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WEEK IN REVIEW:

Mon (July 25)	Tues (July 26)	Wed (July 27)	Thurs (July 28)	Fri (July 29)
3:30 PM Transportation and Planning Committee, Room 280				
5:00 PM Council Business Meeting, Room 267				
6:00 PM Citizens’ Forum, Meeting Chamber				

CALENDAR DETAILS:

Monday, July 25

- 3:30 pm Transportation and Planning Committee, Room 280
AGENDA: Transportation Action Plan, Transit Use During Center City Events, Residential Design Standards, and Center City Curb Management
- 5:00 pm Council Business Meeting
- 6:00 pm Citizens' Forum

July and August calendars are attached. *(see below, attached as part of the document)*

AGENDA NOTES:

Agenda Item #12 – Public Hearing for Post Construction Controls Ordinance Revisions

Staff Resource: Daryl Hammock, E&PM, 704-336-2167, dhammock@charlottenc.gov

The description for the Post Construction Controls Ordinance public hearing on Monday's agenda indicated the Storm Water Advisory Committee (SWAC) would vote on the proposed revisions at their July 21 meeting. SWAC chose to postpone the vote until their August 18 meeting so they could consider comments made at the Public Hearing. The City Council will be asked to take action on the proposed revisions on August 22.

At the earlier dinner briefing on the proposed changes, the Mayor requested subsequent information to address how the proposed Post Construction Controls Ordinance revisions preserve the overall intent of the ordinance. In short, the proposed revisions allow challenged sites to meet the full intent of the ordinance through less expensive options and removes tree requirements found in the Tree Ordinance.

The attached document addresses this question more fully and provides information on questions and comments received from stakeholders to date. *(see below, attached as part of the document)*

Agenda Item #47 - Property Acquisition for Police's Eastway Division Station

Staff Resource: Robert Drayton, E&PM, 704-336-3300, rdrayton@charlottenc.gov

This item is being removed from the August 22 agenda to allow additional time to work with one of the property owners to reach a negotiated settlement.

INFORMATION:

FY11 Justice Assistance Grant (JAG) Update

Staff Resource: Darrellyn Kiser, CMPD, 704-336-7736, dkiser@cmpd.org

The City of Charlotte has received a Justice Assistance Grant (JAG) allocation from the U.S. Department of Justice in the amount of \$714,123. Under the enabling legislation for the JAG program, the City must share some of the grant funds with Mecklenburg County since the County is responsible for the incarceration of prisoners. As in previous years, the County received 25% of the funds (\$178,531), making the City's share of the grant funds \$535,592.

CMPD filed the grant application on July 21. The proposed grant budget included:

- \$400,903 for overtime for neighborhood based problem solving initiatives;
- \$123,329 for equipment for police patrol divisions; and
- \$11,360 for neighborhood-based youth initiatives.

A more detailed spending plan will be available when Council is asked to accept the grant and appropriate the funds. The JAG legislation requires that Council be provided with an outline of the grant budget at least 30 days before grant funds are released.

July

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
					1	2
3	4 HOLIDAY INDEPENDENCE DAY	5	6	7	8	9
10	11	12	13	14 3:30p mtg cancelled Economic Development Committee, Room 280	15	16
17	18 3:30p Economic Development Committee, Room 280 5:00p Zoning Meeting	19	20	21	22	23
24	25 3:30p Transportation & Planning Committee, Room 280 5:00p Council Business Meeting 6:30p Citizens' Forum	26	27 5:30p mtg cancelled MTC Meeting, Room 267	28	29	30
31						

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August

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1	2	3 12:00p mtg cancelled Housing & Neighborhood Development Committee, Room 280	4	5	6
7	8	9	10	11 3:30p Economic Development Committee, Room 280	12	13
14	15	16	17	18	19	20
21	22 2:00p Transportation & Planning Committee, Room 280 3:45p Environment Committee, Room 280 5:00p Council Business Meeting 6:30p Citizens' Forum	23	24 5:30p MTC Meeting, Room 267	25	26	27
28	29	30	31			

2011

How will the proposed Post Construction Controls Ordinance changes preserve the overall intent of the ordinance?

The locally-adopted Post Construction Controls Ordinance (PCCO) that went into effect in 2008 achieved four City objectives;

1. Complied with State law setting minimum requirements
2. Provided protection for the Federally endangered Carolina Heelsplitter mussel, which helps expedite approval of development permits
3. Reduced the causes of stream impairment, a Federal and State-issued permit requirement
4. Reduced the causes of flooding

Expanded Use of Mitigation Fees

Objective 3 illustrates the need for municipalities to not only prevent further stream and lake impairment, but to reverse the causes of existing impairment. All surface water bodies in Charlotte sampled by the State are determined to be currently impaired and our State-issued water quality permit requires the City to have a Water Quality Recovery Program.

The existing surface water impairments are caused by impervious surfaces built over many decades of development. Stream recovery will require the removal of pollutants from, and the elimination of stream bank erosion caused by already-developed impervious surfaces. This can only happen through addressing the pollutants as the sites redevelop or for the City to construct measures using the Storm Water fee. The City's current strategy employs both measures for an effective restoration program. Stream impairment should begin to improve as water quality measures are applied to redeveloping sites. It is important to note that until these sites redevelop with new stormwater controls in place, surface waters continue to be impacted with excessive runoff and pollutants that cumulatively impair our waters, and receiving waters downstream.

Since 2008, it has been observed that certain types of redevelopment would benefit from having additional ordinance compliance options. This may include sites with topographical or utility conflicts, when the land values are particularly high or when space demands of proposed projects are not conducive to on-site treatment. To encourage redevelopment of these projects, more flexibility through mitigation fees is proposed, which may facilitate the restoration of impaired waters. No environmental requirements are being relaxed or lowered by the proposed use of mitigation fees.

Development industry advocates have indicated that no water quality measures should be required as long as a redevelopment project does not worsen existing water problems. This approach is inconsistent with:

1. Charlotte's obligations under State and Federal regulations to address existing impairment,

2. The trend of retrofitting and watershed restoration that is occurring nationally as well as in North Carolina, and
3. Stakeholder consensus that was reached during ordinance development.

The development industry has indicated that should we continue to have requirements for redeveloped sites, they support a mitigation fee option, but many believe the fee should be reduced to further incent redevelopment. The use of the fee, at its current level, has been successful in the Transit Station Areas (TSA) and Distressed Business District (DBD). A significantly lower fee would not be adequate to cover the costs of a City-managed program for offsite mitigation. As a result, the mitigation costs for these redeveloping sites would be shifted from the development that causes the impacts to the stormwater fee payers. The staff recommendation is to keep the existing fee option in the TSAs and DBD, and allow a new fee option outside of those areas, but have the fee outside the TSAs and DBD higher to continue to reflect the City's growth policies. All fee options represent savings over having to put measures onsite.

Once collected, mitigation fees will be used by the City to achieve the same or greater environmental benefits than would have been provided on-site. Mitigation fees from several redevelopment projects could be combined to fund a regional water quality enhancement project such as a pond rehabilitation or stream restoration.

Proposed Changes Related to Trees

Staff proposes to streamline the regulation of trees by removing "Natural Area" (trees, forest) requirements from the PCCO. This will simplify the plan submittal and review process, and remove any conflicts or duplication. It eliminates the need for appeals and variances to be heard by two committees, Charlotte Tree Advisory Commission and Storm Water Advisory Committee. Staff believes the appropriate place for regulation of trees is in a tree ordinance. Some tree advocates have the impression that the elimination of tree protection from the PCCO will adversely affect tree canopy or water quality. Both ordinances provide similar protection for tree canopy. The removal of tree regulation from the PCCO is not expected to have a negative effect on water since the vast majority of water benefits come from stormwater controls and stream buffer protection, not from Natural Area (tree) protection. Trees located in stream buffers will remain protected as part of the PCCO. A major goal of the PCCO was to be as flexible as possible on measures to meet water quality goals.

Housekeeping Changes

Other proposed ordinance changes include omitting reference to creek names that are not in the city, and a change that makes the City compliant with State minimum buffer rules. Each of these changes will decrease confusion and streamline the permitting process.

None of the proposed changes will adversely impact the environment, but will instead preserve the objectives and intent of the stakeholder-recommended ordinance. Making the changes as described will allow Charlotte to remain aligned with State and Federal requirements and will likely prevent a lengthy debate through a revisited stakeholder process.