AGENDA

Meeting Type:	B
Date:	12-10-1990
SUBJECT	

City of Charlotte, City Clerk's Office

#14

M E M O R A N D U M

December 7, 1990

To: Mayor Sue Myrick
City Council Members

From: O. Wendell White
City Manager

Subject: Old Coliseum Agreement

Revised and approved use & lease agreement later (Spring 91) SCC 2/25/91 3/4/91

Attached is the letter of intent between the City of Charlotte and Mr. Bill Allen for use of the old Coliseum. I am pleased to advise you that the terms of the letter of intent are more favorable to the City than the original proposal. We were able to negotiate the letter of intent in a short period of time through use of the staff group I earlier advised you about as well as a small negotiating team consisting of Boyd Cauble, Laura Kratt, Glenn Hardyman, and Steve Camp.

The following are the major highlights of the letter of intent:

(1) The term of the lease is 21 years with two 5 year options.
(2) The rent was negotiated to provide the most possible "win-win" situation where Mr. Allen benefits by a base rent of $20,000 per year for the initial 5 year start-up. Thereafter, the City will share in the gross revenues at the rate of 3% for the second 5 year period, 4% for the third 5 year period, and 5% for the fourth 5 year period. A percent of gross revenues rather than net profit allows the City to overcome the uncertainty of accounting oversights, high overhead, exorbitant expenses, and other uncontrollable costs which would diminish or eliminate the City's profit.
(3) The City has a "buy-out" option on year eleven for a cost based upon Mr. Allen's capital investment plus a 12% cumulative and compounded annual return. The "buy-out" would allow the City to take the property back prior to the expiration of the lease in case of an unforeseen situation.
(4) Mr. Allen agrees to expend up to $3 million for improvements to the building as outlined in the Odell report and identified by the Building Standards staff. If all "required" improvements can be met for less than $3 million, Mr. Allen will spend the surplus on ice equipment for the Hockey franchise. Finally, if after making improvements and installing ice equipment, the amount of capital required has not exceeded $3 million, any remaining surplus will be deposited in a capital reserve escrow fund to be spent on future building improvements.

(5) Mr. Allen is obligated to fund a continuing Capital Improvement Reserve Fund at the rate of $50,000 in 1995 and 1996; $100,000 in 1997; and $200,000 each year thereafter.

(6) Mr. Allen may begin improvements to the building (at his own risk) after his initial due diligence survey. If the majority of improvements are completed prior to October 1991, he may begin ice hockey with the remaining improvements to be completed prior to October 1, 1992.

(7) Parking, heating, electricity, and other operational issues will be coordinated with the Authority. Preliminary arrangements have been agreed to and final arrangements will be incorporated into the lease. The coordination of events at Ovens and the Coliseum is incorporated in the letter of intent.

(8) The old Coliseum will be renamed by Mr. Allen by using the term "Arena" instead of Coliseum. Marketing the name of the building may provide significant funds to help enhance the operating proforma. The final name "shall be subject to the reasonable approval" of Council.

In conclusion, we have negotiated a satisfactory letter of intent in a short time frame which is in compliance with Council comments, suggestions, and directives. The Coliseum Authority has notified us of their concerns and reservations regarding the lease and the attached proposed agreement. We will continue to address these items with the appropriate individuals between now and when Council receives the final lease agreement.

Should you have any questions regarding the letter of intent, please call Boyd Cauble at 336-2241 or Laura Kratt at 336-2254.

bs

PROPOSED FINAL

WILLIAM G. ALLEN, JR.
Charlotte, North Carolina

December 10, 1990

City of Charlotte
600 East Fourth Street
Charlotte, North Carolina 28202-2865

Attention: Mr. Boyd Cauble

Re: Lease of "Old Charlotte Coliseum"

Gentlemen:

The City of Charlotte, a North Carolina municipal corporation validly existing under the constitution, statutes and laws of the State of North Carolina (the "City"), has previously issued a "Request for Proposal Concerning Use of the Old Coliseum". Pursuant to such Request for Proposal, William G. Allen,, Jr. ("Allen") submitted a response dated November 12, 1990 pursuant to which Allen proposed to lease the Old Charlotte Coliseum (the "Coliseum") for a term of thirty (30) years. On November 26, 1990 the City Council of the City of Charlotte indicated it would consider a lease of the Coliseum to Allen, or his permitted assigns.

This letter sets forth the business terms of a proposed lease agreement (the "Lease Agreement") between the City, as Landlord, and Allen or his permitted assigns, as Tenant. The material terms of the proposed Lease Agreement are as follows:

1. **Demised Premises**. The Demised Premises would consist of the improvements known generally as the "Old Charlotte Coliseum" plus necessary easements for ingress and egress thereto. The adjoining parking areas would be specifically excluded except to the extent of necessary easements for ingress and egress and as otherwise provided in Paragraph 14 hereof. The Demised Premises would be leased "as is, where is" without any representations or warranties by City as to condition or suitability. Tenant acknowledges that certain personal property previously associated with the Coliseum is the property of the Auditorium-Coliseum-Convention Center Authority (the "Authority") and therefore may not

be included as a part of the Demised Premises. The Demised Premises are to be used for the holding of events, meetings and similar assemblies of the type and kind previously held at the Coliseum consistent with general industry practices.

2. Lease Term. The Lease Agreement would provide for an initial term of twenty-one (21) years with the Tenant having the right to renew for two (2) additional five (5)-year terms. City shall have the right to terminate the Lease Agreement as of March 31 of calendar years 2001, 2006, 2011, 2016 and 2021 upon not less than twelve (12) months' prior written notice to Tenant and upon payment to Tenant of an amount equal to Tenant's Capital Investment (as herein defined) in the Demised Premises plus a twelve percent (12%) cumulative and compounded return thereon computed from the date of each such investment. If City elects to terminate the Lease Agreement and continue using the Coliseum for similar public events, Allen shall have the right of first refusal as to league hockey if the City elects to have league hockey. For purposes hereof the term "Capital Investment" shall mean the amount of funds expended by Tenant to the date of termination of the Lease in order to comply with the Capital Improvement Program required under Paragraph 6 hereof plus such additional expenditures which, under generally accepted accounting principles, would be considered capital in nature.

3. Tenant. The Tenant under the Lease Agreement would be a corporation "controlled" by the Allen Group (as herein defined) or a limited partnership of which Allen, or a member of the Allen Group or an entity controlled by Allen or a member of the Allen Group is the managing general partner. The term "Allen Group" means and refers to William G. Allen, Jr., Randolph M. Allen and Howard M. Nifong, Jr. or any one or more of such individuals. Allen contemplates raising all or a portion of the necessary capital required under the Lease Agreement and in order to sustain operation by seeking to secure private investors. City shall be kept informed at all times as to all persons, firms or corporations owning an interest in Tenant.

4. Rent. The Lease Agreement would provide that Tenant will pay "Base Rental" of $20,000 per year payable in advance each year during the term of the Lease and any extension thereof on or before the 1st day of January. Beginning January 1, 1996 and each year thereafter (including any extensions) the Tenant will pay annually, within ninety (90) days after the close of each calendar year "Additional Rent" equal to the greater of

(i) twenty percent (20%) of the before tax net profits of Tenant less the Base Rental paid for such year, or

(ii) a percentage of Gross Revenues as follows:

(a) For the period 1996, 1997, 1998, 1999 and 2000, three percent (3%) of "Gross Revenues" (as hereinafter defined) in excess of $666,000; and

(b) For the period 2001, 2002, 2003, 2004 and 2005, four percent (4%) of Gross Revenues in excess of $500,000; and

(c) For each year thereafter (including any extension of the initial lease term) five percent (5%) of Gross Revenues in excess of $400,000.

For purposes of computing Additional Rent, Gross Revenues shall mean and include all revenues and income of any type or kind received by Tenant, or affiliates of Tenant, including event revenues, novelties, concessions and parking revenues, advertising, promotional, radio, TV and other media revenues, and restaurant, club and similar extraordinary revenues. Tenant will undertake and agree to exert its best efforts to generate maximum usage of the Coliseum in an effort to maximize revenues throughout the Lease Term.

5. **First Year's Rent**. Tenant would pay, upon execution of the Lease Agreement, the first year's Base Rental of $20,000.

6. **Capital Improvements, Refurbishing and Deferred Maintenance**. Allen has been furnished with "Detailed Building Evaluation Original Charlotte Coliseum", revised February 20, 1990, prepared by Odell Associates (the "Odell Report"). The Odell Report lists various items of renovation, refurbishing and deferred maintenance to the Demised Premises which the City deems necessary prior to permitting the reopening of the Coliseum to the public. Additionally, further refurbishing, renovations, deferred maintenance and modifications to the Demised Premises may be necessary in order to comply with applicable safety, zoning, handicap and environmental laws, rules and regulations. Prior to March 31, 1991 Tenant shall, in consultation with the City's Building Standards and Engineering Departments, prepare a report detailing (i) the specific work required in order to complete the various items of renovation, refurbishing and deferred maintenance referenced in the Odell Report, (ii) repairs, renovations and modifications required in order to comply with applicable safety, zoning, handicap and environmental laws, rules and regulations, (iii) a timetable for starting and completing each major item required and (iv) estimated costs thereof, all of which shall be subject to the reasonable approval of City. Such improvements, refurbishing, deferred maintenance and modifications as described in such report are referred to herein as the "Capital Improvement Program". Tenant agrees to expend a minimum of $3 million in carrying out the Capital Improvement Program provided, however, that in the event Tenant can complete the Capital Improvement Program for an amount less than $3 million then, in such event,

Tenant may, in its discretion, expend the difference between the cost of completing the Capital Improvement Program and $3,000,000, on necessary equipment and installation associated with portable or permanent ice-making facilities for the Coliseum. To the extent that such $3,000,000 is not expended in connection with the Capital Improvement Program and the installation of portable or permanent ice-making facilities then, in such event, Tenant shall establish a separate escrow account into which shall be deposited the difference between Tenant's commitment of $3 million and actual expenditures for the Capital Improvement Program plus ice-making facilities which such funds shall be utilized exclusively for future renovations and capital improvements to the Coliseum. Tenant's willingness to undertake such Capital Improvement Program and commit a minimum of $3 million to various capital improvements, deferred maintenance and refurbishing is a material consideration in the City's willingness to lease the Demised Premises to Tenant. Tenant must complete the Capital Improvement Program on or before September 30, 1992. Failure to complete such program by such date shall be an event of default under the Lease Agreement. All materials and workmanship employed in carrying out the Capital Improvement Program and other capital improvements or approved additions to the Demised Premises shall be of a quality consistent with other City owned buildings.

7. **Possession of Demised Premises.** The Lease Agreement shall provide for a term beginning January 1, 1991. Subject to Tenant's payment of the Base Rental for 1991 as provided in Paragraph 4 above, Tenant shall be granted immediate access to the Demised Premises for the purpose of conducting such evaluations and studies as Tenant deems appropriate and to implement and carry out the Capital Improvement Program contemplated by Paragraph 6 hereof. Tenant shall not be permitted to open the Coliseum for any events until:

(a) Tenant has completed such refurbishing, renovation, deferred maintenance and modifications to the Demised Premises as may be necessary in order to comply with all applicable safety, zoning, handicap and environmental laws, rules and regulations; and

(b) Tenant has deposited, in a special escrow account (or has otherwise provided irrevocable sight letters of credit issued by a national bank collectible in Charlotte, North Carolina and containing such other terms and conditions as City shall reasonably request), an amount equal to $3,000,000 less (i) the amount expended by Tenant in the immediately preceding subparagraph (a) and (ii) any amounts expended for ice-making facilities provided that the amount in escrow is sufficient to complete the Capital Improvement Program.

Notwithstanding anything herein to the contrary once Tenant has completed the report embodying the Capital Improvement Program, and the same has been approved by the City, Tenant may commence implementing such Capital Improvement Program.

8. **Option to Terminate Lease.** Tenant shall have the option to terminate the Lease upon written notice to City in the event that (i) Tenant determines (which determination must be made by March 31, 1991) that the cost of the Capital Improvement Program referenced in Paragraph 6 hereof will exceed $3 million (in which event Tenant will be entitled to a pro rata return of the Base Rental) or (ii) Tenant is unable by December 31, 1991 to raise capital or financing sufficient to permit completion of the Capital Improvement Program and to sustain operations (in which event no portion of the Base Rental will be returned). Additionally, in the event that Tenant is unable to raise a minimum of $3 million capital and/or financing by December 31, 1991 in order to assure the City of Tenant's capacity to comply with the provisions of Paragraph 6 hereof, then City may, at its option, elect to terminate the Lease Agreement in which such event Tenant shall be required to immediately vacate the Demised Premises.

9. **Net Lease.** The Lease Agreement will be a "Triple Net" lease and Tenant shall be responsible for paying (i) all maintenance and replacement costs and expenses of every type and kind including, without limitation, costs and expenses associated with mechanical and electrical equipment (including HVAC), costs and expenses associated with structural maintenance repairs including roof, glass, exterior walls, adjoining sidewalks, plazas, retaining walls and pavilions; (ii) all taxes and insurance costs, expense and assessments associated with the Demised Premises; (iii) all utility costs and expenses of every type and kind; and (iv) all assessments, special tax levies and other extraordinary items imposed by any governmental or quasi-governmental body or authority.

10. **Standard of Maintenance.** Tenant shall be required to maintain the Demised Premises (including all personal property associated therewith) at all times in accordance with standards applied to similar properties owned and/or operated by the City or the Authority and in accordance with all applicable building and zoning, health, safety, environmental, handicap and similar laws, rules and regulations. The City and its representatives shall have the right to inspect the Demised Premises upon reasonable notice in order to ensure that high standards of cleanliness, maintenance and safety are being maintained at all times. Tenant agrees, in addition to the Capital Improvement Program outlined in Paragraph 6 above, to expend a minimum of $2 million in long-term improvements over the initial term of the Lease plus such other amounts as shall be necessary in order to maintain the Demised Premises in accordance with City standards for comparable public

facilities and to comply with all applicable health, safety and environmental laws, rules and regulations. Tenant agrees to establish a reserve fund in order to ensure the availability of sufficient funds to carry out Tenant's obligation to spend a minimum of $2,000,000 in long-term improvements over the term of the Lease. Such reserve fund shall be funded at the rate of $50,000 in each of 1995 and 1996, $100,000 in 1997 and $200,000 each year thereafter. Funds may be withdrawn from such reserve account at any time and from time to time in order to fund the cost of capital improvements to the Demised Premises (over and above those contemplated in Paragraph 6 hereof). Such reserve fund shall be initially credited with any excess funds of Tenant's initial $3,000,000 commitment under Paragraph 6 hereof after completion of the Capital Improvement Program and the installation of ice.

11. **Landscaping**. Tenant shall be responsible for landscaping (consistent with the level of landscaping at Ovens Auditorium) the area immediately surrounding the Coliseum including the entrance and walkways (which such area will be more fully delineated by the City on a site plan of the Coliseum). Such landscaping shall be maintained in an attractive condition at all times.

12. **Health and Safety**. Tenant will, at all times, comply with all applicable safety, health, handicap and environmental laws, rules and regulations and standards that may be established from time to time by the local fire, law enforcement and health departments. Additionally, consistent with providing a safe environment, Tenant agrees that:

(i) So long as a similar policy is in force at the "New" Charlotte Coliseum all rock and country concerts and all events at which alcoholic beverages are sold will be on a reserved seating basis only;

(ii) Crowd control will be provided by certified law enforcement personnel on the basis of guidelines established from time to time by the Charlotte Police Department (such guidelines currently provide for three officers per 1,000 patrons at rock and country concerts and similar events); and

(iii) Sufficient law enforcement personnel (as determined by the Charlotte Police Department in conjunction with the City Transportation Department) will be provided at each event for traffic control.

13. **Coordination of Scheduling of Events**. Tenant will work with the City and the Authority in coordinating the scheduling of events in order to minimize potential conflicts. All hockey games (including hockey exhibitions) and other league sporting events shall have a starting time of 7:30 p.m. unless otherwise agreed by the Authority. Recognizing that it is in the best interests of

Tenant and the City to avoid traffic, parking and related problems which may arise when evening events are scheduled both at the Coliseum and Ovens Auditorium, Tenant agrees to use its reasonable best efforts to schedule all evening events at 7:30 p.m. on those days where an event is also scheduled at Ovens Auditorium. Tenant shall, however, be permitted to have a starting time other than 7:30 p.m. (excluding hockey and other league sporting events) even though there is a conflicting event scheduled for Ovens Auditorium provided that Tenant has submitted to the Charlotte Police Department a plan for managing the anticipated traffic issues and such traffic plan has been approved by the Charlotte Police Department.

14. **Parking**. The City owns the parking lot which adjoins the Coliseum and Ovens Auditorium to the south. The City agrees during the initial term and each extension of the Lease Agreement to make its parking facility available for use in conjunction with events at the Demised Premises at rates established from time to time by the Authority consistent with its prior practices, provided, however, on those occasions where an event is scheduled for both Ovens Auditorium and the Coliseum and the starting times of the conflicting events are staggered by not less than thirty (30) minutes, the City shall "partition" its parking facility so as to assure availability of adequate parking for patrons of Ovens Auditorium. Such partitioning shall be based upon the City's reasonable estimates of the parking required for the particular event scheduled for Ovens Auditorium. The City will provide necessary personnel for the collection of parking fees at its parking facility. Tenant will pay for clean-up of the parking lot after a Coliseum event when there is no concurrent event at Ovens Auditorium; and in all other cases the City will pay for the clean-up. All parking revenues exclusively from Coliseum events (where there is no competing event at Ovens Auditorium) will be allocated 85% to Tenant and 15% to the City with the City being responsible for paying the costs and expenses of its parking attendants out of its allocable portion of the proceeds. If such parking facilities are used exclusively for an Ovens Auditorium event or other non-Coliseum event then Tenant shall be entitled to no portion of the parking revenues. In those cases where parking facilities are partitioned (i.e., a portion being limited to Ovens Auditorium patron parking and a portion limited to Coliseum patron parking) the City shall retain 100% of the revenues associated with Ovens Auditorium parking and shall allocate revenues as to that portion designated for Coliseum parking 75% to Tenant and 25% to City. In those cases where events are being held concurrently at the Coliseum and the Ovens Auditorium without staggered starting times and the City is accordingly unable to partition its parking area, then 100% of the parking revenue shall be allocated to City. Recognizing that the maximum number of spaces available at the City's parking lot is approximately 1200, Tenant shall be required by March 31, 1991 to enter into an agreement (reasonably

satisfactory with the City as to availability of parking and staffing), with D. L. Phillips Company so as to ensure the availability of adequate parking for a minimum period corresponding to the initial lease term. Such agreement with D. L. Phillips Company ("Phillips") shall also provide that Phillips shall be responsible for providing a sufficient number of parking attendants in order to comply with guidelines established from time to time (on a per event basis) by the Charlotte Police Department and Charlotte Department of Transportation in order to ensure the free flow of traffic into and out of Phillips' parking areas. Tenant shall further be responsible for securing the necessary rights, as deemed appropriate, in order to have a "staging area" for Coliseum events. The City agrees that its parking facility may be utilized for a "staging area" provided that the same does not conflict with scheduled events at Ovens Auditorium.

15. **Name**. Tenant shall cause the name of the Demised Premises to be changed prior to the opening thereof for events to the public. Such name shall not include the word "Coliseum" but instead shall use the word "Arena". The name shall be in good taste, may embody the name or logo of a corporate sponsor and shall be subject to the reasonable approval of City. All signage shall be changed to reflect such new name at Tenant's expense.

16. **Heating/Electrical**. The heating for the Demised Premises is provided by three oil-fired steam boilers located in the mechanical room of Ovens Auditorium. Tenant shall pay to the City the cost of providing heating to the Coliseum based on the City's out-of-pocket costs and expenses associated with providing the same. Additionally, Tenant shall be responsible for its allocable share of the costs and expenses associated with maintaining such heating system. In the event that Tenant should determine that the cost of maintaining the heating system (including replacement thereof in the event of major failure) is not cost effective, Tenant shall have the right, upon reasonable notice to City, to cease using such heating facilities on a shared basis and, in lieu thereof, install its own heating system in the Demised Premises. Additionally, the City shall have the right, upon not less than twelve (12) months' notice to Tenant, to cease providing heating through the facilities located at Ovens Auditorium in which event tenant will be responsible for installing an adequate heating system in the Demised Premises. The City shall have no liability should such heating system fail or otherwise be unable to provide adequate heating to the Demised Premises; however, Tenant shall have reasonable access to the heating system in order to perform necessary maintenance and repairs.

In the event that electricity for the Coliseum is not separately metered Authority shall be obligated to modify the electrical system so as to permit separate metering of electrical usage for the Coliseum and Ovens Auditorium. Tenant shall

reimburse Authority for fifty percent (50%) of the reasonable costs incurred to accomplish separate metering of electrical usage.

17. Special Use. Tenant agrees to provide Authority with temporary office space in the Coliseum without charge until such time as the Authority is able to construct office space within Ovens Auditorium. Authority's right to occupy office space in the Coliseum shall cease September 30, 1993. Additionally, Tenant shall make the Demised Premises available for City/County/School Board events (as, for example, graduation) on a cost reimbursement basis a minimum of five times per year provided that the same does not conflict with scheduled events.

18. Books and Records. Tenant shall keep adequate books and records with respect to its operations of the Coliseum and City shall have the right, upon reasonable notice, to inspect, copy and audit the same.

19. Alterations. Tenant shall not make any alterations or additions to the Demised Premises without the prior written consent of City. City acknowledges that Tenant may wish to construct a restaurant, club facilities and similar improvements in the Demised Premises and agrees to act promptly and in a reasonable manner in considering such requests.

20. Ownership of Improvements. Upon termination of the Lease Agreement, City shall be deemed the owner of all additions and improvements to the Demised Premises.

21. Default. The Lease Agreement shall provide the usual and customary events of default as contained in commercial leases. The Lease Agreement shall provide for a ten (10)-day grace period on all "monetary" defaults (which shall include payment of rent and maintenance of required insurance) and a thirty (30)-day right to cure (or begin to cure when such cure cannot reasonably be accomplished in thirty (30) days) on non-monetary defaults after appropriate notice. Events of default shall include in addition to the customary and usual events of default in commercial leases (i) except as otherwise agreed by City, Tenant shall cease ongoing operations at the Demised Premises for a period of six (6) months except when caused by an act of God; (ii) the failure of Tenant to comply with the provisions of Paragraph 6 hereof, (iii) failure of Tenant to raise the $3,000,000 of capital and/or financing as provided in Paragraph 8 hereof, or (iv) the failure of Tenant to enter into a satisfactory parking agreement with Phillips as provided in Paragraph 14 hereof. Tenant shall be entitled to receive written notice of all events of default with the cure period commencing the date of hand delivery of such notice or on the third day following mailing of such notice by certified mail, return receipt requested.

22. No Assignment. The Lease Agreement may be assigned to a corporation controlled by the Allen Group or a limited partnership of which Allen, or a member of the Allen Group, is the managing general partner. The term "controlled" refers to management, not ownership. Except as to such permitted assignment the Lease Agreement will prohibit the assignment of the Lease Agreement without the prior approval of the City which such approval may be withheld for any reason, provided, however, if all members of the Allen Group are deceased or incapacitated, substitute "management" may be designated by Tenant subject to approval of the City which such approval will not be unreasonably withheld. Additionally, appropriate restrictions will be contained in the Lease Agreement relating to the ongoing control of Tenant by the Allen Group. Subletting of the Demised Premises shall be prohibited except to the extent that concessions may be "leased" to third party operators or the premises may be "leased" on an event basis to a third party group. The Lease Agreement shall prohibit Tenant from encumbering Tenant's leasehold estate.

23. Indemnification. The Lease Agreement will provide that the tenant will indemnify and hold harmless the City, the Authority and their respective appointed members, elected officials, agents, officers, directors, assigns and employees from and against any and all liability, loss, damage, interest, judgment, cost, expense (including attorneys' fees) arising out of or relating to tenant's possession and operation of the Demised Premises including full indemnification as to environmental matters.

24. Insurance. Tenant shall be required to purchase and maintain at all times fire and extended coverage insurance on the Demised Premises, commercial general liability insurance, workers' compensation and occupational disease insurance, boiler insurance (on the three boilers located in the Ovens Auditorium and servicing the Demised Premises) and "Dram Shop" coverage for all events where alcoholic beverages are sold all with companies and in amounts approved by the City and consistent with the City's insurance coverage requirements. Minimum public liability limits will be $10 million per occurrence. Tenant shall provide evidence of such coverage prior to assuming possession of the Demised Premises under the Lease Agreement, provided, however, Tenant may be given limited access for purposes of the study required by Paragraph 6 hereof, if the City and the Authority are adequately protected as to fire, extended coverage and public liability under existing insurance coverage provided Tenant reimburses the City/Authority for the cost of such insurance on a per diem basis.

25. Approvals. Whenever the Lease Agreement requires the City as Landlord, or Allen or his permitted assigns as Tenant, to approve a request (other than a requested assignment of the Lease Agreement) the parties asked to approve such request shall act with all reasonable diligence consistent with applicable legal

limitations and the nature of the matter for which approval is sought.

The parties acknowledge and agree that this letter of intent shall be non-binding upon the parties and that it does not contain all of the terms which will be incorporated in the definitive Lease Agreement. Allen further acknowledges and understands that the terms, provisions and conditions of this letter of intent are subject to the approval of the Charlotte City Council and that neither this letter of intent nor any subsequent lease agreement which is contemplated shall be binding upon the City in any respect until the same shall have been approved by the City Council. The parties acknowledge, however, that it is their intention to present this letter of intent to the City Council at its meeting scheduled for December 10, 1990 for formal approval. Following approval of this letter of intent a formal definitive Lease Agreement embodying the terms and provisions hereof shall be submitted to City Council for its approval at its January 14, 1991 meeting, or as soon thereafter as feasible.

Very truly yours,

William G. Allen, Jr.

AGREED TO:

CITY OF CHARLOTTE

By: _____
(Title)

8B
12/10/90

CFEG'S PRESENTATION TO CHARLOTTE CITY COUNCIL ON DECEMBER 10, 1990

CFEG'S appeal to this Council has always been ~~to~~ "give the voters of Charlotte the opportunity to vote "yes" or "no" on a convention center." We have also been critical of the proposed financing scheme.

Based on the press briefing held by the City Manager last Friday and the results of the bid for the Certificates of Participation, we now have a further significant concern.

We calculate that for every one tenth of one percent the City pays as interest on these Certificates of Participation more than they would have to pay on a General Obligation Bond the cost to the City will be $3,750,000 for the life of the contract. For example, if the City could issue G. O. Bonds at 6.8% but instead issues COP's for 7.4% the total interest cost for the project would be $22,500,000 more than it would have been by issuing the G. O. Bonds.

Therefore the argument that we must do this by December 31, 1990 to gain $4,000,000 in arbitrage looses ~~any meaning it may have had.~~ all its meaning.

Once again we ask you to put this convention center to a vote of the people. If the people vote for it, we will get the lowest possible interest rate, saving tens of millions of dollars , and if the people vote it down you should ~~not~~ have been building it anyway.

Recommend Dist 7.30
8B
12/10/90
Will produce app 148 MM

CONVENTION CENTER FINANCING
Questions & Answers
November 13, 1990

Q1a. Is lease purchase financing cheaper than General Obligation bonds?

Q1b. What are the advantages of using the lease purchase method of financing, and how does it compare to General Obligation bonds?

A1a. At first glance, general obligation financing provides the lower costs. For a lease purchase transaction, the interest rate will average one quarter of one percent more primarily because the general taxing power of the City is not pledged. Additional costs for a lease purchase transaction are estimated to be approximately $3.4 million in today's dollars (present value). This added cost will be more than off-set if the City is allowed to take advantage of the significant arbitrage benefit (see question #3).

A1b. The City's most serious risk in this project relates to the amount of occupancy tax and prepared food and beverage tax (tax receipts) available to make lease payments, particularly in the early years. Management of this risk is based on the following strategies:

- Use conservative assumptions regarding growth of dedicated revenues - See question #3b.
- Create debt service reserve fund
- Capitalize a portion of the interest during the construction period (borrow money to pay interest in the early years)
- Defer lease or debt payments to allow revenues to grow
- Size the project to provide for accumulation of additional reserves (tax receipts in excess of lease payments)

Differences in the implementation of these strategies for each type of financing are summarized below:

Lease Purchase	General Obligation
• Debt reserve - $13 million- can be drawn down to cover shortfalls in revenue	• No debt service reserve permissible (federal law)

• Highest maturity 8.4 x lowest during the debt period of 34.5 years	• Highest maturity no more than 4 x lowest previous (state statute)
• Principal deferred 6 years 1991 - 1996	• Principal deferred 3 years (state statute)
• Debt period 30 years from estimated certificate of occupancy (effective debt period of 34.5 years)	• Debt period 30 years from issuance (state regulation)
• Projection of estimated tax receipts in excess of lease or debt payments	• Same
• Other revenues, if required	• Unlimited taxing power of the City, as required

The primary advantage of a lease purchase financing is the flexibility to establish a debt service reserve fund, to structure smaller initial principal maturities and to defer initial principal repayment. This results in a lower risk that tax receipts will be insufficient in the early years to make lease payments. It also maximizes the project size, given forecasted revenues. The primary disadvantage in the use of lease purchase financing is its somewhat higher debt service cost than in the case of General Obligation bonds.

Exhibit I depicts the reduction in risk during the early years of the maturity schedule through the use of the lease purchase financing method.

Exhibit II depicts the accumulation of additional tax receipts (estimated tax receipts in excess of expenditures) over the life of the financing (34.5 years).

CHARLOTTE

Meetings in December '90

THE WEEK OF DECEMBER 1 - DECEMBER 8

1-5	Saturday-Wednesday	**NATIONAL LEAGUE OF CITIES ANNUAL CONVENTION** - Houston
3	Monday, 11 30 a m	**PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room
	Monday, 12 Noon	**PLANNING COMMISSION/Work Session** - CMGC, 8th Floor Conference Room
4	Tuesday, 2 00 p m	**TAXICAB REVIEW BOARD** - CMGC, Conference Center
5	Wednesday, 4 30 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** - CMGC, 7th Floor Conference Room
	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center
	Wednesday, 6 30 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Room 118

THE WEEK OF OF DECEMBER 9 - DECEMBER 15

10	Monday 3 30 p m	**PLANNING COMMISSION/Executive Committee** CMGC, 8th Floor Conference Room
	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC, Conference Center
	Monday, 6 30 p m	**CITIZENS HEARING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 00 p m	**CITY COUNCIL MEETING** - CMGC, Meeting Chamber (Televised on Cable Channel 32)
	Monday, 7 30 p m	**HISTORIC LANDMARKS COMMISSION** - 1221 S Caldwell Street
11	Tuesday, 7 30 a m	**POLITICAL CONSOLIDATION STUDY COMMISSION** - CMGC, Conference Center
	Tuesday, 8 00 a m	**CLEAN CITY COMMITTEE** - CMGC, Room 270
	Tuesday, 4 00 p m	**AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A
12	Wednesday, 7 45 a m	**PRIVATE INDUSTRY COUNCIL** - CMGC, Meeting Chamber
	Wednesday 8 30 a m	**CIVIL SERVICE BOARD** - CMGC, 7th Floor Conference Room
	Wednesday, 2 30 p m	**CHARLOTTE-MECKLENBURG ART COMMISSION/Executive Committee** CMGC, 8th Floor Conference Room
	Wednesday, 4 00 p m	**HISTORIC DISTRICT COMMISSION** CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF DECEMBER 16 - DECEMBER 22

17	Monday, 10 30 a m	**AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY**- Charlotte Coliseum, Conference Room, 100 Paul Buck Blvd
	Monday, 5 00 p m	**COUNCIL/MANAGER DINNER** CMGC, Meeting Chamber Conference Room
	Monday, 6 00 p m	**CITY COUNCIL/Zoning Hearing** CMGC, Meeting Chamber
18	Tuesday, 4 30 p m	**PLANNING COMMISSION/Zoning Work Session** - CMGC, 8th Floor Conference Room
	Tuesday, 6 00 p m	**CHARLOTTE ADVISORY PARKS COMMITTEE** CMGC, Rooms 270 & 271
19	Wednesday, 6 00 p m	**YOUTH INVOLVEMENT COUNCIL** CMGC, Conference Center
21	Friday, 11 00 a m	**HOUSING AUTHORITY** 1301 South Boulevard

THE WEEK OF DECEMBER 23 - DECEMBER 30

24	Monday	**CHRISTMAS EVE**	All City Offices Closed
25	Tuesday	**CHRISTMAS DAY**	All City Offices Closed

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

Charlotte Tree Advisory Commission
Community Facilities Committee
Housing Appeals Board
Specialized Transportation Advisory Committee

December 10, 1990 City Council Agenda
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CHARLOTTE

Mayor Sue Myrick | *Mayor Pro Tem Cyndee Patterson*

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

Council Agenda

Monday, December 10, 1990

5:00 PM	-	Council-Manager Dinner
		. Stormwater*
6:30 PM	-	Citizens Hearing
7:00 PM	-	Council Meeting

* Attachment No. 1

ITEM NO.

1. Invocation.

2. Consider approval of minutes of October 11, October 15, November 5 and November 8, 1990.

PUBLIC HEARING

3. A. Conduct a public hearing to abandon a portion of Seventy-Seven Center Drive.

B. Recommend adoption of a resolution to close a portion of Seventy-Seven Center Drive.

Abandonment
Petitioner: Seventy-Seven Center Investors, II
Right-of-Way to be Abandoned: A portion of Seventy-Seven Center Dr.
Location: Consists of the cul-de-sac
Reason: To enhance the cul-de-sac area with a fountain and landscaped plaza. The cul-de-sac will be maintained by the petitioner and public access will be provided.

Clearances
Private Utility Companies - No objection.
This area does not have a neighborhood association.
City Departments - Review has identified no apparent reason this closing would:

1. Be contrary to the public interest; or
2. Deprive any individual owning property in the vicinity of Seventy-Seven Center Drive of reasonable ingress and egress to his property as outlined in NCGS 160A-299.

Funding No City funds are involved.

A map is attached.

Attachment No. 2

4. A. Conduct a public hearing to abandon a portion of East Hill Street.

B. Recommend adoption of a resolution to close a portion of East Hill Street.

Abandonment
Petitioner: Duke Power Company
Right-of-Way to be Abandoned: A portion of East Hill Street
Location: Between Vance Street and Interstate 277 (John Belk Freeway)
Reason: To incorporate the right-of-way into adjoining lots for construction of an electrical substation.

Clearances
Private Utility Companies - No objection.
Dilworth Neighborhood - No response (notified by certified mail).
City Departments - Review has identified no apparent reason this closing would:
1. Be contrary to the public interest; or
2. Deprive any individual owning property in the vicinity of East Hill Street of reasonable ingress and egress to his property as outlined in NCGS 160A-299.

Funding No City funds are involved.

A map is attached.

Attachment No. 3

5. A. Conduct a public hearing to abandon a portion of an alleyway.

B. Recommend adoption of a resolution to close a portion of an alleyway.

Abandonment
Petitioner: Presbyterian Health Services Corporation
Right-of-Way to be Abandoned: A portion of an alleyway
Location: Between Clement Avenue and Caswell Road
Reason: To incorporate the right-of-way into adjoining lots for construction of a child development center.

Clearances
Private Utility Companies - No objection
Elizabeth Community Association - No response (notified by certified mail).
City Departments - Review has identified no apparent reason this closing would:
1. Be contrary to the public interest; or
2. Deprive any individual owning property in the vicinity of this alleyway of reasonable ingress and egress to his property as outlined in NCGS 160A-299.

Funding No City funds are involved.

A map is attached.

Attachment No. 4

6. A. Conduct a public hearing to abandon three alleyways.

B. Recommend adoption of a resolution to close three alleyways.

Abandonment
Petitioner: Mrs. C. H. West
Right-of-Way to be Abandoned: Three alleyways
Location: Between West Morehead Street, South Church Street, and Interstate 277
Reason: To incorporate the right-of-way into the adjoining lots thereby making the property available for development under the Uptown Mixed Use District zoning.

Clearances
Private Utility Companies - No objection.
This area does not have a neighborhood association.
City Departments - Review has identified no apparent reason this closing would:
1. Be contrary to the public interest; or
2. Deprive any individual owning property in the vicinity of these alleyways of reasonable ingress and egress to his property as outlined in NCGS 160A-299.

Funding No City funds are involved.

A map is attached.

Attachment No. 5

VOTE ON CONSENT ITEMS

7. Agenda items 19 through 30 may be considered in one motion except for those items removed from the consent agenda as a result of a Council member making such a request of the City Clerk prior to the meeting.

POLICY

8. Discussion to select a method for handling rezoning petitions.

This item was deferred at the November 26, 1990 Council meeting.

Rezoning Process Over the past several years, the rezoning process has become a significant consumer of time for City Council. As the process has become more time consuming and detail oriented, there have been discussions among various interested parties of alternative procedures for the processing of rezoning requests.

The alternatives to current practice have all revolved around the Planning Commission assuming at least some of the responsibility for conducting the public hearings.

Options Listed below are several options for Council's consideration and discussion. Also provided are the number of City 1990 rezoning petitions and text amendments that would have been heard by City Council or Planning Commission based on the various options. Except for Option E, all other options would require enabling legislation adopted by the General Assembly.

Option A - City Council would conduct the public hearing and render decisions on "major" rezoning petitions, such as large shopping centers, large residential developments or where the proposal is inconsistent with an adopted plan. Planning Commission would hold hearings and render the decision on "minor" petitions. The zoning ordinance would need to identify "major" and "minor".

To date, there have been 91 City rezoning petitions and text amendments submitted for consideration during 1990. Of these 91 petitions, 9 have sought the B-1SCD district. Therefore, under option A, City Council would have conducted the public hearing on at least these 9 petitions and Planning Commission would have conducted the 82 remaining public hearings. These numbers would change depending upon the uses or districts targeted as "major" or "minor".

Option B - Planning Commission would conduct all public hearings on rezoning petitions. The Planning Commission recommendation would then be forwarded to City Council, as well as minutes from the public hearing, for decision by City Council.

Under Option B, Planning Commission would have conducted the public hearing on each of the 91 City rezoning petitions and text amendments. City Council would, therefore, render 91 decisions.

Option C - Planning Commission would conduct all public hearings on rezoning petitions. Those petitions that result in unanimous votes by Planning Commission would not proceed further to City Council. Unanimous decisions by Planning Commission would be final. However, all petitions resulting in a split vote are forwarded along with minutes from the hearing to City Council for the final decision.

There were 26 petitions thus far in 1990 that resulted in a split vote by Planning Commission. Therefore, under Option C, Planning Commission would have conducted each of the 91 public hearings, and rendered decisions on the 65 cases that resulted in a unanimous vote. The 26 petitions not resulting in a unanimous vote would have been referred to and decided upon by City Council.

Option D - Planning Commission would conduct all public hearings on rezoning petitions and also be vested with the decision making. However, any interested party could appeal the Planning Commission's decision to City Council.

Under Option D, Planning Commission would have conducted each of the 91 hearings and rendered the decision on each petition.

Option E - Leave current process in place.

9. Recommend adoption of the proposed Charlotte-Mecklenburg zoning ordinance.

New Zoning Ordinance

The City Council held public hearings on the new zoning ordinance on September 26, 1990 and October 11, 1990.

This action is for adoption of the revised zoning regulations as proposed in the Charlotte-Mecklenburg Zoning Ordinance. In addition to the adoption of the proposed regulations, the approval of the conversion table and amendment of the zoning maps will be a part of this approval.

Alternative Proposal

Alternate Approval Process

At the 12:00 noon luncheon meeting on Thursday, November 29, 1990 several Council and Board of Commissioners members discussed ideas about how they should go about making a decision on the new zoning ordinance. Those ideas included delaying action on the ordinance for an additional period of time to allow interested parties to comment on the Planning Committee's recommendations, dividing

the zoning ordinance into manageable pieces for decision-making, and jointly deciding upon the zoning ordinance with the Board of Commissioners. In response to those ideas, an alternate approval process is outlined below.

ACTIVITY	COMPLETION DATE
I. Extend Review Period Period to allow individuals and interest groups to respond to the Planning Committee's recommendations will be extended to the end of January. Comments will be sent to Planning Commission.	January 31, 1991
II. Preparation of Decision Document Planning staff will prepare a decision document including all the issues raised by outside parties on each chapter to facilitate the Council's decisions.	February 22, 1991
III. Decision Workshops Three to four decision workshops will be established jointly with the County Commission to review the recommended ordinance. Each workshop will address a cluster of chapters. The elected officials will separately take action on each chapter after review. After the final chapter is acted upon, a resolution would be passed setting the official adoption date for the ordinance.	March to Mid-April, 1991

IV Implementation — Approx. Mid-July, 1991

There will be a 90 day period after the official adoption date before new ordinance becomes effective.

Board of County Commissioners Action

On Monday, December 3, 1990, the Board of County Commissioners voted 4-3 to not adopt the proposed new zoning ordinance and instead, to have the Planning Commission make amendments to the current County zoning ordinance over an indefinite time frame. However, this decision is scheduled to be reconsidered by the new Board of County Commissioners on December 17, 1990. Because of the previous Board of County Commissioners action, a new public hearing would be required to proceed with the new ordinance.

Attached are recommendations of the Planning Committee of the Planning Commission.

Clearances Planning Commission Recommendations.

Attachment No. 6

10. Consideration of and adoption of the City's 1991 legislative program with respect to the Auditorium-Coliseum-Convention Center Authority.

On November 26, 1990, Council deferred action on the proposed 1991 legislative program that concerns the Auditorium-Coliseum-Convention Center Authority. Attached is information from the City Attorney's November 19 memorandum explaining the legislative proposals, and the Authority's response dated November 30, 1990.

Attachment No. 7

11. Recommend approval of the mission, roles and strategy statements for crime and drugs, public resources, economic development, growth/regionalism and education as discussed during City Council retreat, November 16-17, 1990.

Council Action

This action is to formally approve the mission, roles and strategy statements for each issue paper.

The five mission statements are highlighted below. The roles and strategy statements are contained in the attachment.

Crime and Drugs Mission:

- The City of Charlotte is committed to using its influence, energy, and resources to help build a community where violent crime and drug abuse is not tolerated.
- The City of Charlotte will be an active force in mobilizing all segments of the community toward a zero tolerance attitude toward violent crime and drug abuse.
- The City of Charlotte will provide a level of public safety services that will make its residents feel safe in their community and send the message that criminal activity will not be tolerated.
- The City of Charlotte will maintain a strong commitment to those programs which have a positive impact on the root causes of crime and drug abuse. (i.e., affordable housing, employment, etc.)

Public Resource Mission:

- Charlotte City Council believes it is essential to maintain quality of life through the fair and reasonable collection and balanced use of public funds.
- City Council believes that the expenditure of public funds should be equitable, both geographically and by type and level of service.

- City Council believes that the reliance of general government on the property tax should be lessened by identifying alternative revenues or alternative uses of existing dedicated revenues.

- City Council should initiate a regular process to examine the sources of revenues, and in what proportions for what purposes these revenues are spent.

Growth/Regionalism Mission:

- Charlotte City Council believes it is fundamentally important that we have a clear vision of the kind of city we want to be, in order to plan for growth in a way that assures a high quality of life and sound environment for all citizens in our diverse population; and that we should exercise leadership in developing a similar vision for the broader community within the county and the region as a whole.

Economic Development Mission:

Council recognizes that it is in the community's best interest to bring all areas of the city and all those able to work into the economic mainstream.

- City Council believes that economic development must make individuals and families self-sufficient by breaking the cycle of poverty for Charlotte's poor, by creating an environment that helps people prepare for and enter the world of work.

- City Council believes that economic development must revitalize deteriorated areas by strengthening those areas in the core city without power in the marketplace, that would remain underutilized without City involvement.

- City Council believes that our traditional support for economic development must continue by working closely with the Chamber and community leaders to support business development and providing high quality services and well-designed infrastructure.

Education Mission:

- The City of Charlotte expects this community to have a strong educational system that serves the needs and aspirations of its citizens. Accordingly, City Council offers its cooperation to the local public school system and to area colleges and universities in efforts to achieve an outstanding, nationally recognized system of educational opportunities and resources.

- The City of Charlotte recognizes the interrelationship of schools, housing, and land use. Accordingly, City Council expects the planning of new school locations to be done in concert with other community facilities and with the overall development of Charlotte-Mecklenburg.

1990 Council Retreat

At its February 1990 retreat, City Council identified five areas of expectations for the City. During the next eight months, workshops were held to focus on the areas of Council interest in each of the five expectation areas. Subsequently, issue papers were developed with detailed mission statements, role statements, strategy statements and action steps.

At the November, 1990 retreat, the Council was divided into small groups for intensive discussion of each expectation issue paper. As a result of these discussions, some modifications were made in the mission, role, and strategy statements and action steps.

Funding

None required for the mission, roles and strategy statements. Action steps requiring funding will come back to Council for implementation. The action step implementing the crime and drug symposium requires an appropriation of $40,000 and is item #20 in the consent agenda.

Clearances

Budget and Evaluation, Police, Planning, Economic Development.

Attachment No. 8

12. Consider the request of the Sister Cities Committee to change the method of appointment of its 25 members, and allow them to amend their bylaws accordingly.

Sister Cities Appointments

The Sister Cities Committee has 25 members; all terms expire April 5, 1992. Nine members are appointed by the Mayor; 16 by Council.

The Sister Cities Committee periodic review submitted to Council in September 1990, copy attached, requested that the method of appointment be changed so that the Sister Cities board of directors could appoint some members to the committee. The reason for this request is that much of the energy and creativity comes from interested citizens who are not offically appointed members of the Sister Cities Committee, and in order to take advantage of demonstrated commitment and to assure continuity in leadership, the committee felt it needs the ability to appoint some of the dedicated volunteers as special committee members.

Options

The following are options for Council's consideration. The Sister Cities' recommendation is Option 1.

Option 1

4 appointed by the Mayor
8 appointed by City Council
13 appointed by the Sister Cities Committee Board of Directors

As a transitional process, the board of directors would like to make all appointments to fill partial terms resulting from resignations or nonattendance (not to exceed 13 by the board of directors). In 1992, the number of appointments by each body could be adjusted as Council directs, with consideration being given to those members that will be eligible for reappointment.

Option 2

Wait until 1992 and adjust the number of appointments by each body as Council directs.

Option 3

Leave the committee as it is with no appointments by the Sister Cities Board of Directors.

Sister Cities Committee — The Sister Cities Committee was established by resolution of the City Council on July 24, 1978. The committee functioned in an informal manner until April 5, 1982, when official appointments were made by the Mayor and City Council. The normal expiration of terms is April 5, with no member serving more than two full consecutive terms. None of the original terms were staggered, so they all expire April 5, 1992, with some eligible for reappointment.

Clearances — Offices of the Mayor, the City Manager, and the City Attorney.

Attachment No. 9

13. The following items are proposed for discussion at Council's January 7 workshop:

One Percent for Art/Convention Center
Apparel Mart

BUSINESS

14. Letter of intent for lease of old Coliseum to William Allen.

Information on this item will be sent to Council in the December 7, 1990 Council-Manager memorandum.

15. A. Recommend adoption of an ordinance creating a new Article V to Chapter 23 of the Charlotte City Code entitled "Backflow Prevention and Cross Connection Control".

B. Recommend adoption of a budget ordinance for $80,278 adding two positions to implement and enforce the program.

Council Action

This Council action is to adopt a cross connection and backflow prevention ordinance that will protect the water supply from being contaminated by chemicals or contaminated water flowing back into the water system.

Federal and State laws designate the water supplier (CMUD) to be responsible for the quality of the drinking water to the point of service. The proposed ordinance requires all new and existing commercial, industrial and some residential customers to install, maintain and test a device to prevent chemicals or liquids from flowing back into the public water system. All major North Carolina cities have a cross connection control program in place - Raleigh, Durham, Greensboro, Winston-Salem, Asheville, etc.

Key Points

Detailed information is attached. Some key points are:

There are approximately 25,000-30,000 businesses and 2700 residences in the Charlotte area that will be affected by the ordinance. All affected CMUD customers will be prioritized by the level of hazard they represent. For example, a chemical plant would represent a high hazard and would be among the first to be contacted. Customers such as a real estate office or residences with irrigation services will be the lowest priority and it could be five to seven years before they are contacted. New customers will be required to have a proper backflow assembly before being connected to the CMUD system.

The customer will bear the cost of the backflow prevention device, installation and maintenance. The cost will vary from approximately $350 to $20,000, depending on the size required.

Customers will be required to have their assemblies tested annually by private testing firms. The cost will vary from $30 to $100 per test.

Implementation of the ordinance will be phased in over several years, beginning with the highest hazard businesses. Each customer will receive a personal visit from a CMUD representative who will survey the facilities and determine the hazards. CMUD will then notify the customer by letter of the type backflow prevention assembly required. The timeframe for compliance will be between 30 to 60 days.

Two positions will be required to implement the program. These positions will be responsible for educating the customers, inspecting installations, and administering and enforcing the ordinance.

Civil penalties will be imposed if there are ordinance violations.

An extensive public relations program is planned to assist all affected CMUD customers and the general public. The proposed ordinance has already been shared with the Charlotte Chamber and other business organizations, as well as the Community Facilities Committee.

The proposed ordinance is effective January 1, 1991.

Funding: Water and Sewer Operating Fund Balance.

Clearances: The City Attorney's Office, City Fire Department, County Fire Marshal and the County Building Standards Plumbing Division have reviewed and approved this ordinance. The Utility Department Director recommends approval of this ordinance.

Attachment No. 10

16. Recommend (1) rejection of the purchase of water and sewer mains in Trinity Park and Hyde Park East from Utilities, Inc. at the requested purchase price of $1,250,000, and (2) the City proceed with installing the required annexation water and sewer lines on an accelerated construction schedule.

Annexation Area Water/ Sewer Service	The Issue A 1989 annexation area referred to as I-77 Corridor North has two subdivisions, Trinity Park and Hyde Park East, that receive water and sewer service from a privately-owned company, Carolina Water Service, a subsidiary of Utilities, Inc.

There are about 475 water and sewer customers in Trinity Park, and about 25 sewer customers in Hyde Park East.

CMUD contacted Utilities, Inc. to discuss the possibility of the City acquiring the water and sewer mains. CMUD estimated the value of the mains to be $305,000.

Utilities counteroffered with $1,100,000; continued negotiations resulted in a negotiated sales price of $850,000. Private utility systems do not have to sell to the City and the City has no condemnation powers to utilize.

Justification for the negotiated $850,000 was that to put in all required annexation mains would cost about $375,000, and the City's share of all additional 50/50 mains would be about $475,000 for a total City liability of $850,000.

The North Carolina Utilities Commission approved the sale with stipulations that 50% of the profit gain was to be assigned to the remaining Carolina customers and 50% could be retained by Utilities, Inc. stockholders.

On October 18, 1990, Utilities, Inc. notified CMUD they were willing to complete the sale if the purchase price were increased to $1,250,000, an increase of $400,000 over the agreed-upon price of $850,000.

Options

Two options that are now available to the City are:

1. Pay the additional $400,000 to Utilities, Inc. to make the total purchase price $1,250,000 instead of the negotiated price of $850,000.

Advantages

- Purchase of system would immediately add 500 customers to CMUD system.
- Customers would automatically receive benefit of lower CMUD monthly rates.
- Customers would have no expense for extending lines to their properties since Utilities, Inc. system already serves individual properties.

Disadvantages

- Purchase price of $1,250,000 is $400,000 more than justified cost.
- Value of system offered for purchase is $305,000.
- Other private systems have been purchased at value; purchase of this system at increased cost may set precedent for future negotiations.
- Purchase of system provides level of service to these areas greater than in other areas being annexed; installed new mains provides same level as in other areas annexed.
- Existing system is five to 25 years old and will require more maintenance than a new system.

2. Reject the purchase offer and install water and sewer mains as required by annexation at a cost of approximately $375,000. In addition, as required, the City would participate in 50/50 extensions.

Advantages

- City utility customers would not bear more expense than necessary to provide basic water and sewer service to newly annexed areas.
- City would have new system in place, with less need for maintenance.

Disadvantages

- The CMUD system would parallel existing mains in a fully developed subdivision, thus creating customer competition between CMUD and Utilities, Inc.

- New annexation water mains can be installed prior to June 1991 deadline; however, all new annexation sewer mains may not be installed prior to June 1991 deadline.

- Utilities, Inc water/sewer rates are substantially higher than CMUD rates. However, under the present 50/50 cost sharing extension policy, it will cost property owners a minimum of $3100 for tapping privilege and connection fees in order for CMUD to serve their properties; in some cases, it could cost several thousand dollars if lines need to be extended. Property owners might find these costs a disincentive to connect, even with higher monthly Utilities, Inc. rates.

Recommendation

It is recommended that Council reject the increase to the purchase price, instruct CMUD to inform Utilities Inc. and the N.C. Utilities Commission of this decision, and proceed with installing the required annexation water and sewer lines in Trinity Park and Hyde Park East subdivision on an accelerated construction schedule.

This recommendation is based on the substantial increase in the purchase price of the Utilities, Inc. system, the cost for which would be borne by all existing CMUD customers. We recognize, however, that not acquiring the Utilities, Inc. system may cause additional expense and inconvenience to the 500 customers in the area.

17. Consider options for storm drainage improvements at 1810 and 1814 Ferguson Court in lieu of a currently proposed ditch.

1815 Pickens Court Drainage

The Issue

- In September, 1989, City Council authorized drainage improvements to correct a drainage problem at 1815 Pickens Court. The improvements included work on downstream properties at 1810 and 1814 Ferguson Court.

- The City Charter states that Council may authorize drainage improvements on private property where owners fail to maintain drainage facilities causing flooding of neighboring properties. Council used this authority when the property owner at 1815 Pickens Court was unable to get cooperation from downstream neighbors through the Storm Drainage Repair Policy (SDRP) process.

- The property owner at 1815 Pickens Court is paying the total 20% share of all private property costs, with the City paying the remaining 80% of private property costs and all costs for work in the street right-of-way.

- The downstream property owners were unwilling to participate and are not sharing in the costs of the improvements even though they are obligated under State law and the City Charter to maintain unobstructed drainage through their properties.

- In several cases, most recently Turner Avenue, Council has ordered drainage improvements on private property and then assessed the property owners for the cost of the work.

- A preliminary study indicated that the proposed channel would be approximately two feet deep. Due to field conditions encountered during construction, the channel now varies from two to five feet deep. The property owners at 1810 and 1814 Ferguson Court are dissatisfied with the open ditch.

- City policy is to construct the least costly, effective solution to storm drainage problems. In this case, the improved channel is significantly less expensive than storm drainage piping.

Property Owners' Request

Because of the property owners' concerns about maintenance of the channel and the impact of the channel on their yards, they are asking Council to approve a pipe alternative funded at City expense. The pipe alternate will add $40,000.00 to $50,000.00 to a project currently costing $45,000.00. The tax value of each parcel is approximately $45,000.00. If pipe is not selected, the City has agreed to install a fence adjacent to the channel to address property owner concerns about access by children and animals.

Options

Options for Council consideration:

1. Complete the project based on the original concept of an open channel and install a fence adjacent to the channel to address property owners' concerns at an additional cost of $2,000.00.

2. Replace the open channel at 1810 and 1814 Ferguson Court with a system of reinforced concrete pipe, yard inlets and endwall at City expense. Estimated additional cost is $40,000.00 to $50,000.00.

Recommendation

Option 1 is recommended because:

- The City is paying a majority of the costs to improve a drainage system the property owners refused to improve.

- The current design is cost effective and technically adequate.

- The vast majority of storm drainage systems on private property are open ditches.

The September 25, 1989 Council agenda item, map and minutes are attached.

Funding Storm Drainage Repair Capital Account.

Attachment No. 11

18. A. Recommend adoption of an ordinance amending Chapter 10, of the City Code entitled "Health and Sanitation:, Section 1: Code 10-34, "Yard Trash".

Council Action Yard waste recycling will begin City-wide for all curbside collection customers on January 1, 1991. This action will amend the appropriate City ordinance to state the provisions under which a yard waste recycling program will be offered. The most significant points in the amendment are:

- Yard trash collection shall be provided only to the single family, duplex, and multi-family residential units currently receiving the curbside collection service from City forces.

- The definition of yard trash has been expanded to include the accumulation of grass clippings, dry-leaf rakings, bushes, shrubbery cuttings, tree limbs and other yard clippings.

- Mandatory separation of yard waste from other curbside collection items must occur.

- Grass clippings may be placed at the curb for collection either in regulation containers or clear plastic bags. This method of containerization will allow the City's collector to easily see the clippings are not contaminated with non yard waste items. Such contamination interferes with the final processing of yard waste into mulch as planned by the County. The City has written local stores and requested they stock these bags. Examples of stores contacted are grocery stores, convenience stores, discount stores, hardware/lumber stores, etc.

All other provisions of the ordinance, including the penalty section, remain basically intact.

B. Recommend adoption of an ordinance amending Chapter 10 of the City Code, entitled "Health and Sanitation", Section 1, 10-35 "Bulky Items/Junk".

Council Action

This action makes two changes in the "Bulky Items/ Trash" ordinance:

1. It reinstates wording that was inadvertently omitted from the ordinance when it was amended in 1986; and

2. It amends the procedures for collection of tires from residential units.

Bulky Trash Pick-up

Prior to 1986, the City's ordinance specified that household furniture and appliances would be collected at curbside for disposal only from City served residential areas provided the person requesting the service occupied the housing unit at the time of the request. Otherwise the removal of such items would be the responsibility of the rental agency or owner of the property.

Similarly, the City was not responsible for the collection or hauling of building materials from such units. Removal of the materials was again the responsibility of the property owner or contractor.

Reinstatement of Ordinance

When the City's "Health and Sanitation" Ordinance was revised in 1986 to encompass the necessary changes reflecting the new refuse collection service, the wording in the ordinance was inadvertently omitted to distinguish between an occupant of a residential unit receiving the bulky trash/building material service and the disposal of such items being the responsibility of the rental agency or property owner. This amendment reinstates that stipulation into the ordinance. During the four year deletion, the Solid Waste Services Department policy continued to reflect the earlier definition such that the appropriate party was held responsible for removal of the items.

Tires — In addition to the above change, in accordance with Senate Bill 111, the City has amended its procedures for the collection of tires from residential units. Previously, only two rimless tires could be collected on the regular curbside collection day by City Sanitation Division forces. As of March 1, 1990, the Special Services Division began collecting those tires separately as a bulk collection item once a week on a designated day so they could be transported to an authorized tire disposal facility. With the Ordinance revision, the Special Services Superintendent shall have the authority to collect more than two tires up to an amount that would be reasonably generated from a residence.

Clearances — City Manager's Office, City Attorney, Solid Waste Services Department.

* * * * * * * * *

CONSENT

* * * * * * * * *

CAPITAL IMPROVEMENT PROGRAM AMENDMENT

19. Recommend adoption of a resolution to amend the 1991-95 Capital Improvement Program to add a proposed sanitary sewer outfall to the City's current Five Year Capital Improvement Program.

Sewer Trunk Line — Crosland-Erwin Company requests the addition of an eight-inch sanitary sewer trunk line to the CIP.

Location — The trunk line will be along an unnamed tributary of Caldwell Creek and will serve an area of the Caldwell Creek basin. This area lies on the southwest and southeast intersection of I-77, U.S. 21 and Sam Furr Road.

Reason — Crosland-Erwin is developing the intersection of U.S. 21 and Sam Furr road into a business/commercial project called Northcross. Northcross will be served by the requested sewer line.

Cost The project is being funded entirely by the developer.

Clearances The Community Facilities Committee and the Charlotte-Mecklenburg Planning Commission support this request. The Utility Director recommends approval.

BUDGET ORDINANCE

20. Recommend adoption of a budget ordinance appropriating $40,000 for a symposium on crime and drugs as recommended in the 1990 City Council retreat action steps.

Symposium As a follow-up to Council's recent retreat, this action is to appropriate $40,000 for a symposium on crime and drugs to be held in February, 1991. The symposium will be sponsored by the Citizens Criminal Justice System and the Drug and Alcohol Commission. City staff assistance will be made available primarily through the Police Department with support from other departments as needed.

Funding Council Fund Contingency (Balance: $125,986).

BIDS

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

A. Protective Clothing For Structural Fire Fighting — Fire Department

Recommendation: By Purchasing Director and Fire Chief that the bid of Fire Gear, Inc., Aspen, Colorado, in the amount of $107,208.00, be accepted for award of contract on a unit price basis.

Bid Received Not Meeting Specifications: Zimmerman Evans, Inc., Greensboro, N. C., in the amount of $87,308.00, did not meet specifications in the components and design of the clothing. Over 12 discrepancies were found in the sample provided for evaluation. The most noticeable was an unacceptable rise in the body of the coat when arms are extended over the head which would expose firefighters to

fire. Some of the discrepancies were: (1) suspenders were elastic which will melt in fire; (2) the thermal barrier which provides protection between the firefighers' clothing and outer coat did not meet specifications.

Project Description: Protective clothing is used to protect firefighters from heat, vapor, abrasion and other hazards in firefighting.

Source of Funding: General Fund - (Fire Department).

B. Custom 75' Aerial Pumper — Fire Department

Recommendation: By Purchasing Director and Fire Chief that the low bid, Simon Ladder Towers, Inc., Ephrata, Pa., in the amount of $345,069.00, be accepted for award of contract.

Project Description: This custom built 75' aerial pumper will be used in the annexation area and will be assigned to the new fire station being constructed near the intersection of U. S. 29 and Harris Boulevard.

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

C. Copier, Print Shop, 3 Yr. Rental — P.S.& I. Dept., Printing Div.

Recommendation: By Purchasing Director, Public Service & Information Director and Copier Committee that the bid of Xerox Corporation, Charlotte, N. C., in the amount of $129,777.48, be accepted for award of contract.

One other bid was received from Eastman Kodak Company, Charlotte, N. C., in the amount of $103,377.60. The Xerox bid is recommended for approval because (1) the Xerox equipment best meets the current and future duplication needs of the City, (2) both the current and proposed Xerox equipment exceed the Kodak equipment in copier volume, speed, paper capacity and many other key operating features, (3) the Xerox equipment will best maximize the productivity of the small Print Division staff, and (4) the Xerox proposal will provide a new copier at less cost than the current unit (see attachment).

Project Description: The City Printing Division provides high speed, volume copying services for 26 City departments and Mecklenburg County government. Monthly totals average 350,000 to 400,000 copies with users billed for work performed. Printing Division personnel operate this equipment and jobs include reports, bid documents, City Council agendas, city calendars, news releases, flyers, etc. It is the opinion of the City Printing Division and copier committee that it is in the best interest of the City to pay an additional $8,800 per year for the Xerox equipment in order to maintain current efficiency and meet future workloads.

This proposed contract will be for three years provided funds are made available. Each year cost is projected to be $43,259.16 based on usage.

Xerox Corporation and Eastman Kodak Company bid both run length and fixed pricing. The run length pricing plan was chosen due to less cost. Fixed pricing for 3 years is as follows:

Xerox Corporation	$204,499.44
Eastman Kodak Company	$179,064.00

Source of Funding: General Fund - (Public Service and Information - Rental of Equipment).

Attachment No. 12

D. Park Road Alignment Phase I — Engineering
Landscaping

Recommendation: By the City Engineer that the low bid of $98,472.55, as submitted by Furr's Incorporated, be accepted for award on a unit price basis.

Project Description: Phase I construction of the Park Road alignment project is complete and ready for landscaping. The work will be to provide and plant all trees, shrubs, and groundcover listed in the plans, per applicable standards at locations specified in the plans.

Source of Funding: General Capital Improvement Fund - (Park Road Widening - 1987 and 1988 Street Bonds).

EMERGENCY CONTRACT

22. Recommend approval of an emergency contract of $62,750 with W. M. Paris Company for sewer main construction.

Emergency Contract	Replace an eight-inch sewer main on Fifth Street between Tryon and College.
Reason	Sewer main was filled with grout during construction of the NCNB tower. Depth and shoring requirement of this construction are beyond City force capabilities.
Quotations Received	W. M. Paris Company, $ 62,750 T. A. Sherrill Company, $142,100
Legal Action	CMUD will pursue legal action to recover entire costs associated with this emergency contract which is necessary to provide health and safety to the immediate area.
Funding	Sewer Line Replacement Capital Account.

AGREEMENT

23. Recommend approval of an agreement for photogrammetric services with Aero-Dynamics Corporation of Charlotte, North Carolina for $77,000 to provide 25 new topographic maps.

Recommendation	Using the Council-approved consultant selection process, Aero-Dynamics Corporation is recommended to provide 25 new topographic maps of various areas currently located in the City of Charlotte. The updated maps are required because of development within the City limits or annexation. The maps provide information on streets, buildings, trees and terrain. Copies of the maps are sold to the general public and used by various governmental agencies.
Funding	Engineering Department Operating Budget.
Clearances	The contract has been reviewed by the City Attorney and approved by the Engineering Department.

COG CHARTER AMENDMENT

24. Recommend adoption of a resolution amending the Centralina Council of Governments charter to permit COG to use current population estimates in establishing its budget and dues structure.

COG Charter Amendment: Attached is a letter from the Centralina Council of Governments' attorney recommending an amendment to the COG charter that would permit COG to use current population estimates from year to year in establishing its budget and dues structure, rather than use the decennial census figures.

Dues: The City of Charlotte's annual dues of $53,456 represent 3% of the COG's annual dues collection of $1.6 million.

Clearances: This recommendation was adopted by the Centralina Council of Governments on September 12, 1990.

Attachment No. 13

TERMS OF LAWSUIT SETTLEMENTS

25. Recommend adoption of a motion entering into the minutes the general terms of the settlements reached in the Kiser and Covington lawsuits as required by the North Carolina Open Meetings law.

Open Meetings Law: The North Carolina open meetings law provides that if a public body has considered a settlement in executive session, the terms of that settlement must be reported to the public body and entered into its minutes within a reasonable time after the settlement is concluded. The purpose of this request is to comply with these requirements of the state open meetings law.

Motion

We recommend that the City Council adopt the following motion:

> I move that the City Council accept a report from the City Attorney with regard to the settlements reached in the Kiser and Covington lawsuits and that the general terms of those settlements be entered into the minutes of this meeting. With regard to the Kiser lawsuit, a settlement of the lawsuit was achieved by payment of the City of $850,000 in exchange for full releases from any further liability. With regard to the Covington lawsuit, settlement of the lawsuit was achieved by the payment of $300,000 by the City for the claim of Crystal Covington and the claims of her parents and by the purchase of an annuity by the City in favor of David Covington for $1,529,513. Full releases from any further liability were received from the plaintiffs as a result of this settlement.

Kiser Settlement

On September 17, 1990, the City Council held an executive session and authorized a settlement offer of $800,000 in the case of Kiser Wrecker Company, et al. v. City of Charlotte, et al. Through a series of subsequent negotiations, the case was eventually settled for a total of $850,000, with members of Council authorizing the City Attorney to increase the settlement offer from $800,000 to $850,000. The City and those employees who were named as defendants in the lawsuit received full releases from any further liability.

Covington Settlement

On November 5, 1990, the City Council in executive session authorized the settlement of a lawsuit entitled Covington, et al. v. City of Charlotte, et al. Under the terms of this approved settlement, the City will pay $300,000 for the claim of Crystal Covington and the claims of her parents. The claims of David Covington were settled through the purchase of an annuity by the City in favor of David Covington for $1,529,513. Since minor children were involved, Court approval of the settlement was required. That approval was obtained on November 15. The City has received full and complete releases from any further liability as a result of this settlement.

Clearances

City Council; City Attorney's office.

VOLUNTARY ANNEXATION

26. A. Recommend adoption of a resolution authorizing the execution of an annexation petition.

B. Receive the City Clerk's certificate of sufficiency on the petition.

C. Recommend adoption of a resolution setting a public hearing on the annexation petition for January 14, 1991.

Annexation This action is to set in motion a voluntary annexation of City property (donated to the City by McDevitt & Street) and McDevitt and Street property so that (1) the next phase of the Westinghouse extension project can be undertaken, and (2) to provide a more uniform City boundary in the vicinity of this project.

A similar annexation involving Lance, Inc. was previously approved which permitted another portion of this roadway to be constructed within the City.

As the owner of a portion of the property proposed for annexation, the City must execute this joint petition.

A map is attached.

Clearances Planning, Engineering and Legal.

Attachment No. 14

SURPLUS PROPERTY

27. Recommend the City-owned property at 411 Tuckaseegee Road be declared surplus and be dedicated to Habitat For Humanity and that right of way be retained 50 feet from the center line of West Fourth Street.

Surplus Property It is recommened that this parcel be declared surplus and be dedicated at no cost to Habitat For Humanity to assist with their housing project. This parcel (Tax Code No. 071-031-13) was acquired by deed from L. R. Furr, Jr. and wife, Peggy P. Furr to the City on June 16, 1967, for the Tuckaseegee Road East Fourth Street widening/improvement project.

Clearances All City departments have been canvassed, with none expressing an interest in retaining this parcel for City use. The Charlotte Department of Transportation has recommended that right-of-way be retained 50 feet from the centerline of West Fourth Street.

A map and mandatory referral are attached.

Attachment No. 15

RIGHT OF WAY ABANDONMENT

28. Recommend adoption of a resolution to withdraw from dedication Street Acres Drive, Pinewood Drive, Shelley Avenue and Byrne Circle.

Council Action Adopt a resolution stating Street Acres Drive, Pinewood Drive, Shelley Avenue and Byrne Circle are not part of a street plan.

Street Abandonment According to North Carolina General Statute 136-96, a right-of-way not utilized as a roadway within 15 years of its dedication can be abandoned through the recording of a Declaration of Withdrawal. State law requires the City to adopt a resolution stating the right of way to be abandoned was not part of a proposed street plan.

Street Acres Drive, Pinewood Drive, Shelly Avenue and Byrne Circle meet the requirements of the statute. The petitioner, American Newland Associates, has obtained confirmation from the City and County Engineering Departments that these streets are not part of a proposed street plan. The petitioner has also provided information that there are not any utilities located within these rights-of-way.

Clearances The City and County Engineering Departments verify that these streets are not to be utilized in a street plan.

TAX REFUND

29. Recommend the adoption of a resolution authorizing the refund of certain taxes in the total amount of $6,897.71 which were assessed through clerical error or illegal levy against 19 tax accounts.

PROPERTY TRANSACTIONS

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

1. Project: F.A.R. Part 150 Noise Compatibility Program - Residential Purchase
   Owner(s): Albert D. Nance and wife Nettie S. Nance
   Property Address: 3117 Moores Lake Drive, Charlotte, NC 28214
   Property to be acquired: .43 Acres, 18731 square feet
   Improvements: 3 bedroom, 2 bath 2390 sq. ft. brick home
   Price: $95,000.00
   Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition eligible for Federal Aviation Administration reimbursement.

2. Project: F.A.R. Part 150 Noise Compatibility Program - Residential Purchase
   Owner(s): Phillip Ellis & wife Judith Ann Ellis
   Property Address: 4607 Belle Oaks Drive, Charlotte, NC
   Property to be acquired: .574 Acres
   Improvements: 3 bedroom, 1.5 bath 1421 sq. ft. brick house
   Price: $62,500.00
   Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition eligible for Federal Aviation Administration reimbursement.

3. Project: F.A.R. Part 150 Noise Compatibility Program - Residential Purchase
   Owner(s): Ernest and Maybelle Cates
   Property Address: 7010 Virginia Circle
   Property to be acquired: .46 acres
   Improvements: 3 bedroom, 2 bath, 1906 sq. ft. brick ranch
   Price: $77,500.00
   Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition eligible for Federal Aviation Administration reimbursement.

4. Project: F.A.R. Part 150 Airport Noise Compatib lity Program - Residential Purchase
Owner(s): Ralph E. and Everlina C. Sealey
Property Address: 4429 Denver Avenue
Property to be acquired: .73 acres
Improvements: 3 bedrooms, 2 bath, 1430 sq. ft. brick ranch home.
Price: $58,000.00
Remarks: Property purchased under Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition & Relocation Act 1970. Owners eligible for relocation benefits. Acquisition eligible for Federal Aviation Administration reimbursement.

- ANNOUNCEMENTS -

In its meeting on Monday, January 14, 1991, City Council will make nominations to fill vacancies on the following committees:

1. Advisory Energy Commission - One appointment beginning December 31, 1990. John C. McKenzie (Electric Utility category) was reappointed, but is no longer in Charlotte. Terms are for two years.

2. Citizens' Advisory Committee - Convention and Visitors' Bureau - Eight appointments beginning March 26, 1991. Angela Cureton, Joyce Rice, Cathy Jones, and Betty Pride are eligible for reappointment, and Cameron Keyser, Elizabeth Kandler, Joe Goodpasture, and Austin Sapp are not. Terms are for two years.

3. Citizens' Oversight Committee for Cable Television - Three appointments beginning March 31, 1991, with Glenda Durell, Ben Thalheimer, and Phillip Levenson eligible for reappointment. Terms are for two years.

4. Community Housing Development Corporation - Board of Trustees - One appointment beginning December 31, 1990, for which the appointee must have knowledge or experience in real estate law. Richard Whisnant has resigned. Terms are for three years.

5. Parade Permit Committee - One appointment for an unexpired term ending March 1, 1993. Jacqueline Lucki has resigned. Terms are for three years.

6. Spirit Square Board of Board of Directors - One appointment for an unexpired term ending June 30, 1993. Joseph Lacher has resigned. Terms are for three years.

7. Transit Advisory Committee - Five appointments to be made in the following categories with original staggered terms as follows: one major suburban employer served by Charlotte Transit for a three year term; one neighborhood organization leader for a three year term; one local service passenger for a one year term; one express service passenger for a two year term; and a secondary school student who uses Charlotte Transit for a one year term. Future appointments will be made for full three year terms with no one serving more than two consecutive full terms (one and two year terms count as a full term).

8. Tree Advisory Commission - One appointment for an unexpired term ending December 13, 1992. Allen Gallamore has resigned. Terms are for three years.

9. Zoning Board of Adjustment - Two alternate appointments beginning January 30, 1991. Don Abernathy is eligible for reappointment, and Humphrey Cummings is not. Terms are for three years.

EPA REQUIREMENTS

- DETERMINE EXISTING CONDITION OF STORMWATER QUALITY
- PROGRAM TO DETECT AND REMOVE ILLICIT DISCHARGES INTO STORM DRAINS
- PROGRAM TO MONITOR POLLUTANTS AND RUNOFF FROM INDUSTRIAL FACILITIES
- DESCRIPTION OF STRUCTURAL AND SOURCE CONTROL MEASURES TO REDUCE POLLUTANTS
- SCHEDULE FOR IMPLEMENTING WATER QUALITY CONTROLS
- FISCAL AND LEGAL CAPABILITY TO ACCOMPLISH THE ACTIVITIES OF THE PROGRAM

DRAINAGE NEEDS

- DETERIORATION OF THE DRAINAGE SYSTEM (NEIGHBORHOOD REINVESTMENT, UNSAFE DAMS)
- IMPACT OF DEVELOPMENT (REZONINGS,ROADWAY PROJECTS)
- LACK OF MAINTENANCE (BLOCKED CULVERTS AND STREAMS,EROSION)
- EQUITABLE AND STABLE FUNDING SOURCE

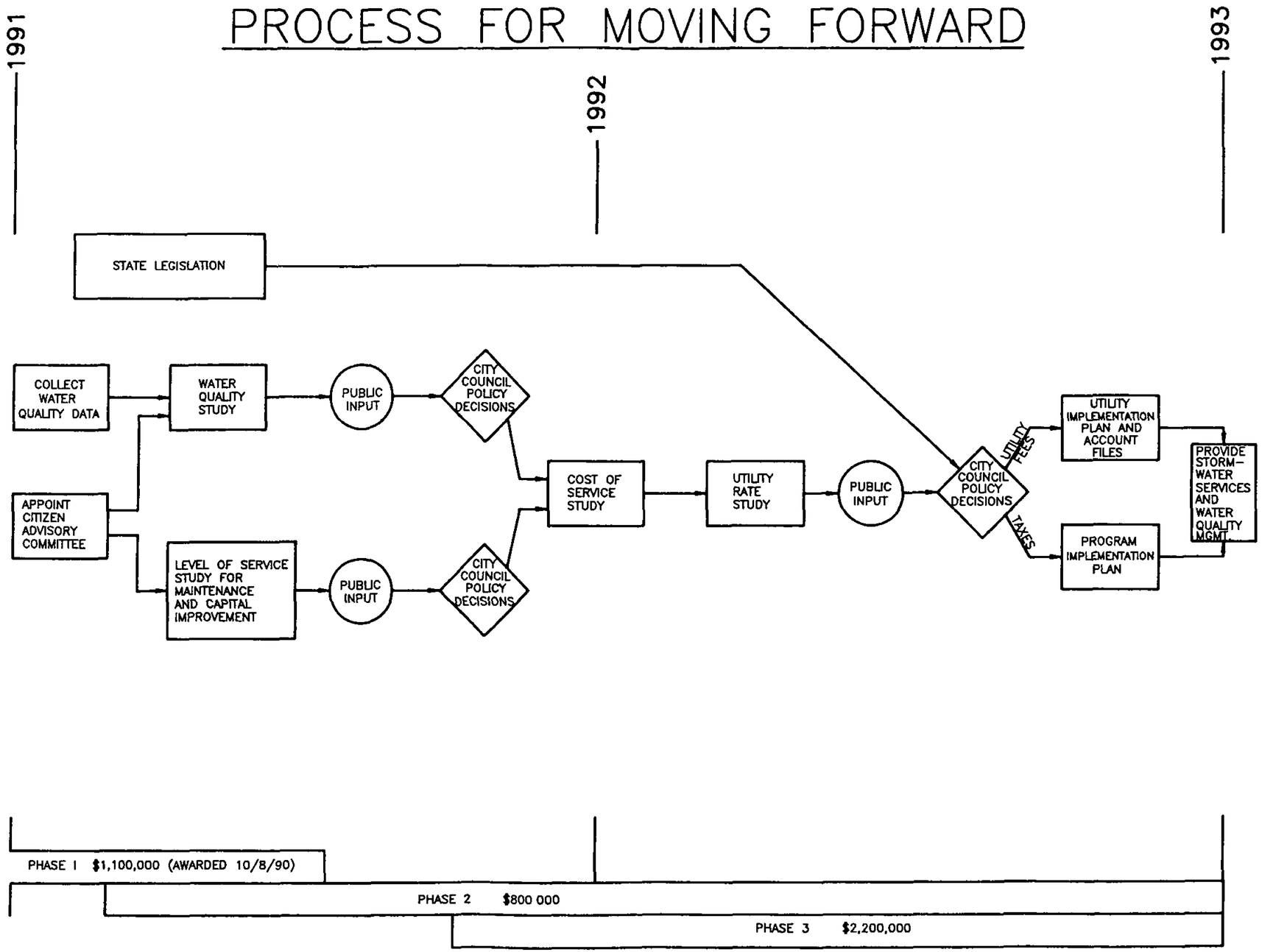
CITIZEN SURVEY

- 98% AGREE PROTECTING WATER QUALITY SHOULD BE A HIGH PRIORITY
- 18% FEEL THEY HAVE A DRAINAGE PROBLEM ON THEIR PROPERTY
- 40% KNOW OF DRAINAGE PROBLEMS IN THEIR NEIGHBORHOOD
- 76% AGREE THAT DRAINAGE DOES NOT GET THE ATTENTION AND FUNDING NEEDED BECAUSE DRAINAGE SYSTEMS ARE USUALLY UNSEEN BY THE PUBLIC
- 62% WOULD BE WILLING TO PAY A SERVICE CHARGE FOR STORMWATER QUALITY PROGRAMS
- EDUCATION ABOUT STORMWATER SYSTEMS AND PROGRAMS IS IMPORTANT

CURRENT FUNDING

– REMAINING 1988 STORM DRAIN BONDS	$5,500,000
– 5 YEAR CIP APPROPRIATIONS FOR STORM DRAINAGE REPAIR PROGRAM	$4,000,000
– 5 YEAR CIP APPROPRIATIONS FOR WATER QUALITY PROGRAM	$1,500,000
– COST TO DEVELOP STORMWATER MANAGEMENT PROGRAM	$4,100,000+

PROCESS FOR MOVING FORWARD



- CONSULTANT'S RECOMMENDATION: CONSOLIDATE CITY AND COUNTY STORMWATER MGMT. PROGRAMS IN 3 TO 5 YEARS

STEPS TO EXPAND PROGRAMS AND TO CONSOLIDATE:

- CITY
  - ESTABLISH UTILITY
  - SATISFY EPA WATER QUALITY REQUIREMENTS
  - BEGIN MAINTENANCE AND CAPITAL IMPROVEMENT PROGRAMS FOR TRIBUTARY STREAMS
- COUNTY
  - ADOPT $.02/$100 DEDICATED DRAINAGE TAX OR OTHER FUNDING
  - EXPAND PROGRAM FOR MAINTENANCE AND IMPROVEMENT OF MAJOR STREAMS

CITY OF CHARLOTTE

IMPACTS OF STORMWATER NPDES PERMITTING

1. *What is this permit requirement and where did it come from?*

The Environmental Protection Agency (EPA) established a permit program for stormwater discharges from industries and municipalities with populations of 100,000 or more The permit is a requirement of the Water Quality Act of 1987 which amends the Clean Water Act of 1972 This Act and the regulations promulgated by EPA on October 31, 1990 will have a major impact on Charlotte as well as Raleigh, Winston-Salem, Durham, Greensboro and Cumberland County Charlotte is required to obtain the permit before the other North Carolina cities due to a population over 250,000

The Act requires that dischargers to "Waters of the State" be subject to the National Pollution Discharge Elimination System (NPDES) permit program The Act, as it applies to Charlotte, has three main thrusts

- It requires Charlotte to prohibit effectively non-stormwater discharges into their storm sewer system
- It requires Charlotte to control discharge of pollution into their systems to a yet undefined standard called the "maximum extent practicable" (MEP)
- It defines one system-wide permit (that is one permit for all Charlotte)

2. *Why should we have to obtain a permit for stormwater discharges?*

Urban stormwater runoff is identified as a major source of pollution of surface water During storm periods high levels of pollutants such as heavy metals, nitrogen, phosphorous, sediment and other toxics are often found in urban runoff While the actual impact of stormwater runoff is often difficult to ascertain, there is a general understanding that urban runoff contains significant levels of pollution comparable to, or worse than, effluent from wastewater treatment plants

3. *How do cities try to control this pollution?*

While waste water is treated using "end-of-pipe" treatment, the best way to control stormwater pollution is at its point of generation with "source controls " There are a variety of source controls both structural (such as retention ponds, first flush basins, and grassy swales) and non-structural (such as zoning ordinances, maintenance practices and hazardous or toxic waste recycling) These controls are called urban "Best Management Practices" or BMP's

These BMP's help form the basis of urban stormwater pollution control These practices are woven together into a comprehensive Stormwater Quality Management Program (SWQM) The regulations require such a program

4. *How will Charlotte develop a SWQM?*

There are four major categories of polluters identified (1) illicit connections or illegal dumping, (2) industrial pollution, (3) erosion from construction sites, and (4) commercial and residential pollution BMP programs should be targeted at each of these major sources of urban runoff pollution Charlotte already has the nucleus of a program in each of these areas These programs will need to be expanded and modified in such a way to fulfill the requirements of the "Maximum Extent Practicable" definition

For each category of polluters, four characteristic factors will be evaluated by state permit writers (1) administrative capability and program organization, (2) reasonable and effective technical approach, (3) sufficient legal authority to control pollution, prohibit illegal dumping and to require compliance, and (4) adequate financial capability to support the demands of the SWQM program It is these programs and these areas that must be developed

5. *What do we need to do to get a permit?*

The permit is in two parts Part 1 concentrates on identification of and description of the system and dischargers Part 2 concentrates on developing and proposing a program to reduce pollution discharges

Part 1 of the permit requires identification of known data, structures, outfalls, land uses, water quality problems, etc The Charlotte computerized Geographic Information System (GIS) will be used extensively for this It also requires a description of existing program and physical elements such as legal authority, financing, physical characteristics of the area and controls There is a large water quality sampling requirement

Part 2 of the permit has four major aspects

- Program Description entails obtaining sufficient legal authority, and developing a program to obtain sufficient financial capacity and administrative capability to control pollution, prohibit illicit dumping and to require compliance
- Source Identification entails identifying all sources of urban stormwater pollution It also requires estimation of pollution loadings from all areas of the municipality
- Discharge Characterization entails representative sampling from outfalls representing different land use types
- Proposed Stormwater Management Program entails the complete description of and schedule for development of a SWQM program that can deal effectively with pollutant runoff from the four major categories of dischargers The program will contain such elements as sampling, inspection, enforcement, BMP's, planning, etc.

6. *When is it due and how much will it cost?*

Part 1 of the permit is due about October 31, 1991 Part 2 is due about October 31, 1992 We expect the cost to obtain the permit to be around one million dollars

It is estimated that the ongoing cost of the SWQM requirements established by the permit will, when fully implemented, cost Charlotte between one and three million dollars per year The "compliance phase" of the permit is the five years immediately following issuance of the permit (1993-1997)

7. *What are we already doing?*

The City of Charlotte was already upgrading its stormwater quantity management program when the stormwater quality regulations were made final An earlier contract accomplished the following

- A stormwater management ordinance is in final draft form.
- A technical design manual is in final draft form.
- A preliminary stormwater financing study is complete
- Direction in program growth has been established

The Charlotte-ERCE Team is now taking steps to obtain Part 1 of the permit and prepare for Part 2 of the permit and the ongoing SWQM program

- Information for Part 1 of the permit is being developed
- A pilot inventory and pilot test area is being used to test various policy alternatives, engineering procedures and management practices using state-of-the-art automated GIS procedures
- Basic stormwater management policy decisions and directions are being further defined
- A GIS system for stormwater management is being planned and developed
- A public awareness program for stormwater is being developed

8. *What are the next critical steps?*

Soon the City of Charlotte must move with finality in

- Defining organizational control and developing basic service level policies of the stormwater management program,
- The financing of the stormwater quality management program and organizing and developing a stormwater utility, and
- Defining the "MEP" program and development and submittal of Part 2 of the permit

Notes:

1. Stormwater Drainage Repair Program: Improves drainage on private property under petition assessment.

2. Stormwater Quality Permit Process: Program to acquire EPA permit.

3. Stormwater Utility Development: Establishes level and cost of service and develops utility rate methodology.

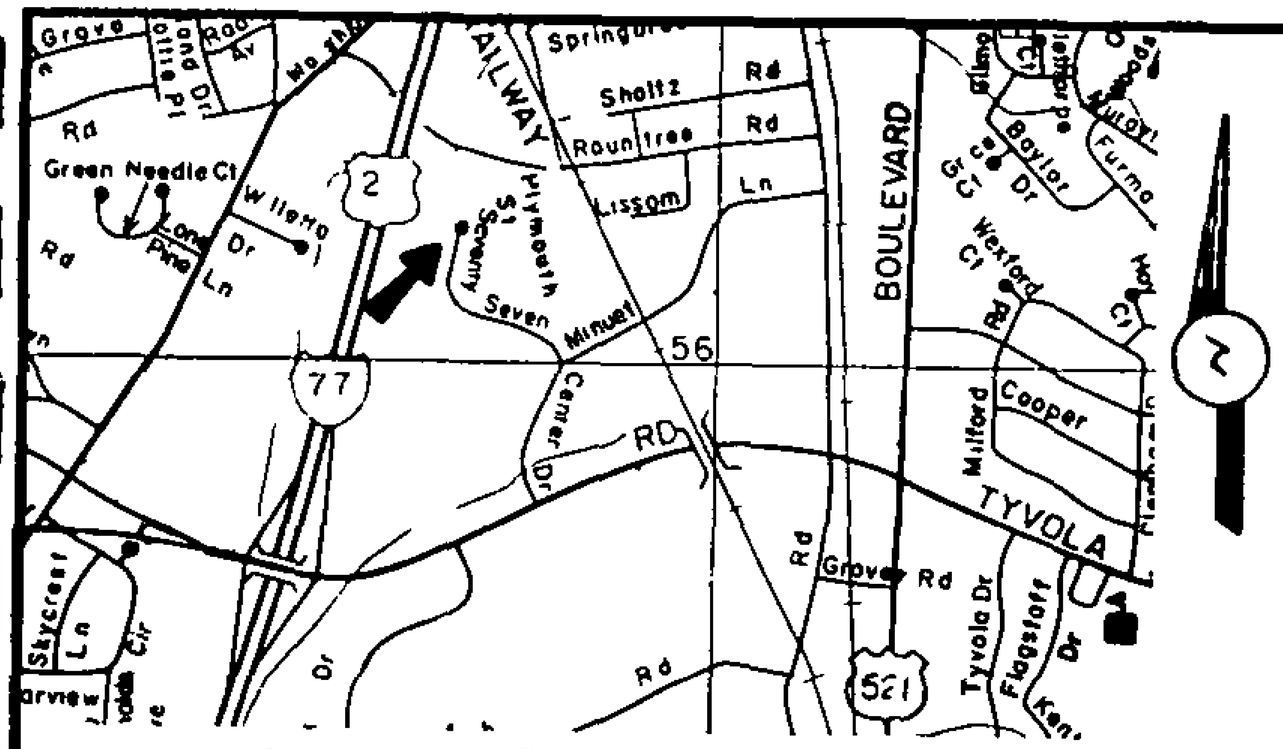
4. Projected needs for Storm Drainage Repair Program (SDRP) may be understated. In addition, the needs do not include leveraging of the Neighborhood Investment Drainage projects. There are options for funding of the neighborhood reinvestment drainage projects.

   - Fund - 100% with reinvestment budget
   - Leverage funds with SDRP budget
   - Hold until City-wide system is implemented

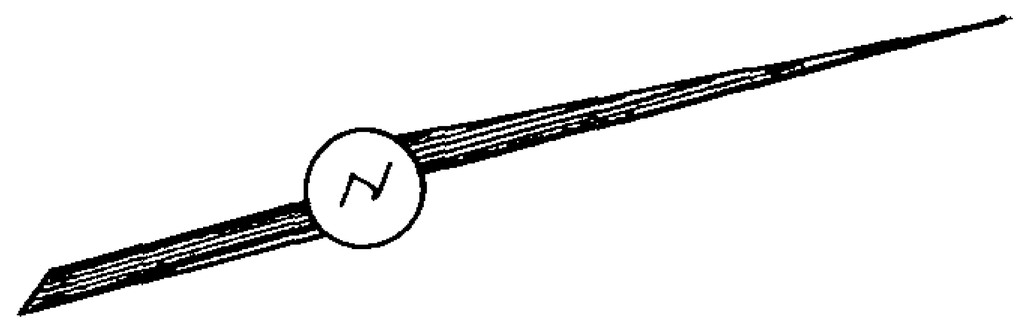
5. Funding beyond FY92-93 will be determined in the stormwater decision process; cost projection can not be determined at this point.

STORMWATER BUDGET PROJECTIONS

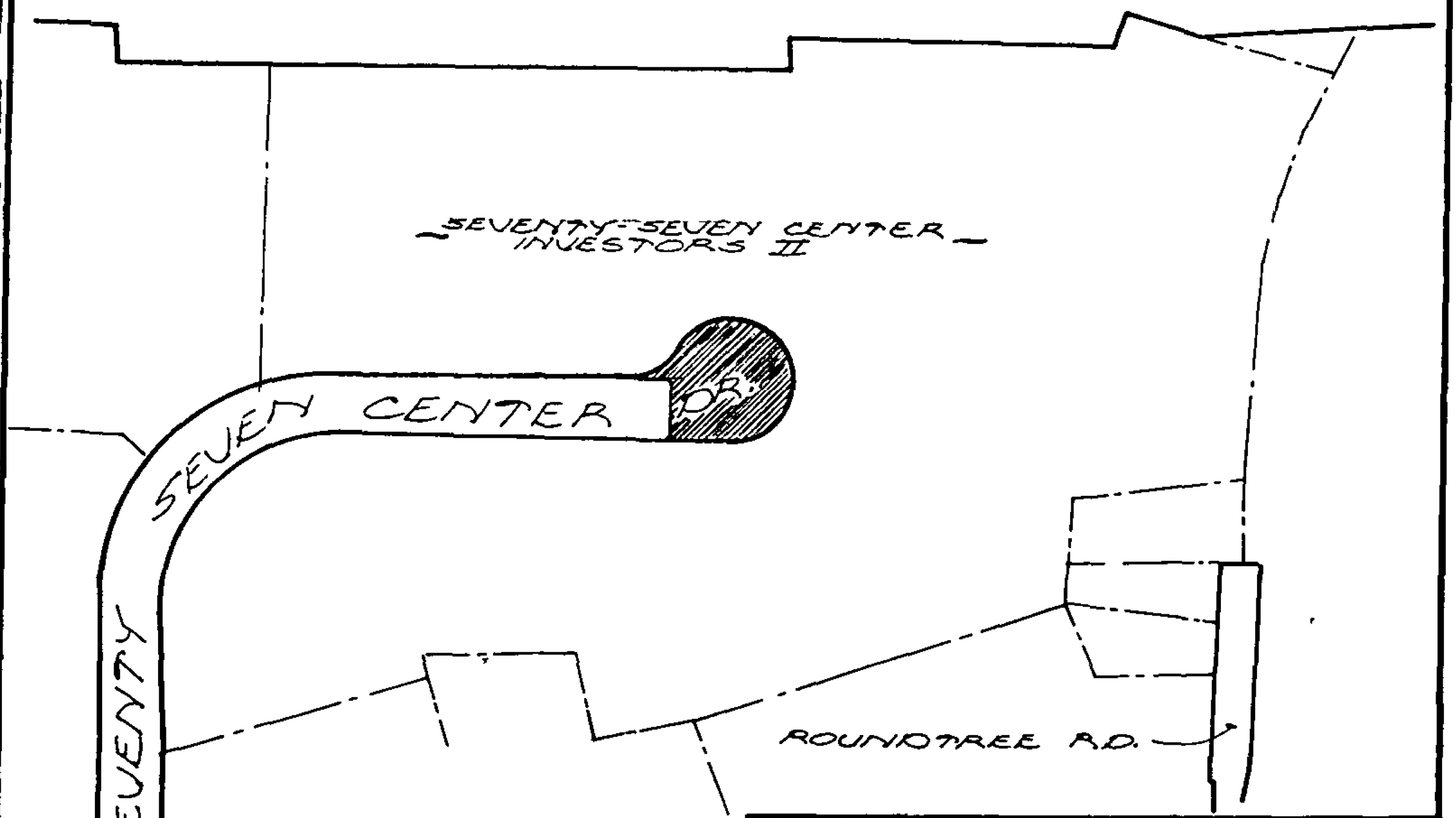
	FY90-91	FY91-92	FY92-93	FY93-94	FY94-95	Total
Current Budget						
Stormwater Drainage Repair - Petition	722,000	800,000	800,000	800,000	800,000	3,922,000
Stormwater Quality Permit	1,300,000	250,000	250,000	250,000	250,000	2,300,000
Total	2,022,000	1,050,000	1,050,000	1,050,000	1,050,000	6,222,000
Projected Needs						
Stormwater Drainage Repair - Petition	832,000	250,000	250,000	?	?	
Stormwater Quality Permit	1,245,000	1,950,000	2,770,000	?	?	
Stormwater Utility Development	800,000	450,000				
Total	2,877,000	2,650,000	3,020,000	?	?	8,547,000 + ?
Difference	(855,000)	(1,600,000)	(1,970,000)			(2,325,000) + ?



VICINITY MAP
NO SCALE



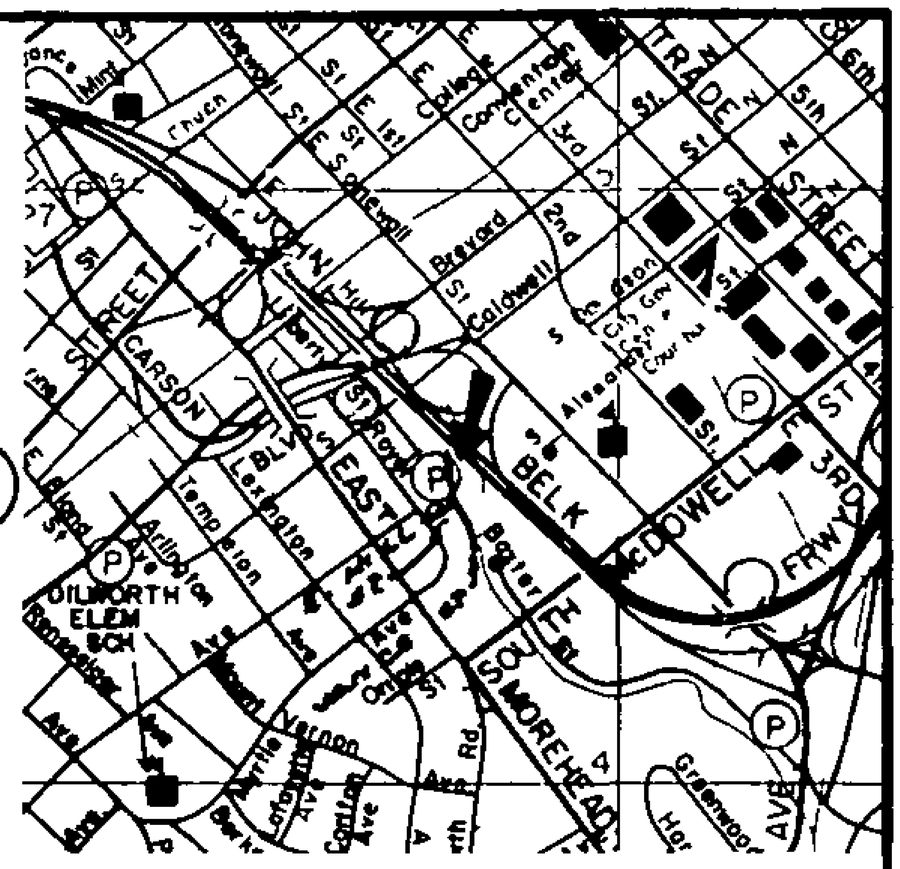
INTERSTATE 77



CHARLOTTE
ENGINEERING DEPARTMENT

REVISIONS	ABANDON A PORTION OF	JOB NO.
		FILE NO.
DRAWN BY CE	SEVENTY SEVEN CENTER DRIVE	SHEET 1
CHECKED BY SBC		OF 1
CITY ENGINEER	DATE 10/12/90 SCALE NONE	

DUNCAN-PARNELL INC., CHARLOTTE 1088 704 372 7760



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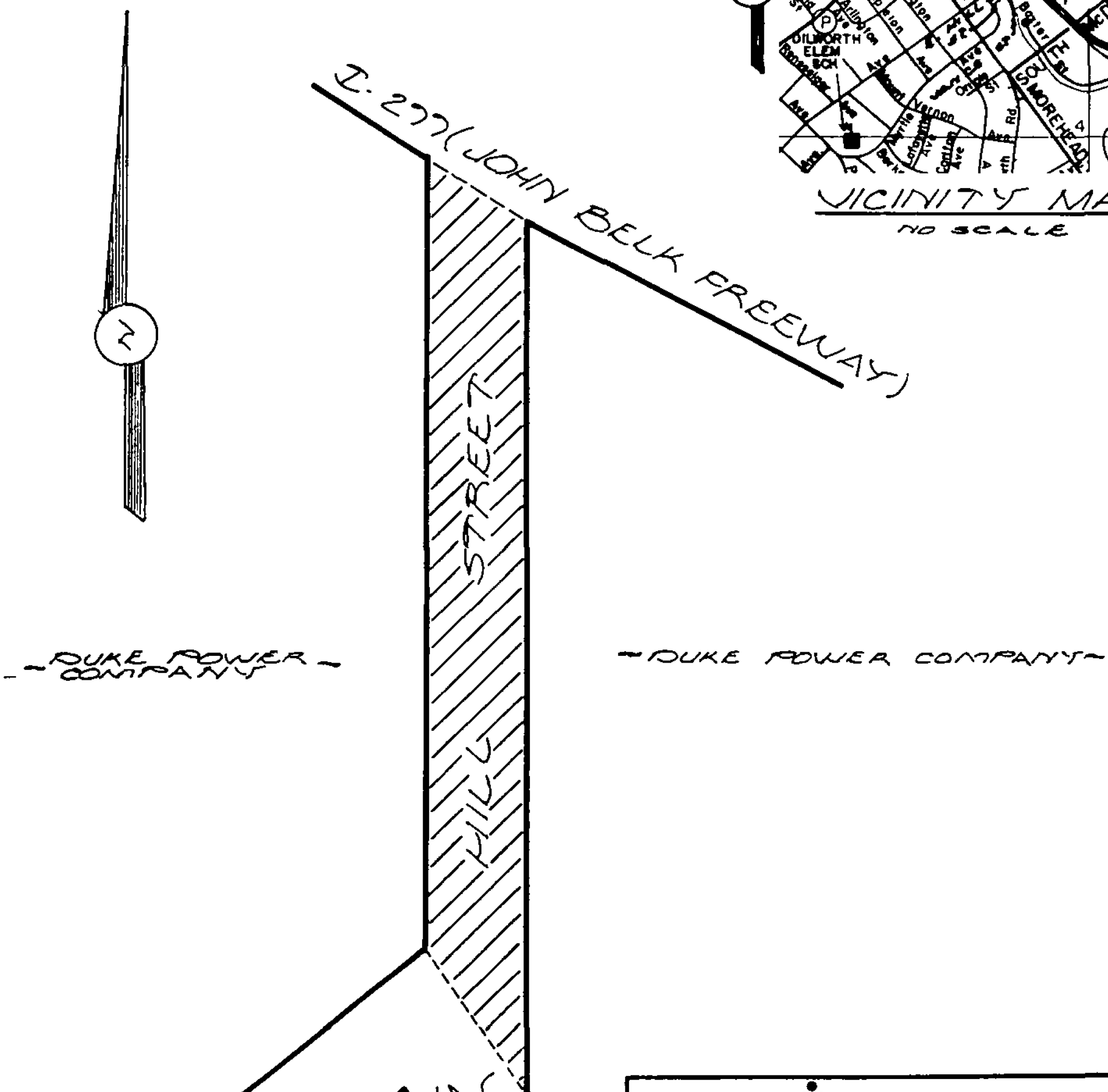

CHARLOTTE
ENGINEERING DEPARTMENT

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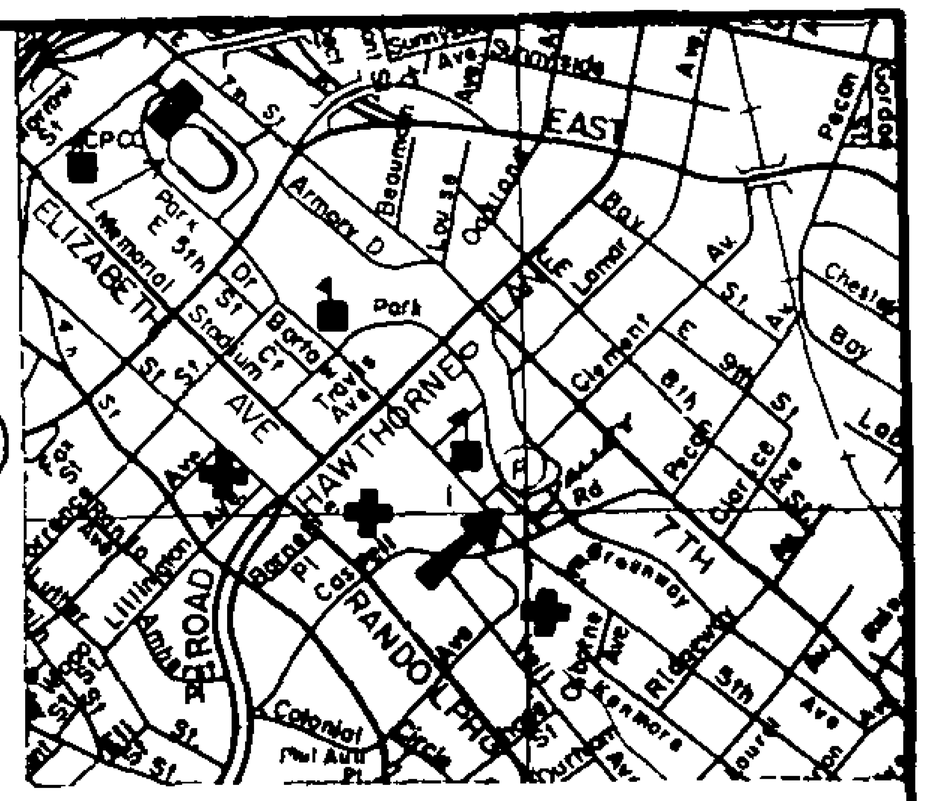
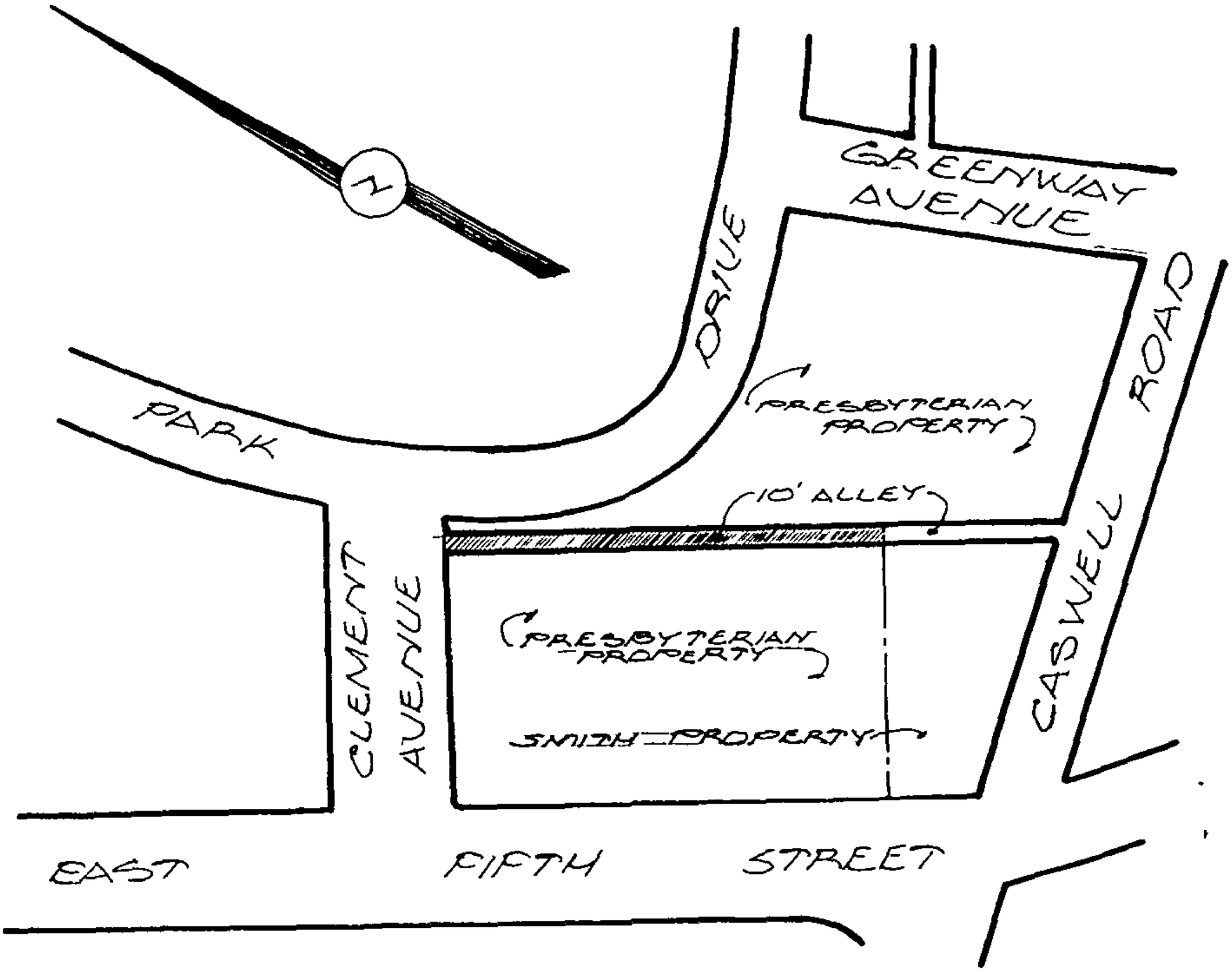
CITY ENGINEER	DATE 10/16/90 SCALE NONE	

DUNCAN-PARNELL INC CHARLOTTE 1069 704 372 7766





CHARLOTTE
ENGINEERING DEPARTMENT

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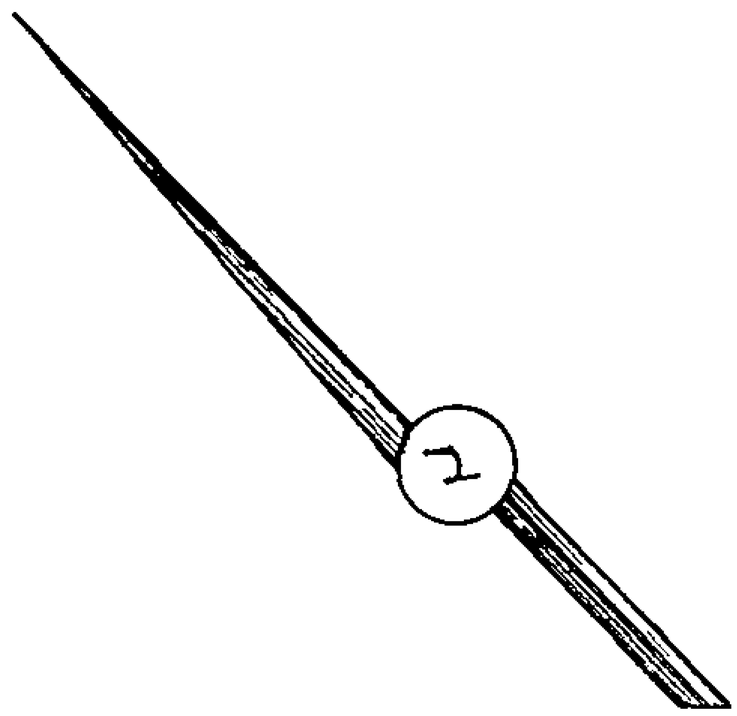
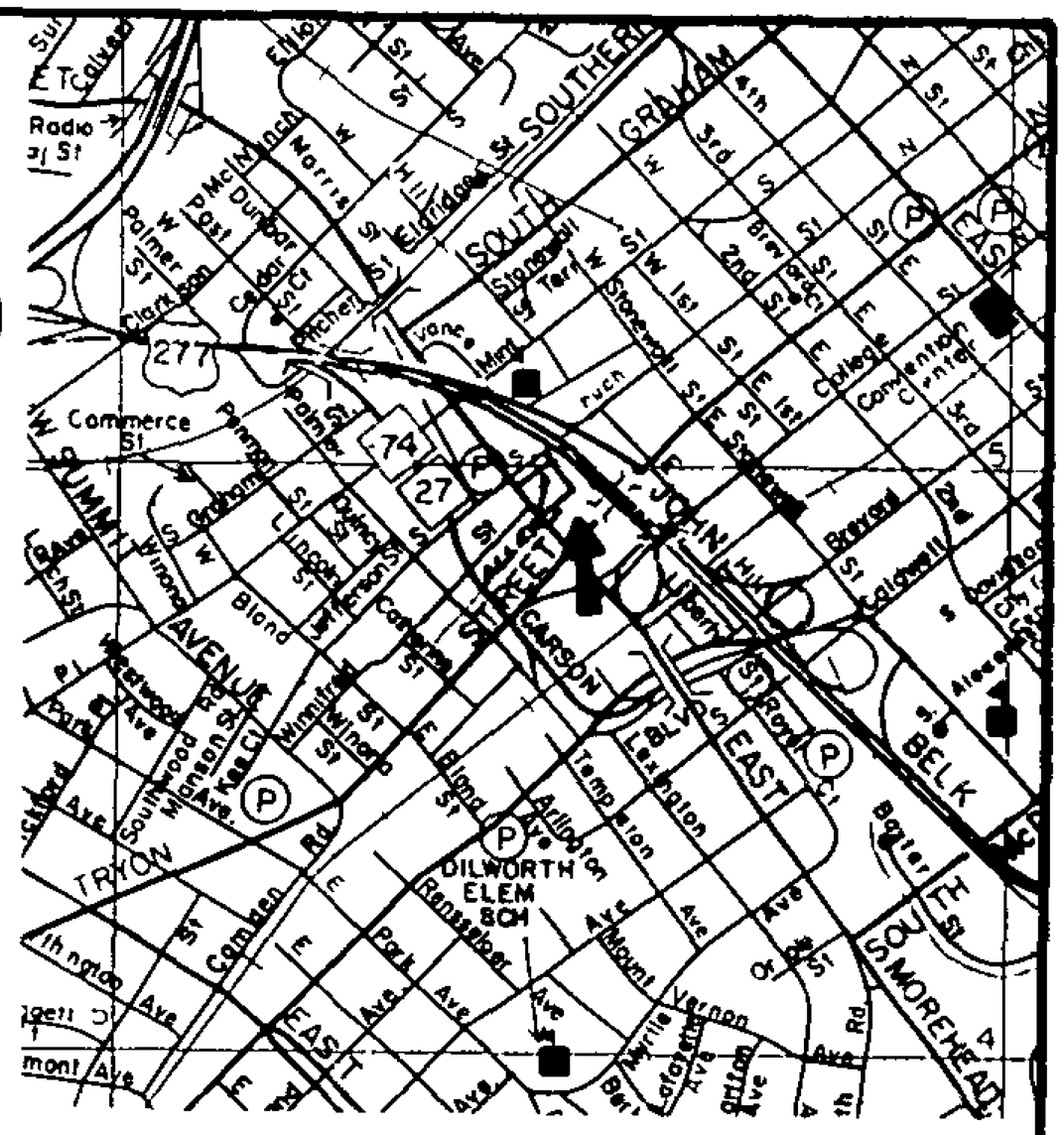
CITY ENGINEER	DATE 10/16/90 SCALE NONE	

DUNCAN-PARNELL INC., CHARLOTTE 1088 704-372 7788





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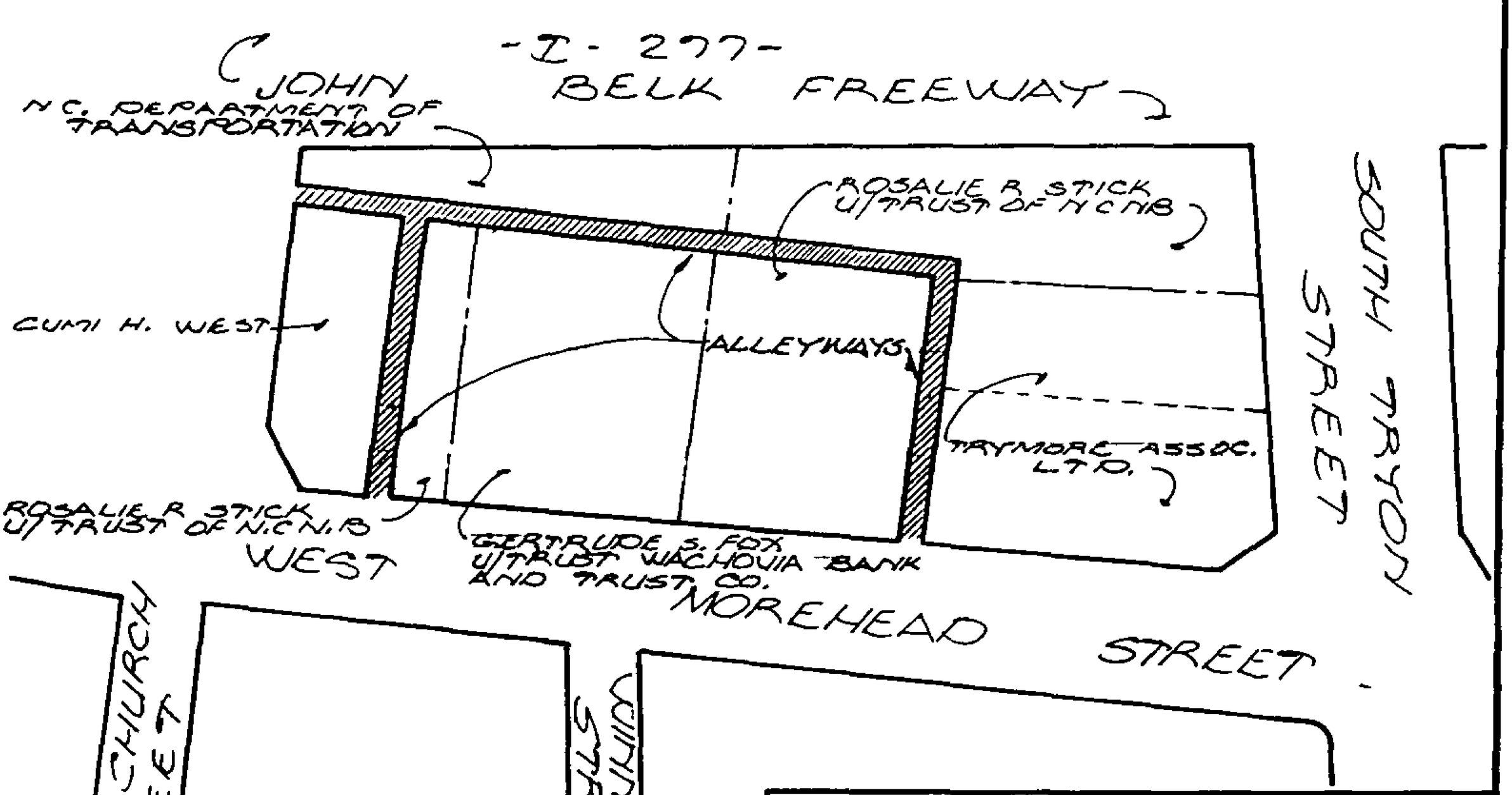

CHARLOTTE
ENGINEERING DEPARTMENT

REVISIONS	ABANDONMENT OF	JOB NO.
		FILE NO.
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CITY ENGINEER	DATE 10/11/90 SCALE NONE	

DUNCAN-PARNELL INC CHARLOTTE 1080 704-372 7700

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

November 13, 1990

Mayor Sue Myrick
Members, City Council
City of Charlotte
Charlotte, North Carolina

Chairperson Carla Dupuy
Members, Board of County Commissioners
Mecklenburg County
Charlotte, North Carolina

Re: Recommendations on the New Zoning Ordinance

Dear Council and Commission Members:

The enclosed draft of the new zoning ordinance contains the recommendations of the Planning Committee of the Charlotte-Mecklenburg Planning Commission. The Committee considered the comments presented at public hearing as well as the written analyses of the comments on the most recent public hearing draft when it made the decisions reflected in the document.

It is important for you to know that the Planning Committee voted unanimously to send this forward for your review. All of the recommendations contained in the document received at least four (4) votes of the Planning Committee and a significant number received the unanimous support of the members. Each of the major policy issues raised at public hearing is set forth in an attached analysis document that includes the discussions, minority viewpoints and specific votes for your further information. The compromises achieved reflect our best efforts. It is unlikely that new or different information can be generated by any of the parties who have already submitted voluminous comments. Accordingly, we now urge you to make the decisions required on the issues presented by the document.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties along with notice that any written comments pertaining to them must be received by 12:00 o'clock noon on Monday, November 26, 1990. The matter

600 East Fourth Street • Charlotte North Carolina 28202 2853 • (704) 336 2205

can then be placed on your agendas for consideration as early as Monday, December 3, 1990.

Sincerely yours,

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

Frank E. Emory, Jr.
Chairman

FEE,Jr./wm
Enclosure
cc: Planning Committee Members

PLANNING COMMITTEE
OF
CHARLOTTE-MECKLENBURG PLANNING COMMISSION

R E C O M M E N D A T I O N S

O N

T H E N E W Z O N I N G O R D I N A N C E

NOVEMBER 13, 1990

PREFACE

This recommendation package consists of three parts. The first part, which is on yellow paper in this document, is the actions taken by the Planning Committee on major policy issues raised at the public hearing. It is formatted in such a manner to share with you the Planning Committee's discussion on major policy topics. The second part, also in this document on blue paper, is a series of technical issues which were raised at the public hearing which the Planning Committee felt it needed to specifically address. The final part is a revised ordinance, which is attached, that includes all the policy and technical changes which were endorsed by the Planning Committee. The revised ordinance is drafted to show the changes which have been made. Language to be deleted is shown, but is stricken through and new language to be added is underlined. This underlining rule does not apply to Chapter and section headings which are always underlined.

NEW ZONING ORDINANCE
RECOMMENDATIONS

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Planning Committee Policy Recommendations 2

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Appendix

Revised New Zoning Ordinance (Attachment)

P L A N N I N G C O M M I T T E E

P O L I C Y R E C O M M E N D A T I O N S

POLICY ISSUE: Zoning Maps consistency with the Generalized Land Plan, District Plans, Area Plans and other policies related to land development

Reference: CHAPTER 1: PURPOSE AND APPLICABILITY; Section 1.104., page 1-2

BACKGROUND: The new zoning ordinance requires that the zoning maps be reviewed for consistency with the objectives and policies of the Generalized Land Plan, district plans, area plans and other adopted policies governing land development and indicates that the maps may be amended from time to time to conform to these plans and policies. This is viewed as consistent with State statutes governing zoning authority.

DISCUSSION: In as much as this is in accordance with State statutes and supports the community's land planning program, the Planning Committee voiced agreement with this provision.

RECOMMENDATION: By consensus, the Planning Committee voted to retain this provision in the new zoning ordinance.

Vote: By Consensus (Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

STAFF COMMENT: Planning Staff concurs with this recommendation.

POLICY ISSUE: Consolidation of the City and County Boards of Adjustment

Reference: CHAPTER 3: DECISION-MAKING AND ADMINISTRATIVE BODIES, Part 3: Board of Adjustment, pages 3-3 thru 3-4

BACKGROUND: The new zoning ordinance recommends consolidation of the present City and County Boards of Adjustment. This move is similar to the functional consolidation taking place with other governmental agencies and services and a logical extension of local efforts to develop a unified land development system. New uniform zoning ordinances make a consolidated board more important for consistency of decision-making in granting variances and appeals. In addition to the passing of the new ordinance, combining the present two boards will require putting together an Interlocal Cooperation Agreement between the City and County and obtaining special legislation from the General Assembly by one of the governing bodies to create similar voting requirements (Currently, City -- 4/5 vote and County -- simple majority vote) and establish uniform Board membership.

DISCUSSION: Consolidating the two Boards of Adjustment is a desirable option for the community, especially in light of the new ordinance development. In order to bring about a consolidated board, it is recognized that a number of administrative and legislative steps, in addition to passage of this ordinance, need to be accomplished. Decisions must be made about the new Board's membership, voting requirement and other administrative issues and the City and County must create and vote on an Interlocal Agreement. The City and County are urged to move with all deliberate speed to bring a consolidated Board into reality.

RECOMMENDATION: By consensus, the Planning Committee voted to support the policy of a consolidated Board of Adjustment and urged the Elected Officials to set about establishing such a Board within 12 months after adoption of this ordinance. It was recognized that in the interim, the present City and County Boards would have to address issues pertaining to the new ordinance.

Vote: By Consensus (Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

STAFF COMMENT: The Planning Staff concurs with this recommendation.

POLICY ISSUE: Zoning Compliance Permit

Reference: CHAPTER 4: DEVELOPMENT APPROVAL, pages 4-1 to 4-7

BACKGROUND: A new development review process was proposed in the new zoning ordinance which required the issuance of a zoning compliance permit prior to receiving a building permit or a certificate of occupancy. The purpose of the process was to insure that a proposed development met the requirements of the new zoning ordinance.

DISCUSSION: While it is felt that the zoning compliance permit has merit, concern is raised about creating another layer of bureaucracy which may create delays in the development process. Administratively, the new process is expected to create some difficulty for the Building Standards Department because of the potential 42,000 additional pieces of paper which would have to be processed annually. After all, the Building Standards Department is already responsible for reviewing zoning compliance and maybe other steps need to be taken to ensure that a better job is done on zoning reviews, in lieu of creating a new process.

One issue of concern is the effectiveness of reviews for conditional rezonings. Perhaps, the Planning Staff should lend a hand to assist in building permit reviews for conditional rezonings and the new special purpose districts. The Planning staff is presently tied into the Building Permit Review new computer system and could electronically forward its recommendations on zoning reviews. This could alleviate some of the concerns expressed in the past about Building Standards performance in this area.

RECOMMENDATION: John Lassiter motioned that the zoning compliance permit provision be deleted from the ordinance and some additional language inserted to provide for the Planning Commission staff participation in reviews of building permit zoning approvals for conditional rezonings and special purpose districts.

Vote: (Yeas: Emory, Fenning, Lassiter, Spencer, Tabor, and Winget)
(Nays: None)

STAFF COMMENT: The Planning Staff concurs with this recommendation.

POLICY ISSUE: Third Party Rezonings

Reference: Chapter 6: AMENDMENTS, Section (Removed), page 6-3

BACKGROUND: The new zoning ordinance recommended that all third party rezoning applications (e.g., by someone other than the property owner, Planning Commission, Board of Commissioners or City Council) are to be reviewed first by the Planning Commission and the Elected Officials to determine whether the petition has merit before it is allowed to proceed forward to a public hearing. The purpose of the extra review step is to eliminate petitions which are not meritorious and avoid the expense and time associated with a public hearing. This extra step provides an additional layer of protection for property owners.

The above process is the way third party petitions are currently handled by the Board of County Commissioners. However, the City Council currently allows any person to file an application for a by-right rezoning on a piece of property within the City.

DISCUSSION: No one other than Government should have the right to file for a rezoning on someone elses property. To do otherwise, places an unfair burden on the property owner who has to hire legal help to fight the rezoning. If neighbors feel that a zoning district is inappropriate on a piece of property, they should ask the Government to make a review and change and not force someone into a public hearing.

Zoning is an appropriate planning tool and should be used by the citizens to correct bad zoning. Government tends to move too slowly and by the time a study is done and action is taken, a neighborhood may be stuck with an inappropriate land use. Since both the Planning Commission and the Elected Officials have to approve rezonings anyway, why can it not be done in a public hearing setting instead of going through an extra step.

RECOMMENDATION: Sara Spencer motioned to delete the extra step provision for third party rezonings and to allow any person to petition for a by-right rezoning. Gloria Fenning seconded the motion. The motion passed 4 to 2.

Vote: Yeas (Fenning, Lassiter, Spencer and Tabor)
Nays (Emory and Thomasson)

STAFF COMMENT: The Planning Staff disagrees with this recommendation and supports the extra step provision proposed for third party rezonings. The proposed extra step as well as other requirements imposed on owner initiated petitions through the new ordinance are designed to eliminate all questionable petitions before they have to be addressed in a public hearing setting. The gatekeeping function provided by the extra step provision does not prevent anyone from being heard by the Elected Officials, but merely ensures that those matters which do come before the Elected Officials in a public hearing are legitimate issues to be addressed.

POLICY ISSUE: Zoning Protest Petitions

Reference: CHAPTER 6: AMENDMENTS, Section 6.112, page 6-8

BACKGROUND: The Zoning Protest Petition provision, which is currently within the City of Charlotte, has been recommended for both the City of Charlotte and Mecklenburg County in the new zoning ordinance. Under the provision, an adjoining property owner(s) may require a 3/4 vote majority from the Elected Officials to approve a pending rezoning if a protest petition is presented which is signed by the owner(s) of 20 % or more of the area or one side of the property requesting the rezoning.

In the City, it will require 9 of the 12 members of City Council (including the Mayor) voting in the affirmative and in the County, the requirement is 5 of the 7 County Commissioners voting in the affirmative. This provision can also be taken advantage of by a property owner facing a third party petition. To institute this provision within Mecklenburg County, special legislation must be obtained by the Board of Commissioners.

DISCUSSION: The Planning Committee feels this is an appropriate provision for the City and County. It provides appropriate protection for the property owner and the adjoining neighborhoods in rezoning matters.

RECOMMENDATION: Jim Thomasson motioned to retain the application of zoning protest petitions for both the City and the County and request the Board of County Commissioners to seek the appropriate special legislation for zoning protest petition authority. Gloria Fenning seconded the motion. The motion passed unanimously.

Vote: Yeas (Emory,Fenning, Lassiter, Spencer, Tabor and Thomasson)
Nays (None)

STAFF COMMENTS: The Planning Staff concurs with this recommendation.

POLICY ISSUE: Traffic Impact Study

Reference: Chapter 6: AMENDMENTS, Section 6.204, page 6-12

BACKGROUND: The new zoning ordinance requires the imposition of traffic impact studies in two circumstances. The first is when a petitioner is seeking a rezoning to a parallel conditional district or special purpose district. The second is when a by-right office or government building development exceeds 300,000 square feet in size (e.g., about the size of the Charlotte-Mecklenburg Government Center). The trigger mechanisms for both studies are the generation of 2,500 vehicle trips per day or the increase of Average Annual Daily Traffic (AADT) on an adjacent street by more than 10%. The difference between the two studies is that the rezoning traffic impact study examines area wide traffic issues whereas the by-right traffic study focuses on site specific improvements.

DISCUSSION: The traffic impact study is an appropriate requirement in the new zoning ordinance, but the proposed provisions raised two issues. The first is what are the appropriate standards or measures to trigger the study and the second is the appropriate study scope for the by-right traffic study. (The Planning Committee invited a staff person from the Charlotte Department of Transportation to discuss the merits of proposed traffic impact study proposal).

The standards for traffic impact study in the new zoning ordinance are based upon Institute of Traffic Engineers recommendations. The 2,500 vehicle trips or 10% on an adjacent street are based upon the the traffic generation from the existing land development and not the difference between the current zoning or use and the proposed zoning or use. When an existing development expands, the traffic impact study reviews the whole development and not just the increment of expansion. The traffic study takes into consideration the activities on adjoining property and examines the cumulative effect of development on traffic. If the Charlotte Department of Transportation projections conflict with those provided by a developer, both are presented to the Elected Officials along with the department's recommendation.

Another issue concerning traffic impact studies for rezonings is whether they are received in timely manner. Staff indicated about 75% of the cases are done in time for adequate staff review. The problem is petitioners who are not familiar with the process or refuse up front to do a traffic study awaiting staff comments.

A concern is the 10% on any adjacent street requirement which some felt could easily trigger the requirement (e.g., if the development accesses a cul-de-sac). The Charlotte Department of Transportation supports limiting the 10% requirement to thoroughfare streets. However, some members feel this would be unfair to neighborhoods in situations where a commercial development accesses local streets.

DISCUSSION: (Continued)

The by-right traffic impact study would be enforced by the driveway permit requirement. The Charlotte Department of Transportation indicated a drawback to narrowing the scope of the by-right traffic study is not giving proper consideration to the impact on adjacent intersections. While the by-right study has no provision to make a developer undertake any off-site improvements, it would help the City or State identify what needs to be done in the way of off-site improvements.

General agreement was reached that the traffic impact study provisions as proposed addressed the need. In the case of those studies required by a rezoning, it is felt some judgement needs to be exercised by someone to determine whether a study is really needed, especially, for the 10% trigger requirement. It was noted that elsewhere in Section 6.203, that the Planning Director had the authority to waive certain application requirements for rezonings. It is suggested that this waiver authority be given to the Planning Director in consultation with Charlotte Department of Transportation or Mecklenburg County Engineering Department. A statement to that effect should be included in Section 6.204. This would provide an alternative in situations where the requirement of a traffic impact study would serve no meaningful purpose.

RECOMMENDATION: Jim Thomasson motioned to add language to Section 6.204, that allows the Planning Director in consultation with the Charlotte Department of Transportation or Mecklenburg County Engineering Department to waive the requirement for a traffic impact study. Sarah Spencer seconded the motion. The motion passed 5 to 1.

Vote: Yeas (Emory, Fenning, Spencer, Tabor and Thomasson)
Nays (Lassiter)

STAFF COMMENT: The Planning Staff concurs with this recommendation.

POLICY ISSUE: Nonconformities

Reference: CHAPTER 7: NONCONFORMITIES, pages 7-1 to 7-4

BACKGROUND: Nonconforming uses are uses of land which are not permitted within a zoning district (e.g., industrial use in a single family zoning district). A nonconforming structure is a building which does not meet one or more of the minimum requirements set out in the zoning regulations (e.g., a building which is located within the setback).

The expressed purposes of the nonconforming provisions in the new zoning ordinance are to curtail substantial investment in nonconformities and to bring about their eventual improvement or elimination. To this end several new requirements were introduced.

First, when there is a change of use involving a nonconforming use, the the new zoning ordinance indicated the change must be to a conforming use permitted in the zoning district. The current City and County zoning ordinances allow a nonconforming use to progress through a series of steps to higher class nonconforming uses (e.g., an industrial use in a residential district may change first to a business, then to an office and finally to residential).

Second, when a conforming structure in which a nonconforming use is located is substantially destroyed (loses more than 75% of its improvements value as expressed on the tax rolls or by an appraisal), then the structure can be repaired and used thereafter only for conforming uses. There is no damage provision in the current zoning ordinances and any discontinued use is allowed to re-establish itself within 12 months.

Third, when a nonconforming structure is substantially destroyed (loses more than 75% of its improvements value as expressed on the tax rolls or by an appraisal), it cannot rebuild except as a conforming structure. The current zoning ordinances allow a nonconforming structure to re-establish itself within 12 months to its original dimensions.

Finally, manufactured housing (mobile homes) are treated similar to other forms of housing with regard to the nonconforming provisions. The current zoning ordinances allow manufactured home replacement in a nonconforming manufactured housing park. The new ordinance would allow replacement only if the minimum yard and open space requirements could be met.

DISCUSSION: While the policy intent is to eventually get rid of nonconforming uses, some benefit does occur to the neighborhood through the gradual progression to higher class nonconforming uses afforded by the current zoning ordinances. By requiring any use to conform immediately upon a change as the new zoning ordinance indicates, any incentive an owner may have to improve a situation is lost. An ideal situation would

DISCUSSION: (Continued)

be to have some way to allow the acceptable nonconforming use (e.g., quadraplexes in single family zone) and get rid of the real bad nonconforming use (e.g. smoke stack industry in a residential area). But, there is some difficulty in getting people to agree on what is acceptable between the extreme examples cited. Some improvement through a gradual progression is better than no improvement. Similarly, if a conforming structure, which houses a nonconforming use is destroyed, some provision should be made for the nonconforming use to re-establish itself provided it can do so within 12 months. This seems fair.

The nonconforming structure situation was cited as much more complex. The first issue is whether a nonconforming structure which is substantially destroyed should be allowed to build back. Some agreement was voiced that if a structure is destroyed, it should be built back correctly.

However, a distinction is drawn between those nonconforming structures under the present ordinances and those which will be made nonconforming under the proposed zoning ordinance. It is felt that some type of special consideration should be given for current legal conforming structures. Discussion first focused on some of the new standards in the proposed zoning ordinance — buffers, floor area ratios, height limitations and no parking in the setback in the business and industrial districts. Suggestions were presented for either reducing or exempting those standards outright or for a period of time for structures presently conforming under the present zoning ordinances. General agreement was reached that any new development or redevelopment should come into compliance with the new ordinance. The essential question was how to address expansions of existing conforming structures who may be affected by one or more of the new standards? In the past, where we have made large scale text amendments, all structures had to come into compliance under the new regulations. But the magnitude of the change by the new ordinance warrants some special consideration is the general sentiment.

A compromise is proposed that requires any structure expanding under the new zoning ordinance to only bring those portions of the structure and the site actually undergoing the expansion into compliance. The entire structure and site would not be required to come into compliance with the new ordinance. This met with general agreement.

The proposed no replacement policy for manufactured housing in nonconforming manufactured housing parks was reviewed. Some concern is expressed that not allowing replacements could diminish this form of low cost housing. However, it is noted that more expansion opportunities for this form of housing are provided elsewhere in the new ordinance. The majority sentiment is that manufactured housing should abide by the same rules as other forms of housing.

RECOMMENDATIONS: The various issues raised concerning nonconformities were addressed separately by the Planning Committee.

RECOMMENDATIONS: (Continued)

Nonconforming Use Changes

1. Jim Thomasson motioned to retain the current zoning ordinance language with regard to changes from lower to higher class nonconforming uses and a 12 month period for discontinued nonconforming uses to re-establish themselves. Sarah Sencer seconded the motion. The motion passed unanimously.

   Vote: Yeas (Emory, Fenning, Lassiter, Tabor, Spencer, Thomasson and Winget)
   Nays (None)

75% Damage Provision

2. Jim Thomasson motioned to approve the 75% damage rule as written in the proposed draft for nonconforming structures. Seconded by Sarah Spencer. The motion passed 3 to 2.

   Vote: Yeas (Emory, Spencer and Thomasson)
   Nays (Lassiter and Tabor)

Expansion of Nonconforming Structures

3. Jim Thomasson motioned to approve the concept of allowing uses under the new zoning ordinance to expand provided the portion of the structure and the area of the lot into which the expansion is taking place are brought into conformity with the new ordinance. Sarah Spencer seconded the motion. The vote was unanimous.

   Vote: Yeas (Emory, Fenning, Lassiter, Tabor, Spencer, Thomasson and Winget)
   Nays (None)

Manufactured Home Replacement

4. Al Winget motioned to retain the proposed no replacement provision for manufactured housing. John Lassiter seconded the motion. The motion passed 4 to 2.

   Vote: Yeas (Emory, Lassiter, Tabor, and Winget)
   Nays (Spencer and Thomasson)

STAFF COMMENT: The Planning Staff concurs with all of the above recommendations, except the Manufactured Home Replacement policy. The Planning Staff feels those existing manufactured housing parks should be allowed to upgrade themselves through the introduction of newer units.

POLICY ISSUES: Enforcement - Citations and Civil Penalty, up to $10,000

Reference: CHAPTER 8: ENFORCEMENT, pages 8-2 to 8-3

BACKGROUND: The new zoning ordinance proposes two major changes to improve enforcement. The first is a citation (or ticket) procedure for zoning violations. The Zoning Administrator can issue a citation for violation that begins at $25.00 and escalates with subsequent violations to a maximum of $100.00. All violations would be cumulative. A citation procedure is currently being used for enforcement of the Sign Ordinance and petitions are pending before the Elected Officials for using this authority for zoning violations. The issuance of citations are authorized by State statutes.

The other major change is the provision of civil penalties, up to $10,000 to be accessed by the Elected Officials for violations to the zoning ordinance. This is a separate enforcement tool which could used if a situation warranted it use. The civil penalty provision is currently used as an enforcement tool in the City's Zoning Ordinance in the Historic District. The civil penalty provision is also authorized by State statutes.

DISCUSSION: The Planning Committee recognizes the concerns expressed about the amount imposed under the civil penalty and the lack of definitive guidelines in the ordinance to guide the Elected Officials' decision-making in these cases. However, members feel very strongly, that suitable penalties should be imposed for violators to the Zoning Ordinance. It is suggested in exchange for removal of the civil penalty, up to $10,000 for zoning violations (the civil penalty for Historic District violations would remain), that the dollar amounts for citations are increased as follows:

1st Citation	$ 50.00
2nd Citation	up to $200.00
3rd Citation	up to $500.00
Subsequent Citations	up to $500.00

RECOMMENDATION: John Lassiter motioned to delete the Civil Penalty, up to $10,000 from the new zoning ordinance and increase the citation violations to $50.00 for the first violation, up to $200.00 for the second violation, up to $500.00 for the third violation and up to $500.00 for violations thereafter. The motion was seconded by Al Winget. The vote was unanimous.

Vote: Yeas (Emory, Fenning, Lassiter, Spencer and Tabor)
Nays (None)

STAFF COMMENTS: The Planning Staff concurs with this recommendation.

POLICY ISSUES: Single Family — Districts, Standards and Conversion

Reference: CHAPTER 9: GENERAL DISTRICTS, Part 2. Single Family
pages 9-17 to 9-30

BACKGROUND: The new zoning ordinance performed a total overhaul of the single family districts. New districts and uses were added, existing districts and uses were eliminated and standards were adjusted in all the districts. Finally, a conversion chart was proposed for how the present districts would convert to the new districts.

One set of changes in the district structure was the elimination of the R-R and the RU districts. Two new districts were created to partially replace them, the R-1 and R-2. The current R-15, R-12, R-9 and R-6 districts were replaced with new R-3, R-4, R-5 and R-6 districts, respectively. Another new district, R-8 was created to address small lot housing development.

A major change was made in the way density is measured in the single family districts. Currently, the minimum lot size is the key determinant of development density. Under the new single family districts, a maximum density number is used to determine development intensity. The maximum density is expressed in the numerical designation associated with the new districts. Minimum lot sizes are retained for all the districts, but they have been reduced to make the proposed density achievable under certain development configurations. A residential "circuit breaker" was also installed for the protection of existing neighborhoods, which requires subdivisions of less than two acres to develop at higher minimum lot and lot width standards.

The proposed conversion from the existing districts to the new single family districts is as follows:

SINGLE FAMILY DISTRICTS CONVERSION

Current District	New District
RU	R-3
R-15	R-3
R-12	R-4
R-9	R-5
R-R	R-5
R-6	R-6
---	R-8

DISCUSSION: The Planning Committee acknowledges comments made at the public hearing concerning the changing of the R-1 to an overlay district, eliminating the R-2 and adding the R-R back to the zoning ordinance. While some members did not see the harm in a by-right R-1, majority support is given for an overlay district(s) which addresses environment and/or rural concerns. There are split views on whether the R-2 district should serve as a transitional district in areas such as Mint Hill's Sphere of Influence or be eliminated because of the proposed urban future for this community. The R-R district is felt to have outlived its usefulness, especially given the amendments over the years. Perhaps, a new waterfront district can be created in the future.

The Planning Committee has reviewed the single family district standards proposed at the public hearing and feel they are appropriate for the new zoning ordinance with some technical amendments. Some of the lower minimum lot sizes and lot widths as well as yard changes suggested do fit into the original objectives for the restructured single family districts. Exceptions are taken to the average open space requirement and the higher minimum open space requirements for the proposed new R-6 and R-8. Also, the floor area ratio of .50 is not considered too high for nonresidential uses in the district because both the floor area ratio and open space apply to those uses. Finally, a 5 acre minimum, instead of 2 acres, for small lot subdivisions provides an extra layer of protection for existing neighborhoods.

The Planning Committee acknowledges the concern expressed at public hearing about the incremental increase in density in the original density proposal. Therefore, in order to move along adoption of this ordinance, support for the incremental increase is dropped and a more density neutral conversion is now supported.

RECOMMENDATIONS: The issues raised about the single family districts were addressed separately by the Planning Committee.

R-1 District

1. Jim Thomasson motioned to remove R-1 as a general district and include the R-1 in the new zoning ordinance as an overlay district. Planning Staff will bring back a recommended ordinance in the next 12 to 18 months. Sarah Spencer seconded the motion. The motion passed 4 to 2.

   Vote: Yeas (Fenning, Spencer, Tabor and Thomasson)
   Nays (Emory and Winget)

RECOMMENDATIONS: (Continued)

R-2 District

2. John Lassiter motioned to eliminate the R-2 district from the zoning ordinance. John Tabor seconded the motion. The vote was a 3 to 3 tie. Due to the tie vote, the R-2 district remains in the new zoning ordinance.

   Vote: Yeas (Lassiter Tabor, and Winget)
   Nays (Emory, Fenning and Spencer)

R-R District

3. Al Winget motioned not to add the R-R district back into the proposed zoning ordinance. The motion was seconded by Gloria Fenning. The motion passed unanimously.

   Vote: Yeas (Emory, Fenning, Spencer, Tabor, Thomasson and Winget)
   Nays (None)

Single Family District Standards

4. John Tabor motioned to accept the provisions for the single family district proposed at public hearing, subject to the technical changes recommended by the Planning Staff. The motion was seconded by Al Winget. The motion passed 5 to 1.

   Vote: Yeas (Fenning, Spencer, Tabor, Thomasson and Winget)
   Nays (Emory)

5. Jim Thomasson motioned to approve the conversion single family district conversion recommended at public hearing, which is as follows:

SINGLE FAMILY DISTRICTS CONVERSION

Current District	New District
RU	R-3
R-15	R-3
R-12	R-3
R-9	R-4
R-R	R-4
R-6	R-5
---	R-6
---	R-8

The motion was seconded by Al Winget. The motion passed 5 to 1.

Vote: Yeas (Fenning, Spencer, Tabor, Thomasson and Winget)
Nays (Emory)

STAFF COMMENT: The Planning Staff concurs with the above recommendations.

P L A N N I N G C O M M I T T E E

T E C H N I C A L R E C O M M E N D A T I O N S

TECHNICAL ISSUES SPECIFICALLY ADDRESSED BY PLANNING COMMITTEE

The following are technical issues which were specially addressed by the Planning Committee in reviewing the comments raised at the public hearing. Other technical issues related to the proposed zoning ordinance which were made by the Planning staff and endorsed by the Planning Committee are contained in the revised zoning ordinance which accompanies these recommendations.

CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

Section 2.102. Interpretation of Zoning Maps

John Tabor motioned to change the default zoning district in subsection (5) from R-2 to R-3. The motion was seconded by Al Winget and passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor and Winget)

CHAPTER 6: AMENDMENTS

Part 1. Provisions of General Applicability

Section 6.104. Preliminary meeting with staff.

John Lassiter motioned to delete the second sentence requiring the Planning Staff to prepare a memorandum to the file after a meeting with a petitioner. Jim Thomasson seconded the motion. The motion passed unanimously (Yeas: Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

Section 6.107. Withdrawal and amendment of petition.

By consensus, the Planning Committee added clarifying language to allow withdrawal of a petition after the public hearing due to an order of a court. (Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

Part 2. Special Provisions for Conditional and Special Purpose Rezonings

Section 6.201. Special Purpose Districts and parallel conditional use districts; purpose. and Section 6.208. Revocation (Review) of approval of a parallel conditional use district.

Jim Thomasson motioned to keep the parallel conditional process at the current status (requirement for firm development proposals and 3-year review). Gloria Fenning seconded the motion. The motion carried unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor and Thomasson)

CHAPTER 9: GENERAL DISTRICTS

Part 2. Single Family Districts

Section 9.203. Uses permitted under prescribed conditions.

Jim Thomasson motioned to include bed and breakfast facilities as a permitted use under prescribed conditions, and that the provision be addressed on a separate track within the next 12 to 18 months with the boarding house provision addressing these uses in the interim. The motion was seconded by Sarah Spencer. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Jim Thomasson motioned to add universities, colleges and junior colleges as a permitted use under prescribed conditions in the single family districts for a temporary time period of 12-18 months. Al Winget seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Jim Thomasson motioned to leave the private day-care provisions governing the number of children permitted in the new ordinance as drafted. John Tabor seconded the motion. The motion passed 4 to 2. (Yeas: Emory, Tabor, Thomasson and Winget) (Nays: Fenning and Spencer)

Part 3. Multi-family Districts

Section 9.303. Uses permitted under prescribed conditions

Jim Thomasson motioned to have planning staff proceed with the development of a Single Room Occupancy (SRO) provision and bring it back for consideration at a later time. The motion was seconded by Sarah Spencer. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Jim Thomasson motioned to add universities, colleges and junior colleges as permitted use under prescribed conditions in the multi-family districts for a temporary time period of 12-18 months. Al Winget seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Jim Thomasson motioned to delete the 150 feet requirement from a public street for attached multi-family development and replace it with the current 400 feet requirement. John Tabor seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Section 9.305. Development standards for multi-family districts.

Jim Thomasson motioned not to include minimum dimensional (width) requirement for open space in the multi-family district. The motion was seconded by John Tabor. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Part 6. Research Districts

Section. 9.603. Uses permitted under prescribed conditions.

Jim Thomasson motioned to require by-right traffic impact studies for all office buildings over 300,000 square feet to be for on-site improvements only. John Lassiter seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Part 7. Office Districts

Section. 9.703. Uses permitted under prescribed conditions.

Jim Thomasson motioned to add health institutions, universities, colleges and junior colleges back into the office and business districts. John Lassiter seconded the motion. The motion passed 4 to 2. (Yeas: Lassiter, Spencer, Tabor and Thomasson) (Nays: Emory and Fenning)

Part 8. Business District

Jim Thomasson motioned to add the Business Park District to the general districts. John Tabor seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Section. 9.803. Uses permitted under prescribed conditions.

Jim Thomasson motioned to keep quarries in the business district. The motion was seconded by John Lassiter. The motion passed 5 to 1. (Yeas: Emory, Fenning, Lassiter, Tabor, Thomasson and Winget) (Nay: Spencer)

Section 9.805. Development standards for business districts.

Jim Thomasson motioned to raise the floor area ratio in the Distributive-Business District from .30 to .60. John Tabor seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, and Thomasson)

Jim Thomasson motioned to raise the floor area ratio in the Business Park District from .60 to .80. John Lassiter seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, and Thomasson)

Part 10. Industrial Districts

Section 9.1102. Uses permitted by right.

Jim Thomasson motioned to limit office development in the I-1 district to 300,000 square feet. Sarah Spencer seconded the motion. The motion passed 4 to 2. (Yeas: Emory, Fenning, Spencer, and Thomasson) (Nays: Lassiter and Tabor)

CHAPTER 11: SPECIAL PURPOSE DISTRICTS

Part 1. Purpose

Section 11.101. Purpose.

Gloria Fenning motioned to maintain the current position that Special Purpose District amendments can be initiated by the Planning Commission and Elected Officials. Sara Spencer seconded the motion. The motion passed 4 to 1. (Yeas: Emory, Fenning, Lassiter and Spencer) (Nay: Tabor)

Part 2. Mixed Use Districts (MX-1, MX-2 and MX-3)

Section 11.201. Purpose.

Jim Thomasson moved to retain current applicability language as it relates to the MX-2 District. Sarah Spencer seconded the motion. The motion passed 5 to 1. (Yeas: Emory, Spencer, Tabor, Thomasson and Winget) (Nay: Lassiter)

Part 4. Commercial Center District

Section 11.101. Purpose.

Jim Thomasson motioned to drop references to office development in the Commercial Center District. John Tabor seconded the motion. The motion passed unanimously. (Emory, Lassiter, Spencer, Tabor, Thomasson and Winget)

Part 5. Neighborhood Services District

Section 11.505. Development standards.

Jim Thomasson motioned to retain the 60-foot height limit for the Neighborhood Services District. Sarah Spencer seconded the motion. The motion passed unanimously. (Emory, Lassiter, Spencer, Tabor, Thomasson and Winget)

CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

Part 1. Supplemental Development Standards

Section 12.101. Every lot must abut a street.

John Tabor motioned to change the every lot must abut a street minimum requirement from 5 acres to 2 acres. Jim Thomasson seconded the motion. The motion passed 5 to 1. (Yeas: Emory, Lassiter, Tabor, Thomasson and Winget) (Nay: Spencer)

(Formerly Section 12.102(3))

John Lassiter motioned to drop average setback provision as applied to existing development from the new zoning ordinance. The motion was seconded by John Tabor. The motion passed 5 to 1. (Yeas: Emory, Lassiter, Tabor, Thomasson and Winget) (Nay: Spencer)

Section 12.103. Requirements for lots along thoroughfares.

Jim Thomasson motioned to retain the requirements for lots along thoroughfares as proposed. Sara Spencer seconded the motion. The motion carried unanimously. (Emory, Lassiter, Spencer, Tabor, Thomasson and Winget)

Section 12.108. Height limitations.

By consensus, the Planning Committee agreed to change the sun angle requirement to a technical standard which applies only in the multi-family district. (Emory, Lassiter, Spencer, Tabor, Thomasson and Winget)

Part 2. Off-Street Parking and Loading

Section 12.205. Required carpool spaces for certain employment uses.

Sarah Spencer motioned to retain language related to the mandatory requirement for carpool spaces. The motion was seconded by Al Winget. The motion passed 4 to 2. (Yeas: Emory, Spencer, Thomasson and Winget) (Nays: Lassiter and Tabor)

Part 4. Accessory Uses and Structures

Section 12.408. Customary home occupations.

Jim Thomasson motioned to maintain current language in the ordinance as it pertains to home occupations. The motion was seconded by Al Winget. The motion passed unanimously. (Emory, Lassiter, Spencer, Tabor, Thomasson and Winget)

Section 12.407. Elderly and disabled housing. and Section 12.417 Guest houses and employee quarters.

John Tabor motioned to make the minimum lot standard for both Elderly and Disabled and Guest Houses and Employee Quarters two times the minimum for the district. Al Winget seconded the motion. The motion passed 4 to 2. (Yeas: Emory, Lassiter, Tabor and Winget) (Nays: Spencer and Thomasson)

Section 12.413. Drive-in service windows.

Jim Thomasson motioned to keep the proposed standards as related to drive-in windows. The motion was seconded by Al Winget. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Section 12.415. Helistops, limited.

Sarah Spencer motioned that the current provision for Heliports and Helistops should be left in the zoning ordinance in the interim, but the Planning staff should investigate this area and report back at a later date. The motion was seconded by Gloria Fenning. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Part 5. Special Requirements for Certain Uses

Section 12.502. Adult care centers, adult care homes, child care centers and child care homes.

Sarah Spencer motioned to retain the current language in the zoning ordinance regarding adult care centers, but directed the Planning Staff to review this area and report back to the the Planning Committee within 12-18 months. The motion was seconded by Gloria Fenning. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor and Winget)

Section 12.504. Public utility structures.

Jim Thomasson motioned to approve technical amendment to exempt utility boxes below 300 square feet from the requirements of the new zoning ordinance. Sarah Spencer seconded the motion. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Section 12.515 Special requirements for facilities located on or adjacent to the Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island Lake)

Jim Thomasson motioned to keep the requirement for boat launching facility for 50 or more dwellings on the lake with the clarifying language that the facility is for the use of the residents of the development. The motion was seconded by Sarah Spencer. The motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

Jim Thomasson motioned to add language to the ordinance allowing commercial piers to extend from the shore to a water depth of 15 feet, but no more than 180 feet, whichever is less. The motion was seconded by Al Winget. The Motion passed unanimously. (Emory, Fenning, Lassiter, Spencer, Tabor, Thomasson and Winget)

*3. Consider seeking clarifying amendments to the City Charter with respect to the Auditorium-Coliseum-Convention Center Authority as follows:

(a) Clarify that the Performing Arts Center is not an "auditorium" within the meaning of the Charter and thus is not subject to the jurisdiction of the Authority.

(b) Clarify that the old Coliseum is no longer under the jurisdiction of the Authority.

(c) Amend § 5.22 of the Charter to emphasize that capital budget decisions with regard to Authority operating surpluses should be made as a part of the City's Capital Improvement Program and that otherwise such surpluses should be used for debt service. (See attached November 13 memo from Council member Clodfelter.)

FINANCE

*4. Seek an amendment to G.S. § 20-97(b) to increase the existing $20 cap that the City is allowed to charge for an auto privilege tax to $35.

An increase in the fee would provide a potential new source of revenue for transit and transit-related activities. (Council Transportation Committee)

HOUSING

5. Seek an amendment to G.S. § 160A-443 to authorize the City Manager to order the repair, closing or demolition of dwellings.

At the current time, Council approval is necessary for these actions. Such legislation would expedite the housing code enforcement process by at least 30 days. This item was part of the City's 1990 Legislative Program, however the Mecklenburg Legislative Delegation declined to introduce the bill. (Community Development Department)

6. Seek an amendment to G.S. § 160A-445 to eliminate that a property owner be personally served with a Housing Code order if the owner had previously refused service by certified mail.

Charlotte Coliseum

PO Box 669247
100 Paul Buck Boulevard
Charlotte, N C 28266-9247
Telephone 704 357-4700

November 30, 1990

Mr. O. Wendell White
City Manager
Charlotte-Mecklenburg Government Center
600 East Fourth Street
Charlotte, North Carolina 28202

Dear Wendell:

At the November 26th City Council meeting, the 1991 legislative program was discussed with one portion, Section 3 under Administration, deferred until the December 10th Council meeting because the Auditorium-Coliseum-Convention Center Authority had not given Council their views on the three areas listed in the section in question.

Here is the Authority's is response to each of the three questions.

3. (a) ***Clarify that the Performing Arts Center is not an "auditorium" within the meaning of the Charter and thus is not subject to the jurisdiction of the Authority.***

The Authority considers the Performing Arts Center to be a specialized facility while it views Ovens Auditorium as a multipurpose facility. Therefore, the Performing Arts Center, unless legal interpretation dictates or unless City Council so desires, probably does not fall under the Charter.

3. (b) ***Clarify that the old Coliseum is no longer under the jurisdiction of the Authority.***

The Authority considers that it is still responsible for the old Coliseum.

On at least three occasions, since its close in 1988, City staff, Mayor Myrick and private citizens have contacted the Authority management for permission to obtain temporary use of the old Coliseum for specific purposes.

In 1989, after Hurricane Hugo, City staff contacted Authority management and asked permission to utilize the old facility to house certain emergency operations. The Authority gladly agreed to that use and gave assistance during that period.

In 1990 when the homeless shelter was found to have dangerous levels of asbestos, Authority management was contacted by the Mayor who asked permission to utilize the facility as a temporary home for the homeless. Once again, the Authority readily agreed that this was a worthwhile use and gave its assistance during that use.

Recently, a request for the use of the old Coliseum as a movie set was received by City staff. The call was first referred to the Authority management. The decision to allow use was worked out between City staff and Authority management.

In recent meetings concerning the reopening of the old facility by a private investor, the Authority was approached by City staff about the possibility of the Authority administering the lease with the private investor if that was determined to be the best course of action.

The Authority believes that so long as the old Coliseum is used for Coliseum purposes, the building and its operations should be under the jurisdiction of the Authority. The proposed lease to William Allen by the Authority is consistent with section 5.23 in the City Charter as written. The ten year limit with respect to leases by the Authority of its facilities should be eliminated from section 5 23 of the City Charter as was done with respect to leases by the City in section 9.126, but this is not essential. Since the Authority, at present, lacks authority to execute a lease for more than ten years, it would be appropriate for the City to be a party to the lease.

3. (c) ***Amend Section 5.22 of the Charter to emphasize that capital budget decisions with regard to Authority operating surpluses should be made as a part of the City's Capital Improvement Program and that otherwise such surpluses should be used for debt service.***

For some thirty-five years, the Auditorium-Coliseum-Convention Center Authority has been operating public facilities for the City of Charlotte. In our opinion, the facilities that we currently operate are in first-class condition, which we believe is the condition City Council and the public desires. Over the years, the Authority has made capital budget and capital expenditure decisions that it feels appropriate.

Further, every year the Authority prepares and sends to the Mayor, City Council members, and City staff our proposed budget for the coming year. For the most recent years, this budget contains line item estimated capital improvements and repairs for the year under consideration. For example, for years 1990-1991, and including 1989-1990 carryovers, we proposed the following capital expenditures for each of the facilities:

(1) Ovens Auditorium	*$ 751,701*
(2) New Coliseum	*$3,196,484*
(3) Existing Convention Center	*$ 980,075*

These proposed expenditures are detailed on pages 57, 58, 59, 60 and 61 of the 1990-1991 Authority budget.

It is the Authority's preference to continue operating under the current practice in connection with the capital improvement program. It is our belief that the judgment exercised by the Authority members and staff deserves the ongoing trust of City Council. Therefore, we suggest that section number 5.22 of the Charter not be amended and that the present policy be continued because it has been both adequate and effective

Finally, we support the concept that surplus funds be used for debt service provided proper provision is made for maintenance, operation, deficit coverage and capital expenditures related to the current facilities under management, including the establishment of reserves to assure that the Authority can sufficiently fund the expected deficit at the new Convention Center expected to open in 1994. Pro forma information reveals that this deficit will be approximately $1.7 million for year one, $1.3 million for year two; and $1 2 million for year three, and hopefully reducing gradually from that level.

Respectfully,

William C. Covington /da

William C. Covington, Jr
Chairman

Steve Camp
Managing Director

WC&SC/da

cc: *Mayor Myrick*
Members of City Council
Mr. Glen Hardymon
Mr. Joe Grier, Jr.
Ms. Laura Kratt
Mr. Henry Underhill

CITY COUNCIL RETREAT
November 16-17, 1990

Expectation Issue Papers

I. Topics

A. Crime and Drugs

B. Public Resources

C. Economic Development

D. Education

E. Growth/Regionalism

II. Contents

A. The Mission Statement is a declaration of the City's intent to meet specific needs in the community.

B. The Roles Statement identifies the key stakeholders who have responsibilities for all or part of the issue area and describes the range of authority or responsibility.

C. The Strategy Statements focus on general program areas which the City will use to address the mission.

D. The Action Steps describe specific programs or actions which were approved at the City Council Retreat. Most will require more detailed plans and financing strategies before being fully implemented. Council will have the opportunity to review each step more closely as they re-appear either on the Council Agenda or in the budget process.

CRIME AND DRUGS

MISSION

- The City of Charlotte is committed to using its influence, energy, and resources to help build a community where violent crime and drug abuse is not tolerated.

- The City of Charlotte will be an active force in mobilizing all segments of the community toward a zero tolerance attitude toward violent crime and drug abuse.

- The City of Charlotte will provide a level of public safety services that will make its residents feel safe in their community and send the message that criminal activity will not be tolerated.

- The City of Charlotte will maintain a strong commitment to those programs which have a positive impact on the root causes of crime and drug abuse. (i.e., affordable housing, employment, etc.)

BACKGROUND

- The City provides the basic service to protect the safety of its residents. The Police Department's budget is $43 million (24% of the General Fund) and has over 1,000 employees. Current initiatives in the Department include:

  - Staffing a Street Drug Interdiction Unit
  - Staffing of DARE for all sixth graders
  - Allocation of additional School Resource Officers
  - Enforcement of the ordinance prohibiting loitering for drug-related activity

- Awareness is being enhanced through Police/Community dialogues, drug symposiums, town meetings and participation in the Drug and Alcohol Commission.

- The City has provided funding for the Citizens Criminal Justice Commission and staffing in support of the District Attorney's Office.

- Staff participates in the Intake Center Board, the MCCJIS (Computer System Advisory Committee), and the Jail Needs Advisory Committee.

- Several municipal programs are operating to impact the causes of criminal and drug abuse behavior including housing, job training, recreation, etc.

ROLES

- The City Council will continue to recognize that its first priority in the criminal justice system is is provide public safety services to the community.

- City Council would like to emphasize and expand those municipal services which impact the root cause of crime. The City Council recognizes the inter relationships between social and employment services and crime and drug abuse prevention and would enhance cooperative and collaborative community programs.

- The City Council will cultivate a community attitude toward zero tolerance for drug abuse.

- Mecklenburg County provides public safety services through the County Police Department and the Sheriff's Department. Mecklenburg County is also the primary provider of human services to the community.

- The State of North Carolina provides resources for operation of the District Attorney's Office, the courts and the State prisons. The State also is a major funding source for education and social programs.

- A successful effort to eradicate crime and drugs requires the assistance and support of the Community including the business community, the media, the clergy, the Housing Authority, the Drug Education Center, drug treatment providers, service agencies such as United Way and the Youth Involvement Council, civic groups, neighborhood organizations and the community at large.

STRATEGY: CRIME PREVENTION

Expand the City's role in drug prevention efforts and in programs which have a positive impact upon crime and drug abuse.

1. Design and implement a neighborhood based substance abuse prevention model that includes both drug education and delivery of city-county services. Apply for a grant to finance implementation of the model from the Office of Substance Abuse Prevention (OSAP) with the Drug Education Center as the implementing agency. New Cost.

2. Redirect use of Hawthorne Recreation Center to a teen center for "at risk" teens; staff with personnel experienced in needs and interests of teens. No cost.

3. Train neighborhood organizations in targeted neighborhoods to provide information and assistance to other residents. (Similar program was active in 1970's under title of "Neighborhood Agent"). New cost.

4. Have Neighborhood Centers Department coordinate the presentation of drug awareness and prevention programs (presented by Police and the Drug Education Center) for targeted neighborhoods as a component of their expanded mission. Low cost.

5. Build on the Belmont concept, adding a social services component with emphasis on those services to residents which increase self sufficiency and prevent drug abuse. Expanded cost.

6. Create a Code Enforcement Team, composed of personnel from Police, Fire, Community Development, and Community Improvement. The team would target areas where housing and other code violations are contributing factors in criminal activity. The team's goal would be to reduce crime through enforcement of code violations. New cost.

7. Create a "Business Watch" program similar to the Neighborhood Watch Program.

STRATEGY: YOUTH PROGRAMS

Place an emphasis on programs involving young people, the community, and the schools in order to reduce the involvement of young people in violent crime and drug abuse.

1. Redesign and expand the City's summer job program for at-risk youth from selected target neighborhoods. Encourage private sector programs that expose young people to a wide variety of career options. New cost.

2. Research a local ordinance to hold parents responsible if children take drugs and/or weapons to school. No cost.

3. Lobby General Assembly to change laws to obtain:

   - Stricter penalties for drug sales on or near school grounds.
   - Stricter penalties for possession of weapons/drugs on school grounds.
   - Stricter penalties for use of juveniles in drug sales.
   - Revocation of driver's licenses for youth convicted of alcohol or drug charges. No cost.
   - Increased communication between the Police Department, the school system, and the Housing Authority regarding juvenile privacy laws. No Cost.

4. Hold dialogues between police and local teenagers to seek youth input in addressing problems with drugs and youth violence. No cost.

5. Develop a program to adopt the school for excluded students. This program could include allowing City employees to do volunteer work at the school, providing positive role models for excluded students, and encouraging the private sector to become involved. Low cost.

6. Develop a Youth Recognition Program to reward and publicize the positive contributions youth made to the community. Low cost.

STRATEGY: COMMUNITY APPROACH TO PREVENTION, TREATMENT, AND ENFORCEMENT

Develop a community wide approach to the substance abuse problem that encompasses prevention, enforcement, and treatment.

1. Research and develop a program that provides a series of graduated penalties for individuals arrested for drug use. The goal of the program should be treatment as opposed to prosecution. The program should be developed jointly by Police, the District Attorney's Office, the court system, and treatment agencies. New cost.

2. Encourage all businesses to adopt drug free workplace policies through employee education, drug testing, and employee assistance programs. Low cost.

3. Examine the use of business incentives for drug-free workplaces. New Cost.

4. Expand police activities to include increased interdiction of drugs at airports, bus stations, and interstate highways to reduce the amount of drugs that become available on the streets. Expanded cost.

5. Work with the County and other sponsoring agencies to define the continuing role of the Drug and Alcohol Commission in the community. No cost.

6. Coordinate, in conjunction with the Citizens' Criminal Justice Commission, a crime and drugs symposium to be held in February, 1991.

7. Pursue changes in public nuisance laws, including adding manpower for additional policing to City forces.

8. Develop an issue paper on the concept of community policing.

9. Review all "Town Forum" ideas for incorporation into strategies.

10. Develop a time-line action paln to chart all Crime and Drug action steps.

STRATEGY: ZERO TOLERANCE

Develop a program that reinforces the values of zero tolerance for violence and drugs in this community.

1. Expand the concept of Neighborhood Watch to include drug free neighborhoods. Establish criteria under which a community could qualify as a drug free neighborhood based upon their willingness to work to eradicate drugs. Erect drug free community signs at a ceremony attended by City officials. The expansion of the Park Watch program should be part of this effort. Low cost.

2. Recognize and promote neighborhood organizations through a program where both the City and the media publicize success stories from neighborhood organizations. Low cost.

3. Increase use of media outlets to get the City's anti-crime and drug message to the community. Examples may include: public access channel, "City Letter," displays in malls, City Speaker's Bureau, billboards, etc. Emphasis should be placed on finding creative ways to reach people who do not access standard media outlets. Low cost.

4. Develop public service announcements concerning efforts to combat crime and drugs and seek media cooperation to air the announcements as a public education tool. Low cost.

STRATEGY: CRIMINAL JUSTICE SYSTEM

Continue seeking realistic ways to strengthen the criminal justice system.

1. Adopt a resolution to support efforts to obtain additional resources from the state for the District Attorney's office and the courts. No cost.

2. Support the bill sponsored by the County to allow local funding of District Attorneys. No cost.

3. Work with the County to determine whether the benefits of drug testing arrestees booked into the Mecklenburg County Jail (for selected offenses) outweigh the costs. If it is determined that drug testing would be desirable, determine an appropriate source of funding for the program. New cost.

4. Inform Mecklenburg County of the February Symposium and of all lobbying efforts the City intends to pursue.

5. Design a process to coordinate the work of all entities (Citizens' Criminal Justice Commission, Drug and Alcohol Commission, City, County, etc.) relative to crime and drugs.

STRATEGY: SEEK ASSISTANCE OF STATE LEGISLATURE

Strengthen the Council's working relationship with the State Legislature in order to generate a broader understanding of Charlotte's problems and their implications for the entire area.

1. Consider hiring if recommended by the February Symposium, (in conjunction with the County) a full-time lobbyist or legislative liaison to establish consistent communications between the Council, the County Commission, and the Legislature and to present more structured information regarding Charlotte's needs. New cost.

2. Request the Citizens Criminal Justice Commission to hold a retreat with members of the State Legislature, the judicial system and other participants and make a factual presentation regarding crime and drug problems in Mecklenburg County. Low cost.

3. Include a crime and drugs component in the planned regional forum that addresses mutual problems and resource needs. Low cost.

4. Appoint a Task Force of local and state officials to review and recommend changes to the North Carolina criminal statutes that would increase efficiency of the justice system (i.e. wiretapping, investigative grand juries). Low cost.

PUBLIC RESOURCES

MISSION

- Charlotte City Council believes it is essential to maintain quality of life through the fair and reasonable collection and balanced use of public funds.

- City Council believes that the expenditure of public funds should be equitable, both geographically and by type and level of service.

- City Council believes that the reliance of general government on the property tax should be lessened by identifying alternative revenues or alternative uses of existing dedicated revenues.

- City Council should initiate a regular process to examine the sources of revenues, and in what proportions for what purposes these revenues are spent.

BACKGROUND

- Many components of the Public Resources debate have already been considered and acted upon. These components include:

  - identification of 12 Council policies governing the development of the operating budget and policy and financing assumptions guiding the development of the capital budget;

  - establishment of service levels for major programs;

  - dedication of existing revenue sources to specific programs or funds.

- Participation in the Civic Index process, a sub-committee of which studied the distribution of public resources. The sub-committee reached the following conclusion relative to the geographic distribution of resources: "In the course of its work, the group came to the realization that the key issue was not the equal distribution of resources. Different sections of the community have differing needs. Therefore, the key issue becomes the equitable, not equal, distribution of resources in light of the varying level of needs." (August, 1990)

- Commission of a report on alternative sources of revenue ("Evaluation of Additional Revenue Sources of Charlotte-Mecklenburg", July 11, 1986).

- Establishment of Political Consolidation Review Committee, one charge to which is to recommend the most effective governmental structure by which to manage the community's public resources.

- Establishment of a City Council-County Commission review group to consider possible areas of functional consolidation.

ROLE DEFINITIONS

- City Council would like to be a keystone to ensuring that the public resources available within the Charlotte-Mecklenburg community are collected and spent equitably, with a decreasing burden on the property tax payer.

- City Council would like to develop a public resources policy which meets legal mandates and citizen expectations, fully utilizes the private sector and interlocal agreements, yet works within the constraints of the community's ability to pay.

- The City and the County must realize the mutual impact on public resources they have on each other, as well as on other Mecklenburg towns.

- The City's role should be decided in determining the Regional stakeholders and their capacity to contribute to infrastructure needs (Transit, Solid Waste Management, roads, etc.).

- The General Assembly must be shown the revenue needs of the region as a whole as local revenue options are sought.

STRATEGY

- With regard to existing revenue, City Council should examine whether the current sources of revenue are or are not acceptable, and determines whether the revenues are allocated to their highest uses.

- City Council should develop a level of comfort with the projections of revenues and expenditures, and identify strategies to reconcile community needs with community resources.

ACTION STEPS

A. The following action steps should be concluded in a timeframe which would allow their inclusion into the FY92-FY93 Budgets (May, 1991).

1. Review all dedicated revenues from the capital revenue stream for use in the operating budget, including all or part of the 4 1/2 cents from the property tax levy to the Pay-As-You-Go Fund (approximately $2 million per cent). No Cost.

2. Request the General Assembly to increase by $15 the motor vehicle license tax, and set as Council policy its use as a dedicated revenue source for the Transit Fund. No Cost.

3. Review establishment of a reserve fund for future solid waste management requirements. Low Cost.

4. Evaluate the feasibility of establishing enterprise fund status for high cost, user-identifiable services, such as Solid Waste, Transit, etc. No Cost.

5. City Council should review all existing service levels early in the FY92-FY93 budget process to determine if any warrant different funding priorities. No Cost.

6. Have staff prepare report on actions the City is taking to address the economic downturn; management should continue on-going work of Internal Consulting Unit to reduce layers of management and report back to Council periodically. (January 1991)

7. Have staff send 1986 Alternative Revenues Report to all Council members. (December, 1990)

B. The following action steps should be concluded by the dates shown:

1. Reach a consensus among Council and then with the County Commission regarding the consultant's report on Development Fees (Spring, 1991). Low Cost.

2. Determine if: (a) there is a discernible difference between the equal and the equitable distribution of resources; (b) if so, determine Council's preference for resource distribution, and; (c) develop a process for implementing any policy changes necessary to distribute resources accordingly (October, 1991). Low Cost.

3. Verify current delineation of City/County roles and responsibilities (November, 1991). No Cost.

4. Act upon the Political Consolidation Charter Commission report recommendations within 60 days of receipt of the report. No Cost.

5. Send a letter from the Mayor to the Chair of the County Commission urging that the interval between property reassessments be reduced from four years to two years at the earliest possible date and that automation of the Tax Office be pursued more aggressively. (November, 1990)

6. Monitor progress of the State Commission on Public Transit's study of the Parking Space Tax as a funding source for regional transit issues and have staff report back to Council ont he outcome of this study. (June, 1991)

7. Improve information-sharing with local delegation to General Assembly so that they might have a better understanding of Charlotte's needs; establish a Council-Legislative Liaison Committee and hold periodic meetings to discuss local issues (include other regional delegates as appropriate); prepare communication pieces to send to all legislature members to inform them of important issues being addressed. (March, 1991)

ECONOMIC DEVELOPMENT

MISSION

Council recognizes that it is in the community's best interest to bring all areas of the city and all those able to work into the economic mainstream.

- City Council believes that economic development must make individuals and families self-sufficient by breaking the cycle of poverty for Charlotte's poor, by creating an environment that helps people prepare for and enter the world of work.

- City Council believes that economic development must revitalize deteriorated areas by strengthening those areas without power in the marketplace, that would remain underdeveloped without City involvement.

- City Council believes that our traditional support for economic development must continue by working closely with the Chamber and community leaders to support business development and providing high quality services and well-designed infrastructure.

BACKGROUND

At the core of Charlotte is a city within a city. Were this core city of 120,000 incorporated, it would be North Carolina's fifth largest municipality, bigger than Durham, Fayetteville, High Point, and Asheville. And were this city within a city to stand alone, apart from Charlotte's regional prosperity, its social and economic problems would be even more apparent and the need for creative solutions more urgent.

In the past, Council has supported economic development efforts related to underdeveloped areas in the core city through:

- Economic Development Department
- Neighborhood Reinvestment Programs
- Neighborhood Small Area Plans and Capital Improvements
- Commercial Corridor Improvement Plans
- Employment and Training Programs
- City Summer Jobs Program
- Neighborhood Centers
- Belmont Task Force
- Revolving Loan Funds

ROLE DEFINITIONS/POTENTIAL PARTNERS

Council now wants to better focus the City's resources to revitalize deteriorated neighborhoods, to retain and expand businesses in and around those neighborhoods, and to prepare low and unskilled residents for productive work. However, the City cannot accomplish these goals alone. The support of others in new partnerships and in new roles will be needed.

- City of Charlotte will:

  - Take a leadership role in the development of strategies for retention and expansion of businesses that provide quality jobs in underdeveloped areas.

  - Be a partner in the development of strategies that strengthen underdeveloped neighborhoods, improve the workforce, and help people become economically self-sufficient.

  - Coordinate the development of an information base that all agencies can use to make policy decisions affecting underdeveloped areas of the city.

- Mecklenburg County should:

  - Coordinate the County's provision of human services with the City's efforts in Employment and Training, Neighborhood Centers, and neighborhood revitalization.

- Charlotte-Mecklenburg Schools, CPCC, and the Universities will continue and strengthen:

  - Coordination of basic education, literacy, English as a second language, and technical training with the City's Employment and Training Department. (The Human Service Needs Survey lists educational opportunities as one of Charlotte's most needed items.)

- Housing Authority will:

  - Continue working with Employment and Training in the development of programs to increase their residents' participation in the workforce. (Their goal is to have 50% of their residents self-sufficient within five years.)

- Chamber of Commerce/Business Community should:

  - Bring the expertise and contacts of the community's business leadership to bear in designing a new business recruitment, retention, expansion, and financing strategies for unde developed areas.

  - Provide information on the skills that employees need, so that training programs can effectively target their efforts.

- Neighborhood, Non-Profit, and Religious Organizations should:

  - Provide information on problems and workable solutions as seen from the "front line". These organizations need to define their roles in helping support the public's commitment to underdeveloped areas and identify ways the public can assist them.

STRATEGY

The economic and social health of underdeveloped areas of the city is more than a City issue, it is a community issue. To effectively use its resources of leadership, information, staff time, and funding, the City will:

- Place a priority for economic development resources, over the next 5 years, on projects that support the City's missions to promote economic self-sufficiency and revitalize deteriorated areas.

- Seek partnerships with community institutions and neighborhood groups that have a long term stake in the vitality of the core city.

- Target city resources and focus civic attention on people and places without power in the marketplace. City investments should, whenever possible, leverage private sector investment and community participation.

- Address problems as a whole, so that, as neighborhood problems are addressed, negative forces are removed, not merely relocated to adjacent areas.

ACTION STEPS

A. Form a "City Within a City Partnership":

The partnership would provide a forum for top officials of public, private, and non-profit organizations to coordinate the efforts of their institutions to improve the economic and social health of the most critical underdeveloped areas, their neighborhoods, and residents. Putting aside "business-as-usual" approaches, the partnership would seek new alliances and solutions. The city neighborhoods and the experience gained there would then be applied in other areas of the city.

Goals: retain and expand businesses that provide economic opportunities to neighborhoods: help people enter the economic mainstream to become self-sufficient and thus gain control over their lives; and, through timely information, address the emerging problems of the underdeveloped areas and their residents.

1. The Council will take the lead in convening a meeting to discuss the formation of a "City Within a City Partnership" within six months.

2. To get going now, City staff will organize three staff Working Groups on business/jobs, self-sufficiency, and information to define issues and opportunities to be considered in forming a partnership.

The Working Groups' immediate function will be to focus the energy and expertise of top staff from public, private, and non-profit organizations on an initial work plan.

B. The Working Groups initial plan is to: Retain businesses and expand the number of quality jobs:

The best jobs program is to keep the good ones you have. Then, add more quality jobs through business expansion and attraction. To do this, the underdeveloped areas in our city must be made economically competitive as business locations.

1. Get business development going. Charge the Economic Development Department to assemble the Business/Jobs Working Group. No cost.

2. Focus on industrial jobs. The Working Group will contact businesses to develop comprehensive information on businesses' employment needs, current conditions, problems, and plans. In the first year, manufacturers and light industry in the core city will be targeted to determine how these jobs can be retained and expanded. Staff and funding may need to be appropriated to underwrite this effort. Low cost.

3. Identify industrial targets. The Working Group will examine the possibility of targeting new industry to locate in underdeveloped areas in the core city. No cost.

4. Provide site information. Knowledge of land available for business location in the core city is poor. The Working Group will examine ownership, zoning, access, and other land related issues and provide a way to make information on available sites accessible to business location decision makers. Low cost.

5. Consider public land. The City and other governmental bodies own real estate in the core city that may be suitable for business location. The Working Group will comprehensively examine publicly owned land to discover opportunities for its strategic use, including disposition, acquisition, and exchange. Low cost.

   - The State owned rail yards in the North Davidson area of North Charlotte will be examined for possible projects as well.

C. Increase the ability of core city residents to achieve economic self-sufficiency:

1. Bring service agencies together. Charge Employment and Training to convene the Self-Sufficiency Working Group. No cost.

2. Learn from Belmont. Use the existing project in Belmont as a test case for agency coordination in the delivery of services. No cost.

3. Extend Belmont. Develop a service agreement, similar to the Fairmarket Housing Agreement, with the County and others that adds certain social services (substance abuse, life skills, pregnancy care) and employment opportunities to the Belmont area. Expanded cost.

4. Expand to other neighborhoods. Examine other neighborhoods for implementing a project similar to the Belmont Project. Coordinate the location of this neighborhood with Business/Jobs Working Group. New cost.

5. Use Neighborhood Centers. Strengthen neighborhood organizations and leadership by making the resources of the Neighborhood Centers available to their surrounding residents. Explore expanding the role of Neighborhood Centers to include leadership training in conjunction with programs available in the community. Low cost.

6. Publicize programs better. Work with service providers to develop innovative methods of increasing public awareness of their programs, perhaps through information fairs in the neighborhood centers, as suggested by the Civic Index. Low cost.

D. The Working Groups will provide necessary information about the core city and other undeveloped areas for policy makers and those who design programs:

1. Coordinate information agencies. MIS will convene an Information Working Group to coordinate their information and data systems. No cost.

2. Assist other Working Groups. Provide assistance in the analysis of information gathered in the business and land surveys. Map core city neighborhoods, their characteristics, and the services provided to them to determine gaps in the delivery of services. Low cost.

3. Develop strategic information. As the City Within a City Partnership considers actions, it will need information that shows the dimensions of problems and how they are changing. This Working Group will supply ongoing strategic information. No cost.

E. City Council will continue to support current efforts:

1. Continue funding Planning Commission activities and improvements through:

   - Small Area Plan (SAP) Funding

   - Neighborhood Reinvestment

   - Business Corridor Improvements

2. Complete support for the West Charlotte Business Incubator and Project Catalyst to support revitalization efforts in the Biddleville Area. No cost.

3. Airport land acquisition through the Part 150 Project on and near Wilkinson Boulevard is currently being studied for reuse. Continue support for examining how the use of the parcels can influence the rest of the Wilkinson Boulevard Corridor. No cost.

4. Economic Development currently assists Planning by serving on the boards of organizations in the Business Corridor Improvement Areas and working with them to expand their agendas, identify "doable" projects, and use the corridor improvements to leverage private sector investment. No cost.

5. Continue Transportation's assistance to Employment and Training's job transportation needs. No cost.

Council, at their Retreat, requested these additional actions:

A. Add to "Strategy" section:

> City will place a priority for economic development resources, over the next 5 years, on projects that support the City's missions to promote economic self-sufficiency and revitalize deteriorated areas.

B. Develop for Council review and possible support policy paper on Tax Increment Financing.

C. Develop for Council review and action a policy paper on investment of public resources for economic development.

D. Review the role of Community Development Corporations to help revitalize communities and determine the opportunities to benefit Charlotte.

E. Review the process of doing area/district plans to incorporate economic development aspects, including what the marketplace would support.

F. Council wishes to reexamine current efforts and funding levels as part of the budget process and as an outgrowth of recommendations from a "City Within a City Partnership" and the Working Groups.

EDUCATION

MISSION

- The City of Charlotte expects this community to have a strong educational system that serves the needs and aspirations of its citizens. Accordingly, City Council offers its cooperation to the local public school system and to area colleges and universities in efforts to achieve an outstanding, nationally recognized system of educational opportunities and resources.

- The City of Charlotte recognizes the interrelationship of schools, housing, and land use. Accordingly, City Council expects the planning of new school locations to be done in concert with other community facilities and with the overall development of Charlotte-Mecklenburg.

BACKGROUND

- At its retreat in early 1990, City Council wanted to work with area colleges and universities to encourage the development of a first-rate PhD program in this region. It now appears this effort is proceeding independently and does not need direct involvement by City Council, although Council maintains a continuing interest.

- At the same retreat, City Council asked to be a participant "at the table" in the ongoing dialogue on local education issues.

- Charlotte-Mecklenburg Schools has proposed building 40 new schools and renovating others over the next ten years at a cost of $455 million -- a figure that is nearly one-half of the County's entire ten-year capital program. This has a significant impact on overall community resources available to finance capital needs, and additional impacts can be expected from the annual cost of operating these schools.

- Locating the proposed 40 new schools will have a direct impact on community-wide land use planning. The need to coordinate school planning and land use planning is imperative. Planning Commission staff and school officials are now discussing possible joint planning in preparing a Schools Master Plan. (The City Manager and County Manager are providing oversight to this effort.)

- There is a growing concern about the ability of the school system to expand its physical facilities and still meet the community's goals related to integration and racial balance. Although school issues are traditionally the concern of the School Board and Board of County Commissioners, the implications of current school planning issues are community-wide.

ROLES

- The Charlotte-Mecklenburg School Board has statutory responsibility to set policy for the local school system.

- The Mecklenburg Board of County Commissioners has statutory responsibility for funding certain operating and capital costs. In practice, the County funds about one-third of the total including nearly all capital costs. The County Commission can restrict funds by operating or capital categories, but can neither designate specific uses nor, by statute, take any role in policy-setting.

- Most of the balance of funding comes from the State of North Carolina.

- The City of Charlotte provides funding in support of educational purposes in various ways; for example:

$ 314,000	for twelve school resource officers deployed in junior and senior high schools
$ 144,000	for ninety school crossing guards
$ 38,000	to the Cities-in-Schools program
$ 45,000	to the Youth Involvement Council
$ 30,000	for the Basic Education component of the City Employment and Training Department, enabling high school drop-outs to work toward receiving a General Equivalency Diploma.

STRATEGY

- City Council will take a direct role in promoting the coordination of school planning with the community-wide land use planning being done by the Planning Commission.

- City Council will participate with other community interests in the ongoing dialogue about public education issues.

- City Council will consider measures that can be implemented through existing programs to help meet educational needs of our citizens.

ACTION STEPS

1. Develop an agreement among the governing bodies, School Board, and Planning Commission, whereby the Planning Commission will have a specific role in assisting Charlotte-Mecklenburg Schools with the preparation of a ten-year master plan for the location, construction, and renovation of schools, as well as reuse of abandoned school facilities. (Staff recommendation to be made in December, 1990.) Low Cost

2. Develop a memorandum of understanding that would specify ongoing planning coordination between the Planning Commission and school system, including preparation and review of capital proposals; research and demographic planning; assistance in identifying, evaluating, and acquiring school sites; and review of zoning petitions for impact on school population and facilities (staff recommendation to be made in December, 1990). Low Cost.

3. Request the Charlotte Chamber Education Council to accept an appointment of a City Council member to its group, to help keep the City Council advised and involved in their educational issues dialogue. Direct the Council appointee to recommend pursuit of area PhD programs through a consortium approach involving UNCC, Queens, Davidson and Johnson C. Smith University. Also, recommend establishment of a local education foundation for support of public education. Also, encourage UNCC and business leaders to locate an uptown campus at CPCC (December, 1990). No Cost.

4. Request a staff appointment to the "Central College High School" Advisory Board. Central College is a proposed alternative for students interested in combining academic courses with technical electives or work experience (December, 1990). No Cost.

5. Explore the possibility of using "at-risk" students in work experience situations with the City (Fall, 1991). No Cost.

6. Implement a study hall program at the City's recreation centers by designing a Pilot program at recreation centers in targeted neighborhoods, in which volunteer tutors or assistants are recruited and a designated time or area is set aside at the centers for homework (Spring, 1991). No Cost.

Action Steps Continued

7. Support a "city-as-a-classroom" program with free passes on off-peak regular bus service for school classes on field trips (Spring, 1991). No Cost.

8. Consider a policy to give employees leave to volunteer in school activities, to "adopt" a school, or to participate in the Cities-in-Schools program (Spring, 1991). Low Cost.

9. Offer staff resource assistance to those schools which are participating in the school based strategic planning effort (no cost).

GROWTH/REGIONALISM

MISSION

- Charlotte City Council believes it is fundamentally important that we have a clear vision of the kind of city we want to be, in order to plan for growth in a way that assures a high quality of life and sound environment for all citizens in our diverse population; and that we should exercise leadership in developing a similar vision for and in joint cooperation with broader community within the county and the region as a whole.

BACKGROUND

- In recent years, there has been an increasing awareness of the regional implications of growth. New entities, such as the Carolina Counties Coalition, have emerged. Existing organizations, such as the Charlotte Chamber, have broadened their focus. The Charlotte City Council has itself created a new Regional Issues Committee to relate to these developments.

- In recent months, several reports and actions have helped focus the concerns about growth and the need for regional action. In June, 1990, a special Urban Land Institute panel issued its recommendations about the "Charlotte Region." In October, the City's Economic Development Department released a report on "Charlotte in the 21st Century: Strategies for the 1990s." In November, City Council authorized a series of light rail transit initiatives that represent a major step in planning for the future.

- At the City Council workshop in July, 1990, Council members stressed the need to develop a guiding vision. It was felt that elements of the vision already exist through various sources, but they need to be integrated into a single document reflecting a general consensus. These sources include:

  - the cumulative actions of City Council, including policy decisions and adopted plans such as the Generalized Land Plan 2005 and subsequent district or neighborhood plans;

  - strategic visioning exercises involving City Council and department heads that were conducted over the past year;

  - comparable mission statements of the Board of County Commissioners and the School Board, as well as civic groups such as United Way and the Charlotte Chamber;

  - special efforts such as the local Civic Index Project and the regional Urban Land Institute panel; and

  - planning efforts of other governmental entities within the region.

  - To relate the local vision to the region as a whole, the UNCC Urban Institute has separately prepared a draft proposal for City Council's consideration.

ROLE DEFINITIONS

- In regard to growth management, the City of Charlotte provides leadership, land use planning, and development regulation, as well as a range of urban public services and the infrastructure necessary to accommodate growth.

- Mecklenburg County provides similar growth management functions, with the difference that the public services it provides are primarily related to health, education, and human services.

- The Charlotte-Mecklenburg Planning Commission is the joint planning agency of the City and County, with responsibilities under an Inter-Local Agreement for advising the governing bodies on the future development of this community.

- The Charlotte Chamber of Commerce and the UNCC Urban Institute are two organizations taking active leadership roles in regional issues.

- A number of special regional-oriented entities have emerged in recent years, including:

  - Carolinas Counties Coalition is an ad hoc group of county chairpersons from Mecklenburg and twelve surrounding counties. The group organized four years ago, remains informal (with no by-laws), and generally meets on a quarterly basis.

  - Carolinas Transportation Compact grew out of the Coalition's priority concern for transportation and views itself as a regional transportation planning body. The Compact has a budget contributed by member counties, and plans to hire a staff director and adopt by-laws.

  - Carolina Issues Academy is a UNCC-based organization that provides programming for workshops on regional issues, holds an annual conference for regional leaders, and plans briefings for elected officials.

- Carolinas Partnership, Inc. (formerly the Greater Charlotte Economic Development Corporation) was initiated by the City and Charlotte Chamber to provide connections to the regional business community. It is staffed by the Chamber and organized the ULI review of the Charlotte region in 1990.

- The Regional Business Council was organized by the Charlotte Chamber to help improve economic development in the region. The Council has a wider membership (three business persons from each of the member counties) and a somewhat broader agenda than the marketing emphasis of the Partnership.

o Several other organizations with a regional scope are emerging:

  - The Urban Land Institute is trying to form a "district council" or chapter for its developer-oriented membership.

  - The former Charlotte-Mecklenburg Citizens Forum is transitioning itself to become the Central Carolinas Citizens Forum.

  - The three-county United Way of Central Carolinas, Inc., is establishing a regional planning board.

  - An informal consortium of homebuilders, realtors, and apartment managers is considering a regional organization.

o Finally, there are the counties and towns throughout th region, and the Centralina COG and Catawba COG that provide technical assistance to these jurisdictions. (Geographic definitions of the region can vary according to the issue or project, but the larger area probably includes thirteen counties in parts of two states.)

STRATEGY

- City Council will initiate a process to clarify our community's vision and, further, will participate in relating that vision to the region as a whole.

- This two-phase process will be referred to here as the local vision process and the regional vision process:

  - The local vision actually has two dimensions -- the vision for the City of Charlotte itself, and the vision for the broader community within Mecklenburg County. The local vision will therefore (a) focus first on city government's own expectations, and then (b) expand to invite the participation of the Board of County Commissioners, School Board, Chamber, United Way, and other broad-based community organizations.

  - The regional vision process would encourage the participation of all counties and towns in this region in a way that assures the recognition of all viewpoints. As the region's central city, the City Council would invite other towns and counties to share our respective visions and work toward formulating a common set of goals for this region.

- The resulting vision statements should be stated concisely and communicated widely among our citizens.

ACTION STEPS

1. Implement a process for developing an outline of elements and issues making up an agenda for a local vision statement:

   - Staff will prepare an inventory of vision statements (or key issues statements, etc.) of the City, County, Schools, Chamber of Commerce and others. Summarize significant recommendations and issues (January-March, 1991).

   - City council will convene a meeting of government and private leadership to review the vision report and share expectations as the regional planning process continues (March-April, 1991).

2. Implement a process to develop a regional vision, including the following major steps suggested by the Urban Institute in a separate proposal to Council:

   - The Mayor ask other officials in the region to join us in a dialogue about our joint future (January, 1991). No Cost.

   - The Urban Institute process calls for a series of meetings with small towns in the region "for the purpose of identifying and clarifying the urban agenda" (January-May, 1991). No Cost.

   - A day-long Spring Conference is held to determine an action plan. Primary participants would be municipal elected officials, and possible county and legislative officials and other leaders (June, 1991). Low Cost.

   - The process culminates in a two-day regional Fall Conference for leaders of all segments in the region. The outcome is a regional vision and, possible, elements of a regional growth management strategy (Late Fall, 1991). Low Cost.

3. Staff will assemble information on what the State is doing on planning for the region.

4. City Council will expand the Airport Advisory Committee to include regional representatives.

5. Staff will prepare a policy paper describing the origin of the MPO, relevant federal criteria for MPO's and options in dealing with regional representation for regional transportation planning.

6. City Council will increase its participation in Centralina Council of Governments programs and activities, as an on-going regional forum. More advance notice of COG events is needed in order to include them on Councilmember's calendars.

1. When the Committee was established:

The Charlotte Sister Cities Committee was established and endorsed by the Charlotte City Council on July 24, 1978.

2. Current charge of the Committee:

"Promoting international cooperation and understanding by providing opportunities for cross-cultural exchanges through establishing and maintaining relationships with cities abroad."

(From the mission statement approved by the membership at the General Committee meeting on June 5, 1990.)

3. Number of members on the Committee, and meeting schedule:

The Committee is composed of 25 citizens appointed by the Mayor (9) and City Council (16). In addition, approximately 250 others work as Ad Hoc members on various projects and subcommittees.

Meetings are scheduled for the first Wednesday of every other month at 5:30 PM at International House. The Board of Directors (elected by the Committee) meets the third Wednesday of every month.

4. The Committee's accomplishments:

1987

- 25 Charlotteans participated in a return visit to Krefeld; most stayed in host homes
- Charlotte Symphony visit to Europe included a concert in Krefeld
- Hosted a delegation of 8 (Mayor and 7 others) from Baoding for official signing of Sister City Agreement
- Coordinated children's art exhibit from Baoding at the Mint Museum
- Began TB project in Arequipa; raised $30,000
- Conducted art from Arequipa exhibit and sale
- Arranged goodwill/medical delegation to Arequipa

1988

- Advanced TB project
- Sent teacher from Charlotte to Arequipa
- Began the Charlotte School project in Arequipa
- Facilitated coordination of medical team to visit Arequipa to perform eye surgeries
- Coordinated home hosting of visiting youth from Krefeld on Concord exchange
- Arranged visit of 40 Krefelders led by Lord Mayor
- Developed teaching packet about Krefeld and distributed to every German language teacher in the area
- 21 high school students, 2 teachers, 1 administrator visited Baoding
- Faculty member from UNC-C went to Hebei University for one year

1989

- 40 Charlotteans visited Baoding, including representatives of the city government, educational institutions, the business community and a medical team.
- Coordinated joint effort with local Rotary Club, Rotary International and the Arequipa Rotary Club to purchase $16,000 in microscopes to fight TB
- Assisted Charlotte Latin School in the delivery of 14 crates of school supplies to Arequipa
- Hosted 20 officials for the rededication of Arequipa Park at the new Uptown Library
- Sponsored the visit of 15 high school students to Krefeld as part of the Concord Exchange
- Worked with 21 other prominent organizations to sponsor German/American Week. *Recently received a Reader's Digest Foundation award for this project.

1990

- Assisted Jerald Melberg Galleries with fundraising effort for the Charlotte School in Arequipa which raised $30,500.
- Assisted with the visit of 29 youths from Krefeld here on the Concord exchange
- Hosted a medical delegation led by the Vice Mayor from Baoding
- Planned the 1990 International Art Exhibition (scheduled to open September 29) featuring art from each of the Sister Cities. Will include a delegation from each city to attend opening ceremonies.
- Obtained from City Council and Hoechst Celanese Corporation a total of $30,000 to construct and install a permanent exhibit of Sister City gifts and documents to be located in the Charlotte Mecklenburg Government Center.
- Initiated municipal level exchange with Wroclaw, Poland as part of official U.S. program to assist Poland in developing infrastructure for local government.

5. Recommendations for the Council consideration, such as a reduction or expansion in membership.

The Sister Cities Committee is an open, volunteer based organization and much of the energy and creativity comes from interested citizens who are not officially appointed members. To take advantage of demonstrated commitment and to assure continuity in leadership, we need the ability to appoint some of these dedicated volunteers as official committee members and move them into positions of leadership as committee chairs. Under the present appointment process, we do not have the flexibility to achieve this objective and we are unable to use our volunteers in the most efficient manner.

We request that the Council permit the modification of the Sister Cities Charter to provide that the 25 members will be appointed as follows: 8 members by the City Council, 4 members by the Mayor and 13 members by the Board of Directors of the Sister Cities Committee.

We propose that, as a transitional procedure, the Board of Directors would make all of the appointments required to fill partial terms resulting from vacancies with all of the future appointments to full terms (which occurs in April of each year) to be divided in the proportions set forth above.

6. A redefining of the charge, if necessary.

The present charge, as set forth in Section 2, accurately sets forth the mission of the Committee.

Cross Connection Control and Backflow Prevention Ordinance

CMUD has developed a cross connection control and backflow prevention ordinance.

- A cross connection is defined as an actual or potential connection between the public water supply and a source of contamination or pollution.

- Backflow is defined as any reversal of flow of liquid, gas or other substance from private plumbing back into the water distribution system.

Industrial, commercial or residential properties are all potential sources of contamination or pollution. Backflow can occur from areas such as boiler systems, process water applications, irrigation systems, fire systems or sewage systems. Backflow of a polluted or contaminated substance could be harmful to health or life threatening.

Federal and State Requirements

The Charlotte-Mecklenburg Utility Department (CMUD) is responsible for quality of the drinking water to the point of service as mandated by Federal and State law. The State of North Carolina has developed more stringent draft guidelines including the requirement of adequate personnel to implement a successful program. All major cities have a cross connection control program already in place. Some of these cities are Raleigh, Durham, Greensboro, Winston-Salem, Asheville, Wilmington, Fayetteville, Statesville, and Salisbury.

Proposed Ordinance

The ordinance requires all new and existing commercial and industrial and some residential customers to install, maintain and test an approved backflow prevention assembly near every service connection and before branching out of their private system. Commercial customers include multifamily residences of more than three residences on one service connection. Residential customers affected would be those with irrigation services.

Affected Businesses

We propose the ordinance to become effective January 1, 1991. We estimate there are approximately 25,000 - 30,000 businesses and 2700 residential customers that will be affected by the ordinance. All affected CMUD customers will be prioritized by the level of hazard they represent. For example, properties or customers which represent high hazard such as hospitals, chemical plants, and mortuaries will be the first to be contacted. Customers such as a real estate office, or bank, or residences with irrigation services, will be the lowest priority and it may be at least five to seven years before they are contacted. New customers will be required to have a proper backflow assembly before being connected to the CMUD system.

Installation Timeframe

A CMUD representative will visit each customer and will survey the customers facilities and determine the hazards. CMUD will then notify the customer by letter as to the type of backflow prevention assembly required and the time frame in which it must be installed. The time frame for compliance is between 30 and 60 days. This is based on the ability to purchase the approved assemblies available in the Charlotte area. This time frame is consistent with other cities in North Carolina. There may be situations where a customer is unable to comply with this time frame due to budget concerns. CMUD will work with the customer to have the assembly installed as close to the above time frame as long as the customer is making every effort possible. Notices of invitation would be issued only as a last resort for compliance.

Cost to Customer

The type of assembly required depends on the hazard classification - high hazard or moderate hazard. Installation must be done by a licensed plumber, plumbing or utility contractor. The estimated cost of installation and the assembly is approximately $350.00 for a 3/4" service to $20,000 for a 10 or 12-inch service per assembly. CMUD will inspect the installation to ensure proper installation.

Annual Testing

Customers will be required to have their backflow prevention assemblies tested annually to ensure proper operation and submit this information to CMUD. Only certified testers shall be permitted to perform these tests. There are certified testers in the Charlotte area. Since the testing will be performed by those in the private sector, the cost of testing could vary. Throughout the State of North Carolina, cost of testing varies from $30 to $100 per test. CMUD will maintain test records as well as a list of certified testers and testing schools.

Positions Required

Two new positions are needed to implement the program. These two positions will be responsible for educating customers, inspecting installations, and administering and enforcing the ordinance and program. These positions have been approved by the Budget and Evaluation Department and would be filled in Spring 1991.

Violations

If violations of the ordinance occur, civil penalties will be imposed. Civil penalties range from $100 per day per violation to $1,000 per day per violation. Violations of the ordinance include submitting falsified records, cross connections that are not protected or corrected, failure to maintain the backflow assemblies properly and not submitting records to CMUD when necessary. Also, if there is an imminent hazard or the violation(s) are not corrected in a timely manner, the water service may be terminated.

Public Information

As part of the program, a public relations program is planned which will assist all affected customers as well as the general public to become educated on cross connection control. We will include information on the program in the water/sewer bill flyer. We also plan to work with PS&I to develop an educational flyer to provide to all affected customers before they are personally notified of the requirements. We will continue to make presentations to any group interested as we have been for the past year.

Customer Input

In September a letter was sent to the Chamber of Commerce and various other organizations such as the Plumbing Contractors Association, Hospitals, Central Charlotte Association, and National Association of Industries and Office Parks, notifying them of our proposed ordinance and program. Previous to that, several presentations were made to various organizations as well. The proposed ordinance was presented to CFC in April 1990. We have not received any negative comments on the program or ordinance.

During the developmental stages, CMUD worked with representatives of the City Fire Department, County Building Standards Plumbing Division and the County Fire Marshal's Office.

This ordinance will replace the existing section in the City Code on cross connections (Sections 23-96).

12 Consider adoption of a resolution to make drainage improvements at 1815 Pickens Court, assess 20% of the private property cost to one property owner, and authorize that the improvements extend across eight downstream properties in accordance with City Charter, Section 6.101

Location of Drainage Problem 1815 Pickens Court

Ranking High Priority

Improvements to be Made A catch basin on the Pickens Court cul-de-sac drains through a pipe on the property at 1815 Pickens Court The pipe originally discharged into a ditch which traveled along several downstream properties, ultimately to a culvert beneath Cosby Place Over several years the ditch has been filled in by sedimentation and/or landscaping of the properties, and it no longer provides a proper outlet for the pipe Stormwater runoff floods the cul-de-sac and the crawlspace and yard at 1815 Pickens Court The necessary repairs and improvements involve re-establishing the ditch and increasing the capacity of the pipe culverts at 1815 Pickens Court and beneath Cosby Place (see attached map).

Total Estimated Cost of Repairs $45,500

City's Cost: City pays for all improvements in street rights-of-way ($10,000) and 80% of improvements on private property ($27,600).

Involved Property Owners' Cost: 20% of the improvements on private property ($6,900).

Hearing Requirements: A hearing to satisfy the Storm Drainage Repair Policy is not required since the property owner at 1815 Pickens Court has signed the petition agreeing to pay the entire property owner's share

Issues A The Storm Drainage Repair Policy requires that one or more involved property owners sign a petition committing to pay the 20% share of private property costs. The petition has been signed by the owner of the property at 1815 Pickens Court and City Council may adopt a resolution to repair the storm drainage system in accordance with the Storm Drainage Repair Policy.

B. Repairs/improvements will be necessary on eight downstream properties These property owners would normally sign the petition authorizing the improvements on their property with a zero share of the costs However, these property owners have been reluctant to sign a petition apparently because they do not experience a drainage problem themselves. Section 6 101 of the City Charter states that City Council has the power to require that all property owners provide adequate drainage facilities and in the case of the property owner's failure to do so, enter and make the repairs and charge the costs to the property owner In this case, a drainage petition has been submitted to cover the costs involved, the petitioner requests that Council consider authorizing the improvements to extend across the eight downstream properties in accordance with the City Charter. The eight property owners have been notified of this request.

City Policy

It has been the City's policy to utilize this authority only when public safety is involved, i e., flooding of a street creating a hazard for the motoring public. In this case, the street flooding is minor and is on a residential cul-de-sac where there is no through traffic There are many instances across the City where property owners (and streets) have inadequate drainage because of blockage downstream It is unknown in how many of those cases the affected property owner would be willing to bear the entire cost of necessary improvements

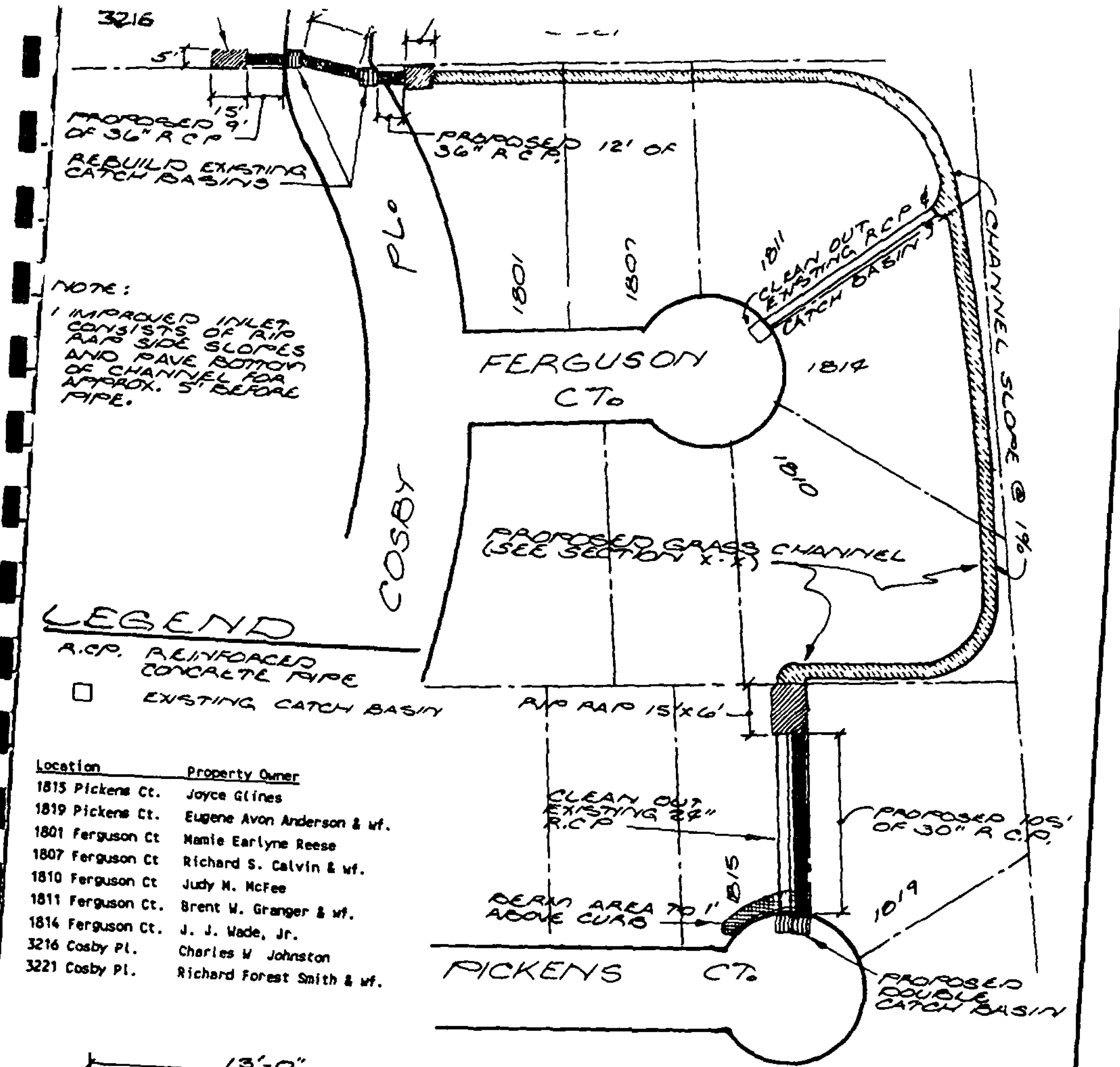
Funding Storm Drainage Repair Capital Account

Attachment No 5

* * * * * * * * *

The City Attorney advises that agenda items no. 13 through 26 may be considered in one motion. However, any member of Council may request that an item be divided and voted on separately.

* * * * * * * * *



NOTE:

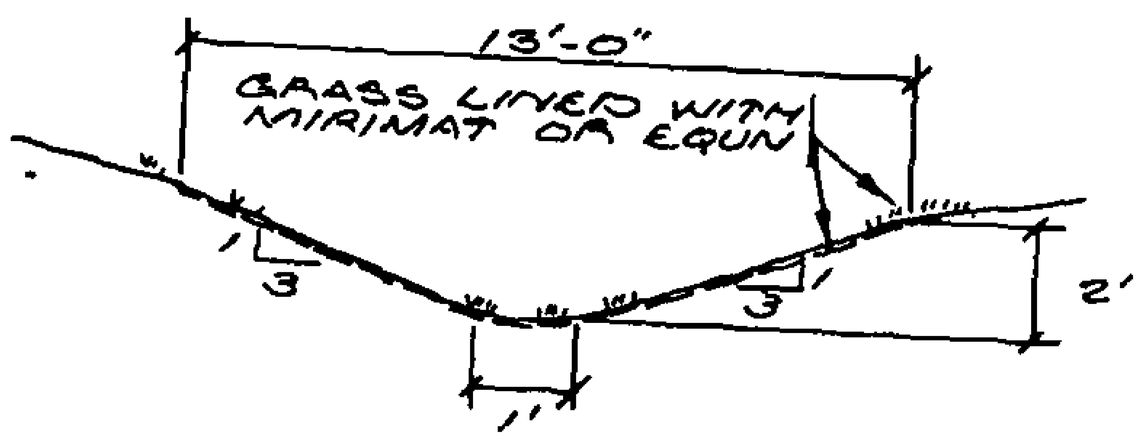
1 IMPROVED INLET CONSISTS OF RIP RAP SIDE SLOPES AND PAVE BOTTOM OF CHANNEL FOR APPROX. 5' BEFORE PIPE.

LEGEND

R.C.P. REINFORCED CONCRETE PIPE

☐ EXISTING CATCH BASIN

Location	Property Owner
1815 Pickens Ct.	Joyce Glines
1819 Pickens Ct.	Eugene Avon Anderson & wf.
1801 Ferguson Ct	Mamie Earlyne Reese
1807 Ferguson Ct	Richard S. Calvin & wf.
1810 Ferguson Ct	Judy M. McFee
1811 Ferguson Ct.	Brent W. Granger & wf.
1814 Ferguson Ct.	J. J. Wade, Jr.
3216 Cosby Pl.	Charles W Johnston
3221 Cosby Pl.	Richard Forest Smith & wf.



TYPICAL CHANNEL SECTION X - X

CHARLOTTE
ENGINEERING DEPARTMENT

REVISIONS	STORM DRAINAGE REPAIR POLICY	JOB NO
		FILE NO
DRAWN BY CCE CHECKED BY L.H.	1815 PICKENS COURT	SHEET 1
CITY ENGINEER	DATE 9/26/88 SCALE NONE	OF 1

Mr. Kelly commented they cannot afford to have any wrong things going on in that building because they will have children living there.

Mayor Myrick stated not only that but Mr Kelly has some other people involved in this who are the people who started the original movement in 1982-83 to have shelter in this community before the Salvation Army or anybody else took over so they have been committed to this for a long time. She thinks they need to remember the need and what it is fulfilling and it is being done by a private organization She thanked Mr Kelly on behalf of the City Council for his efforts.

The vote was taken on the amended motion and carried unanimously

Councilmember Dannelly commented this is a far cry from kicking off in Cherry as he recalls.

Mr Kelly responded that it was and at this point 85% of their people leave their facility with a job and a place to live so they are a comprehensive facility. Obviously they want to help these people but they have to try and help themselves also so they have a team effort to have that happen.

Mr. Dannelly commented that they were doing a great job

Councilmember Scarborough stated she wanted to commend their Board and also would hope that Council would look at putting more dollars into emergency shelters like this and less dollars into homeless shelters.

Mayor Myrick responded that rehabilitation goes on in the homeless shelter also. There have been over 100 men placed in jobs and 80 in permanent housing in the first couple of months. She wanted to make that point just for the record.

* * * * * * *

RESOLUTION DIRECTING THAT STORM DRAINAGE IMPROVEMENTS BE MADE AT 1815 PICKENS COURT, AND ASSESS 20% OF PRIVATE PROPERTY COST TO ONE PROPERTY OWNER.

[Motion was made by Councilmember Clodfelter, seconded by Councilmember]
[Leeper to approve 6A and 6B of the above resolution.]

Len Wiedosih, 1815 Pickens Court, stated he is speaking in favor of the improvements being made at 1815 Pickens Court. The yard crawl space underneath the house floods every time there is any kind of heavy rain which creates problems with mold and mildew in the house and electrical problems causing electricity to go more than it normally does. The cul-de-sac itself floods up and the kids in the neighborhood and some from outside the neighborhood use it as a pool and it is just not safe for them They are willing to pay the entire $6,900 to get it fixed. The other property owners they have talked to do not want to pay their share of it which he understands because they do not have the problem. They are willing to pay the $6,900 to have it fixed and would the like approval of Council to proceed on this.

Earlyne Reese, 1801 Ferguson Court, stated she was informed by letter dated September 18th that this Council would consider a drainage petition by the owner of 1815 Pickens Court today. She is present to express her feelings about the storm drain repair work affecting her property at 1801 Ferguson Court which she has owned and has lived in for 25 years. She feels the first thing one would consider in buying a home is the drainage problem. If a person invests $50,000 in the stock market and loses $25,000 could he expect his neighbors to take on his problem. This storm drain has not created a problem for her in the last few years. The small children who used to play in this drain after the rains have matured and moved away while a new generation is coming on. Sometimes these children now ride their bicycles and tricycles down one slope and up the other. Many, many times she has stopped her car at the drain or walked down from her house to the hedge and told the children to go play in their own yards. When the water comes gushing through and one of these children gets drowned or seriously injured who is liable. The City who dug, widened and used

riffraff in the drain o[illegible] [illegible] perty She asked if they would want the varments [illegible] [illegible] floating into their yard to be cleaned up because of an open [illegible] [illegible] asked that the culvert from Cosby Place be extended to the lot at 1807 Ferguson Court which is the next lot and is fenced in. There is no easement on her property and she was appalled to know the City would override the property owner as stated in the letter of September 18th. She feels that the widening of this drain will depreciate the value of the property through which it flows. She is opposed to the pollution of the drainage at 1815 Pickens Court as it now stands.

Lillie Weir, 1814 Ferguson Court, stated she is speaking for J. J Wade the owner of the house but she has been living there since 1965 She bought the house and then sold it to J J. Wade. At the time she bought the house the drainage ditch behind her house was about 3 feet wide It has eroded to about 5 feet to 8 feet at this time She has seven small grandchildren and if they widen this to 13 feet in her back yard she will have about 15 feet from the drainage ditch to her house. They asked about 20 years ago when she first moved there that this be repaired and the drainage ditch be altered and they got nowhere with the Engineering Department or with the City of Charlotte. At this time Ferguson Court is in the biggest mess and Mr. Peters of the Engineering Department knows about this because she called him on Friday. When it rains the water backs up half way up the Court and comes up into her lot which is in the middle When the City paved the street the last time they took their wheel barrels with the concrete in it and washed them out and poured it into the drain in front of her house. She and her neighbor watched them do this and she went out and asked them if they knew they should not be doing that and they told her not to worry about it because it would wash out and it is about half open now. There are small children in their neighborhood and they cannot afford to have any more problems so they need the drain cleaned out that runs from Ferguson Court down to the back of her lot. They cannot even get the City to do that and they were the ones who put the concrete in there to start with. In the matter of the piping for the court above them, on Pickens Court there is already an existing pipe there and they have no problems with water coming from Pickens Court down into Ferguson Court. As she said, she has seven grandchildren, she has pets in her yard and the City says she will have to do something with her pets if they extend this and her pets were there before they were and she will not do anything with her pets - she has two little dogs. She is not saying that it does not need to be done but they were going to make it another foot deeper and she would have approximately 15 feet from her back door to the drainage ditch if this goes through and she cannot afford that. She stated that she and her neighbor, Judy McFee, voted against this when they made the petition and she would appreciate it if the people that made this petition would quit calling them bitches because they call them the two bitches of Ferguson Court and it gets rather aggravating.

Councilmember Clodfelter stated that as he understood this project it would involve cleaning out the catch basin on Ferguson Court and cleaning out the concrete pipe that runs down between 1811 and 1814 that is stopped up. Ms Weir stated she is having a problem with what this project would do and her understanding of what is to happen is not what he understood the project to be.

Guy Peters, Engineering Department, responded that Mr Clodfelter was correct in his understanding. The proposal is to clean out the pipe that comes off of Ferguson Court into the proposed channel improvement which is part of the proposed solution to the problem. This would help keep the water from backing up on Ferguson Court as well as Pickens Court.

Mr. Clodfelter stated that he understood the reason they have the problem on Pickens Court is because the property owners down from there have allowed the ditch to fill in and so of course they do not have any water problem because it is all filled in and it blocks up upstream from them.

Mr. Peters responded that this was correct in that the passage of the water is blocked downstream of 1815 Pickens Court such that the free flow of the water is obstructed and the proposed improvements should solve that problem.

bbm

Councilmember Vinroot commented that he would be voting against the proposal. If you read the entire analysis by the City Manager they are being asked to consider this but is not recommended to them He sees the reasons as being 1) There is no consensus in the neighborhood that it is necessary, and 2) The staff regards the flooding that is occurring as minor and says that if they are prepared to do it here they would be setting a new standard and whoever gets before them with this, whether they have consensus in the neighborhood that it is needed or not no matter how minor, they will be setting a fairly low level of precedent for being able to get support of the Council He asked how this proposal got to them ranked "High Priority" when the last paragraph says it is a "fairly minor problem"

Mr Clodfelter stated they have a situation where one property owner is willing to pay all of the cost and the only reason the project does not go forward is the down street property owners, whose property and the obstruction on their property is the reason there is a drainage problem in the first instance, refuse to sign the petition to allow it to go forward under the City policy They are not having a problem because it is blocked on their property and the property owner having the problem is willing to pay the entire cost. They recently had a situation on Lamar Avenue where they taxed the lady downstream because her pipe was clogged up and the upstream property owners were not asked to pay anything for it and they all voted yes. The City Charter says that the downstream property owner is obliged to see that the water can flow freely across their property and drain away and if they allow it to become blocked up they are responsible That is why they have a policy.

Mr. Vinroot responded that he misunderstood the request and thought the affected property owner only wanted to pay his part and not the entire amount. If he is willing to pay the entire amount then his previous comments were inappropriate and would withdraw his objections.

Mr Matthews commented he will vote for this but wanted to be sure they are saying that the downstream improvements will be made but that the 1815 Pickens Court property owner will pay it all.

Mr Clodfelter responded that was correct

The vote was taken on the motion and carried unanimously.

The Resolution is recorded in full in Resolution Book 25 at Page 420

* * * * * * *

APPROVAL OF THE CONSENT AGENDA

[Motion was made by Councilmember Patterson, seconded by Councilmember Scarborough, and carried unanimously, to approve the Consent Agenda as presented with the exception of Items No. 14, 17, 18 and 26-1, 2, 4, and 5.]

The following items were approved

1. Resolution accepting a Federal Aviation Administration grant of $4,967,550, Ordinance No. 2715-X appropriating grant monies for reconstruction of Runway 23, reimbursement for land acquisition, and other high priority airfield improvements at the Airport.

   The Resolution is recorded in full in Resolution Book 25 at Page 422

   The Ordinance is recorded in full in Ordinance Book 38 at Page 172.

2. Ordinance No. 2717-X in the amount of $50,000 and approval of the National Endowment of Arts (NEA) grant application for the Performing Arts Center art project.

   The Ordinance is recorded in full in Ordinance Book 38 at Page 174.

bbm

COMPARISON OF MAJOR DIFFERENCES BETWEEN XEROX 5090 AND KODAK 300AF
(Current equipment shown for reference)

FEATURES	BID XEROX 5090	BID KODAK 300AF	CURRENT XEROX 9900
Number of copies produced in one minute	135	100	120
Maimum copy size	11 x 17	8.5 x 14	9 x 14
Total paper capacity	4,300 (three trays)	2,000 (two trays)	3,050 (two trays)
Enlargement capabilities	100% to 155%	none	100% to 102%
Maximum number of originals for document handler	250	100	100
Stapling capacity - maximum number of sheets per set	70	50	60
Automatic stapling adjustment for set thickness	yes	no	no
Maximum delivery tray capacity	3,000	2,000	3,600
Automatic switching between paper trays for continuous two-sided copying	yes	no	yes
Pre-programming function for special repetitive jobs	unlimited floppy disk	limited to 9	limited to 9
Program ahead function for next job	yes	no	no
Automatic production of two-sided copies	yes-2 paper trays	yes-1 paper tray	yes-2 paper trays

RUFF, BOND COBB WADE & McNAIR
ATTORNEYS AT LAW
TWO FIRST UNION CENTER
SUITE 2100
CHARLOTTE NORTH CAROLINA 28282 8283
TELEPHONE (704) 377 1634

THOMAS C RUFF
LYN BOND JR
JAMES O COBB
HAMLIN L WADE
WILLIAM H McNAIR P A
MARVIN A BETHUNE
MOSES LUSKI
FRANCIS W STURGES
ROBERT S ADDEN JR
JAMES H PICKARD
SUZANNE E HARLEY*
ALSO ADMITTED IN SOUTH CAROLINA

PAUL C WHITLOCK
1878 1959
HENRY C DOCKERY
1887 1965

TELECOPIER
(704) 342 3308

September 18, 1990

TO City/County Managers
All Member Governmental Units
Centralina Council of Governments

FROM. William H. McNair, COG Attorney

RE Revised and Restated Charter of Centralina Council of Governments – September, 1990

Dear Ladies and Gentlemen.

At the meeting of the Centralina Council of Governments on Wednesday, September 12, 1990, the Council recommended that the enclosed Amendment of the Council's Charter be submitted to the member governmental units for their adoption This recommendation was approved unanimously by the member delegates and, hopefully, each of you will find it appropriate.

The effect of the change is to permit the Council to use current population estimates (now used by many agencies in allocating funds) from year to year in establishing its budget and dues structure, rather than use the decennial census figures as they get more out of date

Please place the "ratification of the COG Charter" on the agenda of your Board as soon as is practical. If your Board approves, the certification at the end should be completed by you or the Clerk to the Board Should you need a COG representative to meet with your Board to discuss this, please call Hilda Threatt at the COG office.

In my judgment, there is no major substantive or philosophical change in the Charter as it now stands. Thank you for your help.

WHM/lc
77761

Enclosure

CENTRALINA POPULATION ESTIMATE RESOLUTION

WHEREAS, the Charter of the Council provides that the operating expenses of the Council shall be paid from funds contributed to the Council by its member governments; and

WHEREAS, the annual contribution of all members is based upon the duly adopted budget and assessed to each member on the basis of relative population within the boundary of each member; and

WHEREAS, the Charter of the Council provides for the measurement of population in each jurisdiction is to be "based upon the most recent U. S. Government census"; and the Council has heretofore used the ten year census figures; and

WHEREAS, the population of the area within the Centralina region has increased rapidly in recent years, necessitating more current population figures to avoid inequities in the assessment of dues for Council members; and

WHEREAS, the United States Bureau of the Census and the North Carolina Office of State Budget and Management jointly prepare state and county population estimates usually on an annual basis, and the North Carolina Office of State Budget and Management prepares municipal population estimates at the same time; and

WHEREAS, the Council believes the use of the aforesaid population estimates will more fairly and accurately reflect the actual year-to-year populations of the member governments for dues assessment purposes; now, therefore, the Council does by these presents recommend to the member governments the following resolution, to wit:

RESOLVED that the Charter of the Council be and it is hereby amended by rewriting Paragraph A of Item IX of the Charter Resolution (as revised July, 1989), to read:

"The general operating expenses of the Council shall be paid from funds paid to the Council by each member governmental unit. The annual contribution of each member governmental unit shall be based upon the duly adopted budget for such year and shall be assessed on the basis of the population for each member. For the purpose of determining the current population of each governmental unit, the Council shall use either (1) the <u>Population Estimates for North Carolina Municipalities and Counties</u> prepared by the United States Bureau of the Census and the North Carolina Office of State Budget and Management and published from time to time or (2) the official 10 year census figures. The current population estimates are the most recent estimates available using either (1) or (2) above, on the date the annual dues for member governments is determined by the Council."

This recommendation was adopted by the Centralina Council of Governments, upon recommendation of the Executive Committee, at its meeting duly held September 12, 1990.

Upon the recommendation of the Centralina Council of Governments, the undersigned does hereby certify that the foregoing Charter Amendment was adopted by this jurisdiction at its meeting on _____, at which a quorum was present and acted.

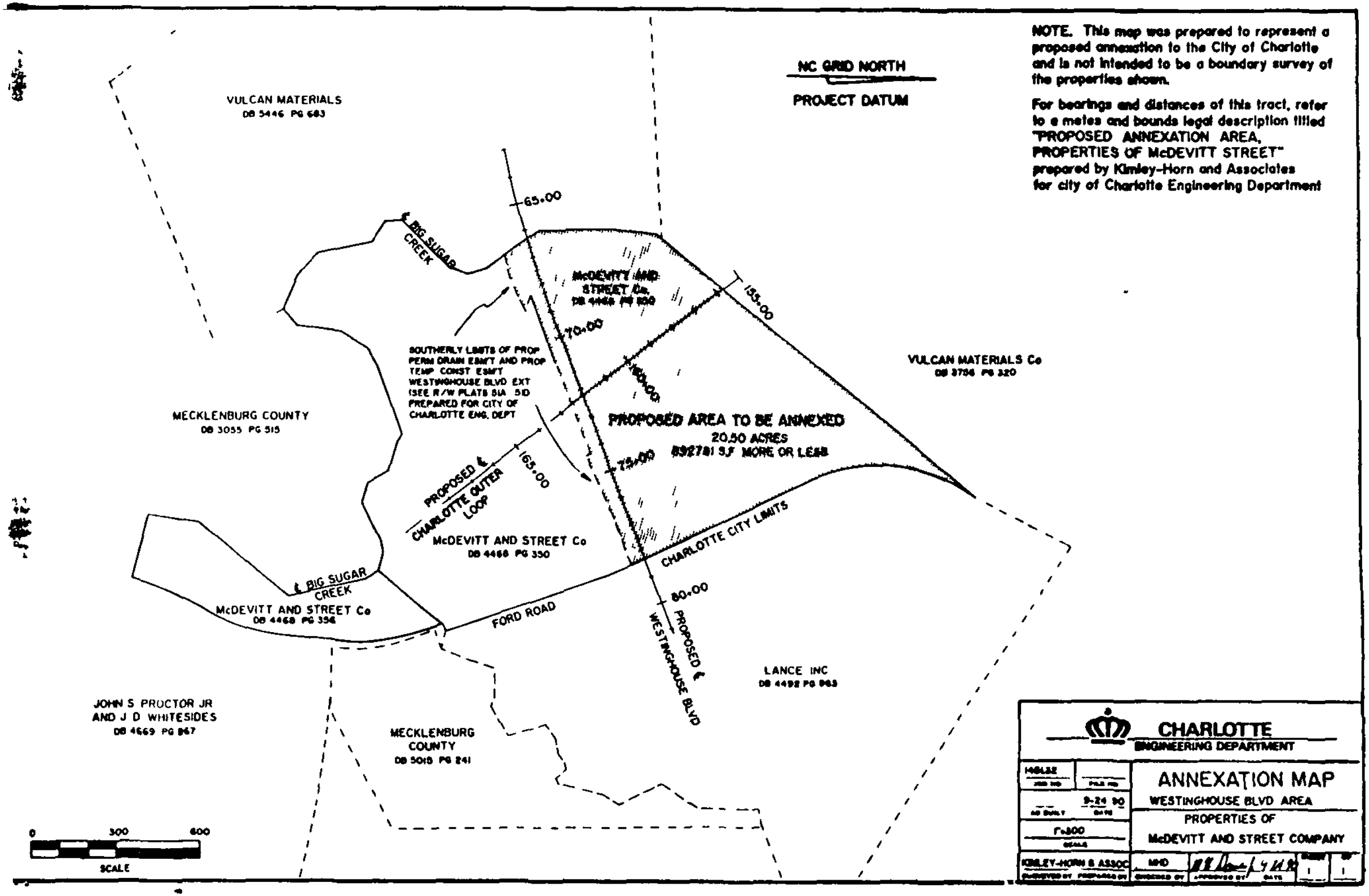
_____
Clerk to the Board/Council

_____
Name of Municipality or County

76671

NOTE. This map was prepared to represent a proposed annexation to the City of Charlotte and is not intended to be a boundary survey of the properties shown.

For bearings and distances of this tract, refer to a metes and bounds legal description titled "PROPOSED ANNEXATION AREA, PROPERTIES OF McDEVITT STREET" prepared by Kimley-Horn and Associates for city of Charlotte Engineering Department



CHARLOTTE
ENGINEERING DEPARTMENT

H6L32	ANNEXATION MAP
9-24 90	WESTINGHOUSE BLVD AREA
1"=300	PROPERTIES OF McDEVITT AND STREET COMPANY
KIMLEY-HORN & ASSOC	MHD

MANDATORY REFERRAL REPORT NO. 90-42
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
SALE OF CITY OWNED LAND
AUGUST, 1990

PROJECT PROPOSAL AND LOCATION

The City of Charlotte wants to sell parcel 071-031-13 totaling .037 acres to Habitat for Humanity. This property is located along Tuckaseegee Road near the intersection of Heathcliff Street in the Wesley Heights neighborhood.

PROJECT JUSTIFICATION

Habitat for Humanity wants to purchase this land to consolidate it with three adjacent lots they will be purchasing from the City to build seven single family homes. These new homes will help enhance affordable housing opportunities in the Wesley Heights neighborhood.

PROJECT IMPACT

The property is located in the Wesley Heights Community. It is zoned R-6MF. Surrounding land uses include residential development to the north, east and south, with vacant land immediately to the west. The proposed single family homes will be compatible with the adjacent uses.

RELATIONSHIP TO OTHER PROJECTS

The property is located within the Central District Plan. The proposed use of the land for residential purposes is consistent with the proposed recommendations of the Central District Plan.

PROJECT COST

The cost for the land is estimated as:

Appraisals	$500.00
Survey	300.00
Legal	500.00
Advertising	150.00
Total Cost:	$1,450.00

STAFF RECOMMENDATION

Staff recommends that this parcel of land be offered for sale to Habitat for Humanities to assist with their housing project.

PLANNING COMMITTEE RECOMMENDATION

The Planning Committee unanimously approved staff recommendation at a meeting on September 4, 1990.

CAPITAL PROJECT PROPOSAL FORM

REAL ESTATE DIVISION

FILE COPY

DO NOT REMOVE

Instructions:

This form is provided to capital project initiating agencies and departments for reporting proposed projects to the Charlotte-Mecklenburg Planning Commission in accordance with the requirements of North Carolina House Bill 855.

Proposed capital projects are to be submitted to the Planning Commission using this form, at least 30 days prior to presenting the project to the governmental unit having authority to authorize it.

In order to constructively review a project proposal a full description of the project and its objectives is necessary. Please provide all of the information requested and all available graphic information. You will be advised when the project is scheduled for Planning Commission consideration so that your department representative may be present to respond to questions.

I. Initiating Department Engineering Date 7/31/90

Submitted By C. D. Readling

Department Representative Kent G. Winslow, Real Estate Division Supervisor

II. Project Name City Surplus Land

Location and Description of Project See Attached Map

III. Project Justification/Need For purposes of assemblige to Tax Parcel #'s 14, 15, and 16 that Community Development has sold to Habitat for Humanities for the construction of (7) single family houses. Community Development has consumated the sale, therefore, hasn't any interest for possible assemblige.

WBW/tan

IV. Project Status (check those that apply).

Nothing done but this report	X	Land Not yet acquired	
Preliminary plans completed		Land acquisition underway	
Detailed plans complted		Land acquired	
No land acquisition involved		Project under contract	

V. Proposed Development Schedule

	Begin	Completed
Planning		
Land		
Construction		

(Identify any known external factors which are critical to the timing of this project. For example, the opening of a major shopping center, or construction of a new school).

VI. Relation of this proposal to Other Public Projects. (Is this project part of a series of interrelated capital projects? Is the project affected by or does it affect other public projects in the area? NO

VII. Project Cost Estimate - (indicate the estimated total project cost and describe how this estimation has been made). Appraisals - $500.00,

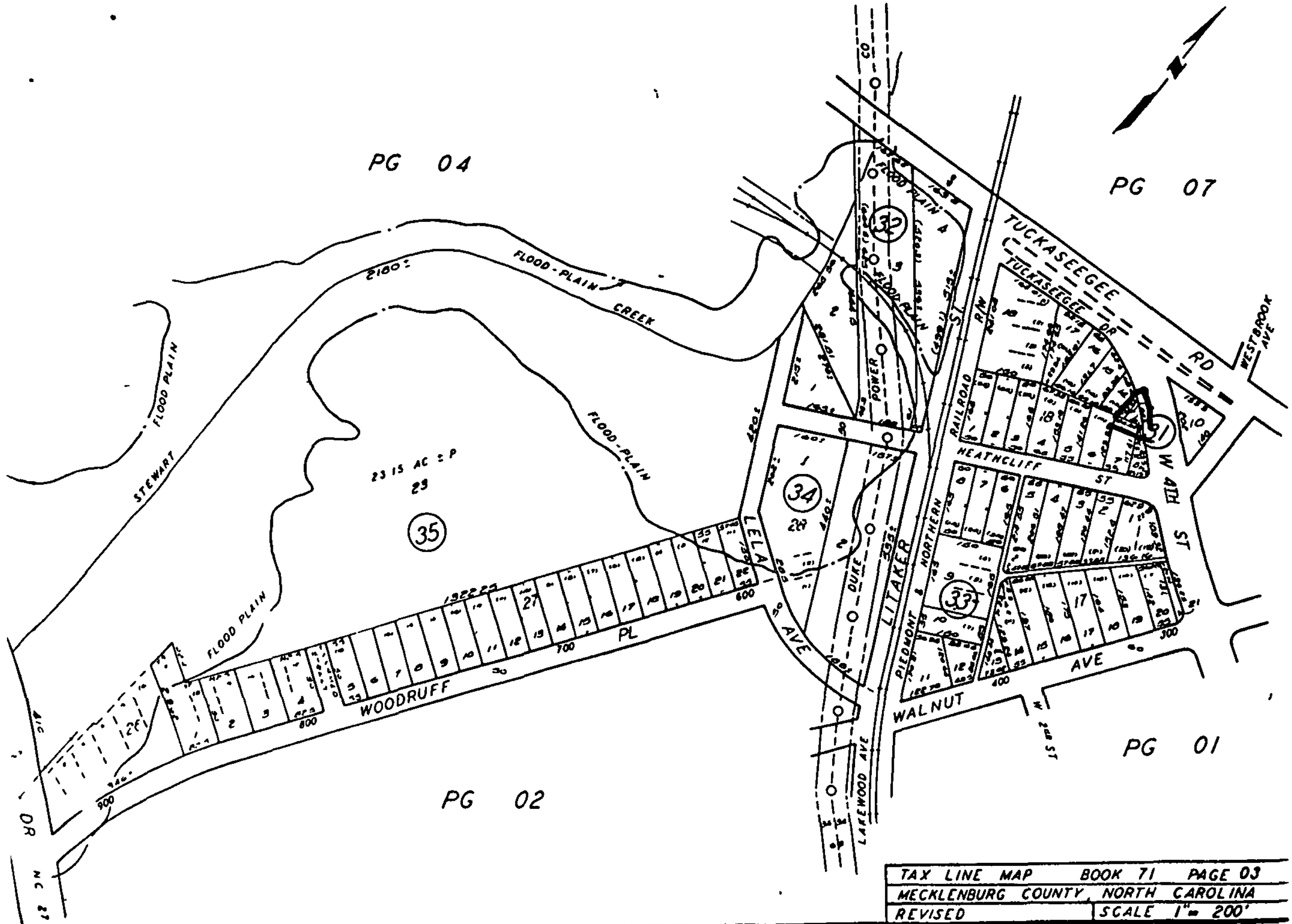
Survey - $300.00; Legal - $500.00; Advertising - $150.00

for a Total of $1,450.00

VIII. Assistance Funds - (If State or Federal assistance funds are proposed indicate the specific assistance program, and the status of any application for project funding assistance). None

Revised: 9-28-82

WBW/Bgp



TAX LINE MAP BOOK 71 PAGE 03	
MECKLENBURG COUNTY, NORTH CAROLINA	
REVISED	SCALE 1" = 200'