

ORDINANCE NO. 3600-X

O-87

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3303-X , THE 2006-2007 BUDGET ORDINANCE, APPROPRIATING \$1,828,417 IN DISCRETIONARY FUNDS FOR CONTRACT ADMINISTRATION AND DESIGN SERVICES FOR THE THIRD PARALLEL RUNWAY

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

Section 1. That the sum of \$1,828,417 is available from discretionary fund balance to be repaid from future FAA Grants and General Airport Revenue bonds.

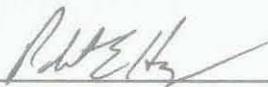
Section 2. That the sum of \$1,828,417 is hereby appropriated to the Airport Capital Projects Fund:  
2090-54014 = \$987,500  
2090-54005 = \$87,000  
2090-54002 = \$753,917

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

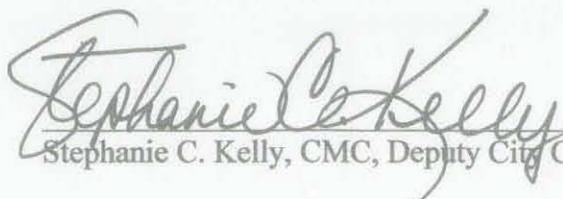
Approved as to form:

  
SA Kelly City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29<sup>th</sup> day of May, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 54, Page 947.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1<sup>st</sup> day of June, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3601-X

O-88

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3303-X, THE 2006-2007 BUDGET  
ORDINANCE, PROVIDING AN SUPPLEMENTAL APPROPRIATION FOR THE I-277  
AND INDEPENDENCE BOULEVARD INTERSECTION PROJECT.

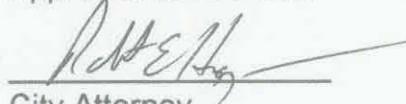
BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$2,000,000 is hereby available from Mecklenburg County and is appropriated to General Capital Projects Fund 2010; 48110 - I277 and Independence Intersection project.

Section 2. All ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be effective immediately.

Approved as to Form:

*SR 1155*  
  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29<sup>th</sup> day of May, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 54, Page 948.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1<sup>st</sup> day of June, 2007.

  
\_\_\_\_\_  
Stephanie C. Kelly, CMC, Deputy City Clerk

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3303-X, THE 2006-2007 BUDGET ORDINANCE PROVIDING APPROPRIATIONS FOR VARIOUS CHARLOTTE AREA TRANSIT SYSTEM CAPITAL AND GRANT PROJECTS AND FUNDING SOURCE ADJUSTMENTS ON VARIOUS ORDINANCES

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

Section 1. That the sum of \$501,600 is hereby estimated to be available from the following sources in association with a Federal 5309 Grant for the Eastland Community Transit Center:

<u>Source</u>	<u>Amount</u>
Federal 5309 Grant	\$401,280
State NCDOT Grant	50,160
CATS Operating (7801) Fund Balance	50,160
<b>Total</b>	<b>\$501,600</b>

Section 2. That the sum of \$501,600 is hereby appropriated to Fund 2078 in the project for Eastland Community Transit Center (84191).

Section 3. That the sum of \$877,108 is hereby estimated to be available from the following sources in association with the FY2007 CMAQ (Congestion Mitigation Air Quality) Grant

<u>Source</u>	<u>Amount</u>
Federal CMAQ Grant	\$800,000
State Grant	77,108
<b>Total</b>	<b>\$877,108</b>

Section 4. That Ordinance 2323-x (The FY2004 Annual Ordinance) Section 2, Schedule K and Section 4, Schedule K. are hereby amended as follows to reduce appropriation of Certificates of Participation:

<u>Section 2. Schedule K.</u>	<u>Original</u>	<u>Revised</u>
Buses Replacement and Expansion	\$22,074,504	\$19,151,610
Second Bus Garage	38,959,840	38,959,840
Historic Trolley Barn	5,000,000	5,000,000
	<b>\$66,034,344</b>	<b>\$63,111,450</b>

Section 4. Schedule K.

New Certificates of Participation (FY04)	\$59,539,148	\$56,616,254
Transfer of Capital Project Savings	6,495,196	6,495,196
	<b>\$66,034,344</b>	<b>\$63,111,450</b>

Section 5. That funding sources associated with Ordinance 3342-x are amended to utilize funding made available in sections 3 and 4 above and to return appropriated fund balance to fund balance as follows:

<u>Original</u>	<u>Revised</u>
7801 Fund Balance (Includes \$86,747 CMAQ match)	\$9,651,687
Federal CMAQ Grant	800,000
State Grant	77,108
New Certificates of Participation (FY04)	2,922,894
	<b>\$9,651,687</b>
	<b>\$9,651,687</b>

Section 6. That the sum of \$2,718,174 is hereby estimated to be available in 7801 fund balance as a result of Section 5 above.

Section 7. That the sum of \$2,718,174 is hereby appropriated for transfer to the following funds and projects for capitalization of eligible operating expenses:

<u>Fund - Project</u>	<u>Project Number</u>	<u>Amount</u>
2094 - Northeast Corridor	898.63	\$1,209,864
2095 - Streetcar / Center City Corridor	898.63	680,818
2096 - Southeast / West Corridor	898.63	674,664
2097 - North Corridor	898.63	152,828
		<u>\$2,718,173</u>

Section 8. That the sum of \$626,827 is hereby estimated to be available from the following sources in association with a Homeland Security Grant

<u>Source</u>	<u>Amount</u>
Federal Homeland Security Grant	\$578,788
CATS Operating (7801) Fund Balance	48,039
<b>Total</b>	<u>\$626,827</u>

Section 9. That the sum of \$626,827 is hereby appropriated to Fund 2078, Control Center 87730 Homeland Security Grant.

Section 10. That the sum of \$15,056,418 is hereby estimated to be available from the following sources in association with the FY2007 5307 Formula Grant

<u>Source</u>	<u>Amount</u>
Federal 5307 Formula Grant	\$13,302,569
State Grant	1,270,250
CATS Operating (7801) Fund Balance	483,599
<b>Total</b>	<u>\$15,056,418</u>

Section 11. That the sum of \$7,512,084 of the FY2007 Formula Grant is hereby appropriated to revise the funding sources associated with Ordinance 3303-x, Section 3, Schedule K for CATS Debt Service Fund 5301 as follows:

	<u>Original</u>	<u>Revised</u>
Transfers from Other Funds (Includes \$775,979 match)	\$18,257,526	\$10,745,442
Fund balance	298,799	298,799
Federal 5307 Formula Grant		6,788,933
State Grant		723,151
	<u>\$18,556,325</u>	<u>\$18,556,325</u>

Section 12. That the sum of \$279,000 of the FY2007 Formula Grant is hereby appropriated to revise the funding sources associated with Ordinance 3414-x, Section 1 as follows:

	<u>Original</u>	<u>Revised</u>
CATS Operating (7801) Fund Balance (Includes \$31,000 match)	\$3,296,000	\$3,017,000
Federal 5307 Formula Grant		248,000
State Grant		31,000
	<u>\$3,296,000</u>	<u>\$3,296,000</u>

Section 13. That ordinances as appropriate in the 2098 fund are amended to replace the use of loaned fund balance with \$2,136,846 in Federal 5307 Formula Grant funds. The required local match is included in existing COPS appropriations in the amount of \$2,136,846.

Section 14. That the sum of \$292,500 of the FY2007 Formula Grant is hereby appropriated to revise the funding sources associated with Ordinance 3548-x, Section 8 associated with the project for the purchase of Automated Passenger Counters for Light Rail Vehicles as follows:

	<u>Original</u>	<u>Revised</u>
CATS Operating (7801) Fund Balance (Includes \$32,500 match)	\$1,940,000	\$1,647,500

Federal 5307 Formula Grant	260,000
State Grant	32,500
	<b>\$1,940,000</b>
	<b>\$1,940,000</b>

Section 15. That the sum of \$4,835,987 associated with the FY2007 Formula Grant is hereby appropriated to fund 2078 as follows to allow for capitalization of eligible operating expenses:

	<u>Source</u>	<u>Amount</u>
FY06 Formula Grant (Bus Operations Maintenance) (84160)	Federal	\$3,735,844
	State	\$466,981
	Local	\$466,981
		<b>\$4,669,806</b>
FY05 Capital Control (Bus Route Facility Improvements) (87710)	Federal	132,946
	State	16,618
	Local	16,618
		<b>\$166,182</b>

Section 16. That funding sources and appropriations associated with Sections 1 and 2 of Ordinance 3548-x are amended as follows in order to apply FY2007 Advanced Technology Grant Funding to an existing eligible project:

	<u>Original</u>	<u>Revised</u>
State NCDOT Grant	\$765,000	\$384,544
CATS Operating (7801) Fund Balance	85,000	42,727
	<b>\$850,000</b>	<b>\$427,271</b>

Section 17. That funding sources associated with Ordinance 3274-x for the HASTUS Software Upgrade are amended as follows and associated with Section 16 of this ordinance resulting in a return to fund balance:

	<u>Original</u>	<u>Revised</u>
State NCDOT Grant	\$0	\$380,456
CATS Operating (7801) Fund Balance	875,355	494,899
	<b>\$875,355</b>	<b>\$875,355</b>

Section 18. Sections of this ordinance estimates federal and state grant participation. Upon receipt of the grant assistance, the sources and levels of funding for the project specified may be adjusted to reflect permanent financing. Until permanent financing is realized, the Finance Director is hereby authorized to advance funding from Fund 7801 fund balance to cover the estimated grant revenues specified above. Upon receipt of grant revenues, funds advanced to the project shall revert back to the Fund 7801 fund balance. If grant funding is not realized, the advance may be designated as the permanent source of funding. The total project appropriation level will not exceed the amounts specified, unless amended by a subsequent ordinance(s).

Section 19. All ordinances in conflict with this ordinance are hereby repealed.

Section 20. This ordinance shall be effective upon adoption.

Approved as to Form:



SR Asst City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29<sup>th</sup> day of May, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 54, Pages (949-952).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1<sup>st</sup> day of June, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3603

AN ORDINANCE AMENDING ARTICLE I, CHAPTER 23 OF THE CHARLOTTE CITY CODE TO REFLECT ORGANIZATIONAL CHANGES INVOLVING THE CUSTOMER SERVICE DIVISION OF CHARLOTTE-MECKLENBURG UTILITIES AND TO AUTHORIZE JUST AND EQUITABLE ADJUSTMENTS OF WATER AND/OR SEWER BILLS.

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BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. That wherever the words "revenue division" appear in Article I of Chapter 23 of the Code of the City of Charlotte, with the sole exception of Section 23-8, such words shall be stricken and the words "customer service division" shall be substituted in lieu thereof.

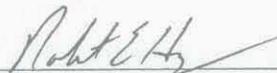
Section 2. That wherever the words "the finance department" appear in Article I of Chapter 23 of the Code of the City of Charlotte, such words shall be stricken and the abbreviation "CMU" shall be substituted in lieu thereof.

Section 3. That Section 23-6 of Article 1 of Chapter of the Code of the City of Charlotte is amended by enacting a new subsection (c) which shall read as follows:

(c) Notwithstanding any other provision of this Article, the Director may adjust a water and/or sewer bill otherwise prepared in accordance with this Article in such manner and in such amount as he determines to be just and equitable, based upon guidelines approved by the City Manager.

Section 4. This ordinance shall take effect on June 1, 2007.

APPROVED AS TO FORM:

  
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SRASS City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29<sup>th</sup> day of May, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 54, Page 953.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1<sup>st</sup> day of June, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3604

**ORDINANCE AMENDING CHAPTER 4, ARTICLE II OF THE CITY CODE OF THE  
CITY OF CHARLOTTE  
IMPOSING A CONTRACT FACILITY CHARGE ("CFC") ON RENTAL CAR  
CONTRACTS AT CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT:**

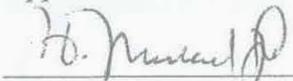
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA THAT:

Section 1. Chapter 4, Article II, is amended by adding a new Section 4-38 that reads,

- (1) Commencing July 1, 2007, each rental car company that meets the definition of "Tenant RACs" in Section 4-102 of this Chapter shall collect a daily contract facility charge ("CFC") from each customer who contracts for or receives delivery of a rental vehicle at the Airport.
- (2) The initial amount of the CFC ("CFC Amount") is hereby established as \$3.50 per rental car contract for each day or part thereof that the vehicle is rented to the customer. The City Manager or the Aviation Director may increase or decrease the CFC Amount from time to time as necessary to provide sufficient revenue in each fiscal year to pay the costs and expenses set forth in Section 6 of this ordinance.
- (3) All CFCs collected by Tenant RACs are and shall be trust funds held for the benefit of the City. Tenant RACs and their agents shall hold no legal or equitable interest in the CFCs. Each Tenant RAC shall segregate, separately account for and disclose all CFCs as trust funds in its financial statements, and shall maintain adequate records that account for all CFCs charged and collected. Failure to segregate the CFCs shall not alter or eliminate their trust fund nature. The City shall have the right to audit the CFC records upon reasonable notice.
- (4) Each Tenant RAC shall remit all CFCs that were collected or should have been collected to the City on a monthly basis together with a statement of the number of rental contracts for the month, as well as the length of the rental period and the CFC collected for each such rental contract. The CFCs shall be remitted by the 25th day of the month following the month the CFCs were collected.

- (5) Failure to strictly comply with this Ordinance shall constitute a material breach of the Tenant RAC's concession agreement and facility lease with the City.
  
- (6) The City shall use the proceeds of the CFC solely for:
  - a) the costs of planning, acquiring, constructing and financing improvements to the current or future rental car facilities at the Airport;
  - b) the debt service on obligations issued by or on behalf of the City to plan, acquire and construct the current or future rental car facilities at the Airport;
  - c) the costs of operating, maintaining and repairing the current or future rental car facilities at the Airport;
  - d) the prepayment of the indebtedness incurred by the City to plan, acquire and construct the current or future rental car facilities at the Airport;
  - e) to compensate the City for any amounts due the City from and not otherwise paid by the Tenant RACs pursuant to the concession agreements and facility leases in effect between the City and the Tenant RACs.

Approved as to form:

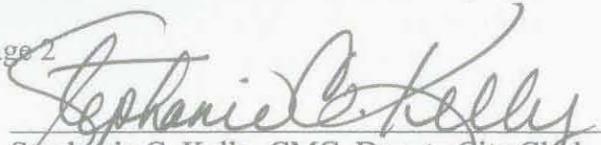
  
\_\_\_\_\_  
City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29<sup>th</sup> day of May, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 54, Pages (954-955).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1<sup>st</sup> day of June, 2007.

Page 2

  
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Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3605-X

O-90

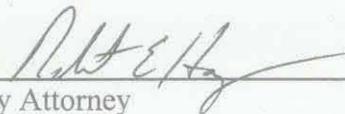
AN ORDINANCE TO AMEND ORDINANCE NUMBER 3303-X, THE FY2006-2007 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR RENOVATIONS TO OVENS AUDITORIUM

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

- Section 1. That the sum of \$300,000 is hereby estimated to be available from the Municipal Debt Service Fund (5101)
- Section 2. That the sum of \$300,000 is hereby appropriated to General Capital Project Fund 2010; 249.40 - Ovens/Cricket Maintenance.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective immediately.

Approved as to Form:

*SR 11551*   
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29<sup>th</sup> day of May, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 54, Page 956.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1<sup>st</sup> day of June, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

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