AGENDA

Meeting Type:	W
Date:	12-07-1992

City of Charlotte, City Clerk's Office

Council Workshop 12-7-92

Mayor Vincent ✓
Campbell ✓
Clodfelter ✓
Hammond ✓
McCrory ✓
Mayfield ✓
Mangum ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler ✓

2 hrs. 30 min

5:15

Mayor Vincent - Called to Order
7 or 8 out of 11 are here

Mangum - Wants to approve staff time
Larry Goode - State DOT
acquisition in 1994
pass w/ approval Business Assoc.

Mayor - Sounds like a good idea

Hmm

Scar.

Campbell

Mayor	Thank you for service.
Campbell	Xmas tree lot owners
McCoy	
Campbell	operating generators
Scar	
McCoy	
Mayor	get someone from Staff to inves.
Comp	
Hamm	
White	
Campbell	County will feel like Grinch who stole Christmas
Reid	
Mayor	Get on w/ agenda
Burch	spay/neuter surgery
Campbell	why does City want to get cats spay-neuter BUSINESS?
Burch	
Campbell	
White	
Mayor	
White	
Campbell	Can't you write a better claim?
White	
Burch	Humane Society wants "just cause"
Mayor	
Hammond	

Reid Seems to me it would cause it could be
Mayor not correct we need the land.
Reid
Martin
Mayor
Martin
Bunch
Martin
Mangum
Bunch
Martin - who has legal liability?
Sgfert - We have to carry the liability
Bunch
Mangum
Bunch -
Mangum - Not going to vote for it
Hammond No objects made by Human Society
Vickroot
Scar amend for - Could we have some
type of fee to offset those costs
Bunch
Scar
Bunch yes
Scar
Campbell
Bunch

Campbell

Burch

Campbell

Scar

Burch

Mrs approved, P | Cregt - Hamm

Comp" seconded

Mayor - we don't have to vote tonight

next item Northeast District Plan

Walter Fields - ULI

HAHN Site

(tape non rec 6:00)

Fields

Mayor

Morgum -

Hammond -

Fields

Hamm

Martin

Fields

Martin

Fields

Martin

Hammond

Fields

Hw
Patterson - ask one question -
Fields
Martin
Fields don't understand the question
Mart
Fields
Morgan Is Noreen pit reasonable?
Fields
Bill Cole - Right now it's
in the late 90's
for construction
Fields
Morgan
Cole - No longer a priority.
Morgan
Fields
Reid
Fields
Reid
Fields
Mayor said that
McCrory - asked to be recognized
Scar why not been done?
McCrory

McCoy
Reid / Martin
Unan.
Larry Rosenstrauch

moved
to put in Public
Safety Committee

Chilbert - Klein
Joint Venture
legal impediments
fully built-out in 10 years
Rakopoulos development

Patterson Is that over the life
of the 10 years - cumulative?
Rosenstrauch - Jurisdiction on 2 issues
Whe - how much cash?
Rosen -
Scar - would we be putting infrastructure
in that area anyway?
Rosen
Scar
Rosen
Mangum - So Fred willing to front all
That money
Rosen
Mangum - 5 no. jobs and tax base
should have flexibility
White Klein organization

Mazor

Reid — no money for speculative venture

Rosen — no, S.R

Reid

Rosen

Reid

Rosen — what is land valued at now?

Rosen — don't know

Mary

Rosen

Hammond — annexation or acreage

interesting to pursue

White — more to proceed

McCurry — agrees

Pratt — support motion of staff

works on 2 tracts

Rosen

Mazor

Rosen — sounds like we need to

give alternatives

Mazor

Rosen

Reid

White

Mayor
Reid - Clarification of motion
White - Option 1
Pati - added. + has to be 2 tracts
White -
Reid
White
Bosen
Mayor
Reid Should we have put that as an option
Morgan
Mayor Do you want to vote on continue discussion?
Scar
Boen
Scar
White
Mayor - I opposed to motion
Dir Reid
Adjourn for dinner 6:30
Reconvene 6:45
Start tape 3
Mayor
Bill McGee Parsons Brinckerhoff Fried
& WTC + to do Study
National Bank

George Alexio - w/ Parsons, Bruckerhoff.
Bill McGee - 2 things we are concerned about.

Martin -
Alexio
Martin - what are implications of this for rail policy.
White - It has one
Martin
White
Alexio
Hammond -
Alexio - Vintage trolley
single corridor limited service
Majed - How much did we spend on the transit mall
White - $10 m
Bob Pressley - and issue was 7 M
Majed - like to see things function
less of the aesthetics
need to make what we have work better
Chris
Alexio

(The other guy w/ Parsons - Bruchenkopf)

Dave		based on experience with comparable
Clerk		
Dave		
Mayor	introduced Martin Clanton	
Clanton	seeking authorization to begin in January	
Hammond	sig. expectations	
Clanton	Conceptually term	Short & long strategy
Hammond		
Clanton	interim	development strategy
Patterson:	2 concerns. Move Flea Market Downtown - bigger concern create eyesore in center of City don't develop a strategy that opinion leaders	
Mayor Patterson		
Reid	hung up on idea of holding something & waiting for a better day to sell it - use building for Law Enforcement Ctr	
Patt		
Mayor McCrary	instead of gov. dividing lot	

the market forces decide.

Mayor

Cranston

Maxwell

Mayor

Scan - VISIONARIES

Mayor

Patt/ whalen

Mayor - Don Stager will report on the Amity Gardens Night club noise issue

Don Stager

top 4

Scan difference in this and the Red OK on Wilkinson Blvd

Stager

Scan

Stager

Hammond

Cod - on the 4th

Hamm

Cod be careful who you appoint to your Bd & Adjustment

Hamm

Mayor

White

Clerk / colored woman. — move we move it up

Clerk

Wishite — want to question

Hamm

White

Hamm

White

Martin — what kind of buffer

Steger

Mayor — wants list of landlords

Steger

Mayeed — 155w cross town — of town. connections

Mayor — retreat

McCoy

Supt

Mayeed

Mayor — Parks Adams as new Chair of Commissioners

Scar — political consolidation when are we going to vote?

Mayor

Scar

Reid

Steve
Mayo
White -
Mayor
Pam Sippert -
Sean
Sippert
Mayor any Suggestions
Sippert
Mayor
Sippert

Adjourn 7:45

P

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Lease Agreement and Spay/Neuter Clinic Contract with the Humane Society

KEY POINTS (Issues, Cost, Change in Policy):

-As part of discussion of new Animal Shelter located at the Airport, the Humane Society requested that it remain at the Toomey Avenue site and lease the Toomey Avenue facility from the City

-City staff has met several times with representatives of the Humane Society to develop a draft lease and a renegotiated contract for the Spay/Neuter Clinic

OPTIONS:

1. Approve in concept the major key provisions of the lease and contract

2 Provide direction to staff on any changes to the proposed lease and contract provisions

COUNCIL DECISION OR DIRECTION REQUESTED:

Conceptual approval of proposed lease and contract. If Council approves, staff will place the final lease and contract on Council's December 14 agenda for final approval.

ATTACHMENTS:

-Summary of key provisions in draft lease and contract

SUMMARY OF NEGOTIATIONS BETWEEN THE CITY OF CHARLOTTE AND THE HUMANE SOCIETY OF CHARLOTTE

In recent weeks City staff has met with the Humane Society of Charlotte to finalize the Lease Agreement for 2700 Toomey and renegotiate the contract for the operation of the Spay/Neuter Clinic. The following are highlights of both agreements.

LEASE AGREEMENT

- Rent for both facilities, the Toomey Avenue Shelter site and the Spay/Neuter Clinic will be $1.00 per year.

- Certain activities of the Humane Society will fulfill a public purpose such as animal adoptions and animal sheltering.

- The use and operation of the property are limited to:

  A. The operation of the Spay/Neuter Clinic

  B. The operation of the Humane Society's pet adoption and sheltering programs

  C. The operation of the Humane Society's Thrift Shop and other fund raising activities which support the Society's pet adoption and shelter programs.

  Any other activities or use of the facility requires the prior consent of the City.

- Veterinary Services performed at the Spay/Neuter Clinic are limited to the spaying and neutering of animals.

- The Humane Society agrees to accept the leased premises in their present condition.

- The lease period is for ten years with the option to renew for two additional ten year terms.

- The City has informed the Humane Society that the State may, at some point, approach the city to acquire all or part of the leased premises for roadway improvements. The city will give the Humane Society at least twelve months notice to vacate the premises unless the notice of intent to acquire from the State is less than that.

- The Humane Society shall be responsible for all repairs and maintenance of the Toomey Avenue Shelter site. The City shall be responsible for all repairs and maintenance of the Spay/Neuter Clinic.

- The Humane Society agrees to bring the Toomey Avenue Shelter Site

into compliance with the Americans With Disabilities Act guidelines. The City agrees to bring the Spay/Neuter Clinic into compliance with the act.

SPAY/NEUTER CLINIC CONTRACT

- The scope of services is limited to Spay/Neuter surgeries only.
- In the event that the City no longer employs a veterinarian, the Humane Society will provide at no cost limited veterinary and surgical services.
- The Humane Society shall prepare and submit an annual budget and financial report of the Spay/Neuter Clinic operation. Upon request the City's Finance Department shall be permitted to conduct internal audits.
- The City will transport adopted or Spay/Neuter animals from Byrum Drive to the Spay/Neuter Clinic at a cost of $8,611.50 annually.
- The City agrees to bring the Spay/Neuter Clinic into compliance with the Americans With Disabilities Act Guidelines.

POINTS OF DISCUSSION

- Lease: The Humane Society will, at times, provide free veterinary service to indigent people. It is the opinion of the Legal Department that these services cannot be offered under this lease. The City itself is not authorized to provide such services. Since the City is leasing the property to the Society for a dollar per year in exchange for the Society conducting activities on behalf of the City, the Society cannot do anything that the City is not authorized to do. To allow the Society to do something that the City is not authorized to do would subject the lease to legal challenge.
- Contract: In the original spay/neuter contract it was stated that the City supplied all equipment and supplies necessary to begin operation of the clinic. The Humane Society was responsible for replacing all equipment and supplies but the equipment still belonged to the City. The Humane Society has requested a change in that if the Society replaces equipment or supplies, the Society becomes the owner. City retaining ownership of equipment would allow us to have the capability to assume operation of the clinic without significant expense should the contract with the Humane Society ever be terminated for any reason.
- Contract: The original contract for the clinic provided that it could be terminated with or without just cause. The Society has asked that the contract be changed to allow for termination with just cause only. Because this is a continuing contract, a provision for termination for just cause only could limit the City's options for spay and neuter services for an indefinite period of time.

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Northeast District Retail Study

KEY POINTS (Issues, Cost, Change in Policy):

-In July, City Council requested that Planning Commission staff conduct a detailed study of retail development planned for the Northeast District.

-This study was designed to determine whether an adequate amount of retail is planned for the district

OPTIONS: N/A

COUNCIL DECISION OR DIRECTION REQUESTED:
No decision requested, for Council's information.

ATTACHMENTS:
-Executive Summary of Northeast District Retail Study (We will provide a complete copy prior to December 7 workshop)

EXECUTIVE SUMMARY

INTRODUCTION

The Northeast District Plan was adopted by City Council and the County Commission in June of 1990. This plan is one of a series of plans dating back to the University City Plan adopted in 1969. The Northeast District Plan and additional approved zoning for retail sites not shown on the plan will accommodate at least 5.5 million sq. ft. of shopping center development in the Northeast area. Nonetheless, there are pressures to allow additional rezonings for shopping centers on sites which are not identified for retail use by the district plan.

This retail study was performed in response to these rezoning pressures. The purpose of the study was to assess the supply and location of planned and/or zoned shopping center sites in the Northeast District (see Map 1). Specifically, the study was conducted to determine whether additional retail locations are needed for the Northeast District.

RECOMMENDATIONS

Needs and spacing analyses were performed for four shopping center size categories. The results of these analyses, as well as existing public policy, are discussed below.

Superregional Shopping Centers (750,000+ sq. ft.)

The Northeast District should be adequately served by superregional shopping centers. Although there are no superregional shopping centers planned for the Northeast District, almost the entire district is within the service radii of either Eastland Mall or the future superregional shopping center to be built at I-77 and Reames Road. Addition of a third superregional center in this part of Mecklenburg County is not recommended; the future population of the Northeast District probably will not be great enough to support another superregional center without substantially reducing the market for the center to be built at I-77 and Reames Road.

Regional/Power Shopping Centers (300,000 - 750,000 sq. ft.)

The needs assessment and spacing analysis indicate that in the long-term the Northeast District will be overserved with regional/power center square footage. In addition, it is likely that another center will be built at Kings Grant, located on I-85 just across the Cabarrus County line. This study indicates that no additional centers in the regional/power center size category should be added in the Northeast District for the following reasons:

- Plan Consistency - The Northeast District Plan and existing zoning provide for more than enough centers according to the needs and spacing analyses. Approval of additional regional/power centers would erode the credibility of the entire district planning process.

- Impact on Existing Development - There will not be a sufficient population and market to support more regional/power centers

than currently planned and/or zoned in the Northeast District. If additional centers are allowed, tenants are likely to relocate from existing centers, particularly those on North Tryon Street and the Shoppes at University Place, to the newer shopping centers. City Council has committed funds to improve the North Tryon corridor through the Corridor Revitalization Program. Additional commitment to support this and similar areas is being made through the City within a City program. However, allowing an oversupply of regional/power centers could reduce this corridor's survival potential by providing existing tenants with numerous relocation opportunities.

- Traffic Generation - The County Department of Engineering has recently completed a traffic study for the Northeast area. The results show that traffic conditions in the Northeast are likely to deteriorate in the future as the district reaches build-out. Allowing excessive retail development in the area will further exacerbate the anticipated traffic congestion.

- Implications for Other Planned Centers - Five regional/power centers sites exist already in the Northeast District, and the needs analysis indicates that these planned shopping centers will provide more square footage than needed. If additional centers are permitted, there will not be an adequate market to support all of them. Consequently, in the future, City Council will be forced to decide how to deal with those properties that cannot be viably developed as originally planned.

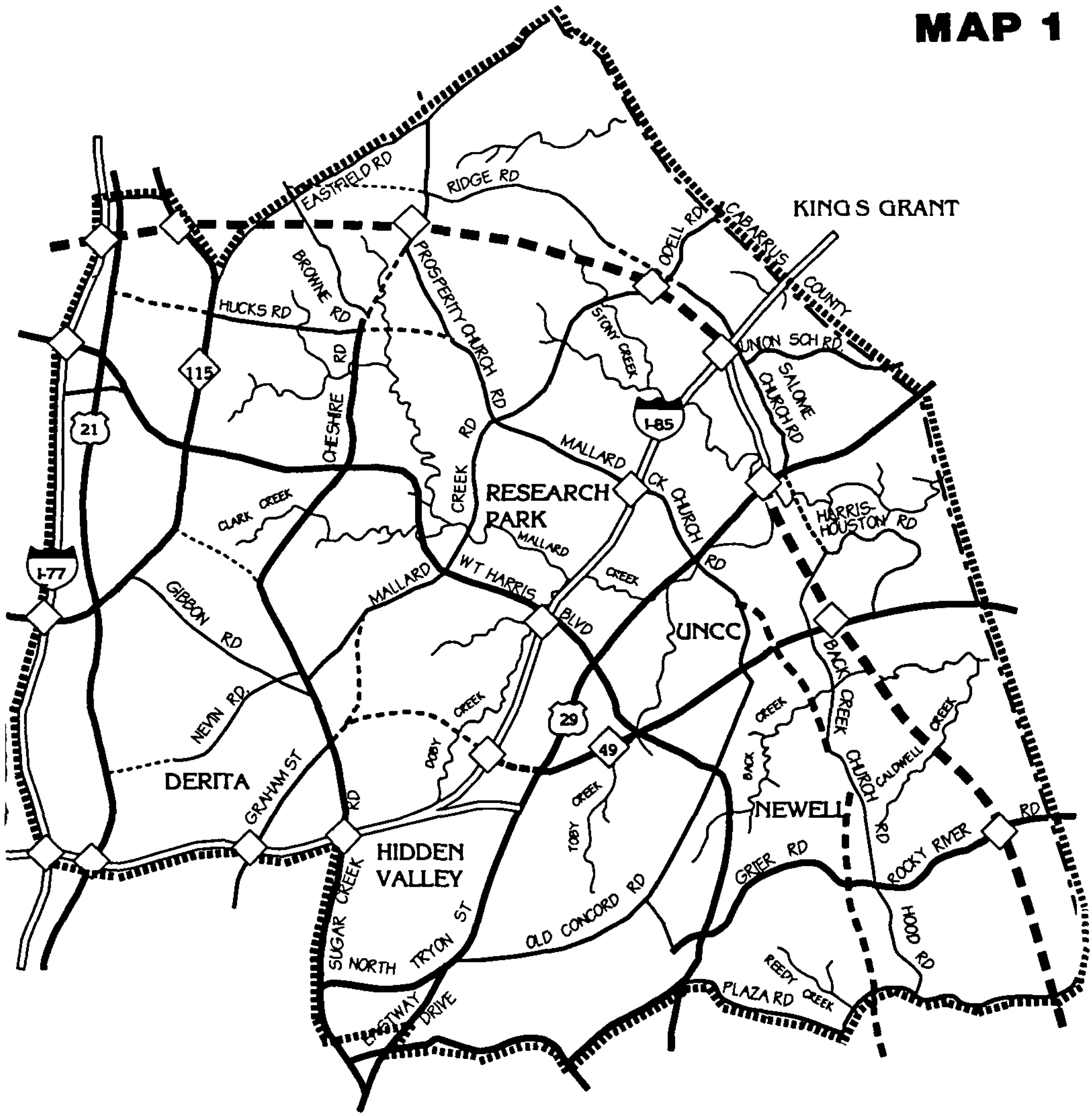
Community (150,000 - 300,000 sq. ft.)

The needs assessment and spacing analyses for community shopping centers indicate that, in the long-term, the Northeast District may be underserved by this type of center. This apparent deficit should be considered further and addressed during the update of the 2005 Land Plan or through a planning process designed to update the Northeast District Plan.

Convenience Shopping Centers (up to 150,000 sq. ft.)

According to the needs analysis performed for convenience shopping centers, the Northeast District will be underserved by centers in this size range. It is recommended that this issue also be considered during the update of the 2005 Land Plan or through a planning process designed to update the Northeast District Plan.

MAP 1



NORTHEAST DISTRICT

NORTHEAST DISTRICT PLAN BOUNDARY

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Coliseum Center Tract IV

Status report on negotiations and request for direction from Council.

KEY POINTS:

- Policy. February 24, 1992 Council asked staff to negotiate a joint development agreement with Childress-Klein. The City expected to contribute its land for a share in development profits.

- Progress on Proposed Project. Childress-Klein has proposed a partnership that would create a major development of over 1.7 million square feet, employing about 5,600 people. If the project were sold at the end of 10 years, the City would receive about $9 million as its partnership share.

- Legal Issue. Both the City Attorney and Childress-Klein's attorney, Ted Rast, have concluded the City has weak/inadequate legal authority to enter a development partnership by contributing our land to the proposed project.

OPTIONS:

1. Continue to pursue a legal arrangement involving Tract IV that approximates a joint venture with benefits to the City and Childress-Klein. Look creatively at existing law as well as possible legislative action.

2. Consider holding Tract IV or an outright sale/lease.

COUNCIL DECISION OR DIRECTION REQUESTED:

Would Council like staff to continue to work with Childress-Klein to develop alternative arrangements that approximate a joint venture?

These alternatives could be developed for presentation to Council in early 1993.

ATTACHMENTS:

- Coliseum Center Tract IV, Issue Overview
- February 24, 1992 Council Agenda items
- Childress-Klein Financial Projections
- Legal Opinions of Henry Underhill and Ted Rast

Coliseum Center Tract IV
Issue Overview

Background

- City Land. The City owns about 174 acres around the Coliseum for development. Tract IV, at about 91 acres, accounts for more than 50% of this land.

- Childress-Klein Land. About 95 acres of the land immediately adjacent to the City's Tract IV is owned or controlled by Childress-Klein.

- Council Action. In February, Council considered four options for Tract IV (see attached February 24th Agenda). Council approved option #2, directing staff to negotiate a letter of agreement with Childress-Klein that would form the basis of a joint development agreement with both Tract IV and Childress-Klein land included.

  A joint development agreement was expected to be a creative real estate arrangement that would let the City participate in the profits from the development of both tracts of land.

Status

- Substantial Progress. Work on this project has moved along steadily. In the Spring and early Summer, Childress-Klein worked with Planning to determine the kind of development that would be permitted. By late Summer and early Fall, Childress-Klein began to produce a development scenario and cash flow pro-forma showing how much land would be office and business park and the potential value of this development to the City (see attachment for details).

Development Scenario/Cash Flow

Childress-Klein projects the following development and return over 10 years (assume sale in 10th year):

Business Park	925,700 sf
Office Park	840,990 sf
Total Development	1,766,690 sf

City's Share of Partnership (in 1993 dollars)	$9,192,251
Cumulative Property Taxes	$12,059,400
Employment	5,678

By October, Childress-Klein presented an outline of business terms involving a 50/50 sharing of all profits, while expecting the City to contribute equally toward needed infrastructure costs. City staff have not yet negotiated for any specific business points or fully analyzed the financial aspects of the proposed terms since a legal issue has taken precedence.

- Legal Snag. During the late Summer, a routine inquiry by Childress-Klein about the City's legal authority to enter a joint venture led the City Attorney to report that the City had limited legal authority, although there is other legislation that allows creative deals in our uptown - and this has been used for the NFL Stadium, Apparel Center, Performing Arts Center, etc.

  Childress-Klein agreed to have their attorney, Ted Rast of Moore and Van Allen, also review the law and possible alternatives. On November 25th, after discussions with David Lawrence at the Institute of Government and with Henry Underhill, Rast concluded that the City has weak authority to contribute its land to a joint venture in return for a share of the profits. Except for our uptown area, current law seems limited to sale or lease of City owned land.

Options - Council Direction Requested

- Alternative Legal Arrangements. Does Council wish to go forward and find a creative way to approximate/achieve a joint venture or consider other alternatives?

  1. Look creatively within existing law or change/propose new legislation. Ted Rast, Childress-Klein's attorney, believes that one alternative within existing law would be a sale of our land with a deferred purchase price contract (see attached letter). There may be other ways within the existing law to develop a deal structure with Childress Klein that approximates a joint venture with the ability to share in profits, but this would require some additional time to determine.

     Consider changing an existing law or proposing new legislation. Possibly modify the legislation that allowed creative real estate deals uptown or change the law that restricts our ability to make creative deals in the rest of the city.

  2. Consider holding the Tract IV or pursue outright sale or lease.

February 24, 1992 City Council Agenda
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Council approved Option #2

POLICY

4. Recommend removal of Coliseum Center Tract IV from the real estate market.

Staff Resource: Del Borgsdorf

Council received a briefing on the Coliseum Center project at the Council-Manager dinner on February 10, 1992.

It is recommended that Council remove Tract IV from the market because of the current condition of the local real estate market.

Following is a description of the four tracts of land that make up the Coliseum Center project, and four options for Council to consider for Tract IV. Option 1 or 2 is recommended.

Attachments include:

- Background information on all tracts including Tract IV
- A map of the Coliseum Center project
- Letter of opinion from Dr. Anthony Downs, Senior Fellow, Brookings Institution in Washington, D.C. following his two-day visit to Charlotte in August, 1991.

Coliseum Center

The Coliseum Center project (see attached map) is made up of ±174 acres comprised as follows:

Tract I	35 acres
Tract II	33 acres
Tract III	15 acres
Tract IV	91 acres
	174 acres

Option #1: Officially remove Tract IV from the market and re-examine the situation annually

Advantages:

a. Maintains City ownership of a valuable asset.
b. Keeps open all of the City's options regarding future use of the land (including allowing the City to devote some/all of the land for public purpose at any point).
c. Allows the land to continue to appreciate.
d. Annual review permits the Council to stay abreast of the property's status.

Disadvantages:

a. Does not generate immediate cash.
b. Does not place the property on the tax rolls.

Option #2: Officially remove Tract IV from the market and direct staff to negotiate a letter of agreement with Childress Klein setting forth the principal legal and economic elements which - if approved by Council - would become the basis of a joint development agreement.

Advantages:

a. Maintains City ownership of a valuable asset.
b. Potentially opens the door to some creative arrangement.
c. Allows the City to participate and share in any upside economic return the development may generate.
d. Allows Tract IV to realize optimum economic potential by combining it with adjacent land and improving access.
e. Puts property to productive use allowing for job creation, private investment and potential tax revenue.

Disadvantages:

a. Does not generate immediate cash.
b. May not place the property on the tax rolls.
c. Places the City in some quasi-private role as investor, partner or developer.

Option #3: Start over by remarketing Tract IV to the public and then selling to the highest bidder.

Advantages:

a. Provides a completely open process for the disposition of the land.
b. Will generate immediate cash (assuming that a sale is made to the highest bidder).
c. Will place the property on the tax rolls.
d. Puts property to productive use allowing for job creation, private investment and potential revenue.

Disadvantages:

a. Following sale, the City is left without ownership of the land.
b. Options regarding future use of the land are closed out.

Option #4: Sell Tract IV now to Childress Klein for the best possible price.

Advantages:

a. Generates immediate cash.
b. Places the property on the tax rolls.
c. Allows Tract IV to realize optimum economic potential by combining it with adjacent land and improving access.
d. Puts property to productive use allowing for job creation, private investment and potential tax revenue.

Disadvantages:

a. Following sale, the City is left without ownership of the land.
b. Options regarding future use of the land are closed out.
c. Sale will/would take place in worst possible market thereby resulting in less-than-optimal price.

All available evidence supports the conclusion that this is a very poor time to sell real estate - especially vacant land with some speculative element to it. We therefore recommend that Council select either Option 1 or Option 2 or some variation thereof.

Clearances: Finance; Planning; Real Estate.

Attachment No. 1

Childress Klein / City of Charlotte Venture

Property Tax Projections	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Property Tax Rate per $100	1 20	1 25	1 29	1 34	1 39	1 44	1 50	1 55	1 61	1 67	1 73
Invested Capital In Buildings	0	4 214,176	8 586 384	31 688 448	36 394 720	61 261 926	66 327 786	93,095,002	98 547 926	127,360 325	145,245,394
Invested Capital In Land @ $1 psf	8 816 980	8,816,980	8,816 980	8 816 980	8 816,980	8 816 980	8 816,980	8,816,980	8,816 980	8 816 980	8,816,980
Total Invested Capital	8 816 980	13 031,156	17 403 364	40 505,428	45 211 699	70 078,906	75 144 766	101 911 982	107 364 906	136 177 305	154 062,373
Property Tax Revenues	105,804	162,238	224,797	542,824	628,615	1,010,902	1,124,627	1,582,425	1,729,611	2,276,035	2,671,523
Cumulative Property Taxes											*12,059,400*

Employment Projections	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Square Feet of Business Park	0	92 570	185 140	277 710	370 280	462 850	555 420	647,990	740 560	833 130	925,700
Square Feet of Office	0	0	0	186 880	186 880	373 760	373 760	560,640	560 640	747 520	840,990
Business Park Employment Per 1000 S	2 5	2 5	2 5	2 5	2 5	2 5	2 5	2 5	2 5	2 5	2 5
Office Employment Per 1000 SF	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0
Total Employment	0	231	463	1,442	1,673	2 652	2 884	3,863	4,094	5,073	5,678

Childress Klein / City of Charlotte Venture

Consolidated Cash Flows

Business Park Emphasis

Vacancy	5 00%	Exit Cap	9 000%
Debt service	9 50%		
Hurdle Rate	18 00%		
Management	4 00%		

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Sale Price
Annual Rents											
Business Park	624 848	1,273,127	1,945 717	2,716,493	3 516,173	4 345 841	5 288 107	6 265,707	7,279 968	8 423 263	
Office	0	0	3,520 279	3 652 289	7 578,501	7,862 694	12,236,318	12,695,180	17,561,666	20,498,488	
Total Rents	624,848	1 273,127	5 465 996	6 368 782	11 094 674	12 208 536	17 524 425	18 960 887	24,841,634	28 921,751	
Vacancy @ 5%	(31,242)	(63 656)	(273 300)	(318,439)	(554 734)	(610,427)	(876 221)	(948 044)	(1,242,082)	(1 446,088)	
Operating Expenses	(93,172)	(192 441)	(1,437,698)	(1 595,664)	(2 989,095)	(3,211,161)	(4,768,138)	(5 066 392)	(6,800,440)	(7 922 733)	
Net Operating Income	500 433	1,017 030	3,754,997	4 454 680	7 550 846	8,386,948	11,880,065	12 946 451	16,799,112	19 552,930	217,254,779
Debt Service	(400 347)	(815,706)	(3,010 403)	(3 457 498)	(5 819 883)	(6,301,140)	(8,844,025)	(9 362 053)	(12,099 231)	(13,798,312)	(145,245,394)
Operating Cash Flow	100 087	201 323	744 595	997 181	1 730 963	2 085 808	3,036 040	3 584 398	4 699 881	5,754 618	
Rollover Costs – BP	0	0	0	(133 094)	(120 314)	(121 389)	(245 009)	(247 323)	(249 725)	(378 324)	
Rollover Costs – Office	0	0	0	0	0	(772 385)	0	(784 280)	(790 564)	(797 084)	
Excess Financing Proce	48 526	50 346	383 087	54,193	412 357	58 333	443 864	62 790	477 778	281 710	
Land Sales	0	0	555 000	0	0	0	0	0	0	0	
Land Preference @ 8%	(70,031)	(142 687)	(450,834)	(529 042)	(860,734)	(944 918)	(1 301 953)	(1 392,568)	(1,776 883)	(2 025,064)	
Total Cash Flows	78,582	108,982	1,231,848	389 237	1,162 272	305 449	1,932,943	1,223 016	2,360,487	2,835,855	72,009,385

PV of Cash Flows	15 382,432
PV of Land Preference	3,002,070
Total	18,384,503

Childress Klein / City of Charlotte Venture

City of Charlotte Returns

		1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Land Investment		(7 112 477)	0	0	0	0	0	0	0	0	0	0
Infrastructure Investment		(1 551,000)	(65 000)	(45 000)	(37 500)	(657 500)	(30 000)	(25 000)	(15 000)	(10 000)	(5 000)	0
Share of Land Preferenc	50%	0	35 015	71 344	225 417	264 521	430 367	472 459	650 976	696 284	888 441	1 012 532
Share of Cash Flow	25%	0	19 646	27 245	307 962	97 309	290 568	76 362	483 236	305 754	590 122	708,964
Return of Equity		0	0	0	0	0	0	0	0	0	0	9 553 477
Share of Sales Proceeds		0	0	0	0	0	0	0	0	0	0	12 906 930
Total		(8,663,477)	(10,339)	53,589	495 879	(295,670)	690,935	523 821	1,119,212	992,038	1,473,563	24,181,903

Present Value of Infrastructure @ 10%	(1,974,326)
Present Value of Cash Flows @ 10%	11,396,540
Value Created By Land Investment	*9,422,213*

MEMORANDUM

TO: Henry Underhill
City Attorney

FROM: Larry Rosenstrauch Larry
Director, Economic Development

DATE: August 20, 1992

SUBJECT: Legal Authority for City Joint Venture

Henry,

Council asked City staff to negotiate a joint venture agreement with Childress-Klein on our Coliseum Center Land, Tract IV. This process is underway and we expect an outline of possible deal structures in September. Childress-Klein has asked us to confirm that we can enter into a joint venture agreement.

There are two likely scenarios:

1. The City contributes its land to a venture.

2. The City contributes its land and provides some funding for infrastructure that may be both on and off site.

In both instances, the City would expect an investment return, probably through some form of a limited partnership.

Could you confirm that we can enter a joint venture and describe any limitations that we should know about.

Thanks.

cc: Del Borgsdorf
Martin Cramton
Richard Martin

Enclosure

MEMORANDUM

August 31, 1992

TO· Larry Rosenstrauch
Director, Economic Development

Henry W. Underhill Jr.

FROM Henry W Underhill, Jr
City Attorney

SUBJECT Legal Authority for City Joint Venture

This will respond to your August 20 memorandum seeking a confirmation that the City possesses adequate legal authority to enter into a joint venture with Childress-Klein on a portion of the Coliseum Center property The only authority that the City has to enter into a joint venture agreement in this area of the City is found in G S § 158-7 1, a copy of which is attached for your ready reference (The legislation that we have relied upon to enter into the Cityfair and NFL Stadium land agreements is limited to the Central Business District)

Please note that G S § 158-7 1(d) authorizes a city to lease or convey interest in real property for economic development purposes and that further this statute sets forth a procedure that must be followed for such transactions I invite you to look over this statute to make sure that it will "fit" the type of transaction that we envision with Childress-Klein

Please let me know if you need anything further from me on this subject

HWUjr/ef
Attachment

RECEIVED
SEP 2 1992
CITY OF CHARLOTTE
ECONOMIC DEVELOPMENT DEPT

§§ 158-3 to 158-7: Repealed by Session Laws 1973, c 803, ss 39-43

§ 158-7.1. Local development.

(a) Each county and city in this State is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants in or near such city or in the county, encouraging the building of railroads or other purposes which, in the discretion of the governing body of the city or of the county commissioners of the county, will increase the population, taxable property, agricultural industries and business prospects of any city or county These appropriations may be funded by levy of property taxes pursuant to G S 153A-149 and 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law

(b) A county or city may undertake the following specific economic development activities (This listing is not intended to limit by implication or otherwise the grant of authority set out in subsection (a) of this section) The activities listed in this subsection (b) may be funded by the levy of property taxes pursuant to G S. 153A-149 and G S 160A-209 and by the allocation of other revenues whose use is not otherwise restricted by law

(1) A county or city may acquire and develop land for an industrial park, to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes A county may acquire land anywhere in the county, including inside of cities, for an industrial park, while a city may acquire land anywhere in the county or counties in which it is located A county or city may develop the land by installing utilities, drainage facilities, street and transportation facilities, street lighting, and similar facilities, may demolish or rehabilitate existing structures, and may prepare the site for industrial or commercial uses A county or city may convey property located in an industrial park pursuant to subsection (d) of this section

(2) A county or city may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use A county may acquire such property anywhere in the county, including inside of cities, while a city may acquire such property inside the city or, if the property will be used by a business that will provide jobs to city residents, anywhere in the county or counties in which it is located A county or city may convey property acquired or assembled pursuant to this paragraph pursuant to subsection (d) of this section

(3) A county or city may acquire options for the acquisition of property that is suitable for industrial or commercial use The county or city may assign such an option, following such procedures, for such consideration, and subject to such terms and conditions as the county or city deems desirable

(4) A county or city may acquire or construct one or more "shell buildings", which are structures of flexible design

1973, c 803, ss

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adaptable for use by a variety of industrial or commercial businesses A county or city may convey or lease a shell building or space in a shell building pursuant to subsection (c) of this section

(5) A county or city may extend or may provide for or assist in the extension of utility services to an industrial facility, whether the utility is publicly or privately owned

(c) Any appropriation or expenditure pursuant to subsection (b) of this section must be approved by the county or city governing body after a public hearing The county or city shall publish notice of the public hearing at least 10 days before the hearing is held The notice shall describe the interest to be acquired, the proposed acquisition cost of such interest, the governing body's intention to approve the acquisition, the source of funding for the acquisition and such other information needed to reasonably describe the acquisition

(d) A county or city may lease or convey interests in real property held or acquired pursuant to subsection (b) of this section in accordance with the procedures of this subsection (d) A county or city may convey or lease interests in property by private negotiation and may subject the property to such covenants, conditions, and restrictions as the county or city deems to be in the public interest or necessary to carry out the purposes of this section Any such conveyance or lease must be approved by the county or city governing body, after a public hearing The county or city shall publish notice of the public hearing at least 10 days before the hearing is held, the notice shall describe the interest to be conveyed or leased, the value of the interest, the proposed consideration for the conveyance or lease, and the governing body's intention to approve the conveyance or lease Before such an interest may be conveyed, the county or city governing body shall determine the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the county or city proposes to subject it to, the consideration for the conveyance may not be less than the value so determined

(e) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the provisions of the Local Government Budget and Fiscal Control Acts of the North Carolina General Statutes, respectively, for cities and counties The budget format for each such governing body shall make such disclosures in such detail as the Local Government Commission may by rule and regulation direct

(f) All appropriations and expenditures pursuant to subsections (b) and (c) of this section shall be subject to the following limitations No county or city shall have an aggregate investment outstanding at any one time which exceeds one half of one percent (0 5%) of the outstanding assessed property tax valuation for the governing body as of January 1 of each year, beginning January 1, 1986

(g) Subsections (b) through (f) of this section do not apply to Buncombe County or any municipality located within that county (1973, c 803, s 37, 1985, c 639, s 1, 1985 (Reg Sess , 1986), c 846, s 1, c 848, s 1, c 858, s 1, c 911, s 1, c 921, s 1, 1987, c 577, s 1.1)

MOORE & VAN ALLEN

ATTORNEYS AT LAW

T EDMUND RAST
DIRECT DIAL 704 331 1039

NATIONSBANK CORPORATE CENTER
100 NORTH TRYON STREET FLOOR 47
CHARLOTTE NORTH CAROLINA 28202 4003

TELEPHONE 704 331 1000
FACSIMILE 704 331 1159

November 25, 1992

336-6586

ATTORNEY WORK PRODUCT
PRIVILEGED AND CONFIDENTIAL

Mr. Landon R. Wyatt
Childress Klein Properties
2800 One First Union Center
Charlotte, NC 28202

Re: Development Venture with City of Charlotte

Dear Landon:

You have asked our advice in connection with structuring a transaction with the City of Charlotte. We understand that the City owns land adjacent to land owned by one of your partnerships. The City is willing to sell its property but as a business matter wants to participate in the potential profits of development. You and they have discussed a joint venture arrangement whereby each party would contribute land and some cash for infrastructure development. The City would also provide certain public improvements such as public streets at its expense. The Childress Klein entity would be the general partner of a joint venture limited partnership and as such would assume all management and development responsibilities. The City would be a limited partner. The venture would develop commercial buildings on the property, lease them and eventually sell them. The two partners would share in the net proceeds in agreed percentages. You have asked for our opinion as to whether the City is authorized to enter into such a venture. We have concluded that the authority for such a venture under North Carolina municipal corporation law is weak and we would recommend an alternative approach.

Mr. Henry Underhill, Charlotte City Attorney, provided you with a copy of Section 158-7.1, North Carolina General Statutes, which is known as the Local Development Act of 1925. Generally, this Act permits counties and cities to engage in certain activities outside of the normal scope of public works "for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants" in their local areas. Subsection (b) allows the municipality to

> acquire and develop land for an industrial park, to be used for manufacturing, assembling, fabrication, processing, warehousing, research and development, office

> use, or similar industrial or commercial purposes. . . . A county or city may convey property located in an industrial park pursuant to subsection (d) of this section.

Subsection (d) states in part that a municipality may

> convey or lease interests in property by private negotiation . . . to carry out the purposes of this section.

However, the introductory sentence of subsection (d) indicates that the subsection is intended to cover the disposition of interests "held or acquired pursuant to subsection (b);" without investigating, we would doubt that the City's property in question was acquired originally under Chapter 158.

It also appears to us that subsection (d) contemplates long-term ground leasing rather than tenant leasing of developed projects. Although there is no such specific restriction in the statute, the requirement that each lease must be approved by the county or city governing body after public notice and hearing is not consistent with space leasing in a business park.

Henry Underhill has advised me that the recent visible City-private ventures in the uptown area have been done under authority of a local bill that is now generally embodied in Section 160A-458.3, N.C.G.S. Unfortunately, this statute is only available for developments in central business districts. It specifically authorizes a city to own or "participate in" the construction, ownership and operation of certain downtown developments.

The fundamental principle of law applicable to this issue states that a municipal corporation does not have unlimited authority, but only those powers granted to it by the State. Section 158-7.1, N.C.G.S., comes close but does not hit the mark for your proposed plan. Not only does it seem to be intended to cover a different kind of project, but it does not specifically contain authority for participation in ownership. Since Section 160A-458.3, which is only applicable to downtown projects, contains specific "participation" authority, it could well be argued that no such authority is included in 158-7.1.

I have verified this conclusion with Mr. David Lawrence, who is an attorney with the Institute of Government in Chapel Hill. He is not confident that either of the statutes discussed above, or any other authority within his knowledge, is adequate to support the joint venture arrangement you have proposed.

An alternative approach is to construct a deferred purchase price contract with the City, whereby it would receive some portion of the purchase price at the time title is transferred to you and would be entitled to additional payments as lots are sold. The easiest way to make this work would be for you to take the property in a land holding entity and sell each lot prior to development to a separate entity, at the then fair market value. A portion of that lot sale price would be paid to the City, after deducting from the gross sales price the expenses of sale and a prorata share of the cost of bringing the lots to developable condition. At some point (say, 10 years after the initial closing) you would need to settle with the City on any unsold property, probably by paying them a percentage of the appreciation in value (after deducting development costs), based on appraisal at the ten-year point. According to Mr. Lawrence, the City may sell its excess property for whatever price and on whatever terms it deems appropriate so long as it ultimately receives fair market value as of the time of the sale. This structure would allow you to bank the land with little or no front cost. The City might require a deed of trust in order to secure its deferred payments, but it ought to be willing to subordinate to the lien of a development loan.

I would be happy to discuss this further with you at any time.

With best personal regards.

Yours very truly,

MOORE & VAN ALLEN

T. Edmund Rast

T. Edmund Rast

TER/anf

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Parsons Brinckerhoff Study of Uptown Transit

KEY POINTS (Issues, Cost, Change in Policy):

-Present operating pattern and transfer arrangements for Charlotte Transit routes in Uptown are close to ideal for current ridership and demand patterns

-Some, possibly most, of the bus stop activity in the Uptown perceived as undesirable is not caused by bus riders and is only indirectly related to them

-New facilities will be required as the demand for transit service grows beyond street and sidewalk capacity.

OPTIONS:

1 Re-routing buses to spread waiting areas or change the transfer points will not address long range goals, and is likely to hurt present riders

2. Fringe terminals requiring shuttle service or long walks would be disastrous in a compact central business district like Charlotte's

3. Parsons Brinckerhoff lomg term recommendation is to construct a transit terminal combined with a busway using the railroad right-of-way between 2nd and 7th Streets

COUNCIL DECISION OR DIRECTION REQUESTED:

None, for Council's information only

ATTACHMENTS:

-Summary of Findings and Recommendations
-Summary Comparison of Alternatives
-Sketch of Proposed Terminal

Parsons Brinckerhoff 100 YEARS

UPTOWN CHARLOTTE BUS OPERATIONS STUDY

Summary of Findings and Recommendations

December 1, 1992

STUDY OBJECTIVES

To undertake a study of Charlotte Transit System (CTS) bus operations and ridership patterns in Uptown for the purpose of identifying any problems and recommending short and long-term improvements

SURVEY FINDINGS

The following findings resulted from comprehensive surveys conducted in June 1992

- Up to 70% of Uptown boardings occur at the four stops nearest the Square
- Up to 74% of Uptown boardings are transferring passengers
- 46% of transfers are between Tryon and Trade Street routes Therefore, the convergence of almost routes at the Square makes transferring convenient
- The great majority of passengers originating in Uptown begin their trip within a block of Tryon Street The existing routing therefore matches the distribution of Uptown passenger origins
- A significant number of people congregating at or near at stops are not waiting passengers The number in this category often exceeded the number of waiting passengers This may be a source of discomfort for some people
- Generally, serious sidewalk congestion was not observed
- The maximum number of observed buses at any stop did not exceed four New schedules to be implemented in January, 1993, should reduce the problem of buses standing longer than necessary at the Square
- Amenities at the express route stops are inadequate Shelters at most local route stops are inadequate in inclement weather

In general, the existing service operates quite well through Uptown CTS provides a higher level of service than many of its medium-size city counterparts Ultimately, however, as ridership increases, the volume of buses through Uptown will also increase Curb space (for buses) and the sidewalk capacity (for waiting passengers) will eventually be exceeded at the most heavily used stops Moreover, if a dramatic increase in transit usage and mode split is desired in Uptown, a dramatic change will be needed to attract as well as to accommodate more riders

SHORT-TERM RECOMMENDATIONS

No significant changes are recommended in the short-term The existing route structure serves Uptown passengers and transferring passengers quite well, and there are no significant operational problems for CTS The major disadvantage with the current operations is the lack of passenger shelters of sufficient size to provide adequate protection from bad weather and seating for all or most passengers in the peak periods This is a problem common to all on-street bus operations in larger cities where large crowds of waiting passengers form at the stops, and can only be addressed by providing a terminal

LONG-TERM RECOMMENDATIONS

Alternatives Analyzed

Central Transit Terminal Options

Alternative 1 Constructing a transit terminal on the existing Convention Center site between East Trade Street and East Fourth Street

Alternative 2 Constructing a transit terminal on the Fish and Oyster site between East Trade Street and East Fourth Street

Alternative 3 Constructing a transit terminal on the North Carolina Railroad Company (NCRR) right-of-way between the existing Convention Center site and the Fish and Oyster site

Fringe Transit Terminals

Alternative 4 Constructing two fringe transit terminals at either end of Tryon Street

Re-routing Options

Alternative 5 Re-routing all eastbound and westbound routes to Tryon Street which would be converted to a transit mall

Alternative 6 Re-routing all northbound routes to College Street and southbound routes to Church Street

Alternative 7 Re-routing all northbound routes to College Street and southbound routes to Church Street (as for Option 6), and all westbound routes to Fourth Street

Recommendation

Increased capacity for future operations could be provided by relocating existing or new routes to streets other than Tryon and Trade Streets Church and College Streets, for example, could serve to cater for any overload on Tryon Street as the number of routes and/or frequency of service on existing routes to Uptown increased These routes would supplement rather than replace the existing route structure so that future service can remain on-street well into the future

While this option may accommodate future ridership, it would not improve service and therefore would not increase the attractiveness of transit as an alternative to the automobile for traveling to Uptown A well-planned terminal in an appropriate location could both accommodate the growing demand and attract new ridership

Therefore, it is recommended that in the long-term an Uptown transit terminal be constructed, combined with a busway using the NCRR railroad right-of-way between Second and Seventh Streets, and linked to the overstreet mall by walkways through the present Convention Center (ie, Alternative 3).

Only the northbound and southbound routes (and possibly some express routes) would use the busway, with eastbound routes stopping at the existing stop adjacent to the Convention Center and westbound routes stopping at indented bays on Trade Street opposite the site respectively The capital cost is estimated to be $7 0 million, and the annual operating and maintenance cost $300,000

Advantages of the recommended long-term concept include

- Its location is very convenient if connections can be provided to the overstreet walkway system The overstreet mall represents a very important key to integrating a transit terminal into the life and fabric of Uptown, and is a strong inducement to use transit

- A transit center would provide a new level of comfort and convenience for both transit captives and choice riders

- Using a new right-of-way and providing a new transit center highlights the importance that Uptown Charlotte places on accessibility It demonstrates the City's commitment to keeping *Uptown the vibrant, growing, exciting core of the metropolitan area*

- The NCRR right-of-way has been considered in previous studies as the most likely alignment for fixed guideway transit through Uptown Therefore, there is benefit in establishing the use of the right-of-way for transit purposes at the earliest possible time Doing so will help to build the ridership patterns and demand that would support fixed guideway transit should it eventually be built

- The potential to develop a major mixed-use joint development project on both sides of the terminal with the terminal linking them, provides significant benefits for the terminal and transit generally, and for redevelopment options for the site and this area of Uptown

- A terminal could be developed prior to redevelopment of the Convention Center site

- The busway minimizes the added operating expense to CTS associated with route deviations from Tryon Street

Before a final decision can be made on the feasibility of the NCRR site for a terminal, the following must be undertaken

- The findings of the current fixed guideway Transitional Analysis/Alternatives Analysis must be considered The study will provide some indication of when the first fixed guideway corridor may be feasible for Charlotte, identify the impacts on future bus operations and passenger demand, and identify the preferred technology and Uptown station locations

- A decision must be made by the City on the re-use of the Convention Center building after it is vacated in 1994, and the ultimate redevelopment plans for this and the Fish and Oyster site The design of a terminal on the NCRR corridor, if viewed as a long-term facility, should be compatible with these plans

- More detailed engineering and operational studies to confirm the feasibility of the concept

Table 4 1
SUMMARY COMPARISON OF ALTERNATIVES

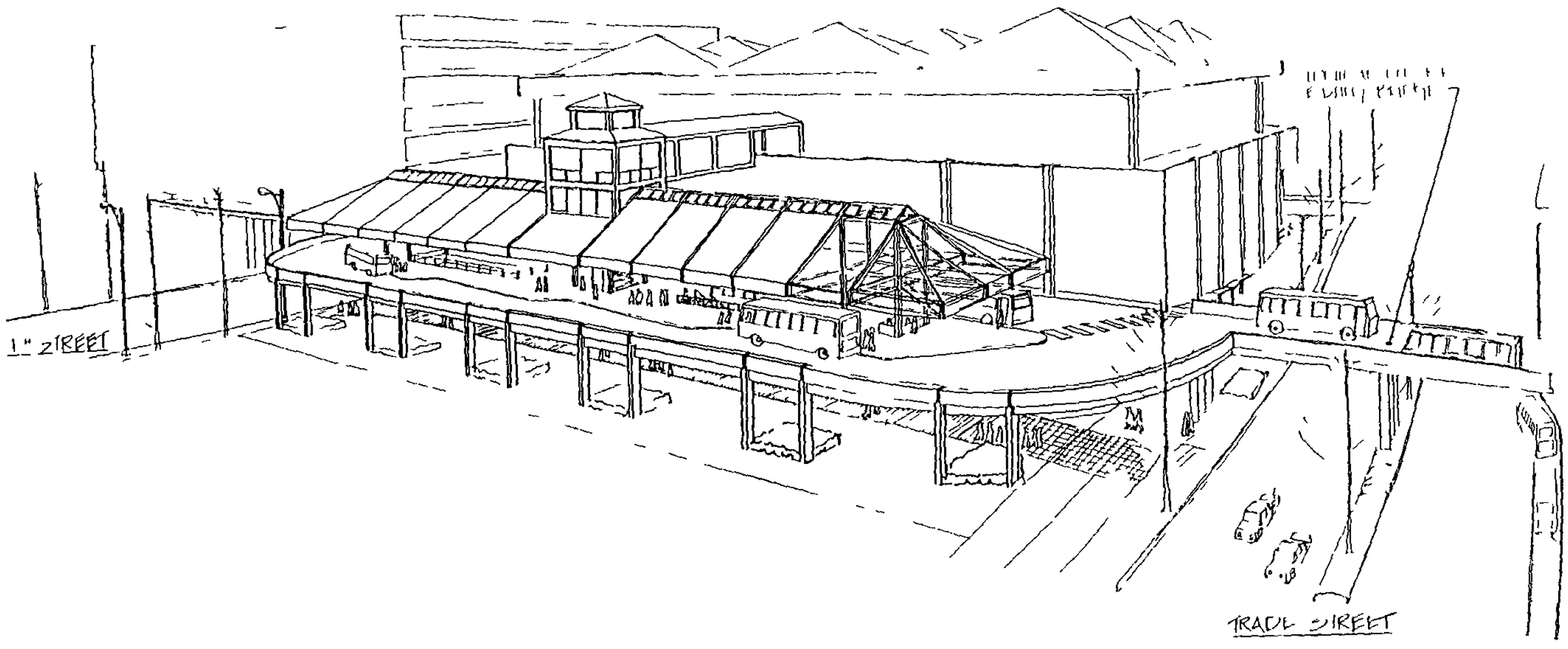
ALTERNATIVE	EVALUATION CRITERIA						
	ADDITIONAL WALKING DISTANCE (FEET) FOR UPTOWN PASS (1)	ADDITIONAL WALKING DISTANCE (BLOCKS) FOR TRANSFERRING PASS (2)	ADDITIONAL IN VEHICLE TIME (MINUTES)		SIDEWALK SUITABILITY	ABILITY TO PROVIDE PASSENGER SHELTER	OPPORTUNITY TO PROVIDE PASSENGER AMENITIES
			UPTOWN PASSENGERS (3)	TRANSFERS			
1 TERMINAL ON CONVENTION CENTER SITE	125	All transfers 0 5 blocks or less	0 5	0 8 5	Church restricted for southbound routes	Excellent in terminal	Limited only by demand Central location offers excellent opportunies
2 TERMINAL ON FISH & OYSTER SITE	325	All transfers 0 5 blocks or less	0 5	0 8 5	Church restricted for southbound routes	Excellent in terminal	Limited only by demand Central location offers excellent opportunies
3 TERMINAL ON NCRR R O W BEHIND CONV CENTER SITE	210	4 transfers 0 5 blocks or less 2 one block	0 1 5	0 2 5	Can use R O W for additional stop locations	Excellent in terminal	Good
4 FRINGE TERMINALS AT NORTH & SOUTH END OF TRYON	150	All transfers 0 5 blocks or less	1 5 9 5	3 5 19 0	Good	Excellent in terminal	Limited only by passenger demand
5 RE ROUTING OF TRADE ROUTES TO TRYON	150	All transfers 0 5 blocks or less	0 5 5	0 11 5	Second restricted for westbound routes	No change if additional shelter is provided on Tryon for additional passengers	None
6 TRYON ROUTES TO CHURCH AND COLLEGE EB & WB UNCHANGED	165	4 transfers 0 5 blocks or less 1 one block & 1 more than 1 5 blocks	Insignificant	Insignificant	Church restricted for southbound routes	Limited at many locations because of narrow sidewalks	None
7 TRYON ROUTES TO CHURCH AND COLLEGE, WB TO FOURTH	155	1 transfer 0 5 blocks or less 5 more than 1 5 blocks	Insignificant	Insignificant	Church and Fourth restricted for southbound and westbound routes respectively	Limited at many locations because of narrow sidewalks	None

1 Average change in walking distance per Uptown originating passenger assuming passengers walk to nearest stop (current average distance is 635 feet)
2 # of transfer means # combinations where a combination is a transfer between routes in 2 directions eg north to east and east to north is one combination (ie total of six possible transfers) Currently 4 transfers require walk of 0 5 blocks or less 2 require a one block walk
3 Change in in vehicle time for Uptown passengers is to the Square Low number refers to least inconvenienced passengers high number to most inconvenienced passengers

Table 4 1 (continued)
SUMMARY COMPARISON OF ALTERNATIVES

ALTERNATIVE	EVALUATION CRITERIA				
	IMPACT ON CHOICE RIDERSHIP	CAPITAL COSTS (4)	ANNUAL O & M COST (5)	ADDITIONAL ANNUAL CTS COST	COMMENTS
1 TERMINAL ON CONVENTION CENTER SITE	Minor but positive if connected to overstreet walkway	$20 35 Million (integrated with other land uses)	$640 000	$420 000	Option investigated in 1991 study Maximum convenience but highest capital cost Must be integrated with future redevelopment of Convention Center at Fish and Oyster sites when market demand justifies joint land uses (ie long term option) Maximum enhancement of transit image in Uptown Terminal on this site can also serve future fixed guideway
2 TERMINAL ON FISH & OYSTER SITE	Minimal but negative compared to 1 and 3	$5 080 000	$110 000	$420 000	Site available now but has potential for joint development in longer term Less convenient to Uptown center than Convention Center site Terminal on this site can also serve future fixed guideway High capital cost
3 TERMINAL ON NCRR R O W BEHIND CONV CENTER SITE	Minor but positive if connected to overstreet walkway	$7 070 000	$170 000	$110 000	Reinforces use of R O W as future transit corridor Convenient if direct access is provided to overstreet walkways via Convention Center Cannot accomodate all NB and SB routes in terminal at nights and weekends High capital cost
4 FRINGE TERMINALS AT NORTH & SOUTH END OF TRYON	Additional in vehicle time on East West routes will deter passengers	$11 330 000	$200 000	$1 230 000	Attempts to concentrate transfers at fringe terminals however location of pass passenger transfers cannot be controlled Very significant additional travel time for transferring passengers More buses would use Tryon Street Very high capital cost for two terminals Very high additional CTS operating costs
5 RE ROUTING OF TRADE ROUTES TO TRYON	Additional in vehicle time on East West routes will deter passengers	$1 840 000	$0	$490 000	Increased passenger loads and bus accumulation on Tryon Street ultimately requires street to be converted to a transit mall Significant additional travel time for transferring passengers Significant additional CTS operating costs
6 TRYON ROUTES TO CHURCH AND COLLEGE, EB & WB UNCHANGED	Minimal	$560 000	$0	$30 000	Removes bus activity from Tryon Street Sidewalk widening at some new stops desirable but requires additional right of way Increased traffic congestion on Church and College Streets Express routes could load on Tryon Street
7 TRYON ROUTES TO CHURCH AND COLLEGE, WB TO FOURTH	Minimal	$770 000	$0	$50 000	Removes bus activity from Tryon Street Sidewalk widening at some new stops desirable but requires additional right of way Increased traffic congestion on Church and College Streets Express routes could load on Tryon Street

4 Includes additional buses to maintain acceptable headways for Alternatives 1 2 4 and 5
5 For terminal facilities only


1st STREET
TRADE STREET

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Old Convention Center Site Reuse Study

KEY POINTS (Issues, Cost, Change in Policy):

-In November 1990, City Council approved a three phase study approach to begin in January 1993 on the reuse of the old Convention Center site

-Staff has made minor additions and developed a flow chart for the study process

-Additions to the process include
1) Opinion leaders brainstorming session,
2) Expanded list of possible representatives for the Advisory Committee and Technical Task Force,
3) Results of the Short Tern Use Study as possible site use options

OPTIONS:

1 Initiate study as scheduled
2 Delay start of study to a later date
3 Postpone study indefinitely

COUNCIL DECISION OR DIRECTION REQUESTED:

City Council is requested to modify the study process as needed, reconfirm the approval of the study process, and authorize staff to begin work on the study process

ATTACHMENTS:

-Reuse Study Scope of Work
-Reuse Study Process Flow Chart

Old Convention Center Site Reuse Study
Scope of Work

Phase I: Initial Agreement and Organization

Step I-1: At the December 7 City Council Workshop, Council reaches agreement on the purpose of the work program effort and approves, in general terms, the process which includes the participants, products, resources, and schedule.

Step I-2: Staff conducts Opinion Leaders Brainstorming Session on all the possible uses of the sites.

Step I-3: Advisory Committee reaches agreement on an initial definition of the problems/opportunities and purpose of the work program effort.

Step I-4: Advisory Committee recommends a workprogram and scope of services for a process to determine the best use of the Convention Center and Fish and Oyster sites.

Step I-5: At the March 22 Council meeting, City Council approves process and scope of services, including costs for contract services for technical assistance (i.e. structural analysis of Old Convention Center).

Step I-6: City and Uptown staffs are organized into a technical task force to manage the workprogram and perform the scope of services required.

Step I-7: Develop a process schedule for project completion.

Organization:

Advisory Committee reviews, comments, and makes recommendations at various stages during the process.

Possible Interest Group Representation

- Cultural-Discovery Place, Spirit Square, Performing Arts Center, Arts and Science Council.
- Institutional-Education, Medical, Religious, United Way and YMCA.
- Residential Neighborhood - 1st, 3rd, and 4th Wards
- Commercial - Banks, Hotels, Retail, Office
- Transportation - UTC, Transit Partnership
- Others - CUDC, Chamber, Auditorium-Coliseum-Government Center Authority, Visitor Bureau

- Development Community - Developers, Builders, Bankers

Technical Task Force manages the process and performs the scope of services required.

Possible Staff Representatives

- Planning
- Engineering
- Finance
- Economic Development
- Charlotte DOT
- CUDC/UTC
- Auditorium-Coliseum-Convention Center Authority
- Chamber

Contract Services may be needed for technical support (feasibility studies, structural analysis, etc.). Any contract services needed with associated costs will be identified as part of the scope of services.

Phase II: Long Term Use Evaluation/Goal Setting and Strategy Definition

Step II-1 A, B, and C:
Collect all site use proposals from the Short Term Use Study, Phase I, and any privately developed proposals.

Step II-2: Assemble all proposals into a decision matrix for an evaluation analysis.

Step II-3: Review and verify the land use assumptions of the Center City Plan and specific proposals for a transportation center and mixed use development together with a definition of alternative development scenarios.

Step II-4: Evaluation alternative development choices considering Uptown objectives, success feasibility and resource requirement.

Step II-5: Select a development concept for City Council consideration.

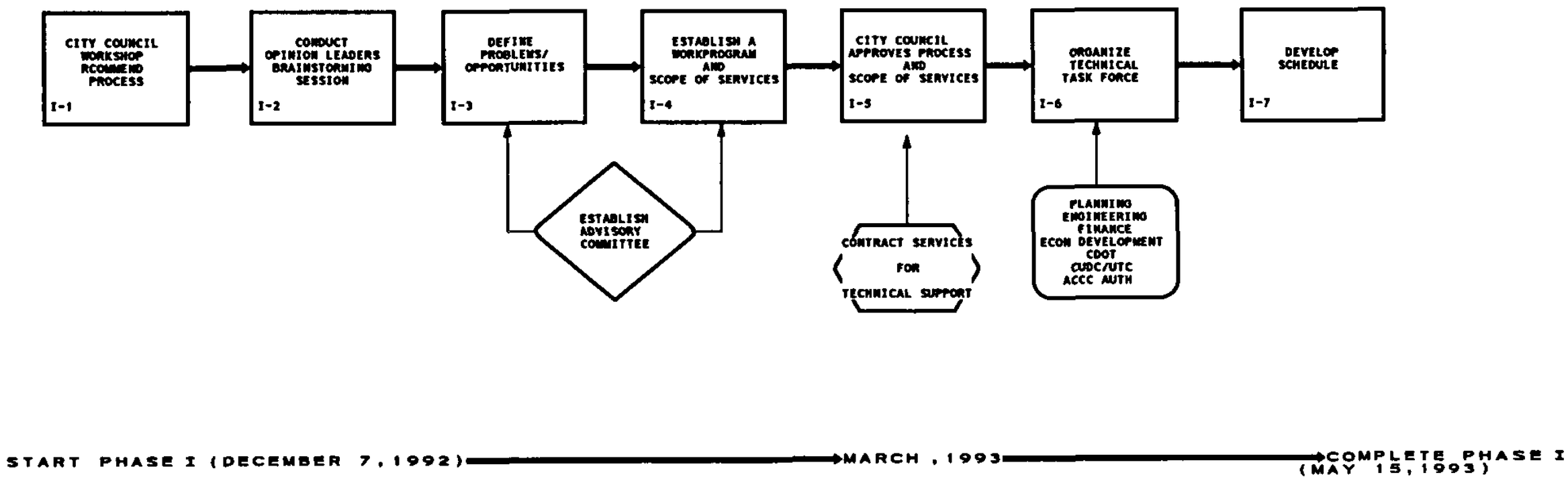
Step II-6: Select a site disposition strategy for City Council consideration.

Step II-7: City Council selects a development concept and site disposition strategy. Recommendations presented to City Council by January 15, 1994.

Phase III: Implementation Program

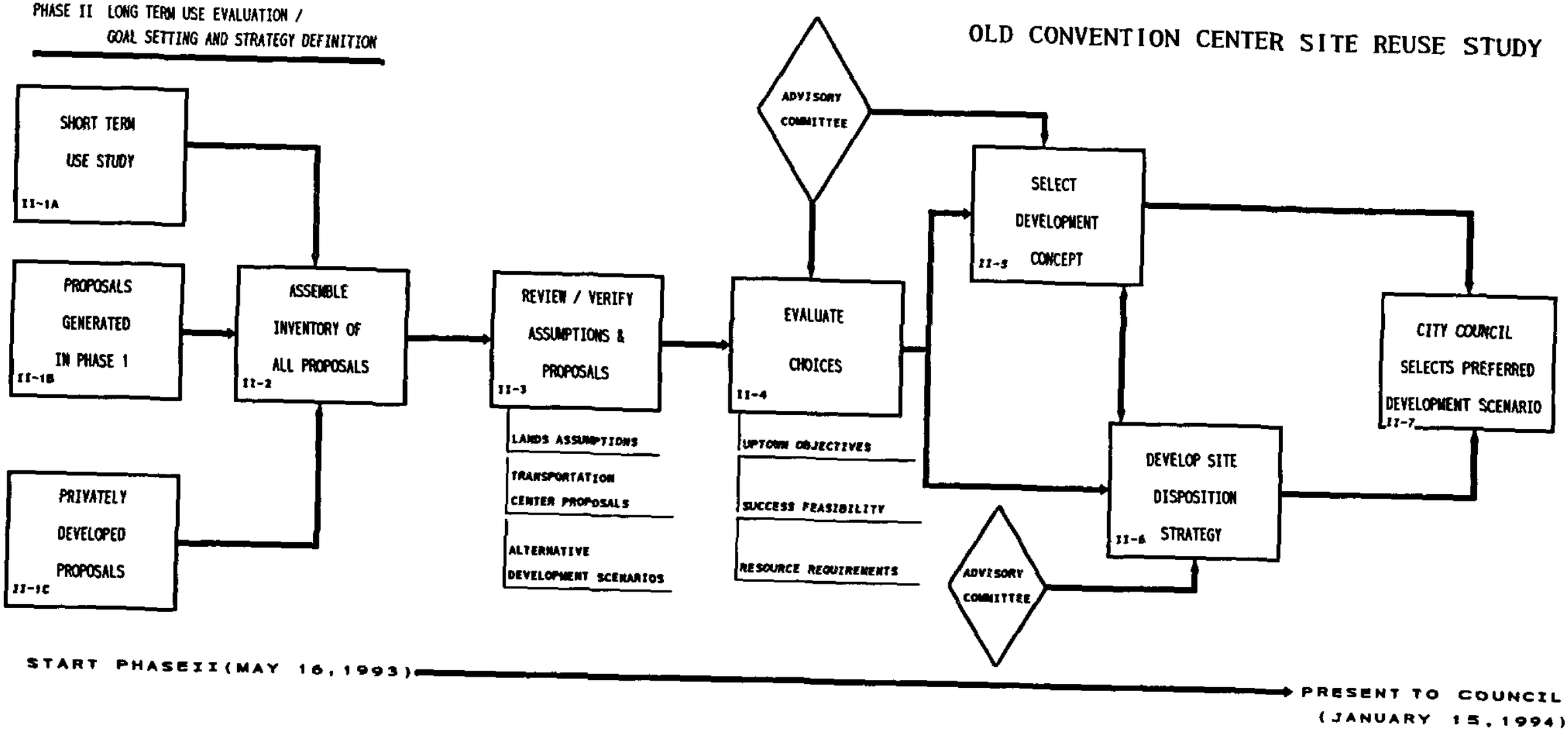
Based upon the selected development scenario, an implementation program will be prepared including schedule, resources, products and involvement expectations.

PHASE I : INITIAL AGREEMENT AND ORGANIZATION



PHASE II LONG TERM USE EVALUATION / GOAL SETTING AND STRATEGY DEFINITION

OLD CONVENTION CENTER SITE REUSE STUDY



PHASE III IMPLEMENTATION PROGRAM

BASED UPON THE SELECTED DEVELOPMENT SCENARIO AN IMPLEMENTATION PROGRAM WILL BE PREPARED INCLUDING SCHEDULING RESOURCES PRODUCTS AND INVOLVEMENT EXPECTATIONS

MEMORANDUM

December 7, 1992

TO: O. Wendell White
City Manager

FROM: C. Don Steger
Assistant City Manager

SUBJECT: Update for City Council on the Amity Gardens Problem

The Amity Gardens neighborhood is plagued by various problems associated directly or indirectly with three nightclubs: Benjamin's Private Rock N Roll Club, 4110 E. Independence; B.B. Jamz Teen Club, 4220 E. Independence; and Rocky's, 4120 E. Independence. To address the problems, the Police Department already has vigorous enforcement activity, including scheduled patrols through the neighborhood and the parking lots of these clubs. In the past 11 months, our officers have responded to (or identified) 243 calls for noise violations. Other offenses include the following with the resulting arrests.

Offenses	Number of Arrests
Assaults	14
Larceny	2
Fraud	1
Vandalism	3
Sale of Drugs	1
DWI	3
Disorderly Conduct	7
Warrants (Order for Arrest)	3
Trespassing	6
Traffic Violations	1

After reviewing the situation in this location, we have concluded that a large number of the problems associated with these businesses are enforcement problems. However, there are several actions the owners of the businesses can take responsibility for correcting. To further address this situation, we are scheduling meetings with the owners and managers of the clubs to identify the problems and work with them to identify and implement various approaches including the following:

1. Closing the rear parking lot in the evenings when other businesses are closed.

2. This will move car noises to the front lot away from the residential area in the rear of these clubs.

3. Continue vigorous enforcement of the noise ordinance, especially boom boxes and car radios.

4. Community Improvement will work with the neighborhood and the businesses regarding the litter and trash problems.

5. Continue our directed patrol activity.

6. Request authorization from the appropriate owners to enforce trespassing violations after business hours. (When all the businesses are closed.)

With regard to the zoning issues, the Planning staff has advised these clubs are permitted uses in this business district. So long as minimum ordinance requirements are met there is no limit to the number of such uses.

Relative to the question about the changes in the zoning ordinance related to "noise", this item is last on the staff work list of high priorities. This list was developed by the Planning Commission and the Planning Liaison Committee. However, Council may wish to direct that it be moved up on the list.

MEMORANDUM

December 7, 1992

TO: Mayor and City Council

FROM: Pat McCrory

SUBJECT: Sale of Fortified Wine

As each of you know, illegal drugs such as heroin and crack cocaine are destroying our neighborhoods and families within our community. In addition to these illegal drugs, there is a legal drug which is causing similar havoc throughout our city. This drug often goes by names such as Thunderbird, Roma Rocket, MD 20-20, and Wild Irish Rose. The official term for this product is called fortified wine. The marketing of fortified wine is typically directed toward low-income citizens. There is only one reason to purchase this product; that reason is to get "drunk". Stores which typically sell this type wine are strategically located near public housing communities, low-income neighborhoods, and areas with high transient populations.

During the past year while serving as a member of the Uptown Crime Prevention Council, the complaints from area businesses in residential neighborhoods continued as a result of increasing numbers of inebriated men and women having easy access to this legal drug. This has negatively impacted citizens' public safety and quality of life. This, however, is not just an uptown Charlotte problem. While riding with our police, it is clearly visible that citizens having easy access to this product are causing problems in residential and business communities throughout our city (i.e, Wilkinson Boulevard, South Boulevard, Plaza-Midwood, Belmont, etc.).

As with our illegal drug problem, there is no one or easy solution; however, we as a community can at least cause a dent in this situation by controlling the easy access of this product. To meet this objective, I recommend we ask our delegation to submit the following State statute during the 1993 session:

> "Any city, town or county ABC Board within the State of North Carolina shall be authorized to require the sale of fortified wines (20% alcohol by volume) be conducted exclusively through and as a part of the local ABC store system as a local county option. The revenues from such sales shall be distributed in accordance with existing law."

If passed, this statute would allow our community to sell this product through our ABC store system. This would accomplish several goals. These include:

1. Control easy access to this product.

2. Ensure profits from sales are directed toward education and alcohol rehabilitation.

3. Decrease the number of neighborhoods negatively impacted by the direct sale of this product in their vicinity.

The Uptown Crime Prevention Council, police officials, and members of our ABC Board and ABC enforcement office have stated support for this concept and proposal. Ralph McMillan, Chairman of the ABC Board, states that the only downside regarding this proposal would be to find sufficient shelf space to sell fortified wine.

To pass this statute, I assume there would be heavy lobbying and opposition by the retail and alcohol industries. Recognizing and understanding their arguments and concerns, I still strongly believe we as a community should not accept the current status quo of this drug negatively impacting our neighborhoods and quality of life. To further examine this proposal, I recommend we immediately forward this to the Public Safety Committee, leaving time to allow to still time to be a part of our packet of proposals to our state delegation. I urge your support and welcome your input.

ds

C: Wendell White
Chief Ron Stone
Henry Underhill
Judy Ranson
Ralph McMillan
John Walters
Keith Shannon