AGENDA

Meeting Type:	WORKSHOP
Date:	10/03/1994

City of Charlotte, City Clerk's Office

CITY COUNCIL WORKSHOP

Monday, October 3, 1994

AGENDA

5:00 p.m.	*Re-Use of Old Convention Center*
5:45 p.m.	*Dinner*
6:00 p.m.	*2010 Vision Report*
6:45 p.m.	*Small Business Garbage Collection*
7:30 p.m.	*Term Limits for City Council*
8:00 p.m.	*Adjourn*

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Long and Short Term Reuses of" Old" Convention Center

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

When the "New" Convention Center opens, the existing "Old" Convention Center will become a surplus facility available for reuse To explore potentials for reuse of this site, the Mayor appointed a Task Force made up business, institutional, and civic leaders and chaired by Fred Klein The Task Force's charge was to recommend a development concept for the "Old" Convention Center site to City Council for their consideration The key points of the Task Force report are below

<u>Long Term Reuse</u>

A Criteria for Selection of the Reuse
- General Public Good
- Cost, Financial Return & Risk to City
- Objectives of the Urban Design Plan
- Complement "New" Convention Center

B Reuse Selection Process
- Entertainment Center
- Department Store-anchored Retail Center *
- Aquarium

C Selection of Entertainment Center
- Limited Public Investment Required
- Shorter Development Timeline (2 to 3 Years)
- Ability to Generate Significant Night-Time Activity
- Attract 800,000 to 1,000,000 Visitor Per Year
- Support for Other Uptown Restaurants and Retailers
- Ability to Reuse existing Structure, and
- Limited Permanence

D Development Concept
- 130,000 square foot Facility
- Large Movie Theater Complex (51,000 sq ft)
- Nightclubs (50,000 sq ft)

- Restaurants (16,000 sq ft)
- Ancillary Specialty Retail (13,000 sq ft)
- 15 Year Lease

E Cost and Financing
- $18 5 million Total Project Cost
- $14 2 million Private Loan
- $2 424 million Private Investment
- $1 9 million Public Investment

F Economic Benefits
- 387 Permanent Jobs
- $469,000 Annual Tax Revenues
- A City Share of Net Operating Income

Short Term Reuse

- Bulk Space Office Lease
- 2 to 3 Year Lease
- An Out Clause of ? Months
- ACCC Authority to Manage Lease
- Operating Profits To City
- Terms/Conditions Subject to City Manager Approval

Related Issue

- Cousins/New Market Development Company's interest in developing an entertainment center in the uptown area near the NFL stadium

OPTIONS Long Term Reuse

OPTION #1 Council accepts the Advisory Task Force's Report on Reuse of the "Old" Convention Center and refers Report to a City Council Committee for further study and a recommendation

OPTION #2 Council accepts the Advisory Task Force's Report on Reuse of the "Old" Convention Center and refers Report to the Privatization/Competition Advisory Committee for its input and recommendation

Short Term Reuse

OPTION Authorize the City Manager to work with ACCC Authority to negotiate and secure a short term lease for an interim reuse of the "Old" Convention Center

COUNCIL DECISION OR DIRECTION REQUESTED: Council is requested to provide direction on how to proceed with both the short and long term reuses of the "Old" Convention Center

ATTACHMENTS:

- Development Strategy For An Entertainment Center, "Old Convention Center Advisory Task Force (Executive Summary)

- Public Service Committee Discussion (September 26, 1994 Meeting)

- Memorandum (September 20, 1994) From Privatization/Competition Advisory Committee

Proposed Approach for Renovation of the "Old" Convention Center as an Entertainment Center

Charlotte, North Carolina

Prepared for:

Charlotte-Mecklenburg Planning Commission

HAMMER · SILER · GEORGE · ASSOCIATES

ECONOMIC AND DEVELOPMENT CONSULTANTS

ODELL

McDevitt
Street
Bovis

CHILDRESS KLEIN PROPERTIES

September 12, 1994

Mayor Richard Vinroot
City of Charlotte
Government Center
600 East Fourth Street
Charlotte, NC 28202-2244

Dear Mayor Vinroot

This Executive Summary presents the findings and recommendations of the Old Convention Center Task Force you appointed to provide guidance to you and the Council on the optimum reuse of this important site

The Task Force was assisted by Hammer, Siler, George Associates, who provided valuable economic and marketing consulting support. Odell Associates provided design input and McDevitt, Street, Bovis made reuse cost estimates that were very important to the financial analysis

Criteria for Selection of the Reuse

The Task Force began work by determining the criteria against which alternative uses would be evaluated These criteria are

- The general public good
- Cost, financial return and risk to the City
- The objectives of the Urban Design Plan
- Ability to complement the City's investment in the new Convention Center by enhancing visitors' experience

Selected Alternative Reuses

Based on these criteria, the Task Force selected three alternative reuse programs for additional consultant study for reuse of the Old Convention Center site

1 An entertainment center
2. A department store-anchored retail center
3. An aquarium

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301 S COLLEGE STREET
CHARLOTTE, N C 28202-6021
(704) 342 9000
FAX (704) 342 9039

The Task Force concluded that while all three of these reuse alternatives would substantially benefit Uptown and the City as a whole, the entertainment center much better met the criteria established for selection Particularly, the shopping center and the aquarium required major public financial input.

Recommendation for Entertainment Center

After detailed analysis of the entertainment center option, the Task Force recommends that the best reuse of the Old Convention Center site is for an approximately 130,000 square foot facility including a large movie theater complex, nightclubs, restaurants and ancillary retail space. With substantial exterior and interior renovation, the existing Old Convention Center structure can accommodate this entertainment center program

Cost and Financing

Preliminary architectural and cost analysis indicates a total project cost of $18 5 million. The related financial analysis indicates that operating income from the project in the stabilized year will support approximately $16 6 million of private debt and equity investment A $1 9 million public participation would be required The project would thus have a private to public investment ratio of 8 8 to 1

Economic Benefits

Economic benefits from the project would include almost 400 permanent jobs and $470,000 in annual tax revenue to the City and County. In addition, the entertainment center will be a significant complement to the new Convention Center.

Concluding Comments

The members of the Task Force appreciate very much the opportunity to serve the Mayor and Council on this important project As Chairman, I want to personally thank the members of the Task Force for all the time and expertise they provided to the effort

We look forward to working with you to implement this project

Very truly yours,

Fred W Klein, Chairman
Old Convention Center Task Force

/kh

EXECUTIVE SUMMARY

DEVELOPMENT STRATEGY FOR AN ENTERTAINMENT CENTER, "OLD" CONVENTION CENTER SITE CHARLOTTE, NORTH CAROLINA

Prepared for

Charlotte - Mecklenburg Planning Commission

September 12, 1994

HAMMER, SILER, GEORGE ASSOCIATES
Atlanta/Denver/Silver Spring/Washington
1111 Bonifant Street
Silver Spring, Maryland 20910

FOREWORD

The City of Charlotte and the business community have embarked on an aggressive program to bring more conventions and visitors to the city. The first step is construction of a new Convention Center to accommodate more and larger conventions. When the Convention Center opens in December, the existing "Old" Convention Center will become a surplus facility available for reuse.

To explore potentials for reuse of this site and the adjacent Fish & Oyster site, the Charlotte-Mecklenburg Planning Commission formed a Task Force made up of business, institutional and civic leaders and chaired by Fred Klein. The Task Force then contracted with Hammer, Siler, George Associates to test the market opportunities for a wide range of potential uses.

Our analysis took three stages:

1) screening of potential projects;
2) market analysis of three high-potential uses. a major shopping center; an aquarium; and an entertainment center; and
3) detailed analysis of the preferred development option.

The Task Force selected entertainment center development as the preferred alternative for reuse of the "Old" Convention Center. Planning for a transportation center on the Fish & Oyster site is proceeding under separate contract.

This Executive Summary is organized in two parts:

I) Selection of Entertainment Center as the Recommended Reuse.
II) Market Potentials and Recommended Strategies for Entertainment Center Development.

We are very grateful to the Task Force for their support and assistance throughout this analysis.

HAMMER, SILER, GEORGE ASSOCIATES
Silver Spring, Maryland
September 12, 1994

EXECUTIVE SUMMARY

PART I. SELECTION OF ENTERTAINMENT CENTER AS RECOMMENDED REUSE

In selecting their first priority for reuse of the "Old" Convention Center site, the Task Force used four major criteria:

- attract large numbers of people and enliven the entire Uptown Area;
- serve as a major attraction to Charlotte for conventioneers;
- be subject to short term implementation;
- require limited public financial input; and
- provide only limited risk to the City.

The evaluation process began with a "scan" of highly successful downtown developments from across the country. These projects included:

- department-store-anchored shopping centers;
- entertainment centers;
- public markets;
- attractions; and
- university/college facilities.

A matrix was prepared which summarizes the key characteristics of these projects and the metropolitan areas in which they are located.

From the myriad of projects, the Task Force chose on April 12 to proceed with three project types for more detailed market analysis: a department-store anchored shopping center; an aquarium or other major tourist attraction; and an entertainment center. This selection was based primarily on the proven ability of each project type to attract visitors, to generate activity and to enliven the Uptown area.

Market analyses were prepared for a shopping center, aquarium and/or entertainment center development on the Old Convention Center site. Uptown Charlotte was determined to have sufficient market to support all three development options. The key factors considered in the Task Force's selection of the entertainment center alternative are summarized in Table 1.

Table 1. FACTORS INFLUENCING THE CHOICE AMONG ALTERNATIVES

	Shopping Center	Aquarium	Entertainment Center
Construction Costs	$106,720,000	$36,000,000 Possibly less with CC reuse	$18,500,000
Site Costs	Convention Center + acquisition of 2–3 blocks of private land	Convention Center	Convention Center
Public/Non–Profit Investment	$47,000,000 + site costs	$36,000,000 Possibly less with CC reuse	$1,900,000
Annual Visitors	7,000,000–9,000,000	950,000	800,000–1,000,000
Annual City/County Tax Revenues	$2,993,000	$12,000	$469,000
Return on Public Investment	6.5%	0 0%	24 7%
Probable Opening Date	2000	1997	1996
Risk Factors	High risk for delay due to difficult anchor recruitment and site assembly Risk much lower once anchors are committed.	Very low risk overall May operate at lower–than–anticipated revenues	Can be risky without a highly skilled and experienced operator. Few successful precedents to date.
Impact on Existing Retailers	Positive with effective linkages	Positive, especially on weekends	Strongly positive
Impact on Existing Restaurants	Somewhat positive	Positive, especially on weekends	Strongly positive
Contribution to Convention Marketing	Strongly positive	Positive	Strongly positive
Support for Close–In Housing	Strongly positive	Neutral	Positive
Potential for Use of Convention Center	Limited	High	High

Source Hammer, Siler, George Associates.

Uptown Shopping Center

The shopping center with two to three department stores was highly attractive due to the experience of comparable downtown shopping centers in attracting as many as 14 million visitors per year and the potential for reasserting Uptown's role as a major regional retail center. The key concerns lay in the site itself, the long gestation period associated with such projects and the major public costs involved.

The Old Convention Center site is not itself large enough to accommodate a major shopping center of 700,000 to 1,000,000 square feet. Three to four blocks of land would be required for the center itself with additional land possibly required for support parking. To use the Old Convention Center site, a site would need to be assembled, including at a minimum 1) the NationsBank parking lot directly north of the Old Convention Center, 2) the Fish & Oyster site, and 3) the parking lot south of the Fish & Oyster site. This larger site is bisected by a rail line, which is being preserved for ultimate use for light rail transit. The need to accommodate rail traffic and the extreme changes in elevation over this larger site would create challenging design problems on how to provide appropriate sites configured for the department stores, how to provide contiguous retail areas on not more than three levels and how to provide sufficient parking while maintaining a strong relationship to the street.

Typically, downtown shopping centers have been developed through public/private partnerships. Judging by the Norfolk (VA) experience, the public sector is likely to be asked to provide:

1) free land;
2) $35 to $40 million to attract Nordstrom's; and
3) subsidized parking.

Overall, this would suggest a public cost of roughly $65 to $70 million. The Task Force felt that the current fiscal climate would make that level of public investment difficult.

Many downtown shopping centers have required 7 to 15 years to develop. The steps involved in developing a major shopping center offer many opportunities for delay:

- securing site control;
- securing department store commitments;
- designing a center that meets anchor store, lender and City requirements;
- negotiating the terms of the public/private development agreement;
- negotiating parking arrangements;
- committing public funds;
- leasing mall space; and

- securing private financing.

The Task Force's desire for near-term reuse and activity generation combined with the cost and site concerns led it to favor entertainment center development at the Old Convention Center without dismissing shopping center potential for another Uptown site in the future.

Aquarium or Major Tourist Attraction

The market analysis demonstrated the potential for attracting roughly 950,000 annual visitors to a major aquarium in Uptown Charlotte. This analysis relates the experience of comparable aquaria in penetrating local, regional and visitor markets to the size of Charlotte's potential markets. Other tourist attractions (motor sports museum and art museum) were considered but found to generate significantly smaller numbers of visitors.

The Task Force reasons for not pursuing the aquarium option were three-fold: cost; location; and night-time activity. The $24 to $36 million cost of a 120,000 square-foot aquarium was thought to be hard to raise at this time. A major fund raising campaign is currently underway to raise $30 million in endowments for regional arts and cultural groups and museums. Fiscal constraints on the City also raised questions about the potential to raise sufficient funds in the near term.

The Task Force also discussed whether a site near Discovery Place and Spirit Square might be more appropriate for an aquarium with an educational and family focus. The final issue was an aquarium's limited potential for significant night-time activity.

Again, the concept of aquarium development elsewhere in Uptown was not dismissed.

Selection of the Entertainment Center Alternative

The initial market analysis for an entertainment center in Uptown Charlotte was prepared by Steiner + Associates, Inc., building on its experience with the CocoWalk project in Miami, Florida. That analysis, prepared in 1993, demonstrated market support for a 150,000 square-foot center to be developed in the South Tryon Street area between the new Convention Center, the Old Convention Center and the new football stadium.

The Task Force favored the entertainment center concept because of its

- limited public investment required,
- shorter development timeline of two to three years,
- ability to generate significant night-time activity and attract 800,000 to 1,000,000 visitors per year,

- support for other Uptown restaurants and retailers,
- ability to reuse the Old Convention Center structure, and
- limited permanence.

Thus, the Task Force instructed HSGA to prepare a detailed market evaluation of the entertainment center concept and an implementation strategy to achieve the desired development.

PART II. ENTERTAINMENT CENTER STRATEGY

Based on market analysis and evaluation of a number of public policy factors, the Task Force elected to further analyze the potential for entertainment center development at the "Old" Convention Center. Three general types of entertainment centers are now being developed:

- Nightclub Complex with a single operator and minimal retail and restaurant space;
- CocoWalk model -- a movie theater-anchored center with club and restaurant spaces leased to multiple operators; and
- Entertainment/Retail Center with a movie theater, multiple club operators and a major specialty retail component.

MARKET ANALYSIS

The market analysis estimates potential sales from

- area residents;
- Uptown employees;
- hotel guests; and
- other visitors.

Food and entertainment sales are estimated at $20 million for 66,000 square feet of nightclubs, restaurants and bars. Roughly 80 percent of those sales will be generated from local area residents and Uptown employees.

A major movie theater with at least 10 screens is recommended for inclusion in the entertainment center. One major theater chain has recently examined the Charlotte market and feels confident about its ability to support such a theater in the Uptown area.

Given the City and Task Force goals of creating new Uptown activity, attracting more visitors and supporting the new Convention Center, the expanded concept of an entertainment/retail center is quite attractive.

DEVELOPMENT CONCEPT

The recommended Major Entertainment Center on the "Old" Convention Center site would include:

Movie theater anchor
Nightclubs
Restaurants
Ancillary specialty retail
130,000 square feet
$18,511,000 total cost

Private developer responsible for creating finished tenant spaces, investing $16,624,000 including a private loan of $14,200,000.

Public investment in site improvements, roof repair, new elevators and bathrooms to meet ADA code, and 35 percent of exterior facade renovations with a total cost of $1,887,000.

LEASE CONCEPT

City or Charlotte Uptown Development Corporation leases the facility to a developer for 15 years.

Developer improves the interior spaces and leases to entertainment, movie theater, restaurant and retail operators.

City receives a share of net operating income after a preferred return to the developer's investment partners.

Building Program

	Square Feet
Movie Theater	51,000
Entertainment	50,000
Restaurants	16,000
Specialty Retail	13,000
	130,000

Two-level center with an internal atrium New College Street glass facade, atrium and outdoor cafes.

PRELIMINARY ESTIMATE OF OPERATING CASH FLOW, UPTOWN ENTERTAINMENT CENTER

	Space	Per Sq. Ft.	Total
Operating Revenues			
Movie Theater	51,000	$14.00	$714,000
Entertainment	50,000	$20.00	1,000,000
Restaurants	16,000	$20.00	320,000
Specialty Retail	13,000	$24.00	312,000
Expense Reimbursements			
Movie Theater	51,000	$2.50	128,000
Entertainment	50,000	$7.70	385,000
Restaurants	16,000	$7.70	123,000
Specialty Retail	13,000	$8 30	108,000
Less Vacancies (5%)			(112,000)
Parking	400	$700	280,000
Total	130,000		$3,258,000
Operating Costs			
Common Area	130,000	$5 80	$754,000
Real Estate Taxes	130,000	$1.50	195,000
Insurance	130,000	$0.40	52,000
Total Costs	130,000	$7.70	$1,001,000
Management		5.0%	117,000
Replacement Reserves (2% of income)			65,000
Net Operating Income			$2,075,000
Debt Coverage Ratio			120%
Income Available for Debt Service			$1,729,000
Supportable Mortgage (at 9 0% for 15 years)			$14,200,000
Net Cash Flow			$346,000

Note: Data in constant 1994 dollars.

Source: Hammer, Siler, George Associates.

PROPOSED SOURCES AND USES OF FUNDS, UPTOWN ENTERTAINMENT CENTER

Total Investment	$18,511,000
Sources of Funds	
Private Investment	$16,624,000
Private Loan	$14,200,000
Developer/Investment Partner Equity	$2,424,000
Public Investment	$1,887,000
Uses of Funds	
Private Investment	
Demolition	$910,000
Building Improvements	4,948,000
Tenant Finishes	8,345,000
Soft Costs	2,421,000
Total	$16,624,000
Public Investment	
Exterior Facade Renovation (35%)	$578,000
Site Improvements	500,000
Bathroom Renovation	176,000
Roof Repair	100,000
Elevators	230,000
Parking Equipment	30,000
Design and Contingencies	273,000
Total	$1,887,000

Source: McDevitt, Street, Bovis; and Hammer, Siler, George Associates.

POTENTIAL BENEFITS FROM UPTOWN ENTERTAINMENT CENTER DEVELOPMENT

Total Investment	$18,511,000
Private Investment	$16,624,000
Ratio of Private to Public Investment	8.8:1
Jobs Created	
Construction (one-year full-time)	228
Permanent	387
Annual Tax Revenues	
Property Taxes	
Charlotte	$67,000
Mecklenburg County	128,000
Sales Taxes	
Charlotte	95,000
Mecklenburg County	179,000
Total	$469,000

Source: Hammer, Siler, George Associates.

IMPLEMENTATION STRATEGY

Realization of the Task Force's goal of Old Convention Center redevelopment as an entertainment center will require attraction of an experienced, highly qualified developer and entertainment center operator.

In preparing to attract such a developer, we would recommend the following action steps:

- Investigate the willingness of adjacent parking garage owners to make spaces available during non-office hours.
- Review likely parking requirements by the City.
- Secure City Council approval of the development concept.

- Prepare an architectural profile of the facility, including "as-built" drawings, identification of any asbestos, and analysis of the facility's ability to meet ADA and current building codes.

- Prepare a developer prospectus for distribution to developer candidates.

- Distribute developer prospectus to qualified developers, operators and architects.

The submissions solicited from potential developers should document their development, leasing and operating experience with comparable projects and identify the members of their development team. Priority should be given to developers who bring a cinema operator with them to the table. Submission requirements should be relatively limited at this early stage.

Based on these submissions and interviews with the two or three best qualified candidates, the City should choose a preferred developer and enter into a 60- to 90-day period of exclusive negotiations. The development and lease agreement negotiations should set forth a schedule of development milestones to be met. The agreement also should include clear guidelines relating to the City's policy and design goals requiring that the center be linked to other Uptown attractions, be linked to the street and include streetscape improvements, be pedestrian friendly and achieve an outstanding design.

APPENDIX A: OLD CONVENTION CENTER RE-USE TASK FORCE

Mr. Fred Klein, Chairman
Childress Klein Properties

Mr. Steve Camp
Charlotte Coliseum

Mr. Frank Emory
Robinson Bradshaw Hinson

Mr. Mark Erwin
Erwin Capital

Mr. Charles Height
School of Architecture

Dr. Pat Holleman
Charlotte-Mecklenburg Schools

Mr. Pete Jones
First Union National Bank

Mr. Joe Kelly
Radisson Plaza Hotel

Mr. Joseph B. Martin
Executive Vice President
NationsBank Corporation

Mr. Thomas F. O'Brien
CB Commercial

Mr. John Padgham, Vice President
LaSalle Partners

Mr. Ben Rook
Odell & Associates

Mr. Melvin Tennant
CCVB

Mr. Robert Patterson
Faison & Associates

APPENDIX B: TABLE OF CONTENTS OF FULL REPORT

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"Old" Convention Center

Attached is a memorandum from the Privatization/Competition Advisory Committee. They are recommending that the issue be referred to their Committee for review in light of the Asset Management Guidelines which were developed by the Committee and approved by City Council on July 14, 1994.

The Public Services Committee discussed the issue at their September 26 meeting but did not reach a recommendation to present to the full Council.

Specifically, Guidelines #2 through #7 of the Asset Management Guidelines identify specific requirements for implementing the City Council's goals of asset management. As a reference, Guideline #2 Section F is included as follows:

F. For all land/building(s) owned and managed by the City where the associated "business" and building is managed by an independent Authority, Commission, Agency or Board; and the asset has a market value $5,000,000 or more, the following information and analyses shall be provided:

- The business' most recent financial statements and management reports (including any audit reports);
- The amount of related City debt outstanding, including all debt by direct obligation (specific purpose) bonds and allocations of general obligation bonds based on original funds usage (not required of any asset which is 15 years old and has not been recently refinanced) and the net percentage that remains outstanding at the inventory date;
- If an appraisal is required, calculate the net equity position of the City assuming the property was sold at its Market Value (see Guideline #4);
- The capital projects planned for the next three years;
- All public costs associated with this asset for which the independent Authority is NOT responsible;
- Documents which describe the management of the asset, general description of its organization, methods by which management of the asset is chosen and reviewed, and relationship with City government authorities (e.g. Mayor, City Council, City staff);
- A description of the relationship with private business(es) and any official contracts or agreements that exist between the City and any private concerns (this should be a summary of all pertinent contract terms including the ability of the City or the concern to terminate the contract);
- A description of the current public purpose of the asset, the specifics as to public interest activities associated with the asset and any official City Council policy guidelines which relate to said asset.

MEMORANDUM

TO: Mayor Richard Vinroot

FROM: Bill Spears for Privatization/Competition Advisory Committee

DATE: September 20, 1994

SUBJECT: "Old" Convention Center Disposition

Several members of the Privatization/Competition Advisory Committee heard the presentation of the Old Convention Center Reuse Task Force at the dinner meeting of the City Council on September 12, 1994. At the Privatization/Competition Advisory Committee meeting on September 13, 1994, several questions were raised regarding the presentation and the process of the analysis to determine the retention and use or disposition of this valuable asset. The Committee reached a consensus that the Asset Management Guidelines developed by the Committee and approved by the City Council should be followed in the analysis. There should possibly be a professional appraisal and a thorough review of the full range of options available.

The Committee recommends that the Old Convention Center issue be referred to it for its input, and that any decision regarding the use of it be deferred until the analysis and the Committee's recommendation are complete. The Committee would like to discuss this process with you and members of City Council and members of the Re-Use Task Force at the earliest convenient time.

The Committee Chair, Bill James, was out of town on business and was not at the meeting on September 13. Either he or Mr. Bill Spears can answer any questions about the Committee recommendation. Mr. James can be reached at 347-5518, and Mr. Spears can be reached at 377-0220.

cc: O. Wendell White, City Manager
Fred Klein, Chairman, Old Convention Center Re-Use Task Force

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: FOCUS 2010 ACTION PLAN

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

- February 1993 FOCUS 2010 Task Force released vision statements covering 12 aspects of community life
- Task Force conducted a Situation Audit in early 1994 to determine where work is or is not being done to accomplish the goals set forth in the Vision Statements
- The Task Force, working with other agencies and institutions (e g The Chamber, Committee of 100, Arts & Science Council), then developed action plans to address the gaps found by the Situation Audit

OPTIONS:

COUNCIL DECISION OR DIRECTION REQUESTED:

Presentation and video are intended to inform City Council and give Council an opportunity to ask questions Council is requested to refer this to the Planning Committee for review and recommendation to Council concerning the Vision Statements and Action Plans

ATTACHMENTS:

Council received on Friday September 23 the report FOCUS 2010 - Reaching Into the Future Action Plans to Make Our Visions Come True

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Small Business Garbage Collection

KEY POINTS (Issues, Cost, Change in Policy):
On August 1, 1994, the small business garbage collection program was implemented because (1) The City pays disposal fees on commercial garbage, and the program provides the City with the actual weight of the garbage for which it must pay, and (2) The specialized residential rollout garbage collection program was implemented

The City provides weekly manual garbage collection service to 442 businesses in the Central Business District and 2,427 business in the rest of the City Businesses in the Central Business District are serviced from the curb or the backyard, depending on the availability of space for setting out the garbage Some of these businesses receive more than one collection a week In the rest of the City, the Solid Waste Services Department collects the garbage from the curb This program also services 385 public garbage containers which are located around the City

In August and September 1994, some small business owners appeared before City Council, to explain some of the difficulties they were experiencing with the recently implemented business garbage collection program They presented Council with a petition, signed by a number of small business owners, requesting that businesses receive garbage collection from the rear of their buildings A copy of their petition is attached

Issues:
a) Small businesses
- Want backyard service Do not want to carry garbage to the curb
- Do not want their customers exposed to the sight and odor of garbage on the curb
- Open late in the morning, and therefore miss the early morning garbage collection
- Some business owners live out of town, and are unable to place the garbage on the curb
- Some businesses are closed on the designated collection day
- Experience scavenger/litter problems if garbage is placed at curb on the "night before"
- Do not have a curb on which to place garbage
- Do not have the appropriate help to carry garbage to the curb
- Would like to have rollout containers

b) The City
- Pays $ 29 70 per ton for disposal of commercial garbage Since businesses do

not pay the annual solid waste disposal fee (and residential customers pay the fee directly to Mecklenburg County), the residential taxpayers are subsidizing this program

- Services 2,869 businesses which are widely spread all over the City The travel distances between businesses impact the productivity and cost of the service In strip shopping centers, the productivity is further impacted by servicing individual businesses
- Provides some businesses in the Central Business District with a higher service level than businesses in other areas of the City
- Provides the service at high risk and cost to employee safety (e g Walking into and through back alleys in the Central Business District which are inaccessible to the trucks)

Cost:
The FY95 operating budget for this program is $ 337,724 (three crews) based on once per week curbside collection Since businesses are unable/unwilling to bring their garbage to the curb, the Solid Waste Service Department has utilized two additional crews in order to collect garbage from the rear of businesses on the designated collection days To collect the business garbage from the rear of the buildings, the Solid Waste Services Department has had to reassign employees from other programs within the Department to the small business garbage program This reassignment of employees has negatively impacted the productivity of some of the Department's other services

In order to continue collecting garbage from the rear of buildings of some small businesses, without impacting other services, the Solid Waste Services Department needs two permanent crews and $ 196,894 added to its budget However, if Council decides to provide backyard service to all small businesses, the Solid Waste Services Department will need six permanent crews and $ 590,682 added to its budget

OPTIONS:
There are several options for providing this service which Council can pursue The options range from getting out of the business, to providing service from the rear of buildings The options will be discussed at the workshop

COUNCIL DECISION OR DIRECTION REQUESTED:
Council is requested to provide direction on how they wish to proceed on small business garbage collection

ATTACHMENTS:
1 Citizen petition

103busgb

092894

ATTACHMENT 1

We, the small business owners of Charlotte, hereby petition the City Council to invoke corrections in the roll-out garbage plan as it applies to businesses.

We feel that the Sanitation Department still has the capabilities to pick up garbage in the rear of buildings.

As small business owners and taxpayers, we feel this is a service that should be provided to us.

1722 E Blvd
1715 E BLVD
1711 E Blvd.
1705 E. Blvd.
1704 E Blvd
1718 East Blvd.
1816 E Blvd
1812 E Blvd.
1727 E. Blvd.
1727 1727 E. Blvd.
1727 E. Blvd.
1717 E. Blvd
224 E. Blvd. Sc.
2244 Blvd Sc E
2244 E. Blvd Sc G
401 East Blvd #110
401 EAST BLVD. # 200
429 E Blvd
429 E Blvd.

505 East Blvd
1441 Hamilton
4320 Park Rd
Hill Rock
1021 E Blvd
1029 E Blvd
1009 E Blvd
501 E. Blvd
511 E Blvd.
501 E Blvd
521 E Blvd
524 EAST BLVD.
524 East Blvd
512 EAST BLVD
509 East Bl.
119 Huntley
119 Huntley
117 Middleton Dr
Charlotte, NC
28207

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1820 East Boulevard
Catharine Henderson

Dr. Paul R. Hawsome 1812 Lyndhurst Blvd
Ronald L. Rice 1816 Lyndhurst Blvd
[illegible]
Ellen V. Moreland MD
Carol Dunn LCSW
John T. Mulhearn PhD
Ann C. Bateman, LCSW
Leanne Jaroszewska, MS
[illegible]
[illegible] 737 E Blvd
[illegible] 827 East Blvd
Denise Thoggins / 814 East Blvd (LD Consultants)
Lethaniel Moran 818 E. Blvd
[illegible] 820 E BLVD
[illegible] 822-A E BLVD
[illegible] 4430 Park Rd
Barbara Lambert (4418 Park Rd)
W T Strickland (4403 Park Rd)
Doc Thomas Whitfield, 4444 Park Road
George L Reed, MD

220 East Blvd 28203

Rachel Dortch 2716 Selwyn
Mr J C Stewart 2914 Selwyn Ave
[illegible]
Marsha Hastings 2904 Selwyn
[illegible] 1508 Cleveland Ave
[illegible] 325 Rensselaer
Seymour L Saunders 708 E Blvd
[illegible] 1620 Scott Ave
Cindy Wright 1704 Scott Ave
Stann Riggins 1608 Scott Ave
Monica Mocze 1514 Scott Ave
[illegible] Miller 1509 E 7th St
[illegible] 1511 E 7th St
[illegible] Beaumont Ave
Russell N. Allen 408 BEAUMONT AVE
[illegible] 1443 E 7th St
1713 Cleveland Ave
[illegible]
Terry D Smith 910 East Blvd
Tom Bangert
[illegible] 910 E Blvd
Randall E. Riggins 1108 E. Blvd.

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Rebecca Blackmon
125 Cottage Place 28207
MK Inlett
126 Cottage Place 28207
[illegible] 1320 Hunter Rd
[illegible] 28207
Sharlene C. Douglas 28207
Susan Sherrill Circle Ave
Nancy Melvin circle Ave.
Karen Allen Circle Ave
Ben V Allen Circle Ave
Joyce Catherine Sloley
Sloley Realty
Jerry Sneden Fenton Place
[illegible]
Flynn Harris 1433 c Heather Ln
Robert W Laughlin Halle Clinic
Nova Sagan 717 S Kings Dr.
John Prutzer 7th Street
Bill Duane 1824 E 7th
Clark Nelson 1900 E 7th Street
Tom Brown 1909 E 7th St Charlotte 28204
Baxter McRae, 1825 E 7th St
C Boylan Chester Rd.

Ralph C Harris Jr.
1329 E. Morehead St Charlotte NC
Parker, Helms, Harris, Blythe · Warren
[illegible] 1311 Elizabeth
Warren Blair 1311 E Morehead Suite 3
Barbara Stevenson 1311 E Morehead Suite 5
[illegible] 2908 Monroe Rd Cty 28205
J L Chisholm 3916 Monroe Rd Charlotte, N.C. 28205
[illegible] 3850 Monroe Rd
The Lamp Place 3800 Thelma Monroe Rd. Hon
Danny L Watson 3925 Monroe Rd 28205
[illegible] Monroe
Donny Butler 3929 Monroe
Carl Jordan 3901-A Monroe Charlotte NC
[illegible] 3905 Monroe
[illegible] 3807 Monroe, Charlotte
[illegible] The Mint Mards 3805 Monroe Rd
[illegible] Gospel
Charlene Douglas Muscle Sales
[illegible] 1809 East Blvd Char 28203
[illegible] 1804 East Blvd 28203
[illegible] 1808 East Blvd Charlotte 28203
Jay Mullis
[illegible] 1810 East Blvd Charlotte NC 28203

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MARK R. FLORA, OD	4444 PARK RD
Margaret Barnhart	1222 E. BLVD
Ray Williams	RM. MERCHENG - 1236 E. BLVD.
Robert Burton	BGS Mortgage 1236 E Blvd.
[illegible]	1236 East Blvd
Robert L. Rash	1244 EAST BLVD.
Joan L. Rash	1244 East Blvd

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Term Limits for City Council

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

- There is a national movement to limit the terms of elected officials
- The North Carolina Term Limits Coalition has asked all Mayors and City Councilmembers in the State to impose term limits on themselves and all municipal officials in their communities The Coalition supports limits of eight years for city, town and county officials The Coalition has suggested that municipalities could pursue term limits in one of two ways Council adoption of a resolution or ordinance, or an initiative petition by citizens calling for a special election
- The City Attorney is of the opinion that North Carolina municipalities lack the authority to impose term limits on the offices of Mayor and City Council Also, the State does not allow for initiative petitions for limiting the number of terms a person can serve It is the City Attorney's opinion that, at a minimum, enabling legislation approved by the General Assembly would be necessary before Council could act on local term limits, and there is a substantial issue under the North Carolina Constitution of the General Assembly's authority to enact such legislation
- At the September 7 Council Workshop, Council asked that this issue be placed on the October 3 Workshop agenda

OPTIONS:

- Pursue enabling legislation to allow the Council to impose term limits
- Other option(s) to be determined by Mayor and Council

COUNCIL DECISION OR DIRECTION REQUESTED: This item is for Council discussion and possible action, as Council desires

ATTACHMENTS:

- August 8, 1994 Memo from the City Attorney to Mayor and Council Concerning Local Term Limits
- Information from the North Carolina Term Limits Coalition

CITY OF CHARLOTTE
CITY ATTORNEY'S OFFICE

MEMORANDUM

DATE· August 8, 1994

TO· Mayor and City Council

FROM. Henry W. Underhill, Jr.
City Attorney

RE: Local Term Limits for Mayor and City Council Members

Councilmember Lynn Wheeler has provided me with certain material from an organization known as the North Carolina Term Limits Coalition and has requested that I comment on the City's legal authority to self-impose term limits on the office of Mayor and City Council as suggested by the Coalition The material provided by the Coalition indicates that term limitations may be imposed at the local level in North Carolina by the City Council adopting a resolution or ordinance establishing term limits Alternatively, the Coalition suggests that under State law, if 10% of the registered voters in any municipality petition the Board of Elections on a form of government issue, such as term limits, a special election must be called

I have examined existing North Carolina law with regard to this subject and am of the opinion that North Carolina municipalities lack the authority to impose term limits upon the offices of Mayor and City Council, at a minimum, enabling legislation enacted by the General Assembly. (A recent North Carolina Court of Appeals decision suggests that an amendment to the North Carolina Constitution might also be necessary.) Moreover, the statement by the Coalition that North Carolina law permits an initiative petition on term limitations is not accurate Current State law does permit initiative petitions that could force special elections on some modifications to a local form of government. For example, initiative petitions are allowed on changing the terms of Council members from 2 to 4 years or vice versa; increasing or decreasing the number of members of the City Council to not less than 3 nor more than 12; changing from partisan to non-partisan elections or vice versa; or changing from a Council/Manager form of government to a Mayor/Council form of government or vice versa. However, limiting the number of terms that a person can serve as Mayor or as a City Council

member is not presently an issue for which State allows initiative petitions.

I hope this memorandum is of some assistance to you. For your information, Andy Romanet, General Counsel of the North Carolina League of Municipalities will be contacting the North Carolina Term Limits Coalition in the near future and requesting that the organization revise its material

HWU/jr

c: O. Wendell White
Pam Syfert

NORTH CAROLINA TERM LIMITS COALITION

2915 Providence Road, Suite 300, Charlotte, North Carolina 28211
1-800-554-6487

NEWS RELEASE

August 4, 1994
For Release at 10:30 a.m.

Contact: Scott Rasmussen
1-800-554-6487

MAYORS CALL FOR TERM LIMITS IN THEIR OWN CITIES

Raleigh, NC-- Mayors Richard Vinroot of Charlotte and Tom Fetzer of Raleigh will lead efforts to place 8-year term limits on themselves and their city council members. "Local term limits will soon be a reality in our state's two largest cities," predicted Scott Rasmussen, Executive Director of the North Carolina Term Limits Coalition. "The only question is whether the city councils will act responsibly and pass term limits on their own or whether the voters will have to force the issue through a petition drive and referendum process."

Both mayors also pledged to support a proposal placing term limits on all elected officials in North Carolina. Mayor Vinroot stated that "North Carolina needs term limits if our government is to remain competitive with states that have placed limits on career politicians." Mayor Fetzer added that "North Carolina's citizens recognize the need for term limits. It is time for our political leaders to place the will of the people above the special interests of career politicians."

The term limits movement is the strongest grass-roots movement of our time, drawing support from all segments of society. More than 100 cities and towns across the nation have recently placed term limits on local officials including New York, Los Angeles, San Francisco, San Diego, Dallas, and Houston. Since 1990, voters in 15 states have also placed term limits on 1?? Members of Congress, 30 U.S. Senators, and 2,017 state legislators. Voters in eight more states and the District of Columbia are expected to approve term limits this November.

Mayors Vinroot and Fetzer will each place term limits on the agenda of an upcoming city council meeting. The councils may pass term limits or allow the voters to decide the issue in a referendum. Voters also have the right to call for a referendum on the issue by getting a sufficient number of registered voters to sign a petition.

The North Carolina Term Limits Coalition is committed to restoring citizen government in North Carolina by placing term limits on all elected officials. Specifically, the Coalition supports limits of two terms for U.S. Senators, three terms in the U.S. House, three terms in each house of the state legislature, and eight years for city, town, and county officials. The limits are non-retroactive and do not single out any individual or party.

To learn more about the North Carolina Term Limits Coalition please call 1-800-5LIMITS (554-6487).

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THREE TERMS IS LONG ENOUGH

By early next year, more than 30 million voters in 24 states will have voted to impose term limits on their Congressional Representatives In 18 of these states, limits for service in the U S House are set at three (3) terms, five states will allow their representatives to serve four (4) terms

Recognizing that term limits are more popular than any politician, political party, or government program, some Members of Congress are planning a strategic retreat They argue that, if term limits are needed at all, they should be set at 6 terms for the U S House of Representatives-- twice as long as their constituents want!

The North Carolina Term Limits Coalition supports limits of three terms (6 Years) in the House and strongly opposes any longer limits

Support for limits of three terms is a moderate position among the general public **More than 40% of voters surveyed support limits of two terms or less.** Seven-out-of-ten term limits supporters believe limits should be established at three terms or less In fact, **less than one voter in 10 supports limits as long as the Congressionally preferred 6 terms**

Voters prefer the shorter limits because they instinctively recognize that this is the only way to bring about real change It is also an affirmation of the political principles upon which our nation was founded They understand that rotation in office gives voice to new ideas and restores the concept of citizen government They also recognize that government works better when lawmakers serve a brief period of time and then come home to live under the laws they created

That's why the North Carolina Term Limits Coalition is committed to making term limits a reality in our state We support limits of eight years for municipal officials, three terms in each house of the state legislature, three terms in the U S House of Representatives, and two terms in the U S Senate Our proposal is non-retroactive and does not single out a particular office holder or political party

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WHO SUPPORTS TERM LIMITS? JUST ABOUT EVERYONE!

75.6% of all Americans support term limits. The term limits movement is the most powerful grass roots movement of our time One recent survey discovered support for term limits actually went up after hearing arguments against term limits

SUPPORT FOR TERM LIMITS

Democrats	74 9%
Republicans	79.0%
Independents	75.6%
Men	76 6%
Women	74.6%
Support Taxpayer Funding of Campaigns	77.7%
Oppose Taxpayer Funding of Campaigns	75.4%
Income Under $20,000	73.0%
Income $20,000 to $75,000	77 2%
Income Over $75,000	73 9%
African-American	72 7%
White	77 7%
High School Graduates	78 3%
College Graduates	75.0%
Age 18-25	74 7%
Age 26- 40	77.7%
Age 41- 55	74.8%
Age 56- 65	70.4%
Over 65	81 3%
Favorable Opinion of Bill Clinton	74.2%
Unfavorable Opinion of Bill Clinton	80.4%

Only one Group of Americans has ever been found to oppose term limits-- Congressional Staffers! The Gallup Organization discovered that only 15% of staffers favor term limits, 85% are opposed. Whose interests are they serving?

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NEWS RELEASE

For Immediate Release
Contact Scott Rasmussen
1-800-554-6487

TERM LIMITS COALITION CHALLENGES MUNICIPAL OFFICIALS

Charlotte, NC (July 5, 1994)-- The North Carolina Term Limits Coalition is asking all Mayors and City Council Members in the state to impose term limits on themselves and all municipal officials in their community In a letter released today, Coalition Chairman Bob Biggerstaff states that "Term limitation is a good idea that should have the support of all publicly spirited political leaders "

Biggerstaff points out that "Term limits have captured the imagination, and the votes, of the American people They have already become law in 15 states as well as more than 100 cities, towns, and counties across the nation. This is real change, the kind of change the American people are demanding It is also an affirmation of the political principles upon which our nation was founded "

In addition to asking municipal officials to limit their own terms, the Coalition is launching petition drives across the state so that citizens will have the chance to vote on municipal term limits The organization has already asked candidates for the General Assembly to pledge their support for a statewide referendum on term limits A list of all candidates pledging their support will be released later this month

The North Carolina Term Limits Coalition is committed to restoring citizen government in North Carolina by placing term limits on all elected officials Specifically, the Coalition supports limits of two terms for U S Senators, three terms in the U S House, three terms in each house of the state legislature, and eight years for city, town, and county officials The limits are non-retroactive and do not single out any individual or party

To help with the petition drives or learn more about this non-partisan movement, call 1-800-5LIMITS (554-6487)

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TERM LIMITS MODEL RESOLUTION

TERM LIMITS. Effective January 1, 1996, all elected officials of this municipality shall serve no more than eight consecutive years in any one office Service prior to passage of this measure shall not count in determining length of service

INSTRUCTION TO THE CLERK ON STATE LEGISLATIVE TERM LIMITS. In January, prior to each legislative session until such time that it can be certified that these legislative term limits have been enacted, the clerk shall write all state legislators whose districts include any part of the municipality stating that the people of this municipality desire an opportunity to vote on legislative term limits The people of this municipality respectfully request that a proposed constitutional amendment limit state legislators to three (3) terms in each house The people of this municipality also instruct all state legislators representing any part of this municipality to use their best efforts place this proposed consitutional amendment on the general election ballot

INSTRUCTION TO THE CLERK ON FEDERAL LEGISLATIVE TERM LIMITS. In January, prior to each legislative seesion until such time that it can be certified that these legislative term limits have been enacted, the clerk of the municipality shall write all U S Representatives whose districts include any part of the municipality and both federal Senators stating that the people of this municipality support term limits for the U S Senate The people of this municipality respectfully request that a proposed federal constitutional amendment limit each representative to three terms in the United States House of Representatives and two terms in the United States Senate The people of this municipality also instruct their federal delegation to use their best efforts to pass a constitutional amendment imposing these limits

SEVERABILITY. If any part of this petition shall be declared unconstitutional by a court, all other parts shall remain in full force and effect

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NORTH CAROLINA TERM LIMITS COALITION CAMPAIGN PLAN JULY 1994

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MISSION STATEMENT

To restore citizen control of government by rallying North Carolinians to limit congressional, state, and local terms.

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OUR PROPOSAL

To restore citizen control of government, we propose placing the following term limits on North Carolina elected officials:

- Two (2) terms in the U.S. Senate = 12
- Three (3) terms in the U.S. House = 6
- Three (3) terms in the N.C. Senate = 6
- Three (3) terms in the N.C. House = 6

} 7

- Eight years for all other elected officials = 8

Our proposal is non-retroactive and does not single out an individual or political party.

Citizens retain the right to modify or eliminate term limits at the municipal level through the initiative process.

We are calling upon the General Assembly to give North Carolina voters the opportunity to vote on this proposal.

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OUR CHALLENGE

If North Carolina had a statewide initiative process, our task would be simple. We would quickly get the required number of citizens to sign a petition and place our proposal on the ballot. On election day, North Carolinians would vote overwhelmingly for term limits.

Unfortunately, North Carolina citizens don't have the right to place issues on the statewide ballot. Term limits must be approved by the General Assembly-- an assembly of politicians whose terms we will limit.

Our challenge, therefore, is to convince the General Assembly to respond to the needs and wishes of the people rather than the special interests of career politicians.

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OUR STRATEGY

1) CANDIDATE PLEDGES-- All candidates for the state legislature have been asked to pledge their support for our proposal. After the election, we will work with community leaders across the state to insure that the winners honor their pledge. We will keep the media and the public informed of those who sign our pledge... and those who don't.

2) LOCAL TERM LIMITS-- We can, and will, petition to place local term limits on city and town ballots. We have already written to every mayor and city council member in the state urging them to pass municipal term limits on themselves. More than 2 million North Carolina residents will benefit from local term limits as a result of this campaign. This will improve local government and provide the added "trickle-up" benefit of increasing pressure on state legislators to support our proposal.

3) MEDIA-- We will highlight the broad support for term limits by issuing weekly press releases and organizing local media days. In July and August, we will announce the pledges of more than 50 legislative candidates and several hundred city council members. We will also issue a release when we have received commitments from 500 volunteers, successfully completed 100 petition drives, appointed more than 150 county and city chairman, organized 20 town meetings, and passed term limits in dozens of North Carolina cities and towns.

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OUR LEADERS

Bobby Biggerstaff, Coalition Chairman

Biggerstaff is a graduate of the University of North Carolina-- Chapel Hill. The founder and President of Key Risk Management Services, Inc. was one of three finalists for the 1991 North Carolina Entrepreneur of the Year Award. In that same year, his company was named to the "Inc. 500" as one of the fastest growing, privately held companies in America. Biggerstaff founded the North Carolina Term Limits Coalition in 1993 to restore citizen control of government in our state.

Scott Rasmussen, Executive Director

Rasmussen is a graduate of DePauw University and received his MBA from Wake Forest University. A popular speaker on term limits and other issues, he has been involved in a number of public policy activities over the past decade. He directed the preparation of an alternative federal budget with input from 12,000 citizen respondents and his work has appeared in the *Wall Street Journal* and other publications. Rasmussen currently serves on the boards of the Gordon Public Policy Center at Brandeis University and the Political Economy Research Center (PERC) of Bozeman, Montana.