



CHARLOTTE™

## City Council Follow-Up Report

September 3, 2014

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### July 28, 2014 – Council Business Meeting

#### Cost Sharing Option for Storm Water Pipe Repair

Staff Resource: Daryl Hammock, Engineering & Property Management, 704-336-2167,  
[dhammock@charlottenc.gov](mailto:dhammock@charlottenc.gov)

#### *Background*

During the Citizens' Forum, Mr. Calvin Kelley, Sr. spoke about flooding from a storm drainage system impacting his property located at 7105 Bluff Wood Cove. In response to Mr. Kelley's request for immediate assistance from the City, the Mayor indicated that a major catch-up of the existing storm water repair backlog would require changes to the Storm Water policy that would not resolve Mr. Kelley's problem overnight. City Council requested that Storm Water Services staff contact Mr. Kelley about his interest in a cost-sharing program that could expedite repairs to his property.

On August 27, Storm Water Services staff contacted Mr. Kelley with the details of Storm Water Services' cost sharing policy (attached), and a cost estimate for his consideration in the City's cost share program.



Property Owner Cost  
Sharing Policy.pdf

The City would propose to install a concrete lined swale from the pipe outlet to the creek. City staff has provided to Mr. Kelley the link to a photo, attached, similar to what would be proposed (the photo is on page 13 of Storm Water Services' Photo Book of Storm Water Features):



Photobook  
features.pdf

#### *Cost Sharing Estimate*

The cost estimate of the concrete lined swale installation is \$15,619. If Mr. Kelley chooses to participate in the cost sharing program, he would be responsible to pay half this cost (\$7,909.50). If the actual cost of the project is more than this estimate, Mr. Kelley will only be responsible to pay the amount estimated above of \$7,909.50. If the actual cost of the project is less than this estimate, the total amount Mr. Kelley is responsible to pay will decrease accordingly.

The solution to minor soil erosion and sediment-buildup at this location does not require installation of pipe. The full cost of installation of pipe is \$20,812. If pipe is desired, then the cost sharing price to Mr. Kelley of the proposed concrete lined swale installation (\$7,909.50) will be deducted from the full cost to install pipe (\$20,812). Therefore, Mr. Kelley's cost for the installation of pipe is estimated at \$12,902.50.

### *Timeline of Repair with Cost Sharing Program Option*

If Mr. Kelley decides to pursue either cost sharing program option, construction will start in about 5-7 months from the time he notifies the Storm Water Services staff of his decision to proceed with this option. City staff has asked Mr. Kelley to note that a natural gas line is buried along the creek in this location. If pipe is elected, a portion of this time will be needed to allow for coordination with the gas company to relocate the natural gas line.

City staff has requested that Mr. Kelley respond no later than September 30 if he is interested in pursuing the Cost Sharing Program. If Mr. Kelley does not respond by September 30, the City will conclude that he is not interested in pursuing the program. Mr. Kelley's request will then remain open and active on the existing priority list awaiting a future service for minor soil erosion and occasional minor sediment buildup. Mr. Kelley has been encouraged to contact Storm Water Services' Design Maintenance Team Program Manager, Stewart Edwards at 704-336-7036 if he has additional questions or concerns. The details of the City's Property Owner Cost Sharing Program are enclosed at the end of this response.

### *Conclusions*

There are no City or County services available to Mr. Kelley's property to prevent, or lessen this flooding. However, as City staff has indicated to Mr. Kelley, there are local, state, and federal regulations that he as a homeowner should be aware of, including prohibiting the placement of soil or fill dirt in this area, preventing the removal of trees, or placing obstructions along the creek. Each of the following links has been provided to Mr. Kelley to help explain many of these regulations:

<http://mapserver.mecklenburgcountync.gov/3dfz> (Local, federal floodplain restrictions)

<http://portal.ncdenr.org/web/wq/swp/ws/401> (State and federal stream restrictions)

City staff has mentioned to Mr. Kelley that flooding from Campbell Creek will naturally deposit sediment onto his property and, because those sediment deposits are not considered a qualifying problem, he as the homeowner will need to perform any minor cleaning deemed necessary for his property.

Several of the photos Mr. Kelley shared with City Council during the Council meeting on July 28 do not indicate a qualifying flooding problem. Flooding along Campbell Creek during a large rainfall is normal and will repeatedly occur in the federally-regulated floodplain. Attached is a map showing that Mr. Kelley's property is located in a federally-regulated floodplain. Again, this area is susceptible to flooding.



Subdivision Plat Map  
with Floodline.pdf

### **August 25, 2014 – Council Business Meeting**

#### **Streetcar Project Construction Impacts**

*Staff Resource: Jeb Blackwell, Engineering & Property Management, 704-336-3603,*

[jblackwell@charlottenc.gov](mailto:jblackwell@charlottenc.gov)

During the Citizens' Forum, Mr. H. Edward Knox discussed the challenges the street car project construction on Trade Street posed for his business and other adjacent businesses impacted by the construction. Council has requested that City staff contact Mr. Knox directly to discuss construction updates and address the inconveniences to Mr. Knox, his staff and his clientele.

City Engineering staff met with Mr. Knox on Monday afternoon, August 25, to discuss his concerns and issues with the Streetcar Starter Project construction activities. During the meeting, Mr. Knox and others pointed out several issues and expressed a desire for the contractor to finish. Staff provided a brief update on the construction activities adjacent to his business:

- This week the contractor is scheduled to open the US Bonding driveway at 101 N. McDowell and is scheduled to pour the sidewalk in front of the Knox Law Center.
- Although not scheduled this week, the contractor will also be fixing the chipped concrete on the corner of Mr. Knox's building.
- Staff also checked on a mirror that was removed from the driveway of Mr. Knox's business. The mirror is being stored nearby, and the City's contractor has plans to reinstall it once construction is complete. Staff will inform Mr. Knox when the mirror is scheduled to be reinstalled.

If other issues should arise during construction, Mr. Knox has been instructed to contact City staff who will work diligently to resolve those issues. Staff is committed to keeping Mr. Knox informed on when they expect the work to be completed in front of his building.

### **Silver Oaks Apartments**

*Staff Resource: Alban Burney, City Manager's Office, 704-336-4947, [aburney@charlottenc.gov](mailto:aburney@charlottenc.gov)*

During the Citizens' Forum, Eric Johnson spoke to Council about the money he has lost in rental fees at Silver Oaks Apartments, which have been demolished. Mr. Johnson is currently residing in a hotel in Charlotte.

On Monday, August 25, Alban Burney with the City Manager's Office referred Mr. Johnson to a representative of LegalShield in an effort to help Mr. Johnson find affordable legal service. Mr. Burney followed up with Mr. Johnson on Tuesday, August 26 and confirmed that he had spoken with someone from LegalShield. To date, Mr. Burney has not heard from Mr. Johnson to determine if he was successful in speaking with an attorney about his case.

### **Miracle House of Hope and Probation System**

*Staff Resource: Kim Oliver, City Manager's Office, 704-336-2180, [koliver@charlottenc.gov](mailto:koliver@charlottenc.gov)*

During the Citizens' Forum, Pastor Bruce Little spoke to Council about his unsuccessful efforts communicating with the probation and parole system regarding the Miracle House of Prayer. The Mayor suggested that City staff call Pastor Little with the contact information for members of the State delegation to assist with his concerns.

On Tuesday, August 26, Kim Oliver with the City Manager's Office, called Pastor Little and left a message providing contact information to the State offices of Senator Joel Ford, Representative Becky Carney (his representatives), and the Administrative Offices of the Court in Raleigh. Ms. Oliver followed up on Friday, August 29 with another call to Pastor Little to ensure that he received her message from Tuesday. To date, Ms. Oliver has not heard from Pastor Little to determine if he received her calls.

# Channel & Pond Features



Soil Bioengineering - Medium Growth



Swale - Concrete



Soil Bioengineering - Mature Growth



Swale - Grassed



Stilling Basin



Wetland BMP



## Charlotte Storm Water Services

**Title:** Applying the 50/50 Property Owner Cost Sharing Policy

**ID #:** PRA-4

**Division/Program Manager:** Jennifer Smith  
**Approval** \_\_\_\_\_

**Original Date:** 4/12/93    **Revised Date:** 6/1/2011    **Revision #:** 2

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### Introduction

Charlotte Storm Water Services provides repair and improvement of storm drainage facilities on private property where there is a 'qualifying' drainage problem (refer to position #13, Applying Qualification Criteria for Storm Water Service, for clarification).

The 50/50 Property Owner Cost Sharing Policy was adopted on April 12, 1993 by City Council to provide property owners a means of moving up on the service request list.

### Discussion

Occasions arise where a property owner would be willing to contribute part of the cost of the entire project in order to have it completed earlier than it would be otherwise. Three direct advantages can be identified for providing this opportunity:

- More drainage problems could be addressed using the funds available.
- A problem could be corrected before the conditions further deteriorate, possibly later costing the City more than the full cost of repair today.
- The property owner realizes a solution more quickly.

The improvement must not produce negative downstream or upstream impacts or make a situation worse that may need to be addressed through the larger CIP process.

### Procedure

A property owner may share the cost of a project in order to speed its construction as follows:

- The property owner must pay one half of the total project cost, which includes but not limited to: design, permitting, mitigation and construction. The property owners' share of the costs will be based on a cost estimate without adding staffs work time, with one exception: 50% of the design cost of the project will be added to the property owners' cost if the design is performed by an outside group (i.e., Design Division or a consultant).
- If the design is performed by an outside group, the property owner must pay their share of the design costs in full prior to the start of design.
- The property owner must pay their share of the construction costs in full prior to the beginning of construction.
- City sponsored financing will not be available.

- All involved property owners must consent to the project and donate the necessary easements.
- City staff will schedule design and construction as soon as practical in coordination with other projects and resources.
- If multiple property owners are involved, they will determine among themselves how much each participant will pay.
- The estimate of the work will be a not-to-exceed estimate. If the cost is higher than anticipated, then the City pays for 100% of the overrun. If the cost is lower, the property owner will be due a refund.
- No more than ten percent of available funding in the Repair and Maintenance, Minor, Flood Control, Pollution Control, Stream Restoration centers in each year can be used for cost share projects.

APPROVED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 20, ARTICLE 1 OF THE CITY CODE OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

SECRETARY  
 DATE 7/24/86

STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG  
 I, CHARLES F. CHAMBER, REGISTER OF DEEDS AND STATE, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF

AS THE SAME IS FOUND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MECKLENBURG COUNTY, NORTH CAROLINA, IN BOOK 441 PAGE 441

WITNESS MY HAND AND OFFICIAL SEAL, THIS 24th DAY OF JULY 1986

BY: CHARLES F. CHAMBER, REGISTER OF DEEDS  
 DEPUTY



STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG  
 THE FOREGOING CERTIFICATION OF

A NOTARY PUBLIC OF MECKLENBURG COUNTY OF STATE OF NORTH CAROLINA IS HEREBY CERTIFIED TO BE CORRECT. THIS THE 24th DAY OF JULY 1986.

BY: JOHN R. YARBROUGH, REGISTERED LAND SURVEYOR  
 DEPUTY



I, JOHN R. YARBROUGH, REGISTERED LAND SURVEYOR BEING DULY SWORN, DO CERTIFY THAT THE PLAT UPON WHICH THIS CERTIFICATE APPEARS WAS PREPARED BY ACCORDANCE WITH G.S. 19-20 AS AMENDED, IS IN ALL RESPECTS CORRECT ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF AND WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE 16th DAY OF MAY 1986.

AND I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS INSTRUMENT AND I HAVE SIGNED MY NAME AND OFFICIAL SEAL OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS 24th DAY OF JULY 1986.

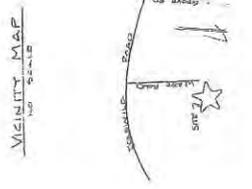
SIGNED: John R. Yarbrough  
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I, JOHN E. WILLIAMS, A NOTARY PUBLIC IN THE STATE OF NORTH CAROLINA, DO HEREBY CERTIFY THAT JOHN R. YARBROUGH, REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE AND UPON HIS OATH SWORE TO THE TRUTH OF THE STATEMENTS SET FORTH THEREIN.

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SIGNED: John E. Williams  
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MY COMMISSION EXPIRES 7-26-88



SCALE 1"=100'

DATE 7-16-86

OWNER R-9

PLANNING PC

RECORD BY TBLW

22-159

SHERIFF TITLE

RECORD PLAT

9:208 AC.

PROJECT

IDLEWILD BROOKE MAP 3

CITY OF CHARLOTTE MECK. CO. N.C.

HARRY GRIMMER & CO.

John R. Yarbrough & Associates, Inc.  
 SAN F. WILLIAMS, PLS  
 3229 S. HAVO, CHARLOTTE, NC 28209  
 (704) 524-6624

**FLOODLINE STATEMENT**

ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED ON THIS PLAT SHALL BE SUBJECT TO THE CITY OF CHARLOTTE FLOODLINE REGULATIONS. THESE RESTRICTIONS APPLY TO THE PLAT AND ARE NOT TO BE CONSIDERED AS A WAIVER OF THE CITY OF CHARLOTTE FLOODLINE REGULATIONS.



## Charlotte Storm Water Services

**Title:** Applying the 50/50 Property Owner Cost Sharing Policy

**ID #:** PRA-4

**Division/Program Manager:** Jennifer Smith  
**Approval** \_\_\_\_\_

**Original Date:** 4/12/93    **Revised Date:** 6/1/2011    **Revision #:** 2

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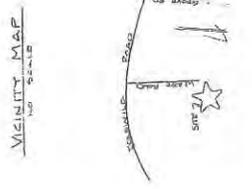
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