

ORDINANCE NUMBER 2616A-X

O-107

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE FY2003-2004 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR STATION AREA PLANNING IN THE NORTH, NORTHEAST, SOUTHEAST AND WEST CORRIDORS.

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

Section 1. That the sum of \$2,475,000 is hereby available from CATS Operating Fund fund balance (7801).

Section 2. That the sum of \$2,475,000 is hereby appropriated as follows:

Fund	Amount
North Corridor - 2097	\$624,788
Northeast Corridor - 2094	723,274
US 74 (West/South) - 2096	1,126,938
Total	\$2,475,000

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

[Signature]
Asst. City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 833.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of June, 2004.

[Signature]
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER 2617-X

O-108

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR NORTHEAST CORRIDOR DESIGN AND PROJECT MANAGEMENT.

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

Section 1. That the sum of \$4,500,000 is hereby available from CATS Operating Fund fund balance (7801).

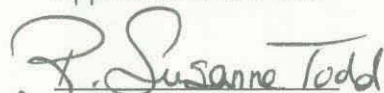
Section 2. That the sum of \$4,500,000 is hereby appropriated to Northeast Transit Capital Project Fund 2094 as follows:

Center/Title	Amount
897.95 - Parsons (DEIS)	\$3,800,000
898.61 - Project Direct	700,000
Total	\$4,500,000

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be effective immediately.


Approved as to Form:


P. Susanne Todd
Asst City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 834.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of June, 2004.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2618-X

O-109

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE, APPROPRIATING AIRPORT DISCRETIONARY FUNDS FOR TAXIWAY M REHABILITATION AND THE HARLEE AVENUE ON-RAMP, AND APPROPRIATING FEDERAL AVIATION ADMINISTRATION GRANT FUNDS FOR TAXIWAY M REHABILITATION

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

Section 1. That the sum of \$375,000 is available from Airport Discretionary Funds. These funds will be repaid from the proceeds of future General Airport Revenue Bonds.

Section 2. That the sum of \$275,000 is hereby appropriated to the Aviation Capital Projects Fund (2087-529.50).

Section 3. That the sum of \$100,000 is hereby appropriated to the Aviation Capital Projects Fund (2087-529.58).

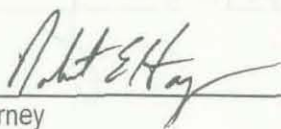
Section 4. The the sum of \$1,125,000 is available from Federal Aviation Administration grant funds.

Section 4. That the sum of \$1,125,000 is hereby appropriated to the Airport Capital Projects Fund (2087-529.50).

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.


Approved as to form:


SR Ass^{nt} City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 810.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of June, 2004.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER 2619-X

AN ORDINANCE APPROVING ANNEXATION AGREEMENT AMONG CITY OF CHARLOTTE, TOWN OF WEDDINGTON, VILLAGE OF MARVIN AND TOWN OF STALLINGS

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 6 of the North Carolina General Statutes have been met; and

WHEREAS, the City Council has taken into consideration the statements presented at the public hearing held on June 14, 2004 on the proposed Annexation Agreement; and

WHEREAS, the City Council has concluded and hereby declares that it is appropriate and desirable for the City of Charlotte to enter into the Agreement;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte that:

Section 1. The proposed Annexation Agreement among the City of Charlotte, the Town of Weddington, the Village of Marvin and the Town of Stallings is hereby approved and ratified and the Mayor of the City of Charlotte is directed to execute the Agreement on behalf of the City of Charlotte to become effective as provided therein.

Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the Agreement shall be spread upon the minutes of this meeting.

Section 3. This approving ordinance shall take effect on July 1, 2004.

Adopted this 14th day of June, 2004.

CITY OF CHARLOTTE

By: Patrick J. Murray

ATTEST:

Brenda R. Freeze
City Clerk

APPROVED AS TO FORM:

H. Michael
Sr. City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 836-843.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of June, 2004.

Brenda R. Freeze
Brenda R. Freeze, CMC, City Clerk

NORTH CAROLINA

MECKLENBURG COUNTY

ANNEXATION AGREEMENT

WHEREAS, the City of Charlotte (hereinafter "Charlotte"), the Town of Weddington (hereinafter "Weddington"), the Village of Marvin (hereinafter "Marvin") and the Town of Stallings, being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the participating municipalities and also to improve planning by public and private interests in such areas; and

WHEREAS, Part 6, Article 4A, Chapter 160A of the North Carolina General Statutes (hereinafter "Act") authorizes municipalities to enter into agreements designating areas which are not subject to annexation by the participating municipalities.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act.
2. This Agreement shall remain in effect for ten (10) years after its effective date.
3. a) Attached hereto and incorporated herein by reference is Exhibit A which describes a portion of Mecklenburg County. No portion of the area described in Exhibit A is subject to annexation by Weddington, Marvin, or Stallings.
b) Attached hereto and incorporated herein by reference is Exhibit B which describes a portion of Union County. No portion of the area described in Exhibit B is subject to annexation by Charlotte.
4. The effective date of this Agreement is July 1, 2004.
5. a) At least sixty (60) days before the adoption of any annexation ordinance by a party, the party which is considering annexation shall give notice to the other affected party(ies) of the proposed annexation. Such notice shall describe the area to be annexed by a legible map,

clearly and accurately showing the boundaries of the area to be annexed in relation to: the boundaries of the area which the annexing party has agreed not to annex pursuant to this Agreement; roads, streams, and any other prominent geographical features. Such notice shall not be effective for more than one hundred eighty (180) days.

b) Any party may waive, in its sole and absolute discretion, the notice requirements of Paragraph 6(a) above and the Act. Such waiver may be made by the party's governing body or by any official or employee of the party designated by resolution of the party's governing body. The Mayor of Charlotte is duly authorized to waive said requirements.

c) Any waiver authorized by Paragraph 5(b) above must be in writing and bear the signature of the waiving party's Mayor or the official or employee of the waiving party authorized to execute the waiver. If signed by an official or employee designated by a resolution of the party's governing body, the waiver shall be effective without further approval of such party's governing body. Any waiver shall only apply to the annexation described in said waiver. All notices or waivers required by the terms of this Agreement shall be sufficient if directed to and received by the Mayor of the party to whom such notice or waiver is directed.

d) So long as Charlotte does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit B, Weddington, Marvin, and Stallings waive the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Charlotte of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit B. Weddington, Marvin, or Stallings may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Charlotte, whichever date is later.

e) So long as Weddington does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit A, Charlotte waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Weddington of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit A. Charlotte may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Weddington, whichever date is later.

f) So long as Marvin does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit A, Charlotte waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Marvin of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit A. Charlotte may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Marvin, whichever date is later.

g) So long as Stallings does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit A, Charlotte waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Stallings of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit A. Charlotte may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Stallings, whichever date is later.

6. From and after the effective date of this Agreement, no party may consider in any manner the annexation of any area in violation of the Act or this Agreement. From and after the effective date of this Agreement, no party may annex all or any portion of any area in violation of the Act or this Agreement.

7. a) Under no circumstances may this Agreement be construed to create any rights or obligations between Weddington and Marvin, between Weddington and Stallings or between Marvin and Stallings. It is the intent and purpose of the parties to create rights and obligations only between Charlotte and Weddington, between Charlotte and Marvin and between Charlotte and Stallings. Notwithstanding the foregoing, this Agreement shall not take effect until and unless it is duly approved and executed by all parties.

b) Except as herein expressly set forth, the Annexation Agreement between Charlotte and Weddington effective January 1, 1986 shall remain in full force and effect. The annexation agreement among Charlotte, Weddington and Marvin effective January 1, 1996 is terminated as of the effective date of this Agreement.

8. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

9. Any party, which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief as authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.

10. a) The provisions of this Agreement applicable to Charlotte and Weddington may only be amended or terminated upon the written agreement of Charlotte and Weddington, approved by the ordinance of their governing boards and executed by the Mayors of Charlotte and Weddington and spread upon their respective minutes.

b) The provisions of this Agreement applicable to Charlotte and Marvin may only be amended or terminated upon the written agreement of Charlotte and Marvin, approved by the ordinance of their governing boards and executed by the Mayors of Charlotte and Marvin and spread upon their respective minutes.

c) The provisions of this Agreement applicable to Charlotte and Stallings may only be amended or terminated upon the written agreement of Charlotte and Stallings, approved by the ordinance of their governing boards and executed by the Mayors of Charlotte and Stallings and spread upon their respective minutes.

11. There is currently some uncertainty as to the location of a portion of the Union County/Mecklenburg County Line (the "County Line"), and it is anticipated that the County Line could change in the future from its current location. If the location of the County Line is changed in accordance with applicable law:

a) Nothing herein shall be deemed to affect the validity of any annexation by any party, the effective date of which preceded the effective date of the government action which changed the County Line;

b) The area that is described in Exhibits A and B shall be altered, upon the effective date of the change of the County Line and shall be governed by the location of the changed County Line, without the necessity of amending this Agreement; and


c) It is the intent of the parties that no annexation area subject to this Agreement should be located in both Mecklenburg and Union Counties ("Post Agreement Annexation Area"). If any change in the County Line occurs that results in any portion of a party's Post Agreement Annexation Area being located in both Mecklenburg and Union Counties, all parties agree to support and endorse the enactment of legislation by the North Carolina General Assembly as soon as reasonably possible that would cause the boundaries of any party's Post

Agreement Annexation Area to follow the changed County Line so that no Post Agreement Annexation Area is located in both Mecklenburg and Union Counties. Each party acknowledges that the provisions of this subparagraph are not enforceable, but that all remaining provisions of this Agreement are fully enforceable in accordance with their terms and applicable law.

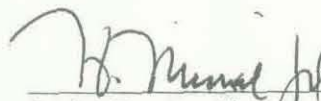
CITY OF CHARLOTTE


Mayor

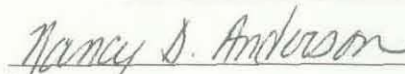
ATTEST:


City Clerk .7-15-04

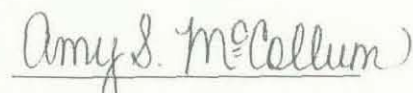
APPROVED AS TO FORM:


Senior Deputy City Attorney


TOWN OF WEDDINGTON


Mayor

ATTEST:


Town Clerk

APPROVED AS TO FORM:



Town Attorney

VILLAGE OF MARVIN



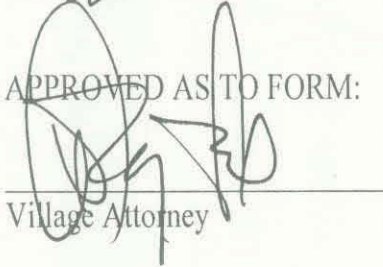
Mayor

ATTEST:

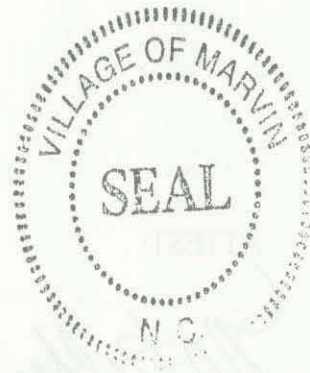


Village Clerk

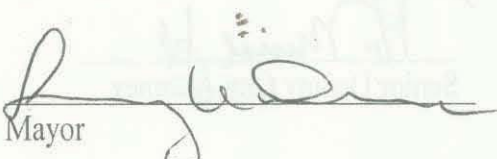
APPROVED AS TO FORM:



Village Attorney

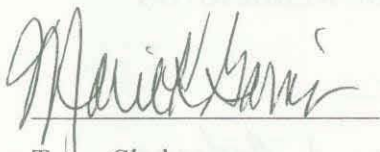


TOWN OF STALLINGS



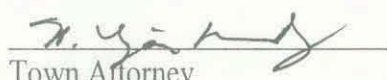
Mayor

ATTEST:



Town Clerk

APPROVED AS TO FORM:



Town Attorney

EXHIBIT A

That certain three mile wide portion of Mecklenburg County which is contiguous with the Union County/Mecklenburg County Line (the "County Line"), and extending in a generally Northwesterly direction into Mecklenburg County for a distance of three miles. The Northeasterly boundary of said portion is formed by a line which begins at the point of intersection of the northerly right-of-way margin of Pleasant Plains Road and the County Line and extends in a Northwesterly direction that is perpendicular to the portion of the County Line immediately adjacent to said point of intersection. The Northwesterly boundary of said portion is formed by a line which is Northwest of, parallel to and 3 miles distant from the County Line. The Southwesterly boundary of said portion is formed by the North Carolina/South Carolina State Line. The Southeasterly boundary of said portion is formed by the County Line.

EXHIBIT B

That certain three mile wide portion of Union County which is contiguous with the Union County/Mecklenburg County Line (the "County Line"), and extending in a generally Southeasterly direction into Union County for a distance of three miles. The Northeasterly boundary of said portion is formed by a line which begins at the point of intersection of the northerly right-of-way margin of Pleasant Plains Road and the County Line and extends in a Southeasterly direction that is perpendicular to the portion of the County Line immediately adjacent to said point of intersection. The Southeasterly boundary of said portion is formed by a line which is Southeast of, parallel to and 3 miles distant from the County Line. The Southwesterly boundary of said portion is formed by the North Carolina/South Carolina State Line. The Northwesterly boundary of said portion is formed by the County Line.

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

Section 1. The following amounts are hereby appropriated for the operation of the City government and its activities for the fiscal year beginning July 1, 2004 and ending June 30, 2005 according to the following schedules:

SCHEDULE A. GENERAL OPERATING FUND (0101)	
TOTAL GENERAL OPERATING FUND	386,291,621
SCHEDULE B. UTILITIES OPERATING FUND (7101)	
TOTAL WATER AND SEWER OPERATING FUND	181,124,052
SCHEDULE C. CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND (7801)	
TOTAL CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND	78,970,436
SCHEDULE D. AVIATION OPERATING FUND (7402)	
TOTAL AVIATION OPERATING FUND	84,083,055
SCHEDULE E. STORM WATER OPERATING FUND (7701)	
TOTAL STORM WATER OPERATING FUND	29,674,307
SCHEDULE F. UTILITIES DEBT SERVICE FUND (5501)	
TOTAL WATER AND SEWER DEBT SERVICE FUND	93,546,000
SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)	
TOTAL MUNICIPAL DEBT SERVICE FUND	67,172,500
SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED	
TOTAL AVIATION DEBT SERVICE FUNDS	66,249,150
SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)	
TOTAL CONVENTION CENTER DEBT SERVICE FUND	16,118,200
SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)	
TOTAL STORM WATER DEBT SERVICE FUND	6,106,000
SCHEDULE K. CATS DEBT SERVICE FUND (5301)	
TOTAL CATS DEBT SERVICE FUND	16,245,966
SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)	
TOTAL TOURISM DEBT SERVICE FUND	6,606,000
SCHEDULE M. POWELL BILL FUND (0120)	
TOTAL POWELL BILL FUND	21,900,000
SCHEDULE N. CONVENTION CENTER TAX FUND (0132)	
TOTAL CONVENTION CENTER TAX FUND	27,510,951
SCHEDULE O. SAFELIGHT FUND (0180)	
TOTAL SAFELIGHT FUND	2,093,787
SCHEDULE P. INSURANCE AND RISK MANAGEMENT FUND (6302)	
TOTAL INSURANCE AND RISK MANAGEMENT FUND	2,166,864
SCHEDULE Q. TOURISM OPERATING FUND (0136)	
TOTAL TOURISM OPERATING FUND	40,000
SCHEDULE R. CEMETERY TRUST FUND (6381)	
TOTAL CEMETERY TRUST FUND	120,000

Section 2. The following amounts are hereby appropriated for capital projects by City Government and its activities for the fiscal

year beginning July 1, 2004 according to the following Schedules:

	SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)		
	TOTAL WORKFORCE INVESTMENT ACT FUND	5,005,410	
	SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)		
	TOTAL NEIGHBORHOOD DEVELOPMENT GRANTS FUND	4,624,938	
	SCHEDULE C. PUBLIC SAFETY GRANTS FUND (0413)		
	TOTAL PUBLIC SAFETY GRANTS FUND	52,000	
	SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)		
	TOTAL PUBLIC SAFETY 911 SERVICES FUND	3,706,489	
	SCHEDULE E. HOME GRANT FUND (6910)		
	Home Grant Projects	4,364,129	
	TOTAL HOME GRANT FUND	4,364,129	
	SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911)		
	Community Development Capital Projects	6,837,464	
	TOTAL COMMUNITY DEVELOPMENT FUND	6,837,464	
	SCHEDULE G. PAY AS YOU GO FUND (2011)		
	Contribution to General Capital Projects Fund	12,299,470	
	Contribution to Charlotte Area Transit System Fund	18,400,000	
	Contribution to HOME Grant Fund	755,810	
	TOTAL PAY AS YOU GO FUND	31,455,280	
	SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)		
	Neighborhood Matching Grants	477.80	200,000
	Small Area Plan Capital Projects	251.00	300,000
	Neighborhood Traffic Calming	477.00	250,000
	Pedestrian and Traffic Safety	474.72	2,000,000
	Sidewalk Program	331.00	2,000,000
	Innovative Housing Program	380.00	4,103,327
	In Rem Remedy	377.10	300,000
	Traffic Equipment Replacement Program	264.30	700,000
	Participation in State Highway Projects	281.50	3,850,000
	Business Corridors	493.00	1,300,000
	Business Grant Program	369.00	400,000
	Smart Growth Land Acquisition	481.05	500,000
	Building Maintenance Program	480.40	2,500,000
	Roof Replacement Program	480.45	1,500,000
	Parking Lot and Deck Repairs	485.00	600,000
	Government Plaza Building Maintenance	474.75	500,000
	Fire Station Renovations	367.70	500,000
	Annexation Fire Stations	367.00	800,000
	Median/Landscape Improvements	481.07	200,000
	Central Yard	264.40	11,000,000
	Ovens/Cricket Maintenance	249.35	500,000
	TOTAL GENERAL CAPITAL PROJECTS FUND		34,003,327
	SCHEDULE I. STORM WATER CAPITAL PROJECT FUND (2701)		
	Storm Water Repairs	359.00	5,000,000
	Storm Water Neighborhood Fund	359.20	3,200,000
	Storm Water Channel Program	359.40	4,000,000
	Storm Water Flood Control Projects	358.00	19,800,000
	Storm Water Transit	359.41	12,400,000
	Storm Water Transportation	359.42	300,000
	Storm Water Economic Development	358.50	300,000
	Storm Water Pollution Control	358.70	2,600,000
	Storm Water Stream Restoration/Mitigation	359.21	2,700,000
	TOTAL STORM WATER CAPITAL PROJECTS FUND		50,300,000

SCHEDULE J. UTILITIES CAPITAL PROJECTS FUND (2071)

Street and Minor Water Main Extensions	635.79	4,100,000
Southwest Water Supply	635.39	13,500,000
Water Line Rehabilitation/Replacement	635.38	7,000,000
New Service Installation Water	634.30	4,000,000
2005 Annexation Areas Future Water Lines	639.05	6,500,000
Valve Rehab and Replacement	637.81	2,100,000
Sardis Rd, 5 MG Ground Tank & BPS	634.47	1,250,000
Water Lines for Street Improv.	635.29	1,000,000
Vest Plant Rehab/Upgrades	635.45	1,000,000
Robinson Church Rd- Harrisburg Rd	634.42	1,000,000
Thompson Rd. Idlewild Rd	639.01	1,000,000
W.T. Harris W.M.	636.27	650,000
Albemarle Rd Wilgrove-Mint Hill	639.02	800,000
Technology Improvements	634.32	750,000
South Transit Corridor Improvements	632.93	1,000,000
Developed Constructed Water- Reimbursable	634.35	600,000
Water Distribution Flow Monitoring Program	639.03	600,000
Security Improvements-Water System	634.45	500,000
WM-NC 115: Sam Furr/Washam Potts	635.60	500,000
WM Shopton Rd./Sledge Rd	637.07	500,000
Lab Expansion / Consolidation	637.83	500,000
WM- Beatties Ford Road- Phase II	634.17	400,000
Elevated Water Storage Tank Rehabilitation	637.25	280,000
WTPs and BP Stations Upgrades and Rehab	634.36	200,000
Safety Upgrades-OSHA Compliance/Water	637.22	200,000
WM:Main St Hville fr Gilead to Ramah Ch	639.04	100,000
Land Acquisition for Watershed Protection	637.28	100,000
Fire Hydrant Installation/Replacement	636.19	50,000
Admin/Eng Bldg. Upgrades	637.80	50,000
Street and Minor Sewer Main Extension	633.79	11,100,000
Sanitary Sewer Line Rehabilitation	636.44	7,000,000
2005 Annexation Areas Future Sewer Lines	632.72	9,300,000
Reedy Creek Interceptor	631.47	15,650,000
Reedy Creek Basin Sanitary Sewer	631.48	5,200,000
McAlpine Relief Sewer	633.51	5,100,000
Long Creek LS	636.22	3,500,000
Briar Creek Relief Sewer	631.40	3,300,000
Griffith St LS Replacement	633.59	2,500,000
New Service Installation Sewer	632.16	2,000,000
Sewer Lines in Streets to be Widened	633.24	1,000,000
Security Improv- Sewer System	632.91	900,000
Long Creek Parallel Outfall Phase I	632.12	811,000
Irwin WWTP Back-Up Power System	632.73	800,000
WW System Evaluation (Regulatory)	632.71	500,000
Coffey Creek Tributary to Shopton Rd.	633.05	500,000
Developer Constructed Sewer- Reimbursable	631.61	400,000
Sewer Outfall Torrence Creek Tributary # 1	632.28	346,000
Steele Creeke LS Improvements	632.37	300,000
Sugar Creek Flood Protection	632.38	200,000
Outfall from Hambright Road	631.49	200,000
Lift Stations Communications, SCADA	631.59	150,000
Sugar Creek Flow Equalization Improvements	632.39	100,000
Safety Upgrades for OSHA	632.59	50,000
TOTAL UTILITIES CAPITAL PROJECTS FUND		121,137,000

Section 3. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 2004 and ending on June 30, 2005 to

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

SCHEDULE A. GENERAL OPERATING FUND (0101)

Taxes		
Property Tax		223,007,031
Sales Tax		45,294,340
Utilities Franchise Tax		28,900,000
Tax Reimbursements		2,561,556
Police Services		14,219,047
Solid Waste Disposal Fees		9,520,000
Business Privilege Licenses		8,600,000
Other Revenues		
Licenses and Permits		11,453,350
Fines, Forfeits and Penalties		1,872,800
Interlocal Grants and Agreements		2,447,386
Federal Grants and State Shared Revenues		3,256,805
General Government		6,485,907
Public Safety		3,025,481
Cemeteries		411,350
Use of Money and Property		523,500
Other Revenues		1,616,624

June 14, 2004
Ordinance Book 52, Page 847

Intragovernmental Revenues	16,655,408
Transferred Revenues	5,050,193
Transfers from Other Funds	1,390,843
TOTAL GENERAL FUND	386,291,621

SCHEDULE B. UTILITIES OPERATING FUND (7101)

Variable Rate Revenues	150,059,581
Fixed Rate Revenues	7,637,692
Specific Service and Capacity Revenues	20,012,120
Industrial Waste Surcharge	3,394,880
Interest on Investments	1,674,604
Other Revenues	871,670
TOTAL UTILITIES OPERATING FUND	183,650,547

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

Half-Percent Sales Tax	54,169,032
Maintenance of Effort:	
Town of Huntersville	17,500
Mecklenburg County	181,866
City of Charlotte	18,400,000
Passenger Revenues	10,881,475
State Operating Assistance Grants	13,415,733
Service Reimbursements	1,004,725
Interest on Investments	4,000,000
Other Revenues	350,000
TOTAL CHARLOTTE AREA TRANSIT SYSTEM FUND	102,420,331

SCHEDULE D. AVIATION OPERATING FUND (7402)

Terminal	21,824,080
Parking	15,150,000
Concessions	21,512,000
Interest on Investments	3,781,945
Airfield Usage	12,000,000
Cargo Area and Ground Rents	6,565,000
Contributions from Reimbursement Agreements	650,030
Other	2,600,000
TOTAL AVIATION OPERATING FUND	84,083,055

SCHEDULE E. STORM WATER OPERATING FUND (7701)

Storm Water Fees	28,733,417
Interest on Investments	431,002
Fund Balance- Unappropriated	509,888
TOTAL STORM WATER OPERATING FUND	29,674,307

SCHEDULE F. UTILITIES DEBT SERVICE FUND (5501)

Contribution from Water and Sewer Operating Fund	89,308,400
Interest on Investments	841,600
Interest Transferred from Other Funds	3,396,000
TOTAL WATER AND SEWER DEBT SERVICE FUND	93,546,000

SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)

Property Tax	29,128,211
Sales Tax	9,141,856
Interest on Investments	2,805,000
Interest Transferred from Other Funds	
General	2,640,000
Other	2,125,000
Contribution from Other Funds	
General - Equipment and CMGC	13,645,869
General - Public Safety Communications	1,511,226
Public Safety Grants	336,713
County Share - CMGC and Park and Rec. L/P	1,203,379
Proceeds from Bonds	150,000
Other	509,849
Fund Balance	3,975,397
TOTAL MUNICIPAL DEBT SERVICE FUND	67,172,500

SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED

Contribution from Aviation Operating Fund	33,572,796
Contribution from Airlines	12,406,436
Proceeds from Sale of Debt	12,000,000
Interest on Investments	1,202,300
Transferred from Capital Project Fund	15,100,000
Fund Balance	0
TOTAL AVIATION DEBT SERVICE FUNDS	74,281,532

SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)

Contribution from Convention Center Tax Fund	16,019,200
Interest on Investments	99,000
TOTAL CONVENTION CENTER DEBT SERVICE FUND	16,118,200

SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)

Contribution from Storm Water Operating Fund	5,506,000
Proceeds from Sale of Bonds	600,000
TOTAL STORM WATER DEBT SERVICE FUND	6,106,000

SCHEDULE K. CATS DEBT SERVICE FUND (5301)

Transfers from Other Funds	10,889,544
Sale of Debt	3,360,000
Interest on Investments	24,000
Fund Balance	1,972,422
TOTAL CATS DEBT SERVICE FUND	16,245,966

SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)

Contribution from Tourism Operating Fund	40,000
Interest on Investments	50,000
Fund Balance	6,516,000
TOTAL TOURISM DEBT SERVICE FUND	6,606,000

SCHEDULE M. POWELL BILL FUND (0120)

State Gas Tax Refund	17,800,000
Interest on Investments	600,000
Fund Balance	3,500,000
TOTAL POWELL BILL FUND	21,900,000

SCHEDULE N. CONVENTION CENTER TAX FUND (0132)

Taxes	23,313,893
Interest on Investments	725,000
Fund Balance	3,472,058
TOTAL CONVENTION CENTER TAX FUND	27,510,951

SCHEDULE O. SAFELIGHT FUND (0180)

Traffic Fines and Penalties	1,993,787
Interest on Investments	100,000
TOTAL SAFELIGHT FUND	2,093,787

SCHEDULE P. INSURANCE AND RISK MANAGEMENT FUND (6302)

Intergovernmental Revenues	
General Fund	751,645
Other Funds	505,380
Mecklenburg County, Board of Education and Other Agencies	909,839
TOTAL INSURANCE AND RISK MANAGEMENT FUND	2,166,864

SCHEDULE Q. TOURISM OPERATING FUND (0136)

Occupancy Tax	3,501,000
Rental Car Tax	1,665,000
Interest on Investments	400,000
TOTAL TOURISM OPERATING FUND	5,566,000

SCHEDULE R. CEMETERY TRUST FUND (6381)

Fund Balance	120,000
TOTAL CEMETERY TRUST FUND	120,000

Section 4. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2004 and ending on June 30, 2005 to meet the appropriations shown in Section 2 according to the following Schedules:

SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)

Workforce Investment Act (WIA) Grants	5,005,410
TOTAL WORKFORCE INVESTMENT ACT FUND	5,005,410

SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)

Federal-HOPWA Grant	571,000
Federal-Emergency Shelter Grant	206,784
Federal-Villages of Hope Haven	424,729
Federal-Lead Based Paint Grant	2,500,000
Federal-Brownfields Grant	40,000
Federal-Brownfields Revolving Loan Fund	500,000
Federal-Section 108 Loan - West Boulevard Shopping Center	307,425
State-Urgent Repair Grant	75,000
TOTAL NEIGHBORHOOD DEVELOPMENT GRANTS FUND	4,624,938

SCHEDULE C. PUBLIC SAFETY GRANTS FUND (0413)

Federal and State Grants	52,000
TOTAL PUBLIC SAFETY GRANTS FUND	52,000

SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)

Wireless Fee (State Reimbursement)	640,000
Wired Fee	4,100,000
Interest on Investments	70,000
TOTAL PUBLIC SAFETY 911 SERVICES FUND	4,810,000

SCHEDULE E. HOME GRANT FUND (6910)

HUD HOME Grant Funds	2,849,690
Contribution from Pay As You Go Fund	758,629
Program Income	755,810
TOTAL HOME GRANT FUND	4,364,129

SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911)

Community Development Block Grant	5,653,000
Community Development Program Income	1,184,464
TOTAL COMMUNITY DEVELOPMENT FUND	6,837,464

SCHEDULE G. PAY AS YOU GO FUND (2011)

Property Tax	11,001,195
Interest on Investments	150,000
Sales Tax	9,649,728
Auto Tax	10,654,357
TOTAL PAY AS YOU GO FUND	31,455,280

SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)

Contribution from Pay As You Go Fund	12,299,470
Contribution from Other Funds - Innovative Housing Loan Repayments	53,857
Street Bonds	9,850,000
Certificates of Participation (Central Yard)	11,000,000
Certificates of Participation (Annexation Fire Stations)	800,000
TOTAL GENERAL CAPITAL PROJECTS FUND	34,003,327

SCHEDULE I. STORM WATER CAPITAL PROJECTS FUND (2701)

Contribution from Storm Water Operating Fund	8,000,000
Storm Water Revenue Bonds	42,300,000
TOTAL STORM WATER CAPITAL PROJECTS FUND	50,300,000

SCHEDULE J. UTILITIES CAPITAL PROJECTS FUND (2071)

Water Revenue Bonds	44,880,000
Sewer Revenue Bonds	68,507,000
Contribution from Water and Sewer Operating Fund	7,750,000
TOTAL UTILITIES CAPITAL PROJECTS FUND	121,137,000

Section 5. That the sum of up to \$32,200,000 is estimated to be available from the proceeds of the FY05 Installment Payment Contract (Lease/Purchase) and is hereby appropriated to the funds listed below. Interest earnings on these lease purchase proceeds are hereby appropriated to the respective funds' Control Centers for allocation for future capital equipment needs in the current and future years until the funds are depleted.

General Capital Equipment Fund	\$ 12,000,000
Water & Sewer Capital Equipment Fund	18,000,000
Powell Bill (Street Maintenance) Capital Equipment Fund	1,325,000
Issuance Expense	875,000
Total	\$ 32,200,000

Section 6. The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2004, for the purpose of raising revenue from property taxes as set forth in the foregoing revenue estimates, and in order to finance the Funds' appropriations:

	<u>Tax Rates</u>
General Fund (for the general expenses incidental to the proper government of the City)	\$0.3550
Municipal Debt Service (for the payment of interest and principal on outstanding debt)	\$0.0470
Pay As You Go Fund (for dedication to the General Capital Projects Fund for capital improvements)	\$0.0180
TOTAL RATE PER \$100 VALUATION OF TAXABLE PROPERTY	\$0.4200

Such rates of tax are based on an estimated total appraised valuation of property for the purpose of taxation of \$62,692,000,842 and an estimated rate of collection of ninety-seven and forty-one hundredths percent (97.41%).

Section 7. That the sum of \$712,376 is hereby appropriated to the Municipal Service District 1; that the sum of \$192,311 is hereby appropriated to the Municipal Service District 2; and that the sum of \$526,859 is hereby appropriated to Municipal Service District 3. These funds will provide for planning, promotion, and revitalization activities within the designated center city Municipal Service Districts for the period beginning July 1, 2004 and ending June 30, 2005.

Section 8. That the sum of \$319,467 is hereby appropriated to the Municipal Service District 4. These funds will provide for planning, promotion, and revitalization activities within the designated South End Municipal Service District for the period beginning July 1, 2004 and ending June 30, 2005.

Section 9. That the sum of \$163,690 is hereby appropriated to the Municipal Service District 5. These funds will provide for planning, promotion, and revitalization activities within the designated University City Municipal Service District for the period beginning July 1, 2004 and ending June 30, 2005.

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

	SCHEDULE A. MUNICIPAL SERVICE DISTRICT 1 (0130)		
Property Taxes		\$	712,376
TOTAL DISTRICT 1		\$	712,376
	SCHEDULE B. MUNICIPAL SERVICE DISTRICT 2 (0130)		
Property Taxes		\$	199,637
TOTAL DISTRICT 2		\$	199,637
	SCHEDULE C. MUNICIPAL SERVICE DISTRICT 3 (0130)		
Property Taxes		\$	526,859
TOTAL DISTRICT 3		\$	526,859

SCHEDULE D. MUNICIPAL SERVICE DISTRICT 4 (0130)

Property Taxes	\$	319,467
TOTAL DISTRICT 4	\$	319,467

SCHEDULE E. MUNICIPAL SERVICE DISTRICT 5 (0130)

Property Taxes	\$	177,000
TOTAL DISTRICT 5	\$	177,000

Section 11. The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2004, for the purpose of raising the revenue from property taxes to finance the foregoing appropriations in the Municipal Service Districts Funds. Such tax rates are based on estimated total appraised valuations at collection rates as follows.

	<u>Tax Rates</u>	<u>Valuation</u>	<u>Collection Rate (%)</u>
Municipal Service District 1	\$ 0.0174	\$4,202,970,704	97.41%
Municipal Service District 2	\$ 0.0124	\$1,652,782,607	97.41%
Municipal Service District 3	\$ 0.0271	\$1,995,820,239	97.41%
Municipal Service District 4	\$ 0.0668	\$ 490,959,288	97.41%
Municipal Service District 5	\$ 0.0300	\$ 605,689,043	97.41%

Section 12. That the sum of \$125,000 is estimated to be available from a grant from Mecklenburg County's Department of Social Services and is hereby appropriated in General Fund 0101- Community Relations Committee for the Community Relations Dependency Mediation Program.

Section 13. That the sum of \$200,000 is estimated to be available from miscellaneous grants, donations, and other external parties during the fiscal year and is hereby appropriated to General Fund 0101.

Section 14. That the sum of \$200,000 is estimated to be available from miscellaneous grants, donations, and other external parties during the fiscal year and is hereby appropriated to Public Safety Grants Fund 0413.

Section 15. That the sum of \$62,500 is estimated to be available from Wachovia and is hereby appropriated in General Fund 0101- Economic Development Division- SBD Program (105.01) for transfer to the SBE Loan Fund.

Section 15a. That the sum of \$39,000 is available from General Fund 0101 fund balance and is hereby appropriated for transfer to the General CIP Fund 2010; and that \$385,000 is hereby appropriated in the General CIP Fund 2010 for Animal Shelter Kennel Expansion (231.20), funded by a transfer from General Fund 0101.

Section 16. That the sum of \$199,310 is hereby available from the following General Capital Project Fund (2010) for FY2005 art eligible projects:

PROJECT TITLE	Center Number	Source of Funds	1% Allocation
Pedestrian and Traffic Safety	474.72	Street Bonds	\$20,000
Innovative Housing Program	380.00	Pay-As-You-Go	10,000
Business Corridor Revitalization	493.00	Street Bonds	13,000
Business Grant Program - Facades	369.00	Street Bonds	2,000
South Corridor Infrastructure	494.00	Street Bonds	84,000
Median/Landscape Improvements	481.07	Pay-As-You-Go	2,000
Central Yard	264.40	Certificates of Participation	66,000
Animal Shelter Kennel Expansion	231.20	General Fund Contribution	2,310
TOTAL			\$199,310

That the sum of \$199,310 is hereby appropriated to General Capital Project Fund 2010; 246.10 - Public Art.

Section 17. That the sum of \$183,900 is hereby available from the following General Capital Project Fund (2010) for FY2004 art eligible projects:

PROJECT TITLE	Center Number	Source of Funds	1% Allocation
Pedestrian and Traffic Safety	474.72	Street Bonds	\$20,000
Innovative Housing Program	380.00	Pay-As-You-Go	10,000
Business Corridor Revitalization	493.00	Street Bonds	15,000
Bicycle Facilities	474.76	Street Bonds	12,500
Westside Strategy Plan	329.00	Two-Thirds Bonds	36,000
South Corridor Infrastructure	494.00	Street Bonds	72,000
Median/Landscape Improvements	481.07	Pay-As-You-Go	4,000
Annexation Fire Stations	367.00	Capital Reserve	14,400
TOTAL			\$183,900

That the sum of \$183,900 is hereby appropriated to General Capital Project Fund 2010; 246.10 - Public Art.

Section 18. That the additional sum of \$263,851 is available from the Aviation Discretionary fund 7408 and is hereby appropriated to Aviation Capital Projects Fund (2073, 562.27) for art projects in accordance with the Art Ordinance.

Section 19. That the sum of \$10,000 is available from developer contributions and is hereby appropriated to General CIP Fund 2010- Developer Contributions (281.52).

Section 20. That the sum of \$99,550 is available from developer contributions and is hereby appropriated to General CIP Fund 2010- Bridge Over Rail Line at Mt. Holly (288.01).

Section 21. That the sum of \$200,000 is estimated to be available from NCDOT for bridge inspections and is hereby appropriated to General CIP Fund 2010- Bridge Replacement Program (248.00).

Section 22. That Schedule A in Sections 1 and 3 of Ordinance 2323-X adopted June 23, 2003 is hereby amended to reflect an increase of \$2,851 for the transfer from Fund 0132 and payment to Mecklenburg Towns' tourism subsidy.

Section 23. That Section 2 Schedule D of Ordinance 2323-X adopted June 23, 2003 is hereby amended to reflect an increase of \$325,000, to a total of \$4,876,652.

Section 24. That Section 5 of Ordinance 2323-X adopted June 23, 2003 is hereby amended to reflect an increase of \$5.5 million, to a total of \$13.3 million, for the Water and Sewer Capital Equipment Fund. The total authorization for the FY04 Installment Payment Contract (Lease/Purchase) is hereby amended to total \$23.8 million.

Section 25. That the additional sum of \$2,169.81 is available from private donations and is hereby appropriated to General Fund 0101- Community Relations Committee.

Section 26. That the sums of \$8,611 and \$11,989 are estimated to be available from the Governor's Crime Commission grants and are hereby appropriated to the Public Safety Grants Fund 0413.

Section 27. That the additional sum of \$2,551.12 is available from individual Animal Control donations and is hereby appropriated to the Public Safety Grants Fund 0413.

Section 28. That the sum of \$50,000 is available from asset forfeiture funds and is hereby appropriated to the Public Safety Grants Fund 0413.

Section 29. That the sum of \$20,000 is available from purchasing rebates and is hereby appropriated to General Fund 0101- Business Support Services KBU.

Section 30. That the sum of \$92,893 are available from reimbursements (\$88,893) and donations (\$4,000) and are hereby appropriated to General Fund 0101- Fire KBU.

Section 31. That ordinance 2206-X dated 12/09/02 is amended for the following action:

That the sum of \$1,035,804 received from FEMA and the State of North Carolina be returned to the General Fund 0101 unrestricted fund balance.

Section 32. That the sum of \$132,177.10 is available from General Fund 0101 fund balance and is hereby appropriated for transfer to the Public Safety Grants Fund 0413 for the final amount of City match to the Police hiring grants.

Section 33. That Sections 10 and 11 of Ordinance 2323-X adopted June 23, 2003 are hereby amended to reflect the following changes:

Section 10:

That the District 3 tax levy be decreased to \$576,068

That the District 5 estimated revenues should be increased to \$167,368

Section 11:

That the District 5 valuation should be \$570,735,213

Section 34. That Schedule B in Sections 2 and 4 of Ordinance 2323-X adopted June 23, 2003 is hereby amended to reflect a decrease of \$2,538,158 to \$728,000. Only the HOPWA (\$562,000) and Emergency Shelter (\$166,000) grants are authorized for FY04.

Section 35. That the additional sum of \$1,174,667 is available from the Workforce Investment Act grant and is hereby appropriated to Neighborhood Development Fund 6346.

Section 36. That the additional sum of \$135,644.00 is available from program income in the HOME fund and is hereby appropriated to Neighborhood Development Fund 6910 (821.95.344).

Section 37. That the additional sum of \$132,884.18 is available from program income in the Neighborhood Development Innovative Housing program and is hereby appropriated to Innovative Housing Fund 2010 (380.53).

Section 38. That the sum of \$126,122.11 is available from principal receipts from the Hope Haven loan collected in FY04 and FY05 to be used to repay the City's Section 108 Loan to HUD and is hereby appropriated to Neighborhood Development Fund 6807 (900.80).

Section 39. That the sum of \$37,671.42 is available from Mecklenburg County Departments of Social Services and Health and the Charlotte-Mecklenburg Schools as a contribution to the Quality of Life Study and is hereby appropriated to the General Fund 0101 - Neighborhood Development (710.02.303)

Section 40. That the sum of \$20,724.00 is available from investment interest on the Economic Development Revolving Loan Fund to repay HUD and is hereby appropriated to Neighborhood Development Fund 6902.

Section 41. That the sum of \$11,598.96 is available from the Enterprise Community grant program income from Emergent Technologies and is hereby appropriated to Neighborhood Development Fund 6807 (900.90)

Section 42. That the sum of \$13,628,470 is available from the following sources and is hereby appropriated to the South Corridor Capital Project; and that the sum of \$10,221,352 is to be advanced from CATS Operating Fund 7801 reserves pending award of the federal and state grants. These advances shall become the permanent sources of financing if the grant funding is not received.

Sources of Funding	Amount
Federal	6,814,235
NCDOT	3,407,117
Local	3,407,118
Total	\$13,628,470

Section 43. That the sum of \$400,000 is available from the Pay-As-You-Go Fund fund balance (2011) and is hereby transferred and appropriated to the General Capital Projects Fund 2010; 471.00 - Productivity Improvements.

Section 44. That Schedules D and R of Sections 1 and 3 of Ordinance 2323-X dated June 23, 2003 are hereby amended to reflect an increase of \$583,154 to the transfer of excess non-airline revenues from the Aviation Operating to Discretionary Funds.

Section 45. That the entire sum available from MSD Fund 0130 fund balance as of June 30, 2004 for MSDs #1, #2, #3, and #4 is hereby appropriated for payment to Charlotte Center City Partners (CCCP).

Section 46. That Ordinance 2305-X dated May 27, 2003 is hereby amended to reflect a change in the sources of funding by reducing Revenue Bonds and increasing contributions by \$29,177.

Section 47. That the sources of funding in Fund 2036 are hereby amended to reflect Sale of Land as \$10,800,000 and Interest Income as \$343,771 and a reduction in Transfer from Tourism Operating Fund 0136 for \$11,143,771.

Section 48. That Ordinance 1939-X dated October 22, 2001 is hereby amended to read as follows:

Sources of Funding	Original	Revised
Federal Transit Administration	2,130,203	2,130,203
NCDOT	266,275	264,500
City Contribution	266,276	268,051
Total	\$2,662,754	\$2,662,754

Section 49. That Ordinance 2452-X dated November 24, 2003 is hereby amended to read as follows:

Sources of Funding	Original	Revised
Federal Transit Administration	7,375,000	0
NCDOT	3,687,500	7,375,000
City Contribution	3,687,500	7,375,000
Total	\$14,750,000	\$14,750,000

Section 50. That the sum of \$16,554,000 is hereby transferred within the Rapid Transit CIP Fund 2098 from South Corridor Engineering (894.20) to the following centers:

Center/Title	Amount
897.92 - Preliminary Engineering	14,271,497
898.64 - Final Design Direct Costs	1,680,504
898.65 - Final Design - Indirect Costs	601,999
Total	\$16,554,000

Section 51. That the sum of \$5,722,497.73 is hereby transferred within the Rapid Transit Capital Projects Fund 2098 from South Corridor ROW Protection (894.05) to the following centers:

Center/Title	Amount
898.05 - ROW COPS	5,000,000.00
898.06 - ROW CATS	722,497.73
Total	\$5,722,497.73

Section 52. That the sum of \$6,983,521.50 is hereby transferred within the Rapid Transit Capital Projects Fund 2098 from 840.31 to 898.05.

Section 53. That the following statement is added to Ordinances 1619-X dated October 10, 2000, 2140-X dated October 14, 2002, and 2341-X dated July 20, 2003: "That advances to the project(s) shall be the permanent sources of financing if grant funding is not received."

Section 54. That Section 2 in Ordinance No. 2213-X is amended to read: That the sum of \$300,000 is hereby appropriated to the Tourism Capital Project Fund 2036.

Section 55. That Section 2, Schedule D of Ordinance 2323-X dated June 23, 2003 is hereby amended to reflect a reduction in 2/3 Street Bonds of \$1.1 million and an increase in Street Bonds of \$1.1 million.

Section 56. That Section 2, Schedule K of Ordinance 2323-X dated June 23, 2003 is amended to authorize a transfer from Fund 2078 instead of Fund 2098.

Section 57. That Sections 1 and 3, Schedule J of Ordinance 2323-X dated June 23, 2003 is amended to revise the Storm Water Debt Service Fund number from 5701 to 5201.

Section 58. That Ordinance 2367-X dated August 25, 2003 is amended to appropriate \$5,920 instead of \$5,290.

June 14, 2004

Ordinance Book 52, Page 854

Section 59. That Ordinance 2362- X dated August 25, 2003 is amended to read center 532.12 instead of center 530.12.

Section 60. That the Finance Director or his designee is hereby authorized to carry forward the authorizations for any Federal, State, Local, other third party grants, or program- specific community contributions for the duration of the grants' or contributions' authorized performance periods; and that any appropriation of local funding required, such as a grant match, is authorized to be carried forward as well.

Section 61. That the Finance Director or his designee is hereby authorized to appropriate interest earnings for any Federal, State, Local, or other third party grants for the duration of the grants' authorized performance periods.

Section 62. That the Finance Director or his designee is hereby authorized to appropriate interest on investments on HUD-related revolving loan funds as required by HUD to return related interest earnings to HUD at fiscal years' end.

Section 63. That the Finance Director or his designee is hereby authorized to advance cash from the General Capital Project equity of the City's cash pool account to general capital projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the General Capital Project equity of the City's cash pool account.

Section 64. That the Finance Director or his designee is hereby authorized to advance cash from the Utilities equity of the City's cash pool account to water and sewer projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the Utilities equity of the City's cash pool account.

Section 65. That the Finance Director or his designee is hereby authorized to transfer interest earnings from the City's various operating and capital funds to the appropriate debt service funds according to Council policy, except where specific exceptions have been authorized.

Section 66. That the Finance Director or his designee is hereby authorized to appropriate amounts needed to fund current fiscal year debt issues that have been approved by Council.

Section 67. That the Finance Director or his designee is hereby authorized to appropriate amounts needed to satisfy federal government regulations related to interest earnings on debt issues.

Section 68. That the Finance Director or his designee is hereby authorized to transfer revenues from the Convention Center Tax Fund to the Coliseum Authority as stipulated in State of North Carolina General Statutes.

Section 69. That occupancy and prepared food and beverage tax revenues are hereby available and are authorized to be appropriated in the amounts needed to make payments to Visit Charlotte and the Auditorium-Coliseum-Convention Center Authority as specified in Council- authorized agreements.

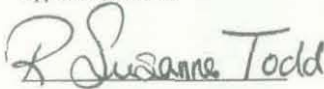
Section 70. That 911 wired surcharge fees are hereby available and are authorized to be appropriated in the amounts needed to make payments to Mecklenburg County as specified in Council- authorized interlocal agreements.

Section 71. Copies of this ordinance shall be furnished to the Director of Finance, City Treasurer, and Chief Accountant to be kept on file by them for their direction in the disbursement of City funds.

Section 72. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 73. It is the intent of this ordinance to be effective July 1, 2004, except for Sections 17 through 59, which are to be effective upon adoption.

Approved as to form:

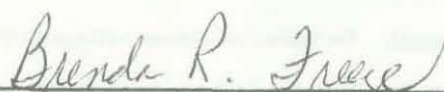


Asst. City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 844-854.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of June, 2004.



Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2621

AMENDING CHAPTER 19

AN ORDINANCE AMENDING CHAPTER 19 OF THE CHARLOTTE CITY CODE ENTITLED "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES"

WHEREAS, the City of Charlotte has a significant governmental interest in protecting an individual's right to exercise his or her First Amendment right of free speech and the City recognizes that public sidewalks, streets and parks are traditional public forums in which expressive activity occurs; and

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order while preserving traditional public forums; and

WHEREAS, the City of Charlotte has a significant governmental interest in maintaining the free flow of traffic on public streets and sidewalks, preserving access to public places and buildings and protecting property; and

WHEREAS, the City of Charlotte has a significant governmental interest in protecting residential privacy and protecting unwilling listeners within their homes from the intrusion of unwanted speech; and

WHEREAS, the City of Charlotte may impose reasonable and constitutional regulations for the use of public streets, sidewalks, and parks during a picket, public assembly, or parade to further the above-referenced governmental interests, without regard to the purpose or content of the message but to preserve the public peace and to avoid unreasonable conflicts with other legitimate use of such property.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 19 of the Charlotte City Code is amended by rewriting Article X to read as follows:

"ARTICLE X. Picketing.

Sec. 19-301. Definitions.

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

Picket or picketing, means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution

of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

Sidewalk means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

Street means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter or right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms "highway" and "street" and their cognates are synonymous as used herein.

Sec. 19-302. Notice of Intent to Picket.

(a) *Notification Required.* The organizer of a picket that the organizer knows, or should reasonably know, that will be by a group of fifty (50) or more individuals shall give notice of intent to picket to the chief of police or designee at least forty-eight (48) hours before the beginning of the picket. The notice of intent to picket shall include the following information:

- (i) the name, address and contact telephone number for the organizer of the picket;
- (ii) the name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
- (iii) the name of the organization or group sponsoring the picket;
- (iv) the location where the picket is to take place;
- (v) the date and time the picket will begin and end; and
- (vi) the anticipated number of participants, and the basis on which this estimate is made.

(b) *Receipt of Notification.* Upon notice of intent to picket given in accordance with subsection (a), the chief of police or designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official.

(c) It shall be unlawful for any person to violate any provision of this section.

Sec. 19-303. Picketing Regulations.

(a) Picketing may be conducted on public sidewalks, at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, any other City-controlled park, or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights of way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.

(b) Notwithstanding subsection (a), picketing may not be conducted:

- (i) at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, or other City-controlled park during a festival that has been permitted at that particular property or when that property has been otherwise reserved for private use;
- (ii) on a median strip; and
- (iii) at a location directed, focused, or targeted at a particular private residence.

(c) Picketing shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.

(d) Written or printed placards or signs, flags, or banners carried by individuals engaged in picketing shall be of such a size and/or carried on the sidewalks or other city-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed forty inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.

(e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.

(f) Spectators of pickets shall not physically interfere with individuals engaged in picketing. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.

(g) Picketers and picketing shall be subject to all applicable local, state and federal laws including, but not limited to:

- (i) the City's noise ordinance;
- (ii) the City's handbill ordinance;
- (iii) §14-225.1 (obstructing justice);
- (iv) §14-277.2 (weapons);
- (v) §14-277.4 (health care facilities); and
- (vi) §14-288.4 (disorderly conduct).

(h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute §14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.

(i) It shall be unlawful for any person to violate any provision of this section.

Secs. 19-304 to -310. Reserved.”

Section 2. Chapter 19 of the Charlotte City Code is amended by adding a new Article XI to read as follows:

“ARTICLE XI. Public Assemblies and Parades.

Sec. 19-311. Definitions.

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

Appeals Official means the city manager, or his designee who shall be a deputy or assistant city manager.

Demonstration means a public display of sentiment for or against a person or cause, including protesting.

Festival means a concert, fair, exhibit, promotion, community event, block party, or similar event.

Parade means an athletic event, march, ceremony, pageant, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.

Permit Official means the person or persons designated by the city manager as being responsible for issuing permits under this article. The city manager may designate different persons as the Permit Official for different categories of permitted events and for different facilities or locations.

Public assembly means:

- (a) a festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; and
- (b) a festival on the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, or in Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park or any other City-controlled Park.

Sec. 19-312. Public Assembly and Parade Permits.

(a) *Permit Required.* No public assembly or parade is permitted unless a permit allowing such activity has been obtained pursuant to this section.

(b) *Permit Application.* An application for a public assembly or parade permit shall be made in writing on a form prescribed by the Permit Official at least thirty (30) days before the commencement of the event. Notwithstanding the preceding sentence, the Permit Official shall consider an application that is filed less than thirty (30) days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown.

The application must contain the following:

- (i) the name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "Applicant");
- (ii) the name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;
- (iii) the date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband, and any requested street closings;
- (iv) the anticipated number of persons and vehicles, and the basis on which this estimate is made;

- (v) a list of the number and type of animals that will be at the event and all necessary health certificates for such animals;
- (vi) such other information, attachments, and submissions that are requested on the application form; and
- (vii) payment of a non-refundable application fee established pursuant to Section 2-4 of the Charlotte City Code.

(c) *Permitting Criteria.* An application may be denied for any of the following reasons:

- (i) the application is not fully completed and executed;
- (ii) the Applicant has not tendered the required application fee or has not tendered other required user fees, indemnification agreements, insurance certificates, or security deposits within times prescribed;
- (iii) the application contains a material falsehood or misrepresentation;
- (iv) the Applicant is legally incompetent to contract or to sue and be sued;
- (v) the Applicant has on prior occasions made material misrepresentations regarding the nature or scope of an event;
- (vi) the Applicant has previously permitted a violation or has violated the terms of a public assembly or parade permit issued to or on behalf of the applicant;
- (vii) the Applicant has on prior occasions damaged City property and has not paid in full for such damage;
- (viii) a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple simultaneous events;
- (ix) the proposed event would conflict with previously planned programs organized, conducted, or sponsored by the City and previously scheduled at or near the same time and place;
- (x) the proposed event would present an unreasonable danger to the public health or safety;
- (xi) the proposed event would substantially or unnecessarily interfere with traffic;

- (xii) the event would likely interfere with the movement of emergency equipment and police protection in areas contiguous or in the vicinity of the event.
- (xiii) there would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;
- (xiv) the Applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations concerning the sale or offering for sale of any goods or services;
- (xv) the use or activity intended by the Applicant is prohibited by law;
- (xvi) for non-First Amendment protected public assemblies or parades, the following criteria shall also apply:
 - a. the cultural and/or educational significance of the event;
 - b. the extent to which the event contributes to the economic revitalization and business development of the City;
 - c. the impact and/or cost of the event to City support services;
 - d. the impact of the event to the public health, safety and welfare;
 - e. the impact of the event on business and resident populations within or adjacent to the proposed event site;
 - f. the evaluation of any previous event produced by the event organizer with regard to planning, quality, public safety, and payment of invoices;
 - g. the frequency and timing of the event or similar events.

Unless subject to (c)(xvi), nothing in this section shall authorize the Permit Official to deny a permit based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed.

The Permit Official may attach reasonable conditions to any permit approval.

(d) *Costs and Fees.* The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the City for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the City for the costs of providing on-duty law

enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.

The Permit Official, in consultation with the Charlotte-Mecklenburg Police Department, shall determine the number of officers needed to appropriately police street closures and for internal security, and the number of emergency medical technicians needed, and the time when such services shall commence and end, taking into consideration the following:

- (i) the proposed location of the special event or route of the parade;
- (ii) the time of day that the public assembly or parade is to take place;
- (iii) the date and day of the week proposed;
- (iv) the general traffic conditions in the area requested, both vehicular and pedestrian. Special attention is given to the rerouting of the vehicles or pedestrians normally using the requested area;
- (v) the number of marked and unmarked intersections along the route requested, together with the traffic control devices present;
- (vi) if traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic control devices are to be taken into consideration;
- (vii) the estimated number of participants;
- (viii) the estimated number of viewers;
- (ix) the nature, composition, format and configuration of the special event or parade;
- (x) the anticipated weather conditions;
- (xi) the estimated time for the special event or parade;
- (xii) for festivals, whether alcohol will be served, live music offered, or retail sales stations provided, and the number and location of alcohol service stands, music stages, and retail stands.

In addition, for festivals located inside I-277, the Applicant shall reimburse the City for the costs of providing street and sidewalk cleaning, trash receptacle placement, trash removal, and trash disposal.

Notwithstanding the foregoing, the City may provide the services required by this subsection at no cost, or at a reduced cost, to the Applicant should the City desire to provide such support to the public assembly or parade. Such action is not a waiver of a

regulatory requirement based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed, but instead is an affirmative act of City association or speech.

(e) *Time and Notice of Decision.* The Permit Official shall approve or deny an application within twenty (20) days of receipt. A notice of denial shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal for measures by which the Applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the Permit Official shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.

(f) *Appeals.*

(i) An Applicant may appeal the denial of an application in writing within ten (10) days after notice of the denial has been received. Within five (5) business days, or such longer period of time agreed to by the Applicant, the Appeals Official shall hold a *quasi-judicial* hearing on whether to issue the permit or uphold the denial. The applicant shall have the right to present evidence at said hearing. The decision to issue or uphold the denial shall be based solely on the approval criteria set forth in this section. The Appeals Official shall render a decision on the appeal within five (5) business days after the date of the hearing. In the event that the purpose of the proposed event is a spontaneous response to a current event, or where other good and compelling causes are shown, the Appeals Official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

(ii) The decision of the Appeals Official is subject to review in the Superior Court of Mecklenburg County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within thirty (30) days after the applicant has received notice of the decision. Unless good cause exists to contest a petition for writ of certiorari, the city shall stipulate to certiorari no later than five (5) business days after the petitioner requests such a stipulation. The city shall transmit the record to the court no later than five (5) business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the city shall file its brief within fifteen (15) days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the city shall add three (3) days to this time limit, in accordance with North Carolina General Statute 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter

time period shall control. The North Carolina Rules of Appellate Procedure shall govern an appeal by an applicant from the Superior Court of Mecklenburg County.

(g) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.

Sec. 19-313. Public Assembly and Parade Regulations.

(a) It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a public assembly or parade, or with any person, vehicle, or animal participating or used in the public assembly or parade.

(b) It shall be unlawful for the operator of a motor vehicle to drive between vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Spectators of a public assembly or parade and persons attending or participating in a public assembly or parade picketing shall be subject to all applicable local, state and federal laws including, but not limited to G.S. §14-277.2 (weapons).

(d) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute §14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.

Section 3. The first sentence of subsection (c) of Sec. 4-72 of the Charlotte City Code is amended to read as follows:

“Picketers and demonstrators shall comply with section 19-303.”

Section 4. Charlotte City Code Section 15-18 is hereby repealed.

Section 5. This ordinance shall become effective upon adoption.

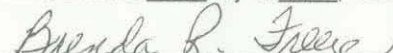
Approved as to Form:


SR Asst City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of June, 2004 the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 855-864.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of June, 2004.


Brenda R. Freeze, CMC, City Clerk