AGENDA

Meeting Type:	W
Date:	01-04-1993
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR AND CITY COUNCIL
WORKSHOP AGENDA
January 4, 1993

1	5:00 pm	Public Hearing on Refinancing Certificates of Participation ORDINANCE
2	5:05 pm	Regional Transportation Authority
3	5:25 pm	Presentation on Regional Sourcebook
4	5:45 pm	Storm Water Public Information
	6:00 pm	Dinner
5	6:15 pm	FY94 Budget
	8:15 pm	Adjourn

Margaret Scarborough
Close Hrng
unan

COUNCIL IS REQUESTED TO:

A. Conduct a public hearing concerning the issuance of certificates of participations (COPS) to refinance the City's 1986 Municipal Facilities Lease COPS and provide funds for the Airport to complete the purchase of the Church of God property.

Margaret Scarborough
app. unan.

B. Adopt a resolution that authorizes the financing and related form of various financing documents. Res #1

C. Adopt a budget ordinance that accomplishes the following: Ord #1

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app. unan.

- appropriates $200,000 to the Municipal Debt Service Fund from the Municipal Debt Service Fund Balance to fund the first interest payment on the Refunding Certificates of Participation
- appropriate $2,410,000 in the Municipal Debt Service Fund from the Municipal Facilities Reserve to be loaned to the Airport. These funds will be used to complete the Church of God property purchase.

The principal amount of the contract is not to exceed $8.5 million.

Explanation of Request: The current interest rate environment gives the City an opportunity to realize debt service savings and unencumber a currently required reserve by refinancing the Municipal Facilities Lease Agreement. Additionally, the interest rate environment provides an opportunity for the City to provide funds to complete the purchase of the Church of God property at a favorable debt service cost. To accomplish this the City will sell refunding certificates of participation to pay-off the older certificates of participation and additional certificates of participation to provide funds for the Airport Property Purchase. This requires conducting a public hearing concerning the transaction and approving the form of various documents including the following:

- Installment Payment Contract
- Trust Agreement
- Preliminary Official Statement (and subsequent official statement)
- Deed of Trust
- The Underwriters, the Contract of Purchase and Related Letter of Representations

This refunding transaction will unencumber a reserve that was required by the Certificates of Participation that are being refunded. These funds will be loaned to the Airport to complete the purchase of the Church of God property. The Airport will repay the amount loaned plus interest over a five year period.

Background:

On August 15, 1986, the City sold $15,955,000 certificates of participation to fund various capital projects including the following:

- Sweden Road Operations Facility
- New City Hall Addition (2 floors of CMGC)
- Renovation of Old City Hall
- Annexation Fire Stations
- Spirit Square Renovation
- Relocation of Fire Station No. 1
- Spratt Street Operations Facility

The outstanding principal balance as of January 1, 1993, was $8,475,000 and is scheduled to be paid off on August 1, 1996. The interest rates on the remaining balance range from 6.80% to 7.00%.

This transaction must be completed in a time frame that will allow the old "debt" to be called for pre-payment by February 1, 1993. If the City does not meet this deadline legal requirements will force us to wait until August 1, 1993. Additionally, in order to complete the transaction it must be approved by the North Carolina Local Government Commission at its January 5, 1993 meeting. The Commission requires the City to conduct its public hearing and if possible approve the financing prior to its meeting. These requirements necessitated Council's action at its January 4, 1993, workshop.

On December 14, 1992 Council authorized staff to proceed with the refinancing and established January 4, 1993 as the date for conducting a public hearing and approving the form of various financing documents. In a separate action Council authorized the appropriation of funds to acquire the Church of God property by the Airport. A portion of the funds advanced by the Airport are to be reimbursed from this financing.

Source of Funding:
Refund Certificates of Participation and Municipal Debt Service Fund Balance

Clearances:
Finance/Bond Counsel

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

Sonny Zimmerman
Michael Gallis

TOPIC: Regional Public Transportation Authority

KEY POINTS (Issues, Cost, Change in Policy):
-A task force, working with the Carolinas Transportation Compact, proposes a mass transportation authority for the Charlotte Region
-The Task Force developed an organizational plan and the outline of enabling legislation for an Regional Public Transportation Authority

OPTIONS:

COUNCIL DECISION OR DIRECTION REQUESTED:
-Council needs to give direction on a process to formally review the proposed Regional Transportation Authority

ATTACHMENTS:
1 Feasibility Study for Regional Transportation Authority in The Charlotte, N C -S C Area
2 Regional Public Transportation Authority Major Points for Proposed Legislation for North Carolina
3 Regional Public Transportation Authority Major Points for Proposed Legislation for South Carolina
4 Proposed Amendments and Additions to North Carolina Law Article 26 - Regional Public Transportation Authority
5 Letter from Sonny Timmerman to Bill McGee dated December 15, 1993, RE Outer-Outer Belt

STUDY FOR THE ORGANIZATION
OF A
REGIONAL TRANSPORTATION AUTHORITY

BACKGROUND SUMMARY

The study for the organization of a regional transportation authority for the Charlotte bi-state area is funded by the N C Department of Transportation and the S C Department of Highways and Public Transportation The scope of the study was to determine if the Charlotte area both wants and needs a regional transportation authority and then to find the best way to form such an organization

The two state transportation agencies contracted with the Carolinas Transportation Compact to perform this study The Compact is a multi-county, bi-state organization which trancends political boundaries and functional responsibilities in dealing with transportation issues which affect the entire region

Phase 1 of the study began in late 1991 A task force of elected officials from throughout the region was appointed to guide the study and make the necessary decisions concerning the formation of a regional transportation authority Phase 1 was completed in September, 1992 with the task force determining that a transportation authority was needed to serve the entire region The task force also decided the basic issues of how the authority should be organized and passed a resolution detailing these decisions This resolution forms the basis for the legislation needed to form a regional transportation authority

Phase 2 of the study is currently underway This phase consists primarily of presenting the draft legislation formulated by the task force to the local governments and state delegations throughout the region Feedback and ideas from the local officials will be used to finalize the legislation The goal of Phase 2 is to have this final legislation presented to the General Assemblies of both states in the Spring, 1993

ATTACHMENTS

The attached information briefly describes the Carolinas Transportation Compact and its mission, and goes into more detail about the Regional Transportation Authority Study The attachments include the following

* Summary of the Carolinas Transportation Compact By-Laws
* Membership list of the Carolinas Transportation Compact
* Phase 2 scope of work for the Regional Transportation Authority Study
* Task Force Resolution
* Task Force membership list
* Major points of the proposed legislation

THE FEASIBILITY STUDY
FOR A
REGIONAL TRANSPORTATION AUTHORITY
IN THE
CHARLOTTE, N.C. - S.C. AREA

PHASE II

Prepared by:
CAROLINAS TRANSPORTATION COMPACT
UNIVERSITY OF NORTH CAROLINA CHARLOTTE

September 25, 1992

THE FEASIBILITY STUDY FOR A REGIONAL TRANSPORTATION AUTHORITY IN THE CHARLOTTE, N.C. - S.C. AREA

SUMMARY OF PHASE I

The feasibility study for a regional transportation system in the Charlotte area began in December, 1991 and was to be approximately a nine to twelve month study A task force of elected officials from throughout the region was appointed to work with the staff of the Carolinas Transportation Compact and to make the necessary decisions regarding an urban transportation system for the region

The results of the feasibility study were to answer the basic questions of whether the Charlotte area needs and desires some type of regional transportation system, and if so, to provide a blueprint for the organization of such an authority This blueprint was to address the specific and unique needs of the Charlotte bi-state region It was to provide answers to the organizational issues in forming an authority, assess the financial options and do a general technical assessment of the transportation needs and patterns of the region

The task force met on May 16, 1992, and unanimously adopted a resolution detailing the organizational, financial and administrative issues in forming a regional transportation authority This resolution will form the basis of the necessary legislation which must be passed by both the North and South Carolina legislatures in order to form an authority Work continued under Phase I until the end of September, 1992

PHASE II
SUMMARY OF STUDY

Phase II of the feasibility study will build on the decisions made by the elected officials in Phase I The task force decided that the Charlotte region both needed and wanted some type of mass transportation This body worked out an organizational plan and the basic outline of the legislation needed to form such an authority Organizational issues, as well as financial and administrative or staffing issues were decided upon and approved unanimously by the task force membership

The legislation necessary to form the authority must be finalized and approved by the task force before introduction into the two state's General Assemblies The proposed legislation, organizational structure and other issues relating to the authority, as decided by the task force, must be presented to the local governments of the region Several detailed meetings with each City Council and County Board and their staffs may be necessary in order for these governments to understand what the authority would be and begin to assess their possible participation in the authority Also, preliminary alternatives dealing with the business operations of the authority will be explored to the extent of insuring the legislation considers any needed operational issues Preliminary plan of service options will also be studied and discussed in the local government meetings

STUDY AREA AND ORGANIZATION

STUDY AREA

The study area will remain the same area as in Phase I The thirteen county region in North and South Carolina surrounding Charlotte is tied together in many ways, including transportation The preliminary technical analysis of the travel patterns in the region show how each county is tied not only to Charlotte, but to the other counties within the region

During the second phase of the study, the counties which wish to participate in a regional authority will be identified The levels of participation and the services received should reflect the needs and desires of the local governments within the area.

STUDY STAFFING AND ORGANIZATION

According to the resolution passed by the task force, the Executive Director and staff of the Carolinas Transportation Compact would function as the Executive Director and staff of the Regional Transportation Authority until and if the Board of Trustees of the Authority is appointed Staff of the CTC would report to the task force until such time as the Board of Trustees could be appointed

The CTC staff, with assistance from other UNC Charlotte staff as needed, would be responsible for Phase II The task force will be informed of all activities and monitor the progress of the staff

STUDY TASKS

TASK 1 PLANNING FOR IMPLEMENTATION

The overall planning and administration of the study for the implementation of the regional transportation authority must be coordinated This would involve conducting and supervising all aspects of the study

TASK 2 LOCAL GOVERNMENT COORDINATION

The local governments in the Charlotte region must decide whether they wish to "buy in" to a regional transportation service Much of the decision making process may depend on the services received and the costs involved The recent history of the feasibility study, the legislation proposed, and the various options must be presented and discussed with all of the governments within the area. Each of the thirteen counties and the cities within this region must totally understand the implications of joining the proposed regional transportation authority

TASK 3 LEGISLATIVE INVOLVEMENT

Both the state of North Carolina and the state of South Carolina will require some type of legislation in order to form a regional transportation authority The resolution passed by the task force forms the basis for the proposed legislation However, all of the available requirements and options must be explored and discussed with the governments before final legislation is written After review with local governments and state legislators, final proposed legislation will be written for introduction by the Legislature at the earliest feasible date

The CTC staff would be available to work with any local elected officials and state legislators, or any other governmental body or staff, to answer any questions dealing with the legislation and implementation of the authority

RESOLUTION OF THE TASK FORCE FOR A REGIONAL TRANSPORTATION AUTHORITY ORGANIZATION AND LEGISLATION FOR THE CHARLOTTE, N.C. - S.C. METRO AREA

PURPOSE:

* Authority shall finance, provide, operate and maintain a safe, clean, reliable, adequate, convenient, energy efficient, economically and environmentally sound regional public transportation system for the service area

STEPS FOR ORGANIZATION:

* Provision for the bi-state Charlotte Metropolitan region
* Resolution must be adopted by the County Boards of Commissioners in North Carolina and the County Councils in South Carolina
* Territorial jurisdiction is coterminous with boundaries of the participating counties

BOARD MEMBERSHIP

* The participating County with the greatest population is allocated 5 members -- 2 appointed by the County Board of Commissioners, 2 appointed by the City with the largest population in that County, and 1 appointed by the City with the next largest population in that County
* Of the remaining participating counties, those with a population of over 95,000, are allocated 3 members -- 1 appointed by the County Board of Commissioners, 1 appointed by the City with the largest population in that County, and 1 appointed by the City with the next largest population
* Each of the remaining counties with a population of less than 95,000 is allocated 1 member to be appointed jointly by the County Board of Commissioners and the City Council of the most populous city If any County with a population of less than 95,000 has a City with a population of over 15,000, that County is allocated 2 members -- 1 to be appointed by the County Board of Commissioners and 1 to be appointed by the City with the largest population

* 2 members of the N C Board of Transportation are appointed by the N C Secretary of Transportation and 1 member of the S C Highway Commission is appointed by the Chairman of the S C Highway Commission and serve as ex-officio, non-voting members
* If a City is located in more than one County, for membership appointment purposes, that City may be counted as the largest or next largest City in only one County The location of that City is considered to be in the County where the majority of the population resides
* Terms of service are 4 years and shall be staggered, appointing bodies have the right to recall membership, ex-officio members serve at the pleasure of the Secretary of Transportation and the Chairman of the Highway Commission

VOTING:

* One member -- one vote
* Majority constitutes a quorum, A majority is considered to be one-half of the membership plus one

POWERS AND DUTIES:

* Contract, operate or provide for the operation of transportation services
* Develop data, plans, information, surveys, and studies of transportation facilities within the service area, prepare and make recommendations
* Plan in concert with the local planning agencies for the operation of transportation services
* Develop and carry out demonstration projects
* Provide services for residents of the area to destinations outside of the service area, but but not extending more than 10 miles outside of authority jurisdiction Carpools and vanpools are not subject to the mileage limitation
* Issue bonds, borrow funds and collect taxes
* Establish routes, rates, fees and fares for services or facilities
* Responsibilities for existing operations may only be assumed by request of that operator and agreement of the Board

ADMINISTRATION:

* Employ an Executive Director
* Executive Director may employ the necessary staff to carry out functions and duties
* Authority may adopt compensation plans for employees
* Authority may participate in State Retirement and other State benefits
* The Executive Director and the Staff of the Carolinas Transportation Compact shall serve as the Executive Director and Staff of the Regional Transportation Authority at the pleasure of the Board

FUNDING:

* Funds may be appropriated from city, state and federal sources
* Funds may not be diverted to the Authority from existing transit operations
* Vehicle registration fee may be levied, but not to exceed $5 00
* Authority is fiscally accountable under state regulations pertaining to other public authorities

The above resolution was adopted unanimously by the members of the task force Those members present were

William G Hamby, Jr
Cabarrus County

Kenneth B Geathers
City of Kannapolis

David L Stewart
Catawba County

Joe D Carpenter
Gaston County

Jick Garland
City of Gastonia

Royce Robinson
City of Gastonia

Polly Jackson
Lancaster County

Malcolm Robinson
Lancaster County

Richard Vinroot
City of Charlotte

Steve Horton
Town of Mint Hill

Leroy Wynn
Town of Huntersville

Alex J Sabo
Town of Matthews

Ed Underwood
Stanly County

Jim D Napier
City of Albemarle

Phil Hargett
City of Monroe

Peggy Upchurch
York County

Henry Woods
City of Rock Hill

Harold D Holbrook
City of Kannapolis

Fred Houser
Lincoln County

Eldrige Emory
Lancaster County

REGIONAL TRANSPORTATION AUTHORITY
TASK FORCE MEMBERSHIP

Cabarrus County

William G Hamby	Cabarrus County
James L Dorton	City of Concord
Kenneth B Geathers	City of Kannapolis

Catawba County

David L Stewart	Catawba County
Glenn C Hilton, Jr	City of Hickory

Cleveland County

Joe E Cabiness	Cleveland County
George W Clay	City of Shelby

Gaston County

Joe D Carpenter	Gaston County
Charles Black	City of Mount Holly
James "Jick" Garland	City of Gastonia
Royce Robinson	City of Gastonia

Iredell County

Sara Haire	Iredell County
Grady Shoe	City of Mooresville
John Umstead	City of Mooresville
Rick Dagenhart	City of Statesville

Lancaster County

Polly Jackson	Lancaster County
Malcolm Robinson	Lancaster County
Eldridge Emory	Lancaster County

Lincoln County

Fred Houser	Lincoln County

Mecklenburg County

Doug Booth	Mecklenburg County
Ken Andrews	Mecklenburg County
Richard Vinroot	City of Charlotte
Lynn Wheeler	City of Charlotte
Steve Horton	Town of Mint Hill
L Rodney Whisnant	Town of Cornelius
Jack Burney	Town of Davidson
Leroy Wynn	Town of Huntersville
Alex J Sabo	Town of Matthews

Rowan County

Margaret Kluttz	City of Salisbury
Harold D Holbrook	City of Kannapolis

Stanly County

Ed Underwood	Stanly County
Jimmy Napier	City of Albemarle

Union County

Walter F Perry	Union County
Phil Hargett	City of Monroe
Sam A Parks	Town of Stallings

York County

Peggy Upchurch	York County
Henry Woods	City of Rock Hill
Charles Powers	Town of Fort Mill

REGIONAL PUBLIC TRANSPORTATION AUTHORITY

MAJOR POINTS OF PROPOSED LEGISLATION FOR NORTH CAROLINA

November, 1992

MAJOR POINTS OF PROPOSED NORTH CAROLINA LEGISLATION

ARTICLE 26
Regional Public Transportation Authority

A. Territorial Jurisdiction

The area must consist of:

* At least two contiguous counties in North Carolina

* At least one of those counties must have a population of over 500,000 and is contiguous to another state.

* Other counties creating or joining must be adjacent to one of the two contiguous counties described above.

* If not adjacent, a county must be no more than 25 miles at the closest point from one of the two contiguous counties described above

B. Territorial Jurisdiction to Operate in Another State

The Authority may operate in another state as a joint transportation agency under the following conditions:

* A unit of local government requests to join

* The unit of local government is adjacent to a county in North Carolina which is a member of the authority or no more than 25 miles from a member county

* The unit of local government shall be accorded full rights of membership

* The unit of local government shall provide funds quarterly equal to the amount of tax that would be collected in its area

C. Creation of Authority

* The Authority shall be created by resolution of the County Boards of Commissioners.

D. Membership of the Authority Board of Trustees

The Board of Trustees shall be appointed as follows:

* The county with the greatest population is allocated five members to be appointed as follows:

    a. Two by the county board of commissioners
    b. Two by the city council of the city with the largest population in that county
    c. One by the city council of the city with the second largest population in that county

* The counties with a population of greater than 95,000 is allocated three members to be appointed as follows:

    a. One by the county board of commissioners
    b. One by the city council of the city with the largest population within the participating county
    c. One by the city council of the city with the second largest population within the participating county

* The counties with a population of 95,000 or less and with a city of a population of greater than 15,000, is allocated two members to be appointed as follows:

    a. One by the board of commissioners
    b. One by the city council of the city with the largest population within the participating county

* Counties with a population of 95,000 or less and whose largest city has a population of less than 15,000 is allocated one member to be appointed as follows:

    a. Jointly by the county board of commissioners and the city council of the largest city within that county, or by procedures agreed upon between them

* Three members of the Board of Transportation appointed by the Secretary of Transportation, serving as ex-officio, non-voting members

* If a county from another state is a member, then one member of the transportation board from that state may serve as an ex-officio, non-voting member

* Any city located in more than one county shall be considered part of the county where its greatest portion of population resides. It shall be counted as the largest or second largest city in only that county.

* Board members shall serve for four years. The members appointed by the Secretary of Transportation shall serve at the pleasure of the Secretary.

* Board members must reside within the territorial jurisdiction of the Authority

E. Voting Procedures

* One member - one vote
* A majority of the Board members constitutes a quorum.

F. Special Tax Board

* The Special Tax Board of the authority shall be composed of two county commissioners from the member counties, and shall be appointed annually by the member county boards of commissioners.

* The Special Tax Board approves the taxes used to fund the authority

G. General Powers of the Authority

* To sue and be sued
* Employ necessary staff and set compensation
* Retain and employ counsel
* Make or enter into contracts, agreements, deeds and leases
* Develop and make data, plans, surveys, and studies and to make recommendations
* Develop and carry out demonstration projects
* Issue bonds
* Do all things necessary to carry out the purpose of the authority
* Employ and executive director, who may serve as the secretary/treasurer to the Board of Trustees and who employs the necessary staff
* To operate public transportation systems extending into another state as agreed to by the Board of Trustees and the unit of government in the other state

H. Coordination with a Regional Transportation Planning Organization

* Authority shall coordinate with any regional transportation planning organization which includes a portion of the authority area

* The regional transportation planning organization may perform all planning functions for the authority, if both boards agree. The executive director of the regional transportation planning organization may serve as executive director of the authority.

I. Funds

* The authority may levy an annual vehicle registration tax not to exceed $5.00 per vehicle

J. Effect on Existing Franchises and Operation

* The creation of an authority shall not have an effect on any existing franchises granted by any unit of local government.

* Such existing franchises shall continue in full force and effect until legally terminated.

* The authority superseding any local government regulations may occur only on the basis of mutual consent between the authority and the unit of local government.

REGIONAL PUBLIC TRANSPORTATION AUTHORITY

MAJOR POINTS OF PROPOSED LEGISLATION FOR SOUTH CAROLINA

November, 1992

MAJOR POINTS OF PROPOSED SOUTH CAROLINA LEGISLATION

CHAPTER 25
Regional Public Transportation Authority

A. Definitions

Joint Transportation Agency:

A regional transportation authority created by a contiguous state and joined by one or more units of local government in South Carolina to provide service to South Carolina.

B. Creation of a Joint Transportation Agency

A city or county may join a regional transportation authority created by a contiguous state under the following conditions:

* Any county must be contiguous to the state and adjacent to the area creating the authority or contiguous to a county that has joined the authority

* Any city must be a part of a county contiguous to the state and adjacent creating the authority or be a part of a county contiguous to a county in South Carolina that has joined the authority

* The city or county will agree with the authority as to services and service area, and all issues concerning membership in the authority

* The city or county must join a joint transportation agency by resolution

* The intended sources and amount of local funds necessary to support the operation of a joint transportation agency must be set forth in the resolution

* A vehicle registration fee may be levied on vehicles within the service area

* The city or county may also be a member of an existing regional transportation authority and the creation of a joint transportation agency shall have no effect on the operation or funding of other regional transportation authorities.

* The creation of a joint transportation agency shall have no effect on existing public transportation services. Changes may occur only by mutual agreement between the joint transportation agency and the unit of local government.

PROPOSED AMENDMENTS & ADDITIONS

TO

NORTH CAROLINA LAW

ARTICLE 26

REGIONAL PUBLIC TRANSPORTATION AUTHORITY

THE ATTACHED DRAFT PROPOSES TO ALLOW LOCAL UNITS OF GOVERNMENTS IN NORTH CAROLINA TO CREATE A REGIONAL TRANSPORTATION AUTHORITY TO SERVE THE "CAROLINAS AREA" THESE AMENDMENTS WOULD ALLOW THE RTA TO CREATE A JOINT TRANSPORTATION AGENCY THAT COULD OPERATE IN SOUTH CAROLINA

October 21, 1992 (Draft 2)

Article 26.
Regional Public Transportation Authority

(as modified for NCDOT comments 8/19/92)
(as modified for Gerry Cohen comments 10/21/92)

$ 160A - 600 Title

This Article shall be known and may be cited as the "Regional Public Transportation Authority Act '

$ 160A - 601 Definitions

As used in this Article unless the context otherwise requires

(1) 'Authority means a Regional Public Transportation Authority as defined by subdivision (6) of this section

(2) Board of Trustees means the governing board of the Authority in which the general legislative powers of the Authority are vested

(3) 'Population means the number of persons residing in respective areas as defined and enumerated in the most recent decennial federal census

(4) Public Transportation' means transportation of passengers whether or not for hire by any means of conveyance including but not limited to a street or elevated railway or guideway subway motor vehicle or motor bus carpool or vanpool either publicly or privately owned and operated holding itself out to the general public for the transportation of persons within or working within the territorial jurisdiction of the Authority excluding charter tour or sight seeing service

(5) 'Public Transportation System means without limitation a combination of real and personal property structures improvements buildings equipment vehicle parking or other facilities railroads and railroad rights of way whether held in fee simple by quitclaim or easement and rights of way or any combination thereof used or useful for the purposes of public transportation "Public Transportation System however does not include streets roads or highways except those for ingress and egress to vehicle parking

(6) 'Regional Public Transportation Authority" means a body corporate and politic organized in accordance with the provisions of this Article for the purposes with the powers and subject to the restrictions hereinafter set forth

(7) Unit of local government' means any county city town or municipality of this State and any other political subdivision public corporation Authority or district in this State which is or may be authorized by law to acquire establish construct enlarge improve maintain own and operate public transportation systems

(8) Unit of local government s chief administrative official means the county manager city manager town manager or other person by whatever title he shall be known in whom the responsibility for the unit of local government s administrative duties is vested

(9) Regional Transportation Planning Organization ' means a body organized by four or more Counties by Interlocal Agreements in accordance with the provisions of Part 1 of Article 20 of Chapter 160A of the General Statutes of North Carolina whose function is to promote and assist in transportation planning for a multi-county region that includes all of or a portion of the area as defined in G S 160A - 602(b)

(10) Joint transportation agency' means an Authority organized as defined in G.S 160A - 602(b) that operates in another state under the conditions defined in G S 160A - 602 1

$ 160A - 602. Definition of territorial jurisdiction of Authority

An Authority may be created for any area of the State that, at the time of creation of the Authority, meets at least one of the two following conditions

(a) An Authority may be created for any area of the State that at the time of creation of the Authority meets the following criteria

(1) The area consists of three counties

(2) At least one of those counties contains at least part of a County Research and Production Service District established pursuant to Part 2 of Article 16 of Chapter 153A of the General Statutes and

(3) The other two counties each

a Contain at least one unit of local government that is designated by the Governor of the State of North Carolina as a recipient pursuant to Section 9 of the Urban Mass Transportation Act of 1964 as amended and

b Are adjacent to at least one county that contains at least part of a County Research and Production Service District established pursuant to Part 2 of Article 16 of Chapter 153A of the General Statutes

(b) An Authority may be created for any area of the State of North Carolina that meets the following criteria at the time of creation of the Authority

(1) The area consists of at least two contiguous counties in the State of North Carolina

(2) At least one of those counties in the State of North Carolina has a population of at least 500,000 persons and is contiguous to another state, and

(3) The other counties in the State of North Carolina creating or joining the Authority each

a Are adjacent to a county as defined in subdivision (2) of this section,

or

b Are separated from a county as defined in subdivision (2) of this section by no more than 25 miles at their closest point

$ 160A - 602 1 Definition of territorial jurisdiction of Authority to Operate in Another State.

An Authority created as defined in G S 160A - 602(b) may operate in another state as a joint transportation agency under the following conditions

(1) The unit of local government in another state requests to join the Authority created as defined in G.S 160A - 602(b) , and

(2) The unit of local government in another state is adjacent to or no more than 25 miles from a county in North Carolina included in the area creating the Authority

(3) The unit of local government in another state shall appoint members of the Board of Trustees and be subject to the conditions defined in G.S 160A - 605, and G S 160A - 606, and

(4) The unit of local government in another state shall be required to provide funds quarterly to the Authority equal to the amount of tax that would be collected in its area if G.S 160A - 623 were applied within its area,

(5) The unit of local government in another state may withdraw from the Authority by presenting a resolution to the Board of Trustees of its intention to withdraw 6 months prior to the effective date of withdrawal,

(6) The Authority may expel a member from any unit of local government in another state if it does not provide funds to the Authority as defined in G.S 160A - 602 1(4)

$ 160A - 603 Creation of Authority

(a) The Boards of Commissioners of *the* counties within an area for which an authority may be created as defined in G S 160A 602 may by resolution signify their determination to organize an authority under the provisions of this Article Each of such resolutions shall be adopted after a public hearing thereon notice of which hearing shall be given by publication at least once not less than 10 days prior to the date fixed for such hearing in a newspaper having a general circulation in the county Such notice shall contain a brief statement of the substance of the proposed resolution shall set forth the proposed articles of incorporation of the Authority and shall state the time and place of the public hearing to be held thereof No county shall be required to make any other publication of such resolution under the provisions of any other law

(b) Each such resolution shall include articles of incorporation which shall set forth

(1) The name of the authority
(2) A statement that such authority is organized under this Article and
(3) The names of the *proposed* organizing counties

(c) A certified copy of each of such resolutions signifying the determination to organize an authority under the provisions of this Article shall be filed with the Secretary of State together with proof of publication of the notice of hearing on each of such resolutions If the Secretary of State finds that the resolution including the articles of incorporation conform to the provisions of this Article and that the notices of hearing were properly published he shall file such resolutions and proofs of publication in his office and shall issue a certificate of incorporation under the seal of the State and shall record the same in an appropriate book of record in his office The issuance of such certificate of incorporation by the Secretary of State shall constitute the Authority of a public body and body politic and corporate of the State of North Carolina Said certificate of incorporation shall be conclusive evidence of the fact that such authority has been duly created and established under the provision of this Article

(d) When the Authority has been duly organized and its officers elected as herein provided the secretary of the Authority shall certify to the Secretary of State the names and addresses of such officers as well as the address of the principal office of the Authority

(e) The Authority may become a Designated Recipient pursuant to the ***Intermodal Surface Transportation Efficiency Act of 1991 or any subsequent acts that amend the Act of 1991***

$ 160A - 604 Territorial jurisdiction of the Authority

(a) The territorial jurisdiction of any authority created pursuant to this Article shall be coterminous with the boundaries of ***the*** counties that organized it

(b) Except as provided by this Article the jurisdiction of the Authority may include all local public passenger transportation operating within the territorial jurisdiction of the Authority but the Authority may not take over the operation of any existing ***municipal*** public transportation ***system*** without the consent of the ***municipality***

(c) The Authority shall not have jurisdiction over public transportation subject to the jurisdiction of and regulated by the Interstate Commerce Commission nor shall it have jurisdiction over intrastate public transportation classified as common carriers of passengers by the North Carolina Utilities Commission

$ 160A - 605 Membership; officers, compensation

(a) The governing body of an Authority is the Board of Trustees The Board of Trustees *for an Authority created as defined in G S 160A - 602 (a)* shall consist of 13 members appointed as follows

(1) The county with the greatest population shall be allocated five members to be appointed as follows

a Two by the board of commissioners of that county and

b Two by the city council of the city containing the largest population within that county and

c One by the city council of the city containing the second largest population within that county

(2) The county with the next largest population shall be allocated three members to be appointed as follows

a One by the board of commissioners of that county and

b One by the city council of the city containing the largest population within that county and

c One jointly by the board of commissioners of that county and the city council by procedures agreed on between them

(3) The county with the least population shall be allocated two members to be appointed as follows

a One by the board of commissioners of that county and

b One by the city council of the city containing the largest population within that county

(4) Three members of the Board of Transportation appointed by the Secretary of Transportation to serve as ex officio nonvoting members

(b)The Board of Trustees for an Authority created as defined in G.S 160A - 602 (b) shall consist of members appointed as follows

(1) The county with the greatest population shall be allocated five members to be appointed as follows

a Two by the board of commissioners of that county, and

b Two by the city council of the city containing the largest population within that county, and

c One by the city council of the city containing the second largest population within that county,

(2) The remaining county or each of the counties with a population of greater than 95,000 shall be allocated three members to be appointed as follows

a. One by the board of commissioners of that county or of those counties, and

b One by the city council of the city containing the largest population within that county or those counties, and

c One by the city council of the city containing the second largest population within that county or those counties,

(3) The remaining county or each of the counties with a population of 95,000 or less and with a city with a population greater than 15,000 person shall be allocated two members to be appointed as follows

a One by the board of commissioners of that county or of those counties, and

b One by the city council of the city containing the largest population within that county or those counties,

(4) The remaining county or each of the counties with a population of 95,000 or less and whose largest city has a population of 15,000 persons or less shall be allocated one member to be appointed as follows

a One jointly by the board of commissioners of that county or of those counties and the city council of the largest city in that county or those counties, by procedures agreed on between them,

(5) Three members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members,

(6) One member of the governing board of the transportation agency of another state may be appointed, to serve as an ex officio nonvoting member, if at least one county in that adjacent state has joined the Authority,

(7) For the purposes of appointing members of the Board of Trustees, any city located in more that one county shall be considered to be entirely in the county in which the majority of its population resides and shall be counted as the city with the largest population or the second largest population in only that county

(c) Voting members of the Board of Trustees shall serve for terms of four years provided that one half of the initial appointments shall be for two year terms to be determined by lot at the first meeting of the Board of Trustees Initial terms of office shall commence upon approval by the Secretary of State of the articles of incorporation The members appointed by the Secretary of Transportation shall serve at his pleasure

(d) An appointing authority may appoint one of its members to the Board of Trustees Service on the Board of Trustees may be in addition to any other office which a person is entitled to hold Each voting member of the Board of Trustees may hold elective public office as defined by G S 128 1 1(d)

(e) Members of the Board of Trustees shall reside within the territorial jurisdiction of the Authority as defined by G S 160 604

(f) The Board of Trustees shall annually elect from its membership a Chairperson and a Vice Chairperson and *may* annually elect a Secretary and a Treasurer *The Board of Trustees may select its executive director to serve as the Secretary and Treasurer*

(g) Members of the Board of Trustees shall receive the sum of fifty dollars ($50 00) as compensation for attendance at each duly conducted meeting of the Authority

$ 160A - 606 Voting, removal

(a) *A majority of the members* of the Board of Trustees shall constitute a quorum for the transaction of business Except as provided by G S 160A 605*(a)*(4) *or G.S 160A - 605(a)(9)* each member shall have one vote

(b) Each member of the Board of Trustees may be removed with or without cause by the appointer(s) If the appointment was made jointly by two boards the removal must be concurred in by both

(c) Appointments to fill vacancies shall be made for the remainder of the unexpired term by the respective appointer(s) charged with the responsibility for making such appointments pursuant to G S 160A 605 All members shall serve until their successors are appointed and qualified unless removed from office

$ 160A - 607 Advisory committees

The Board of Trustees may provide for the selection of such advisory committees as it may find appropriate which may or may not include members of the Board of Trustees

$ 160A - 607 1 Special tax board

(a) The special tax board of an authority shall be composed of two representatives from each of the counties organizing the authority appointed annually by the board of commissioners of each of those counties members at the first regular meeting thereof in January except that the initial members shall serve a term beginning on the date that the initial terms of the board of trustees of that authority begin under G S 160A 605(b) and ending on the last day of December of that year Each member of the special tax board must be a member of the board of commissioners of the county by which he was appointed Membership on the special tax board may be held in addition to the offices authorized by G S 128 1 or G S 128 - 1 1 Said representative shall hold office from their appointment until their successors are appointed and qualified except that when any member of the special tax board ceases for any reason to be a member of the board of commissioners of the county by which he was appointed he shall simultaneously cease to be a member of said special tax board Upon the occurrence of any vacancy on said special tax board the vacancy shall be filled within 30 days after notice thereof by the board of commissioners of the county having a vacancy in its representation Each member of the special tax board before entering upon his duties shall take and subscribe an oath or affirmation to support the Constitution and laws of the United States and of this State and to discharge faithfully the duties of his office and a record of each such oath shall be filed in the minutes of the respective participating units of local government

(b) The special tax board shall meet regularly at such places and on such dates as are determined by the special tax board The initial meeting shall be called jointly by the chairmen of the boards of commissioners of the counties organizing the authority Special meetings may be called by the chairman of the special tax board on his own initiative and shall be called by him upon request of two or more members of the board All members shall be notified in writing at least 24 hours in advance of such meeting A majority of the members of the special tax board shall constitute a quorum No vacancy in the membership of the special tax board shall impair the right of a quorum to exercise all the rights and perform all the duties of the special tax board No action other than an action to recess or adjourn shall be taken except upon a majority vote of the entire authorized membership of said special tax board Each member, including the chairman shall be entitled to vote on any question

(c) The special tax board shall elect annually in January from among its members a chairman vice chairman secretary and treasurer except that initial officers shall be elected at the first meeting of the special tax board

$ 160A - 608. Purpose of the Authority

The purpose of the Authority shall be to finance provide operate and maintain a safe clean reliable, adequate convenient energy efficient economically and environmentally sound public transportation system for the service area of the Authority through the granting of franchises ownership and leasing of terminals buses and other transportation facilities and equipment and otherwise through the exercise of the powers and duties conferred upon it in order to enhance mobility in the region and encourage sound growth patterns

Such a service facility or function shall be financed provided operated or maintained in the service area of the Authority either in addition to or to a greater or lesser extent than services facilities or functions are financed provided operated or maintained for the entirety of the respective units of local government

$ 160A - 609 Service area of the Authority

The service area of the Authority shall be as determined by the Board of Trustees consistent with its purpose but shall not exceed the territorial jurisdiction of the authority and any area it may provide service to under G S 160A 610

$ 160A - 610 General powers of the Authority

(a) The general powers of the Authority shall include any or all of the following

(1) To sue and be sued

(2) To have a seal

(3) To make rules and regulations not inconsistent with this Chapter for its organization and internal management

(4) To employ persons deemed necessary to carry out the functions and duties assigned to them by the Authority and to fix their compensation within the limit of available funds

(5) With the approval of the unit of local government's chief administrative official to use officers employees agents and facilities of the unit of local government for such purposes and upon such terms as may be mutually agreeable

(6) To retain and employ counsel auditors engineers and private consultants on an annual salary contract basis or otherwise for rendering professional or technical services and advice

(7) To acquire lease as lessee with or without option to purchase hold own and use any franchise property real or personal tangible or intangible or any interest therein and to sell lease as lessor with or without option to purchase transfer (or dispose thereof) whenever the same is no longer required for purposes of the Authority or exchange same for other property or rights which are useful for the Authority s purposes including but not necessarily limited to parking facilities

(8) To acquire by gift purchase lease as lessee with or without option to purchase or otherwise to construct improve maintain repair operate or administer any component parts of a public transportation system or to contract for the maintenance operation or administration thereof or to lease as lessor the same for maintenance operation or administration by private parties including but not necessarily limited to parking facilities

(9) To make or enter into contracts agreements deeds leases with or without option to purchase conveyances or other instruments including contracts and agreements with the United States the State of North Carolina and units of local government

(10) To surrender to the State of North Carolina any property no longer required by the Authority

(11) To develop and make data plans information surveys and studies of public transportation facilities within the territorial jurisdiction of the Authority to prepare and make recommendations in regard thereto

(12) To enter in a reasonable manner lands waters or premises for the purpose of making surveys, soundings drillings and examinations whereby such entry shall not be deemed a trespass except that the Authority shall be liable for any actual and consequential damages resulting from such entries

(13) To develop and carry out demonstration projects

(14) To make enter into and perform contracts with private parties, and public transportation companies with respect to the management and operation of public passenger transportation

(15) To make enter into and perform contracts with any public utility railroad or transportation company for the joint use of property or rights for the establishment of through routes joint fares or transfer of passengers

(16) To make enter into and perform agreements with governmental entities for payments to the Authority for the transportation of persons for whom the governmental entities desire transportation

(17) With the consent of the unit of local government which would otherwise have jurisdiction to exercise the powers enumerated in this subdivision to issue certificates of public convenience and necessity and to grant franchises and enter into franchise agreements and in all respects to regulate the operation of buses taxicabs and other methods of public passenger transportation which originate and terminate within the territorial jurisdiction of the Authority as fully as the unit of local government is now or hereafter empowered to do within the territorial jurisdiction of the unit of local government

(18) To operate public transportation systems and to enter into and perform contracts to operate public transportation services and facilities and to own or lease property facilities and equipment necessary or convenient therefor and to rent lease or otherwise sell the right to do so to any person public or private further to obtain grants loans and assistance from the United States the State of North Carolina any public body or any private source whatsoever but may not operate or contract for the operation of public transportation systems outside the territorial jurisdiction of the Authority except as provided by subdivision (20) of this section

(19) To enter into and perform contracts and agreements with other public transportation authorities regional public transportation authorities or units of local government pursuant to the provisions of G S 160A 460 through 160A 464 (Part 1 or Article 20 of Chapter 160A of the General Statutes) further to enter into contracts and agreements with private transportation companies but this subdivision does not authorize the operation of or contracting for the operation of service of a public transportation system outside the service area of the Authority

(20) To operate public transportation systems extending service into any political subdivision of the State of North Carolina unless a particular unit of local government operating its own public transportation system or franchising the operation of a public transportation system by majority vote of its governing board shall deny consent but such service may not extend more than 10 miles outside of the territorial jurisdiction of the authority except that vanpool and carpool service shall not be subject to that mileage limitation

(21) Except as restricted by covenants in bonds notes or equipment trust certificates to set in its sole discretion rates fees and charges for use of its public transportation system

(22) To do all things necessary or convenient to carry out its purpose and to exercise the powers granted to the Authority

(23) To collect or contract for the collection of taxes which it is authorized by law to levy

(24) To issue bonds or other obligations of the Authority as provided by law and apply the proceeds thereof to the financing of any public transportation system or any part thereof and to refund, whether or not in advance of maturity or the earliest redemption date any such bonds or other obligations and

(25) To contract for or to provide and maintain with respect to the facilities and property owned leased with or without option to purchase operated or under the control of the Authority and within the territory thereof a security force to protect persons and property disperse unlawful or dangerous assemblages and assemblages which obstruct full and free passage control pedestrian and vehicular traffic, and otherwise preserve and protect the public peace health and safety for these purposes a member of such force shall be a peace officer and as such shall have authority equivalent to the authority of a police officer of the city or county in which said member of such force is discharging such duties

(b) The general powers of an Authority created as defined in G S 160A - 602(b) shall include any or all of the following powers in addition to those powers defined in G S 160A - 610(a)

(1) To employ an executive director, who may serve as secretary and /or treasurer, to serve at the pleasure of the Board of Trustees The executive director may employ any employees as may be necessary for the proper administration of the duties and functions of the Authority and may determine the qualifications of the persons The Authority shall adopt any necessary personnel plans including, but not limited to, employee benefits, travel, classification and

compensation plans for employees and the executive director The Authority may participate in the State Retirement System, the state insurance program including, but not limited to, all health programs, and any other joint activity of the State carried on for the benefit of state agencies and political subdivisions of the State

(3) To operate public transportation systems extending service into any political subdivision of another state as agreed to by the Board of Trustees and the political subdivision in another state,

(4)To enter into and perform contracts and agreements with other public transportation authorities, regional public transportation authorities or units of local government, including any in another state, pursuant to the provisions of G.S 160A - 460 through 160A - 464 (Part 1 of Article 20 of Chapter 160A of the General Statutes), further to enter into contracts and agreements with private transportation companies, but this subdivision does not authorize the operation of, or contracting for the operation of, service of a public transportation system outside the service area of the Authority including the agreed upon service area of another state,

(5) To make or enter into contracts, agreements, deeds, leases with or without option to purchase, conveyances or other instruments, including contracts and agreements with the United States, the State of North Carolina, another state, and units of local government in both North Carolina and another state,

$ 160A - 610 1 Coordination with a Regional Transportation Planning Organization

The Authority shall coordinate its plans with any Regional Transportation Planning Organization that was created as defined in Part 1, Article 20 of Chapter 160A of the General Statutes of North Carolina that includes a portion of the area as defined in G S 160A - 602(b). The Regional Transportation Planning Organization may perform all planning functions for the Authority, if the regional transportation planning organization s voting members and the Board of Trustees of the Authority both agree The executive director of the regional transportation planning organization may serve as executive director of the Authority at the pleasure of the Board of Trustees and the authority may utilize the services of any staff of the Regional Transportation Planning Organization if the regional transportation planning organization's voting members and the Board of Trustees of the Authority both agree

$ 160A - 611 Authority of Utilities Commission not affected

(a) Except as otherwise provided in this Article nothing in this Article shall be construed to limit or otherwise affect the power or authority of the North Carolina Utilities Commission or the right of appeal to the North Carolina Utilities Commission as provided by law

(b) The North Carolina Utilities Commission shall not have jurisdiction over rates fees charges routes and schedules of an Authority for service within its territorial jurisdiction

$ 160A - 612 Fiscal Accountability

An authority is a public authority subject to the provisions of Chapter 159 of the General Statutes

$ 160A - 613 Funds

(a) The establishment and operation of an authority are governmental functions and constitute a public purpose and the State of North Carolina and any unit of local government may appropriate funds to support the establishment and operation of the Authority The State of North Carolina and any unit of local government may also dedicate sell convey donate or lease any of their interests in any property to the Authority An authority may apply for grants from the State of North Carolina or from the United States or any department agency or instrumentality thereof The Department of Transportation may allocate to

an authority any funds appropriated for public transportation or any funds whose use is not restricted by law

(b) The Authority may levy an annual vehicle registration tax not to exceed five dollars ($5 00) per vehicle in accordance with G S 160A 623

$ 160A - 613.1 Competition.

No equipment of the authority may be used for charter *service for the purpose of recreational tours or sight - seeing tours*

$ 160A - 614 Effect on existing franchises and operations.

Creation of the Authority shall not have an effect on any existing franchises granted by any unit of local government such existing franchises shall continue in full force and effect until legally terminated further all ordinances and resolutions of the unit of local government regulating local public transportation systems bus operations and taxicabs shall continue in full force and effect now and in the future, unless superseded by regulations of the Authority such superseding if any may occur only on the basis of prior mutual agreement between the Authority and the respective unit of local government

$ 160A - 615 Termination.

The Board of Trustees may terminate the existence of the Authority at any time when it has no outstanding indebtedness In the event of such termination all property and assets of the Authority not otherwise encumbered shall automatically become the property of the State of North Carolina and the State of North Carolina shall succeed to all rights obligations and liabilities of the Authority

$ 160A - 616 Controlling provisions

Insofar as the provisions of this Article are not consistent with the provisions of any other law public or private the provisions of this Article shall be controlling

$ 160A - 617 Bonds and notes authorized

In addition to the powers granted by this Article the Authority may issue bonds and notes pursuant to the provisions of the Local Government Bond Act and the Local Government Revenue Bond Act for the purpose of financing public transportation systems or any part thereof and to refund such bonds and notes, whether or not in advance of their maturity or earliest redemption date Any bond order must be approved by resolution adopted by the special tax board of the Authority and in the case of a bond order under the Local Government Bond Act also by the board of county commissioners of each county organizing the authority To pay any bond or note issued under the Local Government Bond Act the Authority may not pledge the levy of any ad valorem tax but only a tax or taxes it is authorized to levy

$ 160A - 618 Equipment trust certificates.

In addition to the powers here and before granted the Authority shall have continuing power to purchase equipment and in connection therewith execute agreements leases with or without option to purchase, or equipment trust certificates All money required to be paid by the Authority under the provisions of such agreements leases with or without option to purchase and equipment trust certificates shall be payable solely from the fares fees rentals charges revenues and earnings of the Authority monies derived from the sale of any surplus property of the Authority and gifts grants and contributions from any source whatever Payment for such equipment or rentals therefore may be made in installments the deferred

installments my be evidenced by equipment trust certificates payable solely from the aforesaid revenues or receipts and title to such equipment may or may not vest in the Authority until the equipment trust certificates are paid

$ 160A - 619 Power of eminent domain

(a) The Authority shall have continuing power to acquire by gift grant devise bequest exchange purchase lease with or without option to purchase or any other lawful method including but not limited to the power of eminent domain the fee or any lesser interest in real or personal property for use by the Authority

(b) Exercise of the power of eminent domain by the Authority shall be in accordance with Chapter 40A of the General Statutes

$ 160A - 620 Tax exemption

The property of the Authority both real and personal its acts activities and income shall be exempt from any tax or tax obligation ***to include but not be limited to sales and highway use taxes*** in the event of any lease of Authority property or other arrangement which amounts to a leasehold interest, to a private party this exemption shall not apply to the value of such leasehold interest nor shall it apply to the income of the lessee Otherwise however for the purpose of taxation when property of the Authority is leased to private parties solely for the purpose of the Authority the acts and activities of the lessee shall be considered as the acts and activities of the Authority and ***be subject to the exemptions granted to the Authority*** The interest on bonds or obligations issued by the Authority shall be exempt from State taxes

$ 160A - 621 Removal and relocation of utility structures.

(a) The Authority shall have the power to require any public utility railroad or other public service corporation owning or operating any installations structures equipment apparatus appliances or facilities in upon under over across or along any ways on which the Authority has the right to own construct operate or maintain its public transportation system to relocate such installation structures, equipment apparatus appliances or facilities from their locations or in the sole discretion of the affected public utility railroad or other public service corporation to remove such installations structures equipment, apparatus appliances or facilities from their locations

(b) If the owner or operator thereof fails or refuses to relocate them the Authority may proceed to do so

(b1) The Authority shall provide any necessary new locations and necessary real estate interests for such relocation and for that purpose the power of eminent domain as provided in G S 160A 619 may be exercised provided the new locations shall not be in on or above, a public highway, the Authority may also acquire the necessary new locations by purchase or otherwise

(b2) Any affected public utility railroad or other public service corporation shall be compensated for any real estate interest taken in a manner consistent with G S 160A 619 subject to the right of the Authority to reduce the compensation due by the value of any property exchanged under this section

(b3) The method and procedures of a particular adjustment to the facilities of a public utility, railroad or other public service corporation shall be covered by an agreement between the Authority and the affected party or parties

(c) The authority shall reimburse the public utility railroad or other public service corporation for the cost of relocations or removals which shall be the entire amount paid or incurred by the utility properly attributable thereto after deducting the cost of any increase in the service capacity of the new installations,

structures equipment apparatus appliances or facilities and any salvage value derived from the old installations structures equipment apparatus or appliances

§ 160A - 622 Reserved for future codification purposes

§ 160A - 623 Regional Transportation Authority registration tax

(a) Tax Authorized In accordance with this section an Authority organized under this Article may levy an annual license tax upon any motor vehicle with a tax situs within its territorial jurisdiction as defined by G S 160A 602

(b) Purpose The purpose of the tax levied under this section is to raise revenue for capital and operating expenses of an Authority in providing a public transportation system

(c) Amount of Tax The annual levy under this section must be a full dollar amount but may not exceed five dollars ($5 00) per year

(d) Procedure for Levy The Board of Trustees of an Authority may levy the tax provided by this section by passage of a resolution after not less than 10 days' public notice and after a public hearing Collection of the tax and liability therefor shall begin and continue only on and after the first day of a calendar month set by the Board of Trustees in the resolution levying the tax which shall in no case by earlier than the first day of the third calendar month after the adoption of the resolution shall cause a certified copy of the resolution to be delivered immediately to the Division of Motor Vehicles

(e) Collection of Tax Upon receipt of the resolutions under subsections (d) and (j) the Division of Motor Vehicles shall proceed to collect and administer the tax The tax is due at the same time and subject to the same restrictions as in G S 20 87 (1) (2) (4) (5) (6) and (7) and G S 20 88 The Commissioner of Motor Vehicles may adopt such rules as are necessary and proper to implement this section

(f) Modification or Repeal of Tax The Board of Trustees may by resolution, terminate the levy of the tax under this section or increase or decrease the amount of the tax under the same procedures as provided in subsection (d) of this section and subject to the limitations provided in subsections (c) and (j) of this section Collection of the increased or decreased tax and liability therefor shall begin and continue only on and after the first day of a calendar month set by the Board of Trustees in the resolution increasing or reducing the tax which shall in no case be earlier than the first day of the third calendar month after the adoption of the resolution The effective date of the termination of the tax shall be only on and after the first day of a calendar month set by the Board of Trustees in the resolution terminating the tax, which shall in no case be earlier than the first day of the third calendar month after the adoption of the resolution No liability for any tax levied under this section which shall have attached prior to the effective date on which a levy is terminated or reduced shall be discharged as a result of such termination or reduction and no right to a refund of tax or otherwise which shall have accrued prior to the effective date on which a levy is terminated or reduced shall be denied as a result of such termination

(g) Vehicles subject to Tax Only vehicles required to pay a tax under G S 20 87 (1) (2) (4) (5), (6), and (7) and G S 20 88 shall be subject to the tax provided by this section Taxes shall be prorated in accordance with G S 20 66 or G S 20 95 as applicable

(h) Tax Situs The fact that the county listed by the owner under G S 105 314 as the county where the vehicle is subject to ad valorem taxation is within the territorial jurisdiction of the Authority shall be prima facie evidence that the vehicle has a tax situs within the territorial jurisdiction of the Authority

(i) Distribution of Proceeds Taxes paid under this section shall be credited to a special fund and the net proceeds disbursed quarterly to the appropriate Authority Interest credited to the fund shall be disbursed quarterly to the Highway fund to reimburse the Division of Motor Vehicles for the cost of collecting and administering the tax

(j) When Special Tax Board and Board of County Commissioners Authorization Necessary No Authority may adopt a resolution to levy any tax under this section or to increase the amount of the levy, unless the special tax board of that Authority and the board of county commissioners of each county organizing the Authority have first passed a resolution approving the levy or increase, except where the levy or increase in tax is necessary for debt service on bonds or notes that special tax board and each of the boards of county commissioner had previously approved under G S 159 51 The Special Tax Board and Board of County Commissioners upon adoption of the resolution shall cause a certified copy of the resolution to be delivered immediately to the Authority and to the Division of Motor Vehicles

$ 160A - 624. Recommendation of additional revenue sources

The Authority may make recommendations to the General Assembly concerning additional revenue sources including but not limited to

(1) Annual vehicle registration tax
(2) Ad valorem taxes
(3) Local land transfer taxes
(4) Drivers license fees
(5) Sales taxes on automobile parts and accessories and
(6) Motor fuel taxes
(7) Rental vehicle sales taxes

Any additional revenue sources for an Authority must be approved by the General Assembly

CAROLINAS TRANSPORTATION COMPACT
UNC Charlotte Urban Institute
Charlotte, North Carolina 28223

H E Sonny Timmerman
Executive Director
704/547 2317

December 15, 1992

Mr William A McGee
Chairman, Uptown Transportation Council
Charlotte Uptown Development Corporation
Suite 1255
One Twelve Tryon Plaza
Charlotte, N C 28284

Dear Bill

I received your letter today concerning the feasibility study for the "Outer-Outer" Belt I appreciate your concerns, but I also feel there has been some misunderstanding concerning the role of the Carolinas Transportation Compact in this study

The study was commissioned by the two state transportation agencies The S C Department of Highways and Public Transportation and the N C Department of Transportation selected the consultant to perform the feasibility study and defined the scope of the project I was added to the steering committee after the consultant was selected and the final scope determined

The Carolinas Transportation Compact was the entity used by the two state transportation departments to report to the interested public on the status of this study The status of the study has been reported at every CTC meeting since mid-1991, and also at many other public meetings where the activities of the CTC were discussed The study was also reported on in our periodic newsletters to Compact members, as well as members of the general public and the media Perhaps our reporting of the status of the feasibility study has led to some of the misunderstanding that this was the Compact's study

As a member of the steering committee, I viewed this feasibility study as a broad-brush, first cut look at whether any of the links of the Carolinas Parkway might be justified from a purely transportation analysis If the parkway were not justified from a purely transportation point, then there would be no reason at all for further study I agree wholeheartedly that any more detailed studies must look at all of the ramifications such a facility would have on the region as whole, which includes the impacts on uptown Charlotte, as well as other cities and counties These impacts must include analysis of economic feasibility, the effects on mass transportation, and the land use relationships

I also agree very strongly that such a facility should not be considered as a serious transportation alternative without extensive input from local officials and citizens from throughout the region However, since the study was a technical transportation analysis, the steering committee felt that public input would be better suited in a later phase, if the study goes further If the N C and S C transportation agencies

decide to go to the next phase of study, public input and evaluation of the impacts on all facets of our region (land use, economics, development) would hopefully be an important part of the scope

1 / The consultant's final report on phase 1 shows that the transportation needs would justify the belt It is now up to the two state agencies to decide whether to move to the second phase of the study I think it is important to keep in mind that even the second phase of the study would still be a very preliminary look at an *extremely* long range project, whose price tag may exclude it from ever being built in its entirety regardless of need

I have enclosed a copy of the consultant's final report I have highlighted some of the pertinent facts, particularly concerning the role of the Carolinas Transportation Compact. I hope that the report will help clear up any other questions regarding the study Many of your concerns highlight a very deep concern of my own It is so important that our two state, multi-county region have a comprehensive transportation plan which can evaluate all types of transportation alternatives and their various impacts on development, land use, and other transportation modes This type of comprehensive plan is another goal of the Compact, and one which would very greatly benefit our region

I trust that I have cleared up any misunderstanding which you may have had concerning the parkway study and the role of the Carolinas Transportation Compact If I can be of any more help, or answer any questions you may have, please let me hear from you I believe we will be meeting with your council on January 12, 1993, concerning the formation of a regional mass transportation authority I will be happy to discuss any of the issues with you then, if you would like Thank you, and I look forward to seeing you next month

Sincerely,

Sonny

Sonny Timmerman
Executive Director

cc Charlotte City Council
Mecklenburg County Board of Commissioners
NC Department of Transportation
Ms Peggy Upchurch

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Presentation on Regional Sourcebook

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

OPTIONS:

COUNCIL DECISION OR DIRECTION REQUESTED:
None, For Council's information

ATTACHMENTS:
1 Regional Sourcebook previously sent to Council under a cover letter from Councilmember Wheeler on December 11,1992

OPERATION SILENT NIGHTS (1992)

THRU 31 DEC 92

OPERATIONS & ARRESTS

OPERATION	SEARCH	SURV	SNATCH	REV	U/C BUY	OTHER	TOTAL
TOTAL	32	18	60	6	21	213	350

ARRESTS	SEARCH	SURV	SNATCH	REV	U/C BUY	OTHER	TOTAL
TOTAL	78	14	51	35	77	76	331

ARRESTS	DRUG FELONY	DRUG MISD	OTHER FELONY	OTHER MISD	TOTAL DRUG	TOTAL OTHER	TOTAL ARREST
TOTAL	256	26	14	35	282	49	331

SEIZURES

DRUGS	COCAINE	HEROIN	MARIJ	OTHER	DRUG PARA	DRUG TOTAL
TOTAL	530,430 00	1,200 00	8,194 00	296 00	975 00	541,095 00

ASSETS	CASH	COMM EQUIP	OTHER	VEHICLES VALUE	VEHICLES NUMBER	ASSET TOTAL
TOTAL	128,169 00	4,110 00	7,165 00	109,000 00	13	248,444 00

WEAPONS	HAND GUNS	RIFLE	ASSAULT RIFLE	SHOT GUNS	OTHER	WEAPON TOTAL	EST VALUE
TOTAL	42	3	1	7	1	54	8,440 00

TOTAL SEIZURES	$797,979.00

SILENT NIGHTS (1992)
DISTRICT ACTIVITY

PATROL DISTRICT	OPERATIONS						
	SEARCH	SURV	SNATCH	REV	U/C BUY	OTHER	TOTAL
					(Comp)		
ADAM 1	6	1	12	0	0	25	44
ADAM 2	7	0	7	1	1	33	49
ADAM 3	4	0	5	1	0	24	34
BAKER 1	2	0	5	0	2	17	26
BAKER 2	2	0	0	0	6	16	24
BAKER 3	1	1	8	0	0	20	30
CHARLIE 1	9	12	16	0	2	29	68
CHARLIE 2	2	2	6	3	9	31	53
CHARLIE 3	0	1	1	1	0	19	22
TOTAL	33	17	60	6	20	214	350

PATROL DISTRICT	ARRESTS						
	SEARCH	SURV	SNATCH	REV	U/C BUY	OTHER	TOTAL
					(Served)		
ADAM 1	10	0	7	0	9	3	29
ADAM 2	13	0	3	13	11	15	55
ADAM 3	7	0	7	4	9	8	35
BAKER 1	6	0	4	0	8	12	30
BAKER 2	3	0	0	0	8	5	16
BAKER 3	0	0	7	0	9	3	19
CHARLIE 1	27	13	16	0	8	5	71
CHARLIE 2	12	1	4	12	8	16	53
CHARLIE 3	0	0	0	6	8	9	23
TOTAL	78	14	50	35	79	76	331

NOTE This represents 27 Nov 92 – 31 DEC 92

11/27 - 12/31

DWI TASK FORCE

OPERATION SILENT NIGHTS DWI TASK FORCE

	PREVIOUS TOTAL	WEEK 5 12/30/1-3	OPERATION TOTAL
TOTAL CHARGES	565	207	772
DWI	102	31	133
HAZARDOUS VIOLATIONS	136	61	197
NON HAZARDOUS VIOLATIONS	125	49	174
DRIVING WHILE LICENCE REVOKED	47	22	69
LIQUOR LAW VIOLATIONS	47	5	52
COCAINE	1	1	2
MARIJUANA	14	3	17
MARIJUANA - INTENT TO SELL	0	1	1
OTHER DRUGS	1	0	1
DRUG PARAPHERNALIA	5	2	7
CARRYING CONCEALED WEAPON	10	2	12
PRE ARRANGED RACING	2	0	2
POSSESSION OF STOLEN VEHICLE	3 (3 STOLEN CARS RECOVERED)	0 (1 CAR RECOVERED)	3 (4 CARS RECOVERED)

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ASSAULT ON OFFICER	1	1	2
POSSESSION OF STOLEN PROPERTY	1	0	1
WARRANTS SERVED	25	7	32
SEAT BELT VIOLATIONS	36	10	46
Child RESTRAINT VIOLATIONS	5	10	15
OTHER CHARGES	4	2	6
WARNING CITATIONS	117	78	195

	AVERAGE - LAST 18 MONTHS W/ AVAILABLE FIGURES	DECEMBER 1992	ACCIDENT RATE REDUCTION
ALL ALCOHOL RELATED ACCIDENTS	53.8	47	-13 %
ALCOHOL RELATED ACCIDENTS WITH INJURY	23	13	-44%

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OPERATION SILENT NIGHTS OWI TASK FORCE

NEW YEARS EVE productivity

TOTAL CHANGES MADE	75
OWI	15
HAZARDOUS CITATIONS	9
NON HAZARDOUS C.T.	14
Driving while Lic. Revoked	8
Liquor Law Violations	3
Seat Belt violations	9
Child Restraint	8
possession of marij.	2
possession of cocaine	1
possession of drug paraphernalia	2
possession of marijuana w/ intent to sell and deliver	1
WARRANTS SERVED	3

TOTAL OWIS OPERATION TO DATE

122

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$2.60

check time
5 to 6 weeks

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Storm Water Public Education and Customer Service Activities

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

-Several public education activities are being prepared for the Month of January, involving a media event, newspaper stories and an insert in the water bill

-Staff is taking several steps to respond to the telephone calls expected from the public when the storm water service charge is billed

OPTIONS:

COUNCIL DECISION OR DIRECTION REQUESTED:

-Review information, request changes or additions

ATTACHMENTS:

-Staff has prepared an information kit for Councilmembers to use We will give this to Council at the workshop

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: FY94 Budget

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

-Prepare Council for completing the Service Assessment process, give Council budget context

OPTIONS:

COUNCIL DECISION OR DIRECTION REQUESTED:

-Review information and develop a Council budget process

ATTACHMENTS:
-None, information will be provided at the workshop.

Workshop 1/4/93

		Handouts
Mayor	✓	X
Campbell	absent	
Clodfelter	✓	X
Hammond	✓	X
McCrory	✓	X
Majeed	✓	X
Mangum	✓	X
Martin	✓	X
Patterson	✓	X
Reid	✓	
Scarborough	✓	X
Wheeler	✓	X

5:10 p.m.

Mayor		
#1 Pub.	①	
Syfert		
Mayor		
Mangum / Scar		Close Hearing - Unan
Mayor		
Mang / Scar		App. Res. - Unan
Mayor		
Reid		

Rich Martin

Reid

R. Martin

Reid

R Martin

Reid

R Martin

Reid

R. Martin

Reid

R Martin

Reid

R Martin

Mayor

VOTE -- Unan

C- Mary

Mayor

#2

Wheeler

Veirost - One alternative is to refer to Trans. Committee

Sonny Immerman - Establishment of Regional Trans. Authority

No pledge to revenue string or stream?

Why CDPS instead of

Scar

Ap C

Ord.

Unan

- Try to use existing legislation as a basis
- Amend this legislation to fit needs of region
- Suggests changing current Kallegh/Durham legislation to allow local governments in another state to participate (S.C.) and ask S.C. to approve legislation to participate
- Board of Trustees - 5
  - 2 by Co Comm. - 2 by Council
  - 1 by next largest city (Matthews)
  - 4 year terms - members must reside in participating areas
- Special Tax Board

- General Powers
- Coordination with Regional Planning Agency
- Funding - Auth may levy an annual vehicle registration tax not to exceed $5.00 per vehicle

• Existing Operations - cannot affect any existing agencies

Co. Comm approved process + moving forward to develop needed

Mayer
Mangum
Zimmerman
Mangum
Zimmerman
Clodfelter - Work Plan
Zimmerman
? A coworker of Mr Zimmerm
Zimmerman
Clodfelter - If we're going to legislature, we need to have clear strategy
Viviroot
Martin
Zimmerman
Martin
Zimmerman
Martin

Zimmerman
Martin
Zimmerman -
Martin
Zimmerman - met with Bob Pressley,
Wendell
Martin
Zimmerman since 1989
White
- What does Council want
authority to do?

Martin
Zimmerman -
Scarborough
Zimmerman - Carpool, Vanpool,
bus or rail
Scarborough
Zimmerman
Patterson - Public Trans.
Zimmerman - Public Mass Transit
Clodfelter
Zimmerman - 1st Develop a Plan
of Action find out who
is interested

Hammond - Put in Trans Conn.
is good -
Zimmerman
Hammond
Zimmerman
Hammond
Zimmerman
Hammond
Vinroot
Reid -

Zimmerman - Char Gas
Kenny must each
approve any taking authority -
Reid
Zimmerman
Reid
Zimmerman - No
Reid - Low bid could with get
Zimmerman
Reid
Zimmerman
Reid
Zimmerman
Reid

Zimmerman
Reid
Zimmerman
Reid
Zimmerman #100 or #102
Reid
Wheeler - Tape 1, Side 2
Zimmerman
Wheeler
Zimmerman
Wheeler
Hammond
Zimmerman
Hammond
Zimmerman
Hammond
Zimmerman 1/2
Hammond
Patterson
Vinroot
Zimmerman
Patterson
White
Vinroot
White

Virrot
Immerman
White - What specifically will
Committee be looking at
Patterson
Mayfield - A lot of red flags
McCrary / Margum refer to Trans.
Clodfelter Comm.
Immerman
Hammond - Composition of
Carolinas Rebill Trans Compac
Immerman's co-worker
Hammond
Martin
Immerman
Martin
Immerman
Clodfelter
Immerman
Scarborough
Immerman
Scarborough
Virrot
Immerman
Clodfelter

McCrory
- Clodfelter
Mangum
Zimmerman
VOTE - Unan
Vinroot

#3

- Michael Dallis

• Slides - Describing development + growth of our Regional area including Charlotte, Meck. Gastonia, Rock Hill, Monroe, Kannapolis + Concord, Statesville from 1940's to present + projected for future.

• Charlotte is grossly underused as a cargo area

• Described choices we have.
- Unplanned
- Dispersed Growth
- Major Corridors
- Major Centers Heavy Rail
- Centers + Corridors

Vinroot
Patterson
Gallis
Vinroot
Martin
Gallis -
Martin
Gallis
Martin
Gallis - LA's airport is suffering because has not developed the service transportation.
Vinroot
Hammond - What first -
- investment in trans. system
or - regional

Gallis - Transit
Infrastructure
Development controls
Open space in low density areas

Hammond
Gallis
Mangum

Tape 2, Side 1
6:45

Clodfelter
Vinroot
McCrory
Vinroot
Martin - Preliminary draft by the 19TH

White
Vinroot

Chief Stone - Report on Operation Silent Night over the Holidays -

McCrory
Mangum
McCrory
Stone
Scarborough - Thank you.
Stone

Recess 6:55
Reconvene 7:05

Vinroot
White
#Jim Schumacher
: Outlined Public Education

methods for Stormwater
including a media event
~ 1/21/93 -

- Customer Service activities
  336-2211 - Revenue
  336-RAIN
  3 groups will receive calls
  Revenue, Imp Cust. Service
  + New Customer Service
  Center

Vinroot
Cloodf
Schumacher
Cloodfelter
Han
Schumacher
Vinroot

#5 - Budget FY-94
White
Reid
White
Reid
~~Vi Alexander~~
Majeed
Vinroot

Patterson
White
Majeed
Patterson
McCrory
Patterson
Unroot
Martin - 19th Preliminary report of Focus 2010
Scarborough
Majeed

Ve Alexander
Patterson
Alexander
Patterson
Alexander
Martin
Alexander
McCrory
Alexander - Sof P 91
McCrory - does it include paying off debt
Alexander No -
Clodfelter

Alexander
Clodfelter
Alexander
Clodfelter
Alexander
Vinroot
Alexander
Hammond
Alexander
Hammond
McCrory
Clodfelter
Alexander
Reid
Alexander
Reid
Alexander
Martin
Alexander - It is assumed no
staffing increases.
P. 7 -
Our Crime Lab is equal to
State's Crime Lab
Martin
Alexander - Total $ cost + equip

Tape 2, Side 2

Clodfelter
Alexander
Clodfelter
Martin
Reid
Clodfelter
Reid
Alexander
McCrory
Alexander
Scarborough
Clodfelter
McCrory
Alexander
Scarborough
Alexander - P. 5
Mangum
Ellis
Patterson
White
McCrory
Alexander - Ins Costs of 4 mil
Majeed
Alexander - 67% of budget - Police, Fire
Sanitation & Transportation

Martin
Alexander
Martin
Alexander
- Capital Budget - major needs
  Pay-as-you-go fund
- Transit System
- Emp intensive services - Police, Fire, Sanitation -

White - Will recommend increase for employees + no layoffs
Reid - If we do nothing new - what will ~~will~~ be the recommended increase in ~~the~~ tax rate
White - Council ~~can~~ will have some flexibility in direction you want to go..

Reid
White
~~McCrory~~ Mangum
White
Martin
Vinroot
Clodfelter

Marten
Clodfelter
Marten
Clodfelter
Patterson
Vinroot
Clodfelter
Majeed - Do you have a pad in the forecast?
White No
Mangum
Majeed
White
Patterson
Majeed
Alexander
White -
Clodfelter
Mangum
- Revenue Stream -
State is going to cut
McCrory
Hammond
White
Wheeler - Privatization
Vinroot

Tape 3, Side 1 8:25

Wheeler
Scarborough - is this including connection
Alexander
Scarborough
Alexander
Reid
Alexander
Hammond
Reid
Vinroot
Reid
Patterson
White
Richard Martin - Handout
Majeed
R Martin
Martin
R. Martin
Martin
R. Martin
Martin
R. Martin
Mangum
R Martin
Patterson

Clodfelter
R. Martin
Patterson
R. Martin
Majeed
R. Martin
White
Winrod
Clodfelter
R. Martin
Clodfelter
R. Martin
Winrod
White
Syfert
White
Syfert - Suggest we have divide up and Council Committees work on the 41 services
Clodfelter
Patterson
Reid
Hammond
Syfert
Hammond

Sypert
Martin
White
Majeed
White
Sypert
Scarborough
White
Scarborough
McCrory
Vinroot

Adjourn 8:55.