**AGENDA**

<table>
<thead>
<tr>
<th>Meeting Type:</th>
<th>B</th>
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</thead>
<tbody>
<tr>
<td>Date:</td>
<td>08-23-1993</td>
</tr>
</tbody>
</table>

City of Charlotte, City Clerk’s Office
Diner Meeting 8-23-93

Majur Verirot  
Campbell  
Crockett  
Henderson  
McCray  
Major  
Morgan  
Martin  
Patton  
Rid  
Scaboing  
Wheeler

Peter Askland  
Chair, Chamber of Commerce  
Kim jelly  
International Inn  
Janet Malkenas  
Jennifer Water Roberts  
1st Union

5:30 p.m.

Vinroot  
Larry Rosentrauch  
Janet Malkenas  
Jennifer Water Roberts  
David Vinroot  
Kim Jelly  
Peter Akerblom  
Vinroot  
Scarborough
Roberts
Akerblom
Mangum
Vinson
Underhill
Reid
Reynolds

Man / Patt

Epee,

NO NEED
Annexation lawsuit
Underhill
Mike Boyd

Scan / Henry - to Aons-

Reid
Boyd
Reid
Underhill
Reid
Underhill
Reid
Underhill
McCreery

Who renders the opn. on?
Boyd
McCrory
Boyd
McCrory
McCrory

Could we be exposing ourselves to future lawsuits?

Boyd
McCrory
Underhill
Mr. Gray
Martin
plaintiffs

Boyd
Martin
Boyd
Mayor
Boyd

Vote - unanimous
Martin
Mayor
Mayor
Mayor
Mayor

Alexander
Reid

Vi
Reid
Adjourn 6:25
| Mayor Venust | ✓ |
| Campbell | ✓ |
| Clifton | ✓ |
| Hammond | ✓ |
| McGary | ✓ |
| Majed | ✓ |
| Morgan | ✓ |
| Martin | ✓ |
| Patterson | ✓ |
| Reid | ✓ |
| Scarborough | ✓ |
| Wheeler | ✓ |

6:35 p.m.

Venust

Invocation Father Richard M. Bellows 8922 McClellan Circle
Paul Thompson, Jr. 122 Queens Gate Lane 25 yrs.
Glenn Grant
Jane Scott

Venust Is it a taking?

Underhill noise ordinance can be enforced.

Martis

Venust
McCory - if we make exceptions?
Underhill - we don't make exceptions.
McCory
Reid - how long there?
Campbell - Underhill, don't apply gender theory.
Underhill - if you say so.
Reid - What? Underhill - "Don't say so.
Majed - Can someone close Blackstone door?
Underhill - Don't know if Blackstone violates Magera.
Underhill -
Clodfelter
Underhill - A lot is involved in a civil action.
Campbell - 3rd option?
Underhill - Criminal misdemeanor warrants.
Clodfelter -
Underhill - Why not try that for a while?
Majed - Muffler?
Underhill - if we get complaints on Blackstone, will issue ticket.
Majed
Underhill - there are 2 different sections of code.
Vinroot
Paul Thompson - understand citations can be written to drivers also and things are opening up to other.
6:58 that can be done also.
7:00 p.m. Regular Mtg.

Vinroot
Morgan
Vinroot

Scarborough, Hammond, Choo Heng, Unan.
McCray / Scarborough, Choo
App. Unan.

#2
Vinroot
Hammond
Martin
White
Vinroot
Martin
Reid

Vote - Reid
White
Reid
White
Reid
White
Reid
White
Vinroot
Mangum
Reid
White
Reid
Vinroot
Reid

Undeclared - Not Legally - Not Under Disclosure

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.
Unan.

Mangum / Wheeler
App. 18.C, D+F
Unan.
#23 Reid
Alexander
Reid
Morgan / Hammond app.

#26 Varnell
Reid
David Varnell
Reid
Varnell
White
Billy Crockett
Reid
Varnell
White
Patterson
Varnell
Patterson
Varnell
Patterson
Varnell
Patterson
Morgan / Patterson
App.
unan.
#27
Campbell
Garner
Campbell
Garner
Crockett
Mangum
Patterson

#29 Vinsool
Campbell
White

#30 Campbell
White
Julie Burd - 90 days
Mangum
Wheeler
App 29 + 30

#5 - Pulled
Martin - When will it come back?
White - Neff - White
Vinsool - 11/3
Alexander -
McCary - Are we still setting aside the 100 on Crow, etc.?
McCrosky - We had a previous vote on Alexander.

McCrosky - We are not making a decision today. We are just asking a question.

Vinroot - We are not making a decision today. We are just asking a question.

Reid - White - yes, but 1st question is no.

#6 Vinroot

McCrosky (Ralph)

Vinroot

Alex Miller

Alex Miller

Vinroot

Majed

Majed

Vinroot

Vinroot

Alex Miller

Alex Miller

Clodfelter

Clodfelter

Clodfelter

Clodfelter

Underhill

Underhill

Majed

Majed

Majed

Majed

Majed

Vinroot
Martin
Vinroot
McCory - Is it budgeted?
White - No.
McCory
White - Limited Contingency fund, then Fund Balance
McCory
White
Hammond - '85 or '86 when economic loss statute was instituted.

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Page 2 8:00]
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
Raid

Subst. Vote
No: Henderson, McCrory, Morgan
Wheeler
White

#7 Vinroot

Lee 8:15
Rhine 8:20

Vinroot
Vincent Rudzak
Reid
Whitney
Jerry Byers
Marvin Wilson
Vincoot
Patterson

Patterson / Hammond - Do it Public Service Committee to work out some details & eliminate contradictions - 60 days

Hammond
McCory
Patterson
McCory
Clodfelter
Morgan
Majed
Wheeler
Martin
Scarborough
Campbell

Subst. Campbell / McCory - Approve
Wheeler
Campbell -
Reid
Hammond
Patterson
Vinroot
Clofdellie
Majied
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 Revisions

Reid
White
Borgdorf
Reid
Bill Deurrent
Vinroot
White
Deurrent
Vinroot
Mangum
Vote - Zena.

#9 Vinroot
Wheeler
Cleofelter
Hammond
Doris Doris
Wheeler
Doris
Scarborough
Martin
Doris
Martin
Doris
Martin
Doris
White
Wheeler - 2005
Doris
Wheeler
Vinroot
Scarborough / Refuse - Patia Hodgkinson
Wheeler
Majeed
Jeff King, Chair. Call
Calleva
Coffeltie
Boris
Hammond
Scarborough
Hammond
Boris
Martin
King
Martin
King
Vinroot
Majeed
Vinroot
VOTE

Unes
#10 Scarborough - Put in Com.
Coffeltie/Hammond - App.
No - Scarborough
Underhill - not 157 Reading; needs only 1.
will put back on agenda if necessary.
#11 Morgan/Hammond App.
Scarborough
White
Reid
Burch- 1st extension of this contract
Reid
Burch
Scarborough
Burch
Vinroot
Scarborough
Burch - Comm. of 100
Scarborough
Burch - to 8/30/94
Scarborough
Burch
Vote
No Scarborough

#12 Patt / Kern
Unan.

#13 Mangum / Wheeler app.
Unan.
Saw
#11 Mangum / other app.
Unan.

#15 Mangum / Wit app.
Unan.
#16 Vincent

Coal / Scarborough
App. A + B

Amy Getman
Keith Legit Martin
Reid

Vinson

Tape 2 ran out
3 did not start

Vinson
McCrory
Heard

Vinson
Hammond

McCrory - inconsistencies

Vote -
No Camp, Reid, McC

Martin / Scarborough
App. Vision

Reid

Pattern
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

Advisory Energy Comm.

Brentrup - Clodfelter, Hammond,
    Patterson

Feltis - Mangum, Scarborough, Majeed,
    Martin

Schwarz - Campbell, Wheeler

Spears - Reid, McCaughey
Airport Adv.
Almond - Hammond, Campbell, Mangu, Majeeed

Free Advisory
Westier - Clodfelter, Hammond, Patterson, Scarborough, Wheeler, Majeeed, Martin
Williams - Campbell, Mangu, Reid, McCrary

Youth Involvement
Carney - Campbell, Mangu, Reid, Wheeler, McCrary

Driffen - Clodfelter, Hammond, Patterson, Scarborough, Majeeed, Martin

Second Ballot
Advisory Energy - Run-off between Bretecup and Pettis
Mr. Clodfelter asked what the category is for the appointment.

Ms. Iwaz said she would rather avoid and advise later.

McCreery / Mangum

Defer to next meeting

Unan.

McCreery / 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.


3. Paul Thompson - 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, 4419 Monroe Road - 331-9515

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

   (3) Angaza Laughinghouse, 4419 Monroe Road - 331-9515
# MEETINGS IN AUGUST '93

## THE WEEK OF AUGUST 2 - 8

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Monday</td>
<td>5:00 p.m</td>
<td>CITY COUNCIL/Workshop</td>
<td>CMGC Conference Center</td>
</tr>
<tr>
<td>4 Wednesday</td>
<td>8:30 a.m</td>
<td>CIVIL SERVICE BOARD/Meeting (Closed)</td>
<td>CMGC Room 118</td>
</tr>
</tbody>
</table>

## THE WEEK OF AUGUST 9 - 13

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Monday</td>
<td>7:00 p.m</td>
<td>HISTORIC LANDMARKS COMMISSION</td>
<td>Commission Office 500 N Tryon St Suite 200</td>
</tr>
<tr>
<td>10 Tuesday</td>
<td>12:00 Noon</td>
<td>AUDITORIUM COLISEUM CONVENTION CENTER AUTHORITY</td>
<td>Independence Arena 2700 E Independence Blvd</td>
</tr>
<tr>
<td></td>
<td>2:30 p.m</td>
<td>HOUSING APPEALS BOARD</td>
<td>CMGC 5th Floor Conference Room</td>
</tr>
<tr>
<td></td>
<td>4:00 p.m</td>
<td>AIRPORT ADVISORY COMMITTEE</td>
<td>Charlotte Douglas International Airport Conf Rooms A &amp; B</td>
</tr>
<tr>
<td>11 Wednesday</td>
<td>8:00 a.m</td>
<td>CLEAN CITY COMMITTEE</td>
<td>CMGC Room 270</td>
</tr>
<tr>
<td>11 Wednesday</td>
<td>3:00 p.m</td>
<td>HISTORIC DISTRICT COMMISSION</td>
<td>CMGC 8th Floor Conference Room</td>
</tr>
</tbody>
</table>

## THE WEEK OF AUGUST 16 - 20

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<tr>
<th>Day</th>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Tuesday</td>
<td>2:00 p.m</td>
<td>HOUSING AUTHORITY</td>
<td>Housing Authority 1301 South Boulevard</td>
</tr>
<tr>
<td>18 Wednesday</td>
<td>5:00 p.m</td>
<td>CITIZENS CABLE OVERSIGHT COMMITTEE</td>
<td>CMGC 7th Floor Conference Room</td>
</tr>
<tr>
<td>19 Thursday</td>
<td>7:45 a.m</td>
<td>PLANNING COMMISSION/Planning Liaison Committee</td>
<td>CMGC 8th Floor Conference Room</td>
</tr>
<tr>
<td></td>
<td>2:00 p.m</td>
<td>CMUD ADVISORY COMMITTEE</td>
<td>Utility Department 5100 Brookshire Blvd</td>
</tr>
<tr>
<td></td>
<td>2:00 p.m</td>
<td>ADVISORY ENERGY COMMISSION</td>
<td>Hal Marshall Center 700 N Tryon Street</td>
</tr>
<tr>
<td></td>
<td>7:00 p.m</td>
<td>CHARLOTTE TREE ADVISORY COMMISSION</td>
<td>CMGC Room 270</td>
</tr>
</tbody>
</table>

## THE WEEK OF AUGUST 23 - 27

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</tr>
</thead>
<tbody>
<tr>
<td>23 Monday</td>
<td>11:30 a.m</td>
<td>PLANNING COMMISSION/Executive Committee</td>
<td>CMGC 8th Floor Conference Room</td>
</tr>
<tr>
<td></td>
<td>5:00 p.m</td>
<td>COUNCIL/MANAGER DINNER</td>
<td>CMGC Conference Center</td>
</tr>
<tr>
<td></td>
<td>6:30 p.m</td>
<td>CITIZENS HEARING</td>
<td>CMGC Meeting Chamber [Televised Live Cablevision 16 Vision Cable 32]</td>
</tr>
<tr>
<td></td>
<td>7:00 p.m</td>
<td>CITY COUNCIL MEETING</td>
<td>CMGC Meeting Chamber [Televised Live Cablevision 16 Vision Cable 32]</td>
</tr>
<tr>
<td>25 Wednesday</td>
<td>7:45 a.m</td>
<td>PRIVATE INDUSTRY COUNCIL</td>
<td>CMGC Conference Center</td>
</tr>
<tr>
<td>26 Thursday</td>
<td>4:30 p.m</td>
<td>CHARLOTTE TRANSIT ADVISORY COMMITTEE</td>
<td>CMGC Room 119</td>
</tr>
<tr>
<td></td>
<td>5:00 p.m</td>
<td>CHARLOTTE MECKLENBURG ART COMMISSION</td>
<td>Arts &amp; Science Conference Room 214 N Church St</td>
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(Continued on Back)
### AUGUST 30 - 31

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<tbody>
<tr>
<td>30 Mon</td>
<td>5:00 p.m</td>
<td>COUNCIL/manager DINNER</td>
<td>CMGC Meeting Chamber Conference Room</td>
</tr>
<tr>
<td></td>
<td>6:00 p.m</td>
<td>CITY COUNCIL MEETING/Public Hearing on Central District Plan</td>
<td>CMGC Meeting Chamber</td>
</tr>
<tr>
<td>31 Tue</td>
<td>1:00 p.m</td>
<td>ZONING BOARD OF ADJUSTMENT</td>
<td>Hal Marshall Center 700 N Tryon Street</td>
</tr>
</tbody>
</table>

**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
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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<td>1.</td>
<td>Abandon a Portion of Old Dowd Road</td>
<td>1</td>
<td>1</td>
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<tr>
<td>2.</td>
<td>General Obligation Bond Referendum</td>
<td>2</td>
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<td>3.</td>
<td>Approval of Minutes</td>
<td>3</td>
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<td>4.</td>
<td>Consent Items</td>
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### PUBLIC HEARING

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<td>Public Art Program</td>
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<td>6.</td>
<td>Economic Loss Payments for Garbage Haulers</td>
<td>5</td>
<td>4</td>
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<td>7.</td>
<td>Privatization Task Force Recommendations</td>
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### POLICY

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<td>8.</td>
<td>Resolutions Concerning FY94 Capital Equipment Financing and Roll-Out Garbage Collection Containers</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>9.</td>
<td>Cablevision Expansion</td>
<td>11</td>
<td></td>
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<tr>
<td>10.</td>
<td>Cable Franchise Agreement Amendment - US West</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>11.</td>
<td>Extension of Transit Management Contract</td>
<td>13</td>
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<tr>
<td>12.</td>
<td>Aviation Ground Lease Agreement - Alamo</td>
<td>14</td>
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<tr>
<td>13.</td>
<td>Aviation Underground Storage Tanks</td>
<td>16</td>
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<tr>
<td>14.</td>
<td>Operational Fire Protection Agreement with N.C. Air National Guard</td>
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<tr>
<td>---------</td>
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<td></td>
</tr>
<tr>
<td>15. Noise Lawsuit Settlements</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Focus 2010 - Second Phase</td>
<td>19</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>17. Appointments to Boards and Commissions</td>
<td>20</td>
<td>8-11</td>
<td></td>
</tr>
</tbody>
</table>

**CONSENT I**

18. Various Bids:

A. Plato Price School Demolition | 22 |

B. General Construction - Contract 1 - Additions and Alterations to the Irwin Creek Wastewater Treatment Plant | 22 |

C. Plumbing Work - Contract 2 - Additions and Alterations to the Irwin Creek Wastewater Treatment Plant | 22 |

D. Heating and Ventilating Work - Contract 3 - Additions and Alterations to the Irwin Creek Wastewater Treatment Plant | 23 |

E. Electrical Work - Contract 4 - Additions and Alterations to the Irwin Creek Wastewater Treatment Plant | 23 |

F. Sanitary Sewer and Water Main Construction - FY94 Contract B - Street Main Extensions | 23 |

G. Fall Resurfacing | 23 |

H. Laurel Avenue Storm Drain Repair | 24 |

I. Add-A-Lane | 24 |

19. Refund of Certain Taxes | 24 | 12 |
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<tr>
<td>20.</td>
<td>Bid Item</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>US Air Office and Other Tenant Spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Order of Collection for Ad Valorem Taxes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Resolution Repealing Excess Authorization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Two Thirds Public Building Bonds Budget Ordinance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Second Reading, PrivaCom and Teleport Denver Company Franchise Agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Aviation Land Acquisition Contract Extension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>New Convention Center Construction Inspection Services - Law Engineering</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contract Amendment</td>
<td></td>
<td></td>
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<tr>
<td>27.</td>
<td>New Convention Center Wall Systems - Cecil Malone Company Change Order #1</td>
<td></td>
<td></td>
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<tr>
<td>28.</td>
<td>New Convention Center Masonry Work - Pampano Masonry Change Order #1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>Storm Water Maintenance Package A - Change Order #1 - Ferebee Corporation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Storm Water Maintenance Package C - Change Order #1 - United Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>Municipal Agreement - Beatties Ford and Mt. Holly-Huntersville Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32.</td>
<td>Property Transactions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.

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.

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

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:

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:

- 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.
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

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).

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

<table>
<thead>
<tr>
<th>Project</th>
<th>FY94 and FY95 Art Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention Center</td>
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</tr>
<tr>
<td>Park and Ride Lots</td>
<td>3,500</td>
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<tr>
<td>Law Enforcement Center</td>
<td>181,000</td>
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<tr>
<td>Total</td>
<td>$1,034,500</td>
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</table>
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)

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**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.
**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:

- Southern, Kings and Taylors did not make any request for a contract to continue serving its annexed customers. NCGS 160A-49 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.

- 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 or an economic loss payment.

- 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.
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.
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:

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).

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).

3rd

A resolution stating the City’s intent to be reimbursed from proceeds for equipment purchases made prior to the financing.

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

Staff Resource: Richard Martin
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.
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.

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.
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.

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.

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.

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.

### 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.
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.
Aviation Underground Storage Tanks

Action:

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

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.
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.

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

Clearances: The 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

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.
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.

**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.
• 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
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
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, NC in the amount of $76,178 be accepted. WBE participation is 100%.

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

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. WBE participation is 100%.

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

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

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%.

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

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:  

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

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:  

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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.
H. Laurel Avenue Storm Drain Repair

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

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

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

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19. Refund of Certain Taxes

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
CONSENT II

20. Bid Item

A. US Air Office and Other Tenant Spaces

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

Resolution Repealing Excess Authorization

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.
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.

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.

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.

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.
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 services 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.


Action:

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.
• 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:

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 Insulation 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-inceilings, 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.
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.

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.

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.
**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.

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
(Church of God property)
Property to be acquired: Frame Ranch, 2 bedroom, 1 5 baths
Improvements: N/A
Tax Value: Purchase Price: $25,000
<table>
<thead>
<tr>
<th>Project:</th>
<th>F.A.R. Part 150 Land Acquisition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner(s):</td>
<td>Robert Dry and wife</td>
</tr>
<tr>
<td>Property Address:</td>
<td>6437 Virginia Avenue</td>
</tr>
<tr>
<td>Property to be acquired:</td>
<td>.573 acres</td>
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<tr>
<td>Improvements:</td>
<td>Brick Ranch, 4 bedroom, 2 bath</td>
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<tr>
<td>Tax Value:</td>
<td>$84,230</td>
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<tr>
<td>Purchase Price:</td>
<td>$84,500</td>
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</thead>
<tbody>
<tr>
<td>Owner(s):</td>
<td>David W. Moore and wife</td>
</tr>
<tr>
<td>Property Address:</td>
<td>3308 Barry Drive</td>
</tr>
<tr>
<td>Property to be acquired:</td>
<td>.549 acres</td>
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<tr>
<td>Improvements:</td>
<td>Brick Ranch, 2 bedroom, 1 bath</td>
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<tr>
<td>Tax Value:</td>
<td>$49,910</td>
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<tr>
<td>Purchase Price:</td>
<td>$65,000</td>
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<tr>
<td>Remarks:</td>
<td>The Tax Department has lowered the evaluations in Moores Park due to &quot;economic obsolescence&quot; (proximity to the Airport)</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Project:</th>
<th>F.A.R. Part 150 Land Acquisition</th>
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</thead>
<tbody>
<tr>
<td>Owner(s):</td>
<td>Roy J. Stilwell and wife</td>
</tr>
<tr>
<td>Property Address:</td>
<td>3701 Green Valley Road</td>
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<tr>
<td>Property to be acquired:</td>
<td>1475 Acres</td>
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<tr>
<td>Improvements:</td>
<td>Ranch, basement, 4 bedroom, 1.5 baths</td>
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<tr>
<td>Tax Value:</td>
<td>$66,610</td>
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<td>Purchase Price:</td>
<td>$116,800</td>
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</thead>
<tbody>
<tr>
<td>Owner(s):</td>
<td>Thomas R Pack and wife</td>
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<tr>
<td>Property Address:</td>
<td>3213 Barry Drive</td>
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<tr>
<td>Property to be acquired:</td>
<td>.559</td>
</tr>
<tr>
<td>Improvements:</td>
<td>Brick Ranch, 3 bedroom, 2 bath</td>
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<tr>
<td>Tax Value:</td>
<td>$52,320</td>
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<td>Purchase Price:</td>
<td>$66,000</td>
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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
C O N S E N T I A G E N D A I T E M

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 architect.

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.


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


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:

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bison, Inc.</td>
<td>Charlotte, N C</td>
<td>$ 76,178</td>
</tr>
<tr>
<td>D.H. Griffin</td>
<td>Charlotte, N C</td>
<td>$110,250</td>
</tr>
<tr>
<td>Moretti Const.</td>
<td>Charlotte, N C</td>
<td>$139,156</td>
</tr>
<tr>
<td>Jones</td>
<td>Charlotte, N C</td>
<td>$142,800</td>
</tr>
<tr>
<td>L-J Inc</td>
<td>Columbia, S C</td>
<td>$173,704</td>
</tr>
<tr>
<td>Safeway</td>
<td>Iron Station, N C</td>
<td>$176,925</td>
</tr>
</tbody>
</table>

MWBE Status:  
- MBE 0% of Project 10% Proj Goals
- 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 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 Treatment 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.


Summary of Bids:

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thamer Construction, Inc.</td>
<td>Norcross, GA</td>
<td>$ 6,431,949 00</td>
</tr>
<tr>
<td>Crowder Construction Company</td>
<td>Charlotte, NC</td>
<td>6,645,300 00</td>
</tr>
<tr>
<td>Summit-Beers Construction Co</td>
<td>Scottsdale, GA</td>
<td>6,781,419 00</td>
</tr>
<tr>
<td>Danis Industries Corporation</td>
<td>Birmingham, AL</td>
<td>6,963,540 00</td>
</tr>
<tr>
<td>Adams Robinson Enterprises, Inc.</td>
<td>Dayton, OH</td>
<td>7,002,300 00</td>
</tr>
<tr>
<td>Heavy &amp; Environmental Group</td>
<td>Dayton, OH</td>
<td>7,052,280 00</td>
</tr>
<tr>
<td>State Utility Contractors, Inc.</td>
<td>Monroe, NC</td>
<td>7,373,580.00</td>
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<tr>
<td>Lee Construction Company</td>
<td>Charlotte, NC</td>
<td>7,505,160 00</td>
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MWBE Status: Amount  % of Project  Proj Goals

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<tr>
<th>MBE</th>
<th>$131,000</th>
<th>2 0%</th>
<th>4%</th>
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<tbody>
<tr>
<td>WBE</td>
<td>$350,000</td>
<td>5 4%</td>
<td>1%</td>
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</table>

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
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 Treatment 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.


Summary of Bids:

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.Z. Price &amp; Associates, Inc.</td>
<td>Charlotte, NC</td>
<td>$73,634.00</td>
</tr>
<tr>
<td>Castor Plumbing Company</td>
<td>Davidson, NC</td>
<td>74,834.00</td>
</tr>
<tr>
<td>L T Mechanical, Inc</td>
<td>Charlotte, NC</td>
<td>74,970.00</td>
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MWBE Status: WBE PRIME CONTRACTOR

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<th></th>
<th>Amount</th>
<th>% of Project</th>
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</thead>
<tbody>
<tr>
<td>MBE</td>
<td>$0</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>WBE</td>
<td>$73,634.00</td>
<td>100%</td>
<td>1%</td>
</tr>
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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 Treatment 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


Summary of Bids:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.Z. Price &amp; Associates, Inc</td>
<td>Charlotte, NC</td>
<td>$489,396 00</td>
</tr>
<tr>
<td>Mechanical Contractors, Inc</td>
<td>Charlotte, NC</td>
<td>506,940 00</td>
</tr>
<tr>
<td>Climate Conditioning of Charlotte</td>
<td>Charlotte, NC</td>
<td>507,654 00</td>
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MWBE Status: WBE PRIME CONTRACTOR

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<td>MBE</td>
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<tr>
<td>WBE</td>
<td>$489,396.00</td>
<td>100%</td>
<td>1%</td>
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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 Treatment 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


Summary of Bids:

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<tr>
<th>Contractor</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy Erectors, LTD</td>
<td>Leesburg, FL</td>
<td>$3,268,899.00</td>
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<tr>
<td>King Electric, Inc</td>
<td>Johnson City, TN</td>
<td>3,280,099.00</td>
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<tr>
<td>Watson Electric Co, Inc</td>
<td>Charlotte, NC</td>
<td>3,294,430.00</td>
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<tr>
<td>Ind-Com Electric Company, Inc</td>
<td>Charlotte, NC</td>
<td>3,403,740.00</td>
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<th>Proj Goals</th>
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<tr>
<td>MBE</td>
<td>$26,500</td>
<td>0.81%</td>
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<tr>
<td>WBE</td>
<td>$10,000</td>
<td>0.32%</td>
<td>1%</td>
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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.


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.

<table>
<thead>
<tr>
<th>MBE</th>
<th>Amount</th>
<th>% of Project</th>
<th>Proj Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>WBE</td>
<td>$981,640.00</td>
<td>99.7%</td>
<td>3%</td>
</tr>
</tbody>
</table>

WBE PRIME CONTRACTOR
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:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>REA CONSTRUCTION</td>
<td>$1,518,056.00</td>
</tr>
<tr>
<td>BLYTHE CONSTRUCTION</td>
<td>$1,562,543.90</td>
</tr>
<tr>
<td>CROWDER CONSTRUCTION</td>
<td>$1,644,287.45</td>
</tr>
<tr>
<td>APAC CAROLINA</td>
<td>$1,901,835.50</td>
</tr>
</tbody>
</table>

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

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.


Summary of Bids:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ferebee Corp</td>
<td>93,526 40</td>
</tr>
<tr>
<td>Blythe Development</td>
<td>99,241.45</td>
</tr>
<tr>
<td>United Const Co</td>
<td>112,219 95</td>
</tr>
<tr>
<td>Dakota Contracting</td>
<td>137,337 20</td>
</tr>
<tr>
<td>Showalter Const. Co</td>
<td>180,070 00</td>
</tr>
<tr>
<td>Sanders Bros. Const.</td>
<td>196,887 90</td>
</tr>
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</table>

MWBE Status.

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
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<th>Proj Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBE</td>
<td>$4,000 00</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>WBE</td>
<td>$7,776 00</td>
<td>10%</td>
<td>5%</td>
</tr>
</tbody>
</table>

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.


Summary of Bids:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
<th>% of Project</th>
<th>Proj Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sherrill and Asso</td>
<td>$224,617</td>
<td>8%</td>
<td>7%</td>
</tr>
<tr>
<td>Blythe Development</td>
<td>331,893</td>
<td>2%</td>
<td>4%</td>
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<tr>
<td>Ferebee Corp</td>
<td>377,205</td>
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</table>

MWBE Status:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>% of Project</th>
<th>Proj Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBE</td>
<td>$15,796 90</td>
<td>8%</td>
<td>7%</td>
</tr>
<tr>
<td>WBE</td>
<td>$ 4,250 00</td>
<td>2%</td>
<td>4%</td>
</tr>
</tbody>
</table>

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 Reading
City Engineer

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

ENGBID6.823
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

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention Center</td>
<td>$850,000</td>
</tr>
<tr>
<td>Park and Ride Lots</td>
<td>3,500</td>
</tr>
<tr>
<td>Law Enforcement Center</td>
<td>181,000</td>
</tr>
<tr>
<td><strong>Total Public Art Budget (City)</strong></td>
<td><strong>$1,034,500</strong></td>
</tr>
</tbody>
</table>

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

### Income

<table>
<thead>
<tr>
<th></th>
<th>FY 94</th>
<th>FY 95</th>
<th>2 Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City of Charlotte</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissions (91%)</td>
<td>$470,950</td>
<td>$470,950</td>
<td>$941,900</td>
</tr>
<tr>
<td>Administration (9%)</td>
<td>46,300</td>
<td>46,300</td>
<td>92,600</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>517,250</td>
<td>517,250</td>
<td>1,034,500</td>
</tr>
<tr>
<td><strong>Mecklenburg County</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissions (91%)</td>
<td>327,600</td>
<td>327,600</td>
<td>655,200</td>
</tr>
<tr>
<td>Administration (9%)</td>
<td>32,400</td>
<td>32,400</td>
<td>64,800</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>360,000</td>
<td>360,000</td>
<td>720,000</td>
</tr>
<tr>
<td><strong>Private Sector</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Queens Table</td>
<td>2,500</td>
<td>2,500</td>
<td>5,000</td>
</tr>
<tr>
<td>*Foundation for the Carolinas</td>
<td>5,000</td>
<td>0</td>
<td>5,000</td>
</tr>
<tr>
<td>*Individual Contributors</td>
<td>7,500</td>
<td>7,500</td>
<td>15,000</td>
</tr>
<tr>
<td>*Corporate Contributors</td>
<td>35,000</td>
<td>95,000</td>
<td>130,000</td>
</tr>
<tr>
<td>*Subtotal</td>
<td>50,000</td>
<td>105,000</td>
<td>155,000</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td>$927,250</td>
<td>$982,250</td>
<td>$1,909,500</td>
</tr>
</tbody>
</table>

### Expense

<table>
<thead>
<tr>
<th></th>
<th>FY 94</th>
<th>FY 95</th>
<th>2 Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commissions</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Charlotte</td>
<td>$470,950</td>
<td>$470,950</td>
<td>$941,900</td>
</tr>
<tr>
<td>Mecklenburg County</td>
<td>327,600</td>
<td>327,600</td>
<td>655,200</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>798,550</td>
<td>798,550</td>
<td>1,597,100</td>
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<tr>
<td><strong>Administration</strong></td>
<td></td>
<td></td>
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<tr>
<td>Public Art Director</td>
<td>42,000</td>
<td>44,000</td>
<td>86,000</td>
</tr>
<tr>
<td>Administrative Asst/Secretary</td>
<td>20,000</td>
<td>21,000</td>
<td>41,000</td>
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<tr>
<td>Benefits @ 15%</td>
<td>9,000</td>
<td>9,750</td>
<td>18,750</td>
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<tr>
<td>*Personnel Search</td>
<td>2,500</td>
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<td>2,500</td>
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<tr>
<td>Contracted Services</td>
<td>4,300</td>
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<td>7,100</td>
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<tr>
<td>Office Supplies</td>
<td>1,400</td>
<td>650</td>
<td>2,050</td>
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<tr>
<td>Equipment</td>
<td>2,000</td>
<td>500</td>
<td>2,500</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>81,200</td>
<td>78,700</td>
<td>159,900</td>
</tr>
<tr>
<td><strong>Program</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>*Public School Materials</td>
<td>7,000</td>
<td>2,000</td>
<td>9,000</td>
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<tr>
<td>*Public School Programs</td>
<td>15,500</td>
<td>18,000</td>
<td>33,500</td>
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<tr>
<td>*Exhibitions/Public Education</td>
<td>15,000</td>
<td>65,000</td>
<td>80,000</td>
</tr>
<tr>
<td>*Public Art Master Plan</td>
<td>10,000</td>
<td>20,000</td>
<td>30,000</td>
</tr>
<tr>
<td>*Subtotal</td>
<td>47,500</td>
<td>105,000</td>
<td>152,500</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td>$927,250</td>
<td>$982,250</td>
<td>$1,909,500</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Mecklenburg County Projects:</th>
<th>Art Allocation</th>
<th>Account Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlotte-Mecklenburg Aquatic Center</td>
<td>$ 54,000</td>
<td>$ 979.00</td>
</tr>
<tr>
<td>Courts Renovation/Criminal Courts</td>
<td>48,512</td>
<td>47,889.50</td>
</tr>
<tr>
<td>Hal Marshall Center</td>
<td>25,000</td>
<td>2,794.65</td>
</tr>
<tr>
<td>Tom Ray Center</td>
<td>3,548</td>
<td>436.00</td>
</tr>
<tr>
<td>Latta Park Equestrian Center</td>
<td>3,471</td>
<td>3,470.61</td>
</tr>
<tr>
<td>Sharon Regional Public Library</td>
<td>21,000</td>
<td>1,754.88</td>
</tr>
<tr>
<td>WIVI</td>
<td>20,150</td>
<td>30.97</td>
</tr>
<tr>
<td>County Police Building</td>
<td>2,190</td>
<td>190.00</td>
</tr>
<tr>
<td>Community Services Building</td>
<td>18,605</td>
<td>291.78</td>
</tr>
<tr>
<td>Mecklenburg County Detox Center</td>
<td>20,000</td>
<td>20,000.00</td>
</tr>
<tr>
<td>Department of Social Services and North West &amp; Southeast Medical Facilities/</td>
<td>10,000</td>
<td>34,923.04</td>
</tr>
</tbody>
</table>

Total Mecklenburg County project dollars $251,476

<table>
<thead>
<tr>
<th>City of Charlotte Projects:</th>
<th>Art Allocation</th>
<th>Account Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlotte Coliseum</td>
<td>$400,000</td>
<td>$ 1,075.92</td>
</tr>
<tr>
<td>Douglas International Airport</td>
<td>117,692</td>
<td>117,692.03</td>
</tr>
<tr>
<td>Performing Arts Center</td>
<td>150,000</td>
<td>8,235.46</td>
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<tr>
<td>Police and Fire Academy</td>
<td>2,600</td>
<td>2,266.40</td>
</tr>
<tr>
<td>Spirit Square Renovations</td>
<td>46,800</td>
<td>941.43</td>
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<tr>
<td>York Road Renaissance Park</td>
<td>3,660</td>
<td>3,358.95</td>
</tr>
<tr>
<td>Animal Shelter Expansion</td>
<td>30,000</td>
<td>30,000.00</td>
</tr>
<tr>
<td>Discovery Place's Omnimax</td>
<td>82,000</td>
<td>1,906.47</td>
</tr>
<tr>
<td>Reedy Creek Park Nature Center</td>
<td>27,000</td>
<td>962.93</td>
</tr>
<tr>
<td>City Art Fund Account</td>
<td>Art Allocation</td>
<td>Account Balance</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>---------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Total City of Charlotte project dollars</td>
<td>$854,752</td>
<td></td>
</tr>
<tr>
<td>Total City of Charlotte/Mecklenburg County project dollars</td>
<td></td>
<td>$1,106,228.00</td>
</tr>
<tr>
<td>Total City/County project dollars plus City Art Fund</td>
<td></td>
<td>$1,106,917.80</td>
</tr>
</tbody>
</table>
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:

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<tr>
<th>Segment</th>
<th>County</th>
<th>City</th>
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<tr>
<td>3 from field of Education</td>
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<td>3 at Large (no restriction)</td>
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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.
CERTIFICATION

I, Nancy S. Gilbert, 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 waive 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 fictitious 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 automatic subscriptions.

The newspaper has been developed in The City of Charlotte which is my home 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 where taking additional transfer courses toward both bachelor and doctorate 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 restituted 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 newprint. I am still working toward a goal of instituting 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 desirable 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 1. Therefore, set about on or about Tuesday, June 22, 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 desirable 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 hangars 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 1973 and was either on 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 liaison 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 relevant 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 sustained 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 the 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 SUBSCRIBER 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 everyday 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 newspaper 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.
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 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 columnists, and accept insightful 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 habitual 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, tearing, 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 5, 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 17(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)

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 (50) 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 (50) 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) 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 between 9:00 a.m. and 9:00 p.m.
Pull on Consent guide

27
29
30

Stan
Sec. 15-71. Animals.

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(Code 1961, § 13-535, Ord No. 1401, § 1, 8 8 83)

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(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

No. 27)

5) Any mechanical noise registers more than sixty (60) db(A) at the nearest corner of the plaintiff's property line is probable cause for a violation

b) This section shall not apply to operations such as 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, § 13-532, Ord No. 1401, § 1, 8 8 83, Ord. No. 3273 § 2, 12 9 91)

c. 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 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 COR
26

[Signature]
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.
Brenda - 8-20-93

Henry will get a Motion ready before the meeting. I will get a copy to you.

Choose
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
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.
August 20, 1993

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

RCM smc
Enclosures
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 business owners 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 area(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. (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, your company must make a written request to contract with the City." 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 patently unfair. 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 business owners 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 business owners 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


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'''

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<tr>
<th>NAME</th>
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<td>Jane B. Scott</td>
<td>128 Queensgate Lane 28214</td>
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<td>Melva G. Thompson</td>
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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
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<td>J.C. Thompson</td>
<td>8944 McClure Rd, Charlotte NC</td>
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<td>Janice Beasley</td>
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TO: MAYOR AND CITY COUNCIL OF CHARLOTTE, NC


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

THE SHUFFLETOWN DRAWWAY 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!!

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<td>Ella H. Plummer</td>
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<td>Charles T. McCamy</td>
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<tr>
<td>Francis J. Bushy</td>
<td>1458 Norwich Rd Charlotte, N.C.</td>
<td>392-7629</td>
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<tr>
<td>William E. McCombs</td>
<td>296 Crestwood Rd Charlotte</td>
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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.
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, tripplexes and quadruplexes. The City supplies each eligible service unit with one container for recyclable

Solid Waste Services Department  600 East Fourth Street  Charlotte, NC 28202-2254  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 (b), 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/DFP:csa

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

Wayman J. Pearson, Director
Solid Waste Services Department

WJP/DPP:dsn

cc: Harry Graham
    D. P. Pereira

Solid Waste Services Department  600 East Fourth Street  Charlotte, NC 28202-2854  704/336-2176
September 18, 1992

Dear

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

1. U.S. 21/N.C. 113
2. U.S. 29/N.C. 49
3. Hambstead/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, your company must make a written request to contract with the City. 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.
The request for contract should be addressed to:

City Clerk
Charlottesville-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
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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
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 initiated 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,

Marilyn Wootly
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/co-ordination: $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.
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

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Revised April 28, 1993
## Advisory Energy Commission

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<td>Peter M Schwarz W/M</td>
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<td>REE</td>
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<td>2 yrs</td>
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<td>Manuel L Zapata W/M</td>
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<td>6</td>
<td>10/14/91</td>
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<td>Robert C Allen W/M</td>
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<td>02/15/93</td>
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<td>James M Bean W/M</td>
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<td>04/19/93</td>
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<td>2 yrs</td>
<td>12/31/94</td>
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<tr>
<td>Winslow H Hartford W/M</td>
<td>Y</td>
<td>CA</td>
<td>2</td>
<td>12/16/91</td>
<td></td>
<td>2 yrs</td>
<td>12/31/93</td>
</tr>
<tr>
<td>Jesse L Ruley W/M</td>
<td>Y</td>
<td>PI</td>
<td></td>
<td>12/16/91</td>
<td></td>
<td>2 yrs</td>
<td>12/31/93</td>
</tr>
</tbody>
</table>

Page 2

Revised April 28, 1993
APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

Please complete each section

FULL NAME DALE BRENTUP
(please print or type) Mr X Mrs
HOME ADDRESS 400 MAMMOTH OAKS DRIVE ZIP 28270
BUSINESS ADDRESS UNIV NORTH CAROLINA CHARLOTTE, COLLEGE OF ARCHITECTURE
HOME PHONE (704) 336-7506 BUSINESS PHONE (704) 347-7604

SPouse's NAME REBECCA PORTER SPouse's EMPLOYER INVESTMENT MANAGEMENT
SPouse's TITLE INVESTMENT EXECUTIVE

PLEASE INDICATE Council District # C4 County 4 Date of Birth 3 Nov 1948

MALE X BLACK MADEBoARDS/COMMISSIONS/COMMITtees I AM MOST INTERESTED IN
FEMALE WHITE X ADVISORY ENERGY

SINGLE INDIAN

MARRIED HISPANIC

OTHER

EDUCATION (including degrees completed) MARCH - ENERGY ANALYSIS,
(UC LA, 1982)
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 - LUMINATICS & ENERGY TECHNOCIES LABS
CURRENT RESEARCH - OPTIMIZING PUBLIC SCHOOLS

OTHER EMPLOYMENT HISTORY ASSOCIATE PROFESSOR - MONTANA STATE UNIVERSITY
LOW STATE UNIVERSITY - PRIVATE PRACTICE & ENERGY &
LUMINATICS CONSULTANT

DO NOT SUBMIT RESUMES

(over)
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 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 maintained 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 Council member is recommended.

RETURN COMPLETED FORM TO

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

Signature

Date 4-20-1993

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.        Mrs.        Miss

HOME ADDRESS: 914 Plumstead Rd.
BUSINESS ADDRESS: 1915 Redford Rd.

HOME PHONE: 394-3230
BUSINESS PHONE: 794-364-3120 Ext 404

SPOUSE'S NAME: Mesha
SPOUSE'S EMPLOYER: Cabarrus County
SPOUSE'S TITLE: Teacher

PLEASE INDICATE: Council District # 2    Date of Birth 7/6/39

MALE       BLACK
FEMALE       WHITE

HISPANIC: INDIAN

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

CURRENT EMPLOYER: Piedmont Natural Gas Co. Inc.
TITLE: Auditor
YEARS IN CURRENT POSITION: 18
DUTIES: Conduct Operational and Financial Audits of all Company Operations.

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 Director 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 are any possible conflicts 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: _________________________

______________________________

______________________________

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RETURN COMPLETED FORM TO:
Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2457

Signature: ________________________________
Date: ________________

DO NOT SUBMIT RESUMES/ATTACHMENTS

City Clerk/93
APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

Please complete each section

FULL NAME ALEXANDER TODD SCHWARZ (please print or type)

HOME ADDRESS 427 HOLLIS ROAD, CHARLOTTE NC

BUSINESS ADDRESS 1100 INDEPENDENCE CENTER, CHARLOTTE NC

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

SPouse's NAME JENNIFER LYNN SCHWARZ SPouse's EMPLOYER STUDENT

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,

OTHER_____ PRIVATE INDUSTRY COUNCIL, ZONING BOARD, STORM WATER SERVICES

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 future 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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A personal contact with a City Council member is recommended

RETURN COMPLETED FORM TO

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

Signature ____________________________

Date ________________

DO NOT SUBMIT RESUMES
APPLICATION FOR BOARDS, COMMISSIONS, AND COMMITTEES
CHARLOTTE CITY COUNCIL

Please complete each section

FULL NAME: Jessica H. Spencer, Jr., PE
(please print or type)

HOME ADDRESS: 2574 South Blvd, Charlotte, NC 28209

BUSINESS ADDRESS: 417 E. Blvd, Suite 200, Charlotte, NC 28203

HOME PHONE: 732-3111

BUSINESS PHONE: 376-3682

SPouse's Name:

SPouse's Employer:

PLEASE INDICATE Council District # 1

Date of Birth: 3/10/74

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

FEMALE ☐ WHITE ☐

SINGLE ☐ INDIAN ☐

MARRIED ☐ HISPANIC ☐

OTHER ☐

EDUCATION (including degrees completed)

EDUCATIONAL ATTAINMENT

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

Carpenter, Supervisor, and Construction

DO NOT SUBMIT RESUMES
INTERESTS/SKILLS/AREAS OF EXPERTISE

CURRENT PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES
1. Society of Free Press and Engineers, Charlotte, NC
2. Committee on Community Spreeks
3. American Association for Association of America

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES
1. National Society of Professional Engineers, Professional Company of U.S.
2. 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

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RETURN COMPLETED FORM TO

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

Signature

Date 6/18/94

DO NOT SUBMIT RESUMES

City Clerk
1992
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

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<th>Appt By</th>
<th>Legend</th>
<th>Dist.</th>
<th>Appt Date</th>
<th>Reappt Date</th>
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<td>Stanford R Brookshire, Jr W/M</td>
<td>M</td>
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<td>08/01/92</td>
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<td>3 yrs</td>
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<td>Harold B Carter W/M</td>
<td>C</td>
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<td>09/28/87</td>
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<td>07/01/93</td>
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<td>Laura McClettie B/F</td>
<td>C</td>
<td>A</td>
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<td>07/31/95</td>
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<td>Herb Spaugh, Jr W/M</td>
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</table>
APPLICATION FOR BOARDS, COMMISSIONS AND CHARLOTTE CITY COUNCIL

Please complete each section

FULL NAME ___________________________ Mr [X] Mrs [ ] Ms [ ] Miss [ ]

HOME ADDRESS ___________________________ ZIP __________

BUSINESS ADDRESS ___________________________ ZIP __________

HOME PHONE (704) ___________ BUSINESS PHONE (704) ___________

SPOUSE'S NAME ___________________________ SPOUSE'S EMPLOYER ___________________________

SPOUSE'S TITLE ___________________________

PLEASE INDICATE Council District # ___________ Date of Birth ___________

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 _______

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)


DO NOT SUBMIT RESUMES

(Cover)
I N T E R N A T I O N A L  L A W  -
A N D  F O R E I G N  P O L I C Y  I S S U E S
C H A I R M A N :  M A Y O R ' S  I N T E R N A T I O N A L  F O R U M  ( 1 9 9 1 )
C H A I R M A N :  C H A R L O T T E  W O R L D  A F F A I R S  C O U N C I L  ( 1 9 8 8 - 1 9 9 0 )
A F F I R M A T I O N  O F  E L I G I B I L I T YA
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


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

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

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file

A personal contact with a City Councilmember is recommended

R E T U R N  C O M P L E T E D  F O R M  T O

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

S i g n a t u r e  

D a t e  F e b r u a r y  1 8 ,  1 9 9 3

D O  N O T  S U B M I T  R E S U M E S
APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

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

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: Young Precinct # 006 District # 6 Date of Birth 5/12/32

MALE X BLACK

FEMALE WHITE X

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. Oversees lending to major companies in the 
Carolinas, and our bankwide sports-related and textile lending.

OTHER EMPLOYMENT HISTORY Thirty-one years with NationsBank
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 "Piedmont County Bond Campaign."


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.

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RETURN COMPLETED FORM TO:

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

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.

<table>
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<tr>
<th>Member Name</th>
<th>Appt.</th>
<th>Legend</th>
<th>Dist.</th>
<th>Appt. Date</th>
<th>Reappt. Date</th>
<th>Term</th>
<th>Expir Date</th>
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<tr>
<td>Gregory Allen /M</td>
<td>M</td>
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<td>01/11/90</td>
<td>01/08/93</td>
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<td>12/13/93</td>
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<td>04/27/92</td>
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<td>12/13/93</td>
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<td>C</td>
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<td>01/09/89</td>
<td>11/09/92</td>
<td>3 yrs</td>
<td>12/13/95</td>
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<td>Patricia Rodgers W/F</td>
<td>C</td>
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<td>09/24/90</td>
<td>3 yrs</td>
<td>12/13/93</td>
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<td>Donna Savage W/F *</td>
<td>C</td>
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<td></td>
<td>11/23/92</td>
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<td>3 yrs</td>
<td>12/13/95</td>
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<td>Eric C. Solow W/M</td>
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<td>09/13/88</td>
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<tr>
<td>Joe M. Spencer, Jr. W/M</td>
<td>C</td>
<td>6</td>
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<td>02/19/90</td>
<td>12/08/92</td>
<td>3 yrs</td>
<td>12/13/95</td>
</tr>
<tr>
<td>Thomas C. West /M</td>
<td>M</td>
<td>7</td>
<td></td>
<td>01/27/92</td>
<td></td>
<td>2 yrs</td>
<td>12/13/94</td>
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<tr>
<td>Kipling S. Wilson W/M</td>
<td>C</td>
<td></td>
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</tr>
</tbody>
</table>

Page: 38  
Revised March 5, 1993
APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

Please complete each section

FULL NAME BARBARA ANDREWS WEBSTER
(please print or type)

HOME ADDRESS 1841 KENWOOD AVE

BUSINESS ADDRESS 1100 INDEPENDENCE CENTER

HOME PHONE (704) 377-1154

SPouse's NAME MARTIN

PLEASE INDICATE Council District #

MAIL BLACK

MALE _____ BLACK_____ BOARDS/COMMISSIONS/COMMITTEES I AM MOST INTERESTED IN

FEMALE ☑ WHITE ☑ TREE COMMISSION

SINGLE ☑ INDIAN ☑ PLANNING

MARRIED ☑ HISPANIC ☑ ENVIRONMENT

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 COMMUTE

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 CONSERVATION

PAST PROFESSIONAL ORGANIZATIONS, CIVIC, RELIGIOUS AND POLITICAL ACTIVITIES

PARKS & RECREATION 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 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

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  

Date  

DO NOT SUBMIT RESUMES
APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

OFFICE OF CITY CLERK

Please complete each section

FULL NAME Nancy Lee Williams

(please print or type)

Mr ___ Mrs ___ Ms ___ Miss ___

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

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

HOME PHONE (704) 333-7647  BUSINESS PHONE (704) 382-9930

SPOUSE’S NAME Roger Donahue SPOUSE’S EMPLOYER Donahue Architecture

S. Cedar St., Charlotte, N.C.

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

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

FEMALE ___ WHITE ___ See Advisory, Mint Museum

HISPANIC ___ INDIAN ___ Civil Service Board

OTHER ___

EDUCATION (including degrees completed) Queens College: Computer Basic Business Certificate;

UNCC: Masters Public Administration

Clemson University: Bachelor 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

City Council Candidate Campaign Committee

COMMENTS
I have a sincere interest in preserving Charlotte’s trees, and I—as well as other—particularity in the older neighborhoods. Also interested in not having 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

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RETURN COMPLETED FORM TO
Office of the City Clerk
600 East Fourth Street
Charlotte, NC 28202-2857

Signature
Date

DO NOT SUBMIT RESUMES
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 (YD)

**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.

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

*Chairman By Date
Date Date Date
08/15/93 08/15/94 08/15/95
APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

Please complete each section

FULL NAME Patricia K. "Cookie" Carney

(please print or type)

Mr. ______ Mrs. ______

Ms. ______ Miss ______

HOME ADDRESS 2233 Charlotte Drive

ZIP 28203

BUSINESS ADDRESS 301 S. McDowell Street Suite 110

ZIP 28204

HOME PHONE ( ) 347-0480

BUSINESS PHONE (04) 332-8471

SPouse's NAME n/a

SPouse's EMPLOYER

SPouse's TITLE

PLEASE INDICATE Council District # ______ Date of Birth ______

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

Signature

Date

DO NOT SUBMIT RESUMES
APPLICATION FOR BOARDS, COMMISSIONS AND COMMITTEES
CHARLOTTE CITY COUNCIL

Please complete each section

FULL NAME Deborah Griffin

(please print or type)

HOME ADDRESS 3927 Sergeant Ave

ZIP 28217

BUSINESS ADDRESS 5550 - 77 Center Dr Suite 380

ZIP 28217

HOME PHONE (704) 525-0580

BUsINESS PHONE (704) 525-0580

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 □

EDUCATION (including degrees completed)

Other

Some College in Secretarial Science at Biddlee College

CURRENT EMPLOYER Medicare

TITLE Member Service Rep

YEARS IN CURRENT POSITION 2 years

DUTIES Senior Customer Service Rep, Answers Phone from Members in an Unbelievable Manner, Documenting New Representatives

OTHER EMPLOYMENT HISTORY Mercy Urgent Care Admitting Officer

DO NOT SUBMIT RESUMES

(over)
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 functions as an appointee of the City Council?

Yes_______  No_______  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

Date  19 June 93

DO NOT SUBMIT RESUMES

Cty Clerk
1992
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 out 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
<table>
<thead>
<tr>
<th>Name</th>
<th>Amount of Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cole John William IV</td>
<td>$46.73</td>
</tr>
<tr>
<td>Houser Janet Krahler</td>
<td>38.37</td>
</tr>
<tr>
<td>Central Environmental</td>
<td>49.32</td>
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<tr>
<td>Central Environmental</td>
<td>60.77</td>
</tr>
<tr>
<td>Printcrafters Of The</td>
<td>43.30</td>
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<tr>
<td>Printcrafters Of The</td>
<td>36.03</td>
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<tr>
<td>North Star Seafood</td>
<td>68.70</td>
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<tr>
<td>Printcrafters Of The</td>
<td>5.48</td>
</tr>
<tr>
<td>Air Systems &amp; Equipment</td>
<td>32.49</td>
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<tr>
<td>Air Systems &amp; Equipment</td>
<td>41.80</td>
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<tr>
<td>World Omni Leasing Inc.</td>
<td>41.23</td>
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<tr>
<td>Dependable Solutions</td>
<td>50.00</td>
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<tr>
<td>A&amp;E Construction</td>
<td>40.00</td>
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</table>

Total: $554.22
### TAXPAYERS AND REFUNDS REQUESTED MORE THAN $100

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount of Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter-Perfect Inc.</td>
<td>$193.62</td>
</tr>
<tr>
<td>America's Pride Steak &amp;</td>
<td>118.45</td>
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<tr>
<td>Southern Engineering Co.</td>
<td>498.48</td>
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<td>Central Environmental</td>
<td>289.67</td>
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<td>Central Environmental</td>
<td>311.75</td>
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<td>Southern Engineering Co.</td>
<td>274.24</td>
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<td>Southern Engineering Co.</td>
<td>405.85</td>
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<td>Siemens Credit Corp.</td>
<td>1,086.89</td>
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<td>Central Environmental</td>
<td>338.12</td>
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<td>Central Environmental</td>
<td>215.37</td>
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<tr>
<td>Otis Spunkyer Inc.</td>
<td>343.04</td>
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<td>Otis Spunkyer Inc.</td>
<td>235.00</td>
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<tr>
<td>Hendrick Management Corp.</td>
<td>567.47</td>
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<tr>
<td>AMP Incorporated</td>
<td>7,089.04</td>
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<tr>
<td>AMP Incorporated</td>
<td>2,163.33</td>
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<tr>
<td>Shared Medical Systems</td>
<td>458.26</td>
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<tr>
<td>Prema International Corp.</td>
<td>2,056.38</td>
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<tr>
<td>IFF, Inc.</td>
<td>1,536.62</td>
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<tr>
<td>Toho Carbon Fibers, Inc.</td>
<td>380.00</td>
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<tr>
<td>Myers Miscellaneous</td>
<td>120.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$18,681.58</strong></td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Henry W. Underhill, Jr., City Attorney

FROM: John C. Petoskey, Tax Administrator

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 28 1993
EGAL DEPARTMENT
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.


(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 appurtenances, 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, 1986, 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.


(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 the 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

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<td>0%</td>
</tr>
<tr>
<td>Site Grading</td>
<td>$5,105,221</td>
<td>$5,677,370</td>
<td>$5,052,333</td>
<td>$772,704</td>
<td>17%</td>
</tr>
<tr>
<td>Structural Steel</td>
<td>$12,192,028</td>
<td>$13,162,328</td>
<td>$10,004,318</td>
<td>($10,188)</td>
<td>1%</td>
</tr>
<tr>
<td>Concrete 1</td>
<td>$5,403,300</td>
<td>$5,243,003</td>
<td>$5,323,258</td>
<td>$175,435</td>
<td>0%</td>
</tr>
<tr>
<td>Waterproofing</td>
<td>$518,410</td>
<td>$518,207</td>
<td>$518,420</td>
<td>$3,449</td>
<td>0%</td>
</tr>
<tr>
<td>Fireproofing</td>
<td>$511,030</td>
<td>$511,050</td>
<td>$511,490</td>
<td>$251,500</td>
<td>0%</td>
</tr>
<tr>
<td>Elevators &amp; Escalators</td>
<td>$2,741,760</td>
<td>$2,741,760</td>
<td>$2,709,940</td>
<td>($31,000)</td>
<td>1%</td>
</tr>
<tr>
<td>Plumbing</td>
<td>$1,778,239</td>
<td>$1,842,256</td>
<td>$2,783,320 (a)</td>
<td>$0</td>
<td>7%</td>
</tr>
<tr>
<td>Controls &amp; Building Automation System</td>
<td>$1,568,251</td>
<td>$1,568,251</td>
<td>$1,239,787</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>HVAC</td>
<td>$7,361,008</td>
<td>$7,401,608</td>
<td>$6,768,343 (a)</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>Electrical</td>
<td>$8,119,061</td>
<td>$8,543,574</td>
<td>$7,893,576 (a)</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>Concrete 2</td>
<td>$4,492,932</td>
<td>$5,021,283</td>
<td>$5,330,358 (a)</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>$1,185,712</td>
<td>$1,491,076</td>
<td>$1,287,705</td>
<td>$0</td>
<td>2%</td>
</tr>
<tr>
<td>Kitchen &amp; Food Service Equipment</td>
<td>$1,188,347</td>
<td>$1,203,916</td>
<td>$1,133,425</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>Miscellaneous Metals</td>
<td>$1,622,362</td>
<td>$2,006,263</td>
<td>$2,750,344</td>
<td>$0</td>
<td>100%</td>
</tr>
<tr>
<td>Masonry</td>
<td>$3,458,532</td>
<td>$3,153,454</td>
<td>$3,081,543 (a)</td>
<td>$97,200 (d)</td>
<td>0%</td>
</tr>
<tr>
<td>Precast Concrete</td>
<td>$2,424,714</td>
<td>$2,504,403</td>
<td>$2,365,391 (a)</td>
<td>($201,725)</td>
<td>0%</td>
</tr>
<tr>
<td>Roofing</td>
<td>$1,554,248</td>
<td>$1,481,016</td>
<td>$2,117,112 (a)</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>Storefront &amp; CurtainWall</td>
<td>$2,024,876</td>
<td>$2,242,800</td>
<td>$2,787,256 (a)</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>Audio / Visual</td>
<td>$8,67,352</td>
<td>$1,080,886</td>
<td>$1,008,531 (a)</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>Finishes</td>
<td>$4,604,130</td>
<td>$4,218,869</td>
<td>$4,972,700</td>
<td>$25,161 (d)</td>
<td>1%</td>
</tr>
<tr>
<td>Overhead Doors</td>
<td>$578,480</td>
<td>$569,252</td>
<td>$572,176 (a)</td>
<td>($20,293)</td>
<td>0%</td>
</tr>
<tr>
<td>Signage</td>
<td>$510,000</td>
<td>$407,555</td>
<td>$329,721 (a)</td>
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<td>0%</td>
</tr>
<tr>
<td>Site Demolition 2</td>
<td>$1,208,834</td>
<td>$1,356,261</td>
<td>$1,149,940</td>
<td>$0</td>
<td>100%</td>
</tr>
<tr>
<td>Millwork &amp; Cabinets</td>
<td>$510,233</td>
<td>$1,249,004</td>
<td>$360,843 (a)</td>
<td>$0</td>
<td>0%</td>
</tr>
</tbody>
</table>

### Totals
- **$62,025,127**
- **$91,571,347**
- **$88,263,727**
- **$2,978,461**
  (8,177,201) 7% 10%

### Original Budget (Nov 91)
- **$62,025,127**

### Current Revised Budget
- **$88,263,727**

#### Footnotes
- (a) Negotiated low bid
- (b) Construction Manager's Estimate
- (c) Other Project Costs include such items as the Architect's Few Project Contingency Furniture & Equipment Professional Testing Services City Administration and the Art Fund
- (d) Includes Council action item