-Americans, and Native Americans. Women Business Enterprise status (WBE) shall be designated for businesses owned and managed by European-American women.

Ownership and management criteria is defined as (1) MBE and/or WBE ownership equal to a minimum of fifty-one (51%) percent of the assets and liabilities of a business; and, (2) active involvement in the regular conduct of the business with authority to impact business decisions.

Minority and women owned firms are responsible for obtaining and keeping current all business licenses and certifications required by the State and local governments which governs the conduct of their business. Performance standards for potential M/WBE bidders will be determined by the City or its agents.

A. CERTIFICATION PROCESS

The Certification Committee includes City and County staff in the operating departments responsible for construction and procurement contracts.

The Committee reviews applications for City certification from minority and women-owned businesses; conducts site visits; interviews business owners; and, conducts other activity to determine eligibility for M/WBE certification.

The Committee may deny M/WBE certification to business owners who present false information and/or misrepresent gender, ethnicity, ownership, and management responsibilities for firms seeking to do business with the City of Charlotte as M/WBE bidders.

The Certification Committee will review applications monthly, and will grant certification to business firms that meet City criteria.

Certification as M/WBE bidders will be valid for a period of two years.

The certification process will include examination of all (or combinations of) the following information:

- Corporate Articles of Incorporation, By-laws, and Minutes of Corporate Board Meetings
- Stock Certificates issued by the Corporation
- Partnership Agreements
- North Carolina and local government business license
- Contractor's and Professional Services license, if necessary
- Resumes, experience and professional training of principal owners
- Business and/or personal references including banking, legal services, accounting services, projects in progress or recently completed
- Bank signature cards, equipment rental agreements, vehicle registration information
- M/WBE firms located outside the metropolitan Charlotte area (Piedmont Carolinas) shall provide business or project references.

V. MINORITY AND WOMEN BUSINESS ENTERPRISE BID LISTS

The M/WBE office will maintain a list of M/WBE bidders for solicitation of proposals, quotes, and for notice of bid opportunities. Potential bidders may obtain more specific information regarding projects and bid requirements from the departments responsible for the contract. A fee of $15.00 for copy costs will be charged for each list requested for non-City contracts or projects.

The City will provide notice of contract opportunities for M/WBE bidders through regular newspaper advertisement, direct mail, telephone solicitations, trade association newsletters and in public announcements at seminars and workshops. A list of funded projects and bid schedules may be obtained from the departments responsible for construction and procurement contracts.

VI. COMPLIANCE PROVISIONS

A. M/WBE CONSTRUCTION CONTRACT PROVISIONS

APPLICATION:

The requirements of the City of Charlotte Minority and Women's Business Enterprise (M/WBE) Program are hereby made a part of these contract documents. These requirements shall apply to all contractors and subcontractors regardless of ownership or tier. Copies of the M/WBE Program may be obtained from the M/WBE Program Director, 600 E. Fourth Street, Charlotte, North Carolina 28202-2850, Phone 336-4138.

M/WBE SUBCONTRACT GOALS:

A plan room containing current plans, specifications, documents of reference and other bid resources is maintained in the Engineering, Utility, and Airport Departments for use by all potential bidders and sub-bidders.

Nothing contained in these provisions shall be construed to require that award of subcontracts be made to subcontractors who do not submit the lowest responsible sub-bid.

Separate goals for participation by Minority and Woman-Owned firms as subcontractors on this project have been set at:

MBE _____ WBE _____

BID REQUIREMENTS

Bidders shall PROVIDE written notice to the operating department of all items of work which they anticipate as subcontract opportunities as soon as the items are identified.

Provide with the bid, The M/WBE UTILIZATION COMMITMENT, indicating the amount of M/WBE participation. If each goal is not achieved through the use of subcontractors, the bidder shall provide prior to award, upon request, documented evidence of good faith efforts made prior to the bid opening to meet the goals;

OR

Provide with the bid, CERTIFICATION REGARDING SUBCONTRACTING PRACTICES, and upon request, information sufficient for the City to determine that the bidder does not customarily subcontract work on this type project.

Failure to provide the evidence in one of the forms described above may result in rejection of the bid and award to the next lowest responsible bidder. The necessary forms are contained in the Itemized Proposal section of this contract.

Upon being named apparent low bidder, the bidder shall provide a LETTER OF INTENT or a copy of the Subcontract Agreement with each M/WBE firm identified in the Utilization Commitment, complete with a description of the scope of services and dollar value from each M/WBE firm proposed for use in this contract. The Bidder shall also provide a listing of all subcontractors anticipated to be let under the contract. Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible bidder. The City reserves the right to waive any irregularities in M/WBE documentation if they can be resolved prior to award of the contract, and the City finds it to be in its best interest to do so and award the contract.

DETERMINATION OF GOOD FAITH EFFORT

In determining whether the bidder has made a good faith effort to meet the contract goals, the City will evaluate all efforts made by the bidder and will determine compliance by considering the quantity, sufficiency, and results of the bidder's efforts. The bidder shall provide documented evidence of good faith efforts immediately upon request by the City. The City will take into account any or all of the following:

1. Whether the bidder attended any pre-solicitation or prebid meetings that were scheduled by the City;

2. Whether the bidder made written solicitations to a minimum of three M/WBE's for each portion of the work subcontracted in sufficient time to allow the M/WBE's to respond to the solicitation. The solicitation shall be in the form provided in the contract documents;

3. Whether the bidder followed up initial solicitations of interest by contacting M/WBE's to determine with certainty whether the M/WBE's were interested evidenced by a telephone log of follow-up calls to each firm sent a solicitation;

4. Whether the bidder selected portions of the work to be subcontracted that at least equals the amount of the M/WBE goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate M/WBE participation);

5. Whether the bidder selected all subcontractors based on the lowest responsible sub-bidder as evidenced by copies of quotes received on all subcontracts.

6. Whether the bidder negotiated in good faith with interested M/WBE's, not rejecting M/WBE's as unqualified without sound reasons based on a thorough investigation of their capabilities.

7. Whether the bidder's record of M/WBE efforts and performance on past projects indicates a good faith effort to comply with the City's M/WBE Program.

8. Whether all subcontracts let will be awarded to M/WBE firms.

9. Whether any materials or supplies will be purchased from M/WBE firms.

The Bidder shall provide documentation of any other efforts made toward meeting the contract goals.

CHANGES IN WORK OR REPLACEMENT OF SUBCONTRACTORS:

When changes in the work or the contractor's situation occur that require obtaining additional subcontractors or replacement of a proposed or existing subcontractor, the contractor shall comply with the provisions of the M/WBE Program.

COMPLIANCE WITH STATEMENTS AND CERTIFICATIONS:

All written statements and certifications made by the bidder shall become a part of the agreement between the contractor and the City for performance of this contract. Failure to comply with any of these statements, certifications, or with the M/WBE Provisions shall constitute a breach of the contract. Such breach may result in the assessment of a penalty equal to the dollar amount of the infraction (amount of subcontract in question), not to exceed 5% of the total contract amount, or termination of the contract. It shall be solely at the option of the City whether to assess the penalty or terminate the contract for breach.

Breach of any contract as listed above shall also be considered in the determination of the lowest responsible bidder in the award of future City contracts.

SUBCONTRACTOR PAYMENT REQUIREMENTS:

North Carolina General Statute 143-134.1 requires that the percentage of retainage on payments made by the prime contractor to the subcontractor shall not exceed the percentage of retainage on payments made by the owner to the prime contractor. Failure to comply with this provision shall be considered a breach of the contract, and the contract may be terminated in accordance with the termination provisions of the contract.

The contractor shall provide an itemized statement of payments to each M/WBE subcontractor with each project before final payment is processed.

B. ENGINEERING, ARCHITECTURAL AND SURVEYING SERVICES CONTRACTS

Provisions shall be included in all Requests for Qualification (RFQ) for Engineering, Architectural and Surveying Services to require firms responding to the RFQ to provide equal opportunity for M/WBE firms to participate in any sub-consulting opportunities under the proposed contract. Selection of the firm to provide the services shall be in accordance with N.C. General Statute 143-64. The Selection Committee shall consider the apparent level of M/WBE involvement indicated by the responding firms in making the final selection.

The exact amount of M/WBE involvement in the contract with the successful firm shall be determined through the contract negotiation process. The successful firm shall submit a M/WBE Utilization Commitment form for M/WBE participation when executing the contract.

RFQ PROVISION

It is the policy of the City of Charlotte to provide minority and women equal opportunity to participate in the City's contracting and procurement programs. Responding firms shall provide M/WBE firms equal opportunity to participate in sub-consulting opportunities under this project when sub-consulting aspects of the work are normal practice or feasible for the firm. A source list of potential M/WBE firms in possible areas of opportunity is attached for your use in providing opportunities for participation.

State any involvement by minority and women owned firms (M/WBE) and describe your efforts to provide opportunities for M/WBE's to participate in this project.

C. CONTRACTS FOR THE PURCHASE OF PRODUCTS AND SERVICES

Purchasing agents for the City of Charlotte and their designees in the operating departments of the City shall examine all contracts and requests for proposals and quotes to determine the appropriate M/WBE utilization goals for each project. M/WBE utilizations goals shall be based on the amount and type of typical sub-contract units found in the scope of service, and on the number of City certified M/WBE's available to bid as subcontractors. Purchasing agents may consult with suppliers, manufacturers, and prime bidders to solicit and verify opportunities for M/WBE participation in such projects.

M/WBE Program Compliance Requirements will be reviewed at all pre-bid conferences, and alternatives to direct M/WBE sub-contracting may be presented and discussed at such conferences. M/WBE compliance provisions and contract-specific goals will be included in all written contracts in excess of $50,000. M/WBE participation in contracts valued at less than $10,000 will be solicited by purchasing agents or their designees by canvas of the M/WBE bidders' list and by direct telephone and mail solicitations.

Purchasing agents and their designees will maintain records of bid solicitations and bid responses from M/WBE bidders to provide information for quarterly and annual reports, and to assist in identifying training and technical assistance topics for M/WBE seminars and workshops. Telephone and direct mail bid solicitations shall include M/WBE firms if at least three firms are included in the bid list maintained by the M/WBE Program Director.

Purchasing agents and their designees shall consult with the M/WBE Program Director in the construction of bid lists; in determining appropriate M/WBE utilization goals for contracts; and, in the reports of bid activity. The M/WBE Program Director shall review recommendations for award of contracts which have M/WBE bidders (successful and unsuccessful).

The M/WBE Program shall be notified of all non-responsive M/WBE bidders, and of patterns of inappropriate/incomplete bids from M/WBE firms.

Annual goals for Minority and Women Business Enterprise participation in all contracts for products and professional services purchased by the City or its agents shall be established at 5% Minority entrepreneurs and 3% Women entrepreneurs. M/WBE provisions will be included in all contract documents.

1. Bidders for procurement contracts will identify elements of their projects which are typically subcontracted.

2. Bidders will be encouraged to identify elements of City projects which can be subcontracted and will solicit quotes from Minority and Women Business Enterprises.

3. The City will provide a list of City-certified Minority and Women owned firms available to perform as subcontractors for professional services, manufacturers and suppliers.

4. Bidders will provide with their bid a list of all services, products and supplies which will be subcontracted to M/WBE firms including the dollar value of each subcontract or purchase order.

5. Telephone solicitations and direct mail requests for quotations for the purchase of goods and services made by the City and its agents will include M/WBE firms and shall be reported prior to submittal of purchase orders.

6. Bidders will acknowledge by signature their compliance with M/WBE provisions in each contract document.

7. Failure to provide sufficient, timely information (with the bid) as described in #1 and #2 may result in a recommendation to reject the bid and recommend award to the next lowest responsible bidder.

APPENDIX I

DEFINITIONS

AFFIRMATIVE ACTION

A plan, or specific measurable steps taken by an agency, business, or individual to assure non-discrimination and equal opportunity in the performance of work, contracts, or any elements of a project administered by the City or its agents.

ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS

Contract performed by private consulting firms as agents of the City of Charlotte including feasibility studies, planning, design, testing, and construction administration or management services.

BIDDER/PARTICIPANT

Any person, firm, partnership, corporation, association, or joint venture seeking award of a public contract or subcontract with the City of Charlotte or its agents.

CONTRACT

A mutually binding legal document which defines a business relationship or any modification at any level of performance which obligates the seller to supply services, equipment, knowledge in performing construction and procurement contracts, and obligates the buyer to pay for such services.

CONTRACTOR

Any person, firm, partnership, corporation, association, or joint venture awarded a contract/purchase order or service agreement at any level with the City of Charlotte.

SUBCONTRACTORS

Any persons named by a general contractor, and approved by the City of Charlotte to perform work or provide services for a public contract.

DISCRIMINATION

To differentiate, distinguish, separate or segregate a person, group, or business entity solely on the basis of age, race, religion, color, national origin, handicap, sex, or veteran's status.

GOAL

An objective, expressed numerically to evaluate the type and amount of public contract awards and performance of minority and women-owned business enterprises.

GOOD FAITH EFFORT

All activity performed by bidders to assure the participation of M/WBE/DBE businesses in contracts owned by the City of Charlotte.

JOINT VENTURE

A business relationship formed by two or more separately owned firms for the purposed of submitting a single bid. The performance of any contract awarded as a joint venture requires combined financing, technical expertise, assets, equipment, and labor. Joint ventures which include M/WBE firms as one entity of the bidding group may calculate the percent of the contribution of that M/WBE firm only in determining M/WBE participation.

MINORITY (MBE)

For contracts administered by the City of Charlotte, a minority is defined as a citizen or lawful permanent resident of the United States who is a member of one of the following ethnic groups, is perceived as such in normal business practices, and seeks to do business with the City of Charlotte. These groups are represented in the population of the Charlotte area, and in the group of bidders to the City of Charlotte at a percentage greater than .7%:

African-Americans - persons having origin in any of the original African groups.

Asian-Americans - persons having origin in any of the countries of the Far East, Southeast Asia, or the Indian areas.

Native Americans - persons having origin in any of the original peoples of North America.

MINORITY OR WOMEN BUSINESS ENTERPRISE (WBE)

A business which is owned and controlled at a minimum of 51% by a minority or European-American woman. A business certified as a minority or women-owned enterprise will show evidence of ownership and management interests that are genuine and continuing through all aspects of the business; M/WBE owners must be liable for profits and/or losses at the same level as their investments as owners.

DISADVANTAGED BUSINESS OWNERS (DBE)

A business person who owns and controls a minimum of 51% of an enterprise and is determined to be historically, economically, or socially disadvantaged in competing for public contracts. DBEs may include African-American, Asian-American, Hispanic-American, Native-American and European-American men and women. The financial history and health of the business, and the traditional disadvantages these firms face in obtaining contracts are taken into account in determining their designation as DBE firms.

M/WBE UTILIZATION COMMITMENT

We, _____, do certify that on
(Bidder)

_____,
(Project) (Contract Amount)

we will expend a minimum of ____% of the total dollar amount of the contract with Minority Business Enterprises, and ____% with Women's Business Enterprises.

Subcontractor	MBE/WBE/Other	Line Item #	Estimated Amount

The undersigned will enter into a formal agreement with the M/WBE Firms for work listed in this schedule contingent to award of the contract by the City of Charlotte. Failure to fulfill this commitment may constitute a breach of the contract.

Date: _____

Signature: _____

Title: _____

NOTE: *If the bidder intends to subcontract any portion of the project, this form must be completed and submitted* <u>*with the bid.*</u>

Appendix III-A

CERTIFICATION REGARDING SUBCONTRACTING PRACTICES

We, _____, hereby certify that it is
(Bidder)

our intent to perform 100% of the work required for the _____

_____ contract.
(Project)

In making this certification, the bidder states the following:

1. That the bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform <u>all</u> <u>elements</u> of the work on this project with his/her own current work forces;

2. If it should become necessary to subcontract some portion of the work at a later date, the bidder will comply with all requirements of the M/WBE program in providing equal opportunities to M/WBE firms to subcontract the work. The determination to subcontract some portion of the work at a later date shall be made in good faith and the City reserves the right to require additional information to substantiate a bidder's decision to subcontract work following the award of the contract. Nothing contained in this provision shall be employed to circumvent the spirit and intent of the City's M/WBE Plan.

3. The bidder will provide, upon request, information sufficient for the City to verify Item No. 1.

Date: _____

Signature: _____

Title: _____

LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR
OR
PROVIDE MATERIALS OR SERVICES

TO: _____
(bidder)

SUBJECT: _____
(Project)

The undersigned intends to perform work in connection with the above project as

____ Minority Business Enterprise ____ Women's Business Enterprise

The undersigned is prepared to perform the following described work or provide materials or services in connection with the above project (specify in detail particular work items, materials or services to be performed or provided):

Items	Projected Commencement Date	Projected Completion Date	Estimated Amount

Date: _____ _____
(Name of Minority Subcontractor)

By: _____

Title: _____

Date: _____ _____
(Name of Prime bidder)

By: _____

Title: _____

M/WBE DOCUMENTATION OF FINAL CONTRACT PAYMENTS

The following is a list of total payments made to minority and women owned firms on this project.

PROJECT _____ DATE: _____

M/WBE FIRM NAME	MBE or WBE (Indicate)	AMOUNT PAID

_____
Prime contractor Firm Name

_____
Signature

_____
Title

PROFESSIONAL SERVICES CONTRACT
M/WBE UTILIZATION COMMITMENT

We, _____, do certify that on the
(Bidder)

_____
(Project) (Contract Amount)

We plan to expend a minimum of _____% of the total dollar amount of the contract with Minority Business Enterprises, and ____% with Women's Business Enterprises with the firms listed below.

Name of Firm	MBE	WBE	Description of Work	Dollar Value

The undersigned will enter into a formal agreement with Minority/Women's firms for work listed in this schedule contingent to award of the contract by the City of Charlotte. Failure to fulfill this commitment may constitute a breach of the contract.

Date:_____ _____
Firm Name

By: _____

Title: _____

Appendix IV

CITY OF CHARLOTTE
MINORITY AND WOMEN BUSINESS ENTERPRISE (M/WBE) PROGRAM
M/WBE PROGRAM COMPLIANCE IN THE PURCHASE OF COMMODITIES AND SERVICES
M/WBE UTILIZATION PROPOSAL

NOTICE TO BIDDERS

Annual goals for the participation of M/WBE firms in contracts for commodities & services are set at 5% MBE & 3% WBE. Your response to the following questions will help the City to determine compliance with the M/WBE Program.

1. Do you customarily subcontract portions of your contracts and projects with the City? _____Yes _____No

2. Do you intend to subcontract portions of this contract? _____Yes_____No (If "No", skip to item #6)

3. List all services in this proposal for which you will seek quotes from Minority and/or Women owned businesses.

   1.
   2.
   3.

4. The M/WBE office (704-336-4138) will provide you with a list of City certified M/WBE bidders available to offer quotes and prices as subcontractors.

5. If you contract with M/WBE's for any of the items above please indicate*:

   Name of firm:_____
   Dollar Amt.: _____

*The City reserves the right to request verification of these payments.

6. The undersigned hereby certifies that the bidder has read the terms of this compliance and is authorized to bind the firm to the information herein set forth.

Date_____

Signature: _____

Title: _____

THIS FORM MUST BE SIGNED.

Appendix V-A

COMMODITIES & SERVICES CONTRACTS
CHECKLIST TO BIDDERS

____ The **PROPOSAL FORM** has been completed.

____ All blanks on the **BID FORM** have been filled in except when awarding by item.

____ The **PROPOSAL FORM** has been signed.

____ The **M/WBE UTILIZATION PROPOSAL** has been signed.

____ Except as permitted in Item 6 of the **INSTRUCTION TO BIDDERS**, the proposal is accompanied by a deposit equal to 5% of the proposal.

____ The proposal is submitted in a sealed envelope.

____ If the bid is submitted by mail, the sealed envelope is enclosed in a separate mailing envelope with the notation "SEALED BID ENCLOSED" on the face hereof including THE TITLE OF THE BID.

____ The signature of the bidder is affixed on the following documents.

A. The **PROPOSAL FORM** or **BID FORM** page ___ of the document.

B. The **M/WBE UTILIZATION PROPOSAL** form page ___ of the document.

ALL SIGNATURES MUST BE INCLUDED ON THE APPROPRIATE FORMS.

ROBERT G YOUNG, INC

July 26, 1991

Chairman Anne McClure
Members, Zoning Committee

re: Charlotte York Rite
@ Sharon Amity and
Castleton

Dear Zoning Committee:

You may recall that last month the Zoning Committee recommended approval of the above referenced rezoning matter which involved rezoning 3.45 acres to a conditional multi-family zoning classification in order to permit the Charlotte York Rite masonic temple. The City Council, however, recently denied the request by a vote of 6-4. Council member Stan Campbell, who was in favor of the petition but absent at the time of the vote, asked the City Council to consider allowing a new public hearing on the matter based upon new information. After some discussion and advice from the City Attorney the Council directed the petitioners to follow prescribed procedures outlined in the Charlotte Zoning Ordinance, which pertains to the waiver of two year waiting rule for petitions that have been denied. That process begins by filing a request with the Planning Commission (Zoning Committee) for review and recommendation to the City Council as to whether or not to hold a new hearing.

The purpose of this information is to provide what I believe is pertinent information relating to your recommendation. The information which follows will explain the key issues in this matter.

Time Frame/Schedule. I have today delivered a copy of this information to the Staff. During the course of conversation both yesterday and today the Staff has been extremely helpful and courteous in responding to this matter. Their understanding of the timeliness of this situation is greatly appreciated.

It is requested that this matter be place on your Monday August 29, 1991 meeting agenda. The staff, I believe, is preparing information to that effect. Action by the Zoning Committee on Monday will enable the matter to proceed to City Council for their decision on August 26, 1991. A favorable reaction by them will permit a new petiton and public hearing in October and a final decision by Council in November prior to the inauguration of the new City Council in early December. Delay in this schedule will mean that in all likelihood the matter will not be heard and/or decided by this Council. Furthermore, Charlotte York Rite stands ready to begin construction and more delays will be costly.

301 South McDowell Street ▪ Suite 404 ▪ Charlotte, North Carolina ▪ 28204 ▪ (704) 334-9157

"Substantial Changes"/Requested Action. Section 1306 of the Charlotte Zoning Ordinance indicates that once a rezoning petition has been denied a new petition may not be allowed. It goes on to state, however, that "the city council may choose to allow a reapplication if, after a report from the planning commission, it determines that there have been substantial changes in conditions or circumstances which may relate to the request."

You are being asked to determine whether such conditions and changes have occurred. In the section which follows those will be detailed. I believe that the Staff will provide some information to you and make a presentation and I am very hopeful that as representative for Charlotte York Rite that you will permit me to have about five minutes to address you, also. Because this is such a rare occurence I think it is not only important, but also fair, that I have a chance to present our case. I sincerely hope you will provide that opportunity.

Specifically you will make a finding which will be reported to City Council for their consideration. Ultimately it will be Council's decision as to whether or not a new hearing will be held.

Site Plan Changes. This matter comes to you due to substantial alterations to the former site plan. The new site plan is significantly different in many ways and in so doing addresses the concern that some people expressed, namely that the site and its development created a serious intrusion into this neighborhood. The changes are described below.

First of all, over half of the physical size of the site has been deleted and is no longer being considered for rezoning and development. The area being deleted involves the rear portion of the property which extends considerably away from the site's orientation on Sharon Amity Road and into the neighborhood's generally single family environment. The site was formerly to have a major parking lot and large recreational building in this area of the property. As described by the plan it was to be a second phase and was anticipated to be a long term item of development.

Secondly, the entrance driveway has been relocated away from Castleton Road and is now more appropriately placed on Sharon Amity Road. Obviously this now provides the site with access from a major thoroughfare and not a neighborhood street.

Thirdly, the shift in driveway orientation permits a similar building shift. Where the driveway was formerly placed is now the location of a landscaped buffer along Castleton. The building has now been turned to face Sharon Amity so that it, the parking and circulation area and access all face the major thoroughfare. It should also be noted that the building has been reduced in size, also.

Conclusion. The result of the changes is dramatic; all former issues have been addressed and resolved. The new plan now presents a development which can harmoniously fit into the neighborhood in a fashion similar to other institutional uses which are nearby.

Therefore, the question becomes: do the changes to the site plan constitute "substantial changes in conditions or circumstamces?" In my opinion they most certainly do.

As I said the combined effect of these changes is so dramatic that they must be considered substantial. But more importantly, I think, to your thinking is the vital fact that over 51% of the site has been dropped from rezoning, and therefore, development rights and impacts. That is the crucial test.

Why is that one fact so important? You are facing what might be considered to be a potentially important case and judgement here. This might be judged to be a precedent setting decision in that the changes being contemplated are to the site plan and the site itself and do not involve external changes to the surrounding area, which in the few sucoessful cases in the past has usually been the overriding circumstance which has led to a new hearing. In my opinion to merely alter the site plan, even though vital amendments have been made to address concerns, is insufficient grounds upon which to grant a favorable finding. To do so will open the door to abuse of the system. I say this now because I said it in years past when I served as the Planning Commission's Land Development Manager. I still hold to that opinion today.

But to remove over half the site! Now that presents an entirely new and different argument; one that I think is a "substantial" change. It will indeed be an extremely rare and unique case, as this one is, to continue to be a viable development when greater than 50% of the proposed development rights are no longer considered. Typical rezoning cases represent a unit of development: ie a shopping center, a day care center, an apartment complex, an office building, etc. Certainly from time to time there is a little development flexibility, but to remove over half of the proposed development? My experience tells me the typical case cannot survive that test. That's why it is so crucial and that's why this case passes. I'm confident this is not an abuse and should be allowed.

Thus, the Zoning Committee can favorably find and recommend to City Council that these changes are substantial and do fall within the scope of the ordinance consideration for waiver of the two year rule. On behalf of the Charlotte York Rite masonic temple we respectfully ask that you do so on Monday.

Best regards,

Robert G. Young

c.c. Mr. Walter Fields

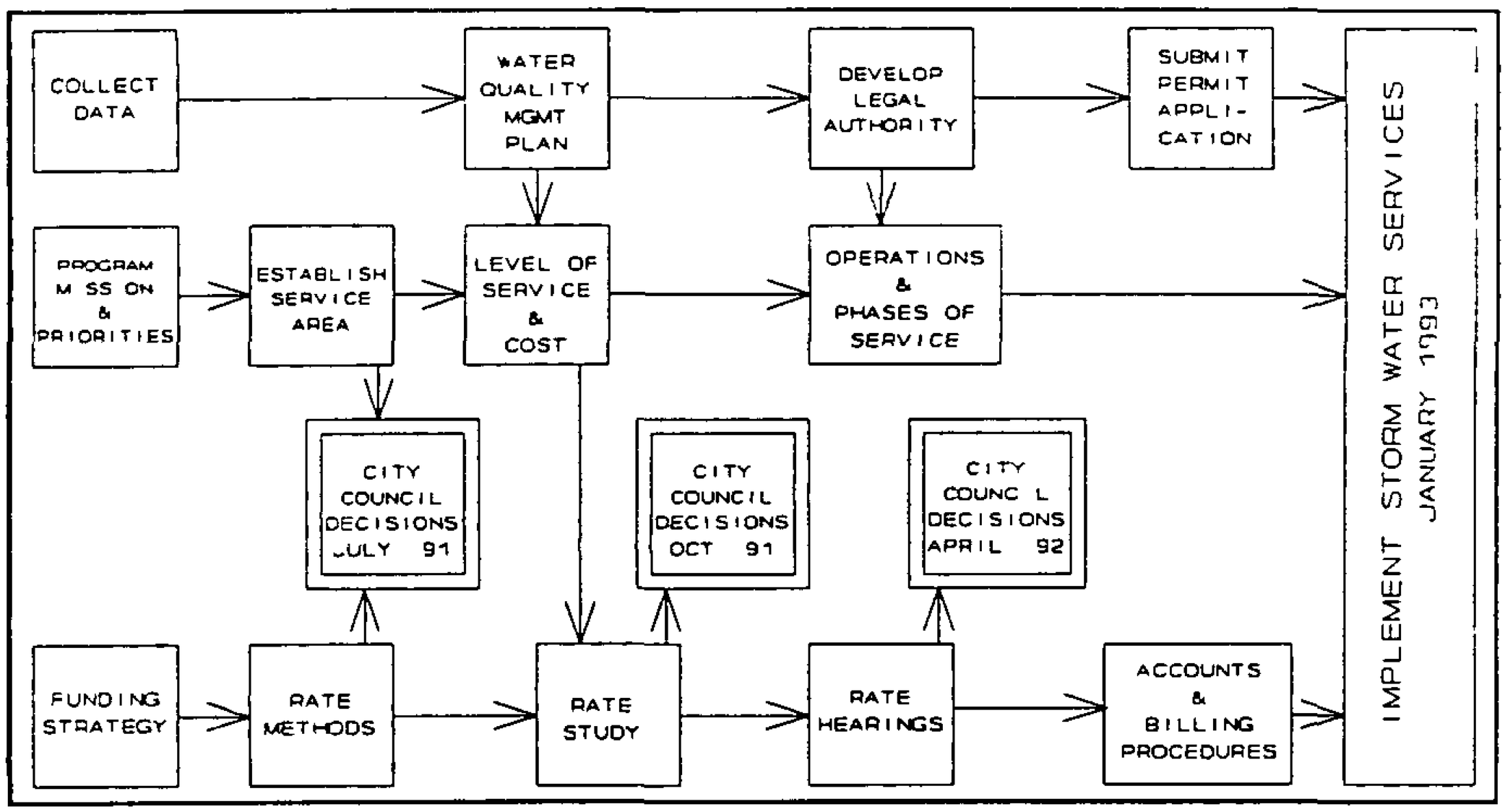
STORM WATER MANAGEMENT TASK FORCE ROSTER

Sam Smith, Chairman	Community leader
Jim Clay	UNCC
Otis Crowder	Contractor
Susan Foster	Developer
Vivian Gray	Neighborhood leader
Steve Hoots	Developer
Mike Johns	Accountant
Maggie Markey	Sierra Club
Sally Martin	Neighborhood leader
Ed McMahan	Developer
Henry Pharr, II	Attorney
Steve Schreiner	Developer
Lamar Powers	Charlotte-Mecklenburg Schools
Dale Stewart	Engineer
David Reule	Realtor
Mark Tiberio	Neighborhood leader
Jesse Callis	Contractor
Kevin Caldwell	Engineer
Tom West	Engineer
Wanda Towler(ex-officio)	Assistant County Manager

STORM WATER MANAGEMENT POLICY INFORMATION

Introduction

A citizens Task Force was appointed in March, 1991 to work with the City staff and consultants to assist in developing a comprehensive storm water program The program is to incorporate 1) the measures to comply with the Clean Water Act of 1987, 2) a systematic maintenance and capital improvement plan for the drainage infrastructure, and 3) a utility fee funding mechanism The process being followed is illustrated below·



The first row of boxes represent the work necessary to secure the water quality permit required by EPA. The second row indicates the steps to develop the operational activities of the storm water program The bottom row is the process of setting up a utility fee funding mechanism Three decision points for City Council are shown with double line boxes.

The policies related to Program Mission and Priorities and Establish Service Area are the fundamental priorities for the storm water program. Later steps will build on this to develop levels of service and a strategy for implementation of various services. Funding Strategy and Rate Methods embody the fundamental philosophies of distributing costs of service to ratepayers and the basic method of deriving individual utility fees.

Policy Information

The policies are in bold print, the normal print is a description of the discussion between the Task Force, consultants, and staff

Program Mission Statement

The mission of the City of Charlotte storm water management program is to: develop, implement, and adequately and equitably fund a comprehensive storm water quantity and quality management program which cost effectively plans, constructs, acquires, regulates, operates and maintains storm water drainage systems that safely and efficiently control runoff within the City, protects lives and property, complements and supports other City programs and priorities and those of other governmental entities and agencies, eliminates or reduces to the maximum extent practicable the discharge of pollutants to receiving waters, and enhances the natural resources of the City.
Note - While not included in the above Mission Statement, the Storm Water Task Force also recommends and endorses the following additional program element: That the City Storm Water Management Program specifically cooperate and work with Mecklenburg County at appropriate levels to the end that the City and County Storm Water management efforts will eventually be consolidated.

Discussion

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

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

Program Priorities

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

1. Establish a long-term program strategy

The most critical need at the present time is program development in response to the anticipated demands placed on the city by the EPA storm water regulations,

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

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

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

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

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

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

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

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

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

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

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

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

For a City to provide effective long-term maintenance of its drainage system, it must, in some sense, "own" it ' Properties and easements necessary for the storm water program should be acquired as soon as possible through measures such as an amendment of the subdivision ordinance to require dedication of permanent drainage easements on private property, and purchase as soon as funds are available

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

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

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

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

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

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

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

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

Discussion

Hector Cyre briefly reviewed the subject of Major Program Priorities, explaining that it is critical to outline the priorities of the City very early in the process in order to guide the development of the storm water program Activities can generally be grouped into three categories 1)implementation - involving the organizational, functional and financial issues, 2)assembling support resources -

those necessary to effectively carry out the program, and 3)prioritizing actual storm water/drainage problems Hector stressed that it is important for the Task Force to deal with these activities at the policy and goal level, leaving detailed work for the staff and consultants to carry out in the context of the policies and goals established by the Task Force and City Council

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

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

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

Establish Service Area

The ordinance establishing the storm water program should:

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

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

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

Discussion

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

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

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

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

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

Philosophical Basis for Distributing Cost

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

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

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

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

Discussion

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

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

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

- Two neighborhoods with systems that can handle different levels of flooding without damage, should one pay more or one less?
- A particular system that, by its nature, demands more maintenance efforts, should it pay more?
- A neighborhood that requests a higher level of design or operational service than the standard, should they pay more?
- A neighborhood that, by its own actions, impacts the drainage system such that it requires more maintenance, should it pay more?

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

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

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

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

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

Overall Funding Strategy

The City's funding strategy should be to:

1. ***design an innovative service charge rate structure that is simple in form and consistent with the program mission and priorities, and***

to make adjustments as necessary to maintain that consistency as the program evolves;

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

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

Discussion

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

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

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

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

Consideration of Prior Investment

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

Discussion

The most common practice elsewhere has been to not give credits for prior capital investment in storm water systems Many city and county storm water utilities employ service charge modifiers, adjustments, or credits of various types, mostly

on a case by case basis However, such credits are nearly always based on the mitigative effects of facilities, and do not consider the amount of prior capital investment They are often conditioned on proper continuing maintenance of the facilities by the owner

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

Many practical obstacles exist What facilities would be eligible for such treatment? How would the present value of the prior capital investment be determined? Who would receive credit for a prior investment, the developer who incurred it or the current property owner? If the City wished to give service charge rate credits to private property owners or to other public agencies for prior capital investment in storm water facilities, it would need data on the cost of the systems and who paid for them The City would have to rely on the owners and agencies to provide this information, and it would be difficult to verify in many cases Prior private capital investment does not necessarily correlate to benefits to ratepayers How would these benefits be determined?

Normal practice in storm water, wastewater, water, and other municipal rate design throughout the country indicates that, if prior investment is to be considered at all it is more practical to address service charge credits or other adjustments on a case by case basis within general policy guidelines Very few utility rate structures provide direct credit for capital investment through their rate methodology It does not appear practical for Charlotte's storm water rate methodology to directly incorporate consideration of prior capital investment

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

Future Use of Storm Water Systems

The City's storm water program should consider future use and future impacts on the drainage system as follows:

1. ***require storm water systems which handle properly the impacts of future land development on water quantity and quality;***

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

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

4. ***design a system development charge that will (if and when activated) place an equitable proportion of the capital costs on***

properties when they are developed and make use of excess capacity provided in the system.

Discussion

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

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

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

There are two main ways to do this in typical storm water rate structures The major difference between the two is who incurs the initial cost for excess capacity In the first, called "system development charges", the ratepayers would pay the difference between some base size of structure and the larger size required The City would then collect portions of this cost as upstream properties develop In the second, called "developer extension/ latecomer fees", the developer pays for the over-sizing and would collect (or collect through the utility fees) from new upstream development as it occurs It is deemed advisable that in most cases the rate base should bear the cost of over-sizing and recover the cost using a system development charge when it is instituted

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

Funding Philosophy for Water Quality

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

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

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

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

Discussion

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

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

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

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

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

methodology could reflect both the quantity and quality aspects of storm water runoff

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

Funding Methods-Rate Methodology

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

BASIC RATE CONCEPT

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

2. ***The rate structure should be based only on impervious area.***

MODIFICATION FACTORS

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

2. ***A base rate should cover fixed costs per account.***

3. ***A policy should be established by the storm water program which may grant credits for mitigation measures (such as on-site detention) that reduce runoff and/or pollution and are required or agreed to by the City.***

4. ***Other modification factors should not be included initially.***

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

SECONDARY FUNDING METHODS

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

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

3. ***Authorizing legislation for two additional secondary funding methods should be pursued: fee-in-lieu-of and developer***

extension/latecomer fees.

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

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

Discussion

In order to address traditional storm water problems such as flooding and erosion, and to provide the resources necessary to meet United States Environmental Protection Agency water quality requirements, the City Council has elected to establish a comprehensive storm water utility The selection of a preferred rate methodology is a fundamental decision for a storm water program in that the utility fees generally provide for as much as eighty to ninety percent of the total annualized expense of operations and capital investment The remainder comes from a variety of secondary funding sources

The analysis of a rate methodology and secondary funding sources can be discussed in three steps, (1) the basic rate methodology, (2) modification factors which can be applied to any of the rate concepts to enhance equity, reduce costs, and meet other objectives, and (3) the secondary funding methods that can be adopted in concert with the service charges

Basic Rate Concept

Most service charge rate methodologies elsewhere have been based on one or two parameters which reasonably distribute the cost of storm water services and facilities related to water quantity control Five basic rate concepts were considered for Charlotte by the consultants

- impervious area,
- both impervious area and gross area,
- impervious area and impervious percentage,
- gross area and an intensity of development factor, and
- gross area only, with extensive use of modifying factors

It is important to emphasize both simplicity and future flexibility in consideration of a basic rate methodology Of the five rate methodologies examined, two fit the objectives of simplicity and flexibility better than others, the impervious area approach and the gross area/intensity of development method They are very easy to explain to the general public If the city wishes to charge undeveloped land either now or in the future then a basic rate methodology involving gross area is required If not, then the methodology involving only impervious area is best

The consultants recommended a rate structure based on impervious area only due to it's simplicity and consistency with the basic philosophy that properties pay for storm water services based on their contribution to the problem Discussion by the Task Force centered on the definition of impervious area and on a minimum size

threshold such that undeveloped land with minor impervious area would not be charged It was noted that not charging undeveloped land would encourage the environmental benefits of limited density and open space A thirty acre plot of land with one acre of impervious area would pay the same as a one acre plot of land which was all impervious

It is difficult to deal with storm water quality solely through the basic rate concept Pollution from runoff has been found to correlate with impervious area But other types of pollution are very site and activity specific It is difficult to provide sufficient incentive to construct and maintain a structural device merely through reduction in fees Rather, environmental control is better provided through regulatory programs which, for example, require the use of structural and non-structural best management practices or set targets for pollution reduction Secondary funding methods, such as special service charges, can cover the cost of many specific storm water program water quality activities (such as detention inspection)

Modification Factors

Modification factors have the ability to simplify collection of fees or to enhance equity of the rate structure The rate modifications examined would allow the City to alter its service charge calculations by considering conditions on individual properties that influence how they impact the cost of service Several would isolate certain expenses to persons or properties which demand a service or service level in addition to that generally provided to all ratepayers, and would change the distribution of costs

The consultants recommend using a simplified rate for single family residential charges to save considerable cost in the collection of impervious data and in the database upkeep without unduly changing equity of fee structures "Simplified" means not using individually measured impervious areas for each residence The Task Committee reserves the right to investigate and recommend a tiered structure if it appears warranted during the rate study A "typical" amount of impervious area would be defined for the "typical" residence (for example 2,500 square feet) Non-residential properties would pay a multiple of the "typical" residence charge based on their total impervious area For example, if a non-single family residential property had ten times the "typical" 2,500 square feet (25,000 sq ft), they would pay ten times the residential flat rate A variation is to develop tiers of flat rates based on total land size or levels of total imperviousness Costs of data development and upkeep increase as this type of complexity is added The consensus was that a "simplified" rate for single family property should be used, based on data to be acquired later in the process

The consultants recommend a base rate per account to distribute fixed costs (e g costs of billing) equally among the storm water accounts and thus enhance equity slightly It is most effective when gross area is used and a number of accounts exist which have no development involved but which should bear an appropriate share of the fixed costs It tends to shift the cost of the program slightly toward residential ratepayers

Many communities allow utility fee credits for on site detention systems While on-site detention systems, when properly designed, constructed and maintained can be generally effective in reducing pollution discharge and flooding damage downstream, they do not necessarily reduce the costs of the storm water program Nor is there a one-to-one correspondence with peak flow reduction and credits Total volume of outflow, water quality and timing of the peak flow are important to consider There are uncertainties associated with the storm water quality management requirements that will emerge from the NPDES permit The inspection and regulatory workload resulting from NPDES permit conditions may actually cause on-site detention to increase the cost of service rather than diminish it

Detention credit was considered by the Task Force to be a desirable modification factor which would encourage and reward the use of detention to reduce demand on system capacity and possibly pollution discharge Credit would not necessarily be given if the City did not mandate detention Existing detention systems would need to be investigated for continued effectiveness prior to a full or partial credit being granted All detention credits would be predicated on the continued proper function of the basins through the application of appropriate maintenance by the site owner The amount, type and administration of such a credit should be developed later when more information is available Also, additional credit might be given to a site which, at the request of the city, provides additional detention capacity beyond its own required needs

The remaining rate modifications considered are more complicated and are not recommended by the consultants at this time Those which would create surcharges or credits for individual properties require that data be gathered and analyzed for many but not necessarily all properties in the service area This is potentially very costly Although they could enhance equity if suitable data was assembled and technically proper formulae were developed, the information supporting the use of many of the more complicated rate modifiers is suspect As more knowledge is gained, they may become more cost-effective and practical, but at the present time are not appropriate in Charlotte

Geographically variable costs are those costs incurred due to activity in one portion of the City such as master planning, specific special maintenance, etc At present there is not the ability or the desire to track these individual neighborhood costs and calculate them in individual rates In the past all tax payers paid for certain capital improvements, planning and maintenance activities At this time it is not considered totally equitable to require only the recipients of such services now to bear the full burden The decisions on allocation of such special services and planning are meant to be professionally not politically driven There may be a case for special charges to provide services to a neighborhood which are above a set standard but not simply to bring it up to a common standard The basic principle is that similarly situated properties are treated similarly

Secondary Funding Methods

Secondary funding methods which support service charges and enhance equity tend to be established as programs evolve and the costs are better defined Most storm water utilities elsewhere have made only limited use of secondary funding

methods, especially during their formative period However, the EPA regulations and associated water quality programs will increase the use of secondary funding methods for regulatory review, field inspections, monitoring, and other activities

The consultants recommend plans review and inspection fees and special service charges Plans review and inspection fees offset the cost of development related activities and shift the cost of them from the general rate base to the development activities which require them The fee should bear a relationship with the actual cost of the services provided Special service charges provide the same capability to offset the cost of special services (such as detention inspection) by charging those activities/properties which require the service to pay for the service

Continuing to use the existing bond fund for local storm water capital improvements through a matching program does not add a great deal of revenue to the program, but provides an interim source of limited funding until the City can prepare and adopt a storm water capital improvement plan The current matching requirement is a good tool for involving the community in the projects and for leveraging the limited funds and can be combined with a special assessment district It is expected the demand for neighborhood projects will only increase once a service charge is implemented In the future, the City will need to institute an annual budget line item for small capital projects which do not fit within a major capital improvement program

Pay-as-you-go funding of capital improvements is a viable alternative for some capital improvements, land acquisition needs, and equipment purchases which are inexpensive enough to be funded through annual budget appropriations The consultants recommend the city use pay-as-you-go funding of capital improvements whenever it can meet the identified storm water capital investment priorities, rather than incurring the additional interest expense of bonding

The City might be able to establish in-lieu of construction fees under the umbrella of the storm water utility service charge, however, state legislation is probably required The City should pursue the legislation when more information is available, such as the impact of NPDES permit conditions, capital improvement plans, etc In-lieu fees are successful when a source of front-end funding is available for regional capital improvements The credit given might be based on the specific cost of the on-site system avoided, cost of the regional replacement facility or on some formula basically reflective of general costs

Legislation would definitely appear to be needed for impact fees and developer extension/latecomer fees Even if allowed by statute at this time, the consultants' recommendation is that the City not use impact fees They tend to require a large investment in capital improvement planning and administration, and simpler mechanisms exist for a storm water utility to gain developers' financial participation in capital improvements which serve growth A developer extension/latecomer fee would be desirable to the development community It would not generate additional revenue for the storm water management program, but would increase the administrative burden on the staff

Over the five-year period examined in the analysis, the City may also wish to adopt system development charges to improve the long-term equity of capital improvement funding This method is used for special purposes having to do with funding of capital improvements A system development charge is only appropriate if the city adopts a rate methodology based only on impervious area and enters into major capital improvements

Federal and State funding for urban storm water management has traditionally been very limited, almost non-existent Although the NPDES permit requirements are directly driven by federal legislation, the EPA and other federal agencies are not providing financial support to local governments to meet the permit application requirements or on-going storm water management demands Technical assistance is the practical limit of aid related to the NPDES program Generally speaking, the City should not anticipate that federal or state funding will be a meaningful factor in the overall funding of its storm water program

The Charlotte Storm Water Task Force discussed this issue during meetings on June 25, July 16, and July 30

PLANNING AND PUBLIC WORKS COMMITTEE
July 11, 1991
EXECUTIVE SUMMARY

The Charlotte City Council Planning and Public Works Committee met on July 11, 1991, at 5.00 p.m., in room 270-271 of the Charlotte-Mecklenburg Government Center with Chairman Dan Clodfelter presiding. Committee members Lynn Wheeler and Pat McCrory were present. Committee members Ella Scarborough and Tom Mangum were absent.

Staff members in attendance: Jim Humphrey, Bob Wilson and Tim Richards - Engineering; Greg Gaskins and Terry Norwood - Finance; Joe Stowe - CMUD; Henry Underhill - City Attorney; Pam Syfert, Julie Burch, and Darlene Shrum - City Manager's Office

Vincent James, Chairman of the Charlotte-Mecklenburg Building Standards Advisory Committee (CMBSAC), along with a number of CMBSAC members were in attendance.

"No Fault" Policy for Sewer Backups

Discussion: The Committee requested at their March 25 meeting that the City Attorney develop a legal approach by which the City could pay sewer backup claims that met certain conditions. Henry Underhill reviewed the proposed policy options. He stated that the backup must clearly occur in the public system and not in the customer's lateral system. Under the proposed policy the City would pay the actual cost of clean-up or $15,000, whichever is less. In the event the back-up was clearly caused by some action of the City, the City would pay the actual cost of clean-up regardless of amount. He stressed the importance of the customer agreeing to have a back water valve installed by a licensed plumber as part of the claim approval in order to prevent reoccurence. The customer must execute a standard release form and certify that they have not received payment for the damages under an insurance policy in order to prevent a double recovery. He indicated that it is proposed that the policy become effective upon adoption by City Council.

Joe Stowe questioned the City's liability if a customer who was required at time of construction to install backwater valve failed to do so. He also indicated that most customers have not filed claims because they were told the City was not negligent and, therefore, there was no obligation.

Action Taken: Motion was approved unanimously to recommend the proposed sewer back-up claims policy be adopted amended as follows: Claimant agree to the installation of a backwater valve as a condition for the City's payment of the claim. The claimant must agree to accept complete responsibility for maintenance of the back water valve once it has been installed.

The Committee requested information regarding the financial impact of making the policy retroactive to July 1, 1990. The effective date will

be determined by the City Council based on the review of this information when the Committee recommendation is brought to Council.

Review of Advisory Committee for City Engineering

Discussion: The Committee met to continue their discussion of March 25, 1991, and provide an opinion on how to address the Chamber Building Permit Committee's recommendation to consider the inclusion of City Engineering into CMBSAC.

Bob Wilson, Engineering, provided an overview including review of services, lines of accountability, and three options for the Committee's consideration:

1. No change-continue working with existing committees;
2. Restructure CMBSAC and adopt them as an advisory committee for City Engineering; or
3. Continue informal cooperation with CMBSAC

Vincent James and Spiro Hondros, representing CMBSAC, explained that they preferred option #2 which they felt would provide the best opportunity for communication and advice on building permitting within City Engineering.

The Committee felt that the main issues seem to be related to the Tree Ordinance. They indicated a desire to see advisory committees focus on broad policy issues, rather than individual cases.

Action Taken: A motion was approved unanimously recommending Option #3 with the following amendments:

1. Chairmen of Engineering advisory committees become ex-officio members of CMBSAC, and members of CMBSAC also become ex-officio member of each Engineering advisory committees;
2. CMBSAC to prepare semi-annual report to Council on City policies and how they relate to the building permit process;
3. Review after one year.

Meeting adjourned at 6:40 p.m.

PLANNING AND PUBLIC WORKS COMMITTEE
March 25, 1991
EXECUTIVE SUMMARY

The Charlotte City Council Planning and Public Works Committee met on March 25, 1991, at 3:00 p.m., in room 270-271 of the Charlotte-Mecklenburg Government Center with Chairman Dan Clodfelter presiding. Committee members Pat McCrory, Ella Scarborough and Tom Mangum were present. Committee member Lynn Wheeler was absent.

Staff members in attendance were: Clark Readling, Jim Humphrey, Bob Wilson and Tim Richards - Engineering; Greg Gaskins, Terry Norwood and Judy Pitts - Finance; Henry Underhill - City Attorney; Pam Syfert, Julie Burch, Del Borgsdorf and Angela Grier - City Manager's Office

Review of Advisory Committee for Land Development Function in City Engineering

Discussion: The committee continued their review from their February 20 meeting of the Chamber Building Permit Committee's recommendation to consider the inclusion of City Engineering into the Charlotte-Mecklenburg Building Standards Advisory Committee (CMBSAC).

CMBSAC responded to Engineering's issue paper by indicating that they consider staff opinions to be biased. They feel they are better represented by having technical members on their committee, and because Engineering is directly related to the building industry and is involved in all building permits, Engineering should fall under CMBSAC's responsibility. Engineering's issue paper recommends better coordination with CMBSAC but does not recommend inclusion under CMBSAC responsibility.

The committee indicated that they need more information to determine the best means of addressing the issue.

Action Taken: The committee requested that staff provide the following additional information:

1. The number of positions needed and cost to staff CMBSAC to include City Engineering.
2. What can be done to restructure CMBSAC to include Engineering's involvement?
3. Letter to City from CMBSAC (referenced by Vincent James).

The committee scheduled another meeting for April 17, at 5:00 p.m.

"No Fault" Policy for Water and Sewer Backups

Discussion: The committee met to review possible reimbursement to property owners who have suffered damage caused by breaks in City water

mains or back-up of sewer lines. Henry Underhill explained that under North Carolina law, the City is legally liable for damage to property only if there has been a negligent act or omission by the City or its employees. He indicated that users of public sewer systems have regular, recurring and frequent opportunities to cause sudden blockage of parts of the system, and the City could not be expected to insure against such events taking place. In his opinion, the City Council could not establish a presumed fault approach based on the North Carolina Constitution.

As a result of a staff survey of other NC cities, it was found that the City of Charlotte is consistent with other cities in their claims adjustments. Winston-Salem's Utilities Commission, however, has established a hardship policy based on income or age of the property owner whereby they will consider paying up to $1,000. The committee suggested this might be an option to consider.

Chairman Clodfelter questioned the ownership of the sewage once it leaves a private sewer line and enters the public system. At what point does the sewage become a part of the public system and the ownership of the City? Once it enters the public system and becomes the ownership of the City, would it not be considered the City's property and responsibility if it backs up into the private line?

Action Taken: Henry Underhill was asked to provide a legal opinion to the committee at their April 17 meeting on Chairman Clodfelter's question of ownership of the sewage.

Meeting adjourned at 4.55 pm

PLANNING AND PUBLIC WORK COMMITTEE
February 20, 1991
EXECUTIVE SUMMARY

The Charlotte City Council Planning and Public Works Committee met on February 20, 1991, at 5:15 pm, in room 270-271 of the Charlotte-Mecklenburg Government Center with Chairman Dan Clodfelter presiding. Committee members Lynn Wheeler, Ella Scarborough and Tom Mangum were present. Committee member Pat McCrory was absent. Council member Hoyle Martin was also in attendance.

Staff members in attendance were: Martin Cramton and Dan Thilo-Planning; Clark Readling, Jim Humphrey, Bob Wilson, Tim Richards, and John Carrigan-Engineering; Pam Syfert, Julie Burch, Del Borgsdorf and Darlene Shrum-City Manager's Office.

Also present: Gwen Cook, Odell and Associates; Jim Van Orsdale, The Clock Shop; Vincent James, CMBSAC Chairman; and Spiro Hondros, CMBSAC member

Review of Advisory Committee for Land Development Function in City Engineering

Discussion: The committee met to decide how to address the Chamber Building Permit Committee's recommendation "that the City Manager consider the inclusion of City Engineering into the Charlotte-Mecklenburg Building Standards Advisory Committee (CMBSAC)".

Vincent James, CMBSAC Chairman, expressed concerns about Engineering's review process. He submitted a chronology for distribution to the committee detailing problems obtaining needed Engineering permits.

City Engineering provided an overview of their issue paper relating to CMBSAC's role with Engineering. Concern was expressed about the potential problems created by dual reporting responsibilities to the City Manager/City Council and CMBSAC, and conflicts with other existing committees.

Action Taken: The committee will continue their discussion at their next meeting. They requested that CMBSAC's Chairman be sent a copy of Engineering's issue paper.

CITY OF CHARLOTTE
SEWER BACK-UP CLAIMS POLICY

As part of the agreement between the City of Charlotte and its sewer customers, the City agrees to maintain the sanitary sewer system in a manner that will prevent or reduce back-ups from occurring in the public system If a sewer back-up does occur, the City will treat the back-up as a breach of its agreement with the customer and shall pay some or all of the resulting damage claim subject to the standards and conditions set forth below

1. The sewer back-up must clearly occur in the public sanitary sewer system and not in the customer's lateral or private plumbing system

2 The sewer back-up must have occurred through no negligence of the customer/claimant seeking damage

3 In the event of a sewer back-up, the City will pay the actual cost of clean-up of the customer's property or $15,000 whichever is less In those situations where the back-up was clearly and directly caused by some action of the City, the City will pay the actual cost of clean-up regardless of amount. The City's liability under this policy shall be limited to property damage only Under this policy, the City will not accept liability for or pay any claims for personal injury or consequential damages such as loss of income, temporary lodging costs, emotional distress claims or the like

4 As a condition of and in consideration for the City's payment of the claim, the customer/claimant must agree to the installation of an approved back water valve by a licensed plumber The City shall pay the actual costs of purchasing the back water valve and its installation. The customer/claimant must agree to accept complete responsibility for maintenance of the back water valve once installed

5. The customer/claimant must agree to execute a release discharging the City from any further liability upon payment of the claim and must certify that the claimant has not received payment for the damages in question under an insurance policy

This policy shall become effective July 1, 1990

Westinghouse Boulevard Widening

Westinghouse Blvd. Widening

The widening of Westinghouse Boulevard between Granite Street and NC 49 is the only unfunded segment of the proposed Westinghouse improvements between York Road (NC 49) and South Boulevard (US 521). The 1.2 mile project is along a State-maintained highway; however, the North Carolina Department of Transportation (NCDOT) has not included the widening project in the State's Transportation Improvement Program.

A chronology of 1991 events related to possible widening of Westinghouse Boulevard follows:

January 18, 1991 - City staff reviews Westinghouse's project priority with members of the Arrowood Association Board of Directors. Association leaders are informed of the proposed change in the City's road construction policy which might permit City funding of the project.

February 11, 1991 - Council revises the City's road construction policy to permit City funding of improvements on non-numbered State thoroughfares, such as Westinghouse Boulevard.

May 13, 1991 - Arrowood Association leaders address Council on the immediate need to widen Westinghouse Boulevard. At the Association's request, City staff provides the organization with the project's right-of-way and easement needs based on a preliminary design concept.

June 24, 1991 - Council approves the City's FY 92-96 Capital Improvement Program with no funding programmed for Westinghouse Boulevard Widening.

June 26, 1991 - The Charlotte Chamber coordinates a meeting for members of the Arrowood Association Board of Directors with City, County, and State officials. Association leaders are concerned about the traffic impacts of the County's proposed Arrowood Resource Recovery facility in light of the current congestion on Westinghouse Boulevard. The County indicates a willingness to accelerate the project by providing the upfront funds needed by the City to undertake design and right-of-way acquisition.

August 12, 1991 - County Commissioners authorize the County Manager to negotiate an Interlocal Agreement with the City to loan up to $1.2 million for design and right-of-way acquisition for the Westinghouse widening project.

EXHIBIT A

Name: Mrs. Mary P. Turner
Address: 300 Iverson Way
Loan Amount: $64,709

BACKGROUND:

Mrs. Mary Turner was placed on the relocation workload on March 11, 1991 as a result of code enforcement on her property. It was determined that it was not feasible to rehabilitate the existing structure. Mrs. Turner is 72 years old and disabled. Mrs. Turner's daughter-in-law, along with her 5 children, live with her to care for her. She does not want to leave her neighborhood where she has lived for nearly forty (40) years.

Due to the handicap requirements, it is not feasible to move a house on to the property and rehabilitate it. It has been determined that new construction is the most economically feasible. Therefore, the decision was made to pursue the option of new construction.

LOAN ANALYSIS:

Mrs. Turner receives monthly Social Security benefits of $422. Her daughter-in-law's monthly income consists of $328 (AFDC) and $91.43 (Child Support). Mrs. Turner's total monthly household income is $841.43.

An analysis of Mrs. Turner's household income and projected housing expense is listed below. Her household income is 11% of the median income for a family of seven (7).

Gross Monthly Income	$841.43
Less: Federal Taxes	- -0-
	$843.43
	x 30%
Available for Housing	$252.43
Less: Taxes & Insurance (Est.)	- 26.00
Available for Loan Payment	$226.43

Based on the 30% rule, Mrs. Turner qualifies for a 3% interest loan of $40,798 for a term of 20 years to be repaid in monthly principal and interest payments of $226.43 and a 0% Deferred Payment Loan of $23,911 which becomes due and payable at her death, the transfer of title to the property, the rental or refinancing of the house. The total assistance to Mrs. Turner is $64,709.

The breakdown of total costs involved in this purchase is:

Purchase Price of Replacement House	$63,709
Attorney Fees/Closing Costs	1,000
Total Loan Amount	$64,709

Name: Margaret Hogan
Address: 8810 Moores Chapel Road
Loan Amount: $58,839

BACKGROUND:

Mrs. Hogan was placed on the relocation workload April 29, 1991. She had applied for a rehabilitation loan but it was determined that it was not feasible to rehabilitate the house where she has lived for nearly 40 years. Mrs. Hogan, who is 86 years old, disabled, and lives alone, does not want to leave her land.

Due to the handicap requirements, it is not feasible to move a house onto the property and rehabilitate it. It has been determined that new construction is the most economically feasible route. Therefore, the decision was made to pursue new construction.

LOAN ANALYSIS:

Mrs. Hogan receives monthly Social Security benefits of $382. This is her gross monthly income.

An analysis of Mrs. Hogan's income and projected housing expense is listed below. Her household income is 16% of the median income for a family of one.

Gross Monthly Income	$382.00
Less: Federal Taxes	- -0-
	$382.00
	x 30%
Available for Housing	$114.60
Less: Taxes & Insurance (Est.)	- 21.87
Available for Loan Payment	$ 92.73

Based on the 30% rule, Mrs. Hogan qualifies for a 3% interest loan of $16,708 for a term of 20 years to be repaid in monthly principal and interest payments of $92.73 and a 0% Deferred Payment Loan of $41,131 which becomes due and payable at her death, the transfer of title to the property, the rental or refinancing of the house. The total assistance to Mrs. Hogan is $58,839.

The breakdown of total costs involved in this purchase is:

Purchase Price of Replacement House	$57,839
Attorney Fees/Closing Costs	1,000
Total Loan Amount	$58,839

PARKS AND RECREATION
CONTRACT EVALUATION REPORT

CONTRACTOR: Harris YMCA: Pine Valley After School Program

CONTRACT AMOUNT: $57,818

CONTRACT PERIOD: September 4, 1990 - June 14, 1991

BACKGROUND:

In December 1988, a member of the Pine Valley community contacted City Council expressing a need for an after-school care and recreation program for children living in Pine Valley. Since the spring of 1989, an After-School Program has been operated under contract with the Harris YMCA. The program operates utilizing two facilities: the Housing Authority facility on Longleaf Drive in the Pine Valley community and the Harris YMCA on Quail Hollow Road.

The program was originally designed to complement a Literacy League reading program which operated in the afternoons at the Longleaf facility and to complement the City's summer recreation program. With discontinuance of the Literacy League program, the YMCA began to offer homework tutorial assistance to participants. Also, in the second contract year, dollars were added for the provision of security services for the program in response to crime in the neighborhood.

Two previous evaluations of the program have indicated that the Harris YMCA has successfully met contract objectives.

EVALUATION OF CURRENT CONTRACT:

The Harris YMCA has met the objectives established in their contract to provide after-school care and recreation experiences for children in the Pine Valley community. Services have been provided at a cost of approximately $9.14 per child, per day during the program year.

Specific contract goals and objectives are as follows including the status of their achievement:

- OPERATE THE PROGRAM TWO HOURS PER DAY, FIVE DAYS PER WEEK.

  The program has been operated as scheduled.

- SERVE CHILDREN WHO ARE RESIDENTS OF PINE VALLEY AND/OR THE SURROUNDING SERVICE AREA AGES PRE-SCHOOL TO 16 YEARS, 25 TO 30 CHILDREN PER DAY.

  During the contract period, 108 different children participated in the program. An average of 31 children attended daily during the 200+ school days the program was offered. Information is not available on the ages of participants, however City staff observed preschoolers through age 16 during site visits.

- MAINTAIN A RATIO OF 1 COUNSELOR TO 12 CHILDREN.

  City staff observed a minimum of three staff present during each site visit. As such, the desired ratio appears to be being met.

- OFFER REGULAR AND SPECIAL ACTIVITIES (AS OUTLINED IN ATTACHMENT A).

  During site visits, City staff observed activities being offered as specified in Attachment A. In addition to regular activities, Special Events offered included:

  - Christmas Party
  - Special Devotions and Guest Speakers for Black History Month
  - Bring A Friend Day
  - Valentine Party
  - Potato Party in Honor of St. Patrick's Day
  - Clean-Up Day at the Center
  - Easter Party and Egg Hunt
  - Spring Break Field Trips (to Park Road Park, Movies, N.C. Transportation Museum, Fun Day at the YMCA)
  - "Putting the HOME Back in Homework" Program for Parents and Children
  - etc.

- ENSURE THAT STAFF ARE TRAINED.

  City staff have not verified that pre and inservice training were conducted but assume that the training took place.

- EVALUATE THE PROGRAM ABOVE AND BEYOND THE CITY EVALUATION.

  As a means of assessing satisfaction with operation of the program, the YMCA conducted a community meeting on June 8, 1991. Comments received from the 20 residents in attendance included:

  - There is still an interest in the provision of the Literacy Program in association with the After-School Program. The Harris YMCA plans to provide such a program on a daily basis. The YMCA has raised the necessary funding.

- Parents would prefer that attendance for the full afternoon program session be required rather than continuing to allow children to drop in and out.

- Parents desire a more disciplined style of leadership than that provided by the present leadership. Minority representation at the site is preferred.

- Parents want to develop a volunteer group to assist in the operation of the program.

- Meeting attendees indicated that they are very interested in having the YMCA continue to provide the program in Pine Valley.

o COMMUNICATE MONTHLY WITH PARENTS AND GUARDIANS THROUGH NEWSLETTERS AND CALENDARS AND AT THE MONTHLY ADVISORY COUNCIL MEETINGS.

As evidence of communications with parents and guardians, the Harris YMCA has provided Parks and Recreation with copies of flyers distributed to advertise the program, copies of flyers and permission forms for various trips/activities, a copy of the December program activities calendar, copy of a letter to parents in December notifying them of the planned resumption of the Literacy League Program, etc.

o SUBMIT DAILY ATTENDANCE FIGURES TO THE RECREATION SUPERINTENDENT OF THE PARKS AND RECREATION DEPARTMENT BY THE 30TH OF EACH MONTH.

While attendance figures were not submitted on a monthly basis to the Recreation Superintendent, daily records were maintained and were made available to Parks and Recreation at the end of May.

o SUBMIT DAILY LESSON PLANS TO THE RECREATION SUPERINTENDENT OF THE PARKS AND RECREATION DEPARTMENT BY THE 15TH OF EACH MONTH, FOR THE UPCOMING MONTH.

While daily lesson plans were not submitted on a monthly basis to the Recreation Superintendent, plans were developed and utilized as required by the contract. Copies of all plans have been made available to Parks and Recreation.

o SOLICIT MEMBERS OF THE COMMUNITY TO SERVE ON THE ADVISORY COMMITTEE TO PROVIDE INPUT REGARDING DESIRED PROGRAMS, DISCUSS POLICIES AND PROCEDURES, AND FOR PROMOTION AND ASSISTANCE WITH EVALUATING THE PROGRAM. RECRUIT RESIDENTS OF THE COMMUNITY TO SERVE AS VOLUNTEERS TO ASSIST WITH DAILY PROGRAMS AND SPECIAL EVENTS.

A summary of discussions at a December 5, 1990 meeting of the Parents Advisory Committee was provided by the Harris YMCA. Eight parents and two staff members attended. A report from the Harris YMCA indicates that attempts were made prior to and after the December 5 meeting to schedule other parent meetings. Due to lack of participation or interest, these meetings were cancelled. Two parents did regularly visit the program and offered assistance. The Harris YMCA maintained contact throughout the contract period with Neighborhood Association presidents Doris Hoover and Bonnie Brown.

- HIRE AND SUPERVISE SECURITY SERVICES FOR THE PROGRAM.

  A staff member was hired to serve in a security capacity for the program. In addition to maintaining order, the staff member supervised play activities.

  After an assault incident late in the school year, the YMCA hired additional uniformed security staff providing outside visible presence for the remainder of the contract period.

In addition to activities specified by the contract and program plan, the Harris YMCA provided the following:

- Dance classes, recital and costumes for nine program participants
- Begin-To-Swim Classes at the YMCA
- Summer Day Camp Scholarships
- Camp Thunderbird Scholarships
- Project Angel Tree (Christmas Party and Gifts for Each Child)
- Sleep overs at the YMCA to Reward Good Behavior

CITY STAFF MONITORING AND ASSISTANCE:

City Parks and Recreation staff were responsible for the following during the contract period and performed as indicated:

- PERFORM PERIODIC ON-SITE VISITS TO MONITOR PROGRAM COMPONENTS, STAFF, EQUIPMENT AND FACILITIES.

  Site visits were performed on a monthly basis by City staff. On these occasions, staff observed organized play, arts, and cooking activities; homework tutorial assistance; and free play.

  Additionally, staff observed instances of participant disruptiveness as well as instances of controlled, quiet participation. Security staff were observed intervening in disruptive behavior of program participants.

Staff frequently noted the poor condition of the building in site visit reports. One room of the facility was utilized for storage of a stove and refrigerator for most of the contract period. This further limited the space available for homework tutorial assistance. Additionally, roof damage was apparent from leaking and stained ceiling tiles.

- SERVE ON THE ADVISORY COMMITTEE

  City staff did not serve on the Advisory Committee. Staff were invited to attend the June 8th evaluation meeting, but was unable to attend.

- REVIEW AND APPROVE THE CONTENT OF EACH PROGRAM PRIOR TO ITS IMPLEMENTATION.

  City staff did not review the content of each program prior to its implementation.

The proposed cost of operating the program September 3, 1991 through June 12, 1992 is $59,860.

Additionally, the YMCA plans to offer a new Literacy Program in association with the After-School Program. The program will provide a one hour session each day for all of the children in the After-School Program. The staff/volunteer to child ratio will be one to three.

CONCLUSIONS AND RECOMMENDATIONS:

The contractor has met the objectives outlined in the FY91 contract. Therefore, it is recommended that the City continue to contract with the Harris YMCA for the provision of After-School Program services for the FY92 school year.

City staff should continue periodic site visits and should provide written feedback to the Harris YMCA regarding observations. Any problems observed should be discussed immediately with YMCA staff for resolution. An effort should also be made to ensure that City staff are present at community and other meetings when the After-School Program is being discussed. The Harris YMCA should make the Recreation Superintendent aware of such meetings.

Additionally, City staff should initiate and maintain contact with a representative of the Homeowners' Association as a means of obtaining contractor performance feedback.

ATTACHMENT A

ACTIVITIES TO BE OFFERED
FOR THE PINE VALLEY AFTER SCHOOL PROGRAM

REGULAR ACTIVITIES:

- Arts and Crafts
- Soccer
- Volleyball
- Football
- T-Ball
- Basic Gymnastics/Tumbling
- Archery
- Improvised Games
- Values Education*
- Cooking
- Kickball
- Dodgeball
- Basketball
- Frisbee
- Indoor Games
- New Games
- Small Group Time
- Nature/Environmental Studies

*Activities that help to create positive decision-making skills (i.e. helping children to distinguish between right and wrong).

SPECIAL ACTIVITIES:

Guest Speakers	-	health, safety, fitness, careers, sports, nature, etc.
Movies		
Field Trips	-	(four on teacher workdays or vacation days) to local places of interest, skating, etc.
Trips to the YMCA	-	one per month for free swim, fitness trail, weight training and general (supervised) use of the facility
Monthly Trips	-	to area parks, library, museums, etc.
Sports Clinics	-	to include a minimum of five hours
Water Safety Clinic	-	to include a minimum of two hours
Nine Special Events	-	(i.e. Halloween, Christmas, St. Patrick's Day parties, etc.), and include the attendance figures and list of activities in your monthly attendance/lesson plan reports

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

FOR OFFICE USE ONLY

Appointed to

Date

Please complete each section

FULL NAME JAMES J. EMERS (please print or type) Mr X Mrs ____ Ms. ____ Miss ____

HOME ADDRESS 7231 RIDGELANE RD CHARLOTTE NC ZIP 28262

BUSINESS ADDRESS " " " " ZIP "

HOME PHONE (704) 548-7690 BUSINESS PHONE (704) 596-5177

SPOUSE'S NAME ALICE S. EMERS SPOUSE'S EMPLOYER NA

SPOUSE'S TITLE HOMEMAKER

PLEASE INDICATE: Voting Precinct # MALLARD CREEK SCH District # 1 Date of Birth 13 JAN 41

MALE X BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ____ WHITE X ZONING BOARD OF ADJUSTMENT

SINGLE ____ INDIAN ____ CMUD ADVISORY COMMITTEE

MARRIED X HISPANIC ____

OTHER ____

EDUCATION (including degrees completed) BACHELOR OF ARCHITECTURAL ENGINEERING UNIVERSITY OF PENNSYLVANIA

CURRENT EMPLOYER J. J. EMERS, AIA

TITLE ARCHITECT YEARS IN CURRENT POSITION 20

DUTIES OWNER OF ARCHITECTURAL FIRM

OTHER EMPLOYMENT HISTORY STAFF ARCHITECT - ARCHITECTURAL DESIGNER - ARCHITECTURAL DRAFTSMAN

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE ARCHITECTURAL DESIGN - LAND PLANNING
BUILDING PROJECT FEASIBILITY STUDIES

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES
CHARLOTTE CHAPTER, AMERICAN INSTITUTE OF ARCHITECTS
CIVIL ENGINEER CORPS, U S NAVAL RESERVE

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES
PRES. DEAN DERITA (STATESVILLE RD COMMUNITY ORGANIZATION
MEMBER, CMUD STUDY COMMITTEE

COMMENTS.

AFFIRMATION OF ELIGIBILITY:

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No X If Yes, please attach explanation.

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ No X If yes, please attach explanation of the nature of the conflict.

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigation of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you.

This form will be retained on file for one year and must be updated after that; otherwise, it will be removed from the active file.

A personal contact with a City Councilmember is recommended.

RETURN COMPLETED FORM TO:

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature: James F. Evers

Date: 09 JAN 09

PLEASE DO NOT SUBMIT RESUMES

RECEIVED
JAN 9 ..
OFFICE OF CITY CLERK

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

FOR OFFICE USE ONLY
Appointed to
Date

RE. CHARLOTTE- MECKLENBURG UTILITY DEPT ADVISORY COMMITTEE.

Please complete each section

FULL NAME MANSOUR S EDLIN, PE (please print or type) Mr X Mrs ____ Ms ____ Miss ____

HOME ADDRESS 2225 McCLINTOCK RD ZIP 28205

BUSINESS ADDRESS 8731 RED OAK BLVD ZIP 28217

HOME PHONE (704) 333-3638 BUSINESS PHONE (704) 525-6284

SPOUSE'S NAME ____ SPOUSE'S EMPLOYER ____

SPOUSE'S TITLE ____

PLEASE INDICATE Voting Precinct # ____ District # ____ Date of Birth 9/1/58

MALE ✓ BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ____ WHITE ✓ CHARLOTTE MECKLENBURG UTILITY DEPT. ADVISORY COMMITTEE

SINGLE ____ INDIAN ____

MARRIED ____ HISPANIC ____

OTHER ____

EDUCATION (including degrees completed)

B.S CIVIL ENGINEERING 1984

UNC- CHARLOTTE

CURRENT EMPLOYER WOOLPERT CONSULTANTS

TITLE PROJECT MANAGER YEARS IN CURRENT POSITION 4 1/2

DUTIES DESIGN OF PUBLIC WORKS PROJECTS (ROADS, WATER, SEWER, LAND DEVELOPMENT, ETC) FOR PUBLIC & PRIVATE CLIENTS

OTHER EMPLOYMENT HISTORY

JACK R CHRISTIAN & ASSO. CHARLOTTE, N.C 1986

BEAMAN CORP GREENSBORO, NC 1985

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE DESIGN AND PLANNING OF PUBLIC UTILITY SUCH AS WATER AND SEWER, LAND DEVELOPMENT AND it's IMPACT

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

BOARD MEMBER OF ELIZABETH - MORNINGSIDE NEIGHBORHOOD ASSO.
AMERICAN SOCIETY OF CIVIL ENGINEERS.

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

COMMENTS I HAVE RESIDED IN THIS COMMUNITY SINCE 1980 AND FULLY KNOWS AND UNDERSTANDS THE GROWTH OF THIS COMMUNITY AND THE CHALLENGES THAT ARE WAITING FOR OUR COMMUNITY DURING THE 90's.

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No X If Yes, please attach explanation.

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ No X If yes, please attach explanation of the nature of the conflict

I certify that the facts contained in this application are true and correct to the best of my knowledge I authorize investigation of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you

This form will be retained on file for one year and must be updated after that, otherwise, it will be removed from the active file

A personal contact with a City Councilmember is recommended

RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature [signature]

Date 7/12/91

PLEASE DO NOT SUBMIT RESUMES

RECEIVED
JUL 12 1991
Clr.

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

COUNCIL ONLY

Appointed to

Date

Please complete each section.

FULL NAME T. Robert Lyons Jr., P.E. (please print or type) Mr. X Mrs. ____ Ms. ____ Miss ____

HOME ADDRESS 7525-H Quail Wood Dr. Charlotte, NC ZIP 28226

BUSINESS ADDRESS 1125 E. Morehead St. Suite 210 Charlotte, NC ZIP 28204

HOME PHONE (704) 543-8600 BUSINESS PHONE (704) 358-8024

SPOUSE'S NAME N/A SPOUSE'S EMPLOYER ____

SPOUSE'S TITLE ____

PLEASE INDICATE: Voting Precinct # (Transfer - New Hanover County) District # ____ Date of Birth 10-22-34

MALE X BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN.

FEMALE ____ WHITE X CMUD Advisory Board

SINGLE X INDIAN ____

MARRIED ____ HISPANIC ____

OTHER ____

EDUCATION (including degrees completed) Bachlor of Science in Civil Engineering, North Carolina State University, 1959

CURRENT EMPLOYER T. Robert Lyons & Associates

TITLE President YEARS IN CURRENT POSITION 1

DUTIES Owns and manages a consulting engineering firm. Preparation of plans and specifications for private and municipal clients.

OTHER EMPLOYMENT HISTORY Henry Von Oesen & Associates - 29 years
Jensen Engineering - 1 year

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE Experienced Sanitary design engineer in the area of Municipal and Industrial pre-treatment and wastewater treatment facilities; and environmental assessments and permits.

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

Chamber of Commerce; Dilworth Rotary Club; Member-at-large Mecklenburg Council, BSA; Eagle Scout Award; Trinity Presbyterian Church NC Society of Engineers; NSPE, ASCE, WPCF, AWWA

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

NC Society of Engineers (Past President)

PENC (Past President); Wilmington Engineers Club (Past President)

COMMENTS. Honorable Discharge, U.S. Army (82nd Airborne Division) 1955

AFFIRMATION OF ELIGIBILITY.

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No X If Yes, please attach explanation.

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ No X If yes, please attach explanation of the nature of the conflict.

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigation of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you.

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RETURN COMPLETED FORM TO:

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature: [signature]

Date: June 24, 1991

PLEASE DO NOT SUBMIT RESUMES

RECEIVED
JUN 24 1991
OFFICE OF CITY CLERK

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

FOR OFFICE USE ONLY

Appointed to

Date

Please complete each section

FULL NAME Samuel Levi Fulwood (please print or type) Mr. ✓ Mrs ____ Ms. ____ Miss ____

HOME ADDRESS 1632 Madison Avenue ZIP 28216

BUSINESS ADDRESS ____ ZIP ____

HOME PHONE (704) 376-6039 BUSINESS PHONE ( ) ____

SPOUSE'S NAME Hallie Fulwood, (Deceased) SPOUSE'S EMPLOYER ____

SPOUSE'S TITLE ____

PLEASE INDICATE: Voting Precinct # 54 District # 2 Date of Birth 10/12/25

MALE ✓ BLACK ✓ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN:

FEMALE ____ WHITE ____ Water + Sewer

SINGLE ____ INDIAN ____

MARRIED ____ HISPANIC ____

OTHER W

EDUCATION (including degrees completed) A.B. Degree from Johnson C. Smith (48)
B.D. Johnson C. Smith (51) Seminary

CURRENT EMPLOYER Retired - Presbyterian Minister

TITLE Minister YEARS IN CURRENT POSITION 38 yrs.

DUTIES Pastoring and All of the duties that goes with the Job.

OTHER EMPLOYMENT HISTORY ____

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

I have Serviced ON Many boards of Presbytery, Synod And Genderly Assemble of The Presbyterian Church

COMMENTS:

AFFIRMATION OF ELIGIBILITY:

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No ✓ If Yes, please attach explanation.

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ No ✓ If yes, please attach explanation of the nature of the conflict.

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigation of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you.

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A personal contact with a City Councilmember is recommended.

RETURN COMPLETED FORM TO:

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature: Samuel Z. Tulwood

Date: August 12, 1991

PLEASE DO NOT SUBMIT RESUMES

RECEIVED
AUG 13 1991
OFFICE OF CITY CLERK

Town of Mint Hill

Post Office Box 23457
Mint Hill, North Carolina 28212
Telephone 704-545-9726

June 13, 1991

Mr. Joe C. Stowe, Jr.
Director
Charlotte-Mecklenburg Utility Department
5100 Brookshire Boulevard
Charlotte, North Carolina 28216

Dear Mr. ~~Stowe:~~ Joe

It is with pleasure that I nominate for appointment by the Council the following applicant for the Charlotte-Mecklenburg Utility Department Advisory Committee as a representative of the small towns:

Mr. William V. (Bill) Tilley
7521 McEwen Lake Lane
Post Office Box 23091
Mint Hill, North Carolina 28212
Telephone: 545-9726 (Home) 348-2117 (Office)

Bill is the Secretary and Controller for Exposiac Industries, Inc. of North Carolina with regional multi-plant responsibilities in purchasing and personnel. He has served on the Board of Directors of Sharon Towers, is a past president of the Myers Park Civitan Club and has actively participated in many local religious, civic and community projects.

I have known Bill for several years, and it is a privilege for me to recommend him to you as a very capable, dedicated and diligent individual who would serve our community in a very committed and competent manner.

Your favorable consideration will be greatly appreciated.

Yours very truly,

Troy D. Pollard
Mayor

JUN 18 1991
OFFICE OF CITY CLERK

RECEIVED
JUN 14 1991
CHARLOTTE-MECKLENBURG
UTILITY DEPT

Estelle Crawford

An application was taken for financial assistance to rehabilitate Ms. Estelle Crawford's home at 800 East 18th Street, which is in violation of the City's Housing Code. The total loan amount to rehabilitate her house and bring it into code compliance is $51,821.

Ms. Estelle Crawford, who is 75, has a current income of $342 from Social Security and $133 from her late husband's VA pension, for a total monthly income of $475.

Under the Standard Rehabilitation Program approved by City Council on June 28, 1982 and amended on October 12, 1987, a family is to pay no more than 30% of their gross monthly income, less federal taxes, toward housing expenses. Housing expenses are defined as principal and interest payments, real estate taxes and insurance. Based on the 30% rule, Ms. Crawford would qualify for a 3% interest loan of $19,957 to be repaid in monthly installments of $110.76 and a Deferred Payment Loan (DPL) of $31,864, which becomes due and payable in full in 20 years or at the death of Ms. Crawford or the sale, rental or refinancing of the house. A lien in the amount of $51,821 will be placed on the property. This will regenerate our loan funds for future needs of lower-income families.

An analysis of Ms. Crawford's income and projected housing expense is listed below. Her household income is 20% of the median income for a family of one.

Gross Monthly Income	$475.00
Less: Federal Taxes	-0-
	$475.00
	x 30%
Available for Housing	$142.50
Less: Taxes & Ins. (Est)	- 31.74
Available for Loan Payment	$110.76

Based on a term of 20 years at 3% interest, Ms. Crawford's principal and interest payment would be $110.76.

The breakdown of total costs involved in this purchase is:

Rehabilitation Cost	$37,110
Contingency	3,711
Processing Fees	1,100
*Refinancing Balance of Existing Mortgage	9,900
Total Loan Amount	$51,821

*In some instances where there is an existing low mortgage balance, the City is refinancing the loan in order to put the family in a better financial position by reducing their monthly housing expenses and allowing the City to be in first position thereby reducing the City's risk or exposure to foreclosure.

The appraiser estimates the after-rehabilitation value of this property to be $60,000.

Adams Loan

An application was taken for financial assistance to rehabilitate Mr. and Mrs. Adams' home at 920 Sterling Lane, which is in violation of the City's Housing Code. The total loan amount to rehabilitate her house and bring it into code compliance is $52,333.

Mr. Alonzo Adams, who is 67, has a current income is $647 from Social Security and $335.83 from a part-time job at Service Master Building Maintenance Company. Mrs. Adams, who is 59, currently draws unemployment benefits in the amount of $422.50 while seeking permanent employment. She was terminated from her previous employment because the company closed their business. Mr. and Mrs. Adams have an 18-year old granddaughter who lives with them. Their total monthly income is $1,405.33.

Under the Standard Rehabilitation Program approved by City Council on June 28, 1991 and amended on October 12, 1987, a family is to pay no more than 30% of their gross monthly income, less federal taxes, toward housing expenses. Housing expenses are defined as principal and interest payments, real estate taxes and insurance. Based on the 30% rule, Mr. and Mrs. Adams would qualify for a 3% interest loan of $52,333 to be repaid in monthly installments of $290.45.

An analysis of Mr. and Mrs. Adams' income and projected housing expense is listed below. Their household income is 47% of the median income for a family of three.

Gross Monthly Income	$1,405.33
Less: Federal Taxes	- 6.24
	$1,399.09
	x 30%
Available for Housing	$ 419.73
Less: Taxes & Ins. (Est)	- 59.14
Available for Loan Payment	$ 360.59

Based on a term of 20 years at 3% interest, Mr. and Mrs. Adams' principal and interest payment would be $290.45.

The breakdown of total costs involved in this purchase is:

Rehabilitation Cost	$43,415
Contingency	4,342
Processing Fees	900
*Refinancing Balance of Existing Mortgage	3,676
Total Loan Amount	$52,333

*In some instances where there is an existing low mortgage balance, the City is refinancing the loan in order to put the family in a better financial position by reducing their monthly housing expenses and allowing the City to be in first position thereby reducing the City's risk or exposure to foreclosure.

The appraiser estimates the after-rehabilitation value of this property to be $65,000.

Edna Wilson

Ms. Edna Wilson applied for a rehabilitation loan in August 1990. Staff determined that it was not feasible to rehabilitate her house at 809 Pennsylvania Avenue. The existing tax value of this property was $12,170 and the estimated cost to rehabilitate the structure was approximately $60,000. According to our Housing Code guidelines, if the repair estimates exceed 65% of the value of the house, demolition is recommended. Because the house will be demolished, Ms. Wilson will be temporarily relocated. Ms. Wilson earns 80% or less of the median income. Therefore, in accordance with City policy for relocation benefits, she is eligible to come on the City's relocation workload for replacement housing assistance.

In order to provide Ms. Wilson with standard housing, various options were explored: (1) build a new house on site; (2) move an existing house to the site and rehabitate it; or (3) buy an existing house. Ms. Wilson was referred to the Charlotte-Mecklenburg Housing Partnership to determine if she would qualify to purchase a house, however, her fixed income was insufficient to meet the Partnership's loan criteria. Therefore, after consultation with Ms. Wilson, it was determined that moving an existing house on-site and rehabilitating it would be the most feasible. A city-owned house near the airport will be relocated to Ms. Wilson's lot. City Council has directed staff to preserve, when feasible, houses acquired by the Airport through their federally-assisted Noise Abatement Program.

Ms. Edna Wilson is a widow, who is 79 years old and receives Social Security benefits in the amount of $243 a month. This is her only source of income.

Under the Standard Rehabilitation Program approved by City Council on June 28, 1982 and amended on October 12, 1987, a family is to pay no more than 30% of their gross monthly income, less federal taxes, toward housing expenses. Housing expenses are defined as principal and interest payments, real estate taxes and insurance. Based on the 30% rule, Ms. Wilson would qualify for a 3% interest loan of $4,461 to be repaid in monthly installments of $24.76 and a Deferred Payment Loan (DPL) of $48,949, which becomes due and payable in full in 20 years or at the death of Ms. Wilson or the sale, rental or refinancing of the house. A lien in the amount of $53,410 will be placed on the property. This will regenerate our loan funds for future needs of lower-income families.

An analysis of Ms. Wilson's income and projected housing expense is listed below. Her household income is 10% of the median income for a family of one.

Gross Monthly Income	$243.00
Less: Federal Taxes	-0-
	$243.00
	x 30%
Available for Housing	$ 72.90
Less: Taxes & Ins. (Est)	- 48.14
Available for Loan Payment	$ 24.76

Based on a term of 20 years at 3% interest, Ms. Wilson's principal and interest payment would be $24.76.

The breakdown of total costs involved in this purchase is:

Rehabilitation Cost	$45,100
Contingency	4,510
Attorney Fees/Closing Costs	1,300
Retention Value	2,500
Total Loan Amount	$53,410

The appraiser estimates the after-rehabilitation value of this property to be $65,000.

HOUSING CODE ENFORCEMENT

Recommend adoption of an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure located at 2902 Rozzelles Ferry Road (Smallwood). This action ratifies Council's verbal approval of this action.

PROPERTY ADDRESS: 2902 Rozzelles Ferry Road; Census Tract #45; Council District #2; Neighborhood: Smallwood.

PROPERTY OWNER(S): Royal Cayco Investments Ltd.

BACKGROUND:
Date of Inspection: 5/31/90
Reason for Inspection: Concentrated Code Enforcement(Field Observation)

A title search was requested in June 1990 and received in August 1990. The title search revealed there were no parties in interest to the property.

Code enforcement was delayed because inspector of record retired and the case was assigned to another inspector.

The Complaint & Notice of Hearing and the Findings of Fact and Order were advertised in the Mecklenburg Times because of being unable to serve the owners by certified mail.

Owner(s) Notified of Hearing: 2/5/91
Hearing Held: 3/4/91
Owner(s) Ordered to Demolish Structure: 7/14/91

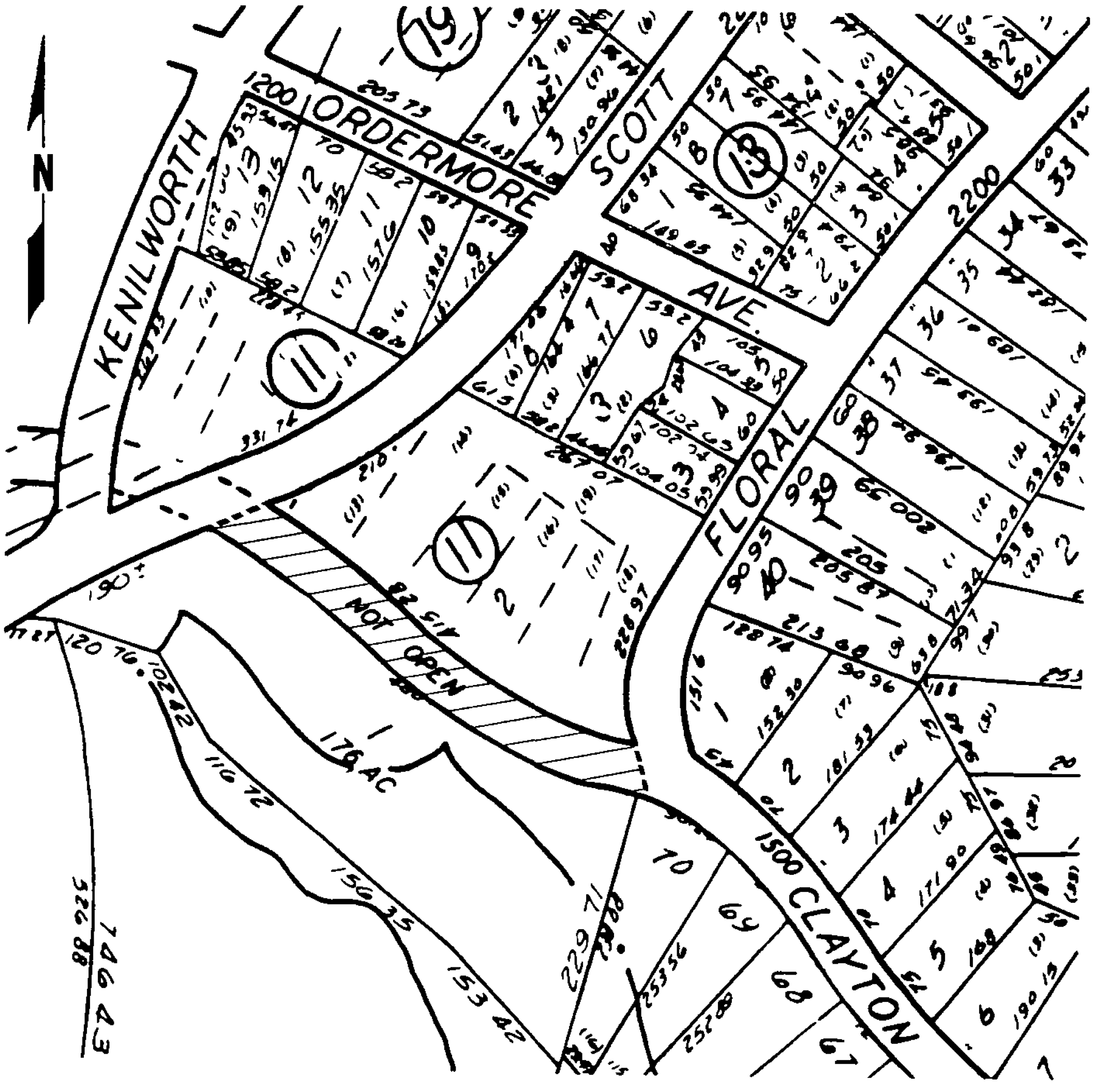
Estimated Value of Structure: $-0-
Estimated Repair (Which is more than 65% of Estimated Value): $575

The repairs include: removal and replacement of structure and removal of tall weeds and vines. The structure is vacant.

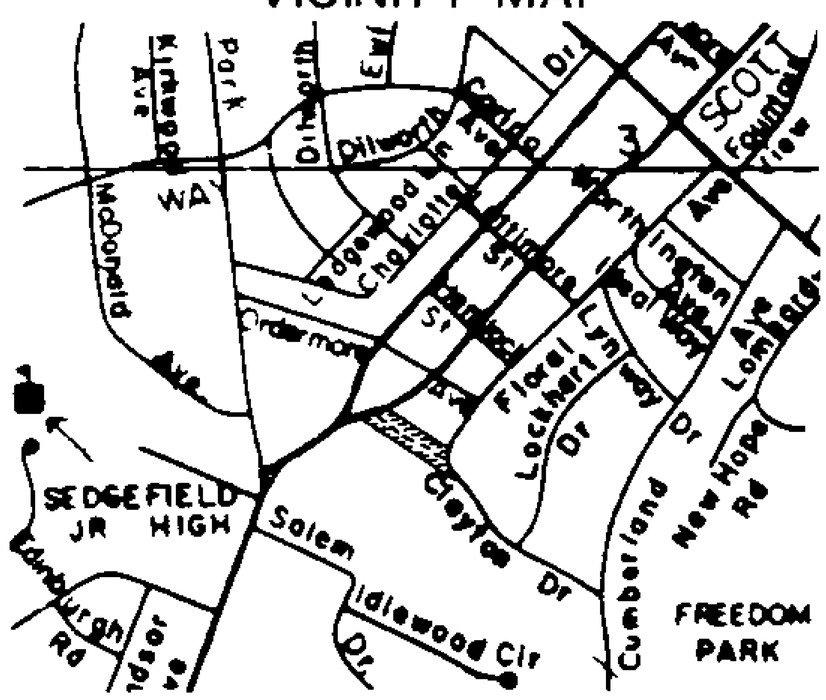
The owner(s) were notified of a Civil Penalty on August 8, 1991. The total penalty as of August 26, 1991 amounts to $520.

EXPLANATION OF REQUEST:
In Rem action is being requested on this dilapidated shed because of an environmental health problem. (Rats are using it for a breeding place.) This In Rem action is requested with the understanding that Community Development staff will pursue the acquisition of the land through friendly acquisition. If not, acquisition will be pursued through condemnation. The land will be used for possible in-fill housing purposes.

On August 9, 1991 Council member Hoyle Martin sent a memorandum to City Council members requesting their verbal approval to proceed with demolishing this structure due to environmental health problems prior to the formal adoption of the In Rem Ordinance at the August 26, 1991 Council meeting. On August 12, 1991 a majority of Council members approved this action. The owner has been advised of this action. It is, therefore, requested that City Council adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2902 Rozzelles Ferry Road.



VICINITY MAP



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION ENGINEERING DIVISION

PROPOSED
WITHDRAWAL OF
DEDICATION

CLAYTON DRIVE

RQS / PROJECT NO	FILE NO