AGENDA

Meeting Type:	B
Date:	08-23-1993

City of Charlotte, City Clerk's Office

Dinner Meeting 8-23-93

Mayor Vinroot ✓
Campbell ✓
Underfelter ✓
Hammond ✓
McCray ✓
Majeed
Morgan ✓
Martin ✓
Patterson ✓
Rivens ✓
Scarborough ✓
Wheeler

Peter Robertson
Char. Chamber of Comm.
Kim Jolly
International House
Janet Malkemus
Jennifer Watson Roberts
1st. UNION

5:30 p.m.

Vinroot
Larry Rosenstrauch
Janet Malkemus
Jennifer Watson Roberts
~~Vinroot~~ Vinroot
Kim Jolly
Peter Alperblom
Vinroot
Scarborough

Roberts
Akerblom
Mangum
Vinroot
Underhill
Reid
Yes

Mar /Patt

Exec.

NO NEED
Annexation Lawsuits
Underhill
Mike Boyd

Scar / Hom - to Approve

Reid
Boyd
Rid
Underhill
Reid who renders the opinion?
Underhill
Reid
Underhill
McCrory

Side 2
Tape 1

Boyd
McCrory
Boyd
McCrory - Could we be opening ourselves up to future lawsuits?

Boyd
McCrory
Underhill
McCrory
Martin plaintiffs
Boyd
Martin
Boyd
Mayer
Boyd
Vote - unanimous
Martin
Mayer
Mangum PUC pipe
Julie Burell
Mangum
Mayer
Reid
Vi Alexander
Reid

White
Reid
White
Reid
White
Chafetz
Mc Crory
Mayer

Adjourn 6:25

City Council Meeting

BRA
8-23-93

Mayor Vinroot ✓
Campbell ✓
Clodfelter ✓
Hammond ✓
McCrory ✓
Majeed ✓
Morgan ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler

6:35 p.m.

Vinroot
Invocation Father Richard M. Bellow
Paul Thompson, Jr. 8922 McClure Circle
Glenn Hunt 122 QUEENS GATE LANE - 25 YRS.
Jane Scott 1.5 MILES
Vinroot Is it a taking?
Underhill noise ordinance can be enforced.
Martin 3 options. ① Issue citation
Hope we can approach & ask to turn off radio ② Misdemeanor charge
Vinroot ③ Institution of Civil Action - $500.00 per day for each violation + injunction & order of abatement.

McCrory - If we make exceptions

Underhill - We don't make exceptions

McCrory

Reid - How long there?

Martin - 30 years

Campbell

Reid

Underhill - don't apply grandfather

Reid - [illegible]

Underhill - [illegible]

Campbell

Vinroot -

Clodfelter

Mangum - Can someone close Blockbuster down?

Underhill - Don't know if Blockbuster violates

Mangum

Underhill

Clodfelter

Underhill - A lot is involved in a civil action.

Campbell - 3RD OPTION?

Underhill - CRIMINAL MISDEMEANOR WARRANTS.

Campbell - Why not try that for a while?

White

Majeed - Mufflers?

Underhill - If we get complaints on Blockbuster - will issue tickets.

Majeed

Underhill - There are 2 different sections of code.

Vinroot

Paul Thompson - 2 citations issued to owner. Understand citations can be written to drivers also, and things are opening up to where that can be done also.

Vinroot

6:58

7:00 p.m. Regular Mtg.

Vinroot
Mangum
#1 Vinroot
Scarborough / Hammond Clse Hrng. Unan.
McCrory / Scarborough Clse
App. Unan.

#2-
Vinroot
Hammond / Patterson Clse. Hrng.
Martin
White
Vinroot
Martin
Reid
VOTE- Unan.
Reid
White
Reid
White
Reid
White
Reid
White

Reid
White
Vinroot
Mangum
Reid
White
Reid
Vinroot
Reid
Underhill - NOT LEGALLY - NOT UNDER DISCLOS
Vinroot
Hammond / Mangum App. Resolution
Unan

#3 Martin / Patterson
App.
Vinroot
#4 - Consent - Pull 18.C, D+F, 23, 26, 27, 29 + 30

Mangum / Scarborough App. Rest.
Reid Unan.
Mangum / Wheeler
App. 18C, D + F
Unan.

#23 Reid
Alexander
Reid
Mangum / Hammond App.
Unan.

#26 Vinroot
Reid
David Garner
Reid
Garner
White
Billy Crockett
Reid
Garner
White
Patterson
Garner
Patterson
Garner
Patterson
Garner
Patterson
Mangum / Patterson App.
Unan.

#27
Campbell
Garner
Campbell
Garner
Crockett
Mangum / Patterson Agg
Lewis.

#29 Vinroot
Campbell
White

#30 Campbell
White
Julie Burch - 90 days
Mangum. / Wheeler Opp 29 + 30
Vinroot Lewis.

#5 - Pulled.
Martin - When will it come back?
White -
Martin - White
Vinroot - 11/3
Alexander -
McCrory - Are we still setting aside the 1%
on Cons. Ct.?
Alexander -

McCrory - We had a previous vote
Alexander
~~De~~ White - That decision has not been made.
Alexander
McCrory - Wants minutes
Alexander
McCrory
Vinroot
Reid -
White - Yes, but 1st question is no.

#6 Vinroot
McMillan (Ralph
Vinroot
McMillan
Robert Muth
McMillan
Vinroot
Majeed
Mangum
Vinroot
McMillan
~~Dene~~ Mangum
~~Dr~~ Underhill
Clodfelter
Underhill
Clodfelter
Underhill
Mangum

Underhill
Muth
Underhill
Muth
Clodfelter
Wheeler
Underhill
Wheeler
McMillan
Vinroot
Wheeler
Wheeler/Majeed - Pay them compensation
Majeed
Martin
McCrory
Underhill
Subst. Patterson/ Let City Att. Negotiate
McCrory
Underhill
McCrory
Underhill
McCrory
Underhill
McCrory
White

Martin
Vinroot
McCrory - Is it budgeted?
White - No.
McCrory
White - Limited Contingency fund, then Fund Balance
McCrory
White
Hammond - '85 or '86 when economic loss statute was instituted.
Reid
~~[illegible]~~ Patterson
Subst. Patterson / Clodfelter Ask City Att. to Neg.
Campbell
Scarborough
Vinroot - Tape 2 8:00
Mangum
Majeed
Clodfelter
Martin
Underhill
Martin
Underhill
Martin

Underhill
McCrory
Underhill - Under $30,000 by Mgr.

McCrory
Patterson

McCrory
Patterson
Clodfelter - Come back to us with settlement regardless of amount
Underhill

Morgan
Underhill
Reid

Subst. VOTE-
No - Hammond, McCrory, Morgan
Wheeler
White

#7 Vinroot

Recess 8:15
Reconvene 8:20

Vinroot
Vincent Rydzak

Reid
Whitley
Jerry Byers
Marvin Wilson
Vincent
Patterson

Patterson / Hammond - Go to Public Services Committee to work out some details & eliminate contradictions - 60 days

Hammond
McCrory
Patterson
McCrory
Clodfelter
Morgan
Majeed
Wheeler
Martin
Scarborough
Campbell
Subst. Campbell / McCrory - APPROVE
Wheeler
Campbell -
Reid

Hammond
Patterson
Vinroot
Clodfelter
Majeed
Mangum
VOTE - SUBST.
YES STAN, PAT, LYNN, DON
NO - ALL OTHERS

ORIG. MOTION - TO PUB. SERV. COMM.
NO - STAN, DON, PAT + LYNN
White

#8
Hammond / Scarborough
App. 1, 2 + 3 Resolutions
Reid
White
Borgdorf
Reid
Bill Guerrant
Vinroot
White
Guerrant

Vinroot
Mangum
VOTE - Unan.

#9 Vinroot
Wheeler
Clodfelter
Hammond
Doris Boris
Wheeler
Boris
Scarborough
Martin
Boris
Martin
Boris
Martin
Boris
White
Wheeler - 2005
Boris
Wheeler
Vinroot
Scarborough / Kelly, - Lutin Legislation Comm.
Wheeler

Majed
Jeff Kerg, Chair. Callerision
Clodfelter
Boris
Hammond
Scarborough
Hammond
Boris
Martin
King
Martin
King
Vinroot
Majed
Vinroot
VOTE

Unan.

#10 Scarborough - Put in Com.
Clodfelter / Hammond - Agg.
No - Scarborough
Underhill - not 1st Reading - needs only 1.
will put back on agenda if necessary.
#11 Mangum / Hammond agg.
Scarborough
White
Reid

Burch - 1st extension of this contract
Reid
Burch
Scarborough
Burch
Virroot
Scarborough
Burch - Comm. of 100 Oct, 1994
Scarborough
Burch - to 8/30/94
Scarborough
Burch
VOTE
No Scarborough

#12 Patt / Kenn
unan.

#13 Mangum / Wheeler app.
unan.

Sar.
#14 Mangum / Whe app.
unan.

#15 Mangum / Whe app.
unan.

#16 Vinroot

Cbod
App. A + B / Scarborough

Amy Yuttman
Keith Legil Martin
Legil Henderson
Ike Heard, Jr.
Vinroot
Reid
Martin / Majeed

TAPE 2 RAN OUT
3 DID NOT START

Approve Vision

Vinroot
Martin
McCrory
Heard
Vinroot
Hammond
McCrory - Inconsistencies
Vinroot

VOTE -
No Camp, Reid, McCrory

Martin / Scarborough
Reid
Patterson

App. Vision

Vinroot
Martin / Patterson - add to agenda tonight
Vinroot
Underhill - Must be unanimous
Vinroot
VOTE
NO - Campbell, Reid, Wheeler,
Clodfelter, Mangum
Vinroot
Wheeler
Vinroot
Hammond
Underhill
Hammond - add to future agenda

#17 Vinroot - Appointments
1ST BALLOT
<u>Advisory Energy Comm.</u>
Brentrup - Clodfelter, Hammond,
Patterson
Pettis - Mangum, Scarborough, Majeed,
Martin
Schwarz - Campbell, Wheeler
Spencer - Reid, McCrory

Airport Adv.

Almond - Hammond, Campbell, Mangum
Majeed

(7) *Covington - Clodfelter, Reid, Scarborough,
Patterson, Wheeler, McCrory, Martin

Tax advisory

(7) *Wilson - Clodfelter, Hammond,
Patterson, Scarborough, Wheeler,
Majeed, Martin
Williams - Campbell, Mangum,
Reid, McCrory

Youth Involvement

Carney - Campbell, Mangum, Reid,
Wheeler, McCrory

(6) *Griffin - Clodfelter, Hammond,
Patterson, Scarborough, Majeed,
Martin

Second Ballot

Advisory Energy - Run-off
between Brentrup and
Pettis

Mr. Clodfelter asked what the category is for the appointment.

Ms. Freze said she would rather wait and advise later.

McCrory / Manzun Defer to next meeting
Unan.

McCrory / Hammond
adjourn
10:05

MAYOR'S SCHEDULE

August 23, 1993

6:30 p.m CITIZEN'S HEARING

1. Invocation by Father Richard M. Bellow, St. John-Neumann Catholic Church.

2. Florence Amelia Smith, 1322 Delane Avenue - 366-7758 - Suppression of the Press by CCPD - Chief Deputy R. L. Schurmeier.

3. Paul ~~Thomas~~ THOMPSON, JR. - Shuffletown Drag Strip
GLENN HUNT - SHUFFLETOWN DRAG STRIP

7:00 p.m. CITY COUNCIL MEETING

1. **ANNOUNCEMENTS**

Thursday, August 26, 1993	3:30 p.m. Planning Committee South District Plan Tour. Leave from the lobby.

2. The following requests to speak to Agenda Items have been received:

   A. Agenda Item No. 7 - Privatization Task Force Recommendations.

      (1) ~~Mike Spath~~ Marvin Welson, 4419 Monroe Road - 331-9515

      (2) Jerry Byers, 4419 Monroe Road - 331-9515

      (3) Angaza Laughinghause, 4419 Monroe Road - 331-9515

CHARLOTTE

MEETINGS IN AUGUST '93

THE WEEK OF AUGUST 2 - 8

2 Monday 5 00 p m	**CITY COUNCIL/Workshop** CMGC Conference Center
4 Wednesday 8 30 a m	**CIVIL SERVICE BOARD/Hearing (Closed)** CMGC Room 118

THE WEEK OF AUGUST 9 - 13

9 Monday 7 00 p m	**HISTORIC LANDMARKS COMMISSION** Commission Office 500 N Tryon St Suite 200
10 Tuesday 12 00 Noon	**AUDITORIUM COLISEUM CONVENTION CENTER AUTHORITY** Independence Arena 2700 E Independence Blvd
2 30 p m	**HOUSING APPEALS BOARD** CMGC 5th Floor Conference Room
4 00 p m	**AIRPORT ADVISORY COMMITTEE** Charlotte Douglas International Airport Conf Rooms A & B
11 Wednesday 8 00 a m	**CLEAN CITY COMMITTEE** CMGC Room 270
8 30 a m	**CIVIL SERVICE BOARD** CMGC 7th Floor Conference Room
3 00 p m	**HISTORIC DISTRICT COMMISSION** CMGC 8th Floor Conference Room

THE WEEK OF AUGUST 16 - 20

17 Tuesday 2 00 p m	**HOUSING AUTHORITY** Housing Authority 1301 South Boulevard
18 Wednesday 5 00 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** CMGC 7th Floor Conference Room
19 Thursday 7 45 a m	**PLANNING COMMISSION/Planning Liaison Committee** CMGC 8th Floor Conference Room
2 00 p m	**CMUD ADVISORY COMMITTEE** Utility Department 5100 Brookshire Blvd
2 00 p m	**ADVISORY ENERGY COMMISSION** Hal Marshall Center 700 N Tryon Street
7 00 p m	**CHARLOTTE TREE ADVISORY COMMISSION** CMGC Room 270

THE WEEK OF AUGUST 23 - 27

23 Monday 11 30 a m	**PLANNING COMMISSION/Executive Committee** CMGC 8th Floor Conference Room
5 00 p m	**COUNCIL/MANAGER DINNER** CMGC Conference Center
6 30 p m	**CITIZENS HEARING** CMGC Meeting Chamber [Televised Live Cablevision 16 Vision Cable 32]
7 00 p m	**CITY COUNCIL MEETING** CMGC Meeting Chamber [Televised Live Cablevision 16 Vision Cable 32]
25 Wednesday 7 45 a m	**PRIVATE INDUSTRY COUNCIL** CMGC Conference Center
26, Thursday 4 30 p m	**CHARLOTTE TRANSIT ADVISORY COMMITTEE** CMGC Room 119
5 00 p m	**CHARLOTTE MECKLENBURG ART COMMISSION** Arts & Science Conference Room 214 N Church St

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

AUGUST 30 - 31

30 Monday 5 00 p m	**COUNCIL/MANAGER DINNER** CMGC Meeting Chamber Conference Room
6 00 p m	**CITY COUNCIL MEETING/Public Hearing on Central District Plan** CMGC Meeting Chamber
31 Tuesday 1 00 p m	**ZONING BOARD OF ADJUSTMENT** Hal Marshall Center 700 N Tryon Street

NOTE: These organizations do not have meetings scheduled for August:

Auditorium-Coliseum Convention Center Authority
Community Relations Committee
Firefighters Retirement Board
Insurance & Risk Management Advisory Board
Mayor's International Cabinet
Parade Permit Committee
Youth Involvement Council

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

Stan Campbell
Daniel G Clodfelter
Patrick McCrory
Nasif Rashad Majeed
Thomas A Mangum
Hoyle H Martin
Cyndee Patterson
Don D Reid
Ella Butler Scarborough
Lynn M Wheeler

Council Agenda

CITY COUNCIL MEETING
Monday, August 23, 1993

5:00 p.m. — **Conference Center**

- Update on International Activities
- Public Arts Commission

6:30 p.m. — **Meeting Chamber**

- Invocation
- Citizens Hearing

7:00 p.m. — **Formal Business Meeting**

CITY COUNCIL AGENDA
Monday, August 23, 1993
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1. Public Hearing - Abandon Portion of Old Dowd Road

Action:

A: Conduct a Public Hearing to abandon a portion of Old Dowd Road; and

B: Adopt the Resolution to Close.

Res # 1
B-31
P-254

Scarborough/Hammond
Clse. Hrng.
unan.

Staff Resource: Scott Putnam

Explanation of Request:

North Carolina General Statutes (NCGS) outlines the procedure for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and is requesting this action in accordance with NCGS 160A-299.

McCrory/Scarborough
app. unan.

Background:

Petitioner:
National Welders Supply Co/Judith T Carpenter
National Land Company/Judith T Carpenter

Location:
From Josh Birmingham Parkway eastwardly approximately 1050 feet along the south side.

Reason:
To incorporate the residual right-of-way into adjoining property.

Notification:
In accordance with City policy the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies, and City Departments for review:

Adjoining property owners-
Mattox Land Corporation - No objection

CDOT

Neighborhood association(s)-
None identified by Charlotte - Mecklenburg Planning Commission.

Private Utility Companies - No objection

City Departments-
Review has identified no apparent reason this closing would:

1. Be contrary to the public interest; or,

2. Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in NCGS 160A-299.

Attachment 1
Vicinity map

2. General Obligation Bond Referendum

Action:

Hammond/Patterson
Close Hrng
unan.

Hammond/Mangum
app.
unan.

Take two actions related to the proposed November 2, 1993 General Obligation Bond Referendum:

A. Conduct a public hearing related to the proposed bonds; and

B. Approve a resolution that adopts the bond orders totaling $98,250,000:

Res #2
B-31
P 258

- **Order authorizing $58,490,000 Water Bonds**
- **Order authorizing $12,760,000 Sanitary Sewer Bonds**
- **Order authorizing $27,000,000 Environmental Clean-Up Bonds**

Staff Resource: Richard Martin

Explanation of Request: In order to place the proposed bonds on the November 2, 1993 ballot Council must conduct a public hearing on the bonds and then adopt the three bond orders.

FINANCE

Background: On June 28, 1993 Council authorized staff to proceed with actions necessary to conduct a General Obligation Bond Referendum on November 2, 1993. On July 26, 1993 Council introduced the bond orders and established August 23, 1993 as the date for the public hearing.

Attachment 2
List of projects to be financed

3. **Approve Minutes of:**

June 14 Citizens Hearing
June 16 Budget Workshop
June 21 Briefing and Zoning Meeting
June 28 Briefing, Citizens Hearing and Regular Meeting

July 12 Housing Workshop
July 19 Zoning Meeting

Martin/Patterson
Appr.
Unan

CONSENT ITEMS

4. **Agenda items 18 through 32 may be considered in one motion except for those items removed from the consent agenda as a result of a Councilmember making such a request of the City Clerk prior to the meeting.**

Staff Resource: Vi Alexander

POLICY

5. **Public Art Program**

Action: Recommend the following actions implementing the FY94 and 95 Public Art Program:

A. Approve the FY94 and FY95 Public Art Work Program and Program Budget; and

B. A Budget Ordinance Appropriating $46,300 from eligible Capital Project Accounts for the Public Art Program Administration.

Staff Resource: Vi Alexander

Explanation of Request: The Public Art Resolution approved by the City Council on May 10, 1993 requires that Council approve the annual work program and budget for the Public Art Program.

The Public Art Program will be a cooperative effort with City\County\ Private involvement. The following summarizes the City's responsibilities over the next two years.

Work Program A detailed program and budget description has been prepared by the Public Art Commission and Arts and Science Council (See attachment).

Pulled

In summary, the work program describes the following capital projects as eligible for the Public Art Program over the next two year period:

Project	FY94 and FY95 Art Allocation
Convention Center	$ 850,000
Park and Ride Lots	3,500
Law Enforcement Center	181,000
Total	$1,034,500

The Commission will also assume responsibility for all on-going public art projects currently authorized (See attachment).

Program Budget

The budget for Public Art Program has two components -- Commissioned Art and Art Administration. The components are described in detail in the Public Art Resolution (See attachment).

The total budget for commissioned art is $470,950 annually, art administration is $46,300, annually for FY94 and FY95

Funding:

Eligible capital projects have "up to one percent" of construction costs included in the project budget. All Public Art costs are charged against these allocations. The budget ordinance sets up the accounting mechanism for this charge. Administrative costs will be included in a contract amendment with the Arts and Science Council that will be executed by the Manager

Attachment 3

Public Art Work Program and Budget - FY94 and FY95 (Prepared by the Art Commission and Arts and Science Council)

Summary of Existing Art Projects to be transferred to the Program (June 30, 1993)

Public Art Resolution (adopted May 10, 1993)

6. Economic Loss Payments for Garbage Haulers

Action:

A. Consider paying economic loss to Southern Sanitation, Inc., Kings Garbage Service, Taylors Garbage Service, and K&S Sanitation Services (the companies) in the amount of $194,981.04 as a result of annexation, despite the companies failure to satisfy all statutory requirements, and

B. Approve budget ordinance appropriating funds.

Wheeler/Majed to pay the compensation

Delist Patterson/Clodfelter to negotiate settlements ask city attorney & haulers & come back with these for approval regardless to council of the amount.

No. Hammond, McCory & Morgan

Ordinance not approved.

Atty

Staff Resource: Henry Underhill

Explanation of Request: At the June 28, 1993 citizen's hearing, Southern Sanitation, Inc requested that an economic loss payment be made to it as a result of City annexations that took effect on June 30. The Council requested that this matter be put on a future agenda. Subsequently, Kings Garbage Service, Taylors Garbage Service, and K&S Sanitation made similar requests to the City staff A brief explanation is attached of the legal requirements as they relate to the companies affected by these annexations.

Recommendation: **Do not pay economic loss payments to the companies.** This option is recommended because:

No Request Submitted

- Southern, Kings and Taylors did not make <u>any</u> request for a contract to continue serving its annexed customers NCGS 160A-49 3 requires such a request to be in writing, delivered to the City Clerk ten days before the public hearing on the annexation (held November 12, 1992) and signed by a corporate officer.

Notice Given

- All three companies argue they were misled. However, the companies were advised by letter on September 18, 1992 that a timely, written request to the City Clerk was required before they would be considered for a contract <u>or</u> an economic loss payment

Request After Deadline

- K&S Sanitation did submit a written request to the City Clerk, however, the request was submitted after the established deadline. On January 25, 1993, the City Council denied requests for economic loss payments to K&S Sanitation and Chambers whose request was also received several days late.

Negotiated Settlement

- After Council's denial, Chambers filed an appeal with the North Carolina Local Government Commission Chambers was providing solid waste collection services in four annexation areas. If Chambers had submitted its request in a timely manner, Chambers would have received $86,977.92. When it appeared that the appeal to the Local Government Commission would delay the annexation of three of the four areas in which Chambers was doing business, the City Manager's office authorized a negotiated settlement of $28,000 with Chambers in exchange for the company dropping its appeal.

Precedent

- In past annexations, Council has refused to consider economic loss payments to solid waste collection firms who did not submit timely requests. A change in policy significantly increases the City's future liabilities.

Pending Law Suit

- The City has been sued by a solid waste collection firm from a 1991 annexation when the City refused to make an economic loss payment under circumstances similar to those involving Southern, Kings, and Taylors. This case is now pending in the North Carolina Court of Appeals

Impact

- Payment to the companies will make it increasingly difficult in future annexations to require solid waste collection firms to submit information and requests on a timely basis. As a result, City Council may not know the real cost of an annexation at the time an annexation ordinance is adopted.

- If the companies are paid economic loss payments without regard to the statutory requirement of a timely request, the total additional payment would be $194,981.04. Funds have not been budgeted to make such payments.

- In the opinion of the City Attorney, the City is not legally obligated to make economic loss payments to these companies

Funding: General Fund Fund Balance

Attachment 4
Background on Economic Loss Payment Issues to Solid Waste Collection Firms Under NCGS 160A-49.3

7. **Privatization Task Force Recommendations**

Action: **Approve report and recommendations from the Mayor's Privatization Task Force.**

Staff Resource: David Cooke

Explanation of Request: The Task Force's recommendations are summarized below:

I. Establish City Privatization Program

A. Adopt Privatization Policy

B Approve Processes and Guidelines

C. Establish Privatization Oversight Committee

Implement Services Contracting Process beginning with the seventeen service areas identified by the Task Force to introduce competition to City Departments.

Patterson/Hammond, Com. Refer to Pub. Service to flesh out & deal with contradictions & Bring Back to Council within 60 Days
Passed 7-4 No McCrory + Reid, Campbell, Wheeler
Sub'st Campbell/McCrory App as recommended
Failed 7-4 YES-Campbell, Reid, McCrory + Wheeler
Mgr.

III. Implement Asset Privatization

A. Implement Real Estate Management Program

B. Review current and new assets to determine the feasibility of contracting out management and leasing or selling the asset.

Action Plan

The City Manager will bring back an action plan in September.

Background:

On August 2, the Privatization Task Force presented their final report and recommendations to City Council. The Task Force recommended that the City implement a privatization program which addresses both service contracting and asset privatization.

BUSINESS

8. **Resolutions Concerning FY94 Capital Equipment Financing and Roll-Out Garbage Collection Containers**

Action: **Approve the following three resolutions related to the financing of the City's FY94 Capital Equipment and for roll-out garbage collection containers:**

Hammond/Scarborough app all 3 Resolutions unan.

1st **A resolution authorizing staff to proceed with the actions necessary to secure an Installment Purchase Contract (Lease/Purchase) to fund FY94 capital equipment ($5,927,054).** Res #6 B-31 p-290

2nd **A resolution authorizing staff to proceed with the actions necessary to secure an Installment Purchase Contract (Lease/Purchase) to fund roll-out garbage collection containers ($7,800,000).** Res #7 B-31 p 294

3rd **A resolution stating the City's intent to be reimbursed from proceeds for equipment purchases made prior to the financing.** Res #8 B 31 p-298

The FY94 Capital Equipment and the roll-out garbage collection containers will be combined into one financing.

Staff Resource: Richard Martin

Finance

Explanation of Request:

- The first resolution provides routine equipment replacement. The lease purchase cost will be less than the maintenance cost for existing equipment (mostly cars and trucks - see attachment). Twelve side-loading refuse trucks are included. These trucks are necessary to provide the current FY94 level of service The trucks will come retrofitted for automatic curb side garbage collection.

- The second resolution is for 150,000 roll-out garbage collection containers.

- In order to be reimbursed from proceeds for prior expenditures, council must have declared its intent to be reimbursed for these advances.

Funding: FY94 Installment Contract

Background: Since 1982 the City has used some type of lease\purchase agreement to fund its annual capital equipment purchases. The FY94 Operating Budget included funds to make payments on previous years' agreements, as well as the first year's interest payment on the FY94 Installment Purchase Contract. Equipment for roll-out garbage is also included.

Attachment 5
FY94 Capital Equipment Purchases

9. Cablevision Expansion

Action: **Approve an agreement to require Time Warner Entertainment, L.P., doing business as Cablevision of Charlotte (Cablevision), to expand its system in accordance with Section 5 of its current cable television franchise agreement with the City.**

Daughtry/Reid
Put in Regulation
Committee
Mon.

Staff Resource: Doris Boris

Explanation of Request: Cablevision's 1988 Franchise Agreement with the City contains a provision for a review of the franchise in the sixth year. During the review, the City shall unilaterally determine the necessity to rebuild or expand the system based primarily on the need for additional channels for entertainment and information programming.

Staff recommends that Council implement the provisions under Section 5 of the Franchise Agreement requiring Cablevision to rebuild to 72 channel capacity. This action will also extend Cablevision's franchise fifteen (15) years from the completion of the rebuild as per the terms of the 1988 Franchise Agreement.

Cablevision agrees with this action.

Background:

- Cablevision currently has a capacity of 42 channels, all of which are in use.
- This spring, Cablevision conducted a customer survey that had a 30% response rate. Ninety-three percent of the respondents indicated that they would like to add at least one more channel to the lineup and more than half of the respondents wanted 4 additional channels.
- With the current state-of-the-art, cable operators in other communities have been advancing their channel capacity beyond what Cablevision currently offers.

CIS-DORIS

Ord #2
3616
B-43
P-211

10. **Cable Franchise Agreement Amendment - US West**

Action: **Approve a transfer by Time Warner Entertainment, L.P. (TWE) doing business as Cablevision of Charlotte of a 25.51% limited partnership interest in TWE to US West.**

Clodfelter | Hammond
aff. 1st Reading
No - Scarborough

Staff Resource: Doris Boris

Explanation of Request: US West, a leading telephone company, will invest $2.5 billion in TWE and acquire a 25.51% limited partnership interest in TWE. This investment will enhance TWE's ability to make technological innovations.

Under the City's cable communications regulatory ordinance, any franchise granted by the City cannot be sold, transferred, leased, assigned, or disposed of without the prior consent of the City. Consequently, staff recommends that City Council amend its franchise agreement with TWE to reflect US West's limited partnership interest in TWE

Background: US West's investment in TWE will not affect the ongoing local administration of the cable system in Charlotte, nor its management or personnel operations. However, since $1 billion of the investment will be specifically targeted for building Time Warner Cable Systems, it may accelerate the availability of data systems, entertainment, and communications choices for local customers

C15- Doris

Attachment 6
Finance - Internal Audit Report

11. Extension of Transit Management Contract

Action: **Authorize the City Manager to execute a one-year extension of the contract with ATE Management and Service Company, Inc., for transit management services.**

Margaret Hammond
Off.
No Seabourn

Staff Resource: Julie Burch

Explanation of Request:

- On March 23, Council authorized the City Manager to negotiate a one-year extension of the transit management contract with ATE

- The amount paid to ATE under this contract will not exceed $356,500 (same amount as 1992-93) and will cover.
    - Salary and fringe benefit costs for the 3 employees assigned to Charlotte
    - Liability and legal costs for the company
    - Cost of support services (labor data base, resource library and data center, software) provided by headquarters staff
    - Employee Attitude Survey

Funding: The FY 94 Charlotte Transit budget includes funds for ATE's transit management contract

Background:

- The City's contract with ATE ends on September 1.
- The extension of ATE's contract will provide management continuity throughout the transit strategic process which is scheduled over the next year.

CDOT

12. Aviation Ground Lease Agreement - Alamo

Action: **Approve a 14-year ground lease agreement with Alamo Rent-A-Car, Inc.**

Staff Resource: Del Borgsdorf

Explanation of Request:

- Alamo was one of seven companies awarded concession agreements on April 12, 1993, pursuant to the airport's solicitation for bids for automobile rental concessions The solicitation documents made provisions for successful bidders to.

Patterson | Hammond
app.
urban

Aviation

- Either occupy existing automobile return facilities located on the airport,

- Lease land from the airport to construct (at their own expense) return facilities in proximity to existing facilities, or

- Locate their return facilities off airport

- The lease terms require Alamo to submit to the airport, for approval, it's plans and budget for developing and constructing the return facility. In the event Alamo's concession agreement terminates prior to it's ground lease, the airport would be required to purchase the unamortized investment in the return facility.

- Annual ground rental is $4,850 per acre (2 66 acres) for the first five years Ground rent is subject to adjustment effective January 1, 1997, and every five years thereafter.

Background:

- November 9, 1992 - Council approved a 5-year concession agreement with Holliday Auto Rental, Inc., to operate the designated DBE rent-a-car concession at the airport

- February 22, 1993 - Council approved off-airport rent-a-car operator fees of 5% for first year and 6% thereafter of all revenues generated on-airport

- March 19, 1993 - Competitive bids were received for seven additional automobile rental concession spaces in the terminal to replace the five whose concession agreements had expired. The previous five incumbents (Avis, Budget, Dollar, Hertz and National), retained their existing return facilities, and newcomer Triangle, opted to locate off airport . Newcomer Alamo, opted to locate on airport.

13. **Aviation Underground Storage Tanks**

Ord #3
#3617 X
B-43
P-213

Action:

Morgan / Wheeler
approved.

A. **Adopt a budget ordinance appropriating $600,000 from the Airport Discretionary Fund Balance to provide funding for the Airport's Underground Storage Tank (UST) program; and**

Res #9
B-31
P 303

B. **Approve a resolution of official intent to reimburse expenditures for capital costs with the proceeds of future Airport debt.**

Staff Resource: Del Borgsdorf

Explanation of Request: The Airport's Program involves: compliance, removal, assessment and remediation of the Airport's 51 UST's

- The North Carolina Underground Storage Tank Regulations require the following.

  a) By December 22, 1993, any tank installed between 1980 and 1988 is to be equipped with a release detection system that meets regulatory requirements;

  b) By December 22, 1998, all existing UST's are either to be upgraded to meet performance standards of new tanks or are to be closed,

  c) If a tank is taken out of service, then it must be "closed" in compliance with the regulations. These regulations require sampling in the area around the tank most likely to be contaminated. If contamination is found, then a variety of actions are required to abate any ongoing release.

Aviation

Clearances: Airport Advisory Committee

Background:

- There are 95 underground storage tanks located on the Airport. 51 of these belong to the City and the balance belong to Airport tenants. The Aviation Department is establishing an Environmental Management Plan. A part of the plan will address the cataloging, registration with the State, and environmental compliance for all UST's on Airport 20 of these tanks have been identified for removal and

  Airport personnel have received the necessary training to remove these tanks. This appropriation will provide monies for tank removal, soil testing and remediation or installation of leak detection for 51 of these tanks.

14. Operational Fire Protection Agreement with NC Air National Guard

Action: **Approve Operational Fire Protection Agreement between the City of Charlotte and the North Carolina Air National Guard for Charlotte/Douglas International Airport to include a new Airport-owned fire truck.**

Morgan/Wheeler Dept.

Staff Resource: Del Borgsdorf

Explanation of Request:

- The City of Charlotte will now provide one fire response vehicle, which has been purchased by the Airport, and partially funded by an FAA Grant

- The City of Charlotte will continue to provide trained fire protection personnel, fire training, furnishings, protective equipment and devices

Duration

- The North Carolina Air National Guard will continue to provide fire station facilities, fire equipment, vehicles, vehicular maintenance and supplies.

Clearances: Airport Advisory Committee

Background:

- The Airport has had an agreement with the Air National Guard to provide aircraft rescue and firefighting response at the airport since the early 1950's.
- This agreement will replace the joint fire protection agreement dated October 1, 1981
- In 1981, the Air National Guard provided a new Airport Fire Station valued at $965,000 In addition, the Guard provides fire trucks valued at $1,225,907

15. **Noise Lawsuit Settlements**

Ord # 4
#36184
B 43
p. 214

Action:

A. Adopt budget ordinance appropriating $900,000 to fund 52 lawsuit settlements and,

B. Approve settlement of 11 noise lawsuits.

Staff Resource: Del Borgsdorf

Explanation of Request:

- The ordinance appropriates $900,000 from the Airport's Discretionary Fund Balance to fund 52 noise lawsuit settlements with costs to be repaid from future FAA grants (75%), and Airline rates and charges (25%).
- This action also settles the last 11 noise lawsuits currently on file against the City totaling $153,250 10 (including legal fees). These lawsuits were filed by residents of Moores Park II during the period 1983-1987 based upon noise related inverse condemnation claims.

Margaret Wheeler
APP.
USA

Aviation

The FAA has approved these settlements as a mitigation measure associated with the construction of the new runway. Therefore, 75% of the cost will be eligible for Federal reimbursement through a future grant. The airlines have approved the inclusion of the remaining 25% in their rates and charges.

Clearances: Airport Attorney and Airport Advisory Committee

Background: Approximately 260 noise lawsuits were filed against the City between 1979, the opening date of the new runway, and 1983. Since the implementation of the Airport's F.A.R. Part 150 Noise Compatibility Plan in 1989, 23 of those lawsuits have been settled through the home buyout phase of the program and 179 have been dismissed. An additional 41 lawsuits located within the 65Ldn noise zone have been settled with FAA approval to fund 75% of the costs through a future grant. The airlines have agreed to include the balance (25%) in their rates and charges. The remaining lawsuits involved Moore's Park or were dropped by the plaintiffs

16. Focus 2010 - Second Phase

Action:

A. Consider funding a second phase of FOCUS 2010, and

B. Approve budget ordinance appropriating funds.

Ord #5 #3619-X B-43 P 315

Clodfelter/Scarborough App A & B No- Campbell, Reid & McCrory

Staff Resource: Del Borgsdorf

Explanation of Request:

- The team leaders of the FOCUS 2010 project are requesting that the City and County each contribute $10,000 to fund the next phase of FOCUS 2010 which is a 90-day planning effort to identify the next steps the community should take toward achieving the vision and goals advocated in the document

Martin/Patterson to add 2010 Vision to its agenda for approval.

No- Campbell, Reid, Wheeler, Clodfelter, Mayor

Mayor Hammond asked that the 2010 Vision be added to future agenda.

- In January, 1993 City Council endorsed the FOCUS 2010 Vision document. This document, prepared by the Urban Institute, included vision statements for 12 issue areas and a recommendation that a follow-up implementation strategy be developed. As an initial step toward developing such a strategy, the FOCUS 2010 Task Force recommends funding this second phase.

Source of Funding: Council Contingency

Attachment 7
- Letter to Mayor from Urban Institute
- Excerpt from FOCUS 2010 document

17. Appointments to Boards and Commissions

Action: **City Council may want to go into executive session for the purpose of casting ballots. The City Clerk will announce the results of the balloting.**

Explanation of Request:

1. Advisory Energy Commission
   One appointment to fill an unexpired term ending December 31, 1993

   (1) Dale Brentrup by Councilmember Clodfelter
   (2) Lawrence Pettis by Councilmember Scarborough
   (3) Alexander Todd Schwarz by Councilmember Wheeler
   (4) Joe Spencer by Councilmember Reid

   Attachment 8

2. Airport Advisory Committee
   (1) Michael Almond by Councilmember Campbell
   (2) Bill Covington by Councilmember Scarborough

Bus. Comm' Bus Rep

Attachment 9

3. Tree Advisory Committee
   (1) Barbara Webster by Councilmember Clodfelter
   (2) Nancy Williams by Councilmember McCrory

Attachment 10

4. **Youth Involvement Council**
   (1) Cookie Carney by Councilmember Mangum
   (2) Deborah Griffin by Councilmember Scarborough

Attachment 11

PULL CONSENT-

18C, D + F

23

26

27
29
30

Pull 18 C, D & F 23, 26, 27, 29 & 30
Morgan/Scarborough
App. Rest unan.

CONSENT

The consent portion of the agenda is divided into two sections· Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid, are within the budget estimate, and have met M/WBE criteria.

Consent II consists of items that have also been approved in the budget, but which may require additional explanation

CONSENT I

18. **Various Bids**

A. Plato Price School Demolition — **Community Development**

Recommendation: Director, Community Development recommends that the low bid by Bison, Inc of Charlotte, N C in the amount of $76,178 be accepted. WBE participation is 100%

Purchasing

B. General Construction - Contract 1 - Additions and Alterations To The Irwin Creek Wastewater Treatment Plant — **CMUD**

Recommendation: Director, Charlotte-Mecklenburg Utility Department, recommends that the low bid of Thamer Construction, Inc. of Norcross, GA in the amount of $6,431,949 be accepted.

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$131,000	2 0%	4%
WBE	$350,000	5.4%	1%

CMUD

C. Plumbing Work - Contract 2 - Additions and Alterations to the Irwin Creek Wastewater Treatment Plant — **CMUD**

Morgan/Wheeler
App. 18 C, D & F
unan.

Recommendation: Director, Charlotte-Mecklenburg Utility Department, recommends that the low bid by A.Z Price & Associates, Inc. of Charlotte, NC in the amount of $73,634 be accepted WBE participation is 100%.

CMUD

D. Heating and Ventilating Work - Contract 3 - Additions and Alterations to the Irwin Creek Wastewater Treatment Plant **CMUD**

Recommendation: Director, Charlotte-Mecklenburg Utility Department, recommends that the low bid by A Z. Price & Associates, Inc. of Charlotte, NC in the amount of $489,396 be accepted. WBE participation is 100%.

CMUD

E. Electrical Work - Contract 4 - Additions and Alterations to the Irwin Creek Wastewater Treatment Plant **CMUD**

Recommendation: Director, Charlotte-Mecklenburg Utility Department, recommends that the low bid by Energy Erectors, LTD of Leesburg, FL in the amount of $3,268,899 be accepted

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$26,500	0 81%	1%
WBE	$10,000	0.32%	1%

CMUD

F. Sanitary Sewer and Water Main Construction - FY94 Contract B - Street Main Extensions **CMUD**

Recommendation: Director, Charlotte-Mecklenburg Utility Department, recommends that the low bid by R H Price, Incorporated of Charlotte, NC in the amount of $984,640 be accepted.

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$ 3,000	0.30%	6%
WBE	$981,640	99.7 %	3%

CMUD

G. Fall Resurfacing **Engineering**

Recommendation: The City Engineer recommends that the low bid by Rea Construction of Charlotte, NC in the amount of $1,518,056 be accepted. The contractor has complied with the MWBE contract provision which allows the contractor to perform all the work with their own forces.

Eng

H. Laurel Avenue Storm Drain Repair — Engineering

Recommendation: The City Engineer recommends that the low bid of $93,526.40 by Ferebee Corporation of Charlotte, NC be accepted.

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$4,000	5%	6%
WBE	$7,776	10%	5%

Eng.

I. Add-A-Lane, Group 3-B — Engineering

Recommendation: The City Engineer recommends that the low bid of $224,617.12 by Sherrill and Associates of Charlotte, NC be accepted

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$15,796 90	8%	7%
WBE	$ 4,250 00	2%	4%

Eng

19. Refund of Certain Taxes

Res #3
B 31
P. 280

Action: Recommend adoption of a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $18,681.58

Attachment 12

Finance

CONSENT II

20. **Bid Item**

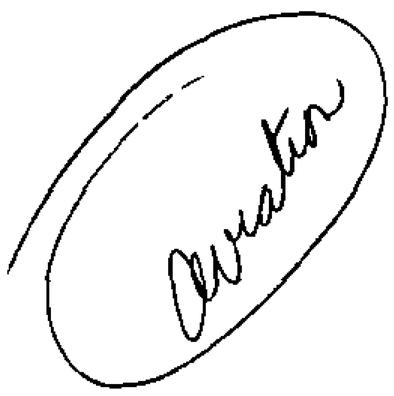
A. US Air Office and Other Tenant Spaces **Aviation**

Recommendation: The Aviation Director recommends a technicality be waived in the bid process and the low-bid multi-prime contracts be awarded to:

*General	Edison Foard	$258,464
*Mechanical	T. L. Mechanical, Inc.	44,908
Electrical	Watson Electric Co., Inc	54,147
Plumbing	Alpha Mechanical	25,396

* Edison Foard and T. L Mechanical inadvertently neglected to submit a certificate of non-collusion with their bid as required by bid documents. These certificates were later provided upon the request of the project architect. The City Attorney concurs with waiving this technicality.

Description: In 1987 City Council approved the Airport's Master Plan which includes a 186,000 square foot terminal expansion. These contracts will provide upfit of tenant spaces for USAir and others on the 3rd Floor in conjunction with the terminal expansion. Council has previously appropriated Airport Revenue Bonds to fund this project



MWBE Status: WBE participation is 15% (project goal is 17%)

21. **Order of Collection for Ad Valorem Taxes**

Action: **Adopt an order of collection empowering the Office of the Tax Collector to collect the City's ad valorem taxes.**

Explanation of Request:

The City-County Tax Attorney advises that the City Council adopt and that the mayor sign an annual order of collection of taxes. State law requires city and county governments to take this action at this time of year in the ad valorem tax cycle.

Attachment 13
Copy of memorandum from John C. Petoskey, Tax Administrator
Copy of Order of Collection

22. Resolution Repealing Excess Authorization

Res #4
B-31
P-283

Action:

Approve a resolution that eliminates the balance ($6,190,000) of the $190,000,000 refunding authorization adopted by Council on June 28, 1993.

Explanation of Request:

On July 20, 1993 the City refinanced its 1989, 1990 and 1991 General Obligation Bonds by selling $183,810,000 Refunding Bonds, Series 1993. Because Council's original authorization ($190,000,000) exceeds the actual amount of refunding bonds ($183,810,000) an "excess" authorization of $6,190,000 exists. The "excess" (unsold) authorization does not represent "cash" or available funds.

- The "excess" authorization can only be used to refund the 1989,1990 and the 1991 General Obligation Bonds. Since these bonds have already been refinanced the "excess" authorization is not needed

- This is a house cleaning action recommended by Bond Counsel; otherwise, the "excess" authorization would clutter various records until the authorization lapses in July, 2000.

Finance

Background: On June 28,1993 Council authorized the Refunding Bonds, Series 1993, in an amount not to exceed $190,000,000. On July 20, 1993 the City sold $183,810,000 Refunding Bonds, Series 1993, resulting in the "excess" authorization of $6,190,000.

Ord. #1 # 3616-X B-43 p 210

23. **Two-Thirds Public Building Bonds Budget Ordinance**

Action: **Approve a budget ordinance transferring capital funds to comply with the purposes of Two Thirds Public Building Bonds.**

Margaret Hansen aff. Union.

Explanation of Request: In FY93, $500,000 in Two Thirds Public Building Bonds was appropriated to the York Road Gas Cleanup project for the construction of a trench system along NC 49 The City Attorney has reviewed this intended use and recommends that the bonds be applied to a use that is compatible with the bond language.

This action transfers $500,000 in Two Thirds Public Building Bonds from the York Road Gas Cleanup Capital Account to the Building Improvements Capital Account. The action also Transfers $500,000 in Pay-As-You-Go funding from the Building Improvements Capital Account to the York Road Gas Cleanup Capital Account.

Budget

NOT AN ORDINANCE

24. **Second Reading, PrivaCom and Teleport Denver Company Franchise Agreement**

Action: **Approve, on second reading, the PrivaCom, Inc. & TDI (Teleport Denver, Inc.) Franchise Agreement.**

Explanation of Request: On first reading Council approved a franchise agreement with PrivaCom-TDI at its July 26, 1993, meeting.

C15 DORIS

PrivaCom will operate a private data/telephone fiber optic communications network, and has requested the City of Charlotte grant it a franchise to operate within Charlotte.

Some franchise agreement highlights are:

- The City will have the right to use PrivaCom's utility poles or other above ground facilities for placement of its own lines (traffic signalization, data transmission) at no charge to the City.

- PrivaCom will cooperate with the City's efforts to interconnect all the City's systems and users with PrivaCom's network.

- PrivaCom agrees to provide the fiber optic interconnections necessary for the City to connect to PrivaCom's network in all buildings served by PrivaCom

- PrivaCom agrees to pay the City an annual fee in the amount of 5% of its gross annual revenues received from customers within the City. This percentage is based upon the franchise fee which the City's cable television companies are currently charged to operate their private communications networks. PrivaCom estimates their first year fee payments to the City will be approximately $16,000 and this amount will increase annually.

Background: North Carolina General Statute §160A-319 gives cities the authority to grant franchises for the operation of communications systems within the city.

Attachment 14
PrivaCom Franchise Agreement

25. Aviation Land Acquisition Contract Extension

Action: **Approve a contract extension with Moreland Altobelli Associates for $203,840 to provide project management assistance for the Airport's Land Acquisition Program for FY94.**

Explanation of Request:

- This contract is based upon an hourly rate for two on-site full time personnel and the consulting services of Mr. Joe Carroll and his staff on an as-needed basis, plus reimbursable expenses. Total payments made under this contract shall not exceed $203,840

- Moreland Altobelli will provide continuing services consisting of, but not limited to:

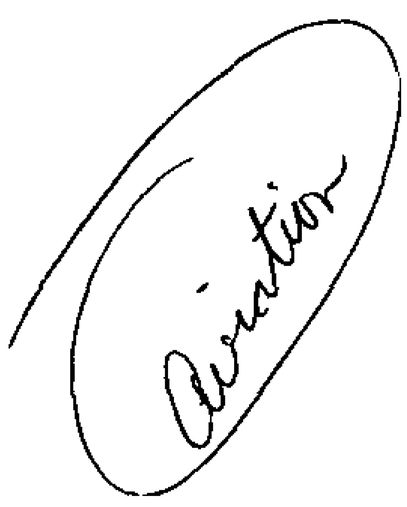
  - Continued land acquisition project coordination.

  - Determination of all relocation benefits which includes replacement housing payments, moving expenses, interest differentials and costs incidental to the closing of the replacement houses.

  - Assistance with development of sound insulation programs.

  - Continued monitoring and regulatory review of current and future programs for compliance with federal regulations

  - Assistance with federal requests such as grant applications, grant amendments, etc.



Clearances: The Airport Advisory Committee concurs in this recommendation.

Background:

- In October, 1990, the City contracted with Moreland Altobelli Associates, Inc., to provide assistance to the Airport's Part 150 Noise Compatibility Program. At that time, proposals were received from three firms with experience in airport real estate serves and Moreland Altobelli was selected.

- Moreland Altobelli has been instrumental in the success of the Airport's Home Buyout which has to date acquired 189 residences. Currently, there are 45 residences in various stages of the acquisition process and another 143 are eligible for the program. Additionally, they have provided assistance in the acquisition and relocation of 54 participants in the Airport Master Plan Acquisition Program.

- Moreland Altobelli has made available, upon the City's request, consultation services of Mr. Joe Carroll on an "as needed" basis Mr. Carroll has substantial experience in the FAA's requirements for Part 150 programs, having served as Airport Noise Abatement Manager for Atlanta Hartsfield International Airport for over six years.

26. New Convention Center Construction Inspection Services - Law Engineering Contract Amendment

Action:

Morgan/Patterson approved

Approve Amendment #2 to the agreement with Law Engineering, Incorporated, in the amount $309,142, to provide additional construction inspection services to new Convention Center. This amendment will increase Law's contract from $1,185,850 to $1,494,992.

Explanation of Request:

- The fabrication of structural steel has been performed at four remotely located shops requiring individual inspectors at each shop. The inspection was originally anticipated to be required at a single fabrication shop in or near the Charlotte area.

Eng

- Due to changes in the drawing, the scope of structural steel was increased by approximately 3,000 pieces.

- The time to erect the structural steel was increased by approximately five weeks.

- Two out-of-state fabrication shops added a second shift to limit schedule impact. This added two inspectors on a per diem basis.

- On January 11, 1993, City Council approved Amendment #1 with Law Engineering in the amount of $522,750 This amendment provided additional geotechnical and construction inspection services.

- This total amendment amount is an estimate to provide the additional construction inspection services necessary to continue construction of the new Convention Center Law will be compensated for their services on an hourly basis Their rates are comparable to the rates charged by other firms for similar services, and will remain the same for the duration of the contract

Background:

- On June 24, 1991 City Council approved an agreement with Law Engineering in the amount of $663,100 to provide geotechnical construction and inspection services for the new Convention Center

- Testing and inspection involved all phases of construction and includes: subsurface testing, foundation testing, structural steel and welding testing, concrete strength testing, roof testing and any other testing as required in the course of construction, to ensure the quality of the facility.

Attachment 15
Project Budget Update

27. **New Convention Center Wall Systems - Cecil Malone Company Change Order #1**

Action:

Manager/Patterson
app unan.

Approve Change Order #1 to the contract with Cecil Malone Company in the amount of $625,101 to replace precast concrete panels with alternate wall systems in the new Convention Center. Upon approval of this change order, the contract amount will increase from $9,572,700 to $10,197,801.

Explanation of Request:

- June 14, 1993, City Council approved the award of the finishes package to Cecil Malone At that time, the entire project was going through a cost reduction program.
- Change Order #1 reflects adjustment associated with the replacement of precast concrete panels with alternate wall systems and modification of other finishes
- These changes include: the addition of Exterior Insultation and Finish Systems (dryvit) and drywall to replace precast concrete panels, changes in carpet, and other various finish changes.

Background:

- The Finishes package includes painting all required surfaces, installing insulation at precast concrete where, required, all gypsum and sound insulated drywall, lay-in-ceilings, ceramic tile floors and walls, chain link fence gates at Duke Power vaults, HVAC access doors in ceilings, steel supports for toilets partitions and countertops, millwork supports, hollow metal doors including frames and glazing, door hardware, vault for box offices and administration, wood doors, wood trim and wall panels and operable walls

Eng.

28. **New Convention Center Masonry Work - Pampano Masonry Change Order #1**

Action: **Approve Change Order #1 to the contract with Pampano Masonry in the amount of $97,200 to perform additional masonry work on the new Convention Center. Upon approval of this change order, the contract amount will increase from $3,081,583 to $3,178,783.**

Explanation of Request:

- On June 14, 1993, City Council approved the award of the masonry package to Pampano Masonry. At that time, cost reduction package was underway.
- Change Order #1 reflects costs associated with the replacement of precast concrete panels with masonry.

Emp

29. **Storm Water Maintenance Package A - Change Order #1 - Ferebee Corporation**

Action: **Approve Change Order #1 for $120,000 to the contract with Ferebee Corporation for construction of Storm Water Maintenance Package A, which will change the contract amount from $250,408.50 to $370,408.50.**

Morgan for Wheeler
app. 29 & 30
Unan.

Explanation of Request:

- Change order will allow work to continue on storm drainage maintenance projects without delay (approximately 90 days delay if rebid)
- Under terms of the existing contract, the unit prices are valid for a period of one year This change order will provide funds to continue through this one year period.
- Contractor has completed repairs to 13 drainage systems under this contract.

Emp

Background: In 1991 City Council approved the assessment of a storm water services fee to provide funds to upgrade substandard drainage systems throughout the city. This is the first Storm Water Maintenance contract awarded which is funded with this fee

30. Storm Water Maintenance Package C - Change Order #1 - United Construction

Action: **Approve Change Order #1 for $175,000 to the contract with United Construction Company for construction of Storm Water Maintenance Package C, which will change the contract amount from $189,950 to $364,950.**

Explanation of Request:

- Change order will allow work to continue on storm drainage maintenance projects without delay (approximately 90 days delay if rebid)
- Under terms of the existing contract, the unit prices are valid for a period of one year. This change order will provide funds to continue through this one year period
- Contractor has completed repairs to 15 drainage systems under this contract.

Background: This is the second storm water maintenance contract awarded.

31. Municipal Agreement - Beatties Ford and Mt. Holly-Huntersville Road

Action:

A. Approve a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to improvements to the Beatties Ford Road (SR 2074) and Mt. Holly-Huntersville Road (SR 2004) Intersection (Project W-2807), and

B. Adopt the resolution to authorize the Mayor to execute the Utility Agreement.

Explanation of Request: The Utility Agreement between the City and NCDOT for improvements to Beatties Ford Road and Mt. Holly-Huntersville Road will allow NCDOT's contractor to perform water line adjustments and relocation work along the State Highway System for the project. This agreement will also reimburse NCDOT for this work.

Funding: The City's cost is estimated to be $54,097 Funds for the utility relocations/adjustments are located in CIP Relocations for Water and Sewer Lines for Street Improvements account.

CDOT

32. Property Transactions

For Aviation Property Transactions item # A through item #E, the purchase price was determined by an independent appraiser and a review by a second appraiser. Each appraiser takes into consideration specific quality and size of the house. Residential property is acquired per Federal Guidelines 49CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Owners are eligible for relocation benefits. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement.

A.	**Project:**	F.A R. Part 150 Land Acquisition
	Owner(s):	Cordell Ellis and wife
	Property Address:	3300 East Willow lane
	Property to be acquired:	(Church of God property)
	Improvements:	Frame Ranch, 2 bedroom, 1 5 baths
	Tax Value:	N/A
	Purchase Price:	$25,000

aviation

B. **Project:** F.A.R. Part 150 Land Acquisition
Owner(s): Robert Dry and wife
Property Address: 6437 Virginia Avenue
Property to be acquired: .573 acres
Improvements: Brick Ranch, 4 bedroom, 2 bath
Tax Value: $84,230
Purchase Price: $84,500

Aviation

C. **Project:** F.A.R. Part 150 Land Acquisition
Owner(s): David W. Moore and wife
Property Address: 3308 Barry Drive
Property to be acquired: .549 acres
Improvements: Brick Ranch, 2 bedroom, 1 bath
Tax Value: $49,910
Purchase Price: $65,000
Remarks: The Tax Department has lowered the evaluations in Moores Park due to "economic obsolescence" (proximity to the Airport)

Aviation

D. **Project:** F.A R. Part 150 Land Acquisition
Owner(s): Roy J. Stilwell and wife
Property Address: 3701 Green Valley Road
Property to be acquired: 1 475 Acres
Improvements: Ranch, basement, 4 bedroom, 1.5 baths
Tax Value: $66,610
Purchase Price: $116,800

Aviation

E. **Project:** F.A.R. Part 150 Land Acquisition
Owner(s): Thomas R Pack and wife
Property Address: 3213 Barry Drive
Property to be acquired: .559
Improvements: Brick Ranch, 3 bedroom, 2 bath
Tax Value: $52,320
Purchase Price: $66,000

Aviation

F. Action: **Recommend approval of the following property transactions and adoption of the condemnation resolutions.**

Project:	Monroe/Wendover/Eastway Intersection Improvement, Parcel No. 22
Owner:	Sandoz Chemical Corporation
Property Address:	4000 Monroe Road
Property to be acquired:	13,911 sq.ft. (0.32 ac.) fee plus Temporary Construction Easement
Improvements:	Shrubs, trees, sprinkler systems, storage area,signs, flag poles, spot lights & fluted brick wall
Price:	$88,963
Remarks:	The area being acquired included several improvements listed above. These items need to be reestablished behind their new property line.

Zoned: I-2 Use: Chemical Plant
Tax Value: $6,951,810
Tax Code: 159- 046-12

Engr

CONSENT I AGENDA ITEM

Council Agenda: August 23, 1993

Project: USAir Office and Other Tenant Spaces **User Dept:** Aviation Department

FUNDING: Airport Terminal Capital Project Fund (South Terminal Expansion - Revenue Bonds) - $5,834,909.

Description: The Aviation Director recommends a technicality be waived in the bid process and the multi-prime contracts be awarded to

*General	Edison Foard	$258,464
*Mechanical	T L Mechanical, Inc	44,908
Electrical	Watson Electric Co , Inc	54,147
Plumbing	Alpha Mechanical	25,396

* Edison Foard and T L Mechanical inadvertently neglected to submit a certificate of non-collusion with their bid as required by bid documents These certificates were later provided upon the request of the project achitect

Justification: In 1987 City Council approved the Airport's Master Plan which includes a 186,000 square foot terminal expansion These contracts will provide upfit of tenant spaces for USAir and others on the 3rd Floor in conjunction with the terminal expansion Council has previously appropriated Airport Revenue Bonds to fund this project

Advertised: July 13, 1993 **Bids Rcvd.** August 5, 1993 **Bids Expire·** October 4, 1993

Summary of Bids·

SINGLE PRIME

Edison Foard	$385,639
American Eastern Builders	404,485
Barrier Building Systems, Inc	422,870

MULTIPLE PRIME

GENERAL

Edison Foard	$258,464
American Eastern Builders	264,749
Barrier Building Systems	272,850
J D Goodrum Co , Inc	298,000

Moretti Construction, Inc.	387,900

MECHANICAL

T. L. Mechanical, Inc	$ 44,908
McKenney's Inc.	47,995
Tompkins-Johnston, Co Inc.	52,740
Alph Mechanical	56,638
Mechanical Contractors, Inc	59,000

ELECTRICAL

Watson Electric Co., Inc	54,147
FJL Electric, Inc	54,759
Port City Electric	58,214

PLUMBING

Alpha Mechanical	$ 25,396
Gastonia Plumbing & Heating	32,000
Tompkins-Johnston Co , Inc.	32,950

DBE Status.	% of Project	Project Goals
General	15	17
Electrical	0	0
Plumbing	0	0
Mechanical	0	0

Compliance: Yes

Program Director Concur:

Est. Cost: $420,995 **% Difference** 9% **$ Difference:** $38,080
Consequences If Item Deferred: Delay would impact completion of 3rd Floor offices for USAir and other tenants

Recommend Award to Low Bidder. Yes

Submitted By: _____ **Approved:** _____
Contact & Phone If Questions: T. J Orr

CONSENT I AGENDA ITEM

Council Agenda: 8-23-93

Project: Plato Price **User Dept:** Community Development (Purchasing)
School Demolition

FUNDING: Ctr: 37710 Fund: 2010 Obj. Code 31990 Balance of Funds: $250,000

Description: Asbestos removal and demolition of Plato Price School building.

Justification: Cannot be used for storage because of holes in roof and disrepair of structure It is a public nuisance and frequently vandalized

Advertised: 7-6-93 **Bids Rcvd:** 7-30-93 **Bids Expire:** 9-30-93

Summary of Bids:

Bison, Inc.	Charlotte, N C	$ 76,178
D.H. Griffin	Charlotte, N C	$110,250
Moretti Const.	Charlotte, N C	$139,156
Jones	Charlotte, N C	$142,800
L-J Inc	Columbia, S C	$173,704
Safeway	Iron Station, N C	$176,925

MWBE Status·	Amount	% of Project	Proj Goals
MBE		0	10%
WBE	76,178	100%	3%

Compliance: Yes Low bidder is City certified WBE.

Program Director Concur: Yes

Est. Cost: 250,000 **% Difference** 69 5% **$ Difference** $173,822
Consequences If Item Deferred: Bid price will expire New bids will be over $100,000.

Recommend Award to Low Bidder: Yes.

Submitted By: _____ **Approved:**_____

Contact & Phone If Questions: Fred Stallings, 336-5667

CONSENT I AGENDA ITEM

Council Agenda: August 23, 1993

Project: General Construction - Contract 1 - Additions And Alterations To The Irwin Creek Wastewater Treatment Plant

User Dept: CMUD

FUNDING: Water\Sewer Capital Improvement Fund - (Irwin Creek Treatement Plant Improvements) - $10,845,001.

Description: Work to be performed under this project will include additions and alterations to the existing Irwin Creek Wastewater Treatment Plant including a headworks structure, odor control, pump replacements, an aeration tank, chlorine contact tank modifications, effluent filters, a cascade aerator, and work incidental to these additions and alterations.

Justification: Award of this project will allow improvements to the water quality of Irwin Creek and will enable the Irwin Creek Plant to meet new effluent limits

Advertised: May 22, 1993 **Bids Rcvd·** July 20, 1993 **Bids Expire·** September 20, 1993

Summary of Bids:

Thamer Construction, Inc.	Norcross, GA	$ 6,431,949 00
Crowder Construction Company	Charlotte, NC	6,645,300 00
Summit-Beers Construction Co	Scottdale, GA	6,781,419 00
Danis Industries Corporation	Birmingham, AL	6,963,540 00
Adams Robinson Enterprises, Inc.	Dayton, OH	7,002,300 00
Heavy & Environmental Group	Dayton, OH	7,052,280 00
State Utility Contractors, Inc	Monroe, NC	7,373,580.00
Lee Construction Company	Charlotte, NC	7,505,160 00

MWBE Status·	**Amount**	**% of Project**	**Proj Goals**
MBE	$131,000	2 0%	4%
WBE	$350,000	5 4%	1%

Compliance: The Utility Department has reviewed the contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the M/WBE program. **The Contractor has met and will exceed the project goal for WBE participation.**

Program Director Concur: Yes

Est. Cost: $7,326,200 00 **% Difference** 12.21% **$ Difference** $894,251 00

Consequences If Item Deferred: Subject bids will be valid for sixty (60) days from July 20, 1993

Recommend Award to Low Bidder: Yes - Thamer Construction, Inc.

Submitted By: _____ **Approved:** _____

Contact & Phone If Questions: Henry Forrest - 391-5060
Kathy Freeze - 391-5104

CONSENT I AGENDA ITEM

Council Agenda: August 23, 1993

Project: Plumbing Work - Contract 2 - Additions And Alterations To The Irwin Creek Wastewater Treatment Plant

User Dept: CMUD

FUNDING: Water\Sewer Capital Improvement Fund - (Irwin Creek Treatement Plant Improvements) - $10,845,001

Description: Work to be performed under this project will include all plumbing work associated with additions and alterations to the existing Irwin Creek Wastewater Treatment Plant.

Justification: Award of this project will allow improvements to the water quality of Irwin Creek and will enable the Irwin Creek Plant to meet new effluent limits.

Advertised: May 22, 1993 **Bids Rcvd:** July 20, 1993 **Bids Expire:** September 20, 1993

Summary of Bids:

A.Z. Price & Associates, Inc.	Charlotte, NC	$ 73,634 00
Castor Plumbing Company	Davidson, NC	74,834 00
L T Mechanical, Inc	Charlotte, NC	74,970 00

MWBE Status: WBE PRIME CONTRACTOR

	Amount	% of Project	Proj Goals
MBE	$0	0%	1%
WBE	$73,634.00	100%	1%

Compliance: The Utility Department has reviewed the contractor's good faith efforts to meet the project goals and determined that she has complied with the requirements of the M/WBE program. **The Contractor has met and will exceed the project goal for WBE participation.**

Program Director Concur. Yes

Est. Cost: $58,400.00 **% Difference** 26 09% **$ Difference** ($15,234 00)

Consequences If Item Deferred: Subject bids will be valid for sixty (60) days from July 20, 1993

Recommend Award to Low Bidder: Yes - A. Z Price & Associates, Inc

Submitted By: _____ **Approved:**_____

Contact & Phone If Questions: Henry Forrest - 391-5060
Kathy Freeze - 391-5104

CONSENT I AGENDA ITEM

Council Agenda: August 23, 1993

Project: Heating And Ventilating Work - Contract 3 - Additions And Alterations To The Irwin Creek Wastewater Treatment Plant

User Dept: CMUD

FUNDING: Water\Sewer Capital Improvement Fund - (Irwin Creek Treatement Plant Improvements) - $10,845,001.

Description: Work to be performed under this project will include all heating and ventilating work associated with additions and alterations to the existing Irwin Creek Wastewater Treatment Plant

Justification: Award of this project will allow improvements to the water quality of Irwin Creek and will enable the Irwin Creek Plant to meet new effluent limits

Advertised· May 22, 1993 **Bids Rcvd:** July 20, 1993 **Bids Expire** September 20, 1993

Summary of Bids:

A.Z Price & Associates,Inc	Charlotte, NC	$489,396 00
Mechanical Contractors, Inc	Charlotte, NC	506,940 00
Climate Conditioning of Charlotte	Charlotte, NC	507,654 00

MWBE Status: **WBE PRIME CONTRACTOR**

	Amount	% of Project	Proj Goals
MBE	$0	0%	1%
WBE	$489,396.00	100%	1%

Compliance: The Utility Department has reviewed the contractor's good faith efforts to meet the project goals and determined that she has complied with the requirements of the M/WBE program **The Contractor has met and will exceed the project goal for WBE participation.**

Program Director Concur: Yes

Est. Cost: $511,500 00 **% Difference** 4 3% **$ Difference** $22,104 00

Consequences If Item Deferred: Subject bids will be valid for sixty (60) days from July 20, 1993

Recommend Award to Low Bidder: Yes - A.Z. Price & Associates, Inc

Submitted By: _____ **Approved:**_____

Contact & Phone If Questions: Henry Forrest - 391-5060
Kathy Freeze - 391-5104

CONSENT I AGENDA ITEM

Council Agenda: August 23, 1993

Project: Electrical Work - Contract 4 - Additions And Alterations To The Irwin Creek Wastewater Treatment Plant

User Dept: CMUD

FUNDING: Water\Sewer Capital Improvement Fund - (Irwin Creek Treatement Plant Improvements) - $10,845,001.

Description: Work to be performed under this project will include all electrical work associated with additions and alterations to the existing Irwin Creek Wastewater Treatment Plant.

Justification: Award of this project will allow improvements to the water quality of Irwin Creek and will enable the Irwin Creek Plant to meet new effluent limits

Advertised: May 22, 1993 **Bids Rcvd:** July 20, 1993 **Bids Expire:** September 20, 1993

Summary of Bids:

Energy Erectors, LTD	Leesburg, FL	$3,268,899 00
King Electric, Inc	Johnson City, TN	3,280,099 00
Watson Electric Co , Inc	Charlotte, NC	3,294,430 00
Ind-Com Electric Company, Inc.	Charlotte, NC	3,403,740 00

MWBE Status	Amount	% of Project	Proj Goals
MBE	$26,500	0 81%	1%
WBE	$10,000	0 32%	1%

Compliance: The Utility Department has reviewed the contractor's good faith efforts to meet the project goals and determined that he has complied with the requirements of the M/WBE program which allow him to perform all the work with his own forces

Program Director Concur: Yes

Est. Cost: $3,200,000 00 **% Difference** 2 15% **$ Difference** ($68,899 00)

Consequences If Item Deferred: Subject bids will be valid for sixty (60) days from July 20, 1993

Recommend Award to Low Bidder: Yes - Energy Erectors, LTD

Submitted By: _____ **Approved:**_____

Contact & Phone If Questions: Henry Forrest - 391-5060
Kathy Freeze - 391-5104

CONSENT I AGENDA ITEM

Council Agenda: August 23, 1993

Project: Sanitary Sewer And Water Main Construction - FY 94 Contract B - Street Main Extensions **User Dept:** CMUD

FUNDING: Water and Sewer Capital Improvement Fund - (Street Main Extension Program - Sewer) - $8,265,854.

Water and Sewer Capital Improvement Fund - (Street Main Extension Program - Water) - $3,498,272.

Balance of Funds· Budget

Description: This project consists of approximately 8,000+ linear feet of 8-inch sewer pipe, 1,150+ linear feet of 12-inch water pipe, 2,150+ linear feet of 8-inch water pipe, 3,150+ linear feet of 6-inch water pipe, 2,150+ linear feet of 2-inch water pipe, 30 four foot manholes, 6 fire hydrants and various other appurtenances to be performed within rights-of-way of the North Carolina Department of Transportation and/or Charlotte Department of Transportation and other public road rights-of-way or 15-foot sanitary sewer right-of-way acquired from individually owned properties with varying temporary construction easements throughout the City of Charlotte and Mecklenburg County

Justification: Construction of these projects will extend sewer and water service to residences which have been determined to be public health hazards, where private wells are faulty, and/or to residences/businesses which have requested connection to the City's water/sewer system

Advertised: July 17, 1993 **Bids Rcvd:** August 3, 1993 **Bids Expire:** October 3, 1993

Summary of Bids:

R. H. Price, Incorporated	Charlotte, NC	$ 984,640 00
W. M. Paris & Associates	Charlotte, NC	1,016,056 13
Dellinger, Incorporated	Monroe, NC	1,029,582 25
B.R.S , Inc.	Richfield, NC	1,079,734 58
Sanders Brothers, Inc.	Charlotte, NC	1,130,788 88

MWBE Status. **WBE PRIME CONTRACTOR**

	Amount	% of Project	Proj Goals
MBE	$3,000 00	0 30%	6%
WBE	$981,640 00	99 7%	3%

Compliance: Yes - The Utility Department has reviewed the Contractor's good faith efforts to meet the project goals and determined that she has complied with the requirements of the M/WBE Program. **The Contractor has met and will exceed the project goal for WBE participation.**

Program Director Concur: Yes

Est. Cost: $945,000.00 % Difference 4.19% $ Difference. $39,640 00

Consequences If Item Deferred· We would be unable to provide service within the six month period outlined in the extension policy

Recommend Award to Low Bidder: R H. Price, Incorporated

Submitted By: _____ **Approved:**_____

Contact & Phone If Questions: Kathy Freeze - 391-5104

CONSENT I AGENDA ITEM

Council Agenda: 23 AUGUST 1993

Project: FALL RESURFACING FY94 **User Dept:** Engineering

FUNDING: Powell Bill Fund (Street Resurfacing) - $3,281,035

Description: This project will include the resurfacing of approximately 54 miles of streets throughout the city with 57,000 tons of asphalt. Approximately 25,000 square yards of existing pavement will be milled

Justification. This is one of two contracts let each year to resurface city streets. This work is performed to maintain the City's approximately 1,600 miles of streets These funds are allocated by the State from the Gasoline Tax Revenue distributed annually to cities and towns.

Advertised: 06/27/93 **Bids Rcvd:** 07/22/93 **Bids Expire:** 09/20/93

Summary of Bids:

REA CONSTRUCTION	$1,518,056 00
BLYTHE CONSTRUCTION	$1,562,543 90
CROWDER CONSTRUCTION	$1,644,287.45
APAC CAROLINA	$1,901,835 50

MWBE Status.	Amount	% of Project	Proj Goals
MBE	0	0	9%
WBE	0	0	3%

Compliance: Rea Construction has complied with M/WBE contract provision which allows performance of all work with contractor's own forces The M/WBE Program Director has reviewed the documentation and concurred with the recommendation for award

Program Director Concur: Yes

Est. Cost: $1,602,000 **6% Difference** **$ Difference:** $83,890 45
Consequences If Item Deferred. Project will be delayed

Recommend Award to Low Bidder: Yes.

Submitted By: _____
C. D. Readling, City Engineer

Contact & Phone If Questions· Tom Campbell 336-3617

CONSENT I AGENDA ITEM

Eng

Council Agenda: 23 August, 1993

Project: Laurel Avenue Storm Drain Repair **User Dept:** Storm Water Division

FUNDING: Storm Water CIP Fund (Storm Water Repairs - Storm Water Fees) - $2,495,035.

Balance of Funds: $2,495,036 as of 19 July, 1993

Description: REPLACEMENT OF A 54" PIPE CULVERT AND ASSOCIATED WORK UNDER THE 200 BLOCK OF NORTH LAUREL AVENUE

Justification: PARTIAL COLLAPSE OF THE CULVERT HAS NECESSITATED CLOSURE OF N LAUREL AVENUE TO THROUGH TRAFFIC FOR SAFETY REASONS THE CULVERT MUST BE REPLACED IN ORDER TO REOPEN THE ROAD.

Advertised: 18 July, 1993 **Bids Rcvd:** 29 July, 1993 **Bids Expire:** 29 Sept , 1993

Summary of Bids·

Ferebee Corp	93,526 40
Blythe Development	99,241.45
United Const Co	112,219 95
Dakota Contracting	137,337 20
Showalter Const. Co	180,070 00
Sanders Bros. Const.	196,887 90

MWBE Status.	**Amount**	**% of Project**	**Proj Goals**
MBE	$4,000 00	5%	6%
WBE	$7,776 00	10%	5%

Compliance: The Engineering Department has reviewed contractor's good faith efforts to meet project goals and finds compliance with the requirements of the M/WBE Program.

Program Director Concur: The M/WBE Program Director concurs with the Engineering Department's findings and recommendation for award

Est. Cost: $90,000 **% Difference** 4% OVER **$ Difference** $3,526

Consequences If Item Deferred: Award will be delayed

Recommend Award to Low Bidder: Yes

Submitted By: _____

Clark D Readling
City Engineer

Contact & Phone If Questions: D F. Hoover, Assistant Contract Officer, 336-3634.

CONSENT I AGENDA ITEM

Council Agenda: 23 August, 1993

Project: Add-A-Lane, Group 3-B **User Dept:** ENG

FUNDING: General Capital Improvement Fund (Minor Roadway Improvements - Street Bonds) - $587,000

Balance of Funds: $887,000 as of 06 June, 1993

Description: Construction of turning lanes to improve traffic congestion at these four intersections: 1, Westinghouse Blvd. at York Rd. 2; Nations Ford at Regency Park, 3, Tuckaseegee at Toddville Rd, and 4, Statesville Rd at Cindy Lane to Hutchinson McDonald Road.

Justification: The Add-A-Lane project is part of the City's Cut Rate Transportation Program that provides for short term measures to improve traffic flow at identified intersections until more permanent solutions such as major road widening or intersection improvements are implemented

Advertised: 04 July, 1993 **Bids Rcvd:** 29 July, 1993 **Bids Expire:** 27 Sept , 1993

Summary of Bids:		
	Sherrill and Asso	$224,617 12
	Blythe Development	331,893 12
	Ferebee Corp	377,205 40

MWBE Status·	**Amount**	**% of Project**	**Proj Goals**
MBE	$15,796 90	8%	7%
WBE	$ 4,250 00	2%	4%

Compliance: Yes

Program Director Concur: Yes

Est. Cost: $218,000 **% Difference** 3% over **$ Difference.** $6,617 12

Consequences If Item Deferred: Delay in award

Recommend Award to Low Bidder: Yes

Submitted By: _____

Clark D Readling
City Engineer

Contact & Phone If Questions Gary J. King, Contracts Estimator, 336-2047.

ENGBID6.823

OLD DOWD RD

MATTOX LAND CORPORATION

NATIONAL WELDERS SUPPLY

I-2

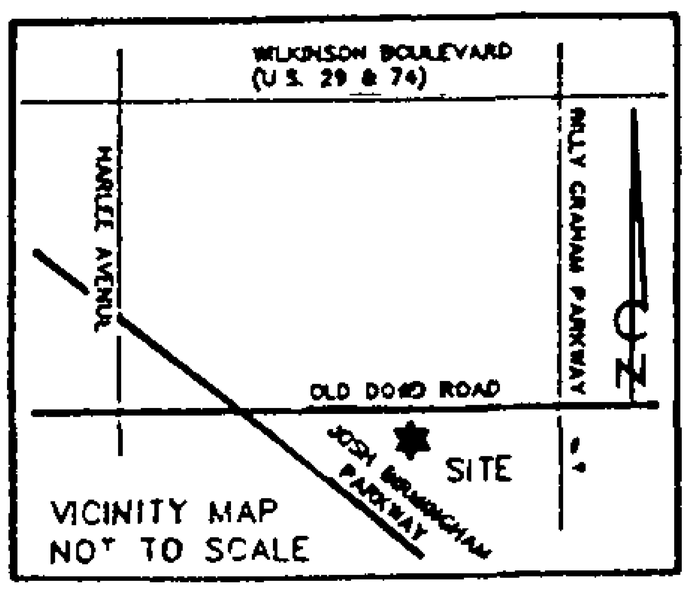
NATIONAL LAND COMPANY

NATIONAL WELDERS SUPPLY

JOSH BIRMINGHAM PARKWAY

BILLY GRAHAM PARKWAY

STREET TO BE CLOSED



CITY OF CHARLOTTE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION ENGINEERING DIVISION

PROPOSED STREET CLOSING

OLD DOWD ROAD EAST OF JOSH BIRMINGHAM PARKWAY

RQS / PROJECT NO	FILE NO.

NOVEMBER 2, 1993
BOND REFERENDUM PROJECTS

Water: $58,490,000

Street Main Extension Program

Land Acquisition for Watershed Protection

North Mecklenburg Water Treatment Plant

Acquisition of Private Water Systems

Raw Water Pump Station Upgrades

Water Main Along Nations Ford Rd. and Westinghouse Blvd.

Transmission Mains from the North Mecklenburg Water Treatment Plant

Water Main Along Wilgrove Mint Hill and NC 51

W.T. Harris Blvd. Water Main

Sewer: $12,760,000

McAlpine, Irwin, and Sugar Creek Wastewater Treatment Plant Upgrades

Acquisition of Private Sewer Systems

Neal Branch Lift Station and Trunk Main

Long Creek Parallel Outfall Phase II

Stoney Creek Outfall Phase III

Six Mile Outfall Lift Station and Force Main

Environmental Cleanup: $27,000,000

York Road Methane Gas Monitoring System

Underground Storage Tank Program

Fire Training Academy - Fire Pits Cleanup

Statesville Avenue Project

PUBLIC ART PROPOSAL

CITY OF CHARLOTTE

1993-1995

SUBMITTED JOINTLY FOR APPROVAL BY:

PUBLIC ART COMMISSION
ARTS & SCIENCE COUNCIL

PUBLIC ART PROPOSAL
CITY OF CHARLOTTE
1993-1995

The Public Art Commission and the Arts & Science Council request approval by the Charlotte City Council of a two-year public art proposal as outlined below:

I. BACKGROUND

During FY 92, the City Council, the County Commission and the Arts & Science Council appointed a task force chaired by former Mayor Eddie Knox to review our public art program The task force recommended a restructuring of the Charlotte-Mecklenburg Public Art Commission and an allocation procedure for eligible capital projects

In February of this year, the City Council adopted a resolution which incorporated most of these recommendations Specifically, the resolution set forth the following policies

- Directed the inclusion of Public Art Programs in City and County public construction projects
- Defined construction projects paid for wholly or in part by the City of Charlotte or Mecklenburg County to construct or remodel any building or public space which are normally visited by the public with the exception of restoration of historic properties
- Excluded streets, highways or transportation projects
- Authorized department heads to include in all estimates of construction projects 1% of the construction cost for public art
- Established a 12-member Public Art Commission to be appointed by the City Council and County Commission from persons nominated by the Public Art Commission and the Arts & Science Council to fill designation slots (nominations will be presented to City Council in September)
- Set forth the responsibilities of the Public Art Commission, including making an annual presentation to City Council and County Commission for projects to be included in the public art program
- Authorized the use of private money for inclusion in the Public Art Commission's annual budget

- Stated that City Council and County Commission have final approval of the annual work program and budget without selection responsibilities for commissioned artworks

- Placed responsibility for the Public Art Commission under the administrative auspices of the Arts and Science Council City Council approved a minimum $25,000 contribution toward annual administrative costs that would be renegotiated as a part of the annual work plan depending on the size and number of public art projects

Pursuant to that resolution, the Public Art Commission and the Arts and Science Council have worked with City staff to review the Capital Improvement Program The following recommendations for a two-year work program and budget are proposed

II. PROJECTS ELIGIBLE FOR PUBLIC ART, 1993-1995

The following three capital projects will be completed or begun during fiscal years 1994 and 1995 and have been deemed eligible for public art. The Public Art Commission and the Arts and Science Council recommend that the eligible portion of the budgets for these projects be set aside for public art selected and commissioned by the Public Art Commission

1. New Convention Center

A figure of $850,000 is eligible for public art for the Convention Center Through an agreement reached among the Chair of the Convention Center Design Review Committee, the Chair of the Public Art Commission and the President of the Arts & Science Council, a formula has been devised for the allocation of the $850,000 as follows:

$350,000 - toward the costs of fixtures in the construction budget of the Convention Center including the exterior fountain, the oculus and entrance pillars. The Public Art Commission will participate in the design of these fixtures

$500,000 - commissioned artworks to be selected by the Public Art Commission

The new Convention Center will be visited by nearly one million people annually and thus particularly lends itself to bold and distinctive public art which will help project a unique image for Charlotte. Both the Convention Center Authority and the Public Art Commission are excited about the unusual opportunity this project offers

2. Park and Ride Lots

Park and ride lots along transit routes promote system use and reduce congestion Over 50% of the transit system's express riders use park and ride lots The eligible set-aside for public art for park and ride lots is $3,500.

3. Law Enforcement Center

A new Law Enforcement Center is needed for consolidated City/County police operations. The need is based on the County's plan to expand the jail system and the City's need for more space for police operations The eligible set-aside for public art is $181,000.

III. FINANCIAL SUMMARY OF ELIGIBLE PROJECTS, 1993-1995

1 Convention Center	$ 850,000
2 Park and Ride Lots	3,500
3. Law Enforcement Center	181,000
Total Public Art Budget (City)	**$1,034,500**

IV. TWO-YEAR BUDGET, 1993-1995

Implementation of the two largest projects cited above will cross two fiscal years. Therefore, it is appropriate to present a two-year budget for approval. None of the City funds proposed below come from general revenue sources; all City funds come from the Capital Improvement Program. *The Arts & Science Council is particularly pleased to offer administrative services for only 9% of government funds.*

Please note the significant private sector contribution in the budget. At the time the city approved the restructuring of the Public Art Program, only $50,000 in private sector support was proposed. To date, $117,500 in private sector support has been committed to the Public Art Program. The Public Art Commission and The Arts & Science Council respectfully submit the following two-year budget for approval

BUDGET

	FY 94	FY 95	2 Year Total
Income			
City of Charlotte			
Commissions (91%)	$470,950	$ 470,950	$ 941,900
Administration (9%)	46,300	46,300	92,600
Subtotal	517,250	517,250	1,034,500
•Mecklenburg County			
Commissions (91%)	327,600	327,600	655,200
Administration (9%)	32,400	32,400	64,800
Subtotal	360,000	360,000	720,000
*Private Sector			
*Queens Table	2,500	2,500	5,000
*Foundation for the Carolinas	5,000	0	5,000
*Individual Contributors	7,500	7,500	15,000
*Corporate Contributors	35,000	95,000	130,000
*Subtotal	50,000	105,000	155,000
Grand Total	**$927,250**	**$982,250**	**$1,909,500**
Expense			
Commissions			
City of Charlotte	$470,950	$ 470,950	$ 941,900
Mecklenburg County	327,600	327,600	655,200
†Subtotal	798,550	798,550	1,597,100
Administration			
Public Art Director	42,000	44,000	86,000
Administrative Asst/Secretary	20,000	21,000	41,000
Benefits @ 15%	9,000	9,750	18,750
*Personnel Search	2,500	0	2,500
Contracted Services	4,300	2,800	7,100
Office Supplies	1,400	650	2,050
Equipment	2,000	500	2,500
Subtotal	81,200	78,700	159,900
*Program			
*Public School Materials	7,000	2,000	9,000
*Public School Programs	15,500	18,000	33,500
*Exhibitions/Public Education	15,000	65,000	80,000
*Public Art Master Plan	10,000	20,000	30,000
*Subtotal	47,500	105,000	152,500
Grand Total	**$927,250**	**$982,250**	**$1,909,500**

NOTES:

- • The Mecklenburg County figures are preliminary estimates under review by County staff for approval by the Mecklenburg County Board of Commissioners in September
- * Asterisk indicates these income/expense items contributed from the private sector in support of Public Art. To date $117,500 of the $155,000 private sector pledge has been committed -- leaving $37,500 to secure by 1995.
- † Figure does not include previously approved items or works in progress

Charlotte-Mecklenburg Art Commission
600 East Fourth Street
Charlotte, North Carolina 28202-2853

Project Summary Statement
June 30, 1993

Mecklenburg County Projects:	Art Allocation	Account Balance
Charlotte-Mecklenburg Aquatic Center	$ 54,000	$ 979.00
Courts Renovation/Criminal Courts	48,512	47,889.50
Hal Marshall Center	25,000	2,794.65
Tom Ray Center	3,548	436.00
Latta Park Equestrian Center	3,471	3,470.61
Sharon Regional Public Library	21,000	1,754.88
WTVI	20,150	30.97
County Police Building	2,190	190.00
Community Services Building	18,605	291.78
Mecklenburg County Detox Center	20,000	20,000.00
Department of Social Services and	10,000	
Northwest & Southeast Medical Facilities/	25,000	34,923.04
Total Mecklenburg County project dollars	$251,476	
City of Charlotte Projects:		
Charlotte Coliseum	$400,000	$ 1,075.92
Douglas International Airport	117,692	117,692.03
Performing Arts Center	150,000	8,235.46
Police and Fire Academy	2,600	2,266.40
Spirit Square Renovations	46,800	941.43
York Road Renaissance Park	3,660	3,358.95
Animal Shelter Expansion	30,000	30,000.00
Discovery Place's Omnimax	82,000	1,906.47
Reedy Creek Park Nature Center	27,000	962.93

	Art Allocation	Account Balance
City Art Fund Account	_____	689.80
Total City of Charlotte project dollars	$854,752	
Total City of Charlotte/Mecklenburg County project dollars		$1,106,228.00
Total City/County project dollars plus City Art Fund		$1,106,917.80

A RESOLUTION RESTRUCTURING THE CHARLOTTE-MECKLENBURG PUBLIC ART COMMISSION AND AUTHORIZING THE ALLOCATION OF FUNDS FOR PUBLIC ART PROGRAMS

WHEREAS, the Charlotte City Council and the Mecklenburg County Board of Commissioners recognize that cultural heritage and artistic development are vital to the health of Charlotte/Mecklenburg; and

WHEREAS, the character, identity and educational environment of Charlotte and Mecklenburg County have been enhanced by public interest and support of the arts; and

WHEREAS, Public Art Programs contribute to economic development and tourism while humanizing the impact of rapid urbanization; and

WHEREAS, Public Art Programs within and around public buildings add warmth, dignity, beauty, and accessibility to public spaces; and

NOW, THEREFORE, BE IT JOINTLY RESOLVED by the City Council of Charlotte and the Mecklenburg County Board of Commissioners to provide a system of support for Public Art Programs as follows:

Section 1. Purpose.

Charlotte and Mecklenburg County accept a responsibility for expanding the experience and direct participation of citizens in the visual arts. A policy, therefore, is established to direct the inclusion of Public Art Programs in City and County public construction projects as hereinafter defined.

Section 2. Definitions.

a. "Art Commission" shall mean the Charlotte-Mecklenburg Public Art Commission.

b. "Construction project" means any capital project paid for wholly or in part by the City of Charlotte or Mecklenburg County to construct or remodel any building or public space, such as offices, park buildings, parking facilities, court facilities, recreation centers, or any portion thereof within Mecklenburg County, which are normally visited by the public, with the exception of restoration of historic properties. Construction projects also shall not include street, highway or transportation projects.

c. "Capital Improvement Program" means the City and County's program for advance planning of capital development.

d. "Works of art" includes, but is not limited to, original paintings, sculptures, fountain sculptures, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, silk screens, etchings, lithographs, and other physical elements of design. The term "works of art" shall not include any reproduction of original art by mechanical means.

e. "Artist" refers to a practitioner in the visual and design arts, generally recognized by critics and his peers as a professional who produces works of art.

f. "Construction Cost" means actual construction cost, excluding engineering, administrative, architectural and legal services; permit fees; as well as indirect and interest costs. It shall also exclude Federal or State funds, if such funds are not permitted to be used for works of art.

Section 3. Funds for Works of Art.

a. All City and County department heads shall include in all estimates of necessary expenditures and all requests for authorization or appropriations for construction projects 1% of the construction cost for works of art. This amount will be based on the construction cost of any such project, as estimated in the Capital Improvement Program for the year in which such estimates or request is made.

b. Funds authorized and/or appropriated pursuant to this section for City or County construction projects but not spent on that project in total or in part may be expended for Public Art Programs in other City or County projects or existing public facilities and spaces which are owned by the City or County, if legally permissible.

c. Such funds shall be provided as above for all construction projects authorized by the County and the City after the date this Resolution has been approved by the City Council and the Board of County Commissioners.

Section 4. Art Commission Composition and Responsibilities.

Composition. The Art Commission shall have twelve (12) members appointed for three-year terms in the following manner:

Six members shall be appointed by the Charlotte City Council from persons nominated by either the Art Commission or the Arts and Science Council. Six members shall be appointed by the Board of County Commissioners from persons nominated by either the Art Commission or the Arts and Science Council.

The members shall be appointed by the City and County from various segments of the population as designated below:

	County	City
3 from field of Education	2	1
3 from Artistry/Architecture	1	2
3 from Business	1	2
3 at Large (no restriction)	2	1

The Chairman of the Art Commission shall be elected by the Art Commission.

Terms shall be staggered with terms of four initial appointees for one (1) year (two by City and two by County); four for two (2) years (two by City and two by County); and four for three (3) years (two by City and two by County). Thereafter, all appointments shall be for three years, however, no member shall serve more than two consecutive three-year terms.

The Art Commission may select advisors for a particular project to adjust to the size and complexity of art projects. These advisors shall assist the commission but shall have no vote. A representative from the interested City or County department and the construction project architect shall also be non-voting advisors. The Art Commission shall encourage community participation.

Responsibilities.

a. The Art Commission shall make periodic reviews of all construction projects authorized by the City Council and Board of County Commissioners. The Art Commission shall determine which construction projects are appropriate for inclusion in the Public Art Program. An annual presentation of all construction projects selected for inclusion in the Public Art Program for the upcoming year shall be made to the City Council and Board of County Commissioners. The City Council and Board of County Commissioners have final approval of the annual work program and budget of the Art Commission, as well as the amount of funds (up to 1% of the construction costs) to be spent for works of art. All private money proposed for inclusion in any annual budget of the Art Commission must be either raised or pledged prior to any public money being transferred to the Art Commission for that annual budget.

b. Once a construction project is included in the Public Art Program, the Art Commission shall be responsible for the selection of artists, the commissioning of works of art and/or the purchase of works of art. The use of works of art by local and North Carolina artists should be emphasized. The Art Commission shall be responsible for condition monitoring of artworks; inventory/cataloging; educational programs; promotional activities; technical services to public and private entities; and management of the City/County approved Public Art budget.

c. The Art Commission shall examine annually the condition of works of art selected and make a report to managers of artwork sites. It is the responsibility of site managers to provide for the maintenance of works of art in their routine site maintenance program.

d. The Art Commission may encourage and help obtain additional grants and gifts from outside sources.

Section 5. Placement.

Works of art, selected and implemented pursuant to the provisions of this Resolution and any amendment thereto, may be placed in, on or about City or County construction projects. They may be attached or detached within or about such property and may be either temporary or permanent. City or County officials responsible for the design and construction of such projects shall make appropriate space available for the placement of works of art.

Section 6. Ownership.

All art objects acquired pursuant to this Resolution shall be acquired in the name of the City of Charlotte or Mecklenburg County, and title shall vest in the City of Charlotte or Mecklenburg County.

Section 7. Repeal of Previous Resolution.

The previous Resolution establishing the Charlotte-Mecklenburg Art Commission approved by the City Council on November 23, 1981, and by the County Commission on February 15, 1982 is hereby repealed.

Section 8. This Resolution shall be effective upon its approval by both the City Council and the Board of County Commissioners for the period ending June 30, 1994, and shall remain effective thereafter for additional fiscal-year periods unless notice of cancellation is given in writing by either party on or before the April 30 which is immediately prior to the next fiscal-year period.

PASSED AND APPROVED on the 10th day of May, 1993 by the City Council; and on the 15th day of February, 1993 by the Board of County Commissioners.

Approved as to form:

M A Bethune
County Attorney

CERTIFICATION

I, Nancy S. Gilbery, Deputy, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of May, 1993, the reference having been made in Minute Book 102, and recorded in full in Resolution Book 31, at Pages 62-66.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 12th day of May, 1993.

Nancy S. Gilbert, Deputy City Clerk

TRAVISHAN
Enterprises/Publications
Presents

THE GOVERNMENT MONITOR
A Worldwide Daily Newspaper
P. O Box 221768
Charlotte, N. C. 28222-1768
1-704-366-7758

Florence Amelia Smith
Owner, Founder, Developer
1322 Delane Avenue
Charlotte, N. C. 28211
1-704-366-5834

August 23, 1993

ADRESSED TO
CITY COUNCIL, City of Charlotte, N. C.
CITY MANAGER, Wendell O. White

PUBLIC HEARING PRESENTATION

As a matter of respect for and courtesy to Deputy Chief Robert L Schurmeier, I waiver my right to three minutes of public debate on this issue on this date to avoid direct press and thus public attention at this time It is my hope that this matter may be ethically, morally and reasonably resolved by and between just those of us who might be necessary elements of that resolution

HISTORY AND BACKGROUND

I, Florence Amelia Smith, am a Female Entrepreneur/Woman Business owner and in that context am also owner, founder and developer of a Worldwide Daily Newspaper called The Government Monitor The newspaper began formal publication on July 4, 1992 and all of you have received your copies distributed at the times of publication There have been only two publications thus far because of severe and unlawful interference with both myself personally and my business operations The publications you have thus far received are test market vehicles called PrePress Preview The Government Monitor which is fully explained both in the newspapers and the attached leaflets and which have full copyrights and which copyrights are fully registered with the United States Patent and Copyright Office as well as copies of the publications being on file and available now at The Library of Congress I own all the ficticious names involved which names and any accompanying insignias are the publications TRADEMARKS

The newspapers which are currently circulated via newsstands, hand delivery and the U S Mails has currently six paid

subscribers statewide within the State of North Carolina Additionally it is automatically distributed to all the local public elected officials who have automatic subscriptions and is also distributed nationally and internationally to interested political and professional persons and/or entities who may or may not also have automatice subscriptions

The newspaper has been developed in The City of Charlotte which is my homo having attended Eastway Junior High School and having graduated from East Mecklenburg High School Class of 1965 and having attended both Wingate College and University of North Carolina Chapel Hill as well as two Colleges in California and Central Piedmont Community College here taking additional transfer courses toward both bachelor and doctrate degree application, and is being test marketed here as well I have traveled quite literally and extensively all over the country and researched in many cities and states as well as corresponding and conversing via telephone literally and extensively worldwide, however, The City of Charlotte is the primary market role model as well as both local and state governmental role model This is a distinction of which The City of Charlotte should now be and most certainly in the future can as well be very proud

IMMEDIATE CIRCUMSTANCES

During a time period in which my sole proprietorship company/companies are being prepared for at least a partial consolidation into both a single corporation, and then, also certain separate subsidized corporations at which time also the corporation/s will be taken public selling public shares on the stock exchanges and having resituated my office space and realigned my capital somewhat since certain obstructions had occurred, it had been my hope to reinstitute publication of the test market newspaper again by July 4, 1993 and possibly even expand it to full size newsprint I am still working toward a goal of reinstituting the test market publications before my company is public AS WELL AS during that process

Placing that goal of another publication by July 4th of this year into operation I began to research various ideas for newsworthy and/or otherwise desirous information for the public consumption One of the various phases of police operations which has been of my own personal interest and has been suggested to me by others as of particular interest is that of the Police Helicopter Patrol I, therefore, set about on or about Tuesday, June 29, 1993 to request a tour of the Helicopter Division along with an interview with some person within the division who could provide even the very basic pertinent administrative information about the operations I was very flexible in my communications and requests and made no specific

unreasonable or extravagant demands whatsoever and certainly did not request any information to be published or otherwise which might be harmful to government operation such as lists of upcoming arrest dates or anything else so ludicrous I had been told by a secretary in Operations, Doris Rice, that the former Commander Robert L Schurmeier of the Automotive Patrol Division had been promoted to Deputy Chief being a new rank along with all the other former Commanders alleviating that particular rank within the department and that he, himself, had been transferred also to Head Special Operations among other various department functions including the Helicopter Division I was further told that Captain Dozier is now in direct command of the Helicopter Division It was suggested that I contact Deputy Chief Robert L Schurmeier to effect the tour and interview

I telephoned Deputy Chief Schurmeier on that Tuesday, June 29, 1993 Deputy Chief Schurmeier assured me via telephone that the tour and interview would be no problem with the exception of the exclusion of any tour of the airport hanger or flight in the helicopter for reasons he quoted to be FAA regulations I stipulated to him at the time that I am a student pilot and was unaware of myself any FAA regulation which would prohibit those two activities for any civilian, however, I made no demands and stated that those activities although they would be certainly informative, enjoyable and desirous were not a necessary part of the tour or interview As one of the subdivisions of my company is TRAVISHAN AEROSPACE, and I own and am developing my own helicopter design, fuel and propulsion system and have seen and flown in many Ranger and Bell helicopters and have been in many, many hangers with numerous types of aircraft that element of any tour certainly was not necessary for me personally I acquiesced to and all I truly desired was simply an interview with any person available within the division office/s at any time convenient to the division and nonobtrusive to police operations Deputy Chief Schurmeier stated to me that he would discuss it with and arrange the interview through Captain Dozier and requested that I call Captain Dozier the next day on Wednesday June 30, 1993

As I in addition to operating my company as owner and Chief Executive Officer also am my own and my company s legal counsel, I had a Motion Hearing on June 30 1993 and was either en route or preparing all day Tuesday and Wednesday and could not call on Wednesday I did, however, see Captain Dozier Wednesday afternoon Captain Dozier had not spoken with Deputy Chief Schurmeier as he stated and wanted to wait and determine what his course of action should be based on that recommendation Deputy Chief Schurmeier I was told left for a week of vacation, and therefore it was going to then be impossible to gather any information for any article which might be published before July 4, 1993

Upon Deputy Chief Schurmeier's return from vacation I was again assured that he would make arrangements with and speak to Captain Dozier about the interview and have him call me From that point forward I was not given any further information about the interview Approximately three weeks later I called again to Captain Dozier's office Captain Dozier summarily refused me any interview whatsoever stating that it was Department Policy Upon speaking with Mickey Casey who is press liason I was informed that the Police Department has no such policy of suppression of information Upon speaking with the legal staff of the Charlotte City Police Department I was told that the decision had been that of Deputy Chief Robert L Schurmeier

Without at this time going into at any great length any of the history as to both personal and professional relationships involved here, there is not doubt that I am being severely obstructed and discriminated against very pointedly and personally yet on a very professional plateau

CITY ADMINISTRATION AND POLICY

THE CHARLOTTE CITY CODE Section 2-73(g) Standards of Conduct specifically states "No city official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen " The inverse of this should also certainly apply in that no one citizen should be denied any special consideration, treatment, or advantage that any other citizen is allowed THE CHARLOTTE CITY CODE Section 4 21 in the second paragraph states that, "The City Manager shall (1) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the City Council are faithfully executed,"

STATE AND FEDERAL LAWS

Pursuant to Federal Title 15, Trade and Commerce, Section 631(h)(2)(A)(B)(C) among and including all other relevant sections supra and infra it is the declared policy of the Congress that the Federal Government and other relavant state and Federal agencies should

A) vigorously promote the legitimate interests of small business concerns owned and controlled by women,

B) remove, insofar as possible the discriminatory barriers that are encountered by women in accessing capital and other factors of production, and

C) require that the Government engage in a systematic and ustained effort to identify, define, and analyze those discriminatory barriers facing women and that such effort

directly involve the participation of women business owners in the public/private sector partnership

In this sense and by City Code it is the City Manager s duty to ensure that this policy extending to the state and its agencies be upheld in the City of Charlotte

The United States First Constitutional and N C Article I, Section 14 Constitutional implications of violations and chilling effects of this circumstance to guarantees of free speech and press which definitively includes the gathering of information for the purposes of such communication are far reaching over and above the obvious personal discrimination I have made extensive study myself of the law and case cites two of which involved tho City of Charlotte and Jim Crockett Productions as well as Southeastern Promotions Limited and I am positive that Henry Underhill may counsel you as to the legal aspects without my need at this point to extensively cite to you

REQUEST FOR RESOLUTION OF THE MATTER

I would simply request that we as reasonable, honorable and hopefully all ethical human beings peaceably and amicably resolve this matter without citing numerous law references and getting into extensive legal conversations and considerations All I would like is a simple interview and/or otherwise access to the information anyone else in this city or anywhere else in the world would be allowed press or individual as I have requested which is by law and ethic simply my right to request and to which to be allowed access

I thank you for your gracious and patient attention

I am,

Gratefully yours,

Florence Amelia Smith Owner
Chief Executive Officer
Attorney In Propria Persona

PRODUCT INFORMATION
SERVICES

ALL SERVICES ARE ABSOLUTELY FREE TO SUBSCRIBERS

Nonsubscribers will have access to all services, but will be required to pay fees calculated based upon the costs of any given service.

LIBRARY

At some point The Government Monitor will actually have library buildings called THE GOVERNMENT MONITOR LIBRARY in major cities across the world which will house hardcover editions of compilations of Monitor Dossiers on officials and agencies as well as investigative documentations, histories of bills and proposals in the houses of congress and city/town councils, and any other information which has been compiled by the newspaper research/investigative staff as well as all editions of The Government Monitor Subscribers will have free of charge LIbrary Cards automatically issued to them and they may use any library facility anywhere in the world including interlibrary loan services to and from anywhere in the world Those cities which do not have libraries but have Government Monitor offices will have library services in a space within the Government Monitor offices The Library Services include direct access to our computer data base **ALL OF THESE SERVICES ARE AVAILABLE RIGHT NOW!!!** You may receive any information you would like about Government free of charge as a subscriber by either calling the office at 704-366-7758, faxing the request to 704-535-0403 or writing to P O Box 221768, Charlotte, N C 28222-1768 The information is available now through the office and what is not already in our files will be researched, prepared, mailed, faxed or otherwise shipped out to the subscriber for free and to the nonsubscriber after payment is made to office **SUBSRIBER REQUESTS WILL ALSO ALWAYS HAVE TOP PRIORITY.**

INVESTIGATIVE NEWSPAPER

We are the eyes, ears, arms and legs of the public We will investigate anything within government which is requested of us by any of our subscribers over and above that which is already under investigation at no additional cost to the subscriber We do all the leg work and observe government in operation on behalf of the citizens so that they may be about their everydav affairs including that precious time with their families while we are about gathering information and keeping a watch or monitor on their government and government officials for them reporting to them in the form of articles in the newspapor or special reports sent directly to them per request We will be reporting on informations which cannot be gotten from simply watching any given C-Span edition of the Congress or Senate or city/town council while it is in session **OUR REPORTING GOES FAR ABOVE AND BEYOND AND MUCH DEEPER INTO EACH SUBJECT OR ISSUE**

LOBBY

Aside from the standard Editorial Forum Section of the newspaper there will be both A Citizens Forum and a Citizens Lobby Section as well as a Noncitizens Forum and Noncitizens Lobby

CITIZENS LOBBY
CITIZENS FORUM

The Government Monitor is in the process of registering with both the state and federal governments as Lobbyists for the public

WE ARE NOT A PAC
WE ARE NOT A MAGAZINE
WE ARE A NEWSPAPER

The Citizens Lobby is for public viewpoint and concerns about any actively pending legislation before either state or federal congresses or any proposals before its respective city/town councils

The Citizens Forum is for public viewpoint and concerns about any aspect of government

Subscribers will be published in either one or both forums for free and nonsubscribers will pay a fee **SUBSCRIBERS WILL ALWAYS HAVE TOP PRIORITY!** The newspaper is always distributed to all public elected officials and their appointees as well as selected agencies of government free of charge This is a part of the lobby services so that your lobby is effective

THIS IS AN INTERNATIONAL NEWSPAPER

Your Lobby and Forum concerns may be addressed to any government in the world The newspaper is distributing to selected areas internationally right now This service is available now, but will become more extensive as the newspaper grows and international offices actually begin to open up

NONCITIZENS LOBBY AND NONCITIZENS FORUM

Noncitizen residents in the United States or any other country within which we are publishing may address their concerns through their on lobby/forum sections under the same conditions as citizens free to subscribers and at a fee for nonsubscribers

THE HEART OF THIS NEWSPAPER IS IN THE SERVICES WE PROVIDE

This is not simply a printed paper to be tossed aside or recycled into new information. We are a service to the public. Our information is history and it is continuing day by day, week by week, month by month and year by year into perpetuity The newspaper is simply a medium for the documentation of our informational and lobby services Other sections which are scheduled to be gradually added to the paper will include: Government and Business, Government and Economy, Government and Environment, Government CARTOONS, Government Crossword Puzzles, Government and Education and much, much more. The MONITOR DOSSIERS will include both national and international public elected figures or figures otherwise in public political office We hope to at some point syndicate world famous columists, and accept insightive contributions from world leaders in both government and business. SUGGESTIONS ARE ALWAYS WELCOME!!!!

Sec. 15-71. Animals.

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood. (Code 1961, § 13 53 5, Ord No 1401, § 1, 8 8 83)

Sec. 15-72. Motor vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the city

(1) Which has had its muffler exhaust and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises

(2) By engaging in jackrabbit starts, spinning tires, racing engines or other operations which create unreasonably loud and disturbing noises

(3) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

(Code 1961, § 13 53 6, Ord No 1401, § 1, 8 8 83, Ord. No. 3273, § 5, 12-9 91)

Sec. 15-73. Enforcement and penalties.

Where there is a violation of any provision of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions.

(1) A police officer, noise control officer, or animal control officer may issue a citation as provided in Code section 1 7(c) subjecting the violator to a one hundred dollar civil penalty, which penalty may provide for a fifteen-dollar delinquency charge upon non payment, and which penalty and delinquency charge may be recovered by the city in a civil action

(2) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator s failure to pay the same Misdemeanors shall be punishable by a fine of up to five hundred dollars ($500

(5) Any mechanical noise which registers more than sixty (60) db(A) at the nearest complainant's property line will be probable cause for a violation

(b) This section shall not apply to operations which are carried on in such a manner or in such location as not to create sounds exceeding sixty (60) db(A) and shall not apply to emergency operations designed to protect the public health and safety

(Code 1961, § 13 53 2, Ord No 1401 § 1, 8 8 83, Ord No 3273 § 2, 12 9 91)

Sec. 15-69. Amplified sound.

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty five (55) db(A) between 9 00 a.m and 9 00 p m or fifty (50) db(A) between 9 00 p m and 9 00 a m , as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer

(2) As to multifamily structures including apartments condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty five (55) db(A) between 9 00 a.m and 9 00 p m or fifty (50) db(A) between 9 00 p m and 9 00 a m , as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer

(3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering ore than sixty five (65 db A) between 9 00 a m and 9 00 p m , or fifty (50) db(A) between 9 00 p m and 9 00 a m , as measured anywhere

Pull on Consent agenda

27

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Stan

Sec. 15-71. Animals.

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood. (Code 1961, § 13 53 5, Ord No 1401, § 1, 8 8 83)

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(2) By engaging in jackrabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing noises

(3) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises

(Code 1961, § 13-53 6, Ord. No 1401, § 1, 8 8 83, Ord. No 3273, § 5, 12 9 91)

Sec. 15-73. Enforcement and penalties.

Where there is a violation of any provision of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions.

(1) A police officer, noise control officer, or animal control officer may issue a citation as provided in Code section 1 7(c) subjecting the violator to a one hundred dollar civil penalty, which penalty may provide for a fifteen-dollar delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the city in a civil action

(2) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same Misdemeanors shall be punishable by a fine of up to five hundred dollars ($500

(5) Any mechanical noise which registers more than sixty (60) db(A) at the nearest complainant's property line will be probable cause for a violation

(b) This section shall not apply to operations which are carried on in such a manner or in such location as not to create sounds exceeding sixty (60) db(A) and shall not apply to emergency operations designed to protect the public health and safety

(Code 1961, § 13 53 2, Ord No 1401, § 1, 8 8 83, Ord No 3273 § 2, 12 9 91)

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(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty five (55) db(A) between 9 00 a m and 9 00 p m or fifty (50) db(A) between 9 00 p m and 9 00 a m, as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer

(2) As to multifamily structures including apartments condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty five (55) db(A) between 9 00 a.m and 9 00 p m or fifty (50) db(A) between 9 00 p m and 9 00 a.m, as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer

(3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65 db A) between 9 00 a m and 9 00 p m, or fifty (50 db A) between 9 00 p m and 9 00 a m, as measured anywhere

CONSENT AGENDA ITEMS TO BE PULLED

Please list below the Consent Agenda items you wished pulled, and hand this sheet to the City Clerk prior to the Council meeting.

23

18 CDF

26

Don

EXECUTIVE SESSION MOTION

I move that the City Council hold an executive session after this meeting for the purpose of conferring with the City Attorney about annexation litigation as permitted by the State open meetings law

8-20-93

Brenda -

Henry will get a Motion Ready before the meeting. I will get a Copy to you -

Eloise

Recd 8/23/93

MEMORANDUM

August 20, 1993

TO: Mayor and City Council

FROM: Henry W. Underhill, Jr.
City Attorney

SUBJECT: Request for Executive Session

This is to request that the City Council hold an executive session following your meeting on Monday evening, August 23 for the purpose of considering settlement of one of the two annexation lawsuits. Attached is a memorandum from Mike Boyd, Deputy City Attorney, which explains the reasons for the recommended settlement. If any of you have any questions regarding this matter, please do not hesitate to call.

HWUjr/ef
Attachment

c: O Wendell White
Brenda Freeze

CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGED

MEMORANDUM

TO Mayor and Councilmembers

FROM: H. Michael Boyd
Deputy City Attorney

DATE: August 20, 1993

SUBJECT: Executive Session to Consider Settlement of Annexation Litigation for Area 1 (US 21/NC 115 Area)
Florida Steel et al vs. City of Charlotte

Recommendation:

Settle litigation for Area 1 by agreeing to delay effective date until June 30, 1995.

Reasons for Settlement·

- Even if the Petitioners are not successful in court, the effective date of annexation will be delayed until litigation and all appeals are over This delay will extend to June 30, 1994 and perhaps until January 1, 1995.

- Upon conclusion of appeal in City's favor, services must be extended. The City will have little notice and opportunity to prepare to begin services. The City will not be able to collect property taxes for fiscal year beginning July 1, 1994, if annexation is not effective prior to September 1, 1994. Property tax bills for 1995 would include full years taxes plus pro-rated taxes for prior year.

- The Petitioners arguments are not believed to be valid. However, if those arguments are accepted, the Area will not be annexed without beginning the annexation process again. Such a result will delay annexation until at least June 30, 1995 and probably longer.

Other Considerations:

There are two, separate annexation appeals - one concerning Area 1 and another challenging Area 3 (Hembstead/Providence Plantation). In preparing both cases for judicial review, several potential problems have been identified. Some of those problems

involve technical arguments on the legal descriptions of the areas. These problems may result in a judgment that could send both annexations back to the City to revise the descriptions. Depending upon several factors, such revisions could give rise to another round of litigation and appeals

Both cases are assigned to the same judge for hearing during the week of September 7, 1993. In light of these problems, I do not believe it is in the City's best interest for both cases to be heard together The problems individually are manageable. However, I am concerned about the cumulative effect.

Tentative settlement offers have been made in both cases The Petitioners contesting Area 1 have agreed to accept a two-year delay. The Petitioners challenging Area 3 appear unlikely to accept the same settlement terms

HMB:hb

cc· O Wendell White
Henry W Underhill, Jr.

JAMES, MCELROY & DIEHL, P A
ATTORNEYS AT LAW
600 SOUTH COLLEGE STREET
CHARLOTTE NORTH CAROLINA 28202
TELEPHONE 704 372 9870
TELECOPIER 704 333 5508

SOUTHPARK OFFICE
6101 CARNEGIE BLVD SUITE 245
CHARLOTTE NORTH CAROLINA 28209
TELEPHONE 704 552 9997
TELECOP ER 704 552 0540

J M TCHELL ABERMAN
JOHN S ARROWOOD
MARY KAY BAYNARD
MARK T CALLOWAY
W LL AM K DIEHL JR
RICHARD A ELKINS
R CHARD B FENNELL
GARY S HEMRIC
LAWRENCE W HEW TT
EDWARD T HINSON JR
DAV D M KERN
G RUSSELL KORNEGAY I
PENDER R MCELROY
RALPH R MCM LLAN
CARY P MOSELEY
J M CHAEL MULVANEY
ROBERT C MUTH
ROBERT H SHEPPARD
BRUCE M SIMPSON
DAN EL A TERRY
KATHERINE LINE THOMPSON

ALSO ADMITTED IN S C

HENRY JAMES JR
OF COUNSEL

August 20, 1993

RECEIVED
AUG 20 1993
OFFICE OF CITY CLERK

VIA HAND DELIVERY
Mrs Brenda Freeze
City Clerk's Office
Seventh Floor
600 East Fourth Street
Charlotte, NC 28202

RE City Council Hearing for August 23, 1993

Dear Mrs Freeze

Enclosed are the fifteen (15) letters I spoke you about yesterday to be included in the City Councilmembers packets I appreciate your assistance

Sincerely yours,

Robert C Muth

Robert C Muth

RCM smc
Enclosures

JAMES, MCELROY & DIEHL, P A
ATTORNEYS AT LAW
600 SOUTH COLLEGE STREET
CHARLOTTE NORTH CAROLINA 28202
TELEPHONE 704 372 9870
TELECOPIER 704 333 5508

SOUTHPARK OFFICE
6101 CARNEGIE BLVD SUITE 245
CHARLOTTE NORTH CAROLINA 28209
TELEPHONE 704 552 9997
TELECOPIER 704 552 0540

J MITCHELL ABERMAN*
JOHN S ARROWOOD
MARY KAY BAYNARD
MARK T CALLOWAY
WILL AM K DIEHL JR
RICHARD A ELK NS
RICHARD B FENNELL
GARY S HEMRIC
LAWRENCE W HEW TT
EDWARD T H NSON JR
DAVID M KERN
G RUSSELL KORNEGAY III
PENDER R MCELROY
RALPH R MCM LLAN
CARY P MOSELEY
J M CHAEL MULVANEY
ROBERT C MUTH
ROBERT H SHEPPARD
BRUCE M SIMPSON
DAN EL A TERRY
KATHER NE LINE THOMPSON

*ALSO ADM TTED N S C

HENRY JAMES JR
OF COUNSEL

August 20, 1993

VIA HAND DELIVERY
Charlotte City Councilperson
c/o City Council Clerk
City Hall
600 East Fourth Street
Charlotte, NC 28202-2841

RE Economic Loss Payments

Dear City Councilperson

AN INJUSTICE HAS BEEN COMMITTED.

On June 26, 1992, the City of Charlotte sent letters to various small businessowners who were providing sanitation collection services in areas designated to be annexed by the City Each letter informed the recipients that

> The legislation provides that a municipality must either contract for two years with firms providing refuse collection service in the areas(s) (sic), or extend its own service into the area(s). **In the latter case, the municipality must pay "economic loss" to qualifying firms who currently provide service in these areas and who lose business as a direct result of the annexation.** (emphasis added)

Although the June 26 letter included a copy of the relevant North Carolina General Statute, the letter itself made no reference to a requirement of offering to contract with the City as a prerequisite to receiving the economic loss payment

Our clients, Southern Sanitation, King's Garbage Service, Taylor's Garbage Service, Inc and K&S Sanitation, Inc ("Injured Parties"), each received the June 26 letter and complied with the letter's request by completing a questionnaire and returning it to the Solid Waste Services Department Each of the Injured Parties received a letter on August 3 from the City confirming their respective compliance with the June 26 letter The August 3 letter also requested that the Injured Parties provide the City with an impact statement identifying the extent of their business in the areas subject to annexation Each Injured Party completed the impact statement and returned it to the City's representative

On September 18, 1992, the City sent a third letter to each of the Injured Parties This letter contradicted the simple language of the City's June 26 letter The September 18 letter also is confusing and misleading The letter states that if the Injured Party "desires to continue operating within an annexed area, <u>your company must make a written request to contract with the City</u> " This language follows with an obscure notation that to receive the economic loss payment the offer to contract must be received 10 days prior to the annexation hearing

The language of the September 18 letter tracks that of N C Gen Stat §160A-49 3 None of the Injured Parties are lawyers They are not trained to read general statutes, they are able to comprehend the simple language contained in the June 26 letter which unequivocally states that **"... the municipality must pay 'economic loss' to qualifying firms who currently provide service in these areas and who lose business as a direct result of the annexation."** (emphasis added)

The City of Charlotte contends that because each of the Injured Parties, despite their qualifying for economic loss payments, are not entitled to any compensation because they did not send in a letter requesting to contract with the City This position is <u>patently</u> <u>unfair</u> The letter is meaningless in that the City did not contract with either of the three qualifying entities which submitted the "letter"

The City did however remit an economic loss payment to an entity which submitted an untimely "letter". The City's position with respect to this payment is skewed If you follow the City's argument, any qualifying entity which did not submit a timely letter was barred from receiving an economic loss payment Two qualifying entities submitted late letters Both were denied their

economic loss payments by this Council However, one of these entities appealed from the Council's decision Under the very statute the City cites as support for denying the payment in the first instance, the entity had no appeal rights because it had not submitted a timely request to contract Nonetheless, the City chose to satisfy that obligation and has refused to remit the payment due the others. In short, the City has taken completely inconsistent positions

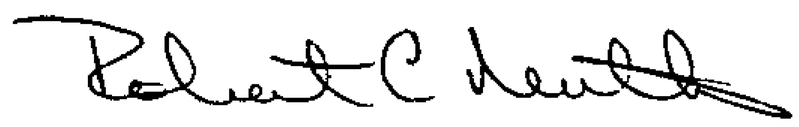
The City acknowledges that each of the Injured Parties qualified for economic loss payments The position the City has taken in denying those payments to some and making the payment to another is without question unfair Each of the Injured Parties' businesses have suffered dramatically due to the City's inconsistent position In one instance, the Injured Party may be forced to file for bankruptcy

This is not a case of one person failing to understand the City's correspondence Before you are four separate businessowners who each interpreted the City's letters to mean they would receive the economic loss payments By denying these payments, the Council is sending a message to all businessowners that when dealing with the City you must hire an attorney first That should not be the case

On behalf of the Injured Parties, we request that the Council take note of the punitive position the City has taken and acknowledge that for the lack of a "letter", which was a hollow request, each of these Injured Parties would have received their economic loss payments

The City has stated that it will follow this Council's recommendation The Injured Parties pray that the Council direct the City to compensate them as they have fully expected to be since June 26, 1992

Most respectfully,



Robert C Muth

RCM smc
cc· Mr Mark Wilkenson
Mr Harvey Taylor
Mr Jack King
Mr James Knuckles

TO: MAYOR AND CITY COUNCIL OF CHARLOTTE, NC

WE, THE UNDERSIGNED CITIZENS OF THE COULWOOD/OAKDALE/COOKS COMMUNITY REQUEST AND DEMAND THAT THE CITY POLICE DEPARTMENT ENFORCE THE CITY CODE: SECTION 15- 72 ON THE SHUFFLETOWN DRAGWAY.

SECTION 15-72 SPECIFICALLY AND EXPLICITLY SPELLS OUT THE TERMS WHICH PERTAIN TO MOTOR VEHICLES AND THEIR OPERATORS BOTH ON AND OFF THE STREET INSIDE THE CITY LIMITS.

THE SHUFFLETOWN DRAGWAY IS AND HAS BEEN IN THE CITY LIMITS OF CHARLOTTE SINCE JULY 1, 1993.

WE, AS A GROUP, OF CONCERNED NEIGHBORS CANNOT UNDERSTAND WHY THE CITY CODE HAS NOT BEEN ENFORCED!!!

NAME	ADDRESS	PHONE
Jane B Scott	128 Queensgate Ln 28214	392 5575
Mrs Edith M Bennet	Queensgate Lane Charlotte NC	392 4104
Jack Scott	128 QUEENSGATE LANE	392-5575
Bobbie C. Thompson	8932 McClure Circle	399-6621
Betty S. Hunt	122 Queensgate Lane	394-3277
Delbert J McCray	9041 Bellhaven Blvd.	399-2126
Mary Crosby	8905 Fallsdale Dr. 28214	391-9420
Glenn J Hunt	122 Queensgate Ln	394-3277
Warren Martinson	3401 McKelly-Huntersville Rd.	394-0849
Betsy Young	9330 Bellhaven Bl	394-5096
Evelyn H. Stowe	9305 Bellhaven Blvd	399-7053
Walter W. Stowe	9305 Bellhaven Blvd.	399-7053
Carolyn Young	9330 Bellhaven Blvd	398-0944
Jennifer Young	9330 Bellhaven Blvd	394-5096
Ryan J. Crosby	8905 Fallsdale Dr Char.	391-9420
Paul J. Smith	9210 Bellhaven Blvd.	392-7904
Phyllis Monteith	8908 Carlete Ct	392-6634
Don L Monteith	8908 Carlete Ct	"
Melva G. Thompson	8944 McClure Cr.	394-8736

TO: MAYOR AND CITY COUNCIL OF CHARLOTTE, NC

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NAME	ADDRESS	PHONE
J.C. Thompson	8944 McClure Cr. Charlotte NC	394-8736
Janice Beasley	121 West Brook Dr Charlotte, NC	392-9684
Hoanna A Thompson		
Connie Thompson	9032 Bellhaven Blvd.	399-7028
Joan Thompson		
Allen Thompson	9032 Bellhaven Blvd	399-7028
Scott Cagle	8928 Cumbria Ct	948-0343
Cameron M Cagle	9041 Bellhaven Blvd.	399-2126
Midge Veach	8941 Cypress Forest Dr.	393-2635
Mark Wright	2009 Colony Hill Dr	391-7757
Martha Ann Wright	2009 Colony Hill Dr	391-7757
Paul Thompson Jr	8922 McClure Cir	3996621
Darrell Quisenberry	5113 Mt. Holly-Huntersville	392-0047
N.B. Alycock	208 Birchwood Dr	399-7912
Beth H. Dorin	9032 Rozzelles Ferry Rd	3996838
Oliver L. Thompson	9016 Rozzelle's Ferry Rd	392-3642
Timothy D McCraw	311 Fieldling Rd	393-7197

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NAME	ADDRESS	PHONE
HARRY RUDOLPH	8910 BELHAVEN BLVD	399 4845
Angela Sherrill	1201 Gum Tree Lane	394-2977
Thomas J. Hartz	1611 Pine MTN RD	399-5140
[illegible]	4831 St. Pont Ln	397-3728
[illegible]	911 Coulwood Dr.	392-1866
Dot Lanier	2919 Oakdale Rd	392-5655
Glenda Garrett	2504 Lake Eagle	399 4837
[illegible]	10521 Southern Oak Ct	393-5569
[illegible]	8412 Coulwood Oaks Ln	392-5122

TO: MAYOR AND CITY COUNCIL OF CHARLOTTE, NC

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NAME	ADDRESS	PHONE
Dave Morse	8834 Fallsdale Dr.	394-9920
Donna Morse	8834 Fallsdale Dr.	394-9920
Cindy Truman	8912 Carleto Dr.	392 0339
Steve Truman	8912 Carleto Ct	392-0339
Carole Frazier	8915 Carleto Ct	394-4870
[illegible] Frazier	8915 Carleto Ct.	394-4870
Dale Rogers	8911 Carleto Ct.	394-4519
Bev West	8901 Carleto Ct	393-8332
Shelby Alexander	8900 Carleto Ct.	392.9917
Grady Alexander	8900 Carleto Ct	392 9917
Jerry Smith	8818 Fallsdale Dr	391-2035
Robert C Smith	8818 FALLSDALE DR	391-2035
Judy Giles	8817 Fallsdale Dr	394-8927
Larry Caldwell	8801 Fallsdale Dr	399-8738
Pendy Love	511 Glencurry Dr	394-9124

TO: MAYOR AND CITY COUNCIL OF CHARLOTTE, NC

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NAME	ADDRESS	PHONE
Arah Rozzelle	3101 Mt. Holly-Huntersville Rd.	399-5186
John Rozzelle	" " "	"
Betsy Keil	3330 Mt Holly Huntersville Rd	394-5595
Jerry Keil	3330 Mt Holly Huntersville Rd	394 5595
Louise Lawing	3201 Mt. Holly-Huntersville	399-6511
Daniel E. Poole	3200 Mt Holly Hunts. Rd.	896-0910
Myra Triplett	" " "	"

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NAME	ADDRESS	PHONE
Sam Smith	114 QUEENSGATE LN	399-9960
Gayle Smith	114 QUEENSGATE LN	399-9960
Sharyn Smith	114 Queensgate Ln	399-9960
Peggy Martinson	3401 Mt Holly Huntersville	394-0849
[illegible]	1630 Sugar Hollow Dr.	399-5621
Chris S. Broughton	10508 SOUTH FORD ROAD	392-0867
Margaret J. McKee	8501 McClure Circ. Charlotte NC.	28212
Hayden Beaty	11628 Mallard Rd CT 28216	394-8636
Hazel K Dunn	7003 Beatties Ford Rd.	399-6616
Wilton A Dunn	7003 Beatties Ford Rd	399-6616
Johnnie B Quinn	9508 Stonegate Dr.	392-0562
Marilyn N Lineberger	1301 Valleydale Rd 28214	394 1082
Jackie Rozzelle	10132 Salberg Ack Rd 28214	399-6549
[illegible]	1301 VALLEYDALE RD	394-1082
Elizabeth Barlich	1025 Dunleigh Dr	394-8458

TO: MAYOR AND CITY COUNCIL OF CHARLOTTE, NC

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NAME	ADDRESS	PHONE
Thelma Plummer	9217 Belhaven Blvd.	394 4469
Joe Plummer	" "	" "
Gill Harkey Shaw	10501 Southern Oak Ct	399-1099
Jason L Shaw	10501 Southern Oak Ct.	399-1099
John E. Plummer	9233 Bellhaven Blvd	394-4065
Ella H Plummer	9233 Bellhaven Blvd	394-4065

TO: MAYOR AND CITY COUNCIL OF CHARLOTTE, NC

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NAME	ADDRESS	PHONE
Charles E McCann III	9041 Bellhaven Blvd	704-399-2126
Diane S Stanford	8837 McClure Circle	588-9543
Denise Y. Reed	8941 Cypress Forest Dr.	393-2635
Eunice Thompson	9032 Bellhaven Blvd	399-6838
Thomas Thompson	6331 Old Plank Rd	392-5698
Wanda Thompson	6331 Old Plank Rd	392-5698
Duane Park	3330 Old Hartsville Rd	394-5595
Betty Park	" " " " " "	
Frances L Busby	1005 Norwich Rd, Charlotte, N.C.	
William S. McCook	196 Cum Branch Rd. Charlotte	392-7629

BACKGROUND ON ECONOMIC LOSS PAYMENT ISSUES TO SOLID WASTE COLLECTION FIRMS UNDER G.S. § 160A-49.3

Explanation of G.S. § 160A-49.3

Under this statute, the City is obligated to contract with solid waste collection firms whose customers are annexed, if several conditions are satisfied:

1. The firm was operating within the annexed area for the three month period prior to the beginning of formal annexation proceedings;

2 The firm did a minimum amount of business within the annexation area during that time; and

3. The firm makes a written request to contract with the City to continue serving the annexed area. Such request must be:

   - In writing; and
   - Delivered to the City Clerk at least ten days before the annexation public hearing; and
   - Signed by a corporate officer or owner.

If all of these conditions are satisfied, the City must either contract with such a firm, make an economic loss payments or reach some other mutually satisfactory settlement. No firm meeting all of the applicable conditions may insist on a contract or upon an economic loss payment. The option to contract or make an economic loss payment is solely at the City's discretion. However, any firm which is not offered the benefits of this statute can appeal to the Local Government Commission within 30 days after the adoption of the annexation ordinance. The Commission is authorized to stop the annexation proceedings until a hearing can be held on the validity of the firm's appeal. Further appeals can be taken to the courts from the Commission's decision.

Historical Background

On June 26, 1992, Solid Waste Services mailed letters to solid waste collection firms informing those firms of the City's annexation plans. Those firms were asked to provide information to the City about their operations, if the proposed annexations would adversely affect them. A number of firms notified the City that the proposed annexations would affect them. Follow-up letters of August 3, 1992 were sent to those firms seeking more specific information. The Internal Audit Division of the Finance Department reviewed the financial and operational records of those firms who responded to the August 3 letter.

On September 14, 1992 the Council took the first formal step in annexation by adopting resolutions of intent and scheduling public hearings on annexation. On September 18, 1992 firms were advised by letter of the City's formal annexation plans, the date of the public hearings on annexation and of the steps to be taken to submit a proper and timely request for a contract. Such firms were specifically advised in the September 18 letter that such a request must be made in order to be considered for a contract or an economic loss payment.

Four firms submitted proper and timely requests. Those firms were approved for economic loss payments totalling $288,795.72. Two firms submitted requests that were late by several days and the Council refused to authorize an economic loss payment to those firms before adopting the annexation ordinances. (Chambers and K&S) Three additional firms had made no request as of the time the Council adopted the annexation ordinances. (Southern, Kings and Taylors)

Attached hereto are copies of the text of each letter to the companies which are referenced above.

June 26, 1992

Dear Sir:

The City of Charlotte is proposing to annex several areas in June 1993. The proposed annexation areas are outlined on the attached seven maps. (Attachment I) Large scale maps of these areas are available for review at the City's Planning Department which is located on the 8th floor of the Charlotte Mecklenburg Government Center, 600 East 4th Street, Charlotte. If your company provides solid waste collection services in any of these areas, please review all the information being provided and respond, as requested, by July 22, 1992.

In 1985, the North Carolina General Assembly approved legislation regarding the obligation of a municipality to provide refuse collection services to newly annexed areas. (Copy of GS 160A-49.3 is Attachment II) The legislation provides that a municipality must either contract for two years with firms providing refuse collection service in the areas(s), or extend its own service into the area(s). In the latter case, the municipality must pay "economic loss" to qualifying firms who currently provide service in these areas and who lose business as a direct result of the annexation.

In order that the City may determine if your company qualifies for a contract or economic loss, you are requested to complete the attached questionnaire (Attachment III) and return it to my office by July 22, 1992. For your information a summary of the solid waste collection services provided by the City of Charlotte is presented below.

a)
- Once per week backyard collection for household garbage. Collection in the backyard is limited to 144 gallons from no more than six containers weighing a maximum of 75 lbs each.
- Once per week mixed trash curbside collection for additional household garbage on a separate day of the week from the backyard collection. There is no limit on quantities of mixed trash as long as items are properly prepared.
- Once per week curbside collection of multi-material recyclables on the same day of the week as the mixed trash collection.
  Multi-material recyclables collection service is currently provided to single family dwellings, duplexes, triplexes and quadruplexes. The City supplies each eligible service unit with one container for recyclable

Solid Waste Services Department 600 East Fourth Street Charlotte, NC 28202-2854 704/336-2178

materials. There is no limit on the volume of recyclables placed at the curb for collection, provided they are the designated items and prepared according to instructions in the attached brochure (Attachment IV).

Effective January 1, 1993, this service will be extended to multifamily residential complexes which are currently serviced by the City and its contractors.

- Once per week curbside collection of yard waste on the same day of the week and to the same service units as the mixed trash collection. There is no limit on the volume of yard waste placed on the curb, provided it is prepared according to the instructions in the attached brochure (Attachment V).
- Bulky Items and Used Tires are collected from the curbside. Collection of these materials must be scheduled through the Special Services Division.

b) Multifamily residential complexes on dumpsters are provided with twice per week refuse collection services. The number of dumpsters per complex is authorized by the Director of the City's Solid Waste Services Department or designee.

c) Business trash is collected if it does not exceed 512 gallons per week and can be containerized in no more than eight regulation containers weighing no more than 75 pounds each when full. Should a dumpster be required, the business must contract for refuse collection with a commercial company.

A copy of the City's Health & Sanitation Code 10.30-10.63, and 10.130 is attached (Attachment VI) for your review.

Pursuant to North Carolina General Statute 160A-49.3 (h), you are hereby requested to make available to the City of Charlotte information about your company by July 22, 1992. Upon receipt of the preliminary information, an official of the City will contact you to obtain further pertinent financial and operational information necessary for future negotiations. Should you have questions on this matter, please contact Dee Pereira at 336-2176.

Sincerely,

Wayman J. Pearson, Director
Solid Waste Services Department

WJP/DPP:cda

cc: H. M. Boyd, Legal
D. P. Pereira, Solid Waste Services
Harry Graham, Internal Audit

Attachment IV

August 3, 1992

Attn:

Dear Sir:

Thank you for your response to the City of Charlotte's letter regarding the proposed annexation of certain areas within Mecklenburg County. Your response indicates that you presently have customers in some or all of these areas.

Attached is a Statement of Impact form for your use in providing information to the City concerning your company's solid waste collection service in the proposed annexation areas. A separate Statement of Impact form must be completed for each proposed annexation area in which your company services either 50 residential customers or you receive a monthly revenue of $ 500 or more from non-residential can-service customers.

Please complete the Impact Statement(s) and return them in the attached envelope to the City's Internal Auditor by August 19, 1992. Your timely response will assist the City in determining the eligibility of your company for consideration under State law.

If you have questions or need any assistance in this matter please call Harry Graham at (704) 336-4177.

Sincerely,

for Wayman J. Pearson, Director
Solid Waste Services Department

WJP/DPP:dsm

cc: Harry Graham
D. P. Pereira

September 18, 1992

Dear

The City of Charlotte is actively considering the annexation of the following areas:

1. U.S. 21/N.C. 115
2. U.S. 29/N.C. 49
3. Hembstead/Providence Plantation
4. Providence Road/Providence Road West
5. Elm Lane West/Providence Road West
6. York Road/Beam Road
7. N.C. 16/N.C. 27

On September 14, 1992, the Charlotte City Council adopted resolutions stating the intent of the City of Charlotte to consider annexation of these areas. Copies of these resolutions are attached for your information and review.

A public hearing on the question of annexing these territories will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, at 8 o'clock p.m. on November 12, 1992. Information on the public hearing is contained in the attached Resolutions of Intent.

If your company provides solid waste collection services in any of the proposed annexation areas and desires to continue operating within an annexed area, <u>your company must make a written request to contract with the City.</u> Under North Carolina General Statute 160A-49.3 a request for contract must be in writing, signed by an officer or owner of the solid waste collection company, and delivered to the City Clerk at least 10 days prior to the public hearing. This written request must be received by the City Clerk 10 days prior to the public hearing in order for a company to be considered for a contract or economic loss payment.

Solid Waste Services Department 600 East Fourth Street Charlotte, NC 28202-2854 704/336-2178

The request for contract should be addressed to:

City Clerk
Charlotte-Mecklenburg Government Center
7th Floor, 600 East 4th Street
Charlotte, NC 28202

If you have any questions on this matter, please feel free to call me or my staff at 336-2176.

Sincerely,

Wayman J. Pearson, Director
Solid Waste Services Department

WJP:DPP:tad

cc: Mike Boyd
Dick Black
Harry Graham
Brenda Freeze

"12-Aug-93"

FY 94 CAPITAL EQUIPMENT

EQUIPMENT DESCRIPTION	UNIT PRICE	QUAN-TITY	NEW/ REPLACEMENT	TOTAL COST
4X4 VEHICLE 6CYL	$15 900	1	R	$15 900
4X4 VEHICLE 8CYL	19 400	1	R	19 400
AIR COMPRESSOR-WHEELED	12 500	5	R	62 500
ANIMAL CONTROL TRUCK 8CYL	13 700	4	R	54 800
BACKHOE 4CYL MEDIUM	43 500	1	R	43 500
BUCKET TRUCK 8CYL	82 300	1	R	82 300
CARGO VAN	14 000	1	R	14 000
CARGO VAN	16 000	1	R	16 000
CARGO VAN 6CYL	14 300	2	R	28 600
CATCH BASIN CLEANER	60 000	2	R	120 000
CATCH BASIN SEWER CLEANER	152 000	2	R	304 000
DUMP TRUCK 20+K	39 000	5	R	195 000
FIRE APPARATUS (TRUCKS)			R	1 050 000
FIRE INVESTIGATION VAN	33 000	1	R	33 000
LAWN/MOWER 2CYL	9 900	2	R	19 800
MARKED POLICE SEDAN	13 200	96	R	1 267,200
MARKED POLICE SEDAN & EQPT	24 000	4	N	96 000
PICK-UP 4CYL	10 600	5	R	53 000
PICK-UP 4CYL	12 000	1	R	12 000
PICK-UP 6500GVW	10 600	11	R	116 600
PICK-UP 6500GVW	12 000	3	R	36 000
PICK-UP 6500GVW	10 600	3	R	31,800
PICK-UP 8600GVW	14 500	1	R	14 500
PICK-UP 8CYL	12 000	4	R	48 000
PICK-UP 8CYL	14 500	1	R	14 500
PICK-UP 8CYL	12,200	1	R	12 200
PICK-UP 8CYL 6500GVW	15 000	1	R	15,000
PICK-UP 8CYL 6500GVW	12 000	2	R	24 000
PICK-UP 8CYL 8600GVW	22 000	1	R	22 000
REFUSE PACKER 2 AXLE	98 000	1	R	98 000
REFUSE PACKER 3 AXLE	104 000	11	R	1,144 000
SEDAN 4DOOR	8 700	28	R	243 600
SEDAN 4DOOR	13,900	2	R	27 800
SEDAN 4DOOR	11 500	2	R	23 000
SEDAN 4DOOR	8 900	2	R	17 800
STATION WAGON	14,000	1	R	14 000
STATION WAGON	9 900	1	R	9 900
STATION WAGON	9 700	3	R	29 100
TELEVISION VAN	24 000	1	R	24 000
TRACTOR 18HP	17 000	1	R	17 000
TRACTOR/MOWER 28HP	13 500	1	R	13 500
TRACTOR/SLOPE MOWER 62HP	40 000	1	R	40 000
UTILITY TRUCK 10+K	18 500	1	R	18 500
UTILITY TRUCK 8CYL	24 000	1	R	24 000
UTILITY TRUCK 8CYL	17 000	1	R	17 000
UTILITY TRUCK 8CYL 15K	14 500	1	R	14 500
UTILITY TRUCK 8CYL 15+K	19 500	1	R	19 500
UTILTIY TRUCK 10+K	24 000	1	R	24 000
VACUM SWEEPER 6CYL	125 000	1	R	125 000
VIDEO EQUIPMENT	161 254			161 254
SUB-TOTAL				$5 927 054
ROLL-OUT GARBAGE CONTAINERS	52	150 000	N	7 800 000
TOTAL				13 727 054

TIME WARNER - US WEST LIMITED PARTNERSHIP INTEREST
REVIEW OF FINANCIAL DOCUMENTS

SUMMARY

Internal Audit reviewed documents and financial information provided by the City's Cable Television Administrator related to the Charlotte cable system franchisee's admission of an additional partner to its limited partnership, constituting a greater than five (5%) percent change of ownership requiring the City's formal approval under the City's ordinance.

Internal Audit, based on its review, recommends approval of the requested change of ownership in that the capital contribution of the new partner should have a positive impact on the franchisee's working capital and general financial condition.

DISCUSSION

According to documents filed with the Securities and Exchange Commission, Time Warner Entertainment Company, L.P. ("TWE"), a franchisee under the City's cable ordinance and operating a cable television system within the City, has agreed with U.S. West, Inc. ("USW") to admit a wholly-owned subsidiary of USW as a limited partner of TWE.

Under the agreement dated May 16, 1993, USW will make a capital contribution of $2.5 billion to TWE and in return will receive a 25.51 percent limited partnership equity interest.

TWE indicates there will be no change in the local system management or operations as a result of the change in ownership of the limited partnership.

Time Warner Inc. and its subsidiaries will retain a majority partnership interest of 63 27 percent in TWE after the USW contribution and will remain as the only general partner, thereby maintaining control of the business, including the Charlotte cable operation.

$1.5 billion of the USW contribution is reflected in a TWE pro forma balance sheet as of March 31, 1993 as an increase in working capital. The remaining $1 billion contribution by USW is represented by an interest-bearing note to TWE and is reflected in the TWE pro forma balance sheet as a deduction in partners' capital until collected by the partnership.

The pro forma statement of income for March 31, 1993 includes $13 million of interest income to TWE related to the above $1 billion note.

The added $1.5 billion working capital enhanced the current ratio as of March 31, 1993 on a pro forma basis from 1.2 to 2.0 increasing the short-term liquidity of TWE. Partners capital is increased by a net $1.5 billion, reflecting the transaction as an equity type rather than as a debt transaction.

CONCLUSION

The equity contribution of USW should positively impact the financial condition and operations of TWE, enabling TWE to reduce outstanding fixed indebtedness and provide working capital for operations, research and development.

SUBMITTED BY

Internal Audit Division
City of Charlotte Finance Department
August 1993

CHARLOTTE • CORNELIUS • DAVIDSON
HUNTERSVILLE • MATTHEWS • MINT HILL • PINEVILLE
MECKLENBURG

July 26, 1993

The Honorable Richard Vinroot, Mayor
City of Charlotte
600 East Fourth Street
Charlotte, NC 28202

Dear Mayor Vinroot:

The FOCUS 2010 Committee Vision Team Leaders have asked the Urban Institute to request permission for them to appear before Charlotte City Council so that they may reiterate their commitment to the second phase of the FOCUS 2010 project and solicit financial support from the city. The Vision Team Leaders will form the nucleus of the Monitoring Team recommended in the Urban Institute's proposal, FOCUS 2010 Strategic Action Plan Development: The Next Step.

When the first phase of FOCUS 2010 was completed in February, the Vision Team Leaders indicated their feeling that this project would not be complete until the strategic plan was initiated and carried through, and that financial support from the City of Charlotte and Mecklenburg County would be required before they could proceed with the next step. The Mecklenburg County Board of Commissioners agreed to support the second phase of FOCUS 2010 and allocated $10,000 to the project in April. However, Charlotte City Council felt that they would not be able to give serious attention to this phase until the end of June and asked that the committee come back at that time. The Vision Team Leaders have continued to meet throughout the summer so that they would be fully prepared to carry out the second phase - developing a strategic action plan, implementing those actions, and monitoring those actions - when the money became available.

The Vision Team Leaders hope that the Charlotte City Council will want to move ahead on this project as quickly as possible. As soon as financial support is available from the council, the Mecklenburg towns will be contacted for their assistance, and it is anticipated that the second phase may be intiated in September.

Please let me know as soon as possible when the Vision Team Leaders can appear before the city council. Additional copies of the draft proposal are also available if needed.

Sincerely,

Marlyn Weekly

A COMMUNITY VISIONING PROJECT

Urban Institute • University of North Carolina at Charlotte • Charlotte, NC 28223 • (704) 547-2307 • FAX (704) 547-3178

The Next Step: Keeping the Vision Alive

The concern voiced most often by the members of the **FOCUS 2010** Task Force was that the visions they helped create would end up collecting dust on the proverbial "shelf" The Task Force recognizes that the only way to keep the visions alive is through action

Before we charge ahead with specific plans for action, however, the Task Force recommends that we first explore possible next steps in the process With the breadth and timeliness of our vision, we must be very deliberate, as well as comprehensive and bold, as we approach the challenges of implementation Once we have explored our possible next steps, we can agree on a path to follow and begin to identify more definitive actions

With that in mind, the **FOCUS 2010** Task Force recommends the following.

- *Identify a sub-team of the* **FOCUS 2010** Task Force to work with appropriate staff to work out the logistics and/or coordination and scope of a 90-day planning effort.

- This sub-team *should identify possible next steps for action and make recommendations* within 90 days of adopting the vision This will help maintain momentum and establish continuity

- Learn from other communities Arrange a symposium, open to the public, with experts from three or four communities who have successfully undertaken implementation of long range visions such as **FOCUS 2010** We can learn a great deal and see possibilities for our community by listening firsthand to the experiences of others We can try to answer such questions as What were the successes and failures they had in implementing their visions? How did they organize and coordinate their work? How did they involve citizens? How did they get results?

- Assign responsibilities Charge the task of listening to the advice from other communities and recommending the next steps for Charlotte-Mecklenburg to a group consisting of members of the **FOCUS 2010** Sub-Team and staff from the City, County, Board of Education and representatives of the six Mecklenburg towns

- Members of the **FOCUS 2010** Task Force should be viewed as resources when appointments are made to boards and commissions

Estimated Cost for the 90 Day Planning Effort

The Task Force regards the devotion of time and resources to accomplish the above a prudent investment in the community's future The estimated financial cost of the 90 day effort is as follows

Project administration/coordination	$9,000
Dialogue with visioning experts	$7,000
Materials, printing, communications, etc	$4,000
Total estimated project cost	$20,000

(The estimate may be modified after the committee meets)

Summary

The FOCUS 2010 Task Force asks that as part of the adoption of the 2010 Vision, that the various elected bodies endorse its recommendations for exploring the next steps and commit to an equitable funding of the estimated $20,000 needed to support this planning effort.

N/O

1 Appointed by Mayor (M)
3 Appointed by City Council (C)
4 Appointed by County Commission (Y)
1 Appointed by Board of Education (B)

ADVISORY ENERGY COMMISSION
(9 Members)

Membership - Terms are for two years No member may serve more than two consecutive terms.

Members are appointed from the following categories.

1. One Education/Public Awareness Representative - appointed by the Board of Education

Representatives from the remaining categories are appointed by the City and County on an alternating basis (those for which the City had responsibility in 1982, when the Commission was established as a permanent body, are shown in ALL CAPS and designated as to "Mayor" or "Council", the Mayor's appointment rotates with each appointment period).

2 ONE CONSUMER ADVOCATE REPRESENTATIVE (not involved in energy production, energy equipment or the provision of energy services) (C)

3. Four Energy Production or Energy Services Representatives -

(a) ONE ELECTRIC UTILITY (C)
(b) One Gas Utility
(c) ONE PETROLEUM INDUSTRY (C)
(d) One Renewable Energy Environmental

4. One Business Community Representative (not involved in energy production, energy equipment or the provision of energy services)

5. ONE ENGINEERING/TECHNICAL PROFESSIONAL REPRESENTATIVE. (M)

6. One UCS Representative.

The Chairman and Vice-Chairman are selected jointly by the Mayor and County Commission Chairman from the body membership.

Responsibilities - Serves as a designated body to study community energy problems and to develop an annual community Energy Management Plan for Charlotte/Mecklenburg to be approved by the City Council and County Commission and encourage its implementation.

Legend:
EPA Education/Public Awareness Rep
CA Consumer Advocate Rep
EU Electric Utility Rep
GU Gas Utility Rep
PI Petroleum Industry Rep
REE Renewable Energy Environmental Rep
BR Business Community Rep
ETP Engineering Technical Professional Rep
UCS UCS Rep

ADVISORY ENERGY COMMISSION

Member Name * Chairman	Appt. By	Legend	Dist	Appt Date	Reappt. Date	Term	Expir Date
Board of Education							
Robert E Hinson, Jr W/M *	B			02/26/91		Unexp	12/31/92
City							
John H Johnson W/M	C	GU	C	12/18/89	09/26/91	2 yrs	12/31/93
Ralph Neignefind W/M	C	ETP	6	12/18/89	09/26/91	2 yrs	12/31/93
Peter M Schwarz W/M	C	REE	5	10/14/91		2 yrs	12/31/93
Manuel L Zapata W/M	C	BR	6	10/14/91		2 yrs	12/31/93
County							
Robert C Allen W/M		EU		02/15/93		2 yrs	12/31/94
James M Bean W/M				04/19/93		2 yrs	12/31/94
Winslow H Hartford W/M	Y	CA	2	12/16/91		2 yrs	12/31/93
Jesse L Riley W/M	Y	PI		12/16/91		2 yrs	12/31/93

Recd 3 Jun 93.

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
JUN 7 1993
OFFICE - CLERK

Please complete each section

FULL NAME DALE BRENTRUP (please print or type) Mr X Mrs ____ Ms ____ Miss ____

HOME ADDRESS 400 MAMMOTH OAKS DRIVE ZIP 28270

BUSINESS ADDRESS UNIV NORTH CAROLINA CHARLOTTE, COLLEGE OF ARCHITECTURE ZIP 28223

HOME PHONE (704) 364 7506 BUSINESS PHONE (704) 547 2664

SPOUSE'S NAME REBECCA PORTER SPOUSE'S EMPLOYER INVESTMENT MANAGEMENT & RESEARCH, INC. SPOUSE'S TITLE REGISTERED ASSOCIATE

PLEASE INDICATE Council District # CITY 4 / COUNTY 4 Date of Birth 3 NOV 1948

MALE X BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ____ WHITE X ADVISORY ENERGY

SINGLE ____ INDIAN ____

MARRIED ____ HISPANIC ____

OTHER ____

EDUCATION (including degrees completed) • M ARCH – ENERGY ANALYSIS – (UCLA, 1982) • B ARCH – (KANSAS STATE, 1973)

• POST GRADUATE RESEARCH "BUILDING ENERGY UTILIZATION", CENTER FOR PLANNING & DEVELOPMENT RESEARCH – UNIV CALIF BERKELEY

CURRENT EMPLOYER UNC-C, COLLEGE OF ARCHITECTURE - GRADUATE FACULTY

TITLE ASSOCIATE PROFESSOR OF ARCHITECTURE YEARS IN CURRENT POSITION 4

DUTIES DIRECTOR: LIGHTING & ENERGY TECHNOLOGIES LAB
CURRENT RESEARCH: DAYLIGHTING PUBLIC SCHOOLS

OTHER EMPLOYMENT HISTORY ASSOCIATE PROFESSOR: MONTANA STATE UNIVERSITY, IOWA STATE UNIVERSITY — PRIVATE PRACTICE AS ENERGY & LIGHTING CONSULTANT

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE PUBLIC POLICY & FACILITIES PROGRAMMING — ENERGY BUILDING ENERGY UTILIZATION & INTEGRATED SYSTEMS DESIGN METHODS FOR SUSTAINABLE COMMUNITY DESIGN, CLIMATOLOGY DAYLIGHTING FOR PUBLIC SECTOR BUILDINGS

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES
SEC/TREAS SOCIETY OF BUILDING SCIENCE EDUCATORS, SEC/TREAS DAYLIGHTING NETWORK OF NORTH AMERICA, EDUCATION CHAIR THE HEREL CHAPTER

~~PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES~~
ILLUMINATING ENGINEERS SOCIETY, BOARD MEMBER: NC SOLAR ENERGY ASSOC, BOARD & NC AIA ENERGY POLICY COMMITTEE

COMMENTS I AM AS A MEMBER OF THIS LOCAL ADVISORY COMMITTEE WILL UTILIZE MY EXPERTISE, CONTINUING MY INTEREST IN PROVIDING A LINKAGE BETWEEN MY COMMUNITY & MY PROFESSIONAL RESPONSIBILITIES.

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No X If Yes, please attach explanation

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your futies as an appointee of the City Council?

Yes_____ No X If yes, please attach explanation of the nature of the conflict

I certify that the facts contained in this application are true and correct to the best of my knowledge I authorize investigation of all statements contined herein and the references listed above to give you any and all information concerning my qualifica tions and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you

This form will be retained on file for one year and must be updated after that, otherwise, it will be removed from the active file

A personal contact with a City Councilmember is recommended

RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature [signature]

Date 4 Jan 1993

DO NOT SUBMIT RESUMES

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

Please complete each section.

FULL NAME Larry Pettis (please print or type) Mr. (circled) Mrs. ____ Mr. ____ Miss ____

HOME ADDRESS 914 Plumstead Rd.

BUSINESS ADDRESS 1915 Rexford Rd ZIP 28216

HOME PHONE(704) 394-3830 ZIP 28211

SPOUSE'S NAME Ava BUSINESS PHONE(704) 364-3120 Ext 404

SPOUSE'S EMPLOYER Cabarrus County

SPOUSE'S TITLE Teacher

PLEASE INDICATE: Council District # 2 Date of Birth 8/6/53

MALE (circled) BLACK (circled) BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN: Energy Commission

FEMALE ____ WHITE ____

HISPANIC ____ INDIAN ____

OTHER ____

EDUCATION (including degrees completed) BS Commerce - Business Administration North Carolina Central University

CURRENT EMPLOYER Piedmont Natural Gas Co. Inc.

TITLE Auditor

DUTIES Conducts Operational and Financial Audits of all Company Operations. YEARS IN CURRENT POSITION 18

OTHER EMPLOYMENT HISTORY Business Development Center in Marketing Development until 1973. Formally U.S. Post Office, Department of Social Services

DO NOT SUBMIT RESUMES/ATTACHMENTS

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE/PROFESSIONAL ORGANIZATIONS/ACTIVITIES

Member of Following Professional Organizations
Institute of Internal Auditors - Treasurer
American Gas Association - Security Committee
American Association of Blacks in Energy - Area Coordinator
Board of Directors and Past President of The Blue Flame Credit Union
Prince of Peace Lutheran Church - Past Treasurer for over 15 years
Kappa Alpha Psi Fraternity - Treasurer

AFFIRMATION OF ELIGIBILITY:

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes____ No ✓ If yes, please explain____

If there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes____ No ✓ If yes, explain conflict____

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigation of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you.

This form will be retained on file for one year and must be updated after that; otherwise, it will be removed from the active file. **PERSONAL CONTACT WITH A CITY COUNCILMEMBER IS RECOMMENDED.**

RETURN COMPLETED FORM TO:

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature: [signature]

Date: 7/26/93

DO NOT SUBMIT RESUMES/ATTACHMENTS

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
JUN 16 1993
OFFICE OF CITY CLERK

Please complete each section

FULL NAME ALEXANDER TODD SCHWARZ (please print or type) Mr X Mrs ____ Ms ____ Miss ____

HOME ADDRESS 427 HOLLIS ROAD, CHARLOTTE NC ZIP 28209

BUSINESS ADDRESS 1100 INDEPENDENCE CENTER, CHARLOTTE NC ZIP 28246

HOME PHONE (704) 529-6080 BUSINESS PHONE (704) 331-1843

SPOUSE'S NAME JENNIFER LYNN SCHWARZ SPOUSE'S EMPLOYER STUDENT

SPOUSE'S TITLE ____

PLEASE INDICATE Council District # 6 Date of Birth 7/31/67

MALE X BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ____ WHITE X AIRPORT ADVISORY COMMITTEE, CERTIFIED DEVELOPMENT CORPORATION,

SINGLE ____ INDIAN ____ CMUD ADVISORY COMMITTEE, COMMUNITY RELATIONS COMMITTEE,

MARRIED ____ HISPANIC ____ COMMUNITY RESOURCE BOARD, UPTOWN DEVELOPMENT CORPORATION,

PRIVATE INDUSTRY COUNCIL, ZONING BOARD, STORM WATER SERVICES

OTHER ____ YOUTH INVOLVEMENT COUNCIL, ADVISORY ENERGY COMMISSION

EDUCATION (including degrees completed) NORTH CAROLINA STATE UNIVERSITY

MAY, 1989 - BA OF ACCOUNTING

CURRENT EMPLOYER ERNST & YOUNG

TITLE SENIOR TAX CONSULTANT YEARS IN CURRENT POSITION 3

DUTIES RESEARCH TAX ISSUES, REVIEW TAX RETURNS PREPARED BY YOUNGER MEMBERS OF THE STAFF, AND VARIOUS BUSINESS CONSULTING.

OTHER EMPLOYMENT HISTORY ____

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE AREAS OF EXPERTISE INCLUDE CORPORATE TAX LAW AND STATE AND LOCAL TAXATION, INTEREST INCLUDES SPORTS OF ALL KINDS (BOTH AS SPECTATOR AND PARTICIPANT) AND FOLLOWING VARIOUS FINANCIAL MARKETS.

CURRENT PROFESSIONAL ORGANIZATIONS CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

MEMBER OF JEWISH COMMUNITY CENTER

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

COMMENTS

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No__X__ If Yes, please attach explanation

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your futies as an appointee of the City Council?

Yes_____ No__X__ If yes, please attach explanation of the nature of the conflict

I certify that the facts contained in this application are true and correct to the best of my knowledge I authorize investigation of all statements contined herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you

This form will be retained on file for one year and must be updated after that, otherwise, it will be removed from the active file

A personal contact with a City Councilmember is recommended

RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature F. Todd Schwartz

Date 6/15/93

DO NOT SUBMIT RESUMES

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
JUL 2 1993
OFFICE OF CITY CLERK

Please complete each section

FULL NAME Joseph H. Spencer, Jr PE Mr ✓ Mrs ____
(please print or type) Ms ____ Miss ____

HOME ADDRESS 2534 Sherwood Ave. Charlotte ZIP 28209

BUSINESS ADDRESS 417 E. Blvd. Suite 106 Charlotte ZIP 28203

HOME PHONE ( ) 332-3111 BUSINESS PHONE ( ) 376-3682

SPOUSE'S NAME Kathy SPOUSE'S EMPLOYER Carolina Cleaners

SPOUSE'S TITLE VP, Sales Manager

PLEASE INDICATE Council District # 1 (I think) Date of Birth 5/15/44

MALE ✓ BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ____ WHITE ✓ Waste Management

SINGLE ____ INDIAN ____ Recycling

MARRIED ✓ HISPANIC ____ Parks

OTHER Advisory Energy

EDUCATION (including degrees completed) Harding High School - '62
BS Mech Engineering, N.C. State - '66
Graduate Study, USC + Winthrop College

CURRENT EMPLOYER Self Employed - Consulting Engineer

TITLE PE (Professional Engineer) YEARS IN CURRENT POSITION 17

DUTIES Consulting Engineering to Clients in North & South Carolina

OTHER EMPLOYMENT HISTORY Midrex Corporation and Charlotte
Corp As Senior Design Engineer

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE Interests + participate in Recycling industry — use the public parks.

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

Society of Fire Protection Engineers, Central YMCA, Charlotte Sportsmens Club, American Heritage Association (Architecture)

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

National Society of Professional Engineers, Professional Engineers N.C. American Society of Mechanical Engineers.

COMMENTS

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No ✓ If Yes, please attach explanation

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ No ✓ If yes, please attach explanation of the nature of the conflict

I certify that the facts contained in this application are true and correct to the best of my knowledge I authorize investigation of all statements contined herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you

This form will be retained on file for one year and must be updated after that, otherwise, it will be removed from the active file

A personal contact with a City Councilmember is recommended

RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature [illegible]

Date 6/18/94

DO NOT SUBMIT RESUMES

3 Appointed by Mayor (M)
6 Appointed by City Council (C)

AIRPORT ADVISORY COMMITTEE
(9 Members)

Membership - Each shall be a resident and elector of Mecklenburg County, provided however, a majority of the members shall be residents and electors of the City of Charlotte. At least two members shall be residents of the Westside community, two shall be familiar with aviation matters by reason of vocation or avocation, the other five members shall be selected from fields, the nature of which would contribute to the continuing deliberations of the Committee. Terms are for three years. A member may succeed himself only once

Responsibilities - To review long-range planning for airport development; review and study all revenue producing aspects of the airport, recommend appropriate action to City Council on airport policy matters, and the continuing review and study of all aspects of airport transportation needs of metropolitan Charlotte Also, monitor and advise City Council on implementation of the Airport Master Plan and airport noise compatibility and on a staff-developed neighborhood relations program.

Legend:
WS - Westside Resident
A - Aviation Affiliation

Member Name	Appt By	Legend	Dist.	Appt. Date	Reappt Date	Term	Expir. Date
* Chairman							
City							
Stanford R Brookshire, Jr W/M	M			08/01/92		3 yrs	07/31/95
Harold B Carter W/M	C	A	7	07/22/91		3 yrs	07/31/94
Earl G Gulledge W/M	C		7	09/28/87	06/25/90	3 yrs	07/01/93
Phillip E Halton W/M	M		6	08/01/88	07/11/91	3 yrs	07/31/94
Frances Harkey W/F	C		3	07/26/93		3 yrs	07/31/96
Laura McClettie B/F	C			07/27/92		3 yrs	07/31/95
Harry Nicholson, Jr W/M	C	A	6	07/27/92		3 yrs	07/31/95
Marvin B Smith W/M	C	WS	2	07/11/88	06/24/91	3 yrs	07/31/94
Herb Spaugh, Jr W/M	M			07/27/90	06/24/93	3 yrs	07/31/96

Revised July 29, 1993

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
MAR 1 1993
OFFICE OF CITY CLERK

Please complete each section

FULL NAME MICHAEL A. ALMOND (please print or type) Mr x Mrs ____ Ms ____ Miss ____

HOME ADDRESS 4112 ARBORWAY, CHARLOTTE, NC ZIP 28211

BUSINESS ADDRESS 2600 CHARLOTTE PLAZA, CHARLOTTE, NC ZIP 28244

HOME PHONE (704) 366-4641 BUSINESS PHONE (704) 372-9000

SPOUSE'S NAME PAULA J. ALMOND SPOUSE'S EMPLOYER ALL SEASONS TRAVEL LTD.

SPOUSE'S TITLE CO-OWNER AND PRESIDENT

PLEASE INDICATE Council District # 6 Date of Birth 1/24/49

MALE x BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ____ WHITE x AIRPORT ADVISORY COMMITTEE

SINGLE ____ INDIAN ____

MARRIED ____ HISPANIC ____

OTHER ____

EDUCATION (including degrees completed) UNC-CHAPEL HILL (1971-75) J.D. with honors
GOETHE INSTITUTE, BRANNENBURG AM INN, GERMANY (1972-73)
UNC-CHAPEL HILL (1967-71) B.A. WITH HIGHEST HONORS; EAST SURRY HIGH SCHOOL

CURRENT EMPLOYER PARKER, POE, ADAMS & BERNSTEIN

TITLE PARTNER YEARS IN CURRENT POSITION 9

DUTIES CHAIRMAN, INTERNATIONAL DIVISION

OTHER EMPLOYMENT HISTORY CO-OWNER OF ALL SEASONS TRAVEL LTD.
MICHAEL A. ALMOND, P.A., CHARLOTTE (1980-84)
FLEMING, ROBINSON & BRADSHAW (1976 - 1980)

LAW CLERK: HON. J. BRAXTON CRAVEN, Jr. (1975 - 1976)

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE INTERNATIONAL LAW -

FREQUENT LOCAL AND REGIONAL PUBLIC SPEAKER ON INTERNATIONAL LEGAL AND BUSINESS MATTERS

AND FOREIGN POLICY ISSUES

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES
MEMBER: MECKLENBURG COUNTY, NORTH CAROLINA, AMERICAN, AND INTERNATIONAL BAR ASSOCIATIONS
COUNCIL MEMBER: INTERNATIONAL LAW COMMITTEE, NORTH CAROLINA BAR ASSOCIATION
CHAIRMAN: CHARLOTTE CHAMBER OF COMMERCE EXPORT TRADE COMMISSION
MEMBER: MAYOR VINROOT'S INTERNATIONAL CABINET
MEMBER: ASPEN INSTITUTE BERLIN STRATEGY GROUP ON GERMAN-AMERICAN RELATIONS

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES
CHAIRMAN: CHARLOTTE CHAMBER OF COMMERCE, INTERNATIONAL COMMITTEE (1992)
CHAIRMAN: INTERNATIONAL LAW COMMITTEE, NORTH CAROLINA BAR ASSOCIATION (1982)
CHAIRMAN: MAYOR'S INTERNATIONAL FORUM (1991)
CHAIRMAN: CHARLOTTE WORLD AFFAIRS COUNCIL (1988-1990)

COMMENTS I BELIEVE THAT I COULD MAKE A POSITIVE CONTRIBUTION TO THE AIRPORT ADVISORY COMMITTEE AS A RESULT OF MY PROFESSIONAL AND COMMUNITY ACTIVITIES AND MY UNDERSTANDING OF THE IMPORTANCE OF THE AIRPORT TO THE CONTINUED ECONOMIC DEVELOPMENT OF THE CHARLOTTE REGION.

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No__x__ If Yes, please attach explanation

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your futies as an appointee of the City Council?

Yes_____ No__x__ If yes, please attach explanation of the nature of the conflict

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RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature [signature]

Date February 18, 1993

DO NOT SUBMIT RESUMES

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
APR 26 1993
OFFICE OF CITY CLERK

FOR OFFICE USE ONLY
Appointed to
Date

Please complete each section

FULL NAME William C. Covington, Jr. (please print or type) Mr X Mrs. ____ Ms ____ Miss ____

HOME ADDRESS 1221 Wareham Court, Charlotte, NC ZIP 28207

BUSINESS ADDRESS NationsBank, NationsBank Corporate Center, 8th Floor Charlotte, NC ZIP 28255

HOME PHONE (704) 372-5553 BUSINESS PHONE (704) 386-5916

SPOUSE'S NAME Donna SPOUSE'S EMPLOYER RE/MAX Realty

SPOUSE'S TITLE Broker/Manager

PLEASE INDICATE: Voting Precinct # 008 District # 6 Date of Birth 5/12/32

MALE X BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN:

FEMALE ____ WHITE X Airport Advisory Committee

SINGLE ____ INDIAN ____

MARRIED X HISPANIC ____

OTHER ____

EDUCATION (including degrees completed)

Bachelor of Science-Business Administration-University of NC-Chapel Hill

Master's Degree-Business Administration-University of NC-Chapel Hill

CURRENT EMPLOYER NationsBank

TITLE Executive Vice President YEARS IN CURRENT POSITION 8

DUTIES Carolinas Corporate Bank Executive. Oversee lending to major companies in the Carolinas, and our bankwide sports-related and textile lending.

OTHER EMPLOYMENT HISTORY Thirty-one years with NationsBank

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE Motorsports, golf, sailing

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

Chairman, Charlotte Convention and Visitors Bureau, board member of The National Conference of Christians and Jews, associate member of the N.C. Textile Manufacturers Association, the American Textile Manufacturers Assoc., Executive Committee member of the Charlotte Organizing Committee to bring the Final Four to Charlotte in 1994.

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

Past chairman of the Auditorium-Coliseum-Convention Center Authority, past vice chairman of the United Way in Charlotte, former board member of the Arts and Science Council, former chairman of the 1990 Chamber of Commerce Membership Campaign, & in 1989 chaired the successful $132 million Mecklenburg County Bond Campaign.

COMMENTS: Chairmanship of the Convention and Visitors Bureau terminates June 9, 1993. Former flier in the Strategic Air Command, United States Air Force.

AFFIRMATION OF ELIGIBILITY.

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ **No** X **If Yes, please attach explanation.**

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ **No** X **If yes, please attach explanation of the nature of the conflict.**

I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize investigation of all statements contained herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you.

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RETURN COMPLETED FORM TO:

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature: [signature]

Date: April 22, 1993

PLEASE DO NOT SUBMIT RESUMES

3 Appointed by Mayor (M)
7 Appointed by City Council (C)
2 Ex-Officio (EX)

TREE ADVISORY COMMISSION
(12 Members)

Membership - Appointments are for three-year terms with service limited to two consecutive full terms. A majority of the membership should be residents of the City of Charlotte. Ten members are appointed by elected officials; the remaining two should be representatives of the Parks & Recreation Department, who serve ex-officio, attending meetings when so requested by the secretary of the Commission.

Responsibilities - Make recommendations from time to time to the City Manager or his authorized representative relative to trees and shrubbery in the City.

Member Name * Chairman	Appt. By	Legend	Dist.	Appt. Date	Reappt. Date	Term	Expir Date
City							
Gregory Allen /M	M			01/11/90	01/08/93	3 yrs	12/13/95
James A Gamble W/M	M		6	12/08/92		Unexp	12/13/93
Steve Mitchener W/M	C		6	04/27/92		Unexp	12/13/93
Jerry Z Regenbogen W/F	C			07/23/90	11/09/92	3 yrs	12/13/95
Patricia Rodgers W/F	C		7	01/09/89	09/23/91	3 yrs	12/13/94
Donna Savage W/F *	C		6	12/28/87	09/24/90	3 yrs	12/13/93
Eric C. Solow W/M	C		1	11/23/92		3 yrs	12/13/95
Joe M. Spencer, Jr. W/M	C		6	09/13/88	09/24/90	3 yrs	12/13/93
Thomas C. West /M	M			02/19/90	12/08/92	3 yrs	12/13/95
Kipling S Wilson W/M	C		7	01/27/92		2 yrs	12/13/94

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
DEC 28 1992
OFFICE OF CITY CLERK

Please complete each section

FULL NAME BARBARA ANDREWS WEBSTER (please print or type) Mr ____ Mrs ✓ Ms ____ Miss ____

HOME ADDRESS 1841 KENWOOD AVE ZIP 28205

BUSINESS ADDRESS 1100 INDEPENDENCE CENTER ZIP 28246

HOME PHONE (704) 377-1154 BUSINESS PHONE (704) 331-2014

SPOUSE'S NAME MARTIN SPOUSE'S EMPLOYER WEBSTER DESIGN

SPOUSE'S TITLE PRESIDENT

PLEASE INDICATE Council District # ____ Date of Birth 3 19 45

MALE ____ BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ✓ WHITE ✓ ✓ TREE COMMISSION

SINGLE ____ INDIAN ____ PLANNING

MARRIED ____ HISPANIC ____ ENVIRONMENT

OTHER ____ TRANSPORTATION

EDUCATION (including degrees completed) BACHELOR OF MUSIC — UNIVERSITY OF TN

CURRENT EMPLOYER ERNST & YOUNG

TITLE ____ YEARS IN CURRENT POSITION 5+

DUTIES GRAPHIC DESIGNER

OTHER EMPLOYMENT HISTORY TEACHER — CPCC - QUEENS COMPUTE
PROGRAMMER — EDUCATIONAL TECHNOLOGIES

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE ENVIRONMENTAL EDUCATION

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

PRESIDENT EARTH COALITION

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

PARKS + REC ADVISORY COMMITTEE (CITY) 1990 – 1992

MAYOR'S LIGHT RAIL TASK FORCE

COMMENTS

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No ✓ If Yes, please attach explanation

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ No ✓ If yes, please attach explanation of the nature of the conflict

I certify that the facts contained in this application are true and correct to the best of my knowledge I authorize investigation of all statements contined herein and the references listed above to give you any and all information concerning my qualifications and any pertinent information they may have, personal or otherwise, and release all parties from all liability for any damages that may result from furnishing the same to you

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RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature Barbara Webster

Date 12-23-92

DO NOT SUBMIT RESUMES

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
JUL 12 1993
OFFICE OF CITY CLERK

Please complete each section

FULL NAME Nancy Lee Williams Mr ____ Mrs ____
(please print or type) Ms ✓ Miss ____

HOME ADDRESS 2108 Charlotte Dr, Charlotte, N.C. 28203 ZIP ____

BUSINESS ADDRESS Duke Power, 422 S. Church St. Charlotte, N.C. ZIP 28242

HOME PHONE(704) 333-7657 BUSINESS PHONE(704) 382-9930

SPOUSE'S NAME Roger Dahnert SPOUSE'S EMPLOYER Dahnert Architectural
S. Cedar St, Charlotte, N.C. SPOUSE'S TITLE Principal

PLEASE INDICATE Council District # 1 Date of Birth 7-9-51

MALE ____ BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ✓ WHITE ✓ ✓ Tax Advisory, Mint Museum,

HISPANIC ____ INDIAN ____ Civic Service Board

OTHER ____

EDUCATION (including degrees completed) Queens College: Computer Based Business Certificate;
UNCC: Masters Public Administration
Clemson University: Bachelors Sociology, Secondary Education

CURRENT EMPLOYER Duke Power Company (9 yrs)

TITLE Compensation Consultant (Human Resources) YEARS IN CURRENT POSITION 4.5 yrs.

DUTIES Design compensation programs including incentive plans for Duke Power and subsidiary companies

OTHER EMPLOYMENT HISTORY City of Charlotte. Personnel Department - Sr Personnel Analyst (9 yrs)

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE planning, organization, computers

CURRENT/PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

Dilworth Community Development Association : Past Board member, Secretary, VP

AIA Women's Auxiliary. Past President, VP

Covenant Presbyterian Church : Committee Co Chair, Sunday School Class President,

Senior High Advisor, Choir

City Council Candidate Campaign Committee

COMMENTS I have a sincere interest in preserving Charlotte's trees - many of which are aged particularly in the older neighborhoods. Also interested in art and have a strong personal background.

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No ✓ If yes, please attach explanation

If there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

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RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature Nancy Nunn

Date July 5, 1993

DO NOT SUBMIT RESUMES

N/O

1 Appointed by Mayor (M)
2 Appointed by City Council (C)
3 Appointed by County Commission (Y)
2 Appointed by Chairman Board of Education (BC)
2 Appointed by Chairman Chamber of Commerce (CC)
2 Members of Youth Involvement Council (YI)

YOUTH INVOLVEMENT COUNCIL ADVISORY BOARD
(12 Members)

Membership - Appointments are made for two-year terms.

Responsibilities - To provide counsel, support and assistance to the Charlotte-Mecklenburg Youth Involvement Council, as requested, in achieving that organization's goals and objectives.

Member Name * Chairman	Appt By	Legend	Dist	Appt. Date	Reappt Date	Term	Expir. Date
Chamber of Commerce							
Omega Rushing Autrey B/F	CC						
City							
Kevin L Patterson B/M	C		6	07/25/89	06/24/91	2 yrs	08/15/93
Edward M Spooner W/M	M			09/21/92		2 yrs	08/15/94
Michael T Whitehead W/M	C		1	07/26/93		2 yrs	08/15/95
County							
John H Eaves B/M	Y			11/16/92		2 yrs	06/17/94
Sam Padgett O/F	Y			11/16/92		2 yrs	06/17/94
Sharon Stoneburner W/F	Y			11/16/92		2 yrs	06/17/94
Others							
Johnny Harris W/M							
Dolly Tate W/F							

Revised July 28, 1993

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
JUN 22 1993
OFFICE OF CITY CLERK

Please complete each section

FULL NAME Patricia K. "Cookie" Carney Mr. ____ Mrs ____
(please print or type) Ms x Miss ____

HOME ADDRESS 2233 Charlotte Drive ZIP 28203

BUSINESS ADDRESS 301 S. McDowell Street Suite 110 ZIP 28204

HOME PHONE( ) 347-0480 BUSINESS PHONE(704) 332-8471

SPOUSE'S NAME n/a SPOUSE'S EMPLOYER ____

SPOUSE'S TITLE ____

PLEASE INDICATE Council District # 1 Date of Birth June 17, 1948

MALE ____ BLACK ____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE x WHITE x Airport Advisory, ✓ Youth Council

HISPANIC ____ INDIAN ____ Women's Commission

OTHER ____

EDUCATION (including degrees completed) B.S. - University of North Carolina at Greensboro

CURRENT EMPLOYER VIP Travel

TITLE Director of Sales and Marketing YEARS IN CURRENT POSITION 1

DUTIES Responsible for all sales and marketing as well as community affairs

OTHER EMPLOYMENT HISTORY I have spent 20 years in the travel industry working with both airlines and travel agencies.

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE

Interested in the community of Charlotte and the positive impact that a thriving airport can have on our community.

CURRENT/PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

current member of Parks and Recreation Commission- member of Pritchard Memorial Baptist Church - Leadership Charlotte Class VI - President,Charlotte Swim Association Board - Board of Trustees of Camp Lurecrest Ministries Inc. - past executive committee of Mecklenburg County Republican Party.

COMMENTS

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No___x___ If yes, please attach explanation

If there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the City Council?

Yes_____ No___x___ If yes, please attach explanation of the nature of the conflict

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RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature Patricia L "Cookie" Carney

Date 6-21-93

DO NOT SUBMIT RESUMES

APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

RECEIVED
JUN 21 1993
OFFICE OF CITY CLERK

Please complete each section

FULL NAME Deborah Griffin (please print or type) Mr ____ Mrs ____ Ms ____ Miss ✓

HOME ADDRESS 3727 Sargeant Drive ZIP 28217

BUSINESS ADDRESS 5550-77 Center Dr Suite 380 ZIP 28217

HOME PHONE (704) 522-0580 BUSINESS PHONE (704) 525-0880

SPOUSE'S NAME N/A SPOUSE'S EMPLOYER N/A

SPOUSE'S TITLE N/A

PLEASE INDICATE Council District # ____ Date of Birth 8/12/54

MALE ____ BLACK ✓ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ✓ WHITE ____ Domestic Violence Advisory Board

SINGLE ____ INDIAN ____ Youth Involvement Council

MARRIED ____ HISPANIC ____

OTHER ____

EDUCATION (including degrees completed) Some College - in Secretarial Science at Rutledge College

CURRENT EMPLOYER Medicare

TITLE Member Service Rep III YEARS IN CURRENT POSITION 2 yrs, 6 mont

DUTIES Senior Customer Service Rep, Answers Phone from Members in a timely Manner, give Orientation of New Representatives

OTHER EMPLOYMENT HISTORY Mercy Urgent-Care Admitting Officer

DO NOT SUBMIT RESUMES

(over)

INTERESTS/SKILLS/AREAS OF EXPERTISE

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

Helps With the Hunta Stroud Foundation thru The Excelsior Club

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

COMMENTS

AFFIRMATION OF ELIGIBILITY

To your knowledge, has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes_____ No ✓ If Yes, please attach explanation

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RETURN COMPLETED FORM TO

Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature Deborah Griffin

Date 17 June 93

DO NOT SUBMIT RESUMES

A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

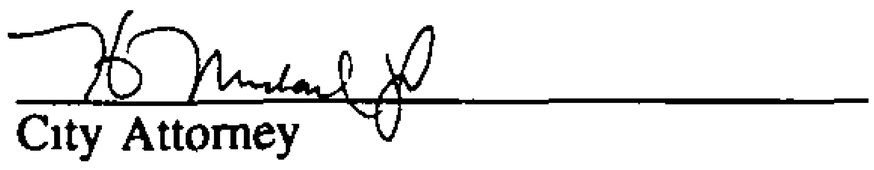
1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.

2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.

3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 23rd day of August, 1993 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set ut and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:



City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in a regular session convened on the _____ day of _____, 199____, the reference having been made in Minute Book _____ and recorded in full in Resolution Book _____, page(s) _____.

Brenda Freeze
City Clerk

TAXPAYERS AND REFUNDS REQUESTED
LESS THAN $100

Name	Amount of Refund
Cole John William IV	$ 46.73
Houser Janet Krahler	38.37
Central Environmental	49.32
Central Environmental	60.77
Printcrafters Of The	43.30
Printcrafters Of The	36.03
North Star Seafood	68.70
Printcrafters Of The	5.48
Air Systems & Equipment	32.49
Air Systems & Equipment	41.80
World Omni Leasing Inc.	41.23
Dependable Solutions	50.00
A&E Construction	40.00
Total	$554.22

TAXPAYERS AND REFUNDS REQUESTED MORE THAN $100

Name	Amount of Refund
Letter-Perfect Inc.	$ 193.62
America's Pride Steak &	118.45
Southern Engineering Co.	498.48
Central Enviromental	289.67
Central Enviromental	311.75
Southern Engineering Co.	274.24
Southern Engineering Co.	405.85
Siemens Credit Corp.	1,086.89
Central Environmental	338.12
Central Environmental	215.37
Otis Spunkyer Inc.	343.04
Otis Spunkyer Inc.	235.00
Hendrick Management Corp.	567.47
AMP Incorporated	7,089.04
AMP Incorporated	2,163.33
Shared Medical Systems	458.26
Prema International Corp.	2,056.38
IFF, Inc.	1,536.62
Toho Carbon Fibers, Inc.	380.00
Myers Miscellaneous	120.00
Total	$ 18,681.58

MECKLENBURG COUNTY
Office of the Tax Administrator

MEMORANDUM

TO. Henry W. Underhill, Jr., City Attorney

FROM: John C. Petoskey, Tax Administrator JCP.

DATE: July 26 1993

SUBJECT: Order of Collection

General Statute 105-321(b) states: "Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this Subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property."

For your convenience, I have prepared an order of collection. Please have the city clerk return it to me after it has been signed before the September 1, 1993 due date for taxes.

Thank you.

JCP/sn

RECEIVED

JUL 2 8 1993

EGAL DEPARTMEN

720 East Fourth Street • P O Box 36819 • Charlotte, North Carolina 28236 • (704) 336-2813

ORDER OF COLLECTION

NORTH CAROLINA, CITY OF CHARLOTTE

TO TAX COLLECTOR OF THE CITY OF CHARLOTTE

GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax books, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth, and such taxes are hereby declared to be first lien on all real property of the respective taxpayers in the City of Charlotte, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this_____ day of _____, 1993.

_____(SEAL)
Mayor, City of Charlotte

Attest:

_____
Clerk of the City of Charlotte

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

PRIVACOM FRANCHISE AGREEMENT

AN ORDINANCE GOVERNING A COMMUNICATIONS FRANCHISE OPERATING IN THE PUBLIC RIGHTS OF WAY OF THE CITY OF CHARLOTTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Short Title.

This ordinance shall be known and may be cited as the Charlotte PrivaCom Franchise Ordinance.

Section 2. Definitions.

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present include the future, words in the plural number include the singular number, and words in the singular number include the plural number The word "shall" is always mandatory and not directory

(1) "City" means the City of Charlotte.

(2) "City Arborist" means the city arborist of the City of Charlotte or his designee

(3) "City Manager" means the city manager of the City of Charlotte or his designee

(4) "Commission" means the North Carolina Utilities Commission or its successor

(5) "Communications" or "Communications Service or System" shall mean the operation of maintenance and communications cable and equipment for the purpose of providing telecommunication service (not including cable television services as regulated under Section 2 of the Communications Act of 1984, as amended) to residents and businesses.

(6) "Company" means PrivaCom operating under a Franchise granted by the City of Charlotte.

(7) "Council" means the City Council of the City of Charlotte.

(8) "Facilities" means poles, wires, cables, down guys, underground conduits, manholes, vaults, structures, fixtures, or other equipment used by the company in operating its communications system.

(9) "FCC" means the Federal Communications Commission.

(10) "Franchise" means a franchise granted by the City of Charlotte allowing use of the Public Right-of-Way for installation, maintenance, or operation of facilities.

(11) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(12) "Public Right-of-Way," if acquired by dedication, condemnation of right-of-way or deed of easement, means the surface and that area below the surface which is necessary to support the public street, alley, path, bridge, tunnel, sidewalk, planting strip, median or other public right-of-way located within the City "Public right-of-way," if acquired in fee, means the surface of any public street, alley, path, bridge, tunnel, sidewalk, planting strip, median or other public right-of-way located within the City No reference herein or in any franchise to the public right-of-way shall be deemed to be a representation or guarantee by the City that the City's title to any public right-of-way or any improvement or object located therein is sufficient to permit or authorize its use by the Company.

Section 3. Grant of Authorization Term.

There is hereby granted by the City to PrivaCom Inc. and TDI (Teleport Denver, Inc), operating in Mecklenburg County as PrivaCom, the nonexclusive right and privilege to construct, operate and maintain a communications system in the public right-of-way and to carry on the business of selling, transmitting and distributing communications services to persons within the City for a term beginning upon the effective date of this ordinance and ending at 11.59 P.M. on _____ (15 years) This franchise is limited to the right to erect, install, construct, repair, replace, reconstruct, and maintain communications services only.

Section 4. Location and Construction of Facilities.

(1) Facilities maintained or installed by PrivaCom within the City shall be so located and constructed as not to:

(a) Interfere with usual travel (automotive and/or pedestrian) within the public right-of-way;

(b) Interfere with the rights or reasonable convenience of property owners who adjoin such public right-of-way;

(c) Interfere with access to or use of any water or fire hydrant;

(d) Obscure the vision of or interfere with the installation of any traffic control device or traffic or information sign or signal;

(e) Interfere with sight distance established by any ordinance by law;

(f) Obscure the light from any street light;

(g) Cross any water or sewer line except at a 90 degree angle, except in accordance with a specific permit for such crossing issued by the City Manager;

(h) Damage irrigation, landscaping or trees owned or maintained by the City; and

(i) Damage any communications lines owned or maintained by the City

(2) Placement of facilities in the paved sidewalk area is prohibited unless authorized by the City Manager.

(3) The City Manager shall have authority to require PrivaCom to remove or relocate any facility located in violation of this section at PrivaCom's sole expense. Such relocation or removal shall be completed within thirty (30) days of written notice from the City Manager. The notice shall prescribe the area where the facility is located and any other special conditions deemed necessary by the City Manager. If the notice contains limitations unacceptable to PrivaCom, PrivaCom may appeal the limitations to the City Council within ten (10) days of receipt of said notice. Failure to appeal within ten (10) days of receipt of the notice will constitute a waiver of the right of appeal.

Section 5. Work in Public Right-of-Way: Restoration of Damaged Areas.

(1) Whenever PrivaCom excavates or does other work in the public right-of-way, such excavation or other work shall be done in compliance with the laws and regulations of the City in effect at the time of such excavation or other work.

(2) Prior to the erection or installation by PrivaCom of any poles, underground conduits, or fixtures for use in connection with the installation, construction, maintenance or operation of a communications systems, PrivaCom shall first submit to the City and other appropriate parties for approval, a concise description of the facilities proposed to be erected or installed, including engineering drawings, if required, together with a map and plans indicating the proposed location of all such facilities.

(3) PrivaCom shall not excavate or do other work in any public right-of-way unless PrivaCom has applied for and received a written permit entitled "Street Use Permit" from the City Manager, or his designee, granting permission for such excavation or other work. The permit shall describe the area where the excavation and/or work is expected to be completed and any other conditions. If the excavation or other work requires closure of a street lane or sidewalk, PrivaCom shall, five (5) working days prior to said closure, submit a Traffic Control Plan to the City Manager for approval. In emergencies involving service outages, PrivaCom shall proceed with all necessary operations without first obtaining the permit, but shall obtain the required permit at its earliest opportunity. PrivaCom shall have the right to seek relief from City Council from the withholding of a permit.

(4) PrivaCom shall not open, distribute or encumber, at any one time, any more public right-of-way than may, in the opinion of the City Manager, be necessary to enable PrivaCom to economically install or repair its facilities; nor shall PrivaCom permit any public right-of-way to remain open, disturbed or encumbered for a longer period of time than shall, in the opinion of the City Manager, be necessary.

(5) Immediately upon completion of repairs or installation of any facility, PrivaCom shall refill and compact any trench or excavation to the standards required by the City and the North Carolina Department of Transportation's "Standard Specifications of Roads and Structures". Promptly, and in no less than ten (10) days after the completion of repair or installation, PrivaCom shall restore or replace any pavement, sidewalk, curb, gutter, grass, landscaping material or other materials or structure damaged in the course of its work to City standards at PrivaCom's sole expense. In the event excavation or disturbance of special sidewalk pavement areas is necessary, PrivaCom shall restore those areas to their pre-existing conditions as long as the restoration meets City standards. Failures within an area which has been disturbed, excavated or encumbered by PrivaCom which are discovered within twenty-four (24) months of the restoration or replacement specified herein, shall be the responsibility of PrivaCom pursuant to this provision.

(6) If PrivaCom fails, neglects or refuses to refill any trench or excavation or to restore or replace any pavement, sidewalk, curb, gutter, grass, landscaping material, or other material or

structure or to repair failed materials as specified herein, the City may do all or any part of the work that remains undone at the cost or expense of PrivaCom and PrivaCom shall pay such expenses plus an additional thirty percent (30%) of the total cost as an administrative fee within thirty (30) days of the City's presentation to it of a bill for the costs. Failure of PrivaCom to reimburse the City within said time shall result in denial of any permit request made by PrivaCom until payment is made.

(7) In any case where a public right-of-way is being excavated, disturbed or encumbered by PrivaCom, PrivaCom shall take all precautions required by law, in particular, the Work Area Traffic Control Handbook and the Manual on Uniform Traffic Control Devices, or otherwise necessary or proper for the protection of the public and shall maintain adequate warning signs, barricades, signals, and other devices necessary or proper to give notice and warning to the public of the existence of actual conditions present.

Section 6. Use of Streets.

(a) All installations shall be underground in those areas of the City where public utilities providing telephone and electric service are underground at the time of installation In areas where either telephone or electric utility facilities are above ground at the time of installation, PrivaCom may install its service above ground, provided that, at such time as those facilities are required to be placed underground by the City or are placed underground, PrivaCom shall likewise place its services underground without additional cost to the City or to the individual subscriber so served Where not otherwise required to be placed underground by this article or the franchise agreement, PrivaCom's system shall be located underground at the request of the adjacent property owner, provided that the excess cost over the serial location shall be borne by the property owner making the request. All new cable passing under the roadway shall be installed in conduit no less than eighteen (18) inches from the top of the conduit to the surface of the ground.

(b) Interference with persons, improvements, public and private property and utilities. PrivaCom's system and facilities, including poles, lines, equipment and all appurtances, shall be located, erected and maintained so that such facilities shall:

(1) Not endanger or interfere with the health, safety or lives of persons;

(2) Not interfere with any improvements the City, County or State may deem proper to make;

(3) Not interfere with the free and proper use of public streets, alleys, bridges, easements or other public ways, places or property, except to the minimum extent possible during actual construction or repair;

(4) Not interfere with the rights and reasonable convenience of private property owners, except to the minimum extent possible during actual construction or repair; nor

(5) Not obstruct, hinder or interfere with any gas, electric, water or telephone facilities or other utilities located within the City.

(c) Work within right-of-way. Consistent with the City's policy for temporary street closings dated October 1, 1985, and as thereafter amended, the closing of any part of a publicly maintained street or right-of-way must be approved by the Department of Transportation and shall be prohibited during peak travel hours, 7-9 A.M. and 4-6 P.M., Monday through Friday. During repairs or improvements, traffic on streets must be maintained. Where full closing of the street is required,

the request for approval must be submitted to the Department of Transportation at least ten (10) days in advance. Closings will not be permitted in the Central Business District during the holiday shopping season. Where emergency closings are necessary, the Department of Transportation is to be notified as soon as possible. All closings are to be protected with signage in accordance with the City's Work Area Traffic Control Handbook (WATCH).

(d) Removal of City property. No City property is to be removed from the right-of-way, including signage on utility poles, without proper permission from the City Department of Transportation

Section 7. Acquisition of Right-of-Way.

In acquiring or widening public right-of-way, the City shall determine the minimum right-of-way necessary to accommodate paved streets, pedestrian walkways, landscaping, traffic signals, drainage, water and sewer lines and other governmental facilities.

Section 8. Relocation of Facilities.

(1) Wherever a public right-of-way or other public property is being constructed, paved (whether or not such paving is part of a more extensive improvement project), resurfaced, relocated or otherwise altered or improved (including, but not limited to, the installation of sidewalk, curb, gutter, drainage facilities, water mains, or sewer mains, traffic signals or trees), PrivaCom shall, within ninety (90) days of written notice from the City Manager and at no cost (direct or indirect) to the City, remove or relocate any PrivaCom facility located within such public right-of-way or public property or perform such work as it deems necessary for the extension of new facilities. The relocation or extension of new facilities shall be to a location approved by the City. Failure to obtain the City's approval of the location of facilities relocated under this section will be considered a forfeiture under Section 16 of this franchise. PrivaCom shall be responsible for any damage it causes to property, including damage to trees and other landscaping, as a result of the relocation or removal of facilities.

(2) Failure of PrivaCom to remove or relocate the facility to a location approved by the City within ninety (90) days of the City's written notice shall entitle the City to recover liquidated damages from PrivaCom. The liquidated damages assessed PrivaCom, if any, shall be the same as the liquidated damages specified in the City's contract with the prime contractor (either as executed at the time of the City's removal or relocation request or which will be executed prior to any construction for the project which requires the relocation or extension of new facilities). If work which requires removal or relocation of PrivaCom facilities is being constructed by a developer, who has submitted a plan which indicates said work will be dedicated to the City, the liquidated damages for failure to remove or relocate a facility shall be $250 per diem.

If PrivaCom believes it will be unable to complete the relocation within ninety (90) days from receipt of notice from the City, PrivaCom shall explain the reasons for its inability in detail and City and PrivaCom shall attempt to agree on an alternate schedule, subject, however, to the City's right to finally determine the schedule and liquidated damages, as long as its decision is not unreasonable.

Section 9. Trees.

Trimming of the trees and shrubbery within the public right-of-way to prevent contact with PrivaCom's facilities shall be done only in accordance with standards approved by the City Manager. Removal or severe pruning of any tree or shrub, work on the surface within five (5) feet of any tree or shrub, and underground excavation within the drip line of a tree or shrub, which will require cutting of ten percent (10%) or more of the circumference of the root system, may be undertaken only in

accordance with a specified permit obtained from the City Arborist and in compliance with the special conditions of such permit and other standards established by this ordinance or other law. Where trees or shrubs in the public right-of-way are damaged as a result of work undertaken by or on behalf of PrivaCom, PrivaCom shall pay the City, within thirty (30) days of submission of a statement by the City, the cost of any treatment required to preserve the tree or shrub and/or cost for removal and replacement of the tree or shrub with landscaping of equal value and/or the value of the tree or shrub prior to the damage or removal as determined by the City Arborist or other authorized agent of the City Manager.

Section 10. Temporary Removal of Facilities for Demolition of Buildings

Upon the request of a person holding a permit issued by the City for the moving or demolition of a building, and at least ten (10) days notice, PrivaCom shall temporarily raise, lower or remove its facilities to permit the removal or demolition of such building. The expense of such temporary removal, raising or lowering of facilities shall be paid by the person requesting the same and PrivaCom shall have the authority to require such payment in advance; provided, however, that no payment (direct or indirect) shall be required of the City or its agents.

Section 11. Use of System by City

(1) The City shall have the right to install, operate, and maintain City facilities on any above-ground facility of PrivaCom without charge. Where the installation of such facilities by the City requires the adjustment of PrivaCom's facilities on any pole or other above-ground facility (whether owned by PrivaCom, another Company, the City, or another person), such adjustment shall be made by PrivaCom at no cost to the City.

(2) Whenever it becomes necessary for the Company to temporarily remove any wire, sign or other property of the City from any PrivaCom facility for PrivaCom's own purposes, the City will not pay the expense of, but shall have the right to supervise, such removal and replacement and PrivaCom shall make arrangements for alternative services if the City deems the facility is critical to maintain operation.

(3) Any City facility which is installed in or on any PrivaCom facility pursuant to this section will be installed consistent with the applicable provisions of the National Electrical Safety Code and PrivaCom practices. PrivaCom shall provide to the City written notices of applicable PrivaCom practices.

(4) In any event any party interferes with the integrity of the underground facilities, specifically the conduit provided to the City, the City Manager shall be notified immediately, and the City shall be given access to the damaged facilities to make repairs. PrivaCom will provide the City reasonable access to all above-ground facilities for maintenance and repairs.

Section 12. Erection, Removal, and Common Use of Poles.

(a) No poles shall be erected by PrivaCom without prior approval of the City with regard to location, height, types and any other pertinent aspect. However, no location of any pole or wire-holding structure of PrivaCom shall give rise to a vested interest, and such pole or structures shall be removed or modified by PrivaCom at its own expense whenever the City determines that the public convenience would be enhanced thereby. Approval under this section shall require the written approval of the City Manager or his designee.

(b) Where poles already in existence for use in serving the City are available for use by PrivaCom, the City may require PrivaCom to use such poles and structures, if it determines that the public convenience would be enhanced thereby and the terms of the use available to PrivaCom are reasonable.

(c) Where a public utility serving the City desires to make use of the poles or other wire-holding structures of PrivaCom, but agreement thereof with PrivaCom cannot be reached, the City may require PrivaCom to permit such use for such consideration and upon such terms as the City shall determine to be just and reasonable, if the City determines that the use would enhance the public convenience and would not unduly interfere with PrivaCom's operation.

Section 13. Service Standards.

PrivaCom shall maintain and operate its communications system and business in an efficient manner and shall provide adequate, efficient and reasonable service to its customers in the City.

PrivaCom shall comply with all applicable federal, state, and local laws, rules and regulations including the North Carolina Utility Commission and the FCC.

Section 14. Preferential or Discriminatory Practices Prohibited.

PrivaCom shall not make or grant any unreasonable preference or advantage to any person, nor subject any person to any unreasonable prejudice or disadvantage in its exercise of the rights and privileges granted by its franchise; provided, however, that nothing in its franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules, consistent with applicable law, to which any customer coming within such classification would be entitled.

Section 15. Inspection.

The City shall have the right to inspect all construction and installation work performed by PrivaCom pursuant to its franchise and this ordinance and to make such other inspections as it shall deem necessary to ensure compliance with the PrivaCom franchise and this ordinance.

Section 16. Map of System.

Upon the request of the City and thirty (30) days prior notice, PrivaCom at PrivaCom's sole expense, shall provide the City with up-to-date maps or plats identifying and showing the location of PrivaCom's facilities in any area designated by the City. Such maps or plats shall be prepared in such detail as may be reasonably required by the City.

Section 17. Approval of Transfer.

PrivaCom shall not sell, transfer, assign or lease any PrivaCom facility located in whole or in part within the public right-of-way nor shall PrivaCom transfer any right or interest under its franchise to another person without the prior approval of the City Manager, whose approval shall not be unreasonably withheld. No sale, transfer, assignment or lease shall be effective until the vendee, assignee, or lessee has filed in the Office of the City Clerk an instrument, duly executed and approved by the City Manager, reciting the fact of such sale, transfer, assignment or lease, and accepting the terms of PrivaCom's franchise and this ordinance, and agreeing to perform all the conditions of each. Provided, however, this section shall not apply to the conveyance by PrivaCom of a security interest in any of PrivaCom's facilities in the City for the purpose of securing payment of PrivaCom's secured obligations nor to regular trading in listed securities in recognized markets nor to the leasing, in the

normal course of its business, of portions of PrivaCom's facilities, where ownership, maintenance and control of the leased facilities are retained by PrivaCom.

Section 18. Franchise Fee.

For the rights and privileges granted to PrivaCom under this Agreement, PrivaCom agrees to pay to the City an annual fee in the amount of five percent (5%) of its gross annual revenues received from customers within the City. Gross revenues shall not include documented bad debts and deposits. Excepted revenues shall be verified with certified revenue statements to be given to the City, and PrivaCom shall make available to the City, at the City's request, additional information and records to allow the City to review and justify the revenue and expense statements Franchise fees shall become due upon the execution of this Agreement.

This payment shall be in addition to any other tax or payment owed to the City or other taxing or regulatory body. No acceptance of any payment by the City shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a franchise fee under this Agreement. In the event that any undisputed franchise payment is not made on or before the dates specified herein, PrivaCom shall pay an interest charge, computed from such date, at the annual rate equal to the commercial prime rate in effect upon the due date.

The franchise fee and any other cost or damages assessed shall be due quarterly, by 5 00 P M on the last business day of the month following the end of each calendar quarter. The check shall be made payable to the City of Charlotte and delivered or sent to: Communications & Information Systems Department, City of Charlotte, 600 East Fourth Street, Charlotte, NC 28202

The City shall have the right upon reasonable notice to inspect PrivaCom's income records and the right at the City's expense to audit and recompute any amounts determined to be payable under this Agreement. Any undisputed additional amount due to the City as a result of the audit shall be paid within thirty (30) days following written notice to PrivaCom by the City, which notice shall include a copy of the audit report; provided that PrivaCom shall not be required to pay an interest charge in accordance with the provisions set out above.

Section 19. City Right to Interconnect.

PrivaCom shall cooperate with all efforts by the City to initiate and complete interconnections of the City's system and users with PrivaCom. PrivaCom agrees to provide terminated interactive fiber active interconnects for the City's communications system to all buildings requested by the City which are being served by PrivaCom; provided the City pays PrivaCom its costs, material and labor for such interconnections. PrivaCom shall maintain with the City a current listing of all buildings in which it provides services. No monthly fee shall be charged to the City for this service.

In addition, PrivaCom agrees to provide the City with access to four (4) fiber optic fibers on its original backbone network. PrivaCom also shall provide coordination and engineering assistance to the City for providing such fiber optic accesses as the City may require.

In order to ensure coordination of City facilities with PrivaCom's network, PrivaCom agrees:

(a) To provide twenty-four (24) hour per day continuous monitoring of the facilities that the City is using in conjunction with PrivaCom's network; and

(b) To coordinate design and installation of other network specific requirements the City may have, including maintenance, at PrivaCom's cost, plus ten percent (10%).

Section 20. Construction Staffing.

During the franchise term, PrivaCom shall have sufficient full-time supervisors on staff solely to supervise construction plans and the construction practices of subcontractors. As a minimum standard, PrivaCom shall provide at least one (1) full-time supervisor on staff for each four (4) crews engaged in construction within the City. All construction work or any other work performed by PrivaCom, its employees, agents, its duly licensed contractors and sub-contractors shall be in compliance with the plans and specifications approved by the City, and shall be subject to all applicable ordinances, rules and regulations, including licensing and permitting, as well as any licensing and permitting fees charged to all persons and businesses for construction and street opening.

Section 21. Franchise Not a Joint Venture.

Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party act toward third persons or the public in the manner which would indicate any such relationship with the other.

Section 22. Entire Agreement.

This Agreement and all attachments hereto represent the entire understanding and agreement between the parties hereto with respect to the subject matter hereof, and can be amended, supplemented, modified, or changed only as provided in Section 15 of this Agreement.

Section 23. Bond or Letter of Credit.

Not later than forty-five (45) days after the effective date of the franchise, PrivaCom shall obtain and maintain during the entire term of the franchise any extensions and renewals thereof, at its cost and expense, and file with the City a corporate surety bond or letter of credit in the amount of *Fifty Thousand Dollars ($50,000) to guarantee the faithful performance of PrivaCom of all its* obligations provided under the franchise. Failure to timely obtain, file and maintain said bond shall constitute a substantial violation of this Agreement.

The performance bond shall provide the following conditions:

1. There shall be recoverable by the City, jointly and severally from the principal and surety, any and all fines and penalties due to the City and any and all damages, losses, costs, and expenses suffered or incurred by the City resulting from the failure of PrivaCom to: faithfully comply with the provisions of the franchise; comply with all applicable orders, permits and directives of any City agency or body having jurisdiction over its acts or defaults; pay any claims, liens or taxes due the City which arise or are reason of the construction, operation, maintenance or repair of the communications system.

2. The total amount of the bond shall be forfeited in favor of the City in the event:

   (a) PrivaCom abandons its communication system at any time during the term of the franchise or extension thereof; and/or

   (b) PrivaCom assigns the franchise without the express written consent of the City.

Upon application by PrivaCom, the City may, at its sole option, permit the amount of the bond to be reduced or waive the requirements for a performance bond subject to the conditions set forth below. Reductions granted or denied upon application by PrivaCom shall be without prejudice to PrivaCom's subsequent applications or the City's right to require full bond any time thereafter However, no application shall be made by PrivaCom within ninety (90) days of any prior application.

Prior to drawing upon the performance bond for the purpose described in this section, the City shall notify PrivaCom in writing that payment is due, and PrivaCom shall have ten (10) days from the receipt of such written notice to make full and complete payment of undisputed amounts. If PrivaCom does not make the payment within ten (10) days, the City may withdraw the amount thereof from the performance bond.

Within three (3) days of a withdrawal from the performance bond, the City shall send PrivaCom, by certified mail, return receipt requested, written notification of the amount, date and purpose of such withdrawal.

No later than thirty (30) days after receipt by PrivaCom of certified mail notification of withdrawal pursuant to the preceding paragraph, PrivaCom shall replenish the performance bond in an amount equal to the amount so withdrawn. Failure to make timely replenishment of such amount to the performance bond shall constitute a substantial violation of the franchise.

The performance bond required herein shall be in a form satisfactory to the City and shall require thirty (30) days written notice of any non-renewal, alteration or cancellation to both the City and PrivaCom. PrivaCom shall in the event of any such cancellation notice obtain, pay all premium for, and file with the City, written evidence of the issuance of a replacement bond within thirty (30) days following the receipt by the City or PrivaCom of any notice of cancellation.

Section 24. Insurance Requirements.

On or before the effective date of this Agreement, PrivaCom shall file with the City a certificate of insurance and thereafter maintain in full force and effect at all times for the full term of the franchise, at the expense of PrivaCom, a comprehensive general liability insurance policy, including underground property damage coverage, naming the City as additional insured, written by a company authorized to do business in the State of North Carolina, protecting the City against liability for loss or bodily injury and property damage occasioned by the installation, removal, maintenance or operation of the communications system by PrivaCom in the following minimum amounts:

(1) One Million Dollars ($1,000,000.00) combined single limit, bodily injury and for real property damage in any one occurrence;

(2) One Million Dollars ($1,000,000.00) aggregate.

PrivaCom shall also file with the City a certificate of insurance for a comprehensive automobile liability insurance policy written by a company authorized to do business in the State of North Carolina, for all owned, non-owned, hired and leased vehicles operated by PrivaCom, with limits no less than One Million Dollars ($1,000,000.00) each accident, single limit, bodily injury and property damage combined, or evidence of self-insurance.

PrivaCom shall also maintain, and by its acceptance of any franchise granted hereunder specifically agrees that it will maintain throughout the term of the franchise, workers compensation and employers liability, valid in the State, in the minimum amount of the statutory limit for workers compensation, and Five Hundred Thousand Dollars ($500,000.00) for employers liability.

All liability insurance required pursuant to this section shall be kept in full force and effect by PrivaCom during the existence of the franchise and until after the removal of all poles, wires, cables, underground conduits, manholes and any other conductors and fixtures installed by PrivaCom incident to the maintenance and operation of the communications system as defined in this Agreement. All policies shall be endorsed to give the City thirty (30) days written notice of the intent to amend or cancel by either PrivaCom or the insuring company.

PrivaCom agrees and binds itself to indemnify, keep and hold free and harmless the City from any and all liability and costs, including attorneys fees and court costs pertaining thereto, arising from any activities herein, authorized in that PrivaCom shall pay, and by its acceptance of the franchise, PrivaCom specifically agrees that it will pay all damages and penalties which the City may be legally required to pay as a result of the franchise. These damages or penalties shall include but not be limited to damages arising out of installation, operation or maintenance of the communication system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this Agreement.

Section 25. Liquidated Damages.

For the willful violation of any of the provisions of this Agreement, the City shall notify PrivaCom in writing of the violation and PrivaCom shall be allowed thirty (30) days, or such greater amount of time as the City may specify to correct such violation. Such undisputed liquidated damages shall be chargeable, to the extent available, to the security fund or performance bond if not tendered by PrivaCom within the aforesaid period of time. These liquidated damages shall be in addition to and not a limitation of other penal provisions of this franchise, including penalties or revocation, or other statutory or judicially imposed penalties. No decision by the City to revoke any remedy under this franchise agreement, or any statute, law or ordinance shall preclude the availability of any other remedy.

(1) Failure to render payment of the reimbursement of the City's franchise expenses, franchise fee or penalty payments: $500 per day from time due until paid.

(2) The City retains the right, at its sole option, to reduce or waive any of the above-listed penalties where extenuating circumstances or conditions beyond the control of PrivaCom are deemed to exist. The City Manager or his designee shall determine the City's willingness to reduce or waive any of the above-listed penalties.

Section 26. Forfeiture.

Violations by PrivaCom of the provisions of its franchise or the requirements of this ordinance or the failure by PrivaCom to promptly perform any of its obligations under either shall be cause for the forfeiture of PrivaCom's franchise and all rights under the franchise or this ordinance.

Section 27. PrivaCom to Save City Harmless.

PrivaCom shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the City, its officers, agents and employees from every loss, cost, expense, claim, judgment, execution, suit or demand resulting or in any manner arising from the action or inaction of PrivaCom in constructing, operating, or maintaining its business or in exercising or failing to exercise any right or privilege granted by its franchise or this ordinance or in performing or failing to perform any duty imposed by its Franchise or this ordinance.

Section 28. City Taking Part in Litigation.

The City shall have the right to take part, by intervention or otherwise at its option, in any suit, action, or proceeding instituted by or against PrivaCom in which any judgment, decree, or order can be rendered affecting the rights, powers or duties of PrivaCom to do or not to do anything which, by its franchise or this ordinance, it is obligated or may be required to do or not to do or affecting, such as by foreclosure or lien, PrivaCom's title to any facility. PrivaCom shall not object to the City's exercise of such right.

Section 29. Conflict with Other Regulations.

Where a provision of this ordinance or PrivaCom's Franchise is in conflict with a rule of the Commission, FERC or FCC, so that PrivaCom cannot reasonably comply with both the provisions of this ordinance or franchise and the rule of the Commission, FERC or FCC, then PrivaCom may, after giving the City written notice of its intent to do so and a statement of the legal grounds for its position, comply with such rule instead of the conflicting provision of this ordinance or the franchise until such time as the City obtains a contrary ruling or other relief from an appropriate regulatory agency or court of competent jurisdiction; but PrivaCom shall comply with all remaining provisions of this ordinance or Franchise. Notice of intention not to comply given pursuant to this section shall not relieve PrivaCom - upon determination that the noncompliance was unlawful or otherwise improper - from the obligation to pay more damages, redo work at PrivaCom's expense, or otherwise take such steps as may be necessary to restore the City to the position it would have been in if PrivaCom had remained in compliance with this ordinance and its Franchise.

Section 30. Compliance with Applicable Laws and Ordinances.

PrivaCom shall, at all times during the term of its Franchise, be subject to the provisions of the present Charter of the City, the present ordinances, resolutions, rules, regulations, and laws of the City and of the State of North Carolina, and to the provisions of any further charter, ordinance, resolution, rule, regulation, or law of the City or of the State of North Carolina, so far as they may be applicable.

Section 31. North Carolina Law Governs.

In any controversy or dispute under this article, the law of the State of North Carolina shall apply to the extent such law has not been superseded or preempted.

Section 32. Franchise as Contract.

Upon its execution, by the City and PrivaCom, this Franchise Agreement shall be deemed to constitute a contract by and between PrivaCom and the City.

Section 33. Modification.

This Agreement, including all documents specifically incorporated herein, cannot be changed orally but only by an agreement in writing properly executed by the parties.

Section 34. Severability.

Should any part, term or provision of this ordinance or PrivaCom's franchise be held invalid or unenforceable by any court or competent jurisdiction, such part, term, or provision shall be deemed a separate, distinct and independent provision and such holding shall not invalidate or render unenforceable any other provision for this ordinance or the franchise.

Section 35. Acceptance.

This franchise and all of its terms and provisions shall be accepted by PrivaCom in writing in the form hereinafter set forth within fifteen (15) days of the grant of this franchise by the Council and when accepted shall be filed with the City Clerk who shall record the same in the Book of Ordinances. Such written acceptance shall state and express the acceptance of this franchise and its terms, conditions and provisions as follows:

> The undersigned _____ does hereby accept and approve the foregoing and attached franchise and all of its terms and conditions; and in consideration of the benefits and privileges granted to it does hereby agree to abide, carry out, observe, and perform all of the obligations and things provided to be carried out and performed by it in said franchise.

Section 36. This Ordinance is Effective Upon Ratification.

This the _____ day of _____, 1993.

PRIVACOM, INC./TDI

By: _____
President

ATTEST:

_____
Secretary

CITY OF CHARLOTTE

By: _____
City Manager/Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

On the _____ day of _____, 19____, before me, a Notary Public in and for the County and State aforesaid, personally appeared _____, the _____ President and _____, the _____ Secretary of _____, the Company, and for themselves and as such officers respectively, before and on the behalf of said Company, acknowledge the signing and execution of the foregoing instrument and acknowledge that the seal affixed to said instrument is the corporate seal of the said Company; and they affixed such corporate seal to and otherwise executed said instrument on behalf of the said Company; and that the signing and execution of said instrument is their free and voluntary act and deed as such officers respectively and is the free and voluntary act of the Company for all of the uses and purposes in said instrument mentioned, all pursuant to authority and direction duly given by the Board of Directors of the said Company.

In testimony whereof I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

_____
Notary Public

My Commission Expires:

_____

CHARLOTTE CONVENTION CENTER
TOTAL PROJECT BUDGET UPDATE

23AUG93

CONTRACTS AWARDED TO DATE	A NOVEMBER 1991 ESTIMATE [30% COMPLETE PLANS]	B ESTIMATE PRIOR TO BIDDING	C AWARDED LOW BID	D CONTRACT CHANGE ORDERS TO DATE	E CURRENT SAVINGS/(OVERRUN) FROM 11/91 ESTIMATE [A C D]	F M/WBE PARTICIPATION ACTUAL PERCENTAGES OF CONTRACT MBE	WBE
CONSTRUCTION MANAGER	$7,461,750	$7,461,750	$7,461,750	$0	$0	4%	0%
SITE OFFICE	$99,672	$99,672	$95,304	$1,097	$3,271	26%	2%
SITE DEMOLITION 1	$457,844	$458,945	$219,777	($11,841)	$249,908	5%	5%
TRADE MART DEMOLITION	$1,953,750	$1,953,750	$1,953,875	$369,500	($369,625)	0%	76%
SITE GRADING	$5,105,221	$6,677,370	$5,652,353	$172,704	($719,836)	17%	6%
STRUCTURAL STEEL	$12,162,028	$12,162,028	$10,851 576	$1,798,491	($488,039)	1%	1%
CONCRETE 1	$3,403,300	$3,242,003	$3,635,280	$175,455	($407,435)	6%	0%
WATERPROOFING	$619 410	$182,307	$184,620	$3,842	$430,949	0%	0%
FIREPROOFING	$916,050	$916 050	$394,490	$0	$521,560	0%	0%
ELEVATORS & ESCALATORS	$2,741,760	$2,741,760	$1,679,940	($31,000)	$1,092,820	1%	2%
PLUMBING	$1 778 939	$1,842,256	$2,783,329 (a)	$0	($1,004,390)	0%	7%
CONTROLS & BUILDING AUTOMATION SYSTEM	$1 588,251	$1,588,251	$1,239,797	$0	$348,454	24%	0%
HVAC	$7 361,006	$7,401,606	$8,766 343 (a)	$0	($1,405,337)	8%	0%
ELECTRICAL	$8 119 081	$8,343,574	$7,892,976 (a)	$0	$226,105	2%	0%
CONCRETE 2	$4 492 932	$5 021 293	$5 230 356 (a)	$0	($737 424)	20%	0%
FIRE PROTECTION	$1 185 712	$1 491 087	$1 297 705	$0	($111,993)	2%	0%
KITCHEN & FOOD SERVICE EQUIPMENT	$1 188 347	$1 205 916	$1 133 425	$0	$54 922	5%	0%
MISCELLANEOUS METALS	$1 622 562	$2 608 263	$2 758 544	$0	($1 135 982)	0%	100%
MASONRY	$3 698,323	$5,153,454	$3,081 563 (a)	$97,200 (d)	$517,540	11%	89%
PRECAST CONCRETE	$3 425 714	$3,504,403	$2,565 391 (a)	($201,795)	$1 042,118	6%	2%
ROOFING	$1 558 246	$1,461,019	$2,117,112 (a)	$0	($558,866)	1%	0%
STOREFRONT & CURTAINWALL	$2 654 670	$3,242,800	$2 787 290 (a)	$0	($132,420)	0%	0%
AUDIO / VISUAL	$817 392	$1,060 669	$1 006,531 (a)	$0	($189,139)	0%	24%
FINISHES	$6 454 150	$9 218 809	$9 572 700	$825,101 (d)	($3,743,651)	12%	0%
OVERHEAD DOORS	$378 460	$599 252	$572 176 (a)	($20,293)	($173,423)	6%	0%
SIGNAGE	$510 000	$487,555	$328 721 (a)	$0	$181,279	0%	0%
SITE DEMOLITION 2	$138 634	$156,261	$149,940	$0	($11,106)	100%	0%
MILLWORK & CABINETS	$713,523	$1,249,024	$830 843 (a)	$0	($117,320)	4%	1%
TOTALS	$82 625 127	$91 571 347	$86 263 727	$2 978 461	($6 617 061)	7%	10%

	ORIGINAL BUDGET (NOV 91)	CURRENT REVISED BUDGET
BID TO DATE	$82 625 127	$86 263 727
CHANGE ORDERS TO DATE (APPROVED)		$2 978 461
CHANGE ORDERS TO DATE (PENDING)		$2 085 762
TO BE BID	$1 103 956	$1 912 162 (b)
PROJECT GENERAL CONDITIONS		$520 000
CONSTRUCTION CONTINGENCY	$4 175 917	$1 403 288
BUILDING CONSTRUCTION COST	$87 905 000	$95 163 400
LAND COST	$30 170 000	$29 670 000
OTHER PROJECT COSTS	$23 590 000	$17,582 600 (c) (d)
TOTAL PROGRAM BUDGET	$141 665 000	$142 416 000

FOOTNOTES

(a) Negotiated low bid

(b) Construction Manager s Estimate

(c) Other Project Costs include such items as the Architect s Fee Project Contingency Furniture & Equipment Professional Testing Services City Administration and the Art Fund

(d) Includes Council action item

FILE STANBI D WK

REPORT UPDATED 12 Aug 93

FLUOR DANIEL INC