

ORDINANCE NO. 3938-X

O-82

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X , THE 2007-2008 BUDGET ORDINANCE, APPROPRIATING \$19,965,260 IN FEDERAL AVIATION ADMINISTRATION GRANT FUNDS TOWARDS REIMBURSEMENT FOR A PORTION OF THIRD PARALLEL RUNWAY GRADING AND NAVIGATIONAL AID EQUIPMENT.

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$19,965,260 is available from Federal Aviation Administration grant funds

Section 2. That the sum of \$19,965,260 is hereby appropriated to the Airport Capital Projects Fund:

2090 - 540.14 = \$15,794,864
2090 - 540.02 = \$4,170,396

Section 3. That the sum of \$19,965,260 of previously appropriated Discretionary Fund Balance, as noted below, be replaced with the abovementioned grant funds:

2090 - 540.14 = \$15,794,864
2090 - 540.02 = \$4,170,396

Section 4. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 5. All ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall be effective upon adoption.

Approved as to form:



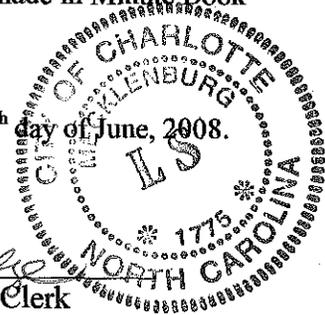
Sr. Dep. City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Page 607.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2008.


Brenda R. Freeze, CMC, City Clerk



ORDINANCE NO. 3939-X

O-83

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR TRAFFIC SIGNAL INSTALLATION AND IMPROVEMENTS

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$261,695 is hereby estimated to be available from the following private development sources:

McAlpine, LLC	\$ 207,495
Ashley Court Apartments, LLC	\$ 40,000
Pinnacle Point ATE, LLC	\$ 9,200
Shea Homes, LLC	\$ 5,000

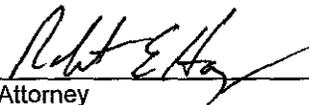
Section 2. That the sum of \$261,695 is hereby appropriated in the General Capital Investment Fund (2010) to the Developer Contributions Project (281.52).

Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 5. All ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall be effective upon adoption.

Approved as to form:

Sa Dy


City Attorney

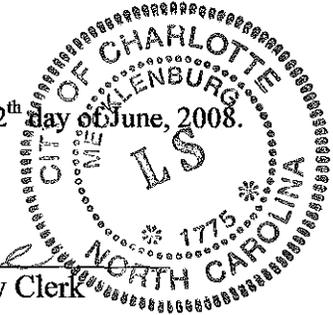
CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Page 608.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2008.



Brenda R. Freeze, CMC, City Clerk



ORDINANCE NO. 3940-X

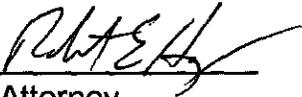
O-84

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET ORDINANCE, ESTIMATING AND APPROPRIATING UNITED STATES DEPARTMENT OF HOMELAND SECURITY GRANT FUNDING.

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$2,993,356.80 is hereby estimated to be available from the United States Department of Homeland Security.
- Section 2. That the sum of \$2,993,356.80 is hereby appropriated to the General Capital Projects Fund 2010; 48108 - Public Safety Digital Communications.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective immediately.

Approved as to Form:

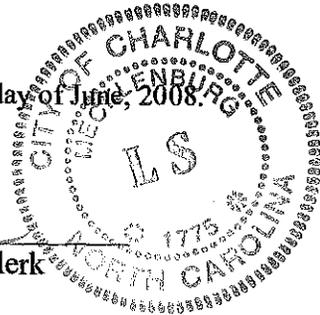
SR Dey 
City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Page 609.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2008.


Brenda R. Freeze, CMC, City Clerk



ORDINANCE NO. 3941

AMENDING CHAPTER 18

AN ORDINANCE AMENDING CHAPTER 18 OF THE CHARLOTTE CITY CODE ENTITLED "STORMWATER POLLUTION CONTROL ORDINANCE"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA THAT:

Section 1: Sections 18-76 through 18-88 of the City Code are amended to read as follows:

Sec. 18-76. Statutory and general authorization.

The State legislature has, in G.S. 160A-314 ~~et seq.~~ 459, authorized cities to ~~establish a Stormwater management program~~ adopt and enforce a Stormwater control ordinance to protect water quality and control water quantity.

As a result, the City of Charlotte ("City") implements, administers and enforces the provisions of the Charlotte Stormwater Ordinance ("Ordinance").

Charlotte-Mecklenburg Storm Water Services ("CMSWS") is a duly authorized representative of the City in the administration, implementation and enforcement of the Charlotte Stormwater Ordinance and is thereby entitled to all the rights granted to the City in this article.

Sec. 18-77. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business Day means any day that CMSWS is open to the public to conduct business.

Charity Vehicle Washing means vehicle or equipment washing performed to raise money to be used for purposes other than making a profit.

Charlotte-Mecklenburg Storm Water Services or CMSWS means staff of the City of Charlotte and Mecklenburg County Stormwater Services, both of which work to improve water quality and manage water quantity for all residents of Mecklenburg County.

City means the City of Charlotte.

Commercial means property devoted in whole or part to commerce, that is, the exchange and buying and selling of commodities or services.

Day(s) means calendar days, including Saturdays, Sundays and holidays, unless otherwise specified.

Discharge means the addition of any Pollutant either directly or indirectly to the Stormwater System or Waters of the State.

EPA means the U.S. Environmental Protection Agency or other duly authorized official of the agency.

Illicit eConnection means any physical connection, actual or potential flow discharge, or other condition which ~~that~~ could ~~permit~~ allow Non-Stormwater to enter the Stormwater System.

Illicit Discharge means any discharge not composed entirely of Stormwater that may directly or indirectly enter the Stormwater System or Waters of the State, except as exempted in Section 18-81 of this article.

Illicit Disposal means the same as Illicit Discharge.

Improper dDisposal means the releasing of matter or fluids other than atmospheric precipitation at a location where the matter or fluid can enter the Stormwater System.

Incidental means occurring by chance or without intention or calculation; also minor, casual or subordinate in significance or nature.

Industrial means a business engaged in industrial production or service, that is, a business characterized by manufacturing or productive enterprise or a related service business.

Manager means the person designated by the City to manage Stormwater Services and who is charged with certain duties and responsibilities by this article, or that person's duly authorized representative.

NC DENR means the North Carolina Department of Environment and Natural Resources.

NCGS means North Carolina General Statute.

Non-Stormwater means any flow which ~~that~~ is not from a form of natural precipitation.

NPDES permit means the National ~~Pollution~~ Pollutant Discharge Elimination System Permit issued pursuant to the federal Clean Water Act, 33 USC 1251 et seq.

Person means any individual, partnership, firm, association, company, trust, estate, corporation, commission, institution, utility, governmental entity or other legal entity or their legal representatives, agents or assigns.

Pollutant means a ~~man-induced~~ substance which ~~that~~ alters the chemical, physical, biological, thermal and/or radiological integrity of water Stormwater, groundwater or surface water.

Pollution and Polluted mean containing Pollutants.

Receiving Stream means the body of water, stream or watercourse receiving the discharge waters from the Stormwater System, or formed by the water discharged from the Stormwater System.

Riparian means relating to or living or located on the bank of a natural watercourse or waterbody.

Runoff means the excess portion of precipitation that does not infiltrate the ground, but flows over the ground and into a conveyance or watercourse.

State, when referring to regulatory authority, means the state NC Department of Environment, health and Natural Resources, ~~division of environmental management~~, or any duly authorized representative thereof; otherwise, it means the State of North Carolina.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Storm Water Advisory Committee ("SWAC") means the Charlotte-Mecklenburg Stormwater Advisory Committee as established by the joint resolution of the City of Charlotte Council and the Board of Mecklenburg County Commissioners, together with any amendments thereto.

Stormwater System means the network of curbs, gutters, inlets, pipes, ditches, swales, ponds, detention and retention basins, streams, and other natural or manmade facilities and appurtenances which that serve to collect and convey Stormwater through and from a given drainage area.

Uncontaminated means not containing any Pollutants.

Unmodified Potable Water means tap water that has not had detergents, acids, degreasers, surfactants or other agents added to or mixed with it, regardless of whether the added agent is labeled as or generally considered to be biodegradable.

Wash Water is a subset of Wastewater, and means any water or liquid discharged after and as a result of conducting washing or cleaning activity.

Wastewater means any water or other liquid, other than Uncontaminated Stormwater or Uncontaminated Potable Water, discharged from a facility after use. Examples include water used for washing, flushing, cleaning, or in a manufacturing process.

Waters of the State, as defined in NCGS §143-212(6), means any intermittent or perennial stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction.

Sec. 18-78. Purpose.

The purpose of this article is to protect water quality by controlling the level of Pollutants in the Stormwater System and making it illegal for certain Pollutants to enter the Stormwater System. This article is supplemental to and in no way replaces regulations administered by the State or federal government.

The objectives of this article are:

- (1) To regulate the contribution of Pollutants to the municipal Stormwater System;
- (2) To prohibit Illicit Connections and Illicit Discharges to the municipal Stormwater System; and
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, enforcement and penalty procedures necessary to ensure compliance with this article.

Sec. 18-7879. Jurisdiction

The provisions of this article shall apply to the area encompassed within the City of Charlotte corporate limits.

Sec. 18-7980. Permitted Incidental non-stormwater flows. Prohibitions.

Sec. 18-80. General discharge prohibitions.

(a) Illicit Discharge(s) and Disposal(s). (a)-Restrictions. No person shall cause or allow the discharge or disposal of Non-Stormwater, cause to be discharged, either directly or indirectly, or cause any pollutant to enter into to the Storm drain Water System, Waters of the State, or upon the land in a manner or amount that is likely to reach the Stormwater System or Waters of the State unless permitted by an NPDES permit except as described below in Section 18-81. Examples of Illicit Discharges and Illicit Disposals include, but are not limited to: oil; grease; household and Industrial chemical waste; paint; paint Wash Water; garbage; yard waste; animal waste; food waste; chlorinated swimming pool water; concrete; concrete equipment Wash Water; Commercial vehicle Wash Water; heated water; soaps/detergents; sediment/silt or any other discarded or abandoned substances or waste materials.

(b) Actions. When the city determines that a Pollution discharge has occurred or is imminent, the city is authorized to employ whatever enforcement actions apply.

Sec. 18-81. (b) Illicit Connection(s). Pipelines, ditches and overland flow carrying nonstormwater may not discharge into the stormwater system with the exception of Incidental nonstormwater flow which does not negatively impact the quality of the Receiving Stream as described in section 18-79 of this Article or as permitted by an NPDES Permit. No Person shall install, maintain or use any connection to the municipal Stormwater System or Waters of the State for the discharge of Non-Stormwater or shall cause Non-Stormwater to be discharged or conveyed through a connection to the Stormwater System or Waters of the State unless the discharge is a permitted discharge listed in Section 18-81.

This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

~~Prohibited discharges~~ Examples of Illicit Connections include, but are not limited to:

- (1) Wastewater lines such as those from washing machines or sanitary sewers; and
- (2) ~~Commercial washwater from cleaning vehicles or equipment;~~ Pipes or drains carrying Wastewater or Wash Water from a building, operation or property.
- (3) ~~Flushing water such as that from Industrial operations; floor drains; overflowing septic systems; and misuse of fertilizers, pesticides and herbicides.~~

~~Sec. 18-82. Improper disposal.~~

~~Solids and fluids which may be harmful to biological life shall not be disposed in or near the stormwater system or at a location exposed to wind or rain which could transport the substances to the stormwater system. Prohibited substances include, but are not limited to, oil, grease, and household and industrial chemical waste. Quantities of leaves, dead plant or animal matter and animal waste are prohibited when a detrimental impact occurs.~~

~~Sec. 18-83. (c) Accidental dDischarge(s).~~ If an accidental discharge to the municipal Stormwater sSystem occurs, the responsible party Person shall immediately begin to collect and remove the discharge and restore all affected areas to their original pre-discharge condition. The responsible party Person shall immediately notify the City or other duly authorized representative CMSWS, and other authorities as appropriate, of the accidental discharge by telephone or other mode of instantaneous communication. The notification shall include the location of the discharge, type of Pollutant, volume, time of discharge and corrective action taken. Such notification shall not relieve the responsible party Person of any of the expenses related to restoration, loss, damages or any other liability that may be incurred as a result; nor shall such notification relieve the responsible party from other liability ~~which that~~ may be imposed by this article or other applicable law.

(d) Obstruction a Violation. Obstruction, as outlined in Section18-82(d) of this article, shall be a violation. Said violation may be enforced against the

violator as a discrete violation of this article or as a factor in conjunction with other enforcement remedies and penalties.

Sec. 18-81. Permitted Incidental nNon-Stormwater fFlows.

Stormwater is the only discharge permitted in the Stormwater System with exception of Incidental Non-Stormwater flows ~~which~~ that do not negatively impact the quality of the receiving stream, ~~including~~. Incidental Non-Stormwater flows include:

- (1) Water line flushing, except super-chlorinated water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- ~~(3~~ 4) Uncontaminated groundwater infiltration (as defined at 40 CFR §35.2005(20));
- ~~(4~~ 5) Uncontaminated, pumped groundwater;
- (6) Rising groundwaters;
- ~~(5~~ 7) Discharges from Uncontaminated potable water sources;
- ~~(6~~ 8) Collected infiltrated Stormwater from foundation drains or footing drains;
- ~~(7~~ 9) Air conditioning condensate from residential or commercial units;
- ~~(8~~ 10) Irrigation water (does not include reclaimed water as described in 15A NCAC 2H .0200);
- ~~(9~~ 11) Uncontaminated springs;
- (12) Uncontaminated, collected groundwater and infiltrated Stormwater from basement or crawl space pumps;
- ~~(10~~ 13) Lawn watering;
- ~~(11~~ 14) Dechlorinated swimming pool discharge;
- ~~(12~~ 15) Street Wash Water only when Unmodified Potable Water is used;
- ~~(13~~ 16) Flows from emergency fire and rescue operations other than those resulting from negligence on the part of the Person who owned or controlled the Pollutant;
- (17) Residential and Charity Vehicle Washing (*see note below);
- (18) Flows from Riparian habitats and wetlands;
- (19) NPDES permitted discharges authorized by the EPA or NC DENR;
- (20) Dye testing, using suitable dyes, for verifying cross-connections, tracing plumbing lines, determining flow direction or rate and for similar purposes, provided that verbal notification by non-governmental entities is provided to CMSWS prior to testing; and
- (21) Removal of Stormwater System blockages with Unmodified Potable Water.

* Designated vehicle wash areas at multi-family residential complexes are not allowed if they connect, directly or indirectly, to the Stormwater System or surface waters. Charity Vehicle Washing performed by the same organization or at the same location on a routine basis (more than one time in a thirty-day period) is not allowed under this article.

Sec. ~~18-84~~ 18-82. Powers and ~~a~~Authority for ~~i~~Inspection.

~~City personnel or other duly authorized representatives, bearing proper identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with this article. No person shall obstruct, hamper, or interfere with any such representative while carrying out official duties.~~

(a) Authority to inspect and monitor. CMSWS personnel, bearing proper identification, may enter public or private properties at all reasonable times to inspect, investigate, or monitor activities and conditions subject to this article. Persons occupying premises to be inspected shall allow CMSWS ready access at all times to all parts of the premises to perform inspection, monitoring, records examination, copying, photography, video recording or other duties. CMSWS shall have the right to set up on the Person's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a Person has security measures in force that would require identification and clearance before entry into the premises, the Person shall make arrangements with security personnel so that, upon presentation of identification, personnel from CMSWS will be permitted to enter and perform their specific responsibilities without delay. Denial of CMSWS' access to the Person's premises or portions thereof shall be a violation of this article. Denial of access may also occur if a Person fails to provide, without unreasonable delay, such facilities, equipment, or devices as are reasonably necessary to permit CMSWS personnel to perform their duties in a safe manner. Unreasonable delays may constitute denial of access. Any delay of more than five minutes may be considered unreasonable.

(b) Search warrants. To the extent permitted by law, CMSWS may seek the issuance of a search warrant to determine compliance with this article.

(c) Confidential information.

(1) To the extent permitted by applicable law and except as otherwise provided in this section, information and data on a Person obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other

government agencies without restriction, unless the Person specifically requests, and is able to demonstrate to the satisfaction of CMSWS, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Person. Any such request must be asserted at the time of submission of the information or data.

(2) To the extent permitted by applicable law, when requested by a Person furnishing a report, the portions of a report that might disclose trade secrets shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this article provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report.

(3) Documents that are not public records and the information set forth therein may be withheld and released only as provided by applicable law.

(d) Obstruction. No person shall obstruct, hamper, or interfere with CMSWS while carrying out official duties. Upon presentation of credentials by CMSWS, necessary arrangements shall be made to allow immediate access onto premises or into an area protected by security measures. Any obstruction to the safe and easy access to property, a facility or enclosure on property, or to monitoring devices shall immediately be removed. Unreasonable delays in providing safe and reasonable access or removing obstructions shall be a violation of this article.

~~Sec. 18-85. Notice of violation.~~

~~When the manager finds that a discharge or disposal violates any section of this article, the~~

~~manager may issue a notice of violation and direct the responsible party to:~~

~~(1) Comply immediately;~~

~~(2) Comply in accordance with a schedule set forth in the notice; or~~

~~(3) Take appropriate remedial or preventative action if a continuing or threatening violation~~

~~occurs.~~

Sec. 18-83. Enforcement Remedies and Penalties.

(a) Remedies not limited. The remedies provided herein are not exclusive; may be exercised singly, simultaneously, or cumulatively; may be combined

with any other remedies authorized under the law; and may be exercised in any order.

(b). Notice of violation and meeting with CMSWS.

(1) Content of notice. Except in emergencies, as described in Section 18-83(k), upon CMSWS' determination that a violation has occurred, CMSWS shall provide to each Person against whom remedial action or penalties may be pursued, notice that describes: a) the location of the property and the nature of the violation; b) a general description of the remedies and penalties that may be incurred; c) the action(s) needed to correct the violation, which shall include a requirement to restore areas affected by the violator's discharge(s) to the pre-violation condition; d) the time limit, if required, by which corrective actions must occur; e) how to provide explanatory or additional information to CMSWS and a contact Person with whom the violation can be discussed; and f) how to request a meeting with CMSWS for certain violations as described in Section 18-83(b)(3) below. The notice shall also require the violator to provide written notification explaining actions taken to correct the violation and to prevent future violations. Only one such notice shall be required to each violator, regardless of the number of remedies or penalties that are pursued or the timing of their institution. In addition, no time period for compliance need be given for obstructing, hampering or interfering with an authorized representative while in the process of carrying out duties under this article.

Said notice shall further advise the violator that should the violator fail to remediate or restore the affected area(s) within the established deadline, the restoration work may be done by CMSWS or a contractor designated by CMSWS pursuant to Section 18-83(j), and the expense thereof shall be charged to the violator.

(2) Service. The notice may be served by mail, hand delivery, verbally, or by any means authorized under N.C.G.S. 1A-1, Rule 4. Refusal to accept the notice shall not relieve the violator's obligation to comply with this article.

(3) Meeting with CMSWS. If the violator makes a timely request for a meeting with CMSWS during the time period set forth in the notice, such meeting shall be scheduled at a time determined in the discretion of CMSWS prior to imposing a civil penalty, compliance order, or cease and desist order; or prior to withholding an inspection, permit, certificate of occupancy or other approval. The violator shall have the

opportunity to present any information relevant to the violation or proposed remedy or penalty at the meeting, in writing or orally.

~~Sec. 18-86. Civil penalties.~~

(c) Civil penalties.

(a 1) Any Person who allows, acts in concert, participates, directs, or assists directly or indirectly in the creation of a violation of this article is subject to a civil penalty. A civil penalty may be assessed from the date the violation first occurs.

~~Any person who violates any of the sections of this article shall be subject to a civil penalty of up to \$1,000.00 per day for first-time offenders. Each subsequent violation is subject to incrementally increasing penalties of up to an additional \$1,000.00, such that a second violation is subject to a penalty of up to \$2,000.00 per day, and a third violation is subject to a penalty of up to \$3,000.00 per day and so on, not to exceed a maximum penalty of \$10,000.00 per day.~~

(2) The maximum civil penalty for each violation of this article is \$5,000.00. Each Day of violation shall constitute a separate violation.

~~(b 3) No penalty shall be assessed until the Person alleged to be in violation has been served written notice of the violation as described in Section 18-83(b). by registered or certified mail or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty and/or other enforcement action. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date of receipt of the notice of violation. Refusal to accept the notice shall not relieve the violator of the obligation to pay such penalty. However, no time period for compliance need be given for obstructing, hampering or interfering with an authorized representative while in the process of carrying out official duties.~~

(4) Penalties may be assessed concurrently with a notice of violation for any of the following:

(i) Obstructing, hampering or interfering with an authorized CMSWS representative who is in the process of carrying out official duties under this article;

(ii) A repeated violation for which a notice of violation was previously given to the Person responsible for the violation; or

(iii) Willful violation of this article.

(5) In determining the amount of a civil penalty, CMSWS shall consider any relevant mitigating and aggravating factors including, but not limited to the following:

- (i) Degree and extent of harm caused by the violation;
- (ii) Duration and gravity of the violation;
- (iii) Effect on ground or surface water or on flooding potential;
- (iv) Cost of rectifying the damage;
- (v) Amount of money saved through non-compliance;
- (vi) Whether the violator took reasonable measures to comply with this article;
- (vii) Knowledge of the requirements by the violator and/or reasonable opportunity or obligation to obtain such knowledge;
- (viii) Whether the violator voluntarily took reasonable measures to restore any areas damaged by the violation;
- (ix) Whether the violation was committed willfully;
- (x) Whether the violator reported the violation to an appropriate authority;
- (xi) Technical and economic reasonableness of reducing or eliminating the discharge; and
- (xii) Prior record of the violator in complying or failing to comply with this article or any other water Pollution control ordinance or regulation.

~~(c) In addition to the per diem civil penalty, penalties for costs to restore damaged property may be assessed based on restoration costs which include, but are not limited to, cleanup costs, devaluation of the property, value of animal and plant life damaged, and city administrative costs.~~

~~(d 6) The manager CMSWS shall determine the amount of the civil penalty to be assessed under this section and shall make written demand for payment upon the Person in violation and shall set forth in detail a description of the violation for which the penalty was imposed.~~

~~In determining the amount of the penalty, the degree and extent of harm caused by the violation shall be considered. Notice of the said assessment shall be by registered or certified mail or other means reasonably calculated to give adequate notice. If a payment is not received or an appeal requested, as provided for in this Article, a violator does not pay a civil penalty assessed by CMSWS within 30 days after the demand for payment it is due, or does not request a hearing as provided in Section 18-84, the matter shall be referred to the CMSWS shall request the City Attorney to institute a for institution of civil action in the name of the city in the appropriate division of the general courts of justice for recovery of the penalty. to recover the~~

amount of the assessment. The civil action shall be brought in Mecklenburg County Superior Court or in any other court of competent jurisdiction. Such civil actions must be filed within three years of the date the notice of penalties assessment was served on the violator.

(7) An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(e 8) Civil penalties collected pursuant to this article shall be credited to the City's general fund as a nontax revenue.

(f 9) A violation of this article shall not constitute a misdemeanor or infraction punishable under G.S. 14-4, but instead shall be subject to the civil penalties fixed by this section.

(d) Cost recovery. CMSWS may also recover from the violator:

(1) Costs to restore damaged property based on restoration costs, which include, but are not limited to, cleanup costs, devaluation of the property, value of animal and plant life damaged, and City administrative costs.

(2) Compensation for damage to or destruction of the Stormwater System.

In no case shall the maximum penalty per Day exceed the amount as specified in Section 18-83(c)(2).

(e) Compliance agreement. CMSWS may enter into compliance agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with the Person responsible for the non-compliance. Such agreements will include specific actions to be taken by the Person in violation to correct the non-compliance within a time period specified by the agreement. Compliance agreements shall have the same force and effect as compliance orders issued pursuant to Section 18-83(f) below.

(f) Compliance order. When CMSWS finds that any Person has violated or continues to violate any section of this article, an order may be issued to the violator directing that they do one, or a combination, of the following:

(1) Comply with the sections of this article in accordance with a time schedule set forth in the order;

(2) Take appropriate remedial or preventive actions for a continuing or threatened violation of any section of this article, including installation and proper operation of adequate structures/devices and/or implementation of procedures and management practices;

(3) Pay a civil penalty for violating any section of this article.

(g) Cease and desist order. Cease and desist orders may be issued as follows:

(1) If CMSWS finds that any Person has violated or continues to violate any section of this article, an order issued pursuant to this article, or any other provision of applicable law, CMSWS may issue an order requiring such Person to cease and desist all such violations and direct such Person to perform any one or more of the following:

(i) Comply immediately with all sections of this article, an order issued pursuant to this article, or other applicable law;

(ii) Take appropriate remedial or preventive actions for a continuing or threatened violation of any section of this article, a compliance agreement issued pursuant to this article, an order issued pursuant to this article, or any other provision of applicable law.

(2) CMSWS may include in such order the payment of a civil penalty for violating any section of this article, or for violating a compliance agreement or order issued pursuant to this article.

(h) Withholding of inspections, permits, certificate of occupancy or other approvals. Building inspections; permits for development or other improvements; requests for plan approval for zoning, subdivision, other development or construction; and certificates of occupancy may be withheld or conditioned upon compliance with this article until a violator with ownership or management of the property for which permits or approvals are sought has fully complied with this article and all actions taken pursuant to this article.

(i) Restoration of areas affected by failure to comply. CMSWS may require a Person responsible for a violation to restore all areas affected by the violation to their pre-violation condition in order to minimize the detrimental

effects of the resulting impacts. This authority is in addition to any other enforcement actions authorized under this article.

(j) Abatement by CMSWS. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or by other allowable remedies, or, in the event of an appeal under Section 18-84, within 10 Days of the decision of the Stormwater Advisory Committee to uphold the decision of CMSWS, then CMSWS, or a contractor designated by CMSWS, shall may enter upon the subject premises and is authorized to take any and all measures necessary to abate the violation and/or restore impacted areas to their pre-violation condition in order to minimize the detrimental effects of the resulting impacts. It shall be unlawful for any Person in possession or control of any premises to refuse to allow CMSWS or its designated contractor to enter upon the premises for the purposes set forth above.

The Person in violation will be notified of the cost of abatement, including administrative costs. If the specified amount is not paid within 30 days after it is due, CMSWS shall request the City Attorney to institute a civil action to recover the specified amount. The civil action shall be brought in Mecklenburg County Superior Court or in any other court of competent jurisdiction. Such civil actions must be filed within three years of the date said notice was served on the violator.

(k) Emergencies. If delay in correcting a violation would seriously threaten the effective enforcement of this article or pose an immediate danger to the public health, safety, or welfare, or the environment, including but not limited to Waters of the State, then CMSWS may order the immediate cessation of the violation. Any Person ordered to cease such violation or to remedy such violation shall do so immediately. CMSWS may seek immediate enforcement through any remedy or penalty authorized in this article or other applicable law.

(l) Injunctive relief.

(1) Whenever CMSWS has reasonable cause to believe that any Person is violating or threatening to violate this article, CMSWS may, either before or after the institution of any other action or proceeding authorized by this article, authorize the City Attorney to institute a civil action in the name of CMSWS for injunctive relief to restrain the violation or threatened violation. The action shall be brought pursuant to G.S. 153A-123 in Mecklenburg County Superior Court.

(2) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter such orders or judgments as are

necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil penalty prescribed for violations of this article.

Sec. 18-87 84. Appeal pProcess.

~~(a) Any person who has been served a notice of violation may request an appeal hearing from the stormwater advisory committee. The appellant's obligation to satisfy a notice of violation will not be delayed by a request for appeal. An appeal of a notice of penalty must be made in writing within 30 days after the demand of payment. The committee has 90 days to hear the appeal and an additional 60 days to respond in writing to the appellant with its findings. The committee is to provide the appellant with its findings by registered or certified mail or other means reasonably calculated to secure receipt.~~
~~(b) The committee is to provide the appellant a minimum of ten days' notice of the time and place of the hearing.~~
~~(c) If the committee determines that a penalty was properly charged, the appellant must provide payment within 30 days of receiving the committee's findings.~~

(a) Issuance of a notice of violation, assessment of a civil penalty, cease and desist order and/or compliance order.

(1) The issuance of a notice of violation or notice of assessment of a civil penalty by CMSWS shall entitle the Person responsible for the violation of the article ("Petitioner") to a public hearing before the Storm Water Advisory Committee ("Committee") if such Person submits written demand for a hearing to the Clerk of the Committee ("Clerk") within 30 Days of the receipt of the notice. The demand for a hearing filed with the Clerk shall be accompanied by a filing fee as established by the Committee. In the demand for a hearing on a civil penalty assessment, the Petitioner must state separately each reason why such penalty should not be assessed or, if the Petitioner contends that the civil penalty was assessed in an improper amount, each reason why the amount of the penalty is improper. Each assessment of a civil penalty that has been included in a demand for a hearing in accordance with this section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: the assessment of the civil penalty is approved or is modified by the Committee; or the Petitioner and CMSWS agree on the assessment of the civil penalty. Failure to timely file such demand and fee shall

constitute a waiver of any rights to appeal under this article and the Committee shall have no jurisdiction to hear the appeal.

(2) The issuance of a cease and desist order and/or compliance order by CMSWS shall entitle Petitioner to a public hearing before the Committee if such Petitioner submits written demand for a hearing to the Clerk within the following schedule:

(i) within ten days of the receipt of a cease and desist order issued pursuant to Section 18-83(g);

(ii) within twenty days of the receipt of a compliance order issued pursuant to Section 18-83(f);

In the demand for a hearing on the issuance of such an order, the Petitioner must identify separately each provision of the order that is improper and every basis for such contention. Each provision of an order that has been included in a demand for a hearing in accordance with this section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: such provision is approved or is modified by the Committee; or the Petitioner and CMSWS agree on the terms of the order. This subsection shall not be construed to stay any section of this article or other applicable law.

The demand for a hearing filed with the Clerk shall be accompanied by a filing fee as established by the Committee. Failure to timely file such demand and fee shall constitute a waiver of any rights to appeal under this article and the Committee shall have no jurisdiction to hear the appeal.

(3) Within 5 Days of receiving the Petitioner's demand for a hearing, the Clerk shall notify the Chairman of the Committee ("Chairman") of the request for hearing. As soon as possible after the receipt of said notice, the Chairman shall set a time and place for the hearing and notify the Petitioner by mail of the date, time and place of the hearing. The time specified for the hearing shall be either at the next regularly scheduled meeting of the Committee from the submission of the notice, or as soon thereafter as practical, or at a special meeting. The hearing shall be conducted pursuant to the provisions of Section 18-84(b) of this article.

(4) Any party aggrieved by the decision of the Committee with regard to the issuance of a notice of violation, notice of assessment of a civil penalty, cease and desist order or compliance order shall have 30

Days from the receipt of the decision of the Committee to file a petition for review in the nature of certiorari in Superior Court with the Clerk of Mecklenburg County Superior Court.

(b) Hearing procedure. The following provisions shall be applicable to any hearing conducted by the Committee pursuant to Section 18-84(a).

(1) At the hearing, Petitioner and CMSWS shall have the right to be present and to be heard, to be represented by counsel, and to present evidence through witnesses and competent testimony relevant to the issue(s) before the Committee.

(2) Rules of evidence shall not apply to a hearing conducted pursuant to this article and the Committee may give probative effect to competent, substantial and material evidence.

(3) At least 7 days before the hearing, the parties shall exchange a list of witnesses intended to be present at the hearing and a copy of any documentary evidence intended to be presented. The parties shall submit a copy of this information to the Clerk. Additional witnesses or documentary evidence may not be presented except upon consent of both parties or upon a majority vote of the Committee.

(4) Witnesses shall testify under oath or affirmation to be administered by the Court Reporter or another duly authorized official.

(5) The procedure at the hearing shall be such as to permit and secure a full, fair and orderly hearing and to permit all relevant, competent, substantial and material evidence to be received therein. A full record shall be kept of all evidence taken or offered at such hearing. Both the representative for CMSWS and for the Petitioner shall have the right to cross-examine witnesses.

(6) At the conclusion of the hearing, the Committee shall render its decision on the evidence submitted at such hearing and not otherwise.

(i) If, after considering the evidence presented at the hearing, the Committee concludes by a preponderance of the evidence that the grounds for CMSWS' actions (including the amount assessed as a civil penalty) with regard to either issuing a notice of violation, assessing a civil penalty, issuing a cease and desist order or issuing a compliance order are true and substantiated, the Committee shall uphold the action on the part of CMSWS.

(ii) If, after considering the evidence presented at the hearing, the Committee concludes by a preponderance of the evidence that the grounds for CMSWS' actions (including the amount assessed as a civil penalty) are not true and substantiated, the Committee shall, as it sees fit, either reverse or modify any order, requirement, decision or determination of CMSWS. The Committee Bylaws will determine the number of concurring votes needed to reverse or modify any order, requirement, decision or determination of CMSWS. If the Committee finds that the violation has occurred, but that in setting the amount of a penalty or setting order directives CMSWS has not considered or given appropriate weight to either mitigating or aggravating factors, the Committee shall either decrease or increase the per day civil penalty within the range allowed by this article, or modify order directives, as appropriate to the case. Any decision of the Committee that modifies the amount of the civil penalty or an order directive shall include, as part of the findings of fact and conclusions of law, findings as to which mitigating or aggravating factors exist and the appropriate weight that should have been given to such factors by CMSWS in setting the amount of the civil penalty or in issuing orders.

(7) The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question and the absence or failure of any member to vote. The decision of the Committee shall be based on findings of fact and conclusions of law to support its decision.

(8) The Committee shall send a copy of its findings and decision to the Applicant/Petitioner and CMSWS. If either party contemplates an appeal to a court of law, the party may request and obtain, at that party's own cost, a transcript of the proceedings.

(9) The decision of the Committee shall constitute a final decision.

Sec. 18-85. Severability

If any section or sections of this article is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

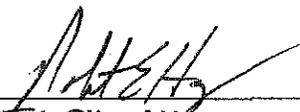
Sec. 18-88. Authority of county.

The county department of environmental protection is a duly authorized representative of the city

~~in the prevention and enforcement of stormwater pollution and is entitled to all the rights granted to the city in this article.~~

Section 2: This ordinance shall become effective on January 1, 2008.

Approved as to form:



Assistant City Attorney
SADP/S

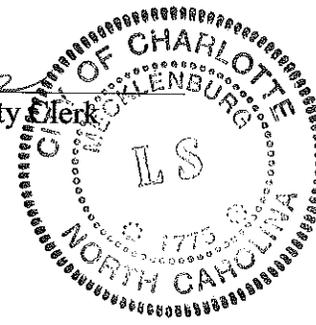
CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Pages (610-628).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2008.



Brenda R. Freeze, CMC, City Clerk



**2008-2009 BUDGET ORDINANCE NO. 3937-X
ADOPTED JUNE 9, 2008**

BE IT ORDAINED by the City of Charlotte, North Carolina;

Section 1. The following amounts are hereby appropriated for the operation of the City government and its activities for the fiscal year beginning July 1, 2008 and ending June 30, 2009 according to the following schedules:

SCHEDULE A. GENERAL OPERATING FUND (0101)	494,238,571
SCHEDULE B. UTILITIES OPERATING FUND (7101)	246,702,894
SCHEDULE C. CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND (7801)	147,633,425
SCHEDULE D. AVIATION OPERATING FUNDS- CONSOLIDATED	189,369,329
SCHEDULE E. STORM WATER OPERATING FUND (7701)	46,228,434
SCHEDULE F. UTILITIES DEBT SERVICE FUNDS- CONSOLIDATED	498,245,896
SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)	84,796,607
SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED	67,635,698
SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)	21,123,300
SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)	12,672,729
SCHEDULE K. CATS DEBT SERVICE FUND (5301)	87,884,500
SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)	31,458,700
SCHEDULE M. POWELL BILL FUND (0120)	26,086,780
SCHEDULE N. CONVENTION CENTER TAX FUND (0132)	38,037,540
SCHEDULE O. INSURANCE AND RISK MANAGEMENT FUND (6302)	2,715,332
SCHEDULE P. TOURISM OPERATING FUND (0136)	9,080,605
SCHEDULE Q. CEMETERY TRUST FUND (6381)	85,000
SCHEDULE R. NASCAR HALL OF FAME TAX FUND (0138)	5,250,000
SCHEDULE S. NASCAR HALL OF FAME DEBT SERVICE FUND (5108)	125,025,450

SCHEDULE T. CULTURAL FACILITIES OPERATING FUND (0137)	5,424,000
SCHEDULE U. CULTURAL FACILITIES DEBT SERVICE FUND (5107)	5,424,000
SCHEDULE V. AVIATION DISCRETIONARY FUND (7408)	20,000,000

Section 2. The following amounts are hereby appropriated for capital projects by City Government and its activities for the fiscal year beginning July 1, 2008 according to the following Schedules:

SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)	4,582,159
SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)	877,304
SCHEDULE C. PUBLIC SAFETY GRANTS FUND (0413)	12,380,992
SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)	4,800,000
SCHEDULE E. HOME GRANT FUND (6910) PROJECTS	3,495,360
SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911) PROJECTS	5,547,877
SCHEDULE G. PAY AS YOU GO FUND (2011)	

Contribution to Other Funds:

General Capital Projects Fund	45,102,805
Charlotte Area Transit System Fund (MOE)	18,400,000
HOME Grant Fund	641,214
Cultural Facilities Operating Fund (Vehicle Rental Tax)	6,445,071
Cultural Facilities Operating Fund- Synthetic Tax Increment Financing	26,759
Contractual Services- County/Towns Vehicle Rental Tax	777,366
Contractual Services- Synthetic Tax Increment Financing	16,176

TOTAL PAY AS YOU GO FUND **71,409,191**

SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)

Affordable Housing Program	5,032,893
Innovative Housing Program	5,385,190
In Rem Remedy	550,000
Neighborhood Reinvestment Program	5,000,000
Double Oaks Redevelopment	6,000,000
Eastland Infrastructure	8,400,000
Neighborhood Matching Grants	200,000
Area Plan Projects	2,500,000
Traffic Calming Program	750,000
Pedestrian and Traffic Safety	1,000,000
Sidewalk Program	7,500,000
Bridge Program	1,000,000
Rea Road Upgrade	3,000,000
Community House Road Improvements	8,200,000
Back Creek Ch. Rd Improvements-Planning	4,700,000
Minor Roadway Improvement Program	750,000
Kenilworth/Pearl Street	3,000,000
IBM Drive/North Tryon Connector - ROW	4,000,000
Steele Creek/Shopton Road	1,000,000
Public-Private Participation Program	1,500,000
Railroad Grade Crossing and Safety Programs	500,000
Fred D. Alexander Blvd (NC27 to NC16)	21,500,000
Statesville Road Widening (Starita to Keith)	3,000,000
Little Rock Road Realignment	7,500,000
City Blvd. Extension (Neel to Mallard Creek)	10,400,000
Center City Transportation Plan	2,500,000
NE Corridor: Access Improvements	10,500,000

NE Corridor: Sugar Creek Alignment	1,000,000
State Highway Participation Program	1,500,000
Street Connectivity Program	2,000,000
Traffic Control Devices Upgrade Program	2,000,000
Traffic Flow Enhancement Program (arterial signal system coordination)	2,500,000
Bicycle Program	500,000
Sidewalk and Curb and Gutter Repairs	550,000
Road Planning/Design/ROW	1,611,268
Traffic Signals: Tyvola at Billy Graham	700,000
Brevard Street Improvements	1,500,000
Stonewall Street Improvements	500,000
Unprogrammed Capital Funding (I-277 Interchange)	12,000,000
Business Corridors/Pedscape Infrastructure	2,300,000
Business Grant Program	400,000
Community ED Strategy	6,100,000
Old Convention Center Redevelopment	550,000
Environmental Services Program	1,050,000
Building Maintenance Program	3,300,000
Roof Replacement Program	1,200,000
Parking Lot and Deck Repairs	300,000
Government Plaza Building Maintenance	600,000
Fire Station Renovations	450,000
Annex Fire Station: Harrisburg	5,200,000
Annex Fire Station: Miranda	680,000
Public Safety Digital Communications	6,050,000
Landscape Maintenance and Median Renovation	250,000
Police Metro Station	820,000
Police Eastland Station Upfit	1,000,000
Eastland Fire Station	700,000
Sweden Rd Yard Replacement	3,125,000
Tree Canopy Program	420,000
Technology Investments	2,000,000
TOTAL GENERAL CAPITAL PROJECTS FUND	188,224,351
SCHEDULE I. TOURISM CAPITAL PROJECTS FUND (2036)	
Arena Maintenance Reserve	551,250
Ovens/Cricket Maintenance	562,755
TOTAL TOURISM CAPITAL PROJECTS FUND	1,114,005
SCHEDULE J. STORM WATER CAPITAL PROJECTS FUND (2071)	
Storm Water Repairs to Existing Drains	16,000,000
Storm Water Pollution Control	500,000
Storm Water Restoration/Mitigation	8,000,000
Storm Water Transportation	5,000,000
Storm Water Flood Control Projects	15,500,000
Storm Water Minor Capital Projects	4,000,000
TOTAL STORM WATER CAPITAL PROJECTS FUND	49,000,000
SCHEDULE K. UTILITIES CAPITAL PROJECTS FUND (2071)	
Annexation	30,700,000
Support Growth and Development	93,250,050
Maintain Existing Infrastructure	27,015,000
Provide Service to Existing Residences	20,950,000
Support for Other Public Projects and for Utilities Operation	27,481,000
Regulatory Requirements	33,400,000
TOTAL UTILITIES CAPITAL PROJECTS FUND	232,796,050

SCHEDULE L. CHARLOTTE AREA TRANSIT CAPITAL PROJECTS FUNDS - CONSOLIDATED

(Note: CATS Capital Projects are to be appropriated according to timeline to be designated during FY09)

Buses - Replacement	\$4,897,190
Buses - Expansion	4,847,578
STS Vans - Replacement	1,818,624
Vanpool Vans - Replacement	158,410
Vanpool Vans - Expansion	129,000
Transit Centers	1,498,729
Park and Ride Lots	2,131,729
Bus Facility Improvements	1,207,562
Asset Maintenance	986,000
Rail and Rail Facilities	1,156,700
Service Vehicles	293,750
Safety and Security Equipment	2,129,757
Technology Improvements	1,978,098
South Corridor Transitway Construction	483,958
Northeast Corridor	12,986,000
Charlotte Multimodal Station	5,934,440
Future Years-Transitway Plan/Construction	8,286,583
Rapid Transit Development	1,500,000
Bus Operations Division Maintenance	3,607,402
TOTAL CHARLOTTE AREA TRANSIT CAPITAL PROJECTS FUNDS	56,031,510

SCHEDULE M. AVIATION CAPITAL FUND (2073) PROJECTS

13,900,000

Section 3. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 2008 and ending on June 30, 2009 to

meet the appropriations shown in Section 1 according to the following schedules:

SCHEDULE A. GENERAL OPERATING FUND (0101)

Taxes	
Property Tax	269,461,542
Property Tax - Synthetic TIF	1,168,310
Sales Tax	63,887,839
Utilities Franchise Tax	31,316,040
Tax Reimbursements	3,068,000
Police Services	15,986,453
Solid Waste Disposal Fees	11,953,000
Business Privilege Licenses	16,432,000
Other Revenues	
Licenses and Permits	16,224,794
Fines, Forfeits and Penalties	3,390,700
Interlocal Grants and Agreements	8,846,658
Federal Grants and State Shared Revenues	3,071,457
General Government	8,816,973
Public Safety	3,642,182
Cemeteries	512,255
Use of Money and Property	488,300
Other Revenues	1,642,665
Intragovernmental Revenues	21,535,439
Transferred Revenues	6,383,171
Transfers from Other Funds	2,540,872
Fund Balance- FY08 Savings for CMPD's Electronic Monitoring, DA Office Staff	870,121
Fund Balance- FY08 Savings from Cankerworms for Criminal Justice System Technology	1,200,000
Fund Balance- FY08 Sale of Land- Parcel 3 for Criminal Justice System Technology	1,800,000
TOTAL GENERAL FUND	494,238,571

SCHEDULE B. UTILITIES OPERATING FUND (7101)

Variable Rate Revenues	206,084,184
Fixed Rate Revenues	9,966,249
Specific Service and Capacity Revenues	27,136,549
Industrial Waste Surcharge	3,776,645
Interest on Investments	2,280,000
Other Revenues	638,998
TOTAL UTILITIES OPERATING FUND	249,882,625

SCHEDULE C. CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND (7801)

Half-Percent Sales Tax	75,927,610
Maintenance of Effort:	
Town of Huntersville	17,500
Mecklenburg County	181,866
City of Charlotte	18,400,000
Passenger Revenues	19,235,950
State Operating Assistance Grants	14,489,619
Service Reimbursements	1,454,899
Interest on Investments	3,000,000
Other Revenues	900,000
CATS (7801) Fund Balance	14,025,981
TOTAL CHARLOTTE AREA TRANSIT SYSTEM FUND	147,633,425

SCHEDULE D. AVIATION OPERATING FUNDS- CONSOLIDATED

Concessions	31,000,000
Parking	34,500,000
Terminal	28,035,000
Airfield Usage	10,500,000
Cargo Area and Ground Rents	28,165,000
Other	27,739,637
Interest on Investments	2,250,000
Passenger Facility Charges	27,179,692
TOTAL AVIATION OPERATING FUND	189,369,329

SCHEDULE E. STORM WATER OPERATING FUND (7701)

Storm Water Fees	42,125,571
Interest on Investments	700,000
Fund Balance- Unappropriated	3,402,863
TOTAL STORM WATER OPERATING FUND	46,228,434

SCHEDULE F. UTILITIES DEBT SERVICE FUNDS- CONSOLIDATED

Contribution from Water and Sewer Operating Fund	126,920,296
Interest on Investments	770,600
Proceeds from Sale of Bonds	1,600,000
Proceeds from Refunding	365,415,000
Interest Transferred from Other Funds	3,540,000
TOTAL WATER AND SEWER DEBT SERVICE FUNDS	498,245,896

SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)

Property Tax	52,837,906
Property Tax - Synthetic TIF	232,840
Sales Tax	13,374,400
Interest on Investments	2,700,000
Interest Transferred from Other Funds	
General	2,670,000
Other	714,000
Contribution from Other Funds	
General - Equipment	16,374,530
General - Public Safety Communications	2,031,680
Powell Bill	1,041,167
County Share - CMGC and Park and Rec. L/P	707,760
Proceeds from the Sale of Debt	694,170
Proceeds from Refundings	10,157,400
Other	604,000
TOTAL MUNICIPAL DEBT SERVICE FUND	104,139,853

SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED

Contribution from Aviation Operating Fund	52,845,614
Contribution from Airlines	7,530,250
Proceeds from Sale of Debt	650,000
Interest on Investments	4,969,250
Fund Balance- Unappropriated	6,417,525
TOTAL AVIATION DEBT SERVICE FUNDS	72,412,639

SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)

Contribution from Convention Center Tax Fund	21,123,300
TOTAL CONVENTION CENTER DEBT SERVICE FUND	21,123,300

SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)

Contribution from Storm Water Operating Fund	11,009,890
Proceeds from Sale of Bonds	0
Proceeds from Sale of Bonds	10,439
Proceeds from Refunding	1,652,400
TOTAL STORM WATER DEBT SERVICE FUND	12,672,729

SCHEDULE K. CATS DEBT SERVICE FUND (5301)

Transfers from Other Funds	
CATS Operating	10,382,262
Municipal Debt Service	10,000
Federal Formula Grant	6,371,311
State Match for Federal Formula	673,875
CATS Capital (FFGA)	70,447,052
TOTAL CATS DEBT SERVICE FUND	87,884,500

SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)

Contribution from Tourism Operating Fund	7,816,600
Contribution from CRVA	2,377,100
Interest on Investments	50,000
Fund Balance- Unappropriated	21,215,000
TOTAL TOURISM DEBT SERVICE FUND	31,458,700

SCHEDULE M. POWELL BILL FUND (0120)

State Gas Tax Refund	19,375,709
Transfer from General Fund	4,261,000
Interest on Investments	480,000
Street Degradation Fee	600,000
Fund Balance- Unappropriated	1,370,071
TOTAL POWELL BILL FUND	26,086,780

SCHEDULE N. CONVENTION CENTER TAX FUND (0132)

Taxes	34,452,300
Interest on Investments	1,350,000
Fund Balance- Unappropriated	2,235,240
TOTAL CONVENTION CENTER TAX FUND	38,037,540

SCHEDULE O. INSURANCE AND RISK MANAGEMENT FUND (6302)

Intergovernmental Revenues	
General Fund	891,349
Other Funds	633,707
Mecklenburg County and Board of Education	674,348
Other Agencies and Misc revenues	515,928
TOTAL INSURANCE AND RISK MANAGEMENT FUND	2,715,332

SCHEDULE P. TOURISM OPERATING FUND (0136)

Occupancy Tax	5,955,941
Rental Car Tax	2,786,840
Parking Fees	578,700
Retail Leases	1,014,540
Interest on Investments	900,000
Contribution from Bobcats	275,625
TOTAL TOURISM OPERATING FUND	11,511,646

SCHEDULE Q. CEMETERY TRUST FUND (6381)

Fund Balance- Unappropriated	85,000
TOTAL CEMETERY TRUST FUND	85,000

SCHEDULE R. NASCAR HALL OF FAME TAX FUND (0138)

Occupancy Tax	8,989,700
Interest on Investments	374,846
TOTAL NASCAR HALL OF FAME OPERATING FUND	9,364,546

SCHEDULE S. NASCAR HALL OF FAME DEBT SERVICE FUND (5108)

Contribution from NASCAR HOF Tax Fund	5,250,000
Debt Proceeds	275,450
Proceeds from Refunding	119,500,000
TOTAL NASCAR HALL OF FAME DEBT SERVICE FUND	125,025,450

SCHEDULE T. CULTURAL FACILITIES OPERATING FUND (0137)

Transfer from Pay As You Go Fund (Vehicle Rental Tax)	6,445,071
Transfers for Synthetic TIF Agreements:	
General Fund	655,340
Municipal debt Service	130,606
Pay-As-You-Go	26,759
Interest on Investments	342,000
TOTAL CULTURAL FACILITIES OPERATING FUND	7,599,776

SCHEDULE U. CULTURAL FACILITIES DEBT SERVICE FUND (5107)

Contribution from Cultural Facilities Operating Fund	5,424,000
TOTAL CULTURAL FACILITIES DEBT SERVICE FUND	5,424,000

SCHEDULE V. AVIATION DISCRETIONARY FUND (7408)

Fund Balance- Unappropriated	20,000,000
TOTAL AVIATION DISCRETIONARY FUND	20,000,000

Section 4. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2008 and ending on June 30, 2009 to

meet the appropriations shown in Section 2 according to the following Schedules:

SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)

Workforce Investment Act (WIA) Grants	4,582,159
TOTAL WORKFORCE INVESTMENT ACT FUND	4,582,159

SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)

Federal-Housing Opportunities for People with Aids (HOPWA) Grant	671,000
Federal-Emergency Shelter Grant	206,304
TOTAL NEIGHBORHOOD DEVELOPMENT GRANTS FUND	877,304

SCHEDULE C. PUBLIC SAFETY GRANTS FUND (0413)

Federal and State Grants and Reimbursements	11,362,399
Assets Forfeiture Funds	125,000
Miscellaneous grants, donations, and other contributions	893,593
TOTAL PUBLIC SAFETY GRANTS FUND	12,380,992

SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)

NC 911 Fund Distributions	4,820,790
Interest on Investments	45,000
TOTAL PUBLIC SAFETY 911 SERVICES FUND	4,865,790

SCHEDULE E. HOME GRANT FUND (6910)

HUD HOME Grant Funds	2,590,273
Contribution from Pay As You Go Fund	641,214
HOME Grant Program Income	263,873
TOTAL HOME GRANT FUND	3,495,360

SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911)

Community Development Block Grant	4,647,877
Community Development Program Income	900,000
TOTAL COMMUNITY DEVELOPMENT FUND	5,547,877

SCHEDULE G. PAY AS YOU GO FUND (2011)

Property Tax	10,825,677
Property Tax - Synthetic TIF	47,705
Interest on Investments	540,000
Sales Tax	11,749,867
Auto Tax	12,253,158
Vehicle Rental Tax	8,833,705
Capital Reserve (transfer from 0101)	7,600,000
Capital Fund Balance (transfer from 2010)	4,265,085
Capital Fund Balance (transfer from 2011)	1,293,994
Sale of Land (I-277 Interchange)	14,000,000
TOTAL PAY AS YOU GO FUND	71,409,191

SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)

Contribution from Pay As You Go Fund	45,102,605
Contribution from Other Funds -	
Innovative Housing Program Income	188,853
Affordable Housing Program Income	32,893
Street Bonds	106,650,000
Neighborhood Improvement Bonds	19,400,000
Affordable Housing Bonds	5,000,000
Certificates of Participation (Public Safety Radio Upgrade)	6,050,000
Certificates of Participation (Fire Facilities)	5,600,000
Developer Contribution (Tyvola at Billy Graham Traffic Signals)	200,000
TOTAL GENERAL CAPITAL PROJECTS FUND	188,224,351

SCHEDULE I. TOURISM CAPITAL PROJECTS FUND (2036)

Contribution from Tourism Operating Fund	1,114,005
TOTAL TOURISM CAPITAL PROJECTS FUND	1,114,005

SCHEDULE J. STORM WATER CAPITAL PROJECTS FUND (2701)

Contribution from Storm Water Operating Fund	23,000,000
Storm Water Revenue Bonds	23,000,000
Capital Fund Balance (transfer from 2701)	3,000,000
TOTAL STORM WATER CAPITAL PROJECTS FUND	49,000,000

SCHEDULE K. UTILITIES CAPITAL PROJECTS FUND (2071)

Water Revenue Bonds	52,076,050
Sewer Revenue Bonds	163,620,000
Contribution from Water and Sewer Operating Fund	17,100,000
TOTAL UTILITIES CAPITAL PROJECTS FUND	232,796,050

SCHEDULE L. CHARLOTTE AREA TRANSIT CAPITAL PROJECTS FUNDS - CONSOLIDATED

Federal and State Grants	29,499,388
Contribution from CATS Operating Fund	24,629,856
Capital Reserve	1,902,266
TOTAL CATS CAPITAL PROJECTS FUNDS	56,031,510

SCHEDULE M. AVIATION CAPITAL FUND (2073) PROJECTS

Excluded Centers Fund Balance	13,900,000
TOTAL AVIATION CAPITAL PROJECTS FUND	13,900,000

Section 5. That the sum of up to \$36,735,000 is estimated to be available from the proceeds of the FY09 Installment Payment Contract (Lease Purchase) and is hereby appropriated to the funds listed below. Interest earnings on these lease purchase proceeds are hereby appropriated to the respective funds' Control Centers for allocation for future capital equipment needs in the current and future years until the funds are depleted.

General Capital Equipment Fund	\$16,500,000
Aviation Capital Equipment Fund	10,000,000
Water & Sewer Capital Equipment Fund	7,800,000
Powell Bill (Street Maintenance) Capital Equipment Fund	1,365,000
Issuance Expense	1,070,000
Total	\$36,735,000

Section 6. The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2008, for the purpose of raising revenue from property taxes as set forth in the foregoing revenue estimates, and in order to finance the Funds' appropriations:

	Tax Rates
General Fund (for the general expenses incidental to the proper government of the City)	\$0.3698
Municipal Debt Service (for the payment of interest and principal on outstanding debt)	\$0.0737
Pay As You Go Fund (for dedication to the General Capital Projects Fund for capital improvements)	\$0.0151
TOTAL RATE PER \$100 VALUATION OF TAXABLE PROPERTY	\$0.4586

Such rates of tax are based on an estimated total appraised valuation of property for the purpose of taxation of \$73,531,511,573 and an estimated rate of collection of ninety-seven and five tenths percent (97.5%).

Section 7. That the sum of \$848,958 is hereby appropriated to the Municipal Service District 1; that the sum of \$434,810 is hereby appropriated to the Municipal Service District 2; and that the sum of \$864,033 is hereby appropriated to Municipal Service District 3. These funds will provide for planning, promotion, and revitalization activities within the designated center city Municipal Service Districts for the period beginning July 1, 2008 and ending June 30, 2009.

Section 8. That the sum of \$463,731 is hereby appropriated to the Municipal Service District 4. These funds will provide for planning, promotion, and revitalization activities within the designated South End Municipal Service District for the period beginning July 1, 2008 and ending June 30, 2009.

Section 9. That the sum of \$617,300 is hereby appropriated to the Municipal Service District 5. These funds will provide for planning, promotion, and revitalization activities within the designated University City Municipal Service District for the period beginning July 1, 2008 and ending June 30, 2009.

Section 10. That the following estimated revenues are hereby available from the following sources to finance the operations of the Municipal Service Districts:

SCHEDULE A. MUNICIPAL SERVICE DISTRICT 1 (0130)	
Property Taxes	\$848,958
TOTAL DISTRICT 1	\$848,958

SCHEDULE B. MUNICIPAL SERVICE DISTRICT 2 (0130)	
Property Taxes	\$434,810
TOTAL DISTRICT 2	\$434,810
SCHEDULE C. MUNICIPAL SERVICE DISTRICT 3 (0130)	
Property Taxes	\$864,033
TOTAL DISTRICT 3	\$864,033
SCHEDULE D. MUNICIPAL SERVICE DISTRICT 4 (0130)	
Property Taxes	\$463,731
TOTAL DISTRICT 4	\$463,731
SCHEDULE E. MUNICIPAL SERVICE DISTRICT 5 (0130)	
Property Taxes	\$617,300
TOTAL DISTRICT 5	\$617,300

Section 11. The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2008, for the purpose of raising the revenue from property taxes to finance the foregoing appropriations in the Municipal Service Districts Funds. Such tax rates are based on estimated total appraised valuations at collection rates as follows.

	<u>Tax Rates</u>	<u>Valuation</u>	<u>Collection Rate (%)</u>
Municipal Service District 1	\$0.0174	\$5,004,174,781	97.50%
Municipal Service District 2	\$0.0239	\$1,865,936,188	97.50%
Municipal Service District 3	\$0.0386	\$2,295,824,061	97.50%
Municipal Service District 4	\$0.0668	\$712,007,874	97.50%
Municipal Service District 5	\$0.0300	\$2,110,428,256	97.50%

Section 12. That the sum of \$122,200 is available from the following projects for FY2009 art- eligible projects and is hereby appropriated to Fund General CIP Fund 2010; 246.10- Public Art.

<u>Projects</u>	<u>Source</u>	<u>1% Allocation</u>
47800 - Neighborhood Improvements - Streetscape	Neighborhood Bonds	5,000
47483 - Eastland - Infrastructure	Neighborhood Bonds	8,400
47482 - Double Oaks Redevelopment	Neighborhood Bonds	6,000
25100 - Area Plan Projects	Street Bonds	25,000
47472 - Pedestrian and Traffic Safety	Street Bonds	10,000
48300 - Northeast Corridor: Access Improvements	Street Bonds	10,500
49300 - Business Corridor/Pedscape Infrastructure	Street Bonds	10,000
36900 - Business Grant Program - Facades	Pay-As-You-Go	2,000
36775 - Harrisburg Annexation Fire Station	Certificates of Participation	31,200
36700 - Eastland Fire Station	Certificates of Participation & Pay-As-You-Go	9,180
47463 - Police Metro Station	Certificates of Participation	4,920
Total		\$122,200

Section 13. That the sum of \$136,708 is estimated to be available from Mecklenburg County and is hereby appropriated to General Fund 0101 for consolidated webhosting services.

Section 14. That the sum of \$70,000 is available from a reimbursement from Mecklenburg County and is hereby appropriated to Risk Management Fund 6302 for a safety officer position.

Section 15. That the sum of \$187,465 is available from Mecklenburg County and is hereby appropriated to General Fund 0101 for the costs associated with the start up of consolidating fleet maintenance services.

Section 16. That the sum of \$4,038 is available from a \$2,019 CMS contribution and from \$2,019 in matching Assets Forfeiture funds and is hereby appropriated to the Public Safety Grants Fund 0413 for the Secure Our School Program.

Section 17. That \$1,501,591.10 is available from the listed sources and is hereby appropriated to the indicated projects and Funds.

<u>Projects</u>	<u>Fund Center</u>	<u>Source</u>	<u>Amount</u>
CDBG -Undesignated Projects	6911 92600	Program Income	\$135,207.81
Villages of Hope Haven	6807 90080	Program Income	19,321.42
Interest to HUD	6902 90095	Interest on Investments	136,047.36
House Charlotte Loans - Acquisition	2010 38054	Program Income	459,068.19
City Within a City Loan Program	2010 36919	Program Income	457,449.54
DARF Program	2010 36900	Program Income	246,741.16
Affordable Housing Program	2010 48101	Program Income	47,755.62
Total			\$1,501,591.10

Section 18. That the sum of \$40,600 is available from the following private contributions and is hereby appropriated to the following General Capital Projects (Fund 2010).

<u>Projects</u>	<u>Center</u>	<u>Location/Type</u>	<u>Amount</u>
Sidewalk Construction	33100	Harburn Forest Drive Extension	\$25,000.00
Sidewalk Construction	33100	N Tryon Street Expansion Sidewalk	1,300.00
Developer Contributions- CDOT	28101	Chambwood sidewalk project	1,500.00
Neighborhood Traffic Pilot Program	47700	Strawberry Lane Road Humps	12,800.00
Total			\$40,600.00

Section 19. That the sum of \$1,001,000 is available from an agreement with Duke Energy and is hereby appropriated to reimburse Utilities' Fund 2071 for Street Widening Water Main Relocation projects.

Section 20. That the additional sum of \$8,369,322 is available from the Aviation Operating Fund 7402 and is hereby appropriated for transfer to the Aviation Discretionary Fund 7408.

Section 21. That the additional sum of \$17,220 is available from the Aviation Discretionary fund 7408 and is hereby appropriated to Aviation Capital Projects Fund 2073- 562.27 for art projects in accordance with the Art Ordinance.

Section 22. That the sum of \$381,000 is hereby transferred from Fund 2091- 55409 to Fund 2084- 52908 from CFC funding for Rent A Car Redevelopment.

Section 23. That Section 2 of Ordinance 3649-x dated July 23, 2007 is hereby amended to reflect the following changes:

<u>Projects</u>	<u>Fund Center</u>	<u>Original</u>	<u>Revised</u>
Third Parallel Runway Construction Phase I	2090 54014	\$3,769,349	\$5,136,802
Rehab Coffee Creek Culvert	2091 55405	1,367,453	0
Total		\$5,136,802	\$5,136,802

Section 24. That sections 3 and 4 of Ordinance 3205-X dated February 13, 2007 is hereby amended to reflect the following changes:

<u>Source</u>	<u>Original</u>	<u>Revised</u>
Federal	\$384,560	\$380,714
NCDOT	38,456	38,456
CATS Operating Fund (7801) Fund Balance	57,685	57,685
Total	\$480,701	\$476,855

<u>Appropriation</u>	<u>Fund Center</u>	<u>Original</u>	<u>Revised</u>
Project Title			
Eastland Transit Center	2078 84190	\$480,701	\$476,855

Section 25. That Section 2 Schedule L of ordinance 3606-x dated June 11, 2007 is hereby amended as follows:

<u>Projects</u>	<u>Fund Center</u>	<u>Original</u>	<u>Revised</u>
FY06 Formula Grant (Bus Operations Maintenance)	2078 84160	\$3,486,378	\$3,322,416
FY06 Capital Projects CATS Funded (New Transit Centers and Park and Ride Lots)	2078 53860	1,423,136	727,371
FY05 Capital Control (Bus Route Facility Improvements)	2078 87710	293,124	511,984
Project Administration (Northeast Corridor)	2094 89860	1,463,070	2,846,867
Project Administration (Streetcar and Center City)	2095 89860	1,457,786	149,901
Project Administration (West and Southeast Corridor)	2096 89860	2,429,606	1,445,020
Project Administration Indirect (North and CGS Corridor)	2097 89860	1,353,998	1,891,047
Charlotte Multimodal Center Station	2097 89320	338,500	1,466,294
Project Administration Indirect (South Corridor)	2098 89860(revise to 53680)	532,051	0
Total		\$12,777,649	\$12,360,900

Section 26. That Section 4 Schedule L of ordinance 3606-x dated June 11, 2007 is hereby amended as follows:

<u>Source</u>	<u>Original</u>	<u>Revised</u>
Federal Formula Grant	\$814,857	\$1,020,365
State Match for Federal Formula Grant	348,638	858,346
New Starts Grant	1,463,070	2,596,469
Certificates of Participation	1,004,691	0
Contribution from CATS Operating Fund	9,146,393	7,885,720
Total	\$12,777,649	\$12,360,900

Section 27. That Section 1 of Ordinance 3673-X dated August 27, 2007 is hereby amended as follows:

<u>Source</u>	<u>Original</u>	<u>Revised</u>
FY2008 CMAQ (Congestion Mitigation Air Quality)	\$6,204,591	\$6,204,591
State NCDOT Grant	920,000	920,000
Certificates of Participation	682,399	682,399
CATS Operating Fund (7801) Fund Balance	0	467,010
Total	\$6,274,000	\$6,274,000

Section 28. That Section 6 of Ordinance 3776-x dated December 10, 2007 is hereby amended to reflect the following changes:

<u>Projects</u>	<u>Fund Center</u>	<u>Original</u>	<u>Revised</u>
FY08 Transit Centers	2078 84182	\$243,923	\$243,923
FY08 Park N Ride Lots	2078 84183	203,902	203,902
FY08 Shelters & Benches	2078 84184	612,000	612,000
FY08 CTC Improvements	2078 84185	100,000	100,000
FY08 Non-Revenue Vehicles	2078 84186	115,000	115,000
FY08 IT Improvements	2078 84187	1,209,218	1,209,218
FY08 Rail Shop Equipment	2098 53690	230,000	230,000
FY08 Rail ROW Equipment	2098 53691	621,000	621,000
FY08 Safety & Security Equip	2098 53692	700,000	500,000
FY08 Safety & Security Equip	2094 8110308	0	200,000
FY08 Safety Related Improvements	2098 53693	200,000	200,000
		\$4,235,043	\$4,235,043

Section 29. That Section 1 of Ordinance 3808-X dated January 28, 2008 is hereby amended as follows:

<u>Source</u>	<u>Original</u>	<u>Revised</u>
FY2008 CMAQ (Congestion Mitigation Air Quality)	\$800,000	\$800,000
State NCDOT Grant	100,000	100,000
Certificates of Participation	0	100,000
CATS Operating Fund (7801) Fund Balance	100,000	0
Total	\$1,000,000	\$1,000,000

Section 30. That the following ordinances are hereby revised as follows:

Reference	Revised to:
Ordinance 3206-X dated February 13, 2006	Center 47476 instead of Center 47475
Ordinance 3602-X dated May 29, 2007:	Center 84174 instead of Center 87710 (Section 15)
Ordinance 3602-X dated May 29, 2007:	Center 84175 instead of Center 84160 (Section 15)
Ordinance 3606-X dated June 11, 2007:	Section 3, Schedule B reverse "Interest on Investments" and "Other Revenues"
Ordinance 3649-X dated July 23, 2007:	Fund 2083 instead of Fund 2087 (Section 2)
Ordinance 3649-X dated July 23, 2007:	Eliminate Sections 3 & 4
Ordinance 3667-X dated August 27, 2007:	Center 63605 instead of Center 63379 (Section 2)
Ordinance 3672-X dated August 27, 2007:	Center 33702 instead of Center 37702 (Sections 2 & 3)
Ordinance 3672-X dated August 27, 2007:	Center 33701 instead of Center 37701 (Section 4)
Ordinance 3760-X dated November 26, 2007:	Center 55409 instead of Center 54009 (Section 2)
Ordinance 3760-X dated November 26, 2007:	Center 55408 instead of Center 54008 (Section 4)
Ordinance 3762-X dated November 26, 2007:	Center 63373 instead of Center 63370

Section 31. That the sum of \$100,000 is hereby available from the Pay-As-You-Go Fund balance (2011) and is transferred and appropriated to General Capital Project Fund 2010; 47100 - Reserve for Productivity Improvements.

Section 32. That Schedule A, Sections 1 and 3 of Ordinance 3606-X dated June 11, 2007 are hereby amended to reflect an increase of \$513,922 to appropriations from Intragovernmental Revenues for the other operating funds' share of budget reallocation to fund CIO and 311 expansion.

Section 33. That Sections 2 and 4, Schedule C are hereby amended to reflect the following changes to the Public Safety Grants Fund 0413:

Source	Original	Revised
Federal and State Grant Reimbursements	\$10,072,500	\$6,405,048
Assets Forfeiture Funds	102,000	374,619
Miscellaneous Grants, Donations, and Other Contributions	219,500	419,500
Total	\$10,394,000	\$7,199,167

Section 34. That the Finance Director or his designee is hereby authorized to transfer available Assets Forfeiture fund balances from the General Fund to the Public Safety Grants Fund.

Section 35. That the Finance Director or his designee is hereby authorized to transfer available fund balances from the Emergency Communications Fund to the General Fund as required by HB1755/SL 2007-383, and that the balances are then returned to the Emergency Communications Fund.

Section 36. That \$4 million in remaining encumbrances in General Fund 0101 are hereby authorized for reappropriation for transfer to and appropriation within the technology capital investment program (Fund 2010).

Section 37. That any remaining encumbrances in operating funds are hereby authorized for reappropriation from which expenditures may be made during the year.

Section 38. That the entire sum available from MSD Fund 0130 fund balance as of June 30, 2008 for MSDs #1, #2, #3, and #4 is hereby appropriated for payment to Charlotte Center City Partners (CCCP).

Section 39. That the Finance Director or his designee is hereby authorized to prepare the Uptown Arena capital project for closing, including the following:
 Transfer \$13,176,388 from Tourism Operating Fund 0136 fund balance to Municipal Debt Service Fund 5101 for retirement of debt associated with the project.
 Transfer \$12,212,220 from Tourism Capital Fund 2036 fund balance (temporary COPs) to Tourism Debt Service Fund 5106 for retirement of debt associated with the project.
 Transfer \$8,705,071 from Tourism Operating Fund 0136 fund balance (\$7,749,216) and Tourism Capital Project Fund 2036 fund balance (\$955,855) to provide final project funding.

Section 40. That the future sale of City-owned property along East Trade Street known as the future federal courthouse property is hereby uncommitted to any specific use designation.

- Section 41.** That the Finance Director or his designee is hereby authorized to carry forward the authorizations for any Federal, State, Local, other third party grants, or program- specific community contributions for the duration of the grants' or contributions' authorized performance periods; and that any appropriation of local funding required, such as a grant match, is authorized to be carried forward as well.
- Section 42.** Sections of this ordinance estimate federal and/or state grant participation. Upon receipt of the grant assistance, the sources and levels of funding for the project specified may be adjusted to reflect permanent financing. Until permanent financing is realized, the Finance Director or his designee is hereby authorized to advance funding from the appropriate fund's fund balance to cover the estimated grant revenue as specified in the above sections. Upon receipt of grant revenue, funds advanced to the project shall revert back to the source fund's fund balance. If grant funding is not realized, the advance may be designated as the permanent source of funding. The total project appropriation level shall not exceed the amounts specified unless amended by a subsequent ordinance.
- Section 43.** That the Finance Director or his designee is hereby authorized to appropriate interest earnings for any Federal, State, Local, or other third party grants for the duration of the grants' authorized performance periods.
- Section 44.** That the Finance Director or his designee is hereby authorized to appropriate interest on investments on HUD-related revolving loan funds as required by HUD to return related interest earnings to HUD at fiscal years' end.
- Section 45.** That the Finance Director or his designee is hereby authorized to advance cash from the General Capital Project equity of the City's cash pool account to general capital projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the General Capital Project equity of the City's cash pool account.
- Section 46.** That the Finance Director or his designee is hereby authorized to advance cash from the Utilities equity of the City's cash pool account to water and sewer projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the Utilities equity of the City's cash pool account.
- Section 47.** That the Finance Director or his designee is hereby authorized to transfer interest earnings from the City's various operating and capital funds to the appropriate debt service funds according to Council policy, except where specific exceptions have been authorized.
- Section 48.** That the Finance Director or his designee is hereby authorized to appropriate amounts needed to fund current fiscal year debt issues that have been approved by Council.
- Section 49.** That the Finance Director or his designee is hereby authorized to appropriate amounts needed to satisfy federal government regulations related to interest earnings on debt issues.
- Section 50.** That the Finance Director or his designee is hereby authorized to transfer revenues from the Convention Center Tax Fund to the Charlotte Regional Visitors Authority as stipulated in State of North Carolina General Statutes.
- Section 51.** That occupancy and prepared food and beverage tax revenues are hereby available and are authorized to be appropriated in the amounts needed to make payments to Charlotte Regional Visitors Authority as specified in the Council- authorized agreement.
- Section 52.** That prepared food and beverage tax revenues are hereby available and are authorized to be appropriated for transfer in the amounts needed to make payments to the Mecklenburg County towns (Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville) as stipulated in House Bill 715, Session Law 2001 and interlocal agreement approved by Council resolution June 13, 2005.
- Section 53.** That 911 fees are hereby available and are authorized to be appropriated in the amounts needed to make payments to Mecklenburg County as specified in Council- authorized interlocal agreements.
- Section 54.** That as annual wireless communications user fees exceed annual debt service and other operating expenditures for wireless infrastructure system operations in General Fund 0101 the excess is hereby authorized to be appropriated for transfer to the General Capital Improvement Fund 2010 for future digital communications upgrades as specified in Council- authorized interlocal agreements.
- Section 55.** Copies of this ordinance shall be furnished to the Director of Finance, City Treasurer, and Chief Accountant to be kept on file by them for their direction in the disbursement of City funds.
- Section 56.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 57.** It is the intent of this ordinance to be effective July 1, 2008, except for Sections 14 through 54, which are to be effective upon adoption.

Approved as to form:



Sa. Dn. City Attorney

June 9, 2008

Ordinance Book 55, Page 644

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Ordinance Book 55, Pages (629-644).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 2008.

Brenda R. Freeze

Brenda R. Freeze, CMC, City Clerk

