

CITY OF CHARLOTTE  
INTER-OFFICE COMMUNICATION

DATE: January 16, 1991

TO: Jerry Orr, Director  
Aviation Department

FROM: *VA*  
Viola T. Alexander, Director  
Budget and Evaluation

SUBJECT: Animal Control Facility Financing

Last month you mentioned that the Airport could handle the financing of the new Animal Shelter. The facility is budgeted at \$3 million in FY93; however, we would like to accelerate the project to FY92 due to it's high priority.

Please outline the financing arrangement that you had in mind. We need to address this issue for inclusion into the recommended FY92-96 CIP. I would appreciate your response by February 15.

hd

cc: Richard Martin, Director  
Finance Department


*Thanks!*

JAN 22 1991

CITY OF CHARLOTTE  
INTER-OFFICE COMMUNICATION

DATE: April 23, 1991

TO: Jerry Orr, Aviation Director  
Aviation Department

FROM:   
Viola T. Alexander, Director  
Budget & Evaluation

SUBJECT: New Animal Shelter Financing

On April 19, representatives from Budget, Finance, Legal and Engineering met to discuss the above subject. Decisions on the Animal Shelter Financing will require your concurrence. The project is high priority, high profile for City Management and City Council.

Project Status

East Coast Designs have been selected as the architect and has submitted a programming report which is under review.

The site is located at the end of Runway 36 Right. A noise consultant will be hired to ascertain noise effects. Preliminary information is that the facility will cost more due to noise effects. Site preparation will also be costly due to the topography.

Project construction is scheduled for March, 1992.

Financing Arrangement

Funding of \$650,000 has been appropriated to the project from the Pay-As-You-Go Tax Levy. An additional \$3 million is needed to complete the project budget. The following will need to be implemented:

1. In February, 1992, \$3 million will be transferred from Aviation Fund Equity to the General Capital Improvement Fund.
2. On May 29, 1991, the City will go to market with a General Obligation Bond Issue which will establish a debt cost percentage. This cost percentage will be used as the basis for repayment of \$3 million to the Aviation Fund over a period of 30 years.
3. The new Animal Shelter will be carried as an asset in the Aviation Fund and a lease for the facility will be developed.

Lease Arrangement

A lease will be developed outlining the following which is not inclusive:

APR 25 1991



Jerry Orr  
Page two  
April 22, 1991

1. financial arrangement, including payment schedule
2. term
3. grounds maintenance
4. custodial service
5. surplus project funds
6. project displacement due to Airport expansion
7. water and sewer line extensions

The lease development will be completed by August 31, 1991. The lease will be signed by the City Manager and the Aviation Director.

The lease development process will include representatives from the Aviation Department, Budget and Evaluation Department, Legal Department and Finance Department.

Budget and Evaluation will be responsible for arranging lease development meetings, the first of which will be in July. If you have comments regarding this memo, please provide them at the first meeting.

hd

cc: Del Borgsdorf, Manager's Office  
C. Don Steger, Manager's Office  
Diane Quisenberry, Animal Control  
Cindy Reid, Legal  
Laura Kratt, Legal  
Angie Weekly, Engineering  
Cary Odom, Finance

AVIATION DEPARTMENT  
CIP  
PROJECT DESCRIPTION

Project Title: New Animal Shelter Facility

Center No.:

Department Priority:

Project Description:

This project provides for the relocation of the Charlotte Mecklenburg Animal Shelter

The need for the project is based on the following factors: Animal Shelter personnel have doubled in the past seven years; the current site does not conform to intended landed users in the area; kennel space is inadequate; and, expansion at the current site is not feasible due to space limitations. In 1989, Wilber, Kendrick, Workman and Warren Architects conducted a space analysis which identified the need for an additional 12,000 square feet.

The Airport will construct the new Animal Shelter Facility on Airport property to be leased by the City through the General Fund.

This project meets the need by scheduling funds to construct a new Animal Shelter Facility.

What are the consequences if the project is not funded or delayed in funding?

Is the project included in the FY91-00 Capital Needs document?

Project Title: New Animal Shelter Facility

Project Description:

- 1) Prior Appropriations at 11/30/90. \$750,000
- 2) Estimated Project Balance at 6/30/91. \$400,000

EXPENDITURES	1991-92	1992-93	1993-94	1994-95	1995-96	TOTAL
Construction		\$3,000,000				\$3,000,000
						\$0
						\$0
TOTAL	\$0	\$3,000,000	\$0	\$0	\$0	\$3,000,000
<b>SOURCE OF FUNDING</b>						
Airport Operating						\$0
Fund Balance		\$3,000,000				\$3,000,000
						\$0
TOTAL	\$0	\$3,000,000	\$0	\$0	\$0	\$3,000,000

\* The net increase in Operating Costs of the new facility are estimated at \$100,000 beginning in FY95.

**CITY OF CHARLOTTE**  
ENGINEERING DEPARTMENT  
INTER-OFFICE COMMUNICATION

DATE: April 30, 1991  
TO: FILES FROM: *Angie Weekly*  
Angie Weekly  
Special Projects  
SUBJECT: Animal Control Facility

A meeting was held on April 30, 1991 to discuss the subject project. In attendance were the following:

Phil Cowherd  
David Garner  
Jerry Orr  
Clark Readling  
Vi Alexander  
Angie Weekly

Items Discussed:

1. Per the attachment, Jerry reviewed how he would like to see the project administered. Everyone agreed to these terms.
2. The Aviation Department will maintain the entrance roads and pasture surrounding the two acres of building.
3. General Service will continue to review the plans from a maintenance stand point.
4. We will use Jerry's noise consultant to address the airplane noise. This consultant will work with the Architect through the design and construction phase of the project. In the near future, a meeting will be scheduled for the Architect and noise consultant to meet and discuss this project. In the meantime, a copy of the programming report will be sent to the consultant for their review and comments.
5. The Architect will use his sub-consultant to address the animal noise.
6. Jerry said he may be able to do some rough site grading for this project.
7. Angie Weekly needs to find out why the kennels are proposed to be located inside the building.
8. Jerry will prepare the "memo of understanding" per this agreement. The target date for approval is July 1.

cc: Those in Attendance  
Diane Quisenberry

**CITY OF CHARLOTTE**  
ENGINEERING DEPARTMENT  
INTER-OFFICE COMMUNICATION

DATE: April 2, 1991

TO: Steve Allen  
Planning Commission

FROM: *Angie Weekly*  
Angie Weekly  
Engineering

SUBJECT: Animal Control Facility

Thank you for meeting with Marc Roberts and me on March 28, 1991 to discuss the subject project. As we agreed, I will channel all of my questions for the Aviation Department through you.

At this time, I would like to have information on the following items:

- 1) "Streetscape" plan along Byrum Drive - What does this plan include and can the chain length fence located along the length of the project site be removed?
- 2) What is the proposed location of adjacent land uses (i.e., police driving range)?
- 3) You mentioned that the project site had been previously used as a "dumping" area for the Aviation Department - What type of materials were "dumped" there?

This information will be useful to the project architect, East Coast Design.

I look forward to working with you on this project and I hope to hear from you soon on this matter.

AHW:tkp

cc: K. G. Gillis  
D. L. Garner  
D. W. Quisenberry  
✓ T. J. Orr  
Marc Roberts

APR - 4 1991

CITY OF CHARLOTTE  
ENGINEERING DEPARTMENT  
INTER-OFFICE COMMUNICATION

DATE: March 18, 1991

TO: Diane W. Quisenberry  
Animal Control

FROM: *Angie Weekly*  
Angie Weekly  
Engineering

SUBJECT: Animal Shelter - Byrum Drive Site

This is to confirm our March 14, 1991 conversation concerning the subject project. In reference to my March 13, 1991 conversation with Vi Alexander, Vi stated that the proposed 12 acre Byrum Drive site for the subject projects will remain Airport property, and therefore, the Aviation Department will have final rights to the property. However, Vi does not perceive this as a problem especially since the proposed Animal Shelter is part of the master plan for the Airport area.

Thus, in light of this information and as we agreed in our conversation, the Byrum Drive site is an acceptable site for this project and we will proceed in negotiating a contract with East Coast Design. As far as the master plan for the Airport area is concerned, I will keep Jerry Orr informed on the design status of the new facility.

If you have any further concerns or questions on this matter, please call me.

AHW:tkp

cc: K. G. Gillis  
D. L. Garner  
J. E. Blackwell  
J. T. Campbell  
B. E. Aldridge  
G. W. Morrison  
V. T. Alexander  
✓ T. J. Orr

CITY OF CHARLOTTE  
INTER-OFFICE COMMUNICATION

DATE: April 30, 1991

TO: Angie Weekly  
Engineering Department

FROM:   
T. J. Orr  
Aviation Director

SUBJECT: Animal Control Facility

Per your request, I have reviewed the preliminary programming report by East Cost Design and offer the following comments/changes:

- The Federal Aviation Administration (FAA) regulates the height of structures in close proximity to Charlotte/Douglas. Reference to these height limitations (aerial contours) should be made in the report.
- The Airport requests further discussions with the architect on the grading of the site and parking and entrance road(s) locations.
- A retention pond is planned for the east side of the subject property. This should be taken into consideration in site development.
- The Airport recommends the use of its noise consultant, Andy Harris of Harris, Miller, Miller and Hanson, to evaluate the impact of aircraft noise on the facility. Mr. Harris would advise the architect on the effects of noise created by the proximity of the project to the Airport.
- The following statement found in the special systems and design standards section of the report should be deleted:  
  
"The acoustical analysis and design recommendations if followed could potentially add 15-25% to the normally anticipated construction costs of the facility. This will surely be an issue for close review and consideration with regard to the project budget."  
  
• The proposed site for the CMACC facility is approximately two (2) acres, as opposed to 10 acres identified in the civil/site section. The Airport will provide the additional acreage for open space and pasture area of the project.


The additional comments that I made at our 10:00 meeting this morning are also applicable to this review. Should you have questions or need additional information, please contact Steve Allen in my office.

TJO:SA:cs

M E M O R A N D U M

Date: November 15, 1991

To: David Garner  
Engineering

From:   
T. J. Orr  
Aviation Director

Subject: Animal Control Facility

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This is to confirm that the airport will not be able to provide grading services for the Animal Control Facility. The amount of excess material is not substantial enough to use as a borrow site for future airport projects. However, the airport will construct the employee access road adjacent to the facility. This work includes grading the road to match the Animal Control site and providing side ditches, stone base and an asphalt surface according to specifications. Please contact Steve Allen on my staff if you have any further questions.



*John*

M E M O R A N D U M

To: Clark D. Readling  
City Engineer

From:   
T. J. Orr  
Aviation Director

Date: February 5, 1992

Subject: Animal Control Facility

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It has been brought to my attention that there may be a discrepancy between the proposed Animal Control Facility Site and the existing zoning boundaries. After reviewing the situation with my staff, the following options are available:

1. Redesign the facility to take into account the 300' requirement in section 3073.23 of the Zoning Ordinance. This requirement would not be a problem had planning staff approved of the original rezoning request.
2. Rezone additional property adjacent to the existing site to I-2. This action requires the full rezoning process (approximately 3 months), not an administrative decision.
3. Rezone the balance of the airport's property in this vicinity to I-2 (remainder of the original rezoning request). This option would take the same amount of time as option 2.


The airport is willing to pursue any of the above options. Please advise.

TJO:rsa

cc: Del Borgsdorf  
David Garner  
Danny Mullis

M E M O R A N D U M

To: Martin R. Cramton, Jr.  
Planning Director

From:  T. W. Orr  
Aviation Director

Date: February 7, 1992

Subject: Intent to File Rezoning Petition

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It is the airport's intent to file a rezoning petition for property on Byrum Drive by the March 2nd deadline. This will allow the Animal Control Facility Project to continue with the least amount of delay.

TJO:rsa

cc: Del Borgsdorf  
David Garner  
Danny Mullis

M E M O R A N D U M

To: Danny Mullis  
Special Projects, Engineering

From:   
T. J. Orr  
Aviation Director

Date: March 3, 1992

Subject: Streetscape Improvements on Byrum Drive

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The airport will provide the streetscape improvements on Byrum Drive for the Charlotte-Mecklenburg Animal Control Facility Site by the end of fall 1993. All improvements will be in accordance with the approved conditional development plan (Petition 91-67). Please contact Steve Allen if you have any further questions.

TJO:rsa

cc: David Garner  
Sandy Turnbull

M E M O R A N D U M

To: Danny Mullis  
Special Projects, Engineering

From:   
T. J. Orr  
Aviation Director

Date: March 3, 1992

Subject: Appeal From a Decision of the Zoning  
Administrator

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The following information is being submitted as part of the application for an appeal of the Zoning Administrator's decision on requirements for commercial kennels:


- o Regardless of the Zoning Board of Adjustment's decision, the airport will proceed with a rezoning petition for the subject property (petition filed with the Planning Commission on March 2, 1992).
- o The purchase of the subject property was funded by the FAA under Master Plan Land Acquisition for airport expansion.
- o The subject property is not compatible with residential development because of its close proximity to the airport and related navigational aids, as supported in the Southwest District Plan.

TJO:rsa

cc: David Garner  
Sandy Turnbull

M E M O R A N D U M

To: Danny Mullis  
Special Projects, Engineering

From:   
T. J. Orr  
Aviation Director

Date: March 4, 1992

Subject: Charlotte-Mecklenburg Animal Control Facility

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Charlotte/Douglas International Airport grants permission for water from the Charlotte-Mecklenburg Animal Control Facility Site to pass over our property (Tax Parcels 141-055-69 and 141-055-70) undetained to the Coffey Creek Regulated Floodway.

TJO:rsa

cc: David Garner  
Sandy Turnbull

M E M O R A N D U M

To: Walter Fields  
Land Development Manager, Planning Commission

From:   
T. J. Orr  
Aviation Director

Date: March 4, 1992

Subject: Rezoning Petition 91-67

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Charlotte/Douglas International Airport is requesting an administrative change to petition 91-67 to allow the airport to provide streetscape improvements on Byrum Drive (approximately 350 feet of road frontage) for the Charlotte-Mecklenburg Animal Control Facility Site. All improvements will be made by the end of fall 1993 in accordance with the approved conditional development plan. Please contact Steve Allen if you have any questions regarding this request.

TJO:rsa

Attachments

cc: David Garner  
Danny Mullis  
Sandy Turnbull

CITY OF CHARLOTTE  
ENGINEERING DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Steve Allen  
Aviation Department

DATE: May 3, 1991

FROM: *Angie Weekly*  
Angie Weekly  
Special Projects

SUBJECT: Animal Control Facility - Coordination Meeting

This is to confirm our May 2, 1991 conversation concerning the subject project and Jerry Orr's request to meet with the architect. Once an architectural design contract has been approved by the City, I will set up a meeting between the architect, Aviation, Engineering Department and Animal Control. The purpose of the meeting will be to discuss project coordination, long range plans, and technical details such as site grading, parking and entrance road(s) locations.

Also, as we agreed, a programming report will not be sent to your noise consultant at this point in the project. Instead, we will present the information to him at a meeting to be scheduled after a design contract is awarded.

I appreciate your help on this project and if you have any questions on these matters, please call me.

AHW:tkp

cc: C. D. Readling  
K. G. Gillis  
D. L. Garner  
T. J. Orr  
D. W. Quisenberry

MAY 7 1991



*Candy  
please schedule  
a time for Dave  
& I to meet with  
Angie & the Architect  
to review the plan*

April 25, 1991

Mr. Robb Jolly  
East Coast Design  
717 South Torrence Street  
Suite 300  
Charlotte, NC 28204

SUBJECT: Animal Control Facility - Byrum Drive Site

Dear Robb:

At my request, the Aviation Department has submitted the following information:

1. The Aviation Department is preparing a Streetscape Plan for Byrum Drive that will most likely consist of maturing trees at appropriate spacing. The Aviation Department will install and maintain this landscaping.
2. The chain link fence along Byrum Drive can be moved, but the Aviation Department is requesting that it be relocated south of the facility to secure remaining Airport property. By copy of this letter, I am requesting Diane to advise me if she has a problem with this proposed relocation.
3. The dumping area was previously used by Blythe Construction and the predominant materials dumped on the site were of a construction nature (i.e., construction material, trees, stumps).

Please incorporate this information into your design work and call me if you have any questions.

Sincerely,

*Angie Weekly*  
Angie Weekly  
Project Manager

AHW:tkp

cc: K. G. Gillis  
D. L. Garner  
D. W. Quisenberry  
/ J. Orr  
S. Allen



Airport

CITY OF CHARLOTTE  
ENGINEERING DEPARTMENT  
INTER-OFFICE COMMUNICATION

DATE: October 7, 1991



FROM: David Garner  
Special Projects Engineer

TO: Julie Burch  
Assistant City Manager

SUBJECT: Animal Control Facility

At our August 30th Facility Review Committee's meeting for Schematic Design Review for the subject project, the Architect stated that there will be added costs for building this facility at the Airport site due to noise control.

The Engineering Department was instructed to find if it is cost effective to build the facility at the airport site.

- The Architect has determined that for sound control, it costs approximately \$91,000.00 more for construction. This cost is primarily for concrete roof deck topping, acoustical insulation, ducted return air system, and an entrance vestibule.
- Kent Winslow of our Real Estate Division has determined that it would cost \$250,000.00 to \$375,000.00 to purchase comparable land elsewhere in the City.

Since this land is already City owned, the approximate savings for building at this site ranges from \$159,000.00 to \$284,000.00. If there are any questions or if I can be of any assistance, call me at X3604.

DLG/DRM:vsw

- cc: K. Gillis  
D. Mullis  
C. Readling  
J. Orr  
D. Quisenberry  
D. Steger

OCT 15 1991

ENGINEERING DEPARTMENT  
MEMORANDUM

TO: Steve Allen  
Aviation Department

DATE: December 12, 1991

FROM: <sup>Danny</sup> Danny R. Mullis  
Special Projects

SUBJECT: Animal Control and Police K-9 Facility

Attached is the preliminary site plan for the Design Development phase of the subject project. This site plan will not change in our next phase (construction documents); however more detailed plans will be done. When these plans have been done, I will send you copies of the plans you need. When you have reviewed this plan, sign off in the space provided below and attach any comments that you have. In order to keep the project on schedule, please return your comments to me by December 27, 1991.

If I can be of any assistance, please call me at extension 2151.

DRM/gls

Attachment

DESIGN DEVELOPMENT AND SPECIFICATIONS OUTLINE APPROVED BY:	
NAME: <u>[Signature]</u>	DATE: <u>12/20/91</u>
COMMENTS: <u>[Signature]</u> <input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

cc: K. G. Gillis  
D. L. Garner

EYL -

JERRY,

THIS IS WHAT I SENT TO ENG. I TALKED W/ DANNY  
BEFORE SENDING THIS AND HE INFORMED ME THAT WE (AIRPORT)  
PREVIOUSLY AGREED TO GRADE AND PAVE THE PRIVATE ROAD.  
IT WILL BE BUILT TO PRIVATE ROAD SPECIFICATIONS W/ DITCHES,  
NOT CURBS & GUTTER.

STEVE

Animal Control and Police K-9 Facility

Aviation Comments:

1. Will the parking areas have curb and gutter?
2. Will the private road have ditches or curb and gutter?
3. Can the private road be graded to a lower grade that is equal in elevation or lower than the building elevation? If so, would this eliminate the yard inlets between the building and the private road?

**Category**

GOVERNMENT FACILITIES

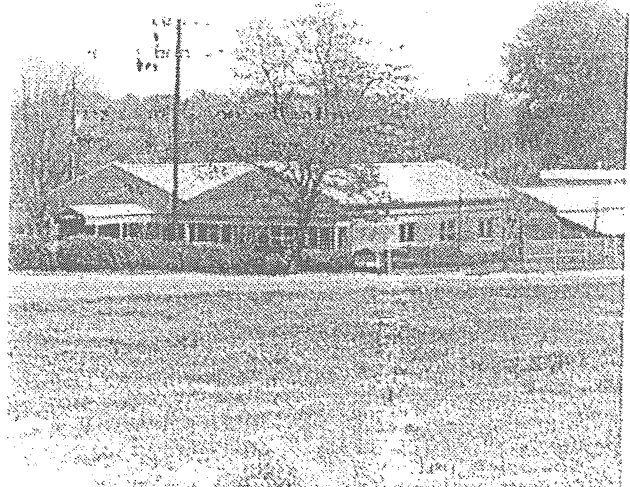
**Project**

New Animal Shelter Facility

This project provides for the relocation of the Charlotte Mecklenburg Animal Shelter.

The need for the project is based on the following factors: Animal Shelter personnel have doubled in the past seven years; the current site does not conform to intended landed users in the area; kennel space is inadequate; and, expansion at the current site is not feasible due to space limitations. In 1989, Wilber, Kendrick, Workman and Warren Architects conducted a space analysis which identified the need for an additional 12,000 square feet.

The project meets the need by scheduling funds to construct a new Animal Shelter Facility.



*The Airport will provide a site and construction of the new Animal Shelter Facility on Airport property to be leased by City through the General Fund. This project meets the need.*

**Notes**

Account #: 469.00  
 Appropriations to Date: \$750,000  
 Project Balance: \$400,000

	<del>1990-91</del>	1991-92	1992-93	1993-94	1994-95	Total
<b>Costs</b>						
Land Acquisition			<del>1,000,000</del>			<del>1,000,000</del>
Construction			3,000,000			3,000,000
<b>Total</b>			<b>3,000,000</b>			<b>3,000,000</b>
<b>Revenues</b>						
<del>Pay-As-You-Go</del>			3,000,000			3,000,000
<del>Tax-levy</del> <i>Airport Operating Fund Balance</i>						
<b>Total</b>			<b>3,000,000</b>			<b>3,000,000</b>

*1995-96*

**Annual Operating Impact**

The net increase in Operating Costs of the new facility are estimated at \$100,000 beginning in FY95.

**DRAFT**

MEMORANDUM OF AGREEMENT

Subject: Charlotte/Douglas International Airport  
New Animal Control Facility Financing

*(DBO) (Fund 7&01) Center*

The Aviation Department will appropriate \$3M from pre-DBO Fund Balance into 562.92. This will be a new center in the Cargo Cost Center.

*city*


The Charlotte Engineering Department will supervise architect, receive bids, prepare Council action for contract award. Contracts will be charged in Center 562.92. Contractors will submit invoices to Architect who will approve and submit to the Engineering Department, who will submit to the Aviation Department. The Aviation Department will pay invoice. The Engineering Department will act as Aviation Department's agent throughout the construction process until date of beneficial occupancy.

At some future date the City will reimburse the Aviation Department from General Fund or proceeds of a future bond issue. Until such time the Aviation Department will be paid annual interest on the outstanding balance. Interest will be paid at the rate of the City's previous years' average interest rate return on invested funds. The rate will be adjusted each year and payment will be made quarterly.

The Aviation Department will receive land rent at the rate of \$3500 per acre per year for two acres.

Animal Control will budget and arrange for all M&O costs unless they wish the Aviation Department to provide. If so, the M&O costs will be provided on a compensatory basis.

The Aviation Department will provide "Noise Consultant" services. Aircraft noise will not add to the cost of construction.

  
\_\_\_\_\_  
T. J. Orr, Aviation Director

\_\_\_\_\_  
Richard Martin, Finance Director

\_\_\_\_\_  
O. Wendell White, City Manager

DATE: July 2, 1992

TO: AMOS WOODS

FROM: CHARLES SIMMONS

SUBJECT: New Animal Control Facility Financing

FUND: 2073 CENTER: 562.92 ACCOUNTS: VARIOUS

Pursuant to the attached Memorandum of Agreement, the Airport will provide \$3M in pre-dbo fund balance to the General Fund to construct an Animal Control Facility on Airport property. City Council is scheduled to act on this matter at their July 27, 1992 meeting. In accordance with that agreement, the Airport should take the following action to implement the financial impact of this transaction:

1. Prepare quarterly Departmental Transfer Invoices (effective September 30, 1992) to record interest earned on the outstanding balance of the loan. This interest earned should be recorded such that it flows back to the pre-dbo fund balance.
2. Effective with DBO for the facility; ground rent in the amount of \$7,000 per year should be collected from the General Fund via Departmental Transfer Invoice. These funds should be recorded such that they flow to the excluded cost center (59636 - 6603).
3. Any Airport cost (i.e. people/materials) incurred for maintenance should be identified and charged to the General Fund via Departmental Transfer Invoice.

Please let me know if you have any questions concerning this information.

FYI.  
STEVE  
(THIS INFO. WAS GIVEN TO  
DANNY MULLIS)

DRAFT

MEMORANDUM OF AGREEMENT

Subject: Charlotte/Douglas International Airport  
New Animal Control Facility Financing

(7401)  
The Aviation Department will appropriate \$3M from pre-DBO Fund Balance into 562.92. This will be a new center in the Cargo Cost Center.

The Charlotte Engineering Department will supervise architect, receive bids, prepare Council action for contract award. Contracts will be charged in Center 562.92. Contractors will submit invoices to Architect who will approve and submit to the Engineering Department, who will submit to the Aviation Department. The Aviation Department will pay invoice. The Engineering Department will act as Aviation Department's agent throughout the construction process until date of beneficial occupancy.

At some future date the City will reimburse the Aviation Department from General Fund or proceeds of a future bond issue. Until such time the Aviation Department will be paid annual interest on the outstanding balance. Interest will be paid at the rate of the City's previous years' average interest rate return on invested funds. The rate will be adjusted each year and payment will be made quarterly.

The Aviation Department will receive land rent at the rate of \$3500 per acre per year for two acres.

Animal Control will budget and arrange for all M&O costs unless they wish the Aviation Department to provide. If so, the M&O costs will be provided on a compensatory basis.

The Aviation Department will provide "Noise Consultant" services. ~~Aircraft noise will not add to the cost of construction.~~

\_\_\_\_\_  
T. J. Orr, Aviation Director

\_\_\_\_\_  
Richard Martin, Finance Director

\_\_\_\_\_  
O. Wendell White, City Manager

Charlotte/Douglas International Airport  
New Animal Control Facility Financing

MEMORANDUM OF AGREEMENT

The Aviation Department will appropriate \$3 million from pre-DBO Fund Balance 7401 into 562.92. This will be a new center in the Cargo Cost Center.

The Charlotte Engineering Department will supervise architect, receive bids, prepare Council action for contract award. Contracts will be charged in Center 562.92. Contractors will submit invoices to Architect, who will approve and submit to the Engineering Department, who will submit to the Aviation Department. The Aviation Department will pay invoice. The Engineering Department will act as Aviation Department's agent throughout the construction process until date of beneficial occupancy.

At some future date, the City will reimburse the Aviation Department from General Fund or proceeds of a future bond issue. Until such time, the Aviation Department will be paid annual interest on the outstanding balance. Interest will be paid at the rate of the City's previous years' average interest rate return on invested funds. The rate will be adjusted each year and payment will be made quarterly.

The Aviation Department will receive land rent at the rate of \$3,500 per acre per year for two acres.

Animal Control will budget and arrange for all M&O costs unless they wish the Aviation Department to provide. If so, the M&O costs will be provided on a compensatory basis.

The Aviation Department will provide "Noise Consultant" services.

\_\_\_\_\_  
T. J. Orr, Aviation Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard Martin, Finance Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
O. Wendell White, City Manager

\_\_\_\_\_  
Date



APPROVED BY CITY COUNCIL

JUL 27 1999

Brenda R. Freeze *WB*  
City Clerk

  
CHARLOTTE

*H 27*

*Request for Council Action*

*To the City Council from the City Manager*

*Action Requested*

Adopt an Ordinance appropriating \$3 Million in Airport monies to provide project funding for the new Animal Control and Police Canine Facility.

*Responsible Department*

Aviation Department

*This request should be organized according to the following categories:*

*Background, Explanation of Request, Source of Funding, Clearances, Bibliography*

Explanation of Request:

This Ordinance provides a temporary source of funding for the construction of the new Animal Control and Police Canine Facility, which will be located on approximately two acres of Airport property.

- In a companion action, Council is requested to award construction contracts totalling \$2,788,205.46 for the Animal Control and Police Canine Facility.
- In order to reduce the impact of these capital costs on the General Fund, this project will be funded with monies borrowed initially from the Airport Fund. At some future date, the City will reimburse the Airport Fund from the General Fund or proceeds of a future bond issue to provide permanent funding.
- Since this facility will be built on Airport property, the project will be established as an Airport Capital Project. Airport Funds must be segregated from the General Fund monies in order to meet Federal Requirements for use of Airport proceeds.
- Animal Control will budget and arrange for all maintenance and operating costs through the General Fund Budget, as well as annual interest on monies advanced and annual rental for the two acres of Airport property.
- The Aviation Director, Finance Director and City Manager concur in this action.

*For Office Use Only*

*Date Submitted*     July 14, 1992

*Agenda Date Requested*     July 27, 1992

*Consequences if Agenda Date is Delayed or Action is Deferred*

Would delay funding for construction contracts.

*Contact Person for Questions from the City Manager's Office*     T. J. Orr

*Authorized by*     T. J. Orr

*Approved by*     *Department Head*

*Assistant City Manager*

*List Attachments*

1000

ORDINANCE NO. 3368-X

AN ORDINANCE TO AMEND ORDINANCE NO. 3348-X, THE 1992-93 BUDGET  
ORDINANCE, TO APPROPRIATE AVIATION FUNDS TO CONSTRUCT THE NEW  
ANIMAL CONTROL AND POLICE CANINE FACILITY.

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

Section 1. That the sum of \$3,000,000 is hereby  
available from the Pre-DBO Fund (Fund 7401) for the construction  
of the new Animal Control and Police Canine Facility.

Section 2. That the sum of \$3,000,000 is hereby  
appropriated to the Cargo Fund - Animal Control Facility (Fund  
2073; Center 562-92).

Section 3. All ordinances or parts of ordinances in  
conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective  
upon its adoption.

Approved as to form:

Cynthia C. Reid  
Asst. City Attorney

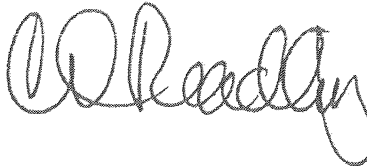
Read, approved and adopted by the City Council of the City of Charlotte, North  
Carolina, in regular session convened on the 27th day of July, 1992, the reference having  
been made in Minute Book 99, and is recorded in full in Ordinance Book 41, at page(s) 56.

Brenda R. Freeze  
City Clerk

ENGINEERING DEPARTMENT  
MEMORANDUM

TO: Julie Burch  
Assistant City Manager

FROM: C. D. Readling  
City Engineer



DATE: August 13, 1992

SUBJECT: Animal Shelter Site

---

Per your August 11, 1992 phone mail message to David Garner, we have compiled the information you requested. Attached is:

1. A revised copy of the Council/Manager Memo
2. A copy of the plan that was distributed to Council by the Planning Commission (CMPC) on November 1 and presented to Council at their November 18, 1991 meeting
3. Information concerning other Animal Shelter type facilities in close proximity to Airports, and
4. A map of the area around the airport and Animal Shelter site.

You also asked if the local Humane Society had any input pertaining to the site. According to Don Steger, Patti Lewis, president of the Humane Society of Charlotte, has stated she has no concerns about the noise of the facility because of the information obtained from other shelter facilities. However, she does state that she would prefer a more centralized and easily accessed site. We also understand from Jerry Orr that this is the most easily accessed site that will not interfere with airport expansion and meets the zoning criteria. Don Steger has explained to her that if we don't build on this site, we do not have a project. She has stated she is very much in favor of a new building.

We hope this is all the information you will need to present to Wendell and the City Council. If we can be of any assistance, please do not hesitate to contact me at 3610 or Ken Gillis at 3601.

The design plans for the facility as well as the location of the site were shown to Patti Lewis during a meeting with Diane Quisenberry. To our knowledge, they did not have input on site selection.

DRM/gls

cc: K. G. Gillis  
D. L. Garner  
D. R. Mullis

Council/Manager Memo

Animal Control & Police K-9 Facility

On July 27, 1992, several citizens appeared before Council to discuss the site chosen for the new Animal Shelter. Following is the information you requested concerning how this particular site was chosen, staff efforts to ensure noise was not damaging to animals, and background addressing information on the site that was presented to Council. This information is in chronological order.

- o May 17, 1989, City Manager's Capital Advisory Group recommends Animal Shelter be moved. To keep costs down, Budget suggests using City-owned land.
- o September 18, 1989, Engineering identifies 2 possible locations, Airport and Irwin Creek Treatment plant land.
- o January 9, 1990, Planning Commission (CMPC) recommends use of Airport land for the Animal Shelter because the proposed Southwest District Plan addresses the issue of compatible land uses within noise impacted areas. Recommendations in the plan include a list of land uses compatible with airport operations and the Animal Shelter expansion was identified as an appropriate use. A nonresidential land use pattern is also recommended for the areas surrounding the site. Based on CMPC's analysis, both sites were acceptable. However, to avoid placing another negative use in the area of West Boulevard, the airport was determined to be the more appropriate site. Engineering agrees with recommendations and requests Aviation Department to locate acceptable land for site.
- o January 18, 1990, Utility Department responds to inquiry about using land associated with the Irwin Creek Treatment Plant. There were concerns about overgrowth, more stringent National Pollutant Discharge Elimination (NPDES) limits, traffic, security of their facility, and the challenge that the regulatory agencies have placed on them in treating and disposing of wastewater and wastewater treatment by-products.
- o January 26, 1990, Engineering contacts National Humane Society to determine if any studies concerning effects of airplane noise on animals had been performed. No studies available. Suggested contacting Peninsula Animal Shelter in San Francisco.
- o January 31, 1990, Engineering Department contacts Peninsula Animal Shelter in San Francisco whose shelter is near Airport. No problems with airplane noise experienced with regard to animals.
- o July 23, 1990, Council asked to either approve relocating animal shelter on airport property or direct staff to pursue other options. Staff recommended airport property because it consolidates City operations at the airport and is a functional re-use of land purchased by the Airport. One advantage of the airport property is having the

Police Canine unit close to the Academy. Water is available through an 8" line in Byrum Drive. Sewer is available from a line paralleling Coffee Creek in the 8100 block of Byrum Drive. Council directs staff to pursue the airport property site.

- o September 6, 1990. Aviation identifies land for site in Byrum Drive area based on following criteria: (1) location away from future Airport expansion areas, (2) governmental uses (i.e. Animal Shelter, County Mulching facility, Air National Guard fire pits, and Police Driving Range) grouped together and (3) the site should be easily accessed by the public. *X how? DOT signage*
- o Exact date Unknown. Aviation shows site to Animal Control Director. Concerns about airplane noise prompts her to call Gainesville and West Palm Beach, Florida and Washington, D.C. animal shelters (which are near airports) to determine if they had experienced any problems with airplane noise effects on animals. None experienced. Animal Control accepts site.
- o November 8, 1990, Engineering requests Aviation to provide noise level readings for Animal Shelter site to determine degree of sound insulation required for building. *Engineers?*
- o June 24, 1991, Architect's contract approved by Council. Includes provisions for addressing both internal (animal) and external (airplane) noise.
- o October 8, 1991. Staff analysis on rezoning petition 91-67 (for rezoning 135 acres of airport land from R-12 and R-15 to I-2CD to make the land available for industrial uses) distributed to Council members; states that a portion of the rezoned land will be used for Animal Shelter site.
- o November 1, 1991. CMPC's recommendations on rezoning and a site plan showing the location of the proposed Animal Shelter, Air National Guard Fire Training Pit, and Mecklenburg County Wood and Yard Waste Processing Facility, and their location with regard to Airport runways distributed to Council members in preparation for November 18 meeting.
- o November 18, 1991, rezoning petition 91-67 approved. Site plan as presented by Planning Commission shows Animal Shelter site and other items as outlined above.
- o November 25, 1991, City Council adopts Southwest District Plan which identifies the Animal Shelter relocation as compatible with Airport property development.
- o June 15, 1992, Additional land rezoned to comply with Zoning Regulations for Animal Shelter. Application and staff analysis distributed to Council states that rezoning is for Animal Shelter site. Rezoning approved by Council. *Patti Lewis?*

## MEMORANDUM

DATE: July 23, 1992

TO: C. Don Steger, Assistant City Manager  
City Managers' Office

FROM: Pat G. Cox, Enforcement Manager  
Charlotte/Mecklenburg Animal Control Department

SUBJECT: Animal Control or Humane Society  
Facilities Located at or Near Major Airports

Per your request Gainesville, Florida Animal Control, West Palm Beach Animal Control, and Peninsula Humane Society outside of San Francisco all are located at or near airport property. In particular, West Palm Beach Animal Control is located on airport property directly under the flight path of planes. They have been on this property for 22 years and have not observed any ill effects of airplane noise on the animals. In addition, West Palm Beach is required to hold animals for 5 days as compared to 3 days for Charlotte.

PGC:tdn

10:08

FAX NO. 7043366586

P. 02

Filed

JANUARY 24, 1990

J. F. Campbell

Animal Shelter

On Wednesday, January 24, 1990, I received a call from Phyllis Wright from the National Humane Society in Washington D.C. with the following information:

There are no studies of the adverse problems with dogs or cats in the pattern of the airlines. The Peninsula Humane Society is at 12 Airport Road and is one the nicest shelters out in the country.



6.

SENIOR CONSULTANT  
WITH T/IE  
(at that time)

January 31, 1990

J. Campbell  
Engineering Assistant

Files

Animal Shelter Airport Location,  
Conversation with Phyllis Wright, Humane Society,  
Washington, D.C. (202)452-1100

8/2/92  
NOW MAKE  
PALHUS

- o Location a more important consideration than airport noise - recommended putting it in an easily accessible area for the public (not at a location like a dump on the outskirts of town)
- o San Francisco's Animal Shelter is located at the Peninsula Airport.
- o Ms. Wright did say that you probably would not want a shelter directly at the end of a runway where there is a lot of plane noise.

January 31, 1990

J. T. Campbell  
Engineering Assistant

Files

Animal Shelter Airport Location  
Conversation with Paul Miller, Operator of the /  
Peninsula Animal Shelter in San Francisco (415)340-8200 /

- o Has operated the shelter for the last two years.
- o Their shelter is approximately 1 mile (as the crow flies) from the end of the runway.
- o The shelter is 50-75' off the bay with the bay separating shelter and runway.
- o Built in 1952 on County Park property.
- o There are air traffic patterns that shake the building...noise comes across water.
- o Especially when Coast Guard is called upon in emergency situations...planes fly over at roof top level.
- o Has not noticed any animals having a problem with noise.

Expressed the following concerns:

1. Animals on the runway.
2. Animal Shelters historically attract stray cats (see above).
3. Plane Crashes.

He is going to check with some of his staff that have been at the shelter longer than him for more information and get back with me.

lsu  
013190.M1/PLANNING



DR. W. W. HERENTON - Mayor  
 DAVID F. HANSEN - Chief Administrative Officer  
 EXECUTIVE DIVISION

Animal Shelter

August 12, 1992

Pat Cox  
 Charlotte/Mecklenburg Animal Control Department  
 2700 Toomey Avenue  
 Charlotte, North Carolina 28203

Re: Location of Memphis Animal Shelter in Relationship to Airport

Dear Ms. Cox:

As we discussed this morning, the Memphis Animal Shelter is located adjacent to the Memphis International Airport and is within 1,000 feet of one of the runways. The engine test facility of Federal Express is within 3,000 feet of this facility.

This facility has been located on this site for the past twenty plus years and has recently undergone a \$500,000 renovation. We have an extremely effective animal control and adoption program, have a full time veterinarian on staff and are one of the few shelters in the United States that conducts an early age neutering program.

While we deal with a myriad of problems I am unaware of any adverse effects on people or animals due to our close approximation to the airport and runway.

Sincerely,

  
 R. Kenneth Childress  
 Bureau Manager

# AMERICAN HUMANE ASSOCIATION

63 Inverness Drive East  
Englewood, Colorado 80112-5117  
303/792 9900 Fax 303/792-5333

Post-It® brand fax transmittal memo 7671		# of pages > 1
To: Pat Cox	From: B. Tyus	
Co: Charlotte-Mecklenburg AC Dept	Co: American Humane	
Dist:	Phone: 303-792-9900	
Fax: 704-336-5709	Fax: 303-792-5333	

August 12, 1992

Pat Cox  
Charlotte-Mecklenburg Animal Control Department  
2700 Toomey Avenue  
Charlotte, NC 28203

Dear Ms. Cox:

Thank you for your inquiry to The American Humane Association.

I checked our resource files, and we have no information on the effect of airport noise on shelter animals.

If we can be of further assistance in the future, please do not hesitate to contact us.

Sincerely,

*Betsy Tyus*  
Betsy Tyus  
Membership Services Coordinator  
Animal Protection

BT:at

- Judith A. Peterson  
Director
- Robert L. Jones  
President
- Douglas M. Campbell  
Vice President
- Hugh J. Baker  
Executive Director
- Ronald J. Anderson  
Deputy Director
- Charles C. Cox  
Deputy Director
- Jeffrey L. Gentry  
Deputy Director
- Robert C. Casson, M.D.  
Washington, Ill.
- Pamela W. Lovell  
Deputy Director
- Fred J. Lee  
Deputy Director
- John A. Williams  
Deputy Director
- Margaret S. Smith  
Deputy Director
- James J. Walsh  
Deputy Director
- Meredith J. Welsh  
Deputy Director
- John H. Walker, D.V.M.  
Deputy Director



August 12, 1992

Ms. Pat Cox  
Charlotte/Mecklenburg Animal Control  
2700 Toomey Avenue  
Charlotte, NC 28203

Dear Ms. Cox:

Your request for a statement on the position of The Humane Society of the United States (HSUS) regarding the placement of an animal shelter facility near an airport has been referred to this regional office. According to Marc Paulhus, Vice President for Companion Animals, we are unaware of any studies which have been conducted regarding the effects of airport noise upon animals. I can tell you from personal experience that I have visited the City of Memphis (TN) Animal Shelter which is situated on property adjacent to the airport and did not notice any adverse effect upon the animals or the staff. We would recommend that you contact the Memphis shelter for their opinion. I also spoke with an employee of Airport Animal Clinic in Knoxville, TN which is situated in a flight path and was told that they have not experienced any problems.

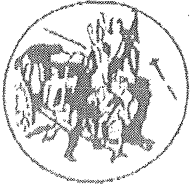
Although we have not personally visited the site for your new facility we have no reason to believe that you would relocate your shelter to an area detrimental to the well-being of animals.

Sincerely,

Jim Tedford  
Acting Director  
South Central Region

JT/

The Humane Society of the United States  
South Central Regional Office  
109 Northshore Drive, Suite 400, Knoxville, TN 37919  
(615) 588-1843 FAX (615) 588-1862



THE AMERICAN SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS

424 East 92nd Street  
New York, NY 10128  
(212) 876-7700  
(212) 348-3031 fax

August 12, 1992

Pat Cox  
Charlotte Mecklenburg  
Animal Control Department  
2700 Toomey Ave.  
Charlotte, N.C. 28203

Dear Pat,

As per our conversation the A.S.P.C.A. ran the Animalport at John F. Kennedy Airport for 30 years. I was the Director for the last six years. We were located approximately 100 feet from the runway with planes flying over us. The noise was never a problem.

Sincerely,

Kathleen E. Travers  
Director of Exotic Animals and  
Animal Transportation

M E M O R A N D U M

September 24, 1992

TO: Distribution

FROM:   
Pam Syfert  
Deputy City Manager

RE: Public Services Committee Meeting: Animal Shelter

By now all of you should had been contacted about the Public Services Committee meeting on Monday, September 28 at 5:00 p.m. in Room 267.

Attached is a copy of the information sent to the Committee. I expect a number of questions to come up at the meeting and need you there to answer those questions. We are meeting at 3:00 p.m. Monday in the 15th floor large conference room to address last minute issues and make sure we all understand our roles.

In discussions with Humane Society representatives and some Councilmembers, the following issues/questions have been raised which may come up Monday:

Airport

1. Why is this site the best available airport site and why can't the shelter be moved to another site not under a flight path? (Map would be helpful)
2. How does this site fit into the Airport Master Plan for runway extension and expansion? (Map)
3. Have noise contours map at the meeting.

Budget/Airport

1. What is the financing arrangement with the Airport?
2. Can the Airport fund this shelter off Airport?

Budget

1. What is the cost basis for transporting animals?
2. What is the cost basis for estimates on City performing spay-neuter services?
3. How else could the shelter be funded if the Airport financing does not work?

Animal Shelter

1. What are the facts concerning other animal shelter facilities which are on or near airports. (Distance from airport, type of operations, ldn, etc.) Bring letters if available.
2. Details of current contract with Humane Society. Can they operate at a separate location under contract to City?

Engineering

1. Architect will be questioned on cost estimates for redesign, etc.
2. Contractor should be prepared to answer delay cost questions.
3. Noise insulation issues:
  - o Do they meet recommendations from Airport Noise Specialist?
  - o What are they?
  - o If not, why not?
  - o What was our "philosophy" on making decisions about noise insulation?

CDOT

1. Map of 160 relocation and outer belt connection. Schedule for construction. Details on access.

Please call me at 3185 if you have questions prior to our 3:00 dry run Monday.

cgm

Distribution:

Julie Burch  
Vi Alexander  
Animal Shelter Team  
Dave Garner  
Ken Gillis  
Keith McVane  
Danny Mullis  
Jerry Orr  
Bob Pressley  
Clark Readling



Public Services Committee  
September 28, 1992; 5:00 pm  
Charlotte-Mecklenburg Government Center  
Room 270-271

Committee members: Ann Hammond, Chairman  
Dan Clodfelter, Vice-Chairman  
Hoyle Martin  
Cyndee Patterson  
Don Reid

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A G E N D A

- I. Overview of Animal Shelter Project - Julie Burch
- A. Role of Facilities Committee
  - B. Decisions by City staff on location and design
  - C. Brief description of proposed animal shelter - East Coast Design
  - D. Questions/committee discussion
- II. Alternatives for Moving Forward
- A. Overview - Pam Syfert
  - B. Cost Estimates - East Coast Design
  - C. Questions/committee discussion
- III. Committee Recommendation


Attachment

C: Mayor and City Council  
Wendell White  
Pam Syfert  
Julie Burch  
Don Steger  
Clark Readling  
Animal Control Team  
Vi Alexander  
Bill Guerrant

M E M O R A N D U M

September 23, 1992

TO: City Council Public Services Committee  
Ann Hammond, Chairman  
Dan Clodfelter, Vice-Chairman  
Hoyle Martin  
Cyndee Patterson  
Don Reid

FROM:   
Pam Syfert  
Deputy City Manager

Attached is information for the Committee meeting on Monday, September 28, at 5:00 p.m. The information is in outline form and covers the decision process on the animal shelter facility, and alternatives for moving forward.

Not all of the issues raised by the Humane Society are covered in this outline, but the appropriate staff people will be present to answer questions on financing, airport siting, etc. Because questions have been raised concerning cost estimates, we will have East Coast Design, the project architect, present to address those questions. We also are trying to arrange for the General Contractor to be there to address delay and cost issues.

Mrs. Lewis has asked for time on the agenda to present information she has on our cost figures. The usual Committee procedure is to limit committee meetings to staff presentations and Council discussion. However, if the Committee wishes to hear the presentation, it can be added to the agenda at the meeting.

Information from Mrs. Lewis will be sent out in Friday's Council-Manager memo.

Please feel free to call me if you have any questions.

cgm

Attachments

Date: September 23, 1992

To: Pam Syfert  
Deputy City Manager

From: C. D. Readling  
City Engineer

Subject: Animal Control and Police K-9 Facility

Attached is an outline of the process that was used in site selection and design of the Animal Control Facility and a listing of alternatives and options that are available for continuing this project.

A. Location

1. Decision Process

- o December 28, 1988 -WKWW, Inc. (Architects) hired to perform a space needs study on the existing Toomey Avenue site.
- o February 4, 1989 - WKWW report states that the Toomey Avenue site (because of its limited size, zoning and setback requirements, and the I-77 future right-of-way projections) could not accommodate the current space and parking needs of the City facility, much less the projected 10 year needs of a Charlotte-Mecklenburg Animal Control facility.
- o May 17, 1989 - City Manager's Capital Advisory Group recommends moving Animal Shelter. To keep costs down, Budget Office suggests investigating City-owned land. Site criteria was: 7.5 to 10 acres; B-2, I-1, or I-2 zoning; 300 feet from residentially zoned property; and easy access to the interstate system.
- o Sept. 18, 1989 - Engineering (Real Estate Division) identifies 2 possible City-owned locations; Airport and Irwin Creek Treatment plant land.
- o April 19, 1990 - Engineering receives information from Planning Commission, CMUD, and Aviation and recommends to Budget & Evaluation and Animal Control Department that new facility be located at the Airport.
- o July 23, 1990 - Council asked to either approve relocating on Airport property or direct staff to pursue other options. Council directs staff to pursue Airport property.

- o Between Sept 1990 and Nov. 1990 - Aviation Director selects site. Animal Control Director views site, investigates other animal shelters in close proximity to airports and finds no concerns with their locations and approves site.

2. Benefits of Utilizing Airport Property:

- a. Comparable land elsewhere would cost \$375K to \$525K; however, a prime location would cost upwards of \$750K. Money is not available for purchase of land elsewhere.
- b. Aviation able to fund project if building built on Aviation property. Money is not in the CIP to fund the project if the project is not built on their land.
- c. Rezoning of the Aviation property could be handled fairly easily.
- d. Animal Shelter affects no neighborhoods.

Issues:

- a. Concerns over noise.
  - o When Airport land was recommended by Planning Commission, Engineering contacted the National Humane Society to determine if any studies were available concerning adverse problems with animals in close proximity to Airports. No studies available. They recommended contacting San Francisco Animal Shelter which offered the following:
    - Have operated the shelter for the last two years.
    - Their shelter is approximately 1 mile from the end of the runway.
    - There are air traffic patterns that shake the building. Noise comes across water.
    - When Coast Guard is called upon in emergency situations, planes fly over at roof top level.
    - Have not noticed any animals having a problem with noise.
  - o Before approval of specific site, Animal Control Director contacted Gainesville and West Palm Beach, Florida, and Washington, D.C. animal shelters (which are near airports). Following is a matrix of information we have received from other animal shelters:

<u>Shelters</u>	<u>Ldn Levels</u>	<u>Acoustical Attenuation</u>	<u>Type of Kennel</u>
Memphis	65	None	Indoor
ASPCA	65	None	Indoor/Outdoor
Palm Beach	60	None	Indoor/Outdoor
Peninsula	60	None	Indoor/Outdoor

- o Public and staff portions of the facility have been designed to reduce airplane noise.
  - o Animal Control Director stated acoustical treatments were needed to protect kennel workers from barking dogs. These baffles also serve to assist in reducing airplane noise.
  - o Originally we had \$91,000 in acoustical attenuation including specially designed windows, light weight concrete on roof, entry vestibules, and acoustical blankets and ceiling tile in the staff portions and concrete roof decking and acoustical baffles in the kennel area. To assist in bringing the project within budget, the acoustical blankets and baffles were eliminated for a savings of \$31,000. Also, the kennel building was changed from a concrete deck, built up roof to a metal building with acoustical baffles for a savings of \$59,700. If funding is made available, we can add the acoustical baffles and blankets back into the building at any time.
  - o Animal shelter operators that have been contacted have not noticed any detrimental affects on animals from airplane noise. Mr. George M. Strain, Ph.D., Professor of Neuroscience at Louisiana State University who is "the leading authority on deafness in dogs" states that muscles within the dogs ear "allow the ear to adjust by reflex to loud sounds by reducing the force transmitted to the inner ear and it is by this means that dogs do not deafen themselves with their own barking."
  - o We employed the Airport's acoustical consultant to design sound attenuation measures in this facility.
  - o There are numerous residential neighborhoods that exist in the same Ldn contour (70-75) as the proposed animal shelter site on Byrum Drive and are not proposed for purchase. They are Steeleberry Acres, Garrison Road Area, E. Todd Road, Tuckaseegee Road Area, Westerwood, Sheets Circle, Area, Wandawood, Westerly Hills, Beechwood Acres, and Glenwood. Ridgeview Baptist Church is also located in this contour.
- b. Accessibility:
- o A preliminary signage plan to help direct the public to the shelter has been developed by CDOT and will be supplemented with more signs if necessary.

- o CDOT will assist the Animal Control Center in developing a directional map to use as a insert in mailing or customer handouts.
- o CDOT states that access to the Byrum Drive site is much better than the existing shelter on Toomey Avenue.

B. Design:

1. Design process

- o First project to be scrutinized by the Facilities Review Committee (FRC), (Manger's Office Budget & Evaluation, General Services, Engineering and Planning Commission).
- o In an effort to minimize costs (both short and long term), this group very conscientiously reviewed the building to ensure that it was utilitarian, efficient and that it would have low operation and maintenance costs.

2. Decisions made by Facilities Review Committee

- o Architect was directed to design office sizes based on performed task and not job classification. This reduced office space in the building by 30%.
- o Architect directed to develop an operation cost comparison between indoor and outdoor kennels. Indoor/outdoor kennels are more expensive in initial capital outlay but will result in \$27,000/year savings.
- o A mechanical system has been designed for the facility to reduce ongoing maintenance and operational cost.
- o To minimize long term maintenance costs experienced at the current shelter, the finishes in the animal housing areas (floors, kennel walls, etc.) have been designed with materials that will withstand abuse by the animals and constant contact with animal wastes.
- o Group made decision to look at renegotiation of the contract with the Humane Society for Spaying and Neutering since we are providing them with a much better facility.
- o The Spay/Neuter Clinic was moved to the center of the building because:
  - 1) It allows more flexibility in choosing options for spay/neuter operations (i.e., space still functional if, for any reason, the Humane Society is not contracted with in the future).

- 2) Relocation would consolidate the primary entrance for all public access to services, resulting in more efficient control, better customer service, and less confusion about public entry for the building.
- 3) This move resulted in a cost savings by eliminating unnecessary dual public entry, service desks, etc.

Issues:

- a. Humane Society left out of decision process.
- b. Humane Society concerned about their location (in building interior).
  - o On August 12, we met with Patti Lewis and her veterinarian to determine changes they desired.
    - 1) They wanted to have a better view from the surgery and prep rooms to the recovery room requiring the rotation of three rooms within the spay/neuter area.
    - 2) In doing this rotation the grooming room, toilets, and cat cages would have to be relocated within the space.
    - 3) Requested the pharmacy be moved away from the public entrance.
    - 4) Requested a wall be placed around the exam room which had been an open space.
  - o Humane Society has subsequently indicated this would not be satisfactory for their needs.
  - o Humane Society will have 24 hour access to the Clinic.
  - o City is restructuring their operational hours to ensure that there will be a receptionist on duty to assist clinic customers at all time.
- c. Alternatives for moving forward to build a new Animal Shelter. See attachment for cost matrix options.
  1. Continue with construction of Spay/Neuter area as planned. No additional costs or delays would be incurred beyond present delay costs.
  2. Redesign Spay/Neuter Clinic as previously directed by Humane Society on August 12. Clinic remains in interior of building.
    - a. Final approval from Humane Society necessary.
    - b. Funding approval from Manager's office necessary.
    - c. Architect estimates costs for changes to be around \$15,200.

3. Redesign Spay/Neuter Clinic to an exterior wall (Resolves design issues).
  - a. Direction from Council necessary.
  - b. 6 month delay in construction.
  - c. Architect estimates additional costs of around \$525,000. Council would need to determine how to fund changes.
  - d. If at some point the Humane Society decides not to renew their contract, the City would be left with a building that is not efficient for our needs.
  
4. Move shelter to a different location on Airport property (Resolves location and design issues).
  - a. Direction from Council necessary.
  - b. Aviation states that this is the piece of property best suited for this project.
  - c. Time delays would be significant (a year or more).
  - d. Our architect estimates it could cost between \$850,000 and \$1.25 million to move to another site.
  
5. Move shelter to a different site off of Airport property (Resolves location and design issues).
  - a. Council would need to direct staff to pursue this option.
  - b. Time delays would be maximum as project would have to go through the CIP process as Aviation is unable to fund project if it is not on this property.
  - c. The architect estimates it could cost between \$850,000 and \$1.25 million to move to another site plus land costs.

EVEN THE OPTION TO PROCEED AS PLANNED WILL WIPE OUT OUR EXISTING CONTINGENCY DUE TO DELAY DAMAGES THAT WILL HAVE TO BE PAID TO THE CONTRACTORS. WE EXPECT THIS PROJECT TO REQUIRE ADDITIONAL FUNDS TO COMPLETE.

6. Selling/Leasing current site to Humane Society.
  - o. It is preferred that the Toomey Avenue site be leased rather than sold to the Humane Society because:
    1. NCDOT has requested City to retain ownership due to future right of way needs.
    2. I-77 requires 350 feet of right of way (175 feet on either side of centerline). The future right of way line passes through several buildings comprising the CMACC.
    3. If the City were to sell the property, and NCDOT needed it for right of way, the state would have to pay for relocation of the tenant. This would increase the cost of the project to the public.



4. If the City retains ownership and leases the facility on the basis of a short term renewable lease, the lease could be terminated prior to NCDOT needing the property. Relocation cost would not have to be paid to the tenant.

D. Spay/Neuter Clinic operational options

1. Spay/Neuter Clinic operates out of new building as previously planned and designed.
  - a. City pays for Spay/Neuter operations - cost of \$51,464 last year.
  - b. rent space to Humane Society at a rental rate as yet to be determined.
  - c. net cost of \$51,464 minus rent.
2. Spay/Neuter Clinic operates out of old shelter and Animal Control adoptive animals transported to old shelter for Spay/Neuter operations
  - a. \$30,000 to transport animals
  - b. Spay/Neuter operation costs (\$51,464)
  - c. net cost of \$81,000 minus rent from existing facility if leased to Humane Society
3. Animal Control staff veterinarian performs Spay/Neuter operations on Animal Control adoptive animals.
  - a. cost of \$38,000 for supplies and two permanent part-time veterinary technicians. Animal Control staff costs (already in operating budget) would be in addition to this.
  - b. If Animal Control staff does not do operations, an additional \$26,000 would need to be funded to hire a part-time veterinarian.
  - c. this option cuts Humane Society Spay/Neuter operations by 30%.

E. Construction Options for Spay/Neuter Area in New Building:

1. Finish Spay/Neuter area out as planned; no savings or additional expenses (beyond delay costs already incurred) would be realized.
2. Leave Spay/Neuter Clinic unfinished (ie. no cabinetry, equipment, etc.). The Architect estimates a savings of \$19,000. Furnishings could be added later at a higher cost.
3. Leave Spay/Neuter area as raw space (ie. stone floor, no ceiling grid, etc.). The Architect estimates a savings of \$100,000. Finishes could be added later at a higher cost.

COSTS

	<u>Architectural Design</u>	<u>Additional Construction</u>	<u>Expenses to Date Lost</u>	<u>Total</u>
Leave S/N as is	\$0	\$0	\$0	\$0
Redesign S/N as requested by Humane Society (clinic remains on interior of building)	\$6,200	\$9,000	\$0	\$15,200
Redesign S/N to be on an exterior wall and remain on existing site	\$100,000	\$325,000	\$100,000 (1/3 of expenses to date)	\$525,000
Move shelter to a different site and move S/N to an exterior wall	\$150,000	\$500,000— \$900,000 to terminate contracts	\$200,000 (2/3 of expenses to date)	\$850,000—\$1.25M (Does not include land costs, if any)

OPTIONS:

PUBLIC SERVICES COMMITTEE

September 28, 1992

EXECUTIVE SUMMARY

The City Council Public Services Committee met at 5:00 p.m., on September 28, 1992 in Room 270-271 of the Charlotte-Mecklenburg Government Center with Chairman Ann Hammond presiding. Committee members Dan Clodfelter, Hoyle Martin, Cyndee Patterson and Don Reid were in attendance; also Councilmember Stan Campbell was present.

Staff members present were: Pat Cox, Mary Blinn, Marc Roberts-Animal Control; Jerry Orr-Aviation; Robert Pressley-CDOT; Clark Readling-Engineering; Vi Alexander-Budget and Evaluation; O. Wendell White, Pam Syfert, Julie Burch, and Doreen Szymanski-City Manager's Office.

Also present: Robert Jolly and Glenn Barry-East Coast Design; Patty Lewis-Humane Society; Jim Johnson-Architect; various other concerned citizens and the media.

Overview of Animal Shelter Project

An overview of the Animal Shelter project was given by Julie Burch, which covered decisions on the current location and design, and the public accessibility issue. Cost and financing were prime considerations. Rob Jolly and Glenn Barry gave an overview of the facility's design.

Discussion on the Airport Site

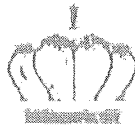
The airport site was discussed. Discussion centered on costs associated for design changes. In particular:

- To move shelter to another site will mean that airport financing assistance will not be available.
- To move shelter to another site will mean something else will have to be sacrificed in the CIP.
- To move the shelter to a different site and move spay-neuter clinic to an exterior wall will cost \$150,000 architectural design plus an estimate of \$500,000-\$900,000 to terminate contracts, plus \$200,000 expenses lost to date (2/3 of expenses to date) for a total estimate of \$850,000-\$1.25M (excluding land costs, if any).
- Although indoor/outdoor kennels will cost more up front, a cost savings of \$27,000/year will be realized (saved by not having to air condition space).

Action Taken:

A motion was made to recommend to full Council that the new facility be built with indoor/outdoor kennels at the airport site with full noise attenuation for the building and the indoor kennels. The motion passed, 4-1.

OCT - 2 1992



CHARLOTTE

FACSIMILE TRANSMITTAL SHEET

DATE: 9/28/92

NO. OF PAGES 5  
(Including Transmittal)

TO: Jerry Orr

FROM: Richard Martin

MESSAGE:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please contact Ray Turner at (704) 336 3051

if you do not receive all pages.

CITY OF CHARLOTTE  
INTER-OFFICE COMMUNICATION

DATE: September 28, 1992

TO: Jerry Orr  
Aviation Director

FROM: Richard D. Martin  
Director of Finance

SUBJECT: Animal Control Facility

Problem: (third paragraph, 1st sentence) City cannot "take you out" with a bond issue unless Council passes special resolution in advance prior to any expenditures. See attachment for details. Restated, if there is ever any intention to eventually finance this project we need to take appropriate action ASAP. Call me.

RDM:kkd

Attachment

## PUBLIC FINANCE NEWS

VOL. III, No. 3

PUBLISHED BY HUNTON &amp; WILLIAMS

MARCH 1992

### IRS Announces Four New Regulations

The Treasury recently has issued the results of four regulatory projects affecting tax-exempt municipal bonds:

- Final regulations regarding reimbursement of prior expenditures with bond proceeds;
- Proposed regulations under the six-month universal exception and the two-year construction issue exception to the arbitrage rebate requirements;
- Proposed regulations on allocations and accounting for rebate compliance generally; and
- Proposed regulations on refundings, including the treatment and calculation of transferred proceeds.

The reimbursement regulations are effective for all bonds issued after March 2, 1992. The other regulations are in proposed form only and are to be effective 30 days after publication of final regulations, but issuers may elect early application of some provisions. Public hearings and public comment will occur as part of the process of adopting final regulations. Comments on the proposed regulations are due March 20, 1992, for consideration at the public hearing scheduled for April 3.

This newsletter contains a brief discussion of each of the regulations. Wally McBride of our Raleigh office is a member of the board of directors of the National Association of Bond Lawyers, and Hunton & Williams will be working with that association in submitting comments on the proposed regulations. We invite issuers and others to share with us their thoughts and concerns.

For more information please contact one of the following:

**Raleigh:**  
William H. McBride  
(919) 899-3030

**New York:**  
John B. Ashton  
(212) 309-1235

**Norfolk:**  
Alison M. McKee  
(804) 625-5329

**Richmond:**  
Harry Frazier, III  
(804) 788-8432

**Knoxville:**  
Joseph P. Congleton  
(615) 637-4331

**Fairfax:**  
C. Christopher  
Giragosian  
(703) 352-2200

**Washington:**  
Pauline A. Schneider  
(202) 955-1660

**Jack Spain, Jr.**  
(804) 788-8434

**R. Dean Pope**  
(804) 788-8438

**Atlanta:**  
Caryl G. Smith  
(404) 841-2919

**B. Darrell Smelcer**  
(804) 788-8608

### Final Reimbursement Regulation

The final reimbursement regulation, designated as Treasury Regulations Section 1.103-18 (the "Reimbursement Regulation"), is similar in content to the regulation proposed last year. Generally, the modifications from the proposed version of the regulation are favorable to issuers, since they do away with bright line prohibitions in favor of "facts and circumstances" tests.

**General Overview.** Expenditures paid on or after March 2, 1992, may be reimbursed with a later bond issue only if:

- (1) the "issuer" declares its "official intent" to reimburse the expenditure before the expenditure is paid;
- (2) the reimbursement (that is, issuance of the bonds) occurs within one year of the date of payment or the date the financed facility is placed in service, whichever is later; and
- (3) the reimbursed expenditure is a "capital expenditure" under general federal tax law.

Exceptions to the official intent and timing requirements are made for certain preliminary-project expenditures, such as architectural and engineering fees, and for certain unforeseeable expenditures. Acquisition of land is not a preliminary expenditure. A transition rule for expenditures made prior to March 2, 1992, is discussed below.

**Scope of Application.** The Reimbursement Regulation applies to traditional general obligation and revenue bonds for public purposes, qualified 501(c)(3) bonds and private activity bonds financing facilities owned by government entities (e.g., airports). In addition, all private activity bonds (e.g., low income housing bonds) must comply with certain "anti-abuse" limits on the ultimate use of reimbursement proceeds.

**Official Intent.** The official intent must:

(1) *Be consistent with the issuer's budgetary and financial circumstances.* It is consistent with an issuer's budgetary and financial circumstances if no funds from sources other than the reimbursement bond issue are, or are reasonably expected to be, reserved, allocated on a long-term basis or otherwise set aside by the issuer pursuant to its budget or financial policies with respect to the expenditures to be reimbursed. In determining whether the reimbursement plan is consistent with prior budgeting and financial circumstances, the Reimbursement Regulation requires review of the funds and expectations of all members of the same "controlled group of entities."

(2) *Express a reasonable expectation to reimburse the expenditure with proceeds of a borrowing.* This determination is based on all the relevant facts and circumstances, including history of actual reimbursement with bond proceeds. Prior expressions of intent to reimburse that are not carried out are also to be considered in determining reasonableness, but not in a mathematical manner.

(3) *Describe the project or fund for which reimbursement is sought and the maximum amount of the bonds to be issued.* Precise descriptions are not required. Thus, for

governmental issuers, a broad description such as "school buildings" should be sufficient. Identification of a fund instead of a project is permitted if the purpose of the fund is described in sufficient detail.

(4) *Contain a specific statement that it is a declaration of official intent under Treasury Regulations Section 1.103-18.* It appears that this precise language is required.

(5) *Be reasonably available for public inspection.* This test is satisfied if (a) within 30 days after the date of the declaration, it is made available for public inspection at the main administrative office of the issuer and it remains available for public inspection until the reimbursement bonds are issued, or (b) the issuer complies with applicable state or local law governing the public availability of records of the issuer.

(6) *Be made by the bond issuer or the conduit borrower.* For purposes of adopting the official intent, the Reimbursement Regulation defines "issuer" to be either the actual issuer of bonds or the borrower in a pass-through or pool structure. Official intent to reimburse an expenditure may be shown by action of the governing body of the issuer or by any person designated by the issuer to act on its behalf in declaring official intent. Thus, specific action at the board or council level is not required for each reimbursement.

**Anti-Abuse Rules.** The Reimbursement Regulation addresses the tax-exempt refinancing of taxable financings by requiring that a taxable borrowing that reimburses costs qualify under the regulation as if it had been tax-exempt. If it does not qualify, the proceeds of the taxable borrowing are treated as "unspent" at the time of the tax-exempt refinancing, and the unspent proceeds will "transfer" to the tax-exempt bonds, producing arbitrage problems.

Other anti-abuse rules limit the permitted uses of reimbursement proceeds. For example, reimbursement proceeds may not be used within one year of the reimbursement allocation to pay principal of or interest on bonds. This prohibition is likely to raise difficult compliance questions and result in additional document covenants for issuers.

**Transition Provision.** The Reimbursement Regulation effectively prohibits using proceeds of bonds issued after March 2, 1992, to reimburse expenditures made prior to September 9, 1989. Expenditures made after September 8, 1989, and before March 2, 1992, may qualify for reimbursement from the proceeds of bonds issued on or after March 2, 1992, under a transition rule. The transition rule requires that (1) objective evidence exist that at the time the expenditure was made the issuer expected to reimburse the expenditure with the proceeds of a borrowing and (2) that such expectation was consistent with the budgetary and financial circumstances of the issuer and constituted a reasonable expectation of reimbursement.

**Necessary Action.** Prior to establishing the funding source for a project, consideration should be given to the feasibility of a tax-exempt borrowing. Budgeting payment from sources available on a long-term basis (e.g., capital improvement fund) should be avoided if bond financing is contemplated. In addition, prior to payment of any costs of the project, the requisite action showing "official intent" to reimburse should be taken. Hunton & Williams is available to discuss the details of required action as applied to your particular situation.





U.S. Department  
of Transportation  
Federal Aviation  
Administration

Atlanta Airports District Office  
1680 Phoenix Parkway, Suite 101  
Atlanta, Georgia 30349-5421

OCT 8 1992  
CITY MANAGER'S OFFICE

Mr. T. J. Orr, Aviation Director  
Charlotte/Douglas International Airport  
P. O. Box 19066  
Charlotte, North Carolina 28219

Dear Mr. Orr:

We are writing concerning the proposed non-aviation use of airport land for the construction of an Animal Care Center within the approach to Runway 36L on your airport. As you are aware, the use of airport land for non-aviation use has to have the approval of this office. There are several facts that need to be obtained prior to us concurring in such a use. The information needed is as follows:

- a. Are you planning to release this property?
- b. If not a full release of the property, are you planning to obtain fair market rental for this property?
- c. Is there any potential aviation use for this property? The review of the existing approved airport layout plan does not appear to have any aviation use except for the protection of Runway 36L.
- d. We are in the process of coordinating the proposal to find out if there is an objection to this facility.

Upon obtaining the information requested above from you and from obtaining the concurrence for this facility from Federal Aviation internal review, we will consider the non-aviation use of the airport land.

Sincerely,

  
Thomas M. Roberts

OCT -7 1992

PARTNERS IN CREATING TOMORROW'S AIRPORTS



## CHARLOTTE

October 9, 1992

Mr. Tommy Roberts  
Atlanta Airports District Office  
1680 Phoenix Parkway, Suite 101  
Atlanta, GA 30349-5421

Dear Tommy:

In response to your request for further information on the use of airport property for an Animal Control Shelter Facility, we offer the following:

- (1) The airport is constructing an Animal Control Facility on two acres of airport property, which will be leased to the public agency responsible for animal control in our community.
- (2) The airport will charge a "market rate" land rate in the amount of \$7,000 per year for the two acres.
- (3) This building will include a police canine facility, housing for an FAA provided bomb threat dog. Future use of this land may include a livestock holding facility as recommended in our Air Cargo Master Plan Study. Additionally, this would become a joint use with the Animal Control Facility.
- (4) Because of its proximity to the existing TVOR and clear zone for Runway 36L, no other use is anticipated for this property.

Please consider this information in your internal review and contact my office if additional information is needed.

Sincerely,

T. J. Orr  
Aviation Director

TJO:EJC:kl

bcc: Pam Syfert  
Deputy City Manager

JOY McCANN

See me re  
this work

Serge R

# CITY OF CHARLOTTE

## INTER-OFFICE COMMUNICATION

DATE:

MAY 10, 1994  
~~April 29, 1994~~

TO:

Steve Allen  
Airport Planner  
Aviation Department

FROM:

John Lojko  
Superintendent  
Landscape Management

SUBJECT:

Routine Grounds Maintenance at  
the New Animal Control Facility

This memo is to follow up our meeting of Tuesday, April 26, 1994 at the Animal Control Facility. This memo is also intended to serve as an agreement between the Landscape Management Division and Airport Landscape to maintain the Animal Control facility.

### ROUTINE MAINTENANCE:

As discussed during the meeting, Airport landscape crews would provide the following routine maintenance:

1. Weekly mowing -- this would include mowing, edging, trimming and blowing of all turf areas, sidewalks and parking areas. This work is to be done for the months of April through November or as needed.
2. Weed control throughout the year -- this would include all shrubs, flower beds and tree rings.
3. Pest control throughout the year -- this would include all shrubs, flowers, trees and turf as needed.
4. Fertilization -- twice a year on all vegetative material.
5. Mulching -- once per year for all shrubs and tree rings.
6. Pruning as needed -- this would include all shrubs and trees.

The above work would start on Monday, May 9, 1994. The routine maintenance as outlined above would be paid for by a transfer of funds from Landscape Management to Airport Landscape at the cost of \$2,600,00 a year. For the remainder of this year, cost to be prorated for May and June.

### NON-ROUTINE MAINTENANCE:

Any non-routine maintenance would need to be coordinated through the Landscape Management Division, either through myself or Robert Bagley, A.S.C. This would include any maintenance items other than outlined above, i.e. tree watering, special events, special cleanups, etc. or repairs to warranty construction type damage. Approval of and costs for non-routine maintenance would need to be negotiated. Landscape Management may provide these services.

ENGINEERING AND  
PROPERTY MANAGEMENT DEPARTMENT  
MEMORANDUM

DATE: May 23, 1994

TO B. BLACKWOOD

TO: Steve Allen,  
Aviation Department

that is a ridiculous  
statement.

FROM: *Barry Blackwood*  
Barry N. Blackwood, P. E.  
Project Manager

T.J.-orr

SUBJECT: Animal Control & Police K-9 Facility

We have received complaints from the City staff at the subject facility regarding increased vehicle maintenance resulting from the existing condition of the side service road there.

Please contact Ms. Pat Cox (336-4423) to coordinate repairs to the road. If Aviation is planning to complete the pavement/curb gutter work on the road, please provide Pat with a schedule of when the work might be done.

bnb


CC: Pat Cox  
Jack Williams  
D. R. Mullis  
D. L. Garner  
K. G. Gillis

JUL 28 1994

ENGINEERING AND  
PROPERTY MANAGEMENT DEPARTMENT  
MEMORANDUM

DATE: July 26, 1994

TO: Jerry Orr, Director,  
Aviation Department

FROM: David L. Garner,  
Special Projects Engineer 

SUBJECT: Animal Control & Police K-9 Facility

---

A meeting was held this date on the subject project and was attended by:

Ann White - Budget & Evaluation  
Steve Allen - Aviation  
Pat Cox - Animal Control  
Hampton Ott, Ron Gragg, John Sloop - City Building Maintenance  
David Garner, Danny Mullis, Barry Blackwood - City Engineering

The purpose of the meeting was to discuss the maintenance of the building and its mechanical and electrical systems. Since the City Building Maintenance Division has been involved with the design and construction of the facility, and is familiar with it, it was agreed by all present that Building Maintenance would be responsible for the maintenance of the building and systems.

It is our understanding that John Lojko of the City Landscape Management Division has already worked out an agreement with Aviation on grounds maintenance at the facility.

bnb

CC: Ann White  
Steve Allen  
John Lojko  
Pat Cox  
Hamp Ott  
D. Mullis  
B. Blackwood  
K. Gillis

CITY OF CHARLOTTE  
AVIATION DEPARTMENT

M E M O R A N D U M

TO: T. J. Orr  
FROM: Steve Allen *SA*  
DATE: July 27, 1994  
SUBJECT: Animal Shelter

---

During the time that City Engineering was scaling back on the Animal Shelter, money was cut from the budget to prevent sacrificing the contingency fund. The cutbacks included paving only a portion of the employee lot, storm drainage and fencing at the back of the property.

Now that the building is complete, there appears to be enough savings in the construction budget to complete the above items. City Engineering would like to request that the Aviation Dept. encumber the funds from the Animal Shelter account to cover these expenditures. They will forward the information to us so that we can initiate the paperwork. My response was that there shouldn't be a problem if money is available in the construction budget.

I'll provide you with more details once I receive the information.

Thanks!

TEXT

Dec FOUND

• REPORT INVESTIGATED \$3,000,000 FOR 12/15/2017

• CASE COMPLETE - DEC FOUND OCCUPIED

• IF \_\_\_\_\_ = IS REMAINS IN BOOKS

~~DEC FOUND RESUME~~

MONEY IS BURIED IN THE EVIDENCE/DEC FOUND

RESUME BOOKS. THEY WANT TO FIND IT.

TYPICALLY WHEN A CASE IS COMPLETE I RETURN

BOOKS TO ORIGINAL FUNDING SOURCE.

YOUR ADVICE \_\_\_\_\_

CITY OF CHARLOTTE  
INTER-OFFICE COMMUNICATION

DATE: October 14, 1992  
*Nancy P. Elliott for*  
FROM: Viola T. Alexander, Director  
Budget and Evaluation

TO: Jerry Orr, Director  
Aviation Department

SUBJECT: New Animal Shelter Financing

Per our conversation at the Manager's Coffee on October 9, you agreed to loan the project an additional \$90,000 in Airport funds if needed. The project is over budget by this amount due to Council delay. We will have better numbers in February, 1993 when the furnishings contract is awarded.

I appreciate your assistance.

hd

cc: Pam Syfert  
Richard Martin  
Clark Readling

OCT 15 1992




# MEMORANDUM

## BUDGET AND EVALUATION

**DATE:** October 23, 1992

**TO:** Dave Garner  
Engineering Department

**FROM:**   
Viola T. Alexander, Director  
Budget and Evaluation

**SUBJECT:** Animal Shelter Supplemental Funding

Jerry Orr has received my memo of October 14, 1992 concerning the supplemental funding of the Animal Shelter. Jerry has restated his opinion that the project be monitored closely for any change order. One suggestion is to review all change orders carefully and to include Jerry in that review. I do not have a problem with this. It may actually be helpful to determine if alternatives exist to the change order from the Airport staff.

While this is not an immediate action, I wanted to let you know in advance. I plan to proceed with sending any change order to Jerry unless you have some concern with this approach.

hd

✓ cc: Jerry Orr

OCT 26 1992

NOV - 4 1994

ENGINEERING AND  
PROPERTY MANAGEMENT DEPARTMENT  
MEMORANDUM

**DATE:** *November 3, 1994*

**TO:** *Pat Cox, Director,  
Animal Control Department*

**FROM:** *Barry N. Blackwood, PE,  
Project Manager*

**SUBJECT:** *Animal Control & Police K-9 Facility*

*The paving of the rear parking lot at the subject facility was included in the original construction documents, and funds for that purpose existed in the project account #562.92. When bids were opened, the paving was one of the items deleted in order to award constructions contracts, and at the same time retain sufficient funds in the project contingency.*

*Since the project has been completed, and sufficient funds remain in the account 562.92 contingency, we have explored several ways to expedite the pavement work. It is our opinion that the work would be desirable to stabilize the existing fill, gravel parking lot, and downstream bank, all of which are beginning to show signs of erosion. However, we have been unable to acquire approval from Aviation for the expenditure of funds. You may continue to pursue this work with Aviation, if you desire.*

*It is our understanding that the Landscape Management Division pays Aviation a fixed amount to maintain the landscaping at the facility. This would not include repair to the rear graveled lot, which would be the responsibility of Aviation.*

*bnb*

**CC:** *Jerry Orr           D. R. Mullis  
Steve Allen           D. L. Garner  
John Lojko           K. G. Gillis  
J. G. Humphrey*

From: CHARLES SIMMONS  
To: ADKHL  
Date: 3/27/96 10:11am  
Subject: Animal Shelter

TJO:

Currently, the grounds maintenance has been taken over by engineering and property. They are going to package the maintenance of the Animal Shelter, right of ways and other surrounding areas to bid on. Engineering and property will compete for this work. According to Quinn Hill, one of the main reasons the decision was made to place this work out for bid, was dissatisfaction with the level and quality of service that the Airport was providing. There was also the perception that providing the service was not a priority for the Airport.

We were billing them \$2,600 per year.

## BUSINESS

### 13. Contract with Humane Society of Charlotte

**Action:** Approve a new contract with the Humane Society of Charlotte that includes the terms for the Society's construction of a spay/neuter clinic at the Animal Control facility on Byrum Drive.

**Staff Resources:** John Joye, City Attorney's Office-Police  
 Captain Tammy Williams, Charlotte-Mecklenburg Police

#### Explanation

- The new contract formalizes the decisions made in the FY2005 budget.
  - Humane Society will renovate and upfit the Animal Control Byrum Drive facility to create a spay/neuter facility that the Humane Society will operate.
  - The City will add 40 additional kennel runs.
  - Humane Society will perform at least 225 spay/neuter surgeries per month at the Toomey Clinic.
- Current contract with Humane Society of Charlotte was approved by Council in February 2004.

#### Contract Terms

- Under new contract, Humane Society of Charlotte will renovate and upfit the Byrum Drive facility to install a spay/neuter clinic to the City's specifications and approval.
- Upfit will be done at no cost to the City; estimated cost to Humane Society is \$300,000.
- Upfit will be completed by August 1, 2005; operations will begin by September 1, 2005
- Humane Society will operate clinic to provide spay/neuter services specifically for the Animal Control Bureau.
- Once Byrum Drive clinic is operational, the Toomey Avenue Clinic may be closed for up to 60 days for renovations with City approval.
- After all renovations are completed, Humane Society will operate the Byrum Clinic exclusively for Animal Control and the Toomey Clinic to provide spay/neuter services to the public.
- Term of the agreement is five years with up to four renewals of five years each.
- Both parties have the right to terminate the agreement without cause upon one year's notice; the City may not terminate the Byrum Clinic without cause during the first five years of the contract.
- Renovations to the Byrum facility become city property except for some specific spay/neuter fixtures which the City has the option to purchase should the agreement expire.
- New contract replaces the February 2004 agreement but maintains many aspects of it including the lease of the Humane Society's mobile clinic van to

the City for \$1 a year and a modified minimum productivity requirement for the Toomey Clinic to perform 225 spay/neuter surgeries per month.

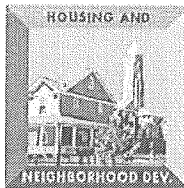
#### Background

- The Animal Control Bureau has made a number of presentations to the Community Safety Committee and full Council to discuss ways to decrease the number of animals that must be euthanized by increasing spay/ neuter surgeries.
- Humane Society of Charlotte contracts with the City to spay/neuter animals being adopted /reclaimed through Animal Control.
- Currently, spay/neuter surgeries are done at Humane Society facility on Toomey Avenue; facility leased from City for \$1 per year; facility serves both Animal Control and the public.
- During the FY2005 budget process, Animal Control recommended building an on- site spay neuter facility at the Animal Control headquarters on Byrum Drive to serve those animals under the Bureau's control.
- A separate spay/neuter facility for Animal Control would allow for greater efficiency since animals would not have to be transferred to the Toomey Avenue facility, would free up more appointments for citizens to have their animals spayed/neutered at the Toomey Avenue facility, and make animals available for adoption on a more timely basis.
- In June 2004, the Humane Society offered to renovate and upfit the Byrum Drive facility to create an on-site spay/neuter clinic which the Society will operate for the City.
- Offer contingent upon City adding 40 additional kennel runs at Animal Control.
- Council approved \$385,000 in the FY2005 budget for the kennel expansion.
- Plans for the kennel runs have been completed; construction bids are currently being taken.

#### Funding

Humane Society of Charlotte and Police Operating Budget

## 14. Wallace Townhomes Rehabilitation Loan and Grant



**Action:** Approve \$808,920 (\$700,000 loan and \$108,920 grant) to the Grier Heights Economic Foundation, Inc for the rehabilitation of 34 multi-family rental units in the Grier Heights neighborhood.

**Staff Resource:** Stanley Wilson, Neighborhood Development  
Jeff Meadows, Neighborhood Development

#### Policy

- City's FY2005 Consolidated Action Plan approved by City Council on May 10, 2004:
  - Identified the need for affordable, safe and decent housing for low and moderate-income families.

DATE: July 2, 1992

TO: AMOS WOODS

*Charles P. Simmons*

FROM: CHARLES SIMMONS

SUBJECT: New Animal Control Facility Financing

FUND: 2073 CENTER: 562.92 ACCOUNTS: VARIOUS

Pursuant to the attached Memorandum of Agreement, the Airport will provide \$3M in pre-dbo fund balance to the General Fund to construct an Animal Control Facility on Airport property. City Council is scheduled to act on this matter at their July 27, 1992 meeting. In accordance with that agreement, the Airport should take the following action to implement the financial impact of this transaction:

1. Prepare quarterly Departmental Transfer Invoices (effective September 30, 1992) to record interest earned on the outstanding balance of the loan. This interest earned should be recorded such that it flows back to the pre-dbo fund balance.
2. Effective with DBO for the facility, ground rent in the amount of \$7,000 per year should be collected from the General Fund via Departmental Transfer Invoice. These funds should be recorded such that they flow to the excluded cost center (59636 - 6603).
3. Any Airport cost (i.e. people/materials) incurred for maintenance should be identified and charged to the General Fund via Departmental Transfer Invoice.

Please let me know if you have any questions concerning this information.

*Danny Mullis*  
*E*

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*Completed Date*  
*July 25 '92*



## CHARLOTTE

### NEW ANIMAL SHELTER FACILITY -- IMPACT OF AIRPLANE NOISE ON SHELTER ANIMALS

#### FACT SHEET

- Humane Society of the United States

"We are unaware of any studies which have been conducted regarding the effects of airport noise upon animals. I can tell you from personal experience that I have visited the City of Memphis, Tennessee Animal Shelter which is situated on property adjacent to the airport and did not notice any adverse effect upon the animals or the staff."

Mark Paulhaus, Vice President  
Companion Animals

- American Humane Association

"...we have no information on the effect of airport noise on shelter animals."

Betsy Tyus, Membership Services  
Coordinator  
Animal Protection

- National Animal Control Association

"Noise in animal shelters is a solvable problem at any location."

Mike Burgwin, Executive Director  
National Animal Control Association

- American Society For The Prevention of Cruelty To Animals

"...the ASPCA ran the Animalport at John F. Kennedy Airport for 30 years. I was the Director for the last six years. We were located approximately 100 feet form the runway with planes flying over us. The noise was never a problem."

Kathleen E. Travers, Director  
Exotic Animals and Animal Transportation

- Memphis Animal Shelter - Memphis, Tennessee

"...the Memphis Animal Shelter is located adjacent to the

Memphis International Airport and is within 1,000 feet of one of the runways. The engine test facility of Federal Express is within 3,000 feet of the facility. This facility has been located on this site for the past twenty plus years..." "...I am unaware of any adverse effects on people or animals due to our close approximation to the airport and runway."

R. Kenneth Childress, Bureau Manager  
Memphis Animal Shelter

● Peninsula Humane Society - San Francisco

- "There are air traffic patterns that shake the building...noise comes across water."
- "Especially when Coast Guard is called upon in emergency situations...planes fly over at roof top level."
- "Has not noticed any animals having a problem with noise."

Paul Miller, Director  
Peninsula Humane Society





## CHARLOTTE

### NEW ANIMAL SHELTER FACILITY - IMPACT OF AIRPLANE NOISE ON ANIMALS

#### EXECUTIVE SUMMARY

- There is no documented incidence of adverse effects from airplane noise on animals.
- The Charlotte/Mecklenburg Animal Control Shelter will be located 3,000 feet from the airport runway.
- At least three other Animal Shelters have been located within 2,600 feet or less from an airport runway - Memphis, Tennessee Animal Control, NYC ASPCA, West Palm Beach, Florida Animal Control. No adverse effects on animals have been observed at these Shelters.
- The Charlotte/Mecklenburg Animal Control Shelter is being constructed with Airport funds at a site which is being provided at no cost. In order for this facility to be built with Airport funds it must be located on Airport owned property in accordance with FAA regulations.

DOG POUND.

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July 27, 1992  
 Council Briefing  
 Minute Book 99, Page 400

The City Council of the City of Charlotte, convened for a Briefing on Monday, July 27, 1992, at 5:15 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center, with Mayor Pro Tem Ann Hammond presiding. Councilmembers present were Dan Clodfelter, Nasif Hajeed, Tom Mangum, Hoyle Martin, Pat McCrory, Cyndee Patterson, Don Reid, Ella Scarborough and Lynn Wheeler.

ABSENT: Mayor Richard Vinroot, Councilmember Stan Campbell.

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**CHARLOTTE POLICE CRIME LABORATORY AND ITS SERVICES**

Roger Thompson, Crime Lab, showed a video on the Crime Lab. The production of the video is the act between two departments in the City, PS&I Video Production Studio and the City's Crime Laboratory. It was a unique way of these people reaching for some creativity and showing their professional skills and a lot of pride in their work. Council may not be aware, but the Police Department has hundreds of people that come through the Crime Laboratory on an annual basis; students, public groups, college students and science clubs. They want an in-depth tour of the facility, but because of limited staff and the way the laboratory is laid out, it is very difficult to move those people through. For several years they have identified a need for some form of visual aid and an audio presentation. They use tape recordings and things of that nature, but it just doesn't represent the services of the laboratory and justify it.

Mr. Thompson said about a year ago, he received a copy of the video from the State Police Crime Laboratory System which was a training film and did a good job of showing laboratory services, but it was tailored to their needs, services and procedures. He sent a copy over to PS&I to make a couple of copies and Mike Davis took a look at the video and got excited about it and approached the Crime Lab with the idea of filming their own video for their own use. He is very proud to say this video was rolled by all the people in the laboratory and some of the City/County personnel came up with the idea for the story line and the scripting of the story. He interviewed the laboratory staff, and basically learned about the forensics science services and used the story to incorporate all the services in each of those sections. Without his expertise and his talent from the PS&I division they would never have had a successful video as they have now.

Mike Davis, Public Service & Information, stated he left some press releases out that basically explained the premises of the video tape and its usage. There is a lot to be proud of in this video, but the one thing he is most proud of, is the fact that they produced this video tape totally in-house with no budget to speak of. The response to the program has already been great, before they even had a chance to air it. The Fort Worth Museum of Arts and Science in Texas plan to use the video as part of a traveling exhibit they will be doing in two years. It's going to travel to eight major cities in the country and it will actually hit Discovery Place in 1994. That exhibit alone has the potential audience of two and one half million people. He said they received a call a couple of weeks ago from the Smithsonian Institute and they want a copy of the tape as well for research for an exhibit they are putting together. Last week, it won first place at the City/County Communications in Marketing Association Savvy Award competition, that was a feather in their cap as well. They have a project here that obviously Roger and the Crime Lab folks are going to get a lot of use. The City has already received good PR from the video and will continue to get good PR. The video fits right in with the City's initiative to fight the war on crime and drugs. Last but not equally important, it really shows what the little video department downstairs is capable of producing.

Mayor Pro Tem Ann Hammond, congratulated Mike Davis on the awards the video has already received.

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July 27, 1992  
 Council Briefing  
 Minute Book 99, Page 401

AMERICANS WITH DISABILITIES ACT

Julie Burch, Assistant City Manager, stated there has been quite a bit in the paper recently on how the ADA will be affecting the private sector and private businesses. The Manager's Office thought it would be helpful if Council also knew how that will impact City government, therefore, staff will give Council a brief overview tonight on how that is going to work.

Henry Underhill, City Attorney, stated that in 1990, the Congress passed and the President signed into law the Americans With Disabilities Act. It is divided into three parts or titles. Title one deals with employment discrimination against qualified disabled individuals. There have been several stories in the news media in the last several days about that. The reason Council is seeing the news stories is that that portion of the law became effective July 26, 1992. The City's Human Resources Department is working very carefully and closely to ensure that the City remains in compliance with the employment aspects of that law. Title two, the second part of the law, applies to and regulates access by disabled individuals to public service programs, activities and facilities. There is also a title three to the act which regulates discrimination against disabled individuals by the private sector.

Mr. Underhill stated his comments are going to be limited to the title two portion of the ADA or Americans With Disabilities Act of 1990. Council needs to know that it applies to virtually all public entities at the state and local levels. It applies to all activities whether federal funds are involved or not, it's not like some of the prior programs that regulated discrimination in that it may be tied to federal funding. The ADA applies to their activities regardless of whether or not federal funds may be involved in a particular activity. A law makes a very straight forward and simple statement and it provides that no qualified individual with a disability shall by reason of such disability be excluded from participation in or denied the benefits of the services, programs or activities of State, County or Municipal government or be subject to discrimination by any such government. An individual with a disability is a person who has a physical or mental impairment that substantially limits a major life activity or has a record of such impairment or is regarded as having such an impairment. The Department of Justice has issued some regulations which are intended to flesh out the law itself. Some of the examples given of physical or mental impairments that are covered by the ADA include but are not limited to the following: Contagious or non-contagious diseases and conditions such as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional sickness, specific learning disabilities, HIV disease, tuberculosis, drug addition and alcoholism. That's not an exhaustive list, but an example of the type disabilities or individuals that have physical and mental impairments with that type of illness that would be covered by this Act.

Mr. Underhill stated that there are two things he wanted to highlight for Council. One is the law has two very major deadlines in so far as it affects Charlotte and all local governments. It requires that local governments or those entities covered by the law perform two major tasks. The first major task is that the City do something called a self-evaluation and that has to be done by January 26, 1993. That is within one day of the effective date of the Act with regard to local governments. The self-evaluation requires the City to evaluate all the current services, policies and practices and the effects of those practices or services that the City provides and to modify those services, policies and practices to provide an opportunity for disabled individuals to fully participate as part of local government. Self-evaluation studies or plans have to be developed with the opportunity of input from interested persons including individuals with disabilities, and organizations representing individuals with disabilities.

If you employ 50 or more persons, you have to maintain certain filing requirements and you have to have on your payroll or at least part of the organization, a person who is an ADA coordinator. The first major piece of work or task that has to be done, is the self-evaluation has to be

July 27, 1992  
Council Briefing  
Minute Book 99, Page 402

performed to determine whether or not the services and policies in our practices in any way prohibit, restrict or impair the ability of disabled persons from participating in those programs. The second thing the City is going to be required to do, and is in fact already doing is performing something called a transition plan. This deals with structural changes in your facilities as opposed to changes in your programs. You have to first identify all your public facilities, then you have to look at those facilities to determine whether or not there are physical obstacles that limit acceptability of individuals with disabilities. You have to again provide an opportunity to interested persons to comment on the development of the transition plan. You have to describe in detail in that plan the methods by which you will make your facility accessible, if you find that they are not. Finally, you have to set forth a schedule for taking steps to achieve compliance. The law has further provisions with regard to penalties and that sort of thing. Mr. Underhill said the main thing he wanted to do was to make Council aware of those two very important tasks, the self-evaluation plan and the transition plan.

Councilmember Hoyle Martin asked Mr. Underhill if that law applies to people employed by the United States Congress, to which Mr. Underhill replied this portion does not. Mr. Martin asked if any portion of it apply to Congress. Mr. Underhill stated not to his knowledge. This portion is only the State and local government.

Julie Burch, Assistant City Manager, stated they had taken a couple implementation actions so far. One thing Council has probably picked up from hearing Mr. Underhill is, compliance with ADA is not going to be a one time action, it's not going to be one of those things where we can go through a check list and check it all off and say we have done it because City programs and facilities will continue to change over the coming years. It will be something that will always be with them. It is staff's understanding that the law will probably change and evolve over the coming years also. As that law is tested by groups across the country and challenged in some way, the case law will also tell us a little bit more what all that means. The approach they are using is to utilize the combination of both in-house staff and outside consultants to help in complying with the Act. There are two reasons for doing that, one is they are trying to minimize the cost to get to compliance and also to build into the City's staff a certain base of knowledge about how to comply with ADA.

Ms. Burch said they also need outside consultant expertise, particularly related to changes they might need to make in the building, architectural barriers and the remedies for those. Last spring, they hired Woolpert Consultants for a contract for about \$42,000. The Manager approved the contract to begin the survey of City facilities that needed to be started in order to comply with the first deadline regarding the facilities. The consultants have completed to date, a survey of about 46 of our most used facilities which is about a million square feet. The City has over 200 facilities that have to be surveyed and that's about three million square feet. It is not a small task by any means. They have already discovered that some of the buildings that were built to comply with the building code at the time they were built are no longer in compliance with ADA. Some of the examples of those are the size and configuration of bathroom facilities, door size and type of hardware, type and location of signage, fire alarm systems, placement and type drinking fountains that are used, improper access to buildings for handicapped parking spaces. There is one called excessive floor slope, which sounds like it would be an interesting thing that we are going to have to remedy in some cases. This initial facility survey of the 46 substantially helps them meet the first deadline, which was actually yesterday for the transition plan as far as what they plan to do to the major structures. In addition to that initial facility survey, the consultant also provided a general orientation of the law and that involved all of the City department heads and senior management. As a result of that, they have appointed ADA coordinators for each of the departments. Those are existing city staff and people who will be called upon throughout the course of the next several months in particular and beyond to help from the department level as to how to comply. What they are proposing for the next step is that the consultant go into phase two. They will be coming back to Council for approval of that phase. The consultant would complete the facility survey and also at the same time

provide in-depth training to department coordinators so they can start building in some knowledge with staff so eventually they will not have to use an outside consultant to help with that.

The consultant would also help them reach the January, 1993, federal deadline of evaluating all of the programs and services for access in compliance with ADA. They need to appoint within the staff a city-wide ADA coordinator. That individual would oversee the compliance throughout the City and also be the principal liaison with the public and City departments. Another important role of that individual will be the link to the Charlotte-Mecklenburg Advocacy Council for people with disabilities. Ms. Burch feels they are very fortunate in that they have a good relationship with that citizen group now and that group will continue to play a very big role in terms of the City's compliance with ADA.

As far as the budget impact of ADA, they do not have anything real specific at this point. They know it is going to take the time of the department coordinators, and estimate that would be about five percent of their time. They think it will take the City-wide ADA coordinator position about eight hours a week over the course of the next several months, and of course in order to handle that five percent there will necessarily have to be a shift in some of the priorities those existing staff members are handling. As far as additional operating and budget impact, right now the current capital improvement program allocates about \$35,000 a year, starting this year up through FY97 which is not really a lot of money when they start talking about structural changes or changes to the physical barriers in buildings. They anticipate that at some point, probably in the next budget cycle and CIP cycle, they will have to come back to Council to talk further about what that impact would be; of course, with the hope they would be able to phase in, over a period of time, any changes that need to be made. They will be coming back to Council, probably in late August or early September, for approval of the phase two consultant contract, to continue the facility survey and to train staff in ADA.

Ms. Burch said they want to meet and intend to meet the challenges and requirements of the Federal Act, but it is a good example of the federally mandated program for which there is no additional funds coming down the pipe to help local government. It is coming at a time when they are trying to rightsize and deal with other priorities in City government.

Councilmember Scarborough asked if this law includes things like sidewalks? Several years ago the Association of the Blind had concerns about how the sidewalks at Trade and Tryon Streets were built and not being able to cross at the crosswalks and she wondered whether that would be included and if that is something they have to look at.

Ms. Burch stated staff would be looking at sidewalks and wheelchair ramps throughout the city. They have about \$600,000 a year for that that has been set aside and the advocacy council has been real helpful in the past and will continue to set priorities for those locations where wheelchair ramps need to go in.

Mr. Martin asked Ms. Burch if she said they spent \$35,000 a year to address these issues. Ms. Burch stated that \$35,000 was separate from the \$600,000 that she just mentioned. There is only \$35,000 a year in the CIP right now.

Ms. Hammond asked if staff had estimated what the overall cost would be in the fiscal building fund?

Ms. Burch answered no, with the completion of the survey of all the buildings, staff will have a better idea what that is because the consultant will help them actually come up with some alternative remedies for those barriers and put some cost estimates and a time table on it. Ms. Burch stated she would anticipate staff would have that over the next several months and that is when staff would need to talk to Council about how they program for that in the future CIP budget. It is several thousand dollars, it could be as much as a million dollars. That is kind of taking it out of the air for right now until they know for sure.

July 27, 1992  
 Council Briefing  
 Minute Book 99, Page 404

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TROLLEY/SOUTH BOULEVARD CORRIDOR STUDY

Warren Burgess, stated he wanted to bring Council up-to-date on the activities that have been going on in the South Boulevard/South Tryon Street Corridor Revitalization Plan. This is one of the five corridor revitalization. This process began in November, working with City staff, and obviously with the Wilmore and Dilworth neighborhoods. The Convention Center staff, private developers, and private landowners work very closely with the Trolley Task Force. Obviously, they are interested in operating the trolley off the rail corridor that runs through the center of this corridor. The American Institute of Architects are also represented here and worked with them on a charette conducted two weekends ago and gave a lot of good ideas that have been incorporated into the plan. There was a general consensus at all the public meetings that the rail corridor was really a key element in this entire plan. For many reasons, not just the trolley, although that is important, because currently its dividing element, it's the other side of the track syndrome, it's dirty, it has not been maintained in years, it really is a liability. One of the efforts is to really clean up the rail corridor.

Mr. Burgess stated Lecil Henderson will be talking about the current members who are working to bring the trolley to Charlotte along the rail corridor.

Mr. Burgess presented a slide show on the trolley and also passed out to the council, a booklet entitled, Operations, Insurance, Ridership on Historic Trolleys, which was prepared by Lilly Hardison, an Intern with the Historic Landmarks Commission.

Lecil Henderson, stated he was delighted to be speaking before Council, because since he last visited with Council, a number of very positive things had happened. Mr. Hardison's report documents a number of the cities around the country where trolleys are working very effectively, very cost effectively, and are being very productive as far as bringing conventioners and tourists to cities, adding enhancements both economic and human resources to many communities around the country. He feels the same can be obtained here in Charlotte.

One of the most exciting things that has happened since they last met is truly a joint public/private partnership has emerged. For a number of years, a variety of private groups have been working to bring trolley ridership back to this community. After the last meeting, a little bit of frustration was felt about where they are going from here. Since that time a number of folks, Economic Development, Engineering, Tom Warshauer, Joe Lesch, and a number of others from the City have been most generous with their time, resources and made a real investment in the community. He feels the renewed public/private partnership has made all the difference in the world. Since that partnership has come together, they have been able to examine things in a much bigger picture. The economic realities are going to be very dramatic from a tax standpoint, a public/private investment which Mr. Pressley will elaborate on shortly and the design charette which took place last week highlights the number of the real opportunities that can take place. Mr. Henderson gave Council a quick summary of what is taking place. In the last three years since 1989, well in excess of \$238,000 has been raised from the private sector. All of that money is coming from individuals from button sales, to T-shirt sales, to many kind benefactors. A number of corporations in the community have given quite generously of their dollars. In addition to the the \$238,000 that has been raised, they have had literally thousands and thousands of hours of high skill talent donated to restore the two trolleys they currently have. Those two trolleys are now in a public facility in the old bus barn, and they greatly appreciate Council's assistance on that. One is virtually 99% completely restored and as soon as the power pack is reapplied they can actually take it out on a working track and run it up and down the track. The other trolley is about 95% restored and based on current calculations, it should be finished by the end of the summer. They are also very excited about support that the Planning Commission, Martin Cranston and his folks have given through generous support of financial dollars through that

July 27, 1992  
 Council Briefing  
 Minute Book 99, Page 405

avenue that will go on top of the money they have already raised, and put them in an excellent position to go out and do some serious fund raising to get the last money they need to actually get the trolley's on the track. He said they have been overly pleased with the support they have gotten from the people in the community.

Mr. Henderson said one of real factors is the human factor. He believed this has a real good potential to reunite two old communities, Wilmore and Dilworth. These two communities are very similar in age, at one time very similar in structure. Both of those neighborhoods have been working jointly in a variety of aspects and unfortunately Maggie Freeman, who is the head of the Wilmore Neighborhood Association couldn't be with them tonight due to an illness. She has been participating in this and both neighborhoods are very excited about the opportunities that lay ahead. They see this as a real avenue not just to have a trolley running up and down the track, but really as most of the merchants and neighborhood folks will tell you, it's the real vehicle that will bring the communities together. Once they are able to clean the track up, electrify the area and make it safe, they feel like that is going to be a real tangible benefit. He asked Council to continue to endorse and support their efforts. The joint venture project working with City staff has been very beneficial. He hopes over the next few months, they can have continued support in some expanded areas such as lighting, landscaping, and continue to work on the insurance requirements, perhaps work with the police, such as the uptown district was able to do with the bike patrol, to help police that area and maybe with some special community task force as far as getting together private citizens to work with the City as far as cleaning up the area on a Saturday in some other areas. Basically, they are excited, they are moving forward, and appreciate Council's support and will be glad to answer any questions after Mr. Pressley makes his presentation.

Tony Pressley, stated he had been asked to speak on the economic benefits from this particular venture. Everywhere he goes, the question is the same. What is happening with the trolley? Everyone seems to agree that the one thing that could have more economic impact on that South Boulevard, South Tryon Street Corridor than anything else is the trolley. The Task Force feels there are a lot of dollars on the part of the private sector to be reinvested in that area, they are sitting on the sidelines waiting to see just what is going to happen. They have established a couple of things with the success of Homestead Park in the old ballpark site. In fact, there is a demand for in-field housing. There is a desire on the part of the people to move back into the inner city and for amenities to be provided for them. Mr. Pressley stated they need to send a stronger message to the private sector that the City is committed to the revitalization of the South Boulevard and South Tryon Street corridors. The epitome in his opinion of the City Within A City program with the goals and objectives of the program are represented in what they are trying to do out on South Boulevard. He hopes Council will commit to continue to work with them in partnership. They are not home yet, but are closer then they ever were and they appreciate that help and hope it will continue.

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#### COMMENTS REGARDING THE NOISE ABATEMENT POLICY

Councilmember Scarborough stated that she wanted to mention to Council that they have in front of them a memo in reference to the Noise Abatement policy and she hopes they will agree with her that they need to get this on an agenda and ask the Airport Advisory Committee to look at that policy.

Councilmember Hammond stated a couple folks are scheduled to speak on that tonight.

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#### COMMENTS REGARDING BID PROCESS

Councilmember Tom Mangum stated he wanted to share something with Council that he found out about the other day. When they have a bidding process

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July 27, 1992  
 Council Briefing  
 Minute Book 99, Page 406

going on and people come in offering two sets of bids, sometimes they knee jerk in not allowing them to be awarded a contract based on the fact they didn't bid exactly what was requested. They had the initiative to come one step forward and offer an alternative to save more money. They have a prime example where a company, which was Preferred Parking came forward to the City and offered up an alternative to what staff was asking for the parking deck outside and brought to his attention by visiting with those folks that they have had a 20 percent increase in revenue on the parking deck for two months running now. Preferred Parking feels that is going to be the trend. When they have someone go that extra initiative and go that extra yard to show them they can do something better, they ought to be rewarded by having a contract awarded to them. Mr. Mangum said he just wanted everybody to be aware of the fact that here is where a company did go an extra yard and ended up actually making the City extra money on the parking deck.

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#### COMMENTS REGARDING SAFETY ACTION COMMITTEE

Councilmember Hoyle Martin stated he wanted to remind everybody they have a petition on their desk asking for support of the Public Safety Committee's agenda item eight with regard to the commercial buildings uptown.

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#### INDEPENDENCE FOR THE HEZEKIAH ALEXANDER HOME

Councilmember Don Reid stated he had sent a letter asking for Council approval to place on the agenda tonight the independence for the Hezekiah Home.

Councilmember Hammond stated there were some minor details that need to be worked out. If the Council wishes to encourage the folks from Hezekiah at this time, that is entirely appropriate but they will need to report back to staff to work out the details of some kind of agreement. She suggested they bring it back on the August agenda.

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#### ADJOURNMENT

The meeting was adjourned at 6:30 p.m.

*Brenda R. Freeze*  
 Brenda R. Freeze, City Clerk

Length of Meeting: 1 Hour 15 Minutes  
 Minutes Completed: August 24, 1992



The City Council of the City of Charlotte, North Carolina, convened for a Regular Meeting on Monday, July 27, 1992, at 8:10 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, with Mayor Pro Tem Ann Hammond presiding. Councilmembers present were Stan Campbell, Dan Clodfelter, Pat McCrory, Nasif Majeed, Tom Mangum, Hoyle Martin, Cyndee Patterson, Don Reid, Ella Scarborough and Lynn Wheeler.

ABSENT: Mayor Richard Vinroot.

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APPROVAL OF MINUTES

[ Motion was made by Councilmember Wheeler, seconded by Councilmember Scarborough and carried unanimously, to approve the minutes of June 15 Zoning Meeting, June 16 Joint City/County/School Board Meeting, June 22 Council Briefing, Citizens Hearing and Regular Meeting. ]

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RESOLUTION TO ABANDON A PORTION OF EAST 35TH STREET.

The scheduled public hearing was held on the subject abandonment.

[ Motion was made by Councilmember McCrory, seconded by Councilmember Wheeler, and carried unanimously, to close the hearing. ]

[ Motion was made by Councilmember McCrory, seconded by Councilmember Campbell, and carried unanimously, to approve the subject resolution. ]

The resolution is recorded in full in Resolution Book 29, at Page 293.

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RESOLUTION TO ABANDON A PORTION OF OLD MALLARD CREEK ROAD.

The scheduled public hearing was held on the subject abandonment.

[ Motion was made by Councilmember Patterson, seconded by Councilmember Campbell, and carried unanimously, to close the hearing. ]

[ Motion was made by Councilmember McCrory, seconded by Councilmember Mangum, and carried unanimously, to approve the subject resolution. ]

The resolution is recorded in full in Resolution Book 29, at Page 297.

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CONSIDER SALE OF CITY-OWNED LAND AT 5816 SHARON ROAD FOR THE APPRAISED VALUE OF \$39,756 TO DWAYNE AND VANNESSA LONG; LOAN AGREEMENT UNDER THE SELECTIVE REHABILITATION LOAN PROGRAM FOR \$95,816 TO PURCHASE AND REHABILITATE THE HOUSE AT 5816 SHARON ROAD; EXEMPT THIS LOAN FROM INCOME ELIGIBILITY GUIDELINES IN THE SELECTIVE REHABILITATION LOAN PROGRAM.

The scheduled public hearing was held on the subject matter.

[ Motion was made by Councilmember McCrory, seconded by Councilmember Patterson, and carried unanimously, to close the hearing. ]

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember Patterson, and carried unanimously, to approve the loan agreement and exempt this loan from income eligibility guidelines. ]

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The meeting was recessed at 8:15 p.m.  
and reconvened at 8:21 p.m.

July 27, 1992  
Minute Book 99, Page 408

MOVE CONSENT AGENDA ITEMS

[ Motion was made by Councilmember Martin, seconded by Councilmember ]  
[ Patterson, and carried unanimously, to move the Consent Agenda Items ]  
[ up and handle those items at this point. ]

\* \* \* \* \*

APPROVAL OF CONSENT AGENDA

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to approve the Consent Agenda as ]  
[ presented with the exception of Item Nos. 27, 29 A & B, 30, 32, 37-A ]  
[ and 38-B. ]

The following items were approved:

1. Budget Ordinance No. 3365-X appropriating \$50,000 for the public notification process for seven annexation areas under consideration for June 30, 1993.  
  
The ordinance is recorded in full in Ordinance Book 41, at Page 53.
2. Resolution approving Amendment No. 2 to Federal Aviation Administration (FAA) Grant 3-37-0012-11; Ordinance No. 3366-X appropriating grant monies of \$147,135 to complete the project.  
  
The resolution is recorded in full in Resolution Book 29, at Page 300.  
  
The ordinance is recorded in full in Ordinance Book 41, at Page 54.
4. Ordinance No. 3367-X appropriating \$46,217.50 in actual and estimated revenues to the Rental Rehabilitation Program.  
  
The ordinance is recorded in full in Ordinance Book 41, at Page 55.
5. Grant from the Governor's Crime Commission to fund Project Reduce the Risk; Budget Ordinance No. 3369-X appropriating \$3,300 in federal funds and \$1,100 in Police Asset Forfeiture funds into the grant account.  
  
The ordinance is recorded in full in Ordinance Book 51, at Page 57.
6. Award of Contracts
  - a) Contract to lowest bidder Allsteel Products Company in the amount of \$149,455.50 on a unit price basis for Statesville Avenue Landfill cleanup, fencing purchase and installation for Engineering Department.
  - b) Contract to the lowest bidder, Blythe Industries, Inc., in the amount of \$360,915.95 on a unit price basis for Taxiway "K" Ramp Expansion for Aviation.
  - c) Contract to the lowest bidder, Prospt Construction Company in the amount of \$663,690.80 on a unit price basis for Water Main Construction FY93 Contract No. 4 Street Main Extensions for CHUD.
  - d) Contract to the lowest bidder, W.H. Paris & Associates in the amount of \$501,177.66 on a unit price basis for Water Main Construction FY93 Contract No. 2, Street Main Extensions for CHUD.
  - e) Contract to the lowest bidder, McDaniel Construction Contractors, Inc. in the amount of \$842,813.47 on a unit price basis for Sanitary Sewer Construction FY93 Contract No. 1, Street Main Extensions for CHUD.

- f) Contract to the lowest bidder, RDR, Inc. in the amount of \$278,041.80 on a unit price basis for 16-inch water main along Mt. Holly-Huntersville Road from Barrister Way to Alexander Road for CHUD.
- g) Contract to the lowest bidder, W. M. Parris & Associates in the amount of \$267,934.93 on a unit price basis for 12-inch water main along Sandy Porter Road and Brown Grier Road for CHUD.
- 7. Amendment No. 1 to the agreement with Law Environmental, Inc. for \$73,000 to provide design and construction administration services for new fire pits at the Police and Fire Training Academy.
- 8. Change Order with H. B. Kahn Construction Company for \$77,492.50 for work on the Discovery Place Omnimax addition.
- 9. Termination of lease with USAir for 3,012 square feet of cargo building space at Charlotte/Douglas International Airport.
- 10. Ordinance No. 3370 amending the City Code 14-131(a) to set the speed limit on 33 Charlotte streets.  
The ordinance is recorded in full in Ordinance Book 41, at Page 58.
- 11. Ordinance No. 3371 to lower the speed limit on 27 neighborhood streets from 35 miles per hour to 25 miles per hour.  
The ordinance is recorded in full in Ordinance Book 41, at Page 62.
- 12. Resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of \$35,424.15.  
The resolution is recorded in full in Resolution Book 29, Page 302.
- 13. Ordinance No. 3373-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1906-10 Gibbs Street.  
The ordinance is recorded in full in Ordinance Book 41, at Page 66.
- 14. Ordinance No. 3374-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 3134 Monroe Road.  
The ordinance is recorded in full in Ordinance Book 41, at Page 67.
- 15. Ordinance No. 3375-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 3129 Washburn Avenue.  
The ordinance is recorded in full in Ordinance Book 41, at Page 68.
- 16. Ordinance No. 3376-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 3125 Washburn Avenue.  
The ordinance is recorded in full in Ordinance Book 41, at Page 69.
- 17. Ordinance No. 3377-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 2622 Hemphill Street.  
The ordinance is recorded in full in Ordinance Book 41, at Page 70.
- 18. Ordinance No. 3378-X authorizing the use of In Rem Remedy to demolish and remove the dwelling located at 1414 East Sugar Creek Road.  
The Ordinance is recorded in full in Ordinance Book 41, at Page 71.
- 19. Acquisition of .504 acres plus a 3 bedroom house at 6427 Teresa Avenue from James R. Sturgill and wife, Sarah for \$105,000. for F.A.R. Part 150 Land Acquisition Program, residential purchase.

July 27, 1992  
Minute Book 99, Page 410

20. Acquisition of 1,178 square feet at 3925-27 Monroe Road from James E. Todd for \$45,000 for Monroe/Wendover Road/Eastway Drive Intersection Improvements, Parcel No. 11 & 12.
21. Acquisition of 645 square feet plus 1,215 square feet of temporary construction easement at 3001 Shamrock Drive from Philip B. Turpin, Jr. and Michael Turpin, Partners in Turpin Associates, a General Partnership for \$10,300 for Shamrock Drive widening, Parcel No. 33.
22. Transfer of Funds

To close out the FY92 Budget, the Manager's 10% transfer authority was exercised to encumber retirement incentive pay-outs in FY92. The following transfers were made:

<u>Transferred To:</u>		<u>Account</u>
Planning	\$ 25,000	114.00
Mint	45,000	235.00
Fire	1,730,000	402.51
	<u>\$1,800,000</u>	
 <u>Transferred From:</u>		
Solid Waste	\$ 700,000	508.00
Dot	400,000	513.00
Parks & Rec.	400,000	300.03
Non-departmental	300,000	530.01
	<u>\$1,800,000</u>	

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ORDINANCE NO. 3368-X APPROPRIATING \$3 MILLION IN AIRPORT FUNDS TO PROVIDE PROJECT FUNDING FOR THE NEW ANIMAL CONTROL AND POLICE CANINE FACILITY.

Dr. Barbara Nicks, 3100 South Tryon Street, stated she believes there has been a complaint lodged against the new location for the new Charlotte-Mecklenburg Animal Control Facility. This facility is proposed to be built on Byrum Drive on Airport property. The complaint is that the animals will suffer from Airport noise. It is her professional opinion that the Airport noise at the new Animal Control shelter will have little effect on the animals which will be in residence there. The proposed shelter is not directly under the flight path of the Airport.

Dr. Nicks stated she spent about 45 minutes there today during a take-off pattern. Planes took off from 3 to 5 minutes apart. Due to an injury many years ago she is deaf in her right ear and because of that she wears a hearing aid that pipes all of her sound into her good left ear. In noisy situations such as the applause during one of the speakers tonight, she turned her hearing aid off. Today, after 45 minutes at the new site, as she walked around, she did not turn her hearing aid off, which tells her that she did not find sound at that location to be particularly unpleasant.

Dr. Nicks stated that animals instinctively seek shelter from threatening stimuli. The design of the new shelter is such that animals that feel they are being threatened can remove themselves from that stimuli. That stimuli can be anything from inclement weather to noise. The dogs will be able to move in and out of outside runs into inside areas which are heavily sound proofed. The horses and cattle will also have runs in and out of their barns into which they can remove themselves from obnoxious stimuli.

Dr. Nicks stated that after observing animals she finds they tend to respond more readily to abrupt sounds. Horses at a horse show will put up with the crowd noise until there is a sudden round of applause and a sudden onset of applause will cause a startling. Animals that are exposed to crescendo/ decrescendo noise do not tend to respond as much to that. She found, while standing at the proposed site, this is what they are dealing

July 27, 1992  
Minute Book 99, Page 411

with, a crescendo/decrescendo. The noise starts, rises to a peak level and then goes away. Animals do not tend to respond to that quite as readily.

In her personal experience of housing animals directly in the flight path of the Airport, she has never noticed any problems or adverse reactions to living in that path. She personally lives in the north/south runway flight path and has lived there for 13 years. Some days the noise is so loud at her house they can not carry on a conversation if they are standing directly next to the person. She has never noticed any problems with any of her pets or livestock. She housed three of her horses at a location closer to the Airport than where she lives and have moved horses into that location that have not been exposed to any Airport noise and noticed no response to the airplane flight. She said she flew over this particular pasture and could identify everyone of her horses from the air. She did not notice any adverse reaction from the air or when she was dealing with them on the ground when planes came over.

Dr. Nicks stated she had moved horses for medical reasons from various points around Hecklenburg County into another stable which was on the north/south flight pattern. These horses were severely debilitated due to illness problems and were moved into a stable that was very isolated. These animals were there from four to six weeks and in spite of their disease they had no adverse problems to the Airport noise at that particular barn. At times the noise was loud enough that they could not carry on a conversation within the barn.

Dr. Nicks believes the proposed site will be quieter than the current site which is on the side of I-77. She has gone to Animal Control to deal with horses in their fields or dogs in their runs and at times the traffic noise on I-77 made it impossible to converse with Animal Control officers.

Another consideration that needs to be taken into account is that these animals are not there as permanent residents. This is not a plush hotel, but someplace they are temporarily housing animals until their owner is found or some other resolution is sought. She does not feel that noise from the Airport is a factor in placing the Animal Control Shelter at this location.

Councilmember Martin asked if animals hear as well as human beings, to which Dr. Nicks replied yes.

Iris Goines, 8441 Byrum Drive, stated she had been involved in training dogs for 36 years and is considered as an expert and authority on animal behavior. The site chosen for the Animal Shelter belonged to her father who live at that location for 31 years. During that time he was a national judge of rabbits and ran Summit Rabbitry from that property until 1983. In addition to thousands of rabbits, he had 7 horses and ponies and many cats. None of these animals ever showed any signs of stress or illness from airplane traffic or noise.

Ms. Goines stated she lived on that property for 21 years and is a professional dog breeder and trainer. In addition to her dogs she had horses, ponies, cows, chickens, peacocks, turkeys, guineas, pigeons, cats and never saw any ill effects from any animals due to the Airport noise. In fact she never even saw one of them look up when the airplane flew over. The dog kennel and pasture were directly in the path of the airplane flight. For the past several years their training location has been the National Guard Armory, which is on the edge of the Airport. There are plenty of times during training sessions when she would have to stop speaking because no-one could hear what she was saying because of the planes. She never one time saw a dog look up, flinch, tremble or anything that even indicated that they knew an airplane was going over. At one time a commercial airplane crashed at the end of her property and the animals did not even to be aware anything happening until the ambulances and fire trucks showed up, then they all started to howl in unison with the sirens. They still howl when they hear a siren, but ignore airplane noises completely.

Ms. Goines stated she had been employed for 20 years at a local veterinarian near the Airport. They have many clients who live at, in,

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July 27, 1992  
Minute Book 99, Page 412

near or around the Airport area and she has never seen or heard of any animal being brought in due to any illness or stress that was caused by any noise of the Airport. She hopes the Council will not let one adverse opinion about the location of the shelter influence the building of the shelter which they urgently need.

Mr. Martin asked if animals have a greater tolerance for noise than human beings, to which Ms. Goines stated animals have very good hearing and can hear noises which human beings cannot hear. Therefore she does not know why they do not seem to hear the Airport noise. The only she can think of is that the noise is of a level that does not bother them, but the sirens bother them, which is the only noise she has ever seen that bothers them.

Skipper Beatty, 1300 Queens Road, stated he went out to the proposed site for the Animal Shelter last week, and after asking directions from someone who was going to supervise the construction, had a hard time finding it because this person had a hard time explaining where it would be located. He feels this facility should be in a known location since people will be going there to adopt animals. Within a stones throw of the location is FAA installation. There were two engineers working when he was there and he asked them if they knew the location of the proposed Animal Shelter. One looked at him rather puzzled and said, "no, not around here I'm sure." Mr. Beatty said he asked why and the person pointed to the plane taking off. The noise from that jet practically tumbled them into the ground and after the noise abated, the person told Mr. Beatty that was one of the quieter planes.

Mr. Beatty pointed out on the map the path of the runway as well as where the Animal Shelter will be located and when the planes go over the noise is unbelievable. Both Dr. Nicks and Ms. Goines have spoken about animals and he feels the Council needs to take this matter in its proper context. Ms. Goines has animals there on a regular on going basis but these animals in the shelter are animals which have been neglected by human beings. He feels it is the most inhumane location and to take a little dog that has been use to a quiet place and put it out there in that noise. Mr. Beatty stated he has a dog and when a thunder storm or sirens comes, it will go under the bed.

The people at the local Animal Shelter has said they talked with the people in San Francisco Shelter and the Gainesville, Florida Shelter. Mr. Beatty stated he called both those shelters this past Saturday and the similarities between the location in Gainesville are in no way similar. He said if anyone would show him the location of a government sponsored Animal Shelter that is in a comparable environment with the noise level, as this proposed location, anywhere in the 50 states he will make a donation of an amount of money, which he feels is generous, if anyone can show him a location that is as bad as this proposed location.

Dr. Lynn Parker, 8957 Lynn Parker Lane, stated he finished Veterinarian School in 1940 and has practiced most of the years since then with both dogs as well as large animals. He stated he did not have too much opinion on how animals are affected by sound, however he went to the proposed site today and stayed about 1 1/2 hours. The noise was so loud when the planes came over he had to cover his ears because it actually hurt his ears. The noise was so loud you could not converse with the person next to you. It seems to him with the land Charlotte has, surely they could put this facility somewhere where the noise would not be so bad. It may be that the noise does not bother the dogs, but it seems strange that it would not because dogs have very good hearing and in a lot of ways better than human. He stated he did not realize the noise from the planes was so loud and to put an investment of \$3 million to put animals in a place like that.... Perhaps they need to take a little time and find an area that is not so loud.

Dr. Parker stated he would be glad to talk with other veterinarians and get input from them if the Council would put this matter on hold.

Lucinda Mason, 8932 Lynn Parker Lane, stated she also went to the Airport and the ground shook. You could stand next to someone and you had to yell in their ears and that person could not hear. It has been mentioned

July 27, 1992  
Minute Book 99, Page 413

mentioned that these animals are there for a few days, but the spay/neuter clinic may also be there. If that clinic is located there the dogs that come for surgery will be traumatized and it is not good for a dog to be traumatized before surgery. She said she had a dog bacterial-endocarditis, which means he had a heart infection and had a very bad murmur. She took the dog to the Dr. Nicks and she did not hear anything. She then took the dog to another vet who said the dog had an extremely bad murmur and could not understand why it was not heard. She took the dog to a third vet who also heard the murmur.

Ms. Mason stated she feels this is a very bad location. She has talked to a number of people who have said they would like the opportunity to come and speak to Council, but this matter came up very fast. Most dogs do howl when they hear thunder and these dogs that will be brought there have not been around this noise and will not get use to it.

Councilmember Reid stated it seems a little unusual to him that the City is borrowing money from the Airport to build a facility for animals.

City Manager, Wendell White, stated it is unusual, but they were able to do it.

Mr. Reid asked how long do animals stay at the shelter?

Dr. Mary Blinn, Shelter Manager, stated when a stray animal comes in it stays there for a minimum of 72 hours. After that period of time they make the decision to euthanize the animal or put it up for adoption. Those that are placed for adoption can be there several weeks.

Mr. Reid asked what percentage of the animals leave the shelter alive, to which Dr. Blinn stated about 25%. Mr. Reid said then 75% do not leave the shelter alive and are there for a minimum of 72 hours.

Dr. Blinn stated some of that percentage includes animals whose owners give them up - they walk in and say they can't keep the animal anymore for whatever reason. They make the decision on those animals immediately so they may not stay there at all.

Mr. Reid asked Dr. Blinn her opinion about the noise.

Dr. Blinn stated she knows a lot of people have talked about how it is in their homes, but this issue came up almost a year ago when they were told they were to have indoor outdoor kennels. The subject of the sound came up then and at that time they did research and could find no published articles about airplane noises causing stress to animals. They have taken great pains to try to soundproof the building in areas where possible. One thing everyone seems to be forgetting is that there will be people out there also. They have soundproofed the walls, double paned the windows and done other things to counteract the problem with the noise from planes.

Councilmember Clodfelter stated when this came up a about a year ago and they talked about putting it on Airport property, he does not believe they knew exactly where on the Airport property it would be located. But for inquiries made by individual Councilmembers and some of the speakers, he does not think some of them would have know where it was going to be located. That is a little unusual for sighting a public building. There is a lot of Airport land and when they decided a year ago to put it on Airport land, he did not believe that would be the last he ever heard about where it would go. Now they have an item on the agenda to approve \$3 million to fund it and the agenda material still does not tell them where it is. He had to find that out himself. The first time he went out there he went to the wrong place, so he went back today and found the correct location. If he had not done that he would not know where the proposed site is and he is not comfortable with that as that is not a good process. There is a lot of space on Byrum Road and the Airport owns a lot of space up and down Byrum Road. What sites have they looked at? Have they looked at other sites that might be off the flight paths that would be better for the employees as well as the animals. He has no idea what sights have been looked at. He hopes they have not taken the least desirable possible piece

July 27, 1992  
Minute Book 99, Page 414

of land they could not sell for some other purpose and decided to put the Animal Shelter there.

Mr. Martin stated Mr. Clodfelter has raised a good point. The agenda item says this project will be established as an Airport capital project. He asked the City Manager if this means they can have an Airport capital project that is not paid for by Airport funds?

Mr. White stated it is a City project, but is approved as an Airport project.

Mr. Martin stated when they were preparing the budget, were they aware at that time that they would borrow money from the Airport to build the Animal Shelter?

Councilmember McCroxy stated that was discussed in last year's budget.

Councilmember Mangum stated he was concerned about the comfort level for the employees and asked Dr. Blinn if she was comfortable that the employees would be satisfied with the location.

Dr. Blinn stated she personally had not been out to the site and is not familiar with it, but the other people who work at the shelter have been out there.

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember ]  
[ Wheeler, to defer this matter. ]

Councilmember Scarborough asked why they are deferring this?

Mr. Clodfelter stated the Director just told them she had not even been to the site.

Mr. McCroxy stated he would like to know the ramifications of the deferral before they vote on it.

Mr. White stated one of the ramifications would be the bid they have, unless they have a special meeting to deal with it, would expire before they have another meeting.

Mayor Pro Tem Hammond asked staff to negotiate the extension of the bid until after the Council's meeting date of August 24 and if that cannot be done, call a special meeting.

Mr. White stated he would first like to deal with the questions raised about the site.

Don Steger, Assistant City Manager, stated Dr. Blinn indicated that she has not been to the site and Dr. Blinn is not the Animal Control Director. She is the person who is on staff and until Ms. Quisenberry left, was more or less the staff veterinarian who had responsibility for the shelter as a part of her responsibilities. The site was selected with collaboration between Engineering, Real Estate, and Airport personnel and Ms. Quisenberry, who as you know was a professional in this area and who had been with our Shelter for about 13 years. She was intricately involved with that process and did see that site. He believes other members of the staff have also seen the site, however Dr. Blinn indicates she has not.

Mr. Clodfelter asked what other sites were considered?

Dave Garner, stated that Ms. Quisenberry and Jerry Orr went out to the Airport property and looked at several sites. The proposed site was not the first selection; they looked at two or three and this is the one they chose.

Mr. White stated this was not his issue. Perhaps staff erred, but this is a little late for them as well. If the Council wants to defer it, they will try to do what the Council wants. They can readvertise it, design it and put it some place else.



Mr. Clodfelter stated he did not want to have Council put in the position of saying they are the ones holding up the process. They are siting a public building and the Council has never been told where the site is. They have never done that on a public building.

Mr. White stated staff has made a terrible mistake.

Mayor Pro Tem Hammond asked Mr. White if they allow the bids to expire, obviously, they will have to readvertise and take bids again which would be a significant delay.

Mr. White stated they would be doing more than that. Obviously, the architects and engineering work to site the building has been done for this specific site.

Mr. Garner stated they have done all the work for this specific site. The bids run out on August 16 but they could ask them to defer if the Council wants to move this up.

Mr. White stated that is not the question. The question is does that have any cost impact on design?

Mr. Garner stated if they change the site, that is a drastic impact on the design cost.

Ms. Hammond asked if that means the construction documents all have to be changed or does that mean that the grading process has to be changed to make a new site resemble the original site.

Mr. Garner stated it would involve the site plans being redesigned and also have problems with tying in the sewer lines. They have currently put in the water for a sewer line extension. There is a lot involved in getting people to it and getting a site ready to accept the building.

Mr. Reid stated there is a bigger issue here, and with no intention of blaming anyone, this is what happens when they get things three days before they are to vote on it. Perhaps he should have known about this, but he did not and apparently members of this Council did not know about it. He believes they should take a long hard look at getting things to the Council at least 10 days prior to a vote being taken so they can have a little time to look into these things. Everything they are voting on tonight, he is seeing it for the first time and has had three days at the maximum to look it over. This is a direct result of that and he suggest they defer this.

Mr. Martin stated he supports what Mr. Reid has said, but he does not think that is the real issue. Somewhere in the process the point of telling the Council about what sites were considered, much less the sites they were talking about, that is where the problem lies. If they had received this 10 days prior to the meeting they still would not have known very much. Somewhere the system broke down in getting information to Council about the site.

Mr. McCrory stated if they delay the decision for one week could they avoid having to rebid and get a report back in a week that is a little more specific on what other sites were looked at, why Ms. Quisenberry picked this site and some of the factors that were considered to make the Council more comfortable. In a week they can decide whether to go or not, based upon the amount of information they have.

Ms. Hammond stated the only problem with that is the Council does not have a meeting next week. The next scheduled meeting is past the expiration date of the bids.

Councilmember Scarborough stated the reason they chose this site was because the Airport said they could provide the dollars up front to build this facility and every one of the Councilmembers agreed to do it. She does not know why they can't remember that and calls for the question.

[ A substitute motion was made by Councilmember Scarborough seconded by ]  
[ Councilmember Kangum, to approve this project tonight. ]

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July 27, 1992  
Minute Book 99, Page 416

Mr. White quoted from the CIP, "on July 23, 1990, Council directed staff to pursue locating the new Animal Shelter at the Airport. Seven to ten acres have been identified in the Byrum Drive area. The project meets the need by accelerating the funding scheduled from '93 to '92; the original funding included a lease purchase agreement..." That is as specific as it was and no more specific.

Ms. Scarborough stated they did not ask one questions and approve it then.

Mr. Mangum stated Ms. Scarborough is pretty much on the mark, except the last Council was before Mr. Reid and Mr. Majeed were on Council. It was discussed and concluded that they could do it cheaper and better by putting it on this land. As he recalls the Council said go ahead and do it; let Jerry Orr pick the site because they are going to be building this facility. It was left that way and now they have come back with the site. Mr. Mangum stated he did not particularly care where it was on that site. If they have experts saying it is fine and if the staff feels they can live with the noise and the building is insulated enough for them, he doesn't care if it is 100 feet one way or the other.

Ms. Hammond stated Mr. Clodfelter is perfectly right. This could have been handled better so the Council was better informed, but in defense of what has occurred, it is clear that the Council has never taken particular interest in the design or siting of the facility and never asked the typical questions that might be asked of a more high profile City building. She feels the Council shares that responsibility. She sat down with Dave Garner of Engineering and Pat Cox of the Animal Shelter as well as the Architects last week because she had the same concerns as others had, based on Mr. Beatty's telephone call to her. She is convinced that the building is engineered to properly attenuate the sound so the welfare of the people and the animals will be protected. She is not concerned that the noise is a problem that has not been anticipated. The building has been designed with extra money going into noise abatement, whether that was a good decision or not she does not know, but that is the way the building is designed to exist in the location that has been selected.

If they defer and the bids are not extended, they will have to rebid it, which will be a significant loss of time or they will have to call a special meeting to deal with it.

The vote was taken on the substitute motion and was recorded as follows:

YEAS: Councilmembers Campbell, Hammond, Majeed, McCrory, Mangum, Martin and Scarborough.  
NAYS: Councilmembers Clodfelter, Patterson, Reid and Wheeler.

Mr. McCrory stated he would still like to have a report on the siting.

Mr. White stated he was very sorry that he did not catch this. A good point was made by Mr. Clodfelter on it.

Mr. Clodfelter stated the concern he has now is that the capital budget process is a funding strategy for how to build the building. It is not a site location process. He is not sure what is in the capital budget where they voted on committing a source of funds, but a lot of decisions still remain to be made about a lot of projects if what they have done is basically said the next time they see that project after they approve in principal a source of funding, the next time they see it is the night they vote on the construction contracts. That troubles him very much.

Mr. White stated that certainly is not what occurred in this project. What he thinks the Council needs to assure them they did have more than that is a recap of the exercise in its total and staff will be happy to reconstruct that for the Council.

Mr. Reid asked Mr. White why the Council is voting on this. It seems to him it is a done deal that they have engineered the building, chosen the site and everything. He does not have an option - if he votes against it they waste a ton of City money and that does not make any sense to him.

Mr. White stated it didn't to him either, but under North Carolina Law, he does not have the authority to carry out Council's directives without going through this. One of the protections is, they get to this point and they have made an error, which they may have done, it is the Council's judgement to stop it.

Ms. Hammond stated the Council has approved this every step of the way, but with probably insufficient attention to the site.

Mr. Reid stated his comment to that is, why have it on the agenda? They have approved it, go ahead and do it.

The ordinance is recorded in full in Ordinance Book 41, at Page 56.

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**CONTRACT TO THE LOWEST BIDDER, MARTIN'S UNIFORM IN THE AMOUNT OF \$175,657.25 FOR UNIFORMS FOR FIRE DEPARTMENT.**

[ Motion was made by Councilmember McCrory, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to approve the subject contract. ]

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**CONTRACTS AWARDED TO THE LOWEST BIDDERS FOR THE ANIMAL CONTROL AND POLICE K-9 FACILITIES:**

- a) General Contract with John M. Campbell Company for the negotiated contract sum of \$1,905,155.
- b) Plumbing Contract with Tri-Meck Mechanical, Inc. for the negotiated contract sum of \$199,466.
- c) Electrical Contract with Ind-Com Electrical Company for the negotiated contract sum of \$157,520.46.
- d) Mechanical Contract with Tri-Mec Mechanical, Inc. for the negotiated contract sum of \$526,064.

[ Motion was made by Councilmember McCrory, seconded by Councilmember ]  
[ Wheeler, to approve the above contracts. The vote was recorded as ]  
[ follows: ]

- YEAS: Councilmembers Campbell, Hammond, McCrory, Majeed, Mangum, Patterson, Scarborough and Wheeler.
- NAYS: Councilmembers Clodfelter, Martin and Reid.

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**AMENDMENT NO. 4 TO THE AGREEMENT WITH PROFESSIONAL SERVICE INDUSTRIES, INC. FOR \$2,500,000 TO PROVIDE ENVIRONMENTAL TESTING, ENGINEERING SERVICES AND CONTAMINATION CLEAN-UP DURING FY93 FOR THE UNDERGROUND STORAGE TANK PROGRAM.**

Councilmember Reid questioned the future project costs which is estimated to be \$3,300,000 per year for FY94, FY95 and FY96 and where that money would be coming from?

Deputy City Manager, Pam Syfert, explained that the money is in the CIR and will come from the "pay as you go fund" for the years they have identified and it will also get reimbursed by the State for a certain amount, but the City has to up front all the money.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to approve the subject amendment. ]

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## CONTRACT WITH PRESBYTERIAN HOSPITAL TO ADMINISTER AN EMPLOYEE ASSISTANCE PROGRAM FOR THE CITY OF CHARLOTTE.

[ Motion was made by Councilmember McCrory, seconded by Councilmember ]  
[ Mangum, and carried unanimously, to approve the subject contract. ]

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## ORDINANCE NO. 3372-X AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE DWELLING LOCATED AT 4034 FIELDCREST ROAD.

[ Motion was made by Councilmember Scarborough seconded by Councilmember ]  
[ Mangum, to adopt the subject ordinance. ]

Councilmember Scarborough stated this has been in the neighborhood so long and these folks have looked at this building and the property next door which is an eye sore to the neighborhood. The responses Council has received from the owners have been ridiculous and she hopes Council will approve the demolition of this property so the neighborhood will not have to look at this.

Clara Lawrence, Broadview Drive, stated the neighborhood concerns about the burned house at 4034 Fieldcrest Road are as follows: The house is a health and safety hazard to the community. It has been an eye sore in the community since November 1991. It will cause the value of their property to decrease and has the potential of becoming a haven for vagrants. The community feels they have suffered this eye sore long enough and request the Council resolve this matter as soon as possible according to the recommendation to demolish and remove the dwelling.

Dorothy Waddy, 4032 Broadview Drive, stated she was there to represent the Clanton Park Community Association and asked those from the Clanton Park Community to stand. Ms. Waddy stated she would not repeat as Ms. Lawrence has said what needs to be said.

Betty Cunningham, 2633 West Hampton Drive, stated she owns the property at 4033 Fieldcrest Drive and has been trying to get something done and has tried to get a loan in order to remodel the house. Ms. Cunningham stated the cars that were parked there were not hers and she asked that they be ticketed and pulled away. She said her husband was trying to get the trash removed and board up the house until they can get it remodeled.

The vote was taken on the motion to demolish and removed the dwelling and carried unanimously.

The ordinance is recorded in full in Ordinance Book 41, at Page 65.

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## COUNCILMEMBER CLODFELTER EXCUSED FROM VOTING ON THE NEXT ITEM.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to excuse Councilmember Clodfelter ]  
[ from voting on the next item due to a conflict of interest. ]

## ACQUISITION OF 1,038 SQUARE FEET PLUS 700 SQUARE FEET TEMPORARY CONSTRUCTION BASEMENT AT 101 QUEENS ROAD FROM BRANCH BANKING AND TRUST COMPANY FOR \$28,320 FOR FOURTH STREET/HAWTHORNE LANE/CASWELL ROAD INTERSECTION IMPROVEMENT, PARCEL NO. 6.

[ Motion was made by Councilmember Wheeler, seconded by Councilmember ]  
[ McCrory and carried unanimously, to approve the subject acquisition. ]

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## CONSIDER REOPENING THE INDEPENDENCE ARENA UNDER PUBLIC (COLISEUM AUTHORITY) OR PRIVATE (BLOCKBUSTER ENTERTAINMENT) MANAGEMENT

Councilmember Mangum stated they did not have a Chairman for the Committee that is trying to decide this issue, but the Committee decided they would

leave this on the agenda tonight and to put some of the thoughts and ideas on the table for the full Council to chew on it for awhile. The Committee was all of the agreement that if they waited to make recommendations the same questions would be heard one more time. That is really the purpose they brought this forward tonight, for everyone to hear what is going on, and not necessarily to make a decision unless they want to make a decision tonight.

Councilmember Patterson stated this was brought forward to try and move it along. They had everybody from both sides of the equation say the sooner they make the decision the better, the problem is the committee knew that if they sat and debated it among themselves, they would do it again here. There were several levels of the issue; philosophical/public/ private level and which deal looks the best, once you get past those issues. Their thought was that rather than spend a great deal of time, and Council may not come to a conclusion either. She would not suggest sending it back to the group of those who have already been there.

Councilmember Wheeler stated one of the primary reasons they had a deadlock and could not proceed was because Blockbuster came in with a new twist in their proposal. The Committee did not receive it until they sat down in that meeting at 4:00 p.m. on Monday and had a 5:00 meeting.

Tom Kalin, 3000 East Independence Boulevard, stated the decision Council will make concerning who will operate Independence Arena will determine the future fate of businesses around the arena. Businesses in this area have been suffering since the old Coliseum closed with the Ramada Inn, and the Old Journey's End Hotel, now the Best Western Hotel, being taken over by their lenders. Over 20 restaurants have closed in the area. Many businesses are losing large amounts of money each year and in order for this area to be revitalized they need Independence Area open and operating to its fullest capacity. A limited operation where just sporting events are using the arena will not provide the help this area needs. The business community and Independence Arena strongly feels that a private firm would provide them with an operator that would use Independence Arena to its fullest potential, providing the most help and assistance to the surrounding businesses.

Mr. Kalin stated he has petitions signed by 26 businesses in the area asking Council to choose a private firm to operate Independence Arena. The Charlotte Observer, in an editorial, has said that the Council is under no obligation to assist businesses hurt by the closing of the Old Coliseum. Mr. Kalin stated he hopes the Council will show that areas of Charlotte beside the uptown area are important and deserve help. They have helped the uptown area by building a new convention center and by assisting the Charlotte Apparel Center, but Independence Boulevard is the eastern gateway into Charlotte and he hopes the Council will want to see this area thrive and prosper. Blockbuster will put all their own money into renovating Independence Arena and will get it open within a short time and will operate it to its fullest potential. The Authority would have to borrow the money from the City and they might take a year and a half to open the facility and are not committed to operating it to its fullest potential, thus, he feels they should choose the Blockbuster proposal. Mr. Kalin presented the petition to the City Clerk.

Steve Camp, Managing Director, Auditorium, Coliseum, Convention Center Authority, stated the Council has the proposal which was originally put forth by the Authority, with a letter which gives some supporting argument for the Authority being the operator of Independence Arena, as well as a proforma, requested by a Councilmember today, showing the Authority as the operator could hold up to its commitments both for that facility and the new Coliseum and the new Convention Center.

Mr. Camp stated it is the opinion of the Authority, and himself as Managing Director of that Authority, that the Authority is best suited to remodel, open and operate Independence Arena. They have the experience and have been there before. He has spend eleven years in that building and knows a lot about it. They are concerned about the businesses on Independence Boulevard and are also concerned about businesses around Charlotte in its entirety. They are there to represent all the community and not just the

citizens in one part of the town or the other. He feels like the decision to allow the Authority to operate this facility is in the best interest of all of the community.

The complex itself was designed to be operated as one complex and that is very evident. They have one parking lot, and they supplement that lot with Tom Philip's lot and the Merchandise lot, but the lot is shared by Owens Auditorium and Independence Arena. Even the heating system is all located in Owens Auditorium to operate the Auditorium and Independence Arena. The ideal back in the '50's was that they would operate as a complex and really does not feel that has changed.

With regard to what is best for this community, they have a \$50 million investment on Tyvola Road and no matter what they do they cannot change that, nor do they want to change that. Whatever is done about the Independence Arena will have some affect on the operation of the Authority. Mr. Camp stated he was not trying to hide that fact and has said that all along. If the Authority operates Independence Arena, they intend to operate it the best they can, but that will definitely mean some of the events will be moved from the New Coliseum to Independence Arena, simply because they fit. He also feels they can bring in other events like hockey and other things they are currently working on to develop a program for Charlotte that helps this building to compliment the \$50 million investment on Tyvola Road rather than to be a competitor for that facility. All along that was the idea they had in mind. He said he spend the week-end reading letters dating back to 1988 and the idea all along in opening that building was to make it compliment the major investment they have on Tyvola Road. That is a concern they have to have and they are certainly concerned about the businesses along Independence Boulevard and will work as hard for them as they do the business over on the west side of town.

James Neal, 9600 Kayce Lane, stated he was a homeowner and a taxpayer in the newly annexed University City area. He said he had been following this issue in the Charlotte Observer for some time and the thing that strikes him is that it would be inconceivable that this facility would be turned over to a private developer to compete with the City for these things. On the other hand, as he looks at some of the other City problems, very little is done in some programs which will develop character and strength among the young people in Charlotte. Much of what is done is directed toward business and the profits of individual entrepreneurs and not directed toward children. Last Spring after the winter Olympics they had an ice skating show in a hurry and they filled the new Coliseum. That is how much interest is shown there. There is also a big patch of ice over on Independence Boulevard, just sitting there. The kids are going down in the basement of Eastland Mall, among the cock roaches and flaking ceiling, etc. his daughter among them. Mr. Neal stated he spends parts of three days a week there. His daughter is also interested in gymnastics and he spends a couple other days out in Davidson and Cornelius because of the gymnastics. They also spend about \$200 per month on these things, which is an additional tax. He said he was not the only parent doing this. They also had their taxes doubled. This is the first time he has been before Council because he is a new resident of the City. He was a County resident before, but they will see him more often.

Mr. Neal stated he feels the Council should consider among the other options they have that whatever decision they make will benefit something more than just the business interest. They should look ahead. They spend a lot of time talking jails, and making those types of rooms available. The cost of all of that is tremendous and he feels a better investment would be in the younger people to give them a better sense of belonging, a better sense of character and a better sense of what is responsible citizenry. Part of that is putting them under coaches and others who can give them training substance. Among those things would be a better use of all the facilities they have in Charlotte.

Eddie Knox, 817 East Trade Street, stated the Council cannot imagine how many times Blockbuster officials have been in Charlotte studying the Independence Arena. Seldom has he worked with people who have shown a more professional and thorough interest about doing something the way it should

be done. The Vice Chairman of the Board has spend a lot of time here and met with staff in an effort to get to the bottom of what it would cost to renovate Independence Arena. They look the figures given to them initially by the earlier developers, went to the contractors and asked if they would sign on the dotted line for those contracts and obviously, they would not. As a result of this, they began a due diligence to find out exactly what it would cost. Law Engineering and other experts were hired and they came back with an approximately amount of \$5.8 million. Obviously, Blockbuster was willing to go \$1 million above the original proposal, but when the cost went that high, and in view of the fact that Blockbuster was assuming all the risk of Independence Arena, they felt it was necessary to build a facility that took into consideration the safety and had some sense toward marketability. They have come up with a proposal that says Blockbuster will pay all of the up front costs and it will not cost the City one dime. Throughout the procedure the City will be responsible for the costs, but if they agree mutually that the scope of the work goes beyond the \$4.5 million, Blockbuster will advance the money and it will come out of the long range profits of the City. The taxpayers will never bear any new costs in the expenditure of developing this facility. They changed the terms of the lease.

Mr. Knox stated they all know the public passed the bonds to build the Coliseum. If they go private, obviously, the taxpayers have no risk. They have no risk in the building, in the economics or new taxes. If you go public the taxpayers will be responsible for funding the full costs of renovating the building regardless of the amount. That is true, whether it comes out of the New Coliseum profits or whether it comes out of other tax dollars. The taxpayers would retain all risk of the building, whereas under the terms of the lease, Blockbuster is responsible for the risk. Blockbuster would be able to renovate and commence operation of the arena within 9 to 12 months. He does not believe the City can be in business in 9 to 12 months. He believes Blockbuster will bring expanded events and will help the economics of that area. If the Coliseum Authority was vitally interested in this as an ongoing productive project that was going to bring first class entertainment to this area, why was this interest shown so late. He believes it was because they got a first class organization that came in and said they would do a first class job. Blockbuster has presented a plan which he feels will be helpful, not only to the merchants in the area, but will save the taxpayers a considerable amount in taxes.

Mr. Knox stated he feels the Coliseum Authority has a plate full. They have the Convention Center, the new Coliseum and a number of projects. To suggest that there is something inherently wrong with competition is foreign to anything he understands about it. They have competition with hospitals, but they have three great hospitals as a result of it. He cannot see anything wrong with the nature of competition.

Andy Phillips, 2121 East Independence Boulevard, stated he was Operations Manager and Executive Vice President of D. L. Phillips Investment Builders and owners of the Charlotte Merchandise Mart.

Mr. Phillips stated he feels enough has been said about what needs to be done. What they have in front of them is nothing more than what borders on a good business decision and good business practice. One most often uses due diligence to determine the highest and best use of a facility with the most profit and the least amount of investment. Analyzing those things as the lay on the table in the existing format, the Blockbuster people put on a strong argument. He stated he would not argue either side, but would ask the Council to do due diligence as constituents of this community. He ask them to expedite the process to get this dome open. They have experienced some bad time in the Independence Boulevard section and if they want to talk about competition, he could be down with a picket sign protesting the new Convention Center. That is not why he is there. They are talking about what can be done to enhance the greater needs of Charlotte, enhance a viable facility that has been sitting there for a long time with cobwebs in the doors, that is going to be best for the community, not just East Independence Boulevard corridor. This is an excellent facility that will look good on Charlotte's portfolio for forming assets and something that



July 27, 1992  
Minute Book 99, Page 422

needs to thought up quickly and he hopes the Council take these remarks and expedite their due diligence.

Councilmember Reid stated this is his appraisal of the situation for whatever it is worth. That facility has been empty, collecting dust and rust for over four years. He believes the Council has pretty much decided that they do want to reopen the arena. The question is who is going to open it and how are they going to open it. There is only one reason to reopen that arena and that is for economic development of the Independence Boulevard corridor. They can address the concerns of the gentleman who spoke about a place for the ice skating, etc. and he believes his economic development ideal can meet those objectives. If the only reason to reopen this facility is for economic development, then the question is how can they do it with the least cost and the least risk to the taxpayers of Charlotte. There is some risk both ways. There is a risk if they turn it over to the Authority that they will make it somewhat of a second class arena by putting overflow projects over there and it will not develop as it should. There is some risk with Blockbuster, who is the only one making a legitimate proposal right now, that they may compete and may take some business away from the new Coliseum. It is a matter of which one you want to go with.

Mr. Reid stated he had a modest proposal to make. They have in place established by the Mayor and approved by this Council a group of the finest minds in Charlotte on a Privatization Task Force. This group has been given the task of looking into services provided by this City to see which of those might be better provided and more cheaply provided by a private company. Mr. Reid stated his proposal is that they turn this project over to those people and give them 30 to 45 days to study this issue carefully, and by the Committee's own admission, there is a divided opinion and they couldn't even come forth with a recommendation to the Council. Mr. Reid said if this Task Force comes back to the Council with a recommendation he will support their recommendation whatever it is, with one caveat. If their recommendation is that it be turned over to the Auditorium Coliseum Authority, and they may very well come back with that recommendation, that the Council must have a bond referendum so the taxpayers of Charlotte can approve the cost to reopen the Independence Arena.

[ Motion was made by Councilmember Reid, seconded by Councilmember ]  
[ Scarborough, to turn this matter over to the Privatization Task Force ]  
[ to do this task, ask them to bring back to Council a recommendation on ]  
[ who should operate this facility.

Councilmember Martin stated he feels they have a situation which he could call win/lose-win/lose situation. Mr. Kalin made a statement last week in a meeting and again tonight that if the Authority operates the Independence Arena they will not operate it to the fullest extent. He does not believe they can afford to have it operate to the fullest extent. Steve Camp made the statement that the Independence Arena should compliment the new Coliseum and he interprets that to mean that the Independence Arena should function at some modest level and he agrees. Mr. Camp all made the statement that whatever happen at the Independence Area is going to pull something away from the new Coliseum. With the responsibility which the Coliseum Authority has, he does not think they can support that.

Mr. Martin stated he started out thinking he wanted to go with Blockbuster fully and wanting to privatize, but the more he thought about it and listened he does not believe it will work. If Blockbuster gets it, they will do everything they can to compete and get as much business as they can. The Council is not in the business of trying to support and subsidize every private enterprise in this community. The City of Charlotte cannot afford to make that kind of decision. If the tax trade off or revenue trade off from what the City gets from the hotel/motel business around the Independence Arena and what happens at the Arena can offset what is lost by the Coliseum it might work. He does not think that is going to happen.

Mr. Martin stated if he votes anyway at all tonight he will have to come down on the side of the Coliseum Authority. He stated to Mr. Knox that we do have three fine hospitals, and fewer and fewer people can afford to use



July 27, 1992  
Minute Book 99, Page 423

those hospitals. With all the competition and the C.E.O. salaries they are paying out there, fewer and fewer people can afford to use those hospitals. He believes they have a dilemma in this situation. To open the Independence Arena under either situation is going to hurt the new Coliseum, will drain off of their revenue and the City will have a serious problem. When things go wrong elsewhere they will be pushing the Coliseum Authority to do something. He said he was not as interested in trying to support Independence Arena as much as he was concerned about businesses in the area. The Council should not make a decision based on trying to salvage the businesses around the Independence Arena. The Council does a lot for the corporate community, but they cannot assume that burden. He is not willing to put one red cent into this project without going to the voters..

Councilmember Wheeler stated she was on the committee which the Mayor appointed and originally she was very much in favor of the Blockbuster proposal when they came in with the \$3 million check. She supports any kind of privatization effort the City can undergo. With the new twist in the proposal by Blockbuster, she has a real concern. It seems to her, looking back to when they first talked about opening the Independence Arena, the real purpose was to open the facility to help Independence Boulevard but they agreed on the Phillips/Allen/Spectacor agreement in an effort to bring an ice hockey team to Charlotte and perhaps some other events. Her understanding was that the Arena would be renovated in a moderate way that would in no way create undue competition to the Coliseum. The proposal they have come in with, it would appear to her that they have taken on some sort of a moderate renovation of the facility to provide an area for an ice hockey team to a Taj Mahal which would really be a direct competition with the new Coliseum. The Coliseum Authority must shore up the revenues for the new Coliseum. It seems to her if Blockbuster brings in all the events they say they are going to, they will have a real problem in another way because it will take away revenues from the new Coliseum.

Ms. Wheeler stated she would support the motion to send it to the Privatization Committee and would like to have it back as soon as possible, but she is leaning very heavy toward the Authority having this arena because she feels they will do the best job with this facility.

Councilmember McCrory stated he feels both proposals mean that the taxpayers will be subsidizing one more entertainment facility. There is no doubt about it. He feels they are subsidizing enough entertainment facilities in this community with the new Coliseum, Owens Auditorium, Spirit Square, the Performing Arts Center. North Carolina taxpayers are going to be supporting the UNCC Coliseum. The list goes on and on and he feels their priorities are a little "screwed up", but apparently he is in the minority. In reviewing the two proposals, there are some advantages to the Blockbuster's proposal, but he does not feel it is a private proposal. If it was really private, they would be doing more than leasing it, they would be buying it. If it were up to him, he said he would sell both pieces of property and start collecting tax revenue. That is one of the major losses to the taxpayers right now because the City is collecting absolutely no property tax from this valuable piece of property.

With regards to the Authority's option, even the taxpayers will be paying for this even if they do the referendum. With the referendum, that money could basically be used to pay off existing revenue bonds. If they don't use the money to pay off existing revenue bonds, that means the tax dollars are. One way of the other the taxpayers are subsidizing one more entertainment facility. Both ways is just an indirect way to do it; one way is they might lose revenue from the Coliseum and the other one is that they are not getting property tax. If they do open this facility, he feels they should open it up for the community, not necessarily for sports teams. He has heard previous speakers talk about not having a facility in the area to sponsor the high school basketball games, or ice skating and some local recreational needs which he feels would be a centerpiece of the Independence Arena. That is going to cost money and the City will have to subsidize that, but if they reopen the facility he feels that is the direction they should go. If anything is lacking in the community that is it. They would still have to find money for it.

July 27, 1992  
Minute Book 99, Page 424

Mr. McCrozy stated that Mr. Reid's proposal is okay, but he is concerned that they are jerking people around, including Blockbusters. He is not sure how much longer they should wait. Eddie Knox has been there for six hours and that is getting expensive with all due respect. It is the same thing with the City's attorney and other personnel and he does not want to keep jerking these people around. He feels they need to make a decision as quickly as possible, but personally feels the public made the decision when they voted to build the new Coliseum several years ago. He feels they should open it for a community center and if they can fit some other things into it on the side that is fine.

Councilmember Clodfelter stated he is looking for the best deal and of the deals on the table, the way he measures them, is not being necessarily convinced that a public deal is better than a private deal or a private deal better than a public deal. When he looks at the two deals he is looking for things on how to protect the value that he has in the new Coliseum. Second he is looking at to get the value out of the old building they have already invested in it. Thirdly, he is looking at how to spend economically in the area. Last he is looking at how to do the other three at the lowest cost to the taxpayers. Looking at the two deals he is with Mr. Martin who said it as good as anyone could, "there ain't no perfect deal here". The last time the Council looked at this, he feels the best deal was the Allen/Phillips/Spectacor proposal. He had a lot of confidence in that deal because of the players involved and also because of the concept involved and because of the cooperative arrangement they worked out with the Authority. It was not a perfect deal.

Mr. Clodfelter stated he was concerned about how to protect the value of the new building and that is not to say that he was ignoring the things Mr. Kalin is talking about. Competition is good and there is nothing wrong with competition, but very rarely do you see the private sector set something up in competition themselves. Business has got two manufacturing plants and they like to compete with other manufacturers, but one thing they don't do is give away money to manufacturing plants to set up a competitor against them. That is not the kind of competition that protects the value of that business, and it does not protect the value of the new facility. With regards to getting the value out of the old facility, he agrees with Mr. McCrozy and Ms. Wheeler, because that is consistent with the concept the Council had two years which was that this facility would not just be a duplicate in smaller size of the new Coliseum. It would be a different kind of facility with a different mission and different program. It would be the home to a hockey team and maybe some college and high school sports, but it would also be a community facility for things the Grady Cole Center was not suited for and perhaps some other kinds of programs which really could not afford the new Coliseum. He likes a project that gets value out of the old facility along those lines.

With regards to stimulating economic activity, he feels anything they do for those people out there, they will have to spend money. They will spend it differently, based on the kind of events they have. There are no perfect solutions. Reopening it at the lowest cost is a hard decision and he does think they have a good handle on it. He stated he liked the Blockbuster proposal before they started waving the \$3 million check and then he got a bit of the flavor Publishers Clearing House killjoy and that frankly put him off. To be very blunt, it was a little insulting. When you start to get into it and find out that the hurry-up process had to slow down while the building was looked at and make an intensive study, then the deal gets refined and refined and it becomes a little fuzzy as to which is the lowest cost to the taxpayers. He would think it would be cheating the taxpayers to take the building the taxpayers paid for and have value in it and basically give it away.

Mr. Clodfelter stated he was ready to move on this. There is no perfect deal, but he feels the best deal right now is with the Authority. He would ask the staff to go back and do some negotiating with the Authority to bring the Council some answers so they could figure out where they want to go next with them. He does not believe the Council is ready to say right now they know what priority it is with the Authority. He does not think the committee suggested is a bad committee, but is not sure this is the kind of thing they had in mind and does not intend to delegate his responsibility

in making the decision, right or wrong, and say he will be bound by what that committee recommends. That is dodging and he feels they are playing around with people when they do that. He feels they should make the decision and is ready to go ahead with the Authority. He would like to send Boyd Cauble and Wendell White back to the Authority with two questions; sketch out some financing plans, show the Council a little more concretely of what it is going to cost and how it will be repaid. If they are going with a referendum, he does not want to vote on it until he knows all the answers. Second, show him how the Authority would program it, what check points there would be so if they did not like the way it was going, the Council could have some input on it. One of the things he likes about the Authority is that although they are independent, they are a part of the City. He would like to use this opportunity to see how the Authority would be accountable to the Council on this facility.

Mayor Pro Tem Hammond stated she had a call from Mayor Vinroot when he determined that he would be out of town for this meeting. The Mayor told her he had read Mr. Reid's memo which suggested turning this facility over to the Privatization Task Force and wanted to explore that option a little bit with the Task Force. He talked with Stan Vaughn who is Chairman of the Task Force and Mr. Vaughn felt their role was looking at different kinds of services than who should run this facility. She said Mayor Vinroot concurred with Mr. Vaughn's thinking.

Councilmember Patterson stated it was enjoyable listening to people articulate on how they feel about this building and its reopening. She recalls in 1988 there were three members of Council who felt strongly about keeping this building open or keeping it available for reopening for a number of reasons. Mr. Clodfelter was concerned about Independence Boulevard and the long term impact this facility had on that corridor. She was concerned that the City had spent money on this facility, had it paid for and really had ownership and a good feeling about the facility. Lots of people grew up with the facility and as this City grew she felt they would be very short sighted not to assume that it should be reopened. The reason was that there was going to be a community base, need for this facility. Ice hockey at that time had not really been raised as an issue, but high school basketball games had. The fact that they were building new high schools with gymnasiums that handled playing basketball on the school site, and in a lot of larger cities you played those games in the facility the community owns, thereby hopefully saving a little on the school budget side construction wise, to create economic development in a place where they already have a facility.

She stated she never changed her opinion, but at the time the Authority did not feel they could go forward financially and they had long discussions about that. At that time the Hornets were not successful and they had no idea what they would need to operate revenues at the new Coliseum or how many dates they would book, thereby taking those dates out of contention for other kinds of things in this community to have at the Coliseum. She believes if they had know then what they know now, it would have been a slam dunk to reopen this facility and the Authority would have agreed to it right there on the spot because taking 42 dates off their calendar and assuring them a revenue stream based on the most sell-outs of any NBA team in the United States meant that they could do this deal. It has been a long struggle and her concern is that it has been four years and she does not think they can advocate this to another committee in the private sector to make this decision. It is the Council's decision and the committee will come back and the Council will still have to make a decision.

Ms. Patterson stated the only thing she has a concern about is whether this needs to go to a bond referendum and when. It seems like they have been dragging their feet on this forever and she understands from both sides of the equation, that getting hockey here is something they need to focus on and they need to be on a shorter track rather than longer. If they wanted this to go on the November ballot, when would they have to do that?

City Manager, Wendell White stated they would have to take action tonight, but they would have to have a hearing.

July 27, 1992  
Minutes Book 99, Page 426

City Attorney, Henry Underhill stated they would have to have a special meeting of Council before the next business meeting. It cannot wait until August 24, which is the next business meeting.

Boyd Cauble stated that in anticipation of this question, he asked the Bond Counsel what they would have to do to go on the referendum in November. Council would have to have an action tonight to proceed with the bond referendum to provide funding to renovate the Independence Arena in an amount not to exceed. They would have to be that specific tonight. They would publish that notice and have a special called Council meeting on August 17 to introduce bond orders and call for a public hearing in order to meet all the other deadlines.

Ms. Patterson stated that does not sound very doable. If they somehow got to that point tonight and then decided in the next four weeks they could not fit it together, can they pull it?

Mr. Cauble replied sure.

Ms. Patterson stated there are a lot of questions regarding exactly how this fits together. Without going to a referendum just for \$3.5, when would be the next time they could do it? Is the next election next fall?

Mr. Underhill stated he did not know if there were any County or State elections in the Spring of 1993. You can hold a bond referendum anytime there is another election. They could do it at the primary in September of 1993.

Mr. White stated he was very impressed with the conversation of Council and every member has made a good point. There is not a lack of information for the Council to make a decision. The idea of selling the facility is appealing, but they have the information to make the decision. He would recommend the Council not defer and sent this to a committee because that would primarily pull that committee off its major task and this governing board has enough information to make a decision. Staff has also incurred costs as well as outside costs to pursue this with the Council and they are in a much better posture than they were when this conversation first started. He would suggest to them, if they are inclined to reopen that they take that action now and they attempt to get the answers to the questions they have and let this go in a parallel tract. If their determination is go to a referendum there are strong reasons, from his perspective, that they may want to bypass that, but he certainly understands if they want to go that way. He believes they should get on with the decision.

Councilmember Majeed stated he understands what Mr. White is saying, but someone had recommended some costs of proposals or detailed financial packages. He feels Blockbuster has been a catalyst for the Coliseum Authority to come up with some proposal, but also feels they are shooting themselves in the foot with their own gun. He realizes that anchor in that area does provide for a tremendous catalyst for the business in that area. If the businesses prosper in the area the City will reap revenues from sales and economic benefits. He believes Mr. Reid's proposal would be good if they had the time, but believes they have to make some decision and make it relatively fast in order to satisfy the economic well being of that area as well as the viability of the Independence Arena. He asked if there were other proposals from the Authority which the Council does not have at this time?

Mr. White stated if they are inclined to go with the decision that would have the Authority being the operator then they can get the other answers they need from staff on a paralleling tract. If the decision is to go with the private sector, then do that, but they have all the information. He has thought from the beginning there is tremendous potential for loss for public investment they have in both facilities. The question is, if you want to open the building, you now have, not only an interest, but a keen interest from the Executive and from the Board of the Authority and they can get the answers the Council needs.

Mr. Hajeed stated he was unclear as to how aggressive the marketing will be associated with the Coliseum Authority. He has some concerns about that because that portion could severely affect development in that area and he wants some concrete plans on aggressive marketing, not just helter skelter.

Councilmember Mangum stated he served on a committee four years ago with regard to reopening this facility and was real impressed with Andy and Tom Phillips and their true concern for the community, even though they wanted to open the facility. He felt there was a genuine concern there and as long as they were making a decent living, they could be happy with it and work with the community because they have roots here. He was very much for the privatization of this facility and is still pulled toward that because he feels this facility may be a good time to try privatization without getting too deep in the City's pocketbook.

Mr. Mangum stated he had an opportunity this past week at a trade show to talk with an individual with American Public Works Association who was a speaker on privatization. He thought he was going to support privatization, but it was the other way around. Communities that have been trying privatization are finding out that it is failing and the reason is because all these companies that into privatization are there for one reason and one reason only and that is the bottom line profit. It only makes sense, if someone can run a facility and make a profit on it, why can't a public entity run it to break even and do as good a job if not better. Mr. Mangum stated he has had some concerns that the Coliseum Authority is lukewarm over this and they did not really care if it opened or not. That concern brought to him a feeling that they were not going to get much out of this. He wonders what Blockbuster would do if the City went to them and ask to operate one of their facilities. He has come down to two philosophical points whether to open it or close it and whether to have it under the City or someone else, but he feels it is time to agree that the Authority handled the facility and the Council knows where Steve Camp lives. There was a concern about using it for activities others than sporting events. He digressed back to when he lived in Colorado and the Broadmoor Hotel had a semi-pro hockey team there and after the team quit they opened the arena for kids to come in and ice skate for two or three hours for 50 cents each.

[ A substitute motion was made by Councilmember Mangum, seconded by ]  
[ Councilmember Campbell, to proceed with negotiating with the Authority. ]  
[ Councilmember Clodfelter amended the motion to negotiate on the basis ]  
[ of a set of goals and objectives for reopening the facility set by the ]  
[ City with the Authority to develop a plan for achieving these goal. ]

Councilmember Clodfelter stated he would like to see negotiation in which the Council sets the objectives for the reopening ask the Authority to work up an agreement on how they would accomplish those objectives under their management. That addresses the concern they have all had about the Authority and having the assurance the Authority would do what the Council wants done with the facility in order to stimulate the area and provide a community service for groups which cannot use the new Coliseum.

Mr. Clodfelter stated the Council was responsible for a lot of the delay and it took them until 1989 to decide if they wanted to even try to reopen the facility. Since November 1990, everyone has been waiting out the Allen/Spectacor/Phillips proposal. When this group notified the Council in late March that they were throwing in the towel, the first contact the Council got was not from Blockbuster or any other private party, it was from the Coliseum Authority that wanted to open discussion about what to do with the building. Maybe that is a little thing, but is a rather significant thing, given the history of this whole deal.

Mr. McCrory asked if the motion means that they will start on the parallel tract of working toward a referendum. It makes sense to him and if they are going to do it, he would like to do it in a parallel tract and perhaps the City Attorney can start working on some wording real quick.

Mr. Clodfelter stated he would suggest that be in a separate motion and perhaps have the Attorney to dictate what that motion should say.

July 27, 1992  
Minute Book 99, Page 428

Mr. McCrory stated he feels a separate motion is fine, but believes it is a joint thinking. He wants to send the signal to the community that if the Council is going to allow the community to make the decision as to whether they want to reopen this facility or not and help pay for it.

Mr. Mangum asked Mr. Camp if his proposal wasn't for about \$3.5 million?

Mr. Camp stated the Authority's proposal said \$3.5 million.

Mr. Mangum suggested they send the message to the community that it is a bond and the Council is asking for the community's approval, but the bonds are to be repaid out of the Coliseum Authority profits.

Mr. McCrory stated he agrees with that, but that money could be used to pay off existing bonds.

Mr. Mangum stated if this comes down to the Authority, he wants to express his thanks to Blockbuster for the time and effort they have put into this. He feels they are fortunate to have someone like Blockbuster in the community who shows they have enough interest to even come to this City to even look at doing something like this.

Councilmember Scarborough stated she feels each little tub should sit on its own bottom because when you look at competition in reference to the Coliseum and Independence Arena, as you sit each little tub on their bottom that they each have their own mission and the Arena, based on its size will have its own mission relating to some of the things it will attract to the City of Charlotte. She feels the Coliseum will have a different mission and does not believe those things are arguments. She hopes if they vote for the Authority to have the right to open the Arena that they would ask the Authority for a better rapport than they have had in the past. She would suggest they have reports from the Authority and talking more with the Council because they act as an independent agent that has no responsibility to Council in her opinion.

Ms. Scarborough stated she also wanted to thank Blockbuster for in her opinion they put a shot in the arm which the Authority needed. Had Blockbuster not come forth and said they were willing to bid on this process, the Authority would have never come up with any kind of plan to reopen this facility. It is an indictment on this City for the Council to allow businesses on Independence corridor to fail because they don't have something to give them an economic boost in that area. She hopes the Council will support the reopening of this facility. She has not decided which way she will vote, so don't count hers yet.

Mr. Reid stated he has heard all the conversation and is a little disappointed in the process and the think that disappoints him is that they are now using time as a compelling force or a reason for going ahead with this. The thing that bothers him the most is they have appointed a committee or Privatization Task Force which the Council authorized and the first project that comes up they take it away from them using the excuse that they don't want to abdicate their responsibility. What they do want is the best information they can get and he does not feel qualified to make that judgement without getting the best information. The second thing, the man who heads the Privatization Task Force, and the person he is counting on to help with this has refused to take the project.

Mayor Pro Tem interrupted Mr. Reid to clear that statement. She said he did not refuse to take on the project and she does not want that in the record.

Mr. Reid asked Ms. Hammond to clarify it for him, what did he say?

Ms. Hammond stated he said he did not understand that as the appropriate work of the Task Force. The Task Force was looking at privatization of City services and this was not what he understood that charge to be and the Mayor agreed with him. He did not by any means refuse, nor did he speak for the entire committee.



Mr. Reid stated he will allow the Council to interpret that the way they want to, but he interprets it to mean that he did not want to particularly want to get involved here and chose not to. Mr. Reid stated as he hears it now, they are going to try to open up a second class facility and a second class facility will fail the corridor they are trying to develop. It will fail the taxpayers and it will result in a first class failure if they open up a second class facility. He doesn't care whether the Authority does it or Blockbuster.

Ms. Hammond stated she would observe that a fairly large amount of money set aside for Independence Arena debt service when they start paying on it. That brings to mind that there might be the opportunity if they will think about it, of working the Authority and the City together to pay for these improvements without issuing debt. If the Council could have that as one of the things the Authority and City staff looked at, is refining the financing alternatives because she is not sure they have to issue debt.

Mr. Clodfelter stated Mr. McGrory is right, they got to be tied together, but they have to separate them. Part of the reason for separating them was to start the bond process and work it in parallel, knowing they can call it off. He has looked at the proforma and he is not convinced that they need to issue any debt.

Mr. White stated he understands what they are say, but thinks it is fair to look at two ways of doing it. Mr. White stated he was not as comfortable as others are with the \$3.5 million. He feels they need not to set that tonight and feels it should be \$4 or \$4.5 to protect themselves. They will not go above it and it is not wise before staff has studied it to set such a low figure that it will cause them problems. If it is a community center that also has activities they could charge rent for, they want it to be done right. He would caution the Council that \$3.5 million may be accurate or it could be less, but it might be \$4. million.

Mr. Mangum stated he would have to disagree with the Manager on that. They have had figures and information in front of the committee and Steve Camp says he has talked to the people who have put those different inspections in front of them and they are comfortable with the figures it will take to open it. If Steve has to come out of pocket a little more from the Authority, then so be it, but he is not about to start opening up \$4 to \$4.5 million on this facility.

Mr. White stated he did not say that. What he said was he is not as comfortable with \$3.5 million as Steve seems to be, but if the Council is comfortable with \$3.5 million that is fine.

Ms. Hammond asked the Council to remember they are not making revokable decision tonight, they are deciding to take the next step from which they can pull back virtually at anytime.

Mr. Underhill asked if the motion Mr. Mangum made deals only with the selection of the Authority as the operator of the building and does not deal with the financing mechanism?

Mr. Mangum stated it does not.

Ms. Wheeler asked how they can vote on the Authority if they have not determined the financial mechanism. She does not understand how they can do that.

Ms. Hammond stated they are not voting on the Authority, they are voting to proceed with negotiations. They do not know at this point whether the negotiations will turn out successfully or not.

Ms. Wheeler stated they may lose the Blockbuster proposal in the meantime, to which Ms. Hammond stated that is correct.

Mr. Majeed asked what time frame they were anticipating for getting this facility upgraded and on line?

Mr. Camp stated 10 to 13 months at most.

mpl

July 27, 1992  
Minute Book 99, Page 430

Mr. McCrory stated he understands Mr. Reid's concern about a first class facility and feels they are comparing apples and oranges. He is convinced this City cannot afford two first class Convention Centers of the same size and they cannot afford two first class auditoriums of almost the same size which will be another item on their plate sometime in the future. He considers this to be different than the new Coliseum and considers it to be a different way to use the arena if the community does support reopening it.

The vote was taken on the substitute motion which is to proceed with negotiations with the Authority, with Mr. Clodfelter's amendment to negotiate on the basis of a set of goals and objectives for reopening the facility set by the City with the Authority to develop a plan for achieving those goals. The vote was recorded as follows:

YEAS: Councilmembers Campbell, Hammond, Clodfelter, McCrory, Majeed, Mangum, Martin, and Patterson.  
NAYS: Councilmembers Reid, Scarborough and Wheeler.

Mr. McCrory stated it is his understanding that once they see the plan they can walk away from it if they choose.

Mr. Underhill stated if the Council is interested in keeping alive the option of having a bond referendum on the proposal to finance this renovation in November 1992, they need to adopt a motion tonight that would be worded in the following fashion: A motion to proceed with the bond referendum in November 1992 to provide funding to renovate the Old Coliseum in an amount not to exceed blank dollars. Mr. Underhill stated they needed to select an amount and once they select an amount they can change that amount by lowering it, but you cannot increase it. He believes what the Manager was trying to tell them, if they do not think \$3.5 million is verifiability sound at this time they might want to build in a fudge factor because they can always reduce, but you cannot increase it. If they take that action and they still want to proceed with that they will have to have a special called meeting of the Council on August 17 and if they hold that called meeting on that date and take action the action that would be required under the bond law, then they would hold the public hearing on August 24. At that time they would have to decide whether to proceed with the referendum or not. That is essentially the time table they would be looking at. If they decide to proceed the referendum would be held in connection with the November election.

Mr. Reid asked that they not play games with the amount of money. Why not ask Steve Camp if he can open the facility into a first class arena for \$3.5 million. If he can that is easy, but if he can't they better make it \$6 million so they can cover it. He understands that some do not want it to be a first class arena, but he does not feel that way. It has to be a first class arena because you don't market something second class. If they are going to open it to take care of overflow and a community facility, they will loose their shirt. It has to be marketable or it can't make it. The taxpayers are going to be fooled and the Council will have to come up with money every year. All he is saying, if they are going to open it, put enough money into it so it will be a place where any event they wanted to have there would be happy to go there.

Mr. Camp stated he did not intend to open that facility where it is an embarrassment to this City. They would never do that. They have spent hours in the last couple weeks verifying the figures that came in under the Phillips proposal. He feels the figures are very close, they are not trying to get more money than they need; they are trying to get enough money to get the job done. Council has to remember that in the proposal before them, they intend to combine the project of Owens Auditorium for which they have already put in reserves \$2 million and the renovation of Independence Arena so the total of this project is expected to be about \$5.5 million, with the Authority contributing that \$2 million. He believes they can do the work they need to do at Owens because if they are managing the Independence Arena, then it means they do not need office space and will utilize the current office space in the Coliseum so that may decrease the cost of the project at Owens. He believes some of the money they have held in reserves from the past profits to update Owens can be used to help boost the \$3.5 million they were asking the City to issue debt on for the

mpl



July 27, 1992  
Minute Book 99, Page 431

Authority to repay. It isn't a \$3.5 million project, it is \$3.5 plus whatever they can get out of the other project. It will be close to a \$4 million project.

Mr. Reid stated he just wanted it to be clear, so it is going to be roughly \$4 million and the other half million is going to come out of operating profits which he feels should go to pay off the new Coliseum. That is where his argument is, but they are going to use that to renovate Independence Arena. That is what he disagrees with. Why don't they say it is \$4 million and they are going to use \$4 million so everybody knows where they are. He does not like to play games with the thing.

Mr. Camp stated he did not intend to play games. They are going to look at the project as one project and when they issue all the documents everyone here will know exactly what it takes to restore the complex - the complex being the Auditorium and the old Coliseum.

Ms. Hammond stated she was hearing someone who feels very sure of what he is telling them, and would suggest they look at that, not to exceed \$3.5 million on face value and put that number in the blank and adopt that motion.

Ms. Patterson asked Mr. Underhill to please repeat how the motion should read, of which he did.

[ Motion was made by Councilmember Mangum, seconded by Councilmember  
[ Patterson, to proceed with a bond referendum in November 1992 to pro-  
[ vide funding to renovate the Old Coliseum in an amount not to exceed  
[ \$3.5 million.

Mr. Mangum stated Mr. Reid reads an awful lot into this Council and their intent is not to go in and set up a shoddy operation that is not going to succeed. He takes personal insult to him saying that is what the Council is after and they don't want to see this facility succeed. If that was the case he would leave it padlocked and not put \$3.5 million into it.

Mr. Camp stated he would like to thank Mr. Clodfelter for remembering that one little thing - that when the Phillips proposal fell through it was the Authority who made the first call before they knew anything about Blockbuster, about saying they realized the Council wanted that facility open and the Authority was willing to step forward and work with Council to come up with some plan to get that facility reopened. He appreciates Mr. Clodfelter remembering that.

Mr. Martin stated he agrees with the Manager and feels the figure should be \$4.0 million because they can go under but cannot go over. That is no disrespect for Mr. Camp, but a safety valve.

Mr. White stated that is what he was referring to, but as long as the Council knows what he was doing it really doesn't matter. The \$3.5 is okay, but his purpose was for a safety value, that is all.

Mr. McCrory stated he did not know if that includes ice or not and who knows that they might agree on. He feels they are safer to say \$4. million and then move it back.

[ A substitute motion was made by Councilmember McCrory, seconded by  
[ Councilmember Martin, to proceed with \$4 million.

Ms. Scarborough stated the referendum would be in November, and then what kind of time frame are they talking about?

Mr. White stated approximately one year.

Ms. Scarborough asked if they were talking about a year if they did not have a referendum, to which Mr. White stated if the Council authorize them to move right now, then it would be about 12 months from now. What Mr. Camp is saying he feels it will take up to 12 months and they might beat that 12 months by a few months, but no more than that.

mpl

July 27, 1992  
Minute Book 99, Page 432

The vote was taken on the substitute motion to proceed with \$4 million and was recorded as follows:

YEAS: Councilmembers Campbell, Clodfelter, Hammond, McCrory, Majeed, Martin, Patterson and Scarborough.  
NAYS: Councilmembers Councilmembers Mangum, Reid and Wheeler.

Mayor Pro Tem Hammond stated they have no meeting scheduled to review the details of the progress of the negotiations before they have to decide whether they are going to proceed with the bond referendum.

Mr. Underhill stated they would have to have a special called meeting to introduce the bond orders and call for the public hearing. That has to be done on August 17.

Mayor Pro Tem Hammond stated before that date the Council is going to need some good solid information on financing alternatives to determine if a bond referendum is in order.

Ms. Patterson suggested they use the same committee that has been on this tract to do the review over the next two weeks and the committee keep the Council totally updated as they finish those meetings and then bring it back.

Mr. Martin stated they did not want to forget about Mr. Clodfelter's point about the criteria which they want to set as Council for the negotiations.

Mayor Pro Tem Hammond stated the committee has heard the discussion and knows that is on the Council's mind. She feels the committee can direct the establishing of those goals. If there is no objection they will allow that committee to do that.

[ Motion was made by Councilmember Patterson, seconded by Councilmember ]  
[ Martin to hold a special meeting at 6:00 p.m. on August 17, 1992, for ]  
[ the purpose of introducing a bond order with respect to the proposal ]  
[ to fund negotiation of the old Coliseum and to call a public hearing. ]  
[ The vote was unanimous. ]

\* \* \* \* \*

JOINT CITY/COUNTY RESOLUTION STATING THE INTEREST OF THE CITY TO BE AWARE AND SENSITIVE TO THE IMPACT OF LAND USE DECISIONS ON THE SCHOOL SYSTEM.

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember ]  
[ Mangum, to adopt the subject resolution. ]

Councilmember Scarborough stated the School Board has asked the Council to be supportive and sensitive to their issues and she would like to send a message to the School Board with reference to their being sensitive to the needs of City Council. When Kennedy Junior High School was built as well as Steele Creek and Olympic, there was no sensitivity that these schools were in the flight path of the planes at the Airport. They also need to be sensitive to the closing of the intercity schools. She feels this is a three way street and as they look at this and approve the resolution the Council should also state to the School Board that they should be sensitive to the needs of City Council.

Mayor Pro Tem Hammond stated she feels what Ms. Scarborough said makes a lot of sense, but they have a very long agenda tonight and they do not have that written out in front of them and they have not had a chance to think about her suggestion. She would be happy to suggest they put that on a future agenda if they want to have a resolution that raises those concerns. She hesitates to try to jump into that kind of alteration material right now.

Councilmember Martin asked what is the background for this resolution?

Assistant City Manager, Del Borgsdorf, stated this deals with the impact of zoning changes and looking at the decisions that come before Council and the County Commissioners where subdivision approvals and major decisions

July 27, 1992  
Minute Book 99, Page 433

lead to impacts on the school. That as a practical matter has been well taken care of this year with the adoption of the master planning process and other things. This just reaffirms actions the Council has taken during the course of the year.

Mr. Martin asked if there was not an agreement at one of the joint City/County lunch meetings that the folks from the School System would work more closely with the Planning staff to avoid some of the problems they are talking about?

Mr. Borgsdorf stated that has been underway.

Councilmember Reid stated he had read the resolution and did not see anything really wrong with it, but does not see anything right about it either. It says the Council is to be aware and sensitive to the impact of land use. He stated he did not have the foggiest notion of what that means; Ms. Scarborough is trying to quantify it and he agrees with her if they can quantify this, but to him it is a zero resolution except they are going to be nice to each other.

Ms. Scarborough stated her only concern was in reference to the City Council, the County Commissioners and the School Board be sensitive to the planning issue in the City. That is all she is asking be added to this. For example, in the intercity where the Council is planning neighborhoods and putting money into upgrading neighborhoods the intercity schools are being closed and there is no sensitivity by the School Board to help the City with that. She feels if the School Board wants the Council to be sensitive to their needs, the School Board should be sensitive to the City Council's needs.

Councilmember Clodfelter stated they should have a report from the Task Force which the School Board established to deal with these kinds of issues. There is a task force that has been working for about 8 months addressing some of these issues. They have reached a pause in their discussions, but perhaps at the September workshop they might be able to get this task force to come and make a short presentation. The Planning staff has been involved in that also as to where they are in that process.

[ A substitute motion was made by Councilmember Scarborough, seconded by Councilmember Martin, that the Council adopt this resolution, but add to it that the School Board be sensitive to the City Council and the County Commissioner's planning strategy.

The vote was taken on the substitute motion and was recorded as follows:

YEAS: Councilmembers Campbell, McCroxy, Majeed, Martin, Patterson, Scarborough and Wheeler.  
NAYS: Councilmembers Clodfelter, Hammond, Mangum and Reid.

The resolution is recorded in full in Resolution book 29, at Page 304.

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RESOLUTION TO AMEND THE HECKLENBURG COUNTY SOLID WASTE MANAGEMENT PLAN

[ Motion was made by Councilmember Mangum, seconded by Councilmember Wheeler, and carried unanimously, to adopt the subject resolution.

The resolution is recorded in full in Resolution Book 29, at Page 306.

\* \* \* \* \*

PUBLIC SAFETY COMMITTEE'S RECOMMENDATION REGARDING CODE ENFORCEMENT IN THE UPTOWN AREA AND ORDINANCE REVISIONS FROM THE LAWYER'S SUBCOMMITTEE OF CUDC

Councilmember McCroxy stated the Public Safety Committee met several weeks ago to discuss the Code Enforcement in the uptown area. The main concerns were that there are approximately 29 vacant buildings in the uptown area. Several of the owners are not taking the responsibility to take care of the buildings and the committee is especially concerned about the buildings

July 27, 1992  
Minute Book 99, Page 434

that are very dilapidated and there is very little interest or effort to repair or do anything with the property.

Mr. McCrory stated their goal was not to tear down buildings, especially the historic buildings, but their goal is to try to make the landowners to make them take responsibility for their property as they do on residential property. It is important that they send a signal to the community that the City will not allow urban decay. He feels if they allow one building to start decaying and not being taken care of, that will avalanche into blocks of buildings not being kept up. That will affect their investment as well as the long term public safety. The Committee voted for a combination of Option 3 and 4. Their real goal was Option 3 and very few areas would go to Option 4. He said the Council would have the opportunity to vote on each one situation individually.

Dave Badger, 400 West Trade Street, stated he was a 13 year resident of Fourth Ward and has a law office on West Trade Street, just four blocks from the square, and sits on the Board of Directors of CUDC, however, he is speaking as a member of the Uptown Crime Prevention Counsel. The Uptown Crime Prevention Counsel is a grass roots organization and was originated in March, 1990. A collection of citizens who are concerned about crime in uptown Charlotte as well as Councilmember McCrory, was a very moving force in the formation of this organization. On behalf of the UCPC he urged the Council to support the proposals in Options 3 and 4.

Mr. Badger stated crime in uptown Charlotte was on the decrease. It is down some 5% this year and was down last year. Adam I of the Police Department deserves a great deal of credit for that. Their innovative Policing procedures, including the bicycle police have had a market effect on crime in uptown Charlotte. The fight against crime is never ending. Traditional methods like the court system are not working and are being out flanked by the bad guys. In the perception that crime is rampant in uptown Charlotte, is undermining the efforts of the Chamber of Commerce and the CUDC to develop and replenish and renourish uptown Charlotte.

The UCPC encourages non-traditional means of attacking crime and preventing crime. In the past they have always felt if they could prevent the crime they do not have to worry about over burdening an already over burdened criminal justice system with courts and prisons. In the past the UCPC has sought to remove magnets that attract crime to uptown Charlotte. As a result of the efforts of this group they have succeeded in having the ABC Store removed from North College Street. They have encouraged the parking lot owners and managers to do away with the parking lot arcade, as they call it, which people allowed people to go in and fish the boxes for dollar bills, etc. They have theft proof boxes which are being installed on an on going basis. They have warning signs, put up by parking lot attendants, encouraging the public to lock their cars and secure their valuables and take away the temptations of leaving valuables in the back seat, only to come out and find their window broken. Larceny from vehicles is the largest crime incident in uptown Charlotte. They are encouraging block clean-up programs and to take pride in the property. They are seeking the cooperation of convenience stores in uptown Charlotte to stop their mass marketing of high alcohol content beer and wine. They want to develop a community purpose.

Mr. Badger stated the committee sees the abandoned buildings as another magnet and they want the magnets removed and feel this proposal is very simple. Remove the magnet and secure the building to keep the building from being a magnet and breeding place for crime. If that cannot be done either through the owner or the City, then take the building down. He said traditional methods do not work. Non-traditional methods like this proposal and the panhandling permit proposal are going to be necessary. Unless the magnets for crime can be removed from uptown Charlotte, the perception has the potential of being a reality.

Arlaine Rockey, 5811 Fairview Road, stated she was an attorney in Charlotte and has had various experiences in representing homeless people. She is speaking in opposition to the license required for panhandling.

Ms. Rockey stated she went to Law School in Miami which has an ordinance similar to that. She did her clinical internship at the State Attorney's Office processing misdemeanors and a lot of the people brought in were brought in on that kind of ordinance and the lack of a license. She has represented homeless people as well as homeless children trying to provide housing for them.

She feels the Council needs to think about the license requirement. The license for panhandling have been struck down in other states on the basis of violation of free speech, violation of equal protection of the laws, for instance you have to have the law written so that you are not distinguishing begging by homeless people from someone who is soliciting for charity or for a church. The City may be buying themselves a law suit and spending a lot more money which they may not want to spend.

Ms. Rockey stated she would suggest they work with the committee representing business owners in downtown, to talk with homeless people and their advocates about trying to find long term solutions to homelessness and panhandling which for some people are just one pay check away. There are other most cost effective ways to deal with homelessness. It is a lot cheaper in the long run to provide social workers and employment counselors than it is to spend the money on Police officers and clogging the court system with misdemeanor cases. It take a lot of time to deal with these misdemeanor cases and they are not going to be punished, and even if they are put in jail, then the City has fewer beds for more serious crimes that could be committed. She feels they could come up with more creative solutions and would appreciate the Council looking at this further.

Councilmember Martin how Ms. Rockey how she would define panhandling, to which she said panhandling would be begging, asking someone for money, holding out a cup.

Mr. Martin stated to Ms. Rockey that earlier she made a distinction between a homeless person asking for money and someone asking for money for charity, and when she made that distinction, she left him cold with what she means by panhandling.

Ms. Rockey stated that is something the Council needs to be very careful about when they have their attorney draw up the bill because they could look at equal protection problem there. She personally does not feel they should have these laws at all, and would not want to tell them how to write it the right way to be able to do it.

Councilmember Patterson stated she lived in Fourth Ward for almost 10 years and as a Councilmember has a lot of experience with the kinds of things that this is trying to address. She said she had been in the position of wishing that buildings would fall or burn down by some mysterious way. She has also been in the position on a number of occasions of entering some of the buildings to try to reboard them up or hang a banner out of them during the early years of starting Springfest. The face of Charlotte looked a lot different in 1982 and 1983 and if she had been successful in her desire at that point, it would have been a great travesty in the buildings she would have selected to be demolished. The City has not made any attempt to keep buildings boarded up downtown by using the City Code and by putting liens on the buildings. She feels they need to do that and say to the Uptown Crime Task Force that even beginning to think about that is a good piece of work. The County has that authority and the City only has it in the housing area. This is really a housing code ordinance they will be using to do this and that ordinance includes a number of things that concern her. There is a process that once you start, it ends up with the demolition of the property in front of the City Council, short of some miracle happening. If the estimate for renovating the building is over 50% of the value of the building it is considered to be not renovatable. She said there are a list of buildings in the back of the agenda and she does not think any of those would make the 50% test and none of them would be renovatable.

Ms. Patterson said the kind of building, if you look at the list and go walk through, would be very reminiscent of buildings which she would have chosen ten years ago to pull down. She said she had been in the Dunhill

July 27, 1992  
Minute Book 99, Page 436

Hotel, the law offices of Smith, Helms, Mullis and Moore were a store front that was boarded up and she painted that store front. The old medical college was in very bad conditions and the windows were broken out so she helped board up the street level because there were people living in that building. On Trade Street, the building next to Mr. Badger's law office, the Peace Building in the block closer to the square that is owned by the Presbytery was boarded up. The old Cadillac Building which is now part of the Smith, Helms, Mullis Arts and Science Counsel was boarded up. The building on the corner of College and Seventh Street was old warehouse space, but people actually lived there. The Seventh Street Gallery Building across from Spirit Square is another and she could go on endlessly. Her concern is that they are making the decision to move to demolition too quickly and they are taking an ordinance that is for housing and trying to apply it when in a lot of cases there are houses that can be rehabed for less than 50% of the estimated value.

Ms. Patterson stated she wants to do everything she can because she lived down there and having walked up on someone standing in her living room stealing her purse, having people break into her vehicles, then having the same burglar bring her purse back and leave it on the deck on a Sunday when she was home by herself. She does not want to trade away the future face of what Charlotte should look like with street level buildings and buildings that are part of the past, just to create rumbled parking lots that do not even meet the UMUD ordinance. They are not sure the first stage of this will not work or at what level they will see buildings coming back.

Ms. Patterson asked the City Attorney to explain the process if they board up a building and put a lien on it and the building did not stay boarded up; what would happen next?

Henry Underhill, City Attorney, stated the Director of Community Development, which is the department in charge for the enforcement of this particular ordinance, would be obligated to continue to try to get the owner to make efforts to keep it boarded up. If the owner failed to do that and the City did it and that failed to solve the problem and if the estimated cost to repair the property exceeded 50% or more of the value of the structure it is then considered dilapidated. The code requires that the Director of CD order it be demolished and removed. If the owner fails to comply with that order, the Director of CD is required to present the matter to the Council and then it becomes a matter for the Council to determine. Up to that point in time the Director of CD's discretion is very limited in what he or she might be able to do.

Ms. Patterson stated there was some sense in the Committee meeting that there was some flexibility on the part of the CD Director and these things coming forward. She asked if there is any flexibility in bringing these things forward to Council?

Mr. Underhill stated the process that is outlined in the current ordinance is the same process for enforcement they use for housing code violations. It is a process that has been in effect for a long time for housing code enforcement activity. The CD Director's actions and discretion is pretty well mandated by what the code provides. It moves from one step to the next and if the efforts in boarding it up and securing it fail and if it meets the threshold test of 50% or more of the value to repair the structure, then it is automatic in terms of where it goes. It comes before the Council and the CD Director does not have any discretion at that point.

Ms. Patterson stated obviously, the Council could decide to demolish or not demolish. Unfortunately, she feels the Council does not have a good sense of what is a structure that really has some potential for adaptable use or renovation. The buildings she mentioned earlier, looked absolutely horrible, and within the last 10 years every one of those buildings have been rehabed. She said she hopes the Council will consider Option 3 and add to that, that the Council will give the boarding up enforcement period a period of 12 to 18 months and evaluate how well that is working. If it appears to not be working well, to ask legal staff to look at how to create the appropriate kind of ordinance that probably would be slightly different for commercial structures in an urban area. She is concerned about the 50%

rule. She wants the Council to begin code enforcement, but things they are going too quickly and are jeopardizing something. They have torn down more good buildings in Charlotte than not and she does not feel that is a good thing to do. They do not have any money in the budget to tear these buildings down. If they decided to take down the Professional Services Building, which they know is a problem with vagrants, she is not sure they could come up with the money to do it.

[ Motion was made by Councilmember Patterson to adopt Option 3, with the proviso that they review in 12 to 18 months. If they find they are not successful, they either change the ordinance and make it easier and provide more discretion by the Housing and CD staff. The motion failed for lack of a second. ]

Councilmember Scarborough stated this is a good of the "haves and the have-nots". If you "have" your building will not be torn down but if you "have not" your house will be torn down. That is a very bad message to sent to the citizens of Charlotte, to tell them in the residential neighborhoods, where less visitors and less people see the area they are willing to tear down houses to make the neighborhood look good, but in the intercity where this is the living room of Charlotte, they will allow dilapidated buildings, no matter what they look like, to stay boarded up. She feels this is dual rules and the Council should not do that. If they are going to set rules and policy, they should address the fact that if there are deteriorated buildings in the inner City, they will be dealt with no matter what has happened in the past in reference to renovating other buildings. They need to address this problem because they have vagrants in the City. It bothers her that the Council is not willing to address the real problem. They are addressing the symptom and the symptom says if they have vacant buildings that they will not tear them down. The symptom is not what they should be addressing. The problem is the homeless shelter and the Federal Government not providing for the mental patients in this City and the City not being willing to address where the homeless shelter is. The issue relating to vagrants going into buildings, etc. it is ludicrous for the Council to set dual rules for the businesses in this City. They can afford better than anyone else to bring their buildings up to code and she hopes they will do that. She would suggest adopting Option 3 and 4 and allow the City to say to these people that they will not be allowed to have dilapidated buildings in the City no matter where they are located, whether in the community or in the intercity.

Mr. Martin stated Option 1 would not work because Uptown Development Corporation have not done anything. Option 2 will not work because the County has not done anything, therefore Option 3 and 4 are the only other alternatives the Council has. He feels the demolition on the housing rehab goes mighty slow. He urged the Council to support Option 3 and 4.

Councilmember Clodfelter stated he has a hunch that everyone on Council supports Option 3. In listening to Ms. Patterson he was thinking what is the issue here and perhaps it is when you move from Option 3 to 4 on an individual building. He asked if that was an automatic move or if it would not be Council's decision?

Councilmember McCrory stated it is a very conservative process and Option 4 is really dealing with buildings which are so dilapidated with no walls, no roofs that they can not be effectively boarded up.

Mr. Clodfelter stated he was comfortable with trying it out and feels everyone is in favor of Option 3. He is willing to try it and see what they do the first time they have a #4 come in front of them and how they deal with it. He feels that is where the real issue is. It seems to him the test will come with the 50% issue. In a residential neighborhood the structure was built to be a house, it has one use. You can measure its dilapidated value against its rehab value or existing value and you can compare apples with apples. The problem will be when they get a commercial property and they have to define its use before you can tell what the value is. They don't know if the building is worth saving until they know what its use is. He wonders if any of Council could have figured out the Cedar Street Foundry was going to be what it is today. It was a foundry, but it



July 27, 1992  
Minute Book 99, Page 438

is not a foundry now. It has been used for different purposes. He feels it will have to be a one at a time, figure it out.

Mr. Clodfelter stated he was prepared to support the Committee recommendation, but does not want any delusions that that is going to bring a lot of buildings down. He feels they will get a lot of questions as to what certain buildings could be used for and if they want to let go and allow demolition or do they want to fight a little harder to put the plywood on the windows on some buildings.

Councilmember Hajeed stated in looking at the letter from Mike Schneiderman of CUDC, he assumes there is some difference, but basically they are taking about the same route to deal with this problem. He asked Mr. McCrory to explain that.

Mr. McCrory stated he feels the goals are the same; Dave Badger is a member of the CUDC and he is supporting Option 3 and 4. The basic goal is Option 3 and do everything possible and handle each flexible thing they can with Option 4. He hopes they do not have to go to Option 4.

Mike Schneiderman, CUDC, stated they are in agreement with the proposal with exception of the 50% regulation.

Mr. Hajeed stated they are talking about commercial properties and they are also talking about housing. It is very difficult to compare the two, but perhaps this is a long process and that process will give everyone due consideration before the Council took the end result action.

Mr. McCrory stated he understands the problem, but in residential property, 50% may not apply to certain residential property. Every situation is going to be different and that gives them a little more flexibility. He hopes they do not do anything foolish and does not expect the Council to do it if they see a building is not worthy. The goal is to preserve the building and get them rehabilitated.

Mr. Hajeed asked if they had to use the criteria of 50%?

Mr. McCrory stated they are using a current law in which the State allows them to use.

Mayor Pro Tem Hammond asked the City Attorney if the 50% was not variable by local code, to which Mr. Underhill replied yes, that is the Council's rule. He said the State law enables these types of ordinances in reliance upon that State law. The Council adopted that ordinance in August, 1991 and the ordinance says that if the CD Director determines that the cost to repair the structures is 50% or more of its value, the structure shall be considered dilapidated and the Director shall order that it be demolished and removed. The 50% standard is there because that is what the Council selected in 1991. It could be changed to something else. Mr. Underhill advised the Council that the housing code standard is 65% and not 50%.

Mr. Clodfelter stated the CD Director is going to have to say 50% is the cost to repair, but repair to what. He knows how to estimate what it takes to fix up a house, but what does he say is the cost or repair of a building whose use he does not know. It will be dumped in Council's lap and they will have long discussions about the rehabilitation prospects of buildings and he feels Council should give it a try.

Ms. Scarborough stated when you look at a building, even if it were an old dilapidated building which was a hotel at one time, it is still dilapidated no matter what it was or what it could be. The real answer is that it is not anything except a sore eye to the City.

[ Motion was made by Councilmember Reid, seconded by Councilmember ]  
[ McCrory, to approve Option 3 and 4. ]

The vote was taken on the motion and carried as follows:



July 27, 1992  
Minute Book 99, Page 439

YEAS: Councilmembers Campbell, Clodfelter, McCrory, Majeed, Mangum,  
Martin, Reid, Scarborough and Wheeler.  
NAYS: Councilmembers Hammond and Patterson.

Mr. McCrory stated he would recommend separating the second portion of this item dealing with the ordinance revisions from the Lawyer's Subcommittee of CUDC. Option A seems to be the most controversial deals with a license to beg. Mr. McCrory stated he had talked directly to Chief Stone and the Police are supportive of this because it gives the Police one more tool to approach a panhandler and ask them to move on. The real goal is to try to discourage panhandling as much as possible in the community. For most of the people who are panhandling, the worst thing you can do is give them money. If you want to help them, give money to the many agencies like Community Works or the uptown shelter or Salvation Army, who are going to provide long-term assistance and care. He said Community Works is trying to place these types of people in jobs and get them off their drug and alcohol habit. The goal is not to arrest these people or get a lot of licenses, but the goal is to give the Police a tool to try to move these people onward. Mr. McCrory stated if the people do get a license, these license will not be picked up in the Manager's Office on 15th floor. If they vote to require a license, City staff will find a place where these license can be acquired.

Mr. McCrory stated these options were written by lawyers and he commended Mike Schneiderman of CUDC, who had a group of lawyers who put a lot of time and effort on this to try to make it as legal as possible. He understands there is a current rule on the books that panhandling is already against the law unless you get approval from the City Council. However, most people would deem that to be unconstitutional if it was challenged. These lawyers spent a lot of time to come up with a process in which a license can be required and the license is free.

Mr. McCrory stated the second item was to prohibit aggressive panhandling by "accosting" or "forcing oneself upon the company of another." That is trying to stop the panhandlers who are impeding the progress of citizens. The next one was prohibit trespassing in City owned cemeteries and that was directed toward the uptown cemetery behind First Presbyterian Church. This last one dealt with public parking decks because the City does have a problem with vagrants who are hanging around parking decks and causing danger to citizens. This is not only in uptown Charlotte, but throughout the community.

Councilmember Scarborough stated she could not agree with this. In her opinion there is no logic here - she is a panhandler and she is going to ask someone on the street where she can go to get a license so she can panhandle some more! That is not going to happen. The rule says they are going to be asked by the Police officers that they go and get a permit, but if the Police does not ask them to get a license, they can go ahead and beg as long as they want to. She feels this does not make any sense. If people are homeless and they are panhandling as a means of living, if they are arrested for a misdemeanor, it will clog the courts because there will be too many for the courts to handle. If they are arrested by the Police, they now will have a criminal record, if they did not have one previously, and that will further delay them in getting a job because they are homeless and trying to make a living by begging. She hopes Council will not support this - she just cannot see it and it makes no logical sense to her. She feels the Committee did a good job on B, C, and D, but A just does not make any sense to her.

[ Motion was made by Councilmember Scarborough seconded by Councilmember ]  
[ Wheeler, that the Council deny A, which requires any person who begs ]  
[ to obtain a permit. ]

Councilmember Majeed stated his questions deals with enforcement which will cause a greater problem in the courts then they currently have.

Mr. McCrory stated if the person was taken to court, it would be like a misdemeanor and he understands that is a \$50 fine or 30 days in jail in discretion of court.

July 27, 1992  
Minute Book 99, Page 440

Ms. Scarborough asked Mr. McCroxy if he said "if the person goes to court", to which Mr. McCroxy replied yes, a lot of things do not even go to court.

Ms. Scarborough stated they are just pretending.

Mr. McCroxy stated citizens are complaining about panhandling, not only in uptown Charlotte, but throughout the City. Citizens are approaching these people and complaining to the Police, who right now have no tool in which they can approach that panhandler and say "move on, leave them alone". All this is a tool, like many laws, to get people to move on. He does not anticipate a lot of arrest, but anticipate the Police be able to say to the panhandler, "quit bugging us, quit bugging citizens and move on."

Mr. Majeed stated he would like to see the Police have a tool and know they would use it with discretion. They had a trial period of parking downtown and said it would either be successful or the sun would set on it. He asked why they cannot do the same thing with this matter. If it works and alleviates a lot of the problem, then they can go on with it.

City Attorney, Henry Underhill stated he did not want the Council to be under the impression that they are voting on actually passing the ordinance tonight. What they are being asked to do is decide whether or not they want to direct the staff to prepare ordinances to deal with these subjects. The Council will get another shot at this, therefore if they approve A, should Ms. Scarborough's motion fail, they will bring an ordinance with some very specific language back to the Council for their consideration, as well as B, C, and D. They are not being asked to approve the ordinance at this time.

Mr. Majeed asked if there was anything to prohibit the Council from putting a time period on this if they did come back with the ordinance?

Mr. Underhill stated if Mr. Majeed is talking about a sunset provision, the Council has the authority to enact and repeal ordinance at any time. They do not need a sunset provision to repeal an ordinance if the Council feels it is not effective and no longer needed. The primary purpose of a sunset provision is to require the Council to look at it on some schedule or agreed upon basis. There is nothing to prevent the Council from taking up a reconsideration of an ordinance on the books at any time.

Councilmember Martin stated he feels A and B are jokers and he has never seen anything like it before, but he supports A and B because he has talked to enough Police officers who say they need some authority to tell a person to move on. That person who is panhandling and raising money as a means of their livelihood will get their license and will be happy to do so. Most people who will not even know about this, when they are told to move on and to get a license, they still will not get a license. He doubts they will give out five license a year, but he will support it because he thinks Police officers believe it will give them more authority.

Councilmember Clodfelter stated he was confused by Mr. Underhill's statement because he has text of proposed ordinance in his agenda attachment.

Mr. Underhill stated the committee understood that those were ordinances which were prepared by the Lawyer's subcommittee and those specific ordinances are not what is being recommended to Council. It was understood that in some instances those ordinances needed to be revised.

Councilmember Wheeler stated she did not understand that and she was a member of the committee.

Mr. Clodfelter asked what they were voting on? He does not have an ordinance in front of him? He had questions about the ordinance - is it Citywide, it says four week - how did they arrive at four weeks, so what is he voting on?

Mr. Underhill stated the Council was not voting on that ordinance because four weeks is one of the problems. They believe four weeks is too long and probably makes the ordinance unconstitutional.

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Mayor Pro Tem Hammond asked if she was correct that what Council is being asked to consider is, does the Council want the staff do the legal work to write up the ordinances that generally fit this framework, to which Mr. Underhill stated that is correct. Ms. Hammond said then it would come back in the ordinance form with all the details filled in.

Mr. Underhill stated that is correct.

Deputy City Manager Pam Syfert stated the changes Council will get in the ordinance that will come back will not be that much different from what they saw in the lawyers subcommittee recommendations, but there were a few things. When they went through the process, the original recommendation was for a four week waiting period and the attorneys are saying that is too long, so staff will work out a shorter waiting period and where the permit would be handed out. All they want is direction from Council on going ahead with preparing the ordinances and the full content of the ordinance and then Council will have a second chance to look at the actual wording with some of the details worked out.

Mr. Underhill stated if Council directs staff to continue, they will not see something significantly different than what is in the agenda attachment.

Mr. Clodfelter asked if it was Citywide, to which Mr. Underhill replied yes. Mr. Clodfelter asked what changes would be made in the permit part of this, to which Mr. Underhill said they would reduce the period of time to 48 hours in which the permit must be issued, once the application is submitted. They would permit the permit to be issued by either the City Manager or his designee so he could designate some other office in City government for that purpose if he chose to do so. That is the two major changes.

Mr. Clodfelter stated he understands the agenda material to say the requirement of a permit only applies if people are going to solicit on the public streets or public property, to which Mr. Underhill stated that is right. Mr. Clodfelter stated if you are approached on private property, then they do not have to have a license. Mr. Underhill stated that is correct.

Mr. Clodfelter asked if anyone had asked the District Attorney whether or not he would prosecute charges under this, to which Mr. Underhill stated he did not know.

Ms. Wheeler stated she knows panhandling is a problem, particularly in uptown Charlotte. She definitely supports B portion of this proposal which prohibits aggressive panhandling and thinks they should pass that portion. However, she cannot support the portion requiring a person to obtain a permit to beg. This could be an administrative nightmare, it is an inefficient use of Police time and for all intensive purposes, it could crowd the Intake Center and they have enough problems in the court system as it is. She feels this is a ridiculous idea and cannot support and thinks it is laughable. She said one of the attorney's had told them they might open themselves up for a lawsuit.

Councilmember Reid stated that aggressive panhandling is one thing, but trying to do away with or move panhandlers down the street who are doing nothing more than begging for money is another. Every city in the world has those kind of people. The whole deal is that they are not going to get rid of them and in fact they are doing everything in the world to bring more here. He believes the football stadium and the convention center will bring a lot more here. The thing that does not make sense to him, aside from Ms. Rockey's inference that it might be illegal, and it may be, is that there are two beggars on the street, they are not hurting anyone, one has a permit and one does not. The Police will tell the one with a permit to stay right there and beg all he wants to, but tells the one without a permit to move on down the street. He feels that is ridiculous! There are so many ordinances on the books now which are not enforced, for example, how many people do they see arrested for jay-walking? None! Therefore, why write something that will not work? He does not feel it is needed and all it does is put more laws on the books, give the attorney's more work

July 27, 1992  
Minute Book 99, Page 442

and make the Council look like a laughing stock. Mr. Reid said he could support B, D and D, but not A.

Ms. Scarborough stated if this should pass, she believes they should give the City Manager 23 additional staff to actually administer this because he will need that many as they increase the homeless population. That is how much sense this makes.

Mr. McCrory stated regardless of how the vote goes, he would like to thank of the people who worked very hard on this and put a lot of time into developing this. A lot of Councilmembers are cracking jokes about this, but the fact is that some people put some very serious thought to this process. Right now the status quo is not acceptable and in other large cities, the panhandlers have taken over. He feels the Council has an opportunity to address the problem before it becomes too serious, and if it is so laughable, he is not sure why the police are supporting it. He understands the Police do need this additional tool and the reason they are asking for that tool is because citizens are getting very upset with the amount of panhandlers who are taking over the streets, not only in uptown Charlotte, but Citywide. To say this is laughable is an insult to the people who put some very serious thought to this and an insult to the people whose quality of life has been impacted by this.

Ms. Wheeler apologized for using the word "laughable" and regrets having said that, however, the aggressive panhandling which Mr. McCrory refers to is address by B in this proposal, not by the permit part.

Mr. McCrory stated they are experiencing serious panhandling at the bus stops and you cannot call it aggressive panhandling because they are just hanging around the bus stops. That is impacting the transportation system in uptown Charlotte.

Ms. Hammond stated the motion on the floor is for denial of A so they will deal with A then take the rest of the items.

The vote was taken on the motion and carried as follows:

YEAS: Councilmembers Campbell, Clodfelter, Hammond, Patterson, Reid, Scarborough and Wheeler.  
NAYS: Councilmembers McCrory, Majeed, Mangum, and Martin.

[ Motion was made by Councilmember McCrory, seconded by Councilmember Mangum, and carried unanimously, to approve B, C and D. ]

\* \* \* \* \*

RESOLUTION TO FORMALLY JOIN LIMOGES, IN THE REPUBLIC OF FRANCE, WITH CHARLOTTE IN A SISTER CITY RELATIONSHIP.

[ Motion was made by Councilmember Wheeler, seconded by Councilmember Clodfelter, to adopt the subject resolution. ]

Councilmember Scarborough stated she believes they need to have a Sister City of color. There are several African cities they could look at and suggest the Sister Cities Committee will look at that.

Councilmember Reid asked how much City money is currently being spent on the Sister City Program, to which Councilmember Patterson said \$12,000.

Jerry Licardi, stated \$12,000 was the total approved for next year.

Mr. Reid asked if that will cover Limoges?

Mr. Licardi stated they use about \$30,000 for administrative expenses of which \$12,000 is the City's portion. All the Sister Cities Committees are self funding for all their program. He does not anticipate, and they have a commitment from the Sister City Subcommittee of Limoges that all the funding for programming would be raised independent of the administrative costs.

Mr. Reid asked Mr. Licardi if he was at a max with regard to the number of Sister Cities they could have without coming back to the City for more money?

Mr. Licardi stated he understands the long term intent of the Sister Cities Program was to limit the amount of administrative costs to a reasonable amount and they would only add Sister Cities if they can be independent, can be managed independently and not increase the amount of the administrative costs. If there were additional Sister Cities to be brought before City Council, they would not anticipate that increasing the amount of the administrative costs.

Mr. Reid stated he had worked for several of the folks on the Sister Cities Committee and he applauds them for the amount of work they have done to bring this about. Since this is not costing any more money, he will support it.

Mr. Licardi recognized David Sachsenmaier who has lead a group to investigate Limoges. A number of people have participated and they have done an outstanding job. They have spent 1 1/2 years looking at it and if all the Sister Cities initiatives could be put together like this he does not think it would cost any money and in fact could be a profit maker for the committee in terms of helping fund the administrative costs.

The vote was taken on the motion to approve and carried unanimously.

The resolution is recorded in full in Resolution Book 29, at Page 308.

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#### PROCESS TO DEVELOP A STRATEGY PLAN FOR FIRST WARD

[ Motion was made by Councilmember Mangum, seconded by Councilmember  
[ Wheeler, to approve the subject process. ]

Tom O'Brien, 2001 Sherwood Avenue, stated he is there as Chairman of the Planning Commission and is seeking the Council's endorsement on one of the several priorities the Planning Commission set earlier this year. The Council approved the Planning Commission's work plan which included the focus on First Ward.

Mr. O'Brien stated the process started with the development procedure which consisted of a variety of meetings which were held to decide which direction they want to go. With Council's support, they will start this strategies development which will be this project organization. They anticipate a group of about 25 people, the object of which is to build a consensus on the direction the First Ward Initiative should take. Mr. O'Brien said one of the objects of the Planning Commission is to use their resources, check the possibilities they have as a City in addressing the needs which exists. He feels the Planning Commission has tremendous potential in First Ward because there are people whose lives can be impacted with the appropriate approach to utilizing the resources the Planning Commission has available.

Mr. O'Brien urged the Council to join the County Commission in supporting the First Ward Strategy.

Councilmember Martin stated he was not clear on all this. He sees the word strategy and planning all over the place and asked why they needed a policy board for First Ward, and if they had done this in other places?

Mr. O'Brien stated the Planning Commission sat as one of their priorities, at their retreat last year, focusing on First Ward regarding the resources that were in place there, programs that were working or not working, the business in that area, land issues, social issues etc.

Mr. Martin asked what kind of meetings they had had with the residents, to which Mr. O'Brien stated they had already had three meetings with the residents of First Ward, both people who are in City owned housing and people who are in other rental housing in First Ward.

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July 27, 1992  
Minute Book 99, Page 444

Mr. Martin asked what was the purpose of those meetings, to which Mr. O'Brian stated it was to explain that the Planning Commission was interested in spending considerable amounts of energy and resources on looking at way to improve things related to First Ward.

Mr. Martin stated he interprets that to mean that there is a design to deject those people right out of First Ward. That is the bottom line of what he hears Mr. O'Brien saying and that is what some of the residents feel is going to happen to them. They feel they are being squeezed out so the developers can make some big bucks in First Ward.

The vote was taken on the motion to approve the subject plan and carried as follows:

YEAS: Councilmembers Campbell, Clodfelter, Hammond, McCrory, Majeed, Mangum, Patterson, Reid, Scarborough and Wheeler.  
NAY: Councilmember Martin.

\* \* \* \* \*

RESOLUTION AUTHORIZING STAFF TO PROCEED WITH NECESSARY ACTIONS TO CONDUCT A GENERAL OBLIGATION BOND REFERENDUM ON NOVEMBER 3, 1992 FOR \$20,940,000 IN WATER BONDS AND \$46,065,000 IN SEWER BONDS; RESOLUTION CALLING FOR PUBLIC HEARING ON AUGUST 24, 1992 ON THE BOND ORDERS.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to adopt the subject resolutions. ]

Richard Martin, Finance Director, served the Clerk with a sworn Statement of Debt.

The resolutions are recorded in full in Resolution Book 29, at Pages 309 and 311.

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ACTIONS REQUIRED TO PROCEED WITH A REFINANCING/RESTRUCTURE OF ITS 1986 PUBLIC IMPROVEMENT REFUNDING BONDS; RESOLUTION CALLING FOR PUBLIC HEARING ON AUGUST 24, 1992.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to adopt the subject resolution. ]

Richard Martin, Finance Director, served the Clerk with a sworn Statement of Debt.

The resolution is recorded in full in Resolution Book 29, at Page 316.

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RESOLUTION AUTHORIZING STAFF TO PROCEED WITH ACTIONS REQUIRED TO SELL ADDITIONAL GENERAL OBLIGATION BONDS IN AN ESTIMATED AMOUNT OF \$20 MILLION FOR STREET IMPROVEMENTS, PARKS AND RECREATION AND STORM DRAINAGE ON AUGUST 25, 1992.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to adopt the subject resolution. ]

The resolution is recorded in full in Resolution Book 29, at Page 320.

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CONTRACT FOR TECHNICAL AND PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE AND THE CHARLOTTE-HECKLENBURG HOUSING PARTNERSHIP FOR \$163,422 TO ASSIST LOW-INCOME FAMILIES IN QUALIFYING FOR HOME MORTGAGES.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Wheeler, to approve the subject contract. ]

July 27, 1992  
Minute Book 99, Page 445

Councilmember Reid stated he would like to see a detailed budget from the Housing Partnership and would also like to know how the success of the Housing Partnership is measured.

Councilmember Scarborough asked if the City would continue to use the Family Housing Services?

Assistant City Manager, Del Borgsdorf, stated they would continue to use the Family Housing Services - the three contracts work together and it left more attention to the people qualifying for mortgages resolving the financial and credit problems they have experienced. Though additional training, the Legal Services Contract adds the most unique dimension in terms of actually working with the Police and code enforcement in terms of drug houses, and using their legal services for that purpose. In each case staff will have specific objectives in terms of the number of clients that receive the counseling, the number of people qualified for mortgages and will be able to provide that information to the Council. The Legal Services contract speaks more in terms of the hours of service provided in terms of specific kinds of counseling, as opposed to more particular quantitative kinds of measures like the number of credit problems resolved.

Ms. Scarborough asked if this changes the relationship the Council has with Family Housing and will would the contract now be written differently?

Mr. Borgsdorf stated it focuses the contract on specific objectives and moves some of the old objectives from the Family Housing Services to the Charlotte-Mecklenburg Housing Partnership.

Ms. Scarborough asked what it does to the Family Housing budget?

Mr. Borgsdorf stated he understands that remains to be resolved by the Council and that matter has been sent to a Council Committee for further work. At the present time the appropriation equals the previous contract amount plus the \$10,000 the director requested. The appropriation is there to provide funding equivalent to last year.

Ms. Scarborough stated she was concerned about putting all their eggs in one basket. She feels the Housing Partnership has done some very good things, but she is concerned that everything is swinging over to the Housing Partnership and the Council should be careful about that.

Mr. Reid stated he would like to have a detailed budget from both both these organizations showing how they spend their money. He asked if staff was monitoring and do they have specific objectives with reporting periods to know whether those objectives are being accomplished?

Mr. Borgsdorf stated that information is available at 5 months, 8 months and year end intervals.

Councilmember Martin asked if he understood Mr. Borgsdorf to say Family Housing budget right now is the same as it was, but when review comes up it might change?

Mr. Borgsdorf stated the appropriation authority is the amount they had last year plus the \$10,000 so the total dollars available exceed the amount they had last year. He understands that is subject to further review by the Council.

Mr. Martin stated his concern is that the Council gave them \$10,000 more money and yet they failed to do one of the major tasks the Council wanted them to do last year, which was to prepare people to be in a position to purchase homes. The report shows they only did 48% of the applicants and they should have been doing 90%. Mr. Martin asked if this increased the Partnership budget, by giving them this additional service, to which Mr. Borgsdorf said yes.

Councilmember Clodfelter stated this funding does not impact the Family Housing Services Contract - they stand separate. There are performance objectives in the contracts and the performance objective is to qualify 120 applicants under the single family mortgage loan pool or other comparable

mpl

July 27, 1992  
Minute Book 99, Page 446

mortgage loan financing administered by the contractor and to design a program for fee generating revenues that will make it self sustaining after the first year. There are copies of the contract available and all the performance objectives and measurement standards are in them.

The vote was take on the motion and carried as follows:

YEAS: Councilmembers Campbell, Clodfelter, Hammond, McCroxy, Mangum, Patterson, Reid and Wheeler.  
NAYS: Councilmember Majeed, Martin and Scarborough.

\* \* \* \* \*

CONTRACT FOR TECHNICAL AND PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE AND THE LEGAL SERVICES OF THE SOUTHERN PIEDMONT FOR \$84,000 TO ASSIST LOW-INCOME FAMILIES IN RESOLVING LEGAL PROBLEMS WHICH PRESENT BARRIERS TO BECOMING OR REMAINING HOMEOWNERS.

Councilmember Clodfelter stated there is an additional check-off in this contract. Before they take on any kind of drug house losses they have to get prior consolidation approval with the CD Director.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Wheeler, and carried unanimously, to approve the subject contract. ]

\* \* \* \* \*

LOAN AGREEMENT IN THE AMOUNT OF \$181,660 DATED AUGUST 27, 1990 BETWEEN THE CITY OF CHARLOTTE AND NEIGHBORHOOD HOUSING SERVICES, EXTENDED THE REPAYMENT DATE OF THE LOAN AGREEMENT TO AUGUST 27, 1993.

[ Motion was made by Councilmember Mangum, seconded by Councilmember ]  
[ Scarborough, to approve the subject loan agreement. ]

Councilmember Scarborough stated the Neighborhood Housing Services Board has been restructured and she feels they are ready to move forward.

Councilmember Reid stated he has read the material on this item and it has taken them three years to do four units of housing. He does not know what the problem is, but believes there is something bad wrong in this. He wonders why the City has had money tied up in this and nothing has been done. Somebody needs to take charge of this that knows something about it. Mr. Reid said he would like to see the evaluation report and the financial audit of that agency.

Ms. Scarborough stated the Council received a letter from the Treasurer of the NHS Board and last year they had some problems with the director of the Board. There were some problems about three years ago, but she feels the Board is now on a good foot and are moving forward.

The vote was taken on the motion and carried as follows:

YEAS: Councilmembers Campbell, Clodfelter, Hammond, Majeed, Mangum, Martin, Patterson, Reid, Scarborough and Wheeler.  
NAY: Councilmember McCroxy.

\* \* \* \* \*

USE OF \$142,800 FROM THE DEVELOPMENT AND REVITALIZATION FUND AS MATCHING FUNDS FOR A \$714,000 CITY WITHIN A CITY LOAN TO BE MADE BY NATIONSBANK TO FUN CITY, INC. FOR THE FUN CITY AMUSEMENT PARK.

[ Motion was made by Councilmember Scarborough seconded by Councilmember ]  
[ Majeed, to approve the requested use of the above funds. ]

Councilmember Reid asked how much money was in the loan equity pool?

Vi Alexander, Director of Budget and Evaluation, stated there is \$1.4 million in the Economic Development Loan pot.



July 27, 1992  
Minute Book 99, Page 447

Mr. Reid commented that they are using 10% of that money for this project, to which Ms. Alexander replied yes. Mr. Reid asked who are the owners of this new facility?

Ms. Alexander stated she believes it is a partnership arrangement and Mr. McDonald is one of the owners as well as Mr. & Mrs. Dove and that makes up the partnership.

Mr. Reid asked if these three partners are personally guaranteeing these loans?

Councilmember Clodfelter pointed out that the agenda material says yes.

Mr. Reid said that guaranteeing is one thing, but how you guarantee is another. He asked again if these people are personally guaranteeing the loans. Mr. Reid said the reason he asked this question is that the Council is asking the taxpayers to guarantee the loan and it seems to him the people who will benefit the most from it should also be personally responsible.

Ms. Alexander stated she believes it is on the property. It is secured by a first deeded loan on the 4.179 acres of land off Beatties Ford Road and all improvements located thereon.

Mr. Clodfelter stated that is the collateral; Mr. Reid's questions is about guarantors. It is secured by the land improvements and the guarantors include McDonald's Cafeteria, Inc., Mr. and Mrs. John McDonald and Mr. and Mrs. Delmar Dove.

Mayor Pro Tem Hammond stated the land is the collateral and then there are personal guarantees by Mr. and Mrs. McDonald and Mr. and Mrs. Dove.

Mr. Reid stated that responds to his questions, but he does not feel that anyone really knows at this moment whether they are personally guaranteed by these individuals.

Councilmember Mangum stated this thing has been going for a long time and the painful thing about it is that the City has a lot of money invested and he feels it is important for this Council to understand the fact that there is also a \$500,000 loan outstanding that is not guaranteed to be paid back or they are only paying the interest. He said it bothers him that they have a loan like that.

Assistant City Manager, Del Borgsdorf, stated that is the original loan on the hotel which was made in September 1987. It does not require loan payments to be made unless the building is refinanced, or sold and used for an alternative purpose, or until such time as the annual financial statements of the hotel indicates it is making a profit. The most recent annual financial statement does not show that. It is a deferred payment loan at this time.

Mr. Mangum stated it is still losing money and is being carried by the Cafeteria and the Council is about to put more money into an amusement park out there. The CCDC thought this thing was sufficiently funded. NationsBank, at the time, in their due diligence did not even bring forward this \$500,000 outstanding debt as part of the loan. Personally, he feels that was to make the loan look more attractive to the CCDC. CCDC, in their due diligence found the loan and questioned NationsBank, which made Mr. and Mrs. McDonald come forward with a little extra equity to put on this project. The CCDC's understanding was that between NationsBank and themselves, they were funding the whole thing. Now the group or partnership comes back and they need more money and have asked for it through the City. Mr. Mangum stated he was just laying all this on the table so Council will know why he is voting against this. They have a lot at stake out there and he understands that, but it just not sit well with his gut to vote for that and will vote against it.

Councilmember Hajeed stated he feels that taking everything in perspective and having some understanding on what is happening in the area, this is a very important piece in economic development in the whole area. If you

mpl

July 27, 1992  
Minute Book 99, Page 448

look at holding monies in that area and alleviating some of the blight, turning money back into the community, this is looked at as a shot in the arm in order to provide some services in an on going situation.

Mr. Majeed stated there were no comparables associated with this. Mr. McDonald and Mr. Dove have put up substantial collateral and he feels the Council has to protect themselves, but at the same time if they do not move in a direction to alleviate some of the problems, they will reap more problems down the line. This is only one aspect. The Merchants Association has been working with the business association and the local Community Development Corporation of 15 neighborhoods out there, trying to address the economic woes. He feels the Council should look in balance and some of these projects have proven beneficial to what the City is trying to in a City within a City Program.

Councilmember McCrory stated this is so discouraging. The Council has been giving speeches about City within a City, but if building an amusement park is their objective of City within a City with government loans, then he feels the Council has misled the public 100%. This does not provide economic development for the youth, it will not actually teach them any long term skills to help them in long term jobs. He understood funds for City within a City would provide training, skills and assistance, but an amusement park does not do that. It is basic, minimum wage, service jobs and he feels it is a slap in the face to the community that the Council is loaning this type money for an amusement park. To him, this is a joke.

Councilmember Scarborough, stated if Council was providing even one job for someone in the City, they have accomplished a lot in reference to jobs and job opportunity. Not only does this provide jobs, but where do children go when they do not have places to go; they go to places like Fun City and spend their time there versus going to shopping centers and hanging out. This is part of City within a City because it keeps children off the street and gives them some place to go so the Police does not have to worry about arresting them in shopping centers and some of the other places they go. She feels this is a perfect example of what City within a City is all about. The Council said they would take those dollars to find places to help the youth of this City and also to provide job opportunities. If this is not it, she will eat her hat.

Mr. McCrory stated he does not feel they are helping the youth with this, they are helping a business man with an amusement park. If they want to help the youth of this City, take this money, lend it to the School System and build more libraries and do what is needed for the youth and teach them how to read and write, not how to participate in an amusement park. That is not what government funding is for. It is to provide minimum wage service jobs. Mr. McCrory stated he would not be able to keep a straight face anymore when the Council talks about City within a City if this is the first project they are voting on for this major initiative in our City.

The vote was taken on the motion and was recorded as follows:

YEAS: Councilmembers Campbell, Hammond, Majeed, Martin, Patterson and Scarborough.  
NAYS: Councilmembers Clodfelter, McCrory, Mangum, Reid, and Wheeler.

Mr. McCrory asked how they could go about bringing this matter up at a later meeting?

Mr. Underhill stated the Council has approved a contract by a 6 to 5 vote with Mr. Campbell voting in the affirmative to approve the loan agreement. If the Council feels there is some likelihood that the vote might be reversed, they need to make sure that no action is taken on the part of the loan applicant in reliance of what Council has done. If they start taking actions, thinking they have an approved loan, and then the Council changes that vote at a later date, they may be setting themselves up for some liability for some damages. If anyone of the Councilmembers who voted in the affirmative wishes to reconsider that motion would be in order now.

Mr. McCrory asked if he would be able to make a motion now to postpone the awarding of the contract until the next meeting, to which Mr. Underhill

mpl

July 27, 1992  
Minute Book 99, Page 449

stated that motion would be out of order because the Council has already taken action to approve the contract.

Mayor Pro Tem Hammond suggested the staff caution Mr. McDonald about what could happen at the next meeting.

\* \* \* \* \*

FIRST READING OF AN ORDINANCE AUTHORIZING THE TRANSFER OF THE CITY OF CHARLOTTE'S CABLE TELEVISION FRANCHISE AGREEMENT WITH AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION (ATC) DOING BUSINESS AS CABLEVISION OF CHARLOTTE, TO TIME WARNER ENTERTAINMENT, LIMITED PARTNERSHIP; RECOMMENDED APPROVAL OF THE ORDINANCE AND AMENDMENTS TO THE FRANCHISE AGREEMENT SUBSTITUTING TIME WARNER ENTERTAINMENT, L.P. FOR ATC.

[ Motion was made by Councilmember Mangum, seconded by Councilmember Majeed, to adopt the subject ordinance. ]

[ Councilmember Clodfelter amended the motion to attach as a condition to the transfer that TWE provide independently audited financial statements. Mr. Mangum accepted the amendment. ]

Councilmember Reid stated he would vote against both of these, but it has nothing to do with the reading itself or what they are trying to accomplish. It has to do with his feeling about Time Warner Entertainment and the irresponsible Board of Directors and their irresponsibility toward this nation by allowing music that promotes the killing of policemen and he will never vote one dollar or one comma to promote their company until they withdraw that music from the marketplace and apologize to the American people. Mr. Reid stated he realizes he is only one person and the vote can be 10 to 1, but he believes the whole Council should do that. He does not care what they are trying to accomplish, his vote will be no.

Councilmember Clodfelter stated the agenda material says the transfer can be under such reasonable conditions as the City may establish. Would it be a reasonable condition for the Council to insist that as a condition of transfer that the Council have approval authority on rates?

City Attorney, Henry Underhill, stated the authority to approve rates is not within the bailiwick of the local government anymore. The Congress, through the enactment of Federal legislation has more or less taken that off the table as something local governments have any authority over.

Mr. Clodfelter asked if this was not a matter of contract, to which Mr. Underhill stated it did not make any difference. The U. S. Law is pretty clear that local governments no longer have authority over rates. There is some legislation pending in Congress to restore some of that, but it has not been enacted at this time.

Councilmember Martin asked if that was not recently challenged in court?

Mr. Underhill stated it has been, but he is real clear on this, they do not have the authority to approve rates anymore.

Mr. Reid stated as he understands it the Council does have the authority to take over the whole system. Either Hickory or Morganton did exactly that a few weeks ago and if these folks keep raising the rates the way they have been doing, although he is 100% against any more public ownership, this would be one time he would break his own rule to say if they continue the irresponsible rate increases the City should consider taking over the whole system.

Mr. Underhill stated there is a provision in the ordinance for buying the system if the City wishes to do so.

The vote was taken on the motion to approve the subject ordinance and failed as follows:

July 27, 1992  
Minute Book 99, Page 450

YEAS: Councilmembers Campbell, Hammond, Majeed, Mangum, and Patterson.  
NAYS: Councilmembers Clodfelter, McCrory, Martin, Reid, Scarborough and Wheeler.

Mr. Underhill stated he needs to give the Council some legal advise and suggest they go into executive session.

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember Mangum, to recess for executive session to receive advice of Counsel on matters affecting the pending item. The vote is recorded as follows: ]

YEAS: Councilmembers Campbell, Clodfelter, Hammond, Majeed, Mangum, Martin, Patterson, Scarborough and Wheeler.  
NAYS: Councilmembers McCrory and Reid.

The Council went into Executive Session at 12:45 a.m.  
and reconvened at 12:54 a.m.

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember Patterson, to reconsider prior action on Item No. 17. ]

The vote was recorded as follows:

YEAS Councilmembers Campbell, Clodfelter, Hammond, Majeed, Mangum, and Patterson  
NAYS: Councilmembers McCrory, Martin, Reid, Scarborough and Wheeler.

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember Mangum, that this ordinance pass the first reading and go to second reading and that pending second reading the staff continue to explore the financial viability of the assignee, which he feels on this record is very questionable and very shaky. He would like further financial information, including but not limited to independently audited financial statements on the transferee. In addition, in accord with their right to inquire into the legal financial character, technical and other public interest qualifications of the prospective controlling party, he would like staff to inquire into the availability of the alternative packages of cable service by the transferee, more limited, lower cost service packages by the transferee as a public interest item of qualifications. In addition he would like further inquiry into character aspect of the qualification of the transferee by fully exploring their associations with Time Warner Records and its publications and releases. ]

Mr. Reid asked Mr. Clodfelter to define what he means by the last sentence, to which Mr. Clodfelter replied, "your point", I want to know all about that.

Mr. Reid stated he did not care if they were as solvent as Ross Perot, he would not vote for them if they continue to publish and distribute music the way they have.

Mr. Clodfelter stated any inquiry into character is an inquiry into that subject.

Councilmember Wheeler asked if the Council would get that information back?

Mr. Clodfelter stated it would be prior to the second reading of the ordinance.

The vote was taken on the motion and carried unanimously.

\* \* \* \* \*

RESOLUTION TO SET CHARLOTTE DEPARTMENT OF TRANSPORTATION'S DISADVANTAGED BUSINESS ENTERPRISE GOALS AT 13% FOR PROJECTS FUNDED BY THE FEDERAL TRANSIT ADMINISTRATION.

[ Motion was made by Councilmember Mangum, seconded by Councilmember Wheeler, to adopt the subject resolution. ]

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July 27, 1992  
Minute Book 99, Page 451

Councilmember Scarborough stated additional information on HWBE and the question about having more than 13% will be included in the disparity study and she hopes they will look at this issue again at that time.

Councilmember Majeed asked what the goal was previously, to which Ms. Hammond stated she believes it was 13% back to 1988.

Deputy City Manager Pam Syfert stated the goal had been 13% for a number of years.

Mr. Majeed asked where the 15% came from?

Ms. Syfert stated they had talked briefly about redoing this goal, and the advise was to wait until the disparity study was completed and do it all at one time.

The vote was taken on the motion and carried as follows:

YEAS: Councilmembers Campbell, Clodfelter, Hammond, Majeed, Mangum, Martin, Patterson, Reid, Scarborough and Wheeler.  
NAY: Councilmember McCrory.

The resolution is recorded in full in Resolution Book 29, at Page 321.

\* \* \* \* \*

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A CONTRACT NOT TO EXCEED \$324,840 WITH PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC., TO IDENTIFY A PRIORITY CORRIDOR FOR POSSIBLE LIGHT RAIL TRANSIT SYSTEM.

[ Motion was made by Councilmember Patterson, seconded by Councilmember Wheeler, to approve the subject authorization. The vote was recorded as follows: ]

Yeas: Councilmembers Campbell, Hammond, Majeed, Mangum, Patterson, Scarborough and Wheeler.  
NAYS: Councilmembers Clodfelter, McCrory, Martin and Reid.

\* \* \* \* \*

GRANT APPLICATIONS TO THE NORTH CAROLINA URBAN AND COMMUNITY FORESTRY GRANTS PROGRAM; \$10,000 GRANT APPLICATION TO PLANT 285 TREES AND BUDGET ORDINANCE NO. 3380-X; \$10,000 GRANT TO PRODUCE AN INSTRUCTIVE EDUCATIONAL VIDEO AND BUDGET ORDINANCE NO. 3381-X.

[ Motion was made by Councilmember Mangum, seconded by Councilmember Scarborough, to approve the grant applications and adopt the subject ordinances. The vote was recorded as follows: ]

Councilmember Scarborough stated she had talked with one of the Assistant Managers about whether or not flowers could be included around some of the trees because some beautification is needed in some of the neighborhoods. She was told that the flowers were not included because of the labor involved, but she hopes they will consider putting some flowers in because it would make the areas look better.

The vote was recorded as unanimous.

The ordinances are recorded in full in Ordinance Book 41 at Pages 74 and 75.

\* \* \* \* \*

AUTHORIZE CITY MANAGER TO NEGOTIATE PHASE III OF THE STORM WATER CONTRACT WITH OGDEN ENVIRONMENTAL AND ENERGY SERVICES, INC. FOR AN AMOUNT NOT TO EXCEED \$1,400,000.

[ Motion was made by Councilmember Mangum, seconded by Councilmember Scarborough, to approve the subject authorization. ]

July 27, 1992  
Minute Book 99, Page 452

Councilmember Reid stated it is noteworthy that the City will have spent \$3.351 million up to this point and haven't filled one hole or put one pipe in as he understands it. That is a lot of money and that is his concern.

The vote was recorded as unanimous.

\* \* \* \* \*

APPOINTMENT AS SPECIAL PEACE OFFICERS 18 PARK RANGERS TRANSFERRED TO HECKLENBURG COUNTY TO ALLOW FOR LAW ENFORCEMENT JURISDICTION ON COLISEUM AUTHORITY PROPERTY ONLY UNTIL JUNE 30, 1993.

[ Motion was made by Councilmember Wheeler, seconded by Councilmember Clodfelter and carried unanimously to approve the subject appointment. ]

\* \* \* \* \*

#### NOMINATIONS TO BOARDS AND COMMISSIONS

1. Historic District Commission - The following nominations were made for one appointment which must be a resident of the Plaza/Midwood Historic District:

1. David Parke, nominated by Councilmember Clodfelter.
2. Michael Garner, nominated by Councilmember Martin.
3. Ralph Strayhorn, nominated by Councilmember McCrory.

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember Wheeler, and carried unanimously, to close the nominations. ]

2. Mint Museum Board of Trustees - The following nominations were made for one appointment:

1. Michael Blair, nominated by Councilmember Wheeler.

[ Motion was made by Councilmember McCrory, seconded by Councilmember Wheeler, and carried unanimously, to appoint Mr. Blair by acclamation. ]

3. Waste Management Advisory Committee - Recommendations were made to the following five categories:

#### Medical Scientific

1. Dr. Jack Burrow, III, recommended by Councilmember Reid.
2. Beth Clark, recommended by Councilmember Clodfelter.

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember Wheeler, and carried unanimously, to close the nominations on Medical Scientific category. ]

#### Clean City Committee

Mayor Pro Tem Hammond stated the incumbent, John Spegal is eligible for reappointment.

[ Motion was made by Councilmember Scarborough seconded by Councilmember Mangum, to recommend that Mr. Spegal be reappointed. ]

The vote was recorded as follows:

YEAS: Councilmembers Campbell, Hammond, McCrory, Majeed, Mangum, Martin, Patterson, Reid, Scarborough and Wheeler.  
NAY: Councilmember Clodfelter.

#### Chamber of Commerce

Mayor Pro Tem Hammond stated that Incumbent Gregory Simmons was eligible for reappointment.

mpl

July 27, 1992  
Minute Book 99, Page 453

[ Motion was made by Councilmember Scarborough seconded by Councilmember  
[ Patterson, and carried unanimously, to recommend that Gregory Simmons  
[ be reappointed. ]

#### Planning Organization

[ Motion was made by Councilmember Patterson, seconded by Councilmember  
[ Scarborough, to recommend Mahlon Adams be reappointed. ]

The vote was recorded as follows:

YEAS: Councilmembers Campbell, Clodfelter, Hammond, Hajeed, Mangum,  
Martin, Reid, Patterson, Scarborough and Wheeler.

NAYS: Councilmembers McCrory.

#### Legal

1. Tom Griffith, recommended by Councilmember Patterson.
2. Al Carr, recommended by Councilmember McCrory.

[ Motion was made by Councilmember McCrory, seconded by Councilmember  
[ Scarborough, and carried unanimously, to leave recommendations for the  
[ Legal category open until the next meeting. ]

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Airport Advisory Committee - The following nominees were considered for two appointments in two categories:

##### Aviation Category

1. Tommy Norman, nominated by Councilmember Patterson.
2. Dr. Henry Nicholson, nominated by Councilmember Reid.
3. Ralph Easterling, nominated by Councilmember Hammond.
4. Jay Potter, nominated by Councilmember Martin.

##### General Category

1. Laura McClettie, nominated by Councilmember Scarborough.
2. Rusty Page, nominated by Councilmember Patterson.
3. Al Hicklin, nominated by Councilmember Reid.
4. Kay Cantrell, nominated by Councilmember Wheeler.
5. Frances Harkey, nominated by Councilmember Mangum.
6. Sandra Lynn Drakeford, nominated by Councilmember Patterson.
7. Clayton Lovell, nominated by Councilmember Hammond.

Mr. Lovell withdrew his name.

Results of the first ballot were as follows:

##### Aviation Category

1. Tommy Norman, 2 votes - Councilmembers Hammond and Patterson.
2. Dr. Henry Nicholson, 6 votes - Councilmembers Campbell, Clodfelter, McCrory, Mangum, Reid and Wheeler.
3. Ralph Easterling, 0 votes
4. Jay Potter, 3 votes - Councilmembers Hajeed, Martin and Scarborough.

Dr. Henry Nicholson was appointed.

##### General Category

1. Laura McClettie, 7 votes - Councilmembers Campbell, Clodfelter, Hammond, Hajeed, Martin, Reid and Scarborough.
2. Rusty Page, 0 votes
3. Al Hicklin, 1 vote - Councilmember Wheeler.
4. Kay Cantrell, 0 votes

July 27, 1992  
Minute Book 99, Page 454

5. Frances Harkey, 2 votes - Councilmembers McCrory and Mangum.
6. Sandra Lynn Drakeford - 1 vote - Councilmember Patterson.
7. Clayton Lovell, 0 votes.

Laura McClettie was appointed.

2. Citizens Oversight Committee for Cable Television. The following nominees were considered for one appointment:

1. Steve Kearney, nominated by Councilmember Patterson.
2. William G. Martin, Jr., nominated by Councilmember Reid.
3. Todd Duncan, nominated by Councilmember Martin.
4. David Wooten, nominated by Councilmember Mangum.
5. Wayne Brown, nominated by Councilmember Majeed.

Results of the first ballot were recorded as follows:

1. Steve Kearney, 1 vote - Councilmember Patterson.
2. William G. Martin, 3 votes - Councilmembers Clodfelter, Martin and Reid.
3. Todd Duncan, 0 votes.
4. David Wooten, 3 votes - Councilmembers McCrory, Mangum, Wheeler.
5. Wayne Brown, 3 votes - Councilmembers Majeed, Hammond, Scarborough

None of the nominees received sufficient votes to be appointed, therefore a second ballot was taken between William Martin, David Wooten and Wayne Brown, and results recorded as follows:

1. William Martin, 3 votes, Councilmembers Clodfelter, Reid, Wheeler.
2. David Wooten, 1 vote, Councilmember Mangum.
3. Wayne Brown, 6 votes - Hammond, McCrory, Majeed, Martin, Patterson and Scarborough.

Wayne Brown as appointed.

\* \* \* \* \*

RESOLUTION TO CREATE THE STORM WATER SERVICES ADVISORY COMMITTEE

[ Motion was made by Councilmember Clodfelter, seconded by Councilmember Mangum, and carried unanimously, to adopt the subject resolution. ]

The resolution is recorded in full in Resolution Book 29, at Page 322.

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QUESTION REGARDING CONVENTION CENTER.

Councilmember Reid asked the City Manager if the new Convention Center was designed and built to fully comply with the American for Disabilities Act, to which the Manager replied yes.

\* \* \* \* \*

COUNCILMEMBERS MCCRORY AND SCARBOROUGH EXCUSED FROM VOTING IN THE NEXT MATTER.

[ Motion was made by Councilmember Reid seconded by Councilmember Martin ]  
[ and carried unanimously, to excuse Councilmembers Scarborough, and ]  
[ McCrory from voting on the next item due to a conflict of interest. ]

MOTION TO HOLD EXECUTIVE SESSION

[ Motion was made by Councilmember Reid seconded by Councilmember Martin ]  
[ and carried unanimously, to hold an executive session upon completion ]  
[ of this meeting to confer with the City Attorney about a matter of ]  
[ potential litigation involving the City as permitted by GS §143.318 ]  
[ (11)(84). ]



July 27, 1992  
Minute Book 99, Page 455

ADJOURNMENT

[ Motion was made by Councilmember Patterson, seconded by Councilmember  
[ Mangum, and carried unanimously, to adjourn the meeting at 1:15 a.m.

  
Brenda R. Freeze, City Clerk

Length of Meeting: 5 Hours, 5 Minutes  
Minutes Completed: August 28, 1992

DRAFT

MEMORANDUM OF AGREEMENT

Subject: Charlotte/Douglas International Airport  
New Animal Control Facility Financing

(401) (Fund 7401) Center

The Aviation Department will appropriate \$3M from pre-DBO Fund Balance into 562.92. This will be a new center in the Cargo Cost Center.

city

The Charlotte Engineering Department will supervise architect, receive bids, prepare Council action for contract award. Contracts will be charged in Center 562.92. Contractors will submit invoices to Architect who will approve and submit to the Engineering Department, who will submit to the Aviation Department. The Aviation Department will pay invoice. The Engineering Department will act as Aviation Department's agent throughout the construction process until date of beneficial occupancy.

At some future date the City will reimburse the Aviation Department from General Fund or proceeds of a future bond issue. Until such time the Aviation Department will be paid annual interest on the outstanding balance. Interest will be paid at the rate of the City's previous years' average interest rate return on invested funds. The rate will be adjusted each year and payment will be made quarterly.

The Aviation Department will receive land rent at the rate of \$3500 per acre per year for two acres.

Animal Control will budget and arrange for all M&O costs unless they wish the Aviation Department to provide. If so, the M&O costs will be provided on a compensatory basis.

The Aviation Department will provide "Noise Consultant" services. Aircraft noise will not add to the cost of construction.

T. J. Orr, Aviation Director

Richard Martin, Finance Director

O. Wendell White, City Manager

Bill:

Please review this and advise as to the most appropriate way to document this...

1. As is
2. Lease ~~prepare~~
3. Other Charles

prepare as a Memorandum of Agreement

Post-It® Fax Note	7671	Date	7/11/94	# of pages	1
To	Bill Underwood	From	CO5		
Co./Dept.		Co.	Aviation		
Phone #		Phone #	359-4100		
Fax #	377-4630	Fax #	359-4030		

TJO:

I asked Bill  
to review the original

Memorandum of Agreement  
on the Animal Shelter.

The attached is what he  
provided. Let's get to  
me ..... add "approved as  
to Fern".

PLS advise

## MEMORANDUM OF UNDERSTANDING

To carry out Council action taken on July 27, 1992 regarding Animal Control and Police Canine Facility the following City departments have done or will do the following:

### Finance

- Transfer \$3,000,000 from Airport Pre-DBO Fund (Fund 7401) into a center account within the Cargo Cost Center (Center 56292)
- Debit General Fund and credit Fund 7401 with interest periodically at quarterly intervals at a rate equal to the City's previous years' average interest rate return on invested funds
- Debit and credit with rent periodically at annual intervals based upon a ground rent of \$3,500 per acre for two (2) acres
- Recommend to Council and appropriate departments when Fund 7401 should be reimbursed

### Engineering

- Supervise construction as the agent of Aviation Department through architect and authorize payments on construction contracts
- Receive bids for construction and handle documentation for Council approval

### Aviation

- Make \$3,000,000 in Airport Pre-DBO funds available to pay cost of construction and set up internal records to reflect a new Cargo Cost Center
- Disburse funds from \$3,000,000 to pay cost of construction as authorized by City Engineering
- Identify and deliver two acres of Airport land to City's Animal Control Department
- Provide M & O to Animal Shelter on a compensatory basis if requested to do so by Animal Control
- Provide "Noise Consultant" services to design architect and if additional construction costs

are incurred to create an acceptable environment,  
absorb those costs in the new Cargo Cost Center

Animal Control

- Assume responsibility for maintaining two (2) acres on which Animal Control Facility is located
- Include costs associated with operating, financing and maintaining animal control facility on Airport property in budget.

---

O. WENDELL WHITE, City Manager

---

T. J. ORR, Aviation Director

---

RICHARD MARTIN, Finance Director

M E M O R A N D U M

Date: April 23, 1991

To: Jerry Orr  
Aviation Director

Gene Carney  
Assistant Aviation Director

From: Steve Allen *SA*  
Airport Planner

Subject: Animal Control Facility

---

Attached is the preliminary programming report prepared by East Coast Design. I have reviewed the report and highlighted specific areas that may warrant further discussion. Since our comments are requested by May 1, I would like to discuss the report with you on or before Tuesday, April 30. Please advise me of a time that is most convenient for you.

CITY OF CHARLOTTE  
CHARLOTTE MECKLENBURG  
ANIMAL CONTROL CENTER

PREDESIGN PHASE

PROGRAM OUTLINE  
SITE ANALYSIS and FEASIBILITY

PRELIMINARY

EAST COAST DESIGN P.A.

# PREDESIGN PHASE

## CONTENTS

PRELIMINARY DESIGN AND  
CONSTRUCTION SCHEDULES

SITE ANALYSIS AND  
FEASIBILITY STUDY

FACILITY PROGRAM OUTLINE  
AND PROGRAM CRITERIA

FACILITY COMPONENTS  
ORGANIZATION ALTERNATIVES

SITE ORGANIZATION  
ALTERNATIVES

STATEMENT OF PROBABLE COSTS

SUMMARY REPORT  
PREDESIGN PHASE REQUIREMENTS

APPENDIX A:  
COMPARATIVE FACILITIES REPORT

APPENDIX B:  
AMERICAN HUMANE ASSOCIATION  
STANDARDS AND CRITERIA

APPENDIX C:  
AMERICAN ANIMAL HOSPITAL ASSOCIATION  
STANDARDS AND CRITERIA

APPENDIX D:  
SPACE REQUIREMENT STANDARDS

APPENDIX E:  
CHARLOTTE MECKLENBURG  
BUILDING STANDARDS



**PRELIMINARY DESIGN AND  
CONSTRUCTION SCHEDULES**

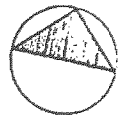
## PRELIMINARY DESIGN & CONSTRUCTION SCHEDULE

June 1, 1991	.	Receive formal notice to proceed from City of Charlotte
	.	Begin Schematic Design
	.	Coordinate with all Consultants
June 15, 1991	.	Review S.D. Progress with City and CMACC Staff
June 30, 1991	.	Review S.D. Progress with City and CMACC Staff
July 15, 1992	.	Finalize Schematic Design and submit package to City Agencies for review
July 15 - July 31, 1991	.	Review by City Agencies and CMACC Staff
August 1, 1991	.	Receive review comments by City and begin Design Development
	.	Coordinate with all Consultants
August 15, 1991	.	Review D.D. Progress with City and CMACC Staff
August 31, 1991	.	Review D.D. Progress with City and CMACC Staff
September 15, 1991	.	Finalize Design Development and submit package to City Agencies for review
Sept. 15 - Sept. 30, 1991	.	Review by City Agencies and CMACC Staff
Sept. 30, 1991	.	Receive review comments by City and begin Construction Documents
	.	Coordinate with all Consultants
October 31, 1991	.	Review of C.D. Progress with City and CMACC Staff
November 30, 1991	.	Review of C.D. Progress with City and CMACC Staff
December 31, 1991	.	Review of C.D. Progress with City and CMACC Staff

January 31, 1992	.	Review of C.D. Progress with City and CMACC Staff
February 28, 1992	.	Review of C.D. Progress with City and CMACC Staff
March 30, 1992	.	Complete Construction Documents and submit package to City Agencies for final review.
March 30 - April 15, 1992.		Final review by City Agencies and CMACC Staff
April 15, 1992	.	Submit Documents to Building Standards and Engineering Departments For Review and Permitting
	.	Advertise for Contractor Bids
April 15 - June 15, 1992	.	90 Day Bid Process
June 15 - June 30, 1992	.	Select Contractor(s) For Construction
June 30 - July 15, 1992	.	Negotiate Contract with Selected Contractor(s)
July 31, 1992	.	Issue Formal Notice to Proceed
August 1, 1992 - Aug. 1, 1993.		Anticipated 12 Month Construction Schedule
August 1, 1993	.	Project Completion and Issuance of Certificates of Occupancy

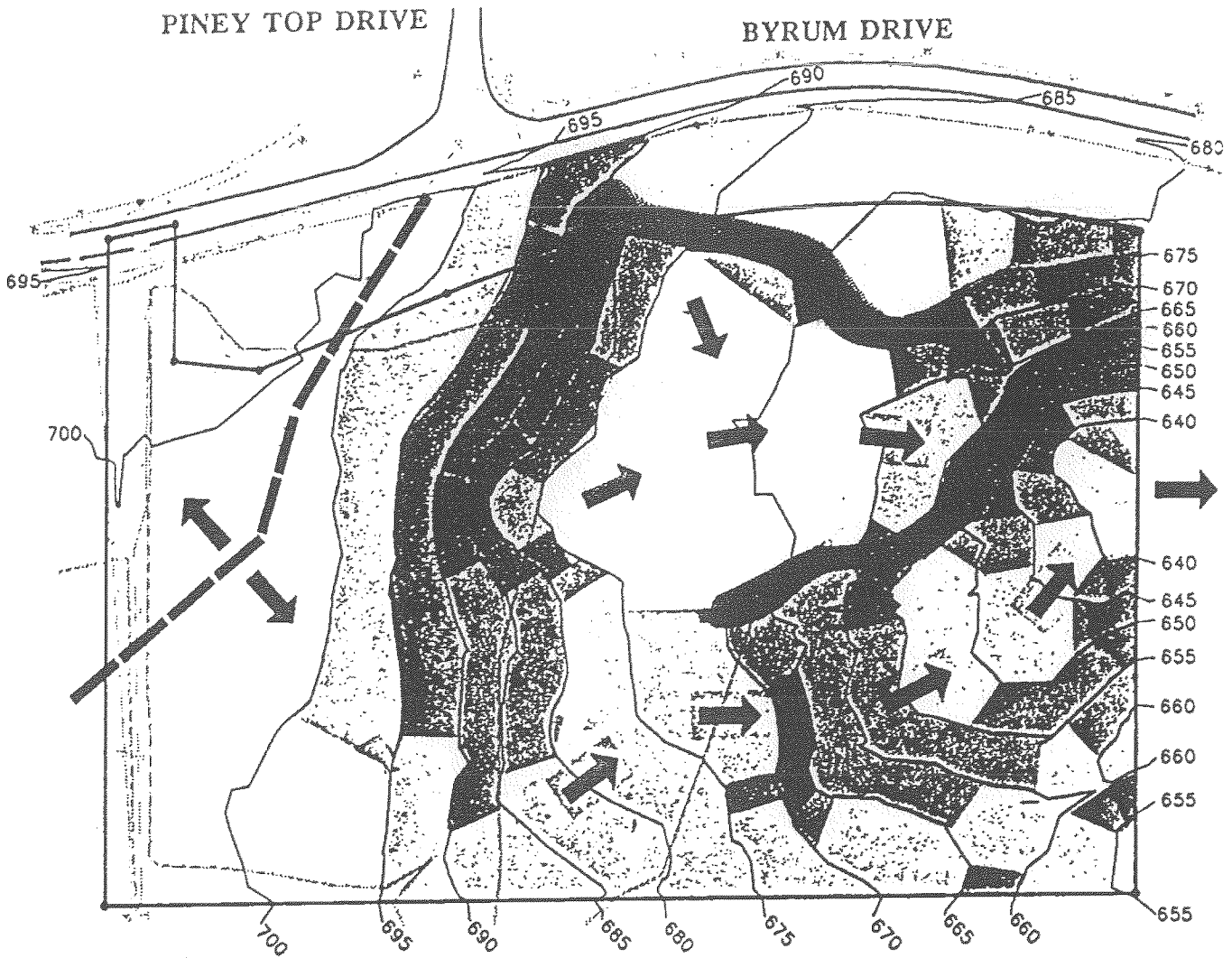
INTERNATIONAL  
**SITE ANALYSIS AND  
FEASIBILITY STUDY**

# TOPOGRAPHY



NORTH

1"=150'



## LEGEND

 RIDGE LINE

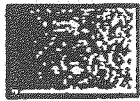
 DRAINAGE PATTERN



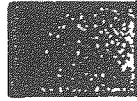
0-5%



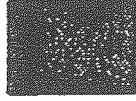
5-10%



10-15%



15-20%



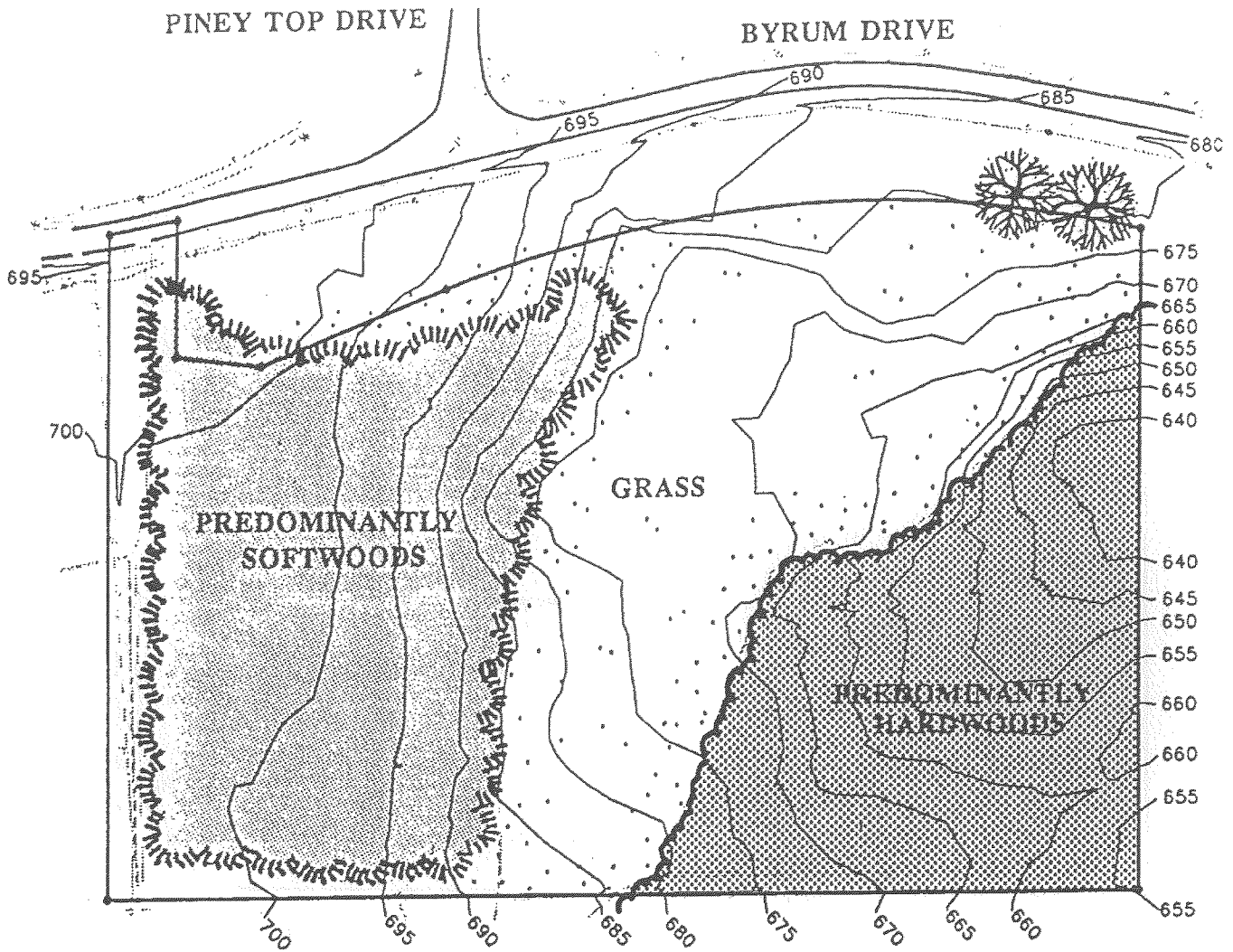
20% +

# VEGETATION

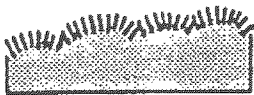


NORTH

1"=150'



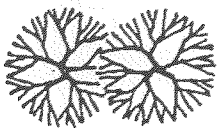
## LEGEND



**SOFTWOODS:** Dominant species include; Loblolly, Short leaf and Virginia Pine.

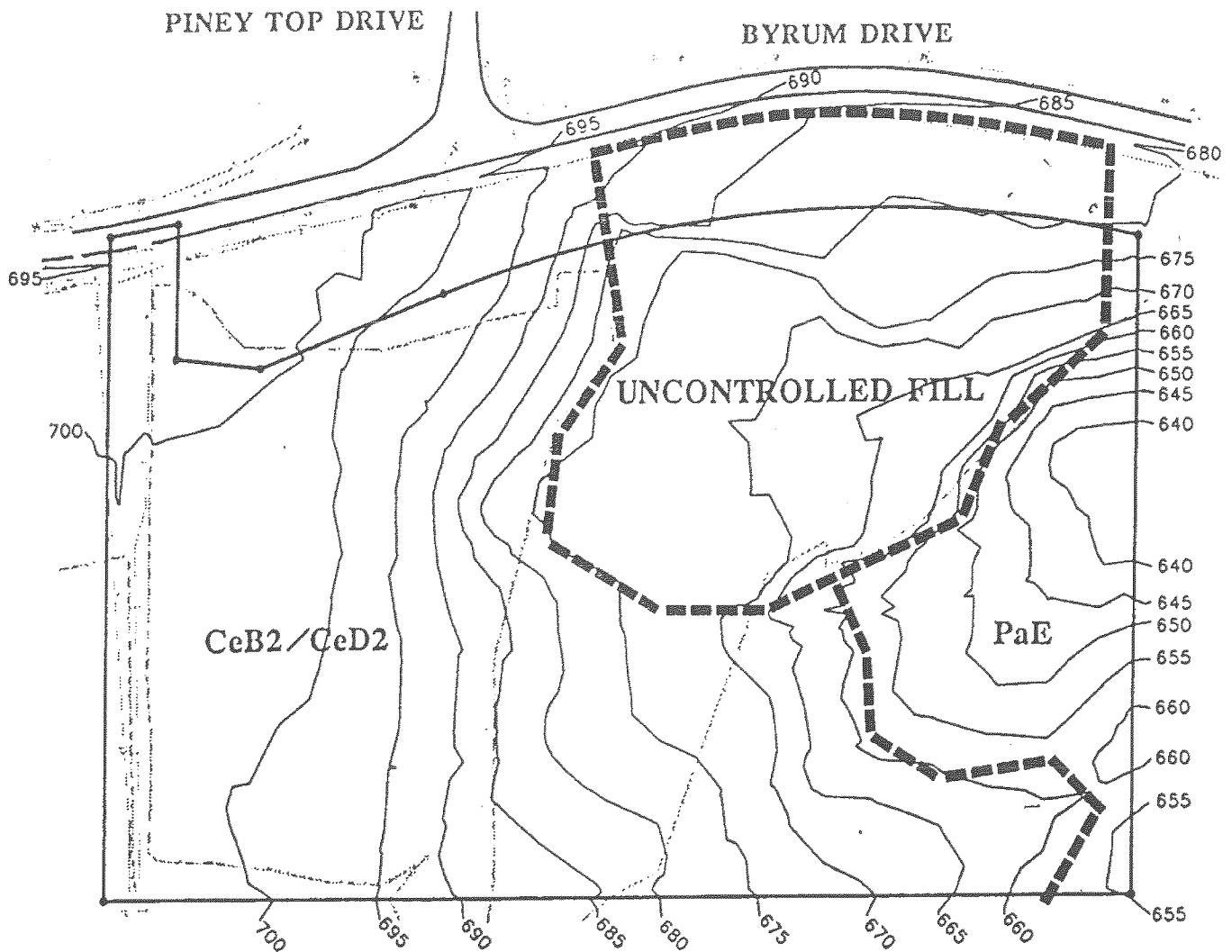


**HARDWOODS:** Dominant species include; Oak, Sweet gum, Hickory, Poplar, Dogwood, and Redbud.



**MATURE SPECIMEN TREES:** Oak

# SOILS



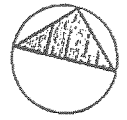
## LEGEND

**CeB2 / CeD2** - Cecil sandy loam 2-8% slopes (CeB2) and 8-15% (CeD2) eroded areas, moderate permeability and shrink - swell potential. Strong to very strong acidic subsoil. Depth to bedrock is at least 60". Moderate to high development potential.

**PaE** - Pacolet sandy loam, 15-20% slopes, moderate permeability, low available water capacity, low shrink swell potential. Medium to strongly acidic subsoil. Depth to bedrock is at least 60". Moderate to poor development potential.

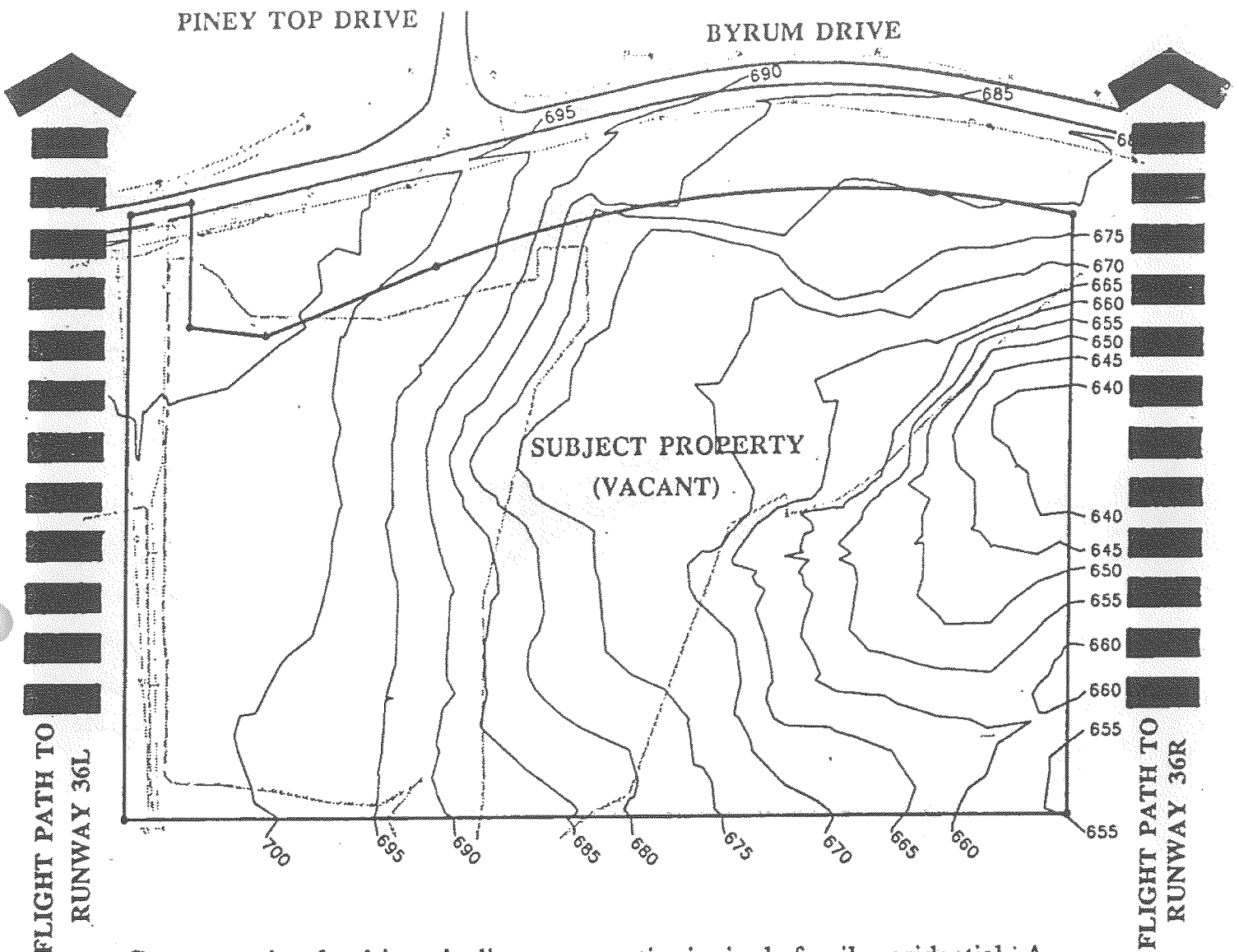
**Uncontrolled Fill** - Up to +/- 20 feet of various soil types, ranging from sandy silts to sandy and silty clays. In addition, some rubble, concrete, metal debris and large wood fragments were documented in the soils report. This area is not suitable for development.

# ADJACENT LAND USE



NORTH

1"=150'



Current zoning for this and adjacent properties is single family residential. A petition to rezone this area Industrial (I-2) will be filed by the Charlotte Douglas International Airport in May 1991 for a decision on or about August 1991.

" Locating community uses that may not be compatible in other areas or that require considerable open space...is an opportunity that should be pursued. Examples of uses that should be considered are.... Animal Shelter relocation "

CHARLOTTE SOUTHWEST DISTRICT PLAN

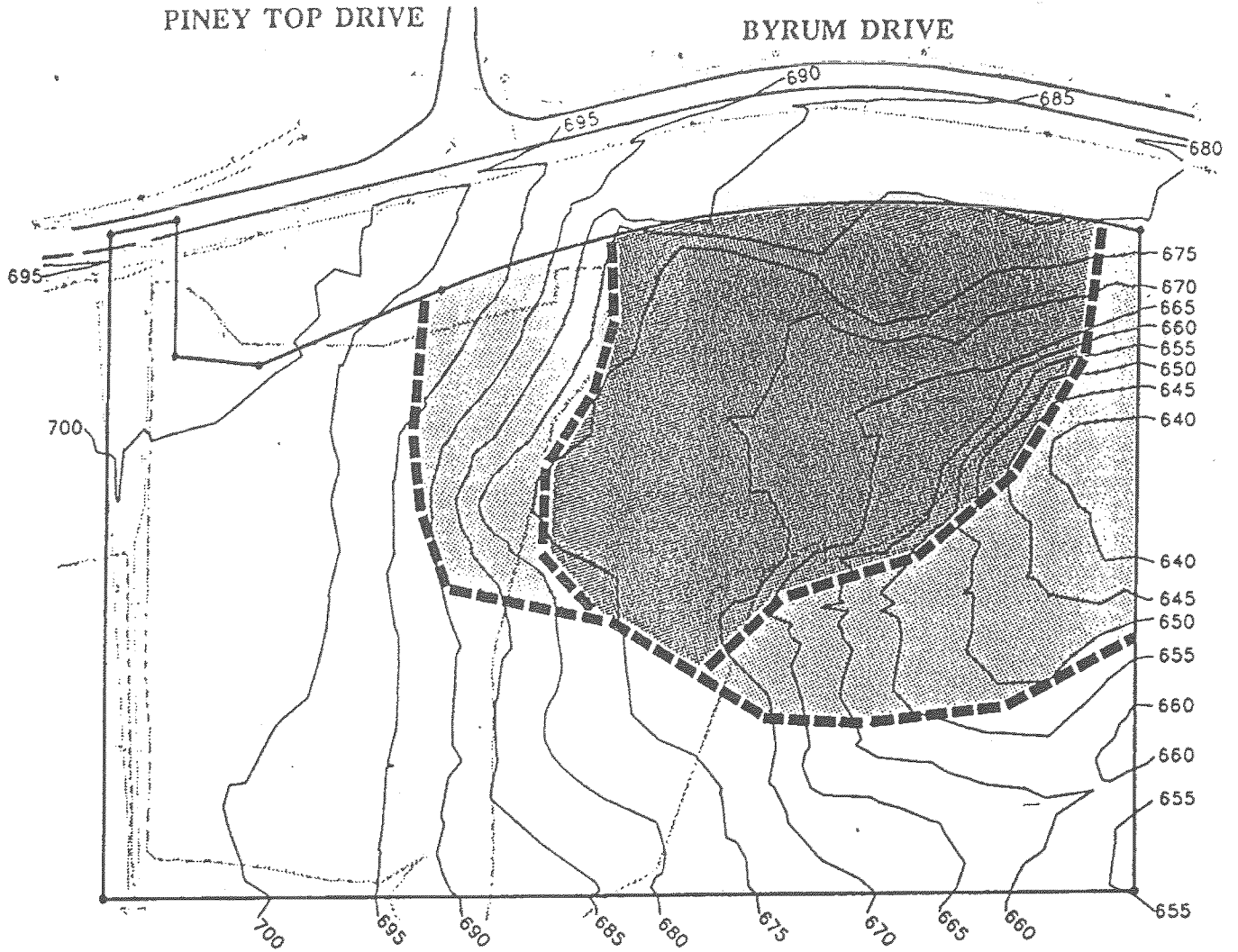


# DEVELOPMENT SUITABILITY



NORTH

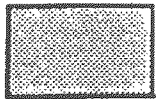
1"=150'



## LEGEND



High development potential - 6.5 acres



Moderate development potential - 2.4 acres



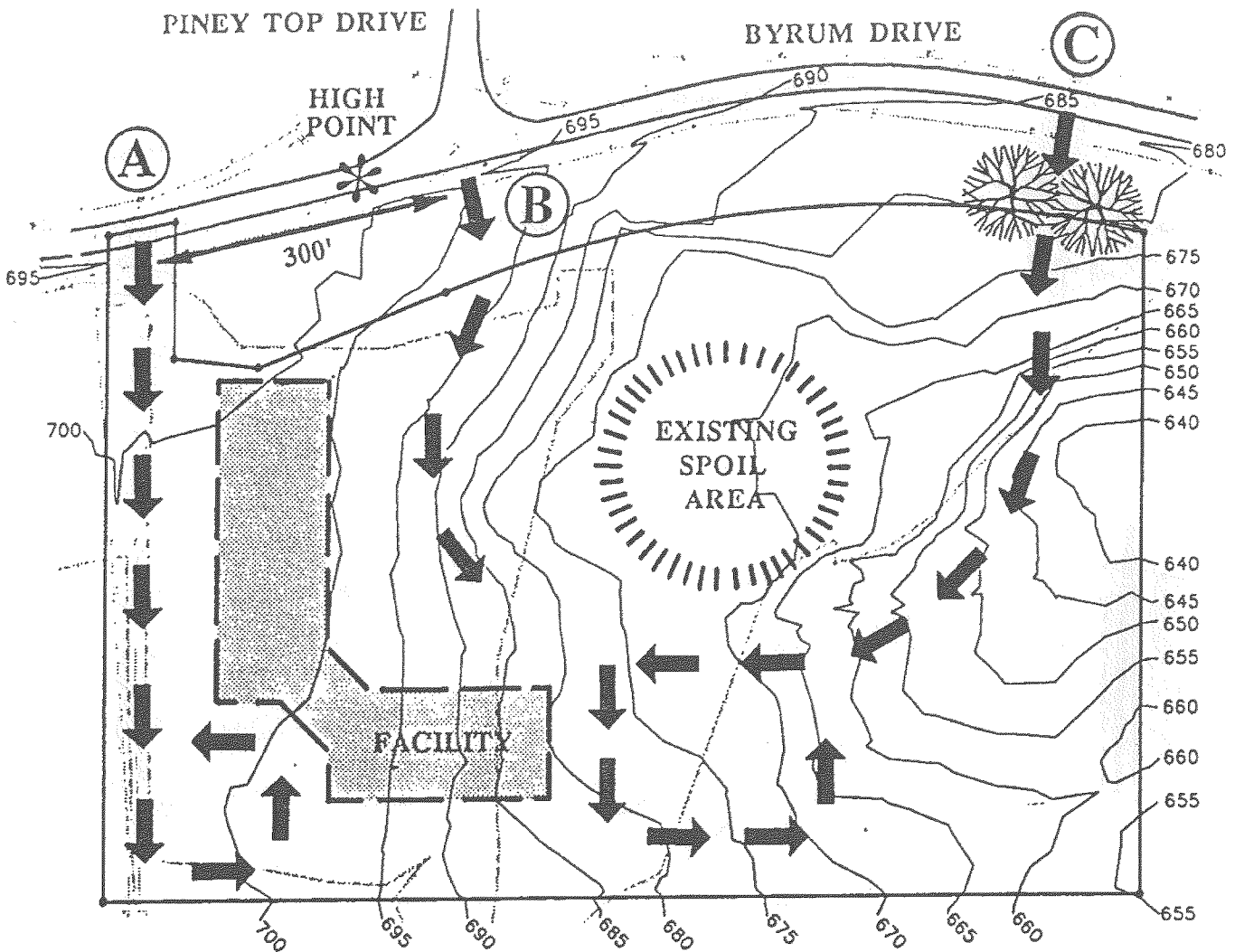
Low development potential - 3.4 acres

INGRESS / EGRESS



NORTH

1"=150"



LEGEND

(A)

Suggested secure access located at western property line, location of existing drive. This area is aesthetically the least desirable for primary access and would serve for enforcement vehicle access.

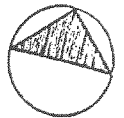
(B)

Alternate primary public access opposite Piney Top Drive

(C)

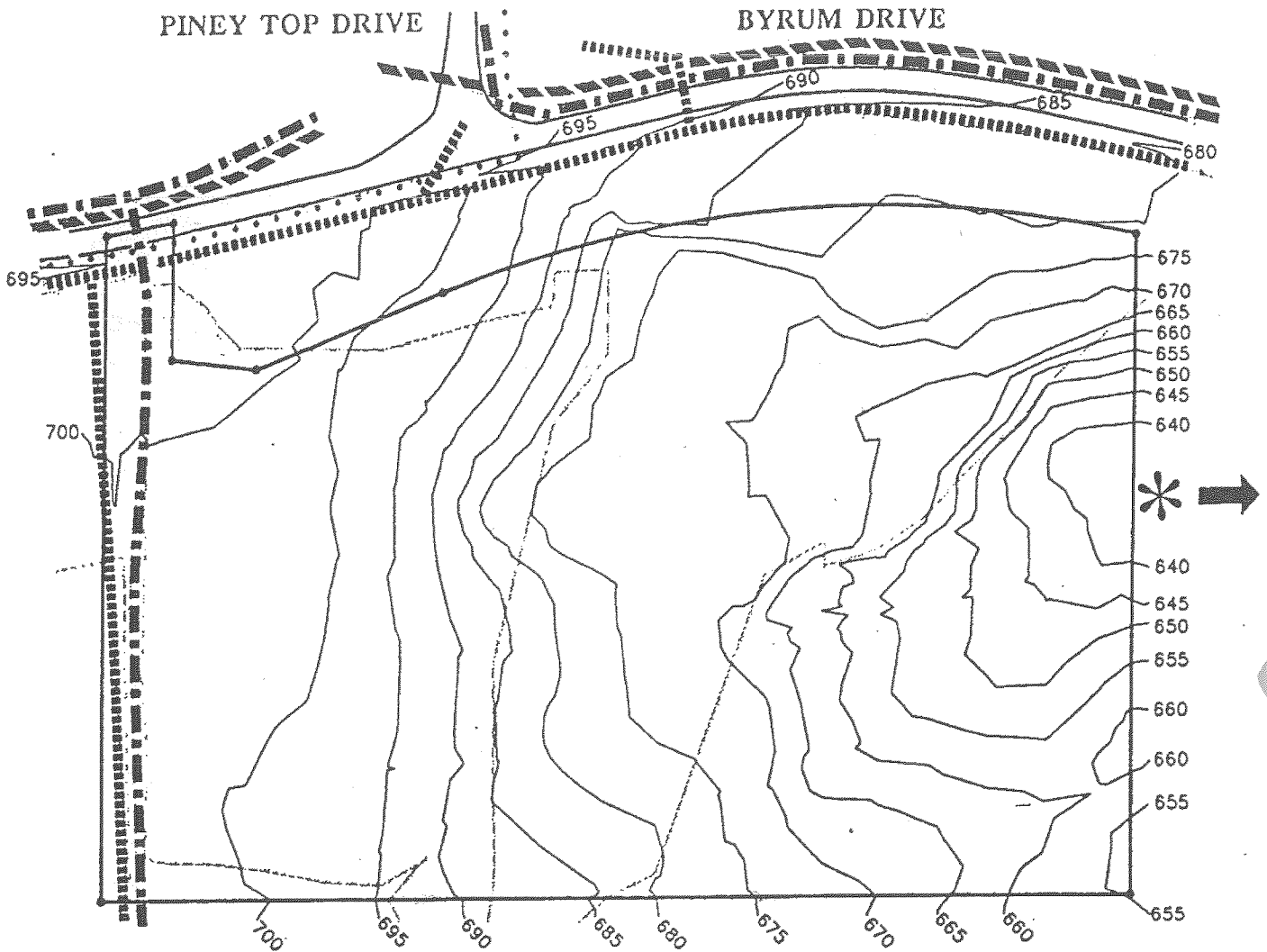
Alternate primary access near east property line, between pair of existing oaks. This area is the best aesthetic point for entry providing the most desirable path of progression and vista to the facility.

# EXISTING UTILITIES



NORTH

1"=150'



## LEGEND



WATER (8")



PIEDMONT NATURAL GAS



SOUTHERN BELL TELEPHONE



DUKE POWER COMPANY (overhead)



SANITARY SEWER ( Approx. 770' northeast of site)

**FACILITY PROGRAM OUTLINE  
AND PROGRAM CRITERIA**

**COMPONENTS OF THE PROJECT PROGRAM**  
**CMACC** **222-91 PD**

**ADMINISTRATIVE COMPONENT**

A. PRIMARY ADMINISTRATIVE	2718 SF
B. SECONDARY ADMINISTRATIVE	1845 SF
C. CIRCULATION, GROWTH, MECH. / ELEC.	1511 SF
<b><u>TOTAL</u></b>	<b><u>6074 SF</u></b>

**PUBLIC AREA COMPONENT**

A. LOBBY / RECEPTION	2375 SF
B. TELECOMMUNICATIONS / SECURITY	350 SF
C. CIRCULATION, GROWTH, MECH. / ELEC.	552 SF
<b><u>TOTAL</u></b>	<b><u>3177 SF</u></b>

**STAFF SUPPORT AREAS**

A. STAFF SUPPORT COMPONENT	2300 SF
B. FACILITY STORAGE	525 SF
C. CIRCULATION, GROWTH, MECH. / ELEC.	936 SF
<b><u>TOTAL</u></b>	<b><u>3761 SF</u></b>

**ANIMAL PROCESSING COMPONENT**

A. ANIMAL PROCESSING AREA	1895 SF
B. CIRCULATION, GROWTH, MECH. / ELEC.	628 SF
<b><u>TOTAL</u></b>	<b><u>2523 SF</u></b>

**SPAY NEUTER CLINIC**

A. CLINIC / WARD AREAS	1541 SF
B. CIRCULATION, GROWTH, MECH. / ELEC.	323 SF
<b><u>TOTAL</u></b>	<b><u>1864 SF</u></b>

ANIMAL KENNEL COMPONENT

A. KENNEL AND CAGE AREAS	11100 SF
B. CIRCULATION, GROWTH, MECH. / ELEC.	3643 SF
<u>TOTAL</u>	<u>14743 SF</u>

FARM ANIMAL BARN

A. BARN / Paddock AREA	1300 SF
<u>TOTAL</u>	<u>1300 SF</u>

FACILITY TOTAL 33,442 SF

PARKING AND VEHICLE WASH

A. VEHICLE WASH	300 SF
B. PUBLIC PARKING	14400 SF
C. SECURE PARKING (AGENCY / STAFF VEHICLES)	32700 SF

POLICE OFFICE AND KENNEL COMPONENT

A. OFFICE AND SUPPORT AREAS	1111 SF
B. KENNEL AREA	900 SF
C. OUTSIDE TRAINING AREAS	*****
D. CIRCULATION MECH. / ELEC.	201SF
<u>TOTAL</u>	<u>2212 SF</u>

FACILITY TOTAL ALL AREAS 35954 SF

## PRIMARY ADMINISTRATIVE SPACE

3-27-91

The primary administrative space in the facility will provide for the upper level management offices and support areas. As such, the opportunity for the introduction of flexible space systems and softer finishes is available. The use of gypsum wall board, carpet, glass wall partitions and systems work stations will combine to provide an interior space scape that is highly functional, while creating a comfortable, professional environment for conducting the affairs and business of the agency.

### CRITERIA FOR THE COMPONENT:

Utilize opportunities for introducing natural light

General illumination levels at 100fc at desk surface levels

Olfactor management

Separate HVAC zone

Functional sound criteria of 40-70 db

Office and workstation area per city standards

Use recycled and environmentally safe finishes, fixtures, and furnishing

### PRIMARY ADMINISTRATIVE COMPONENT

Directors Office ( D.O.)	300 sf
Administrative Officer III ( A.O. III )	225 sf
Administrative Officer II ( A.O. II )	150 sf
Enforcement Manager ( E.M.)	225 sf
Shelter Manager ( S.M. )	225 sf

Administrative Secretary / Reception (SEC / REC.)	300 sf
Office Assistant IV (O.A. IV )	100 sf
Office Assistant IV (O.A. IV )	100 sf
Office Assistant III ( O.A. III )	100 sf
Computer Work Area ( COMP.)	120 sf
Record Storage Area ( RECORD STOR )	120 sf
Data Entry Operator (D.E.O.)	64 sf
Data Entry Operator ( D.E.O.)	64 sf
Administrative Officer I ( A.O.I)	100 sf
Small Conference ( seating 13-15 ) (CONF)	225 sf
<u>Archive Storage (ARCH STOR )</u>	<u>300 sf</u>
<u>Sub Total</u>	<u>2718 sf</u>
Circulation @ 10%	272 sf
<u>Growth @ 10%</u>	<u>299 sf</u>
<u>TOTAL</u>	<u>3289 sf</u>

## SECONDARY ADMINISTRATIVE COMPONENT

The secondary administrative spaces for the facility will provide the support areas for mid-level operations and enforcement personnel. The requirements of finishes and fixtures for the outlined areas will need to be of a more



durable, and easily cleanable nature. Tile, terrazo, vinyl, and limited use of carpet will need to be specified on a space-by-space basis during the design phase. The durable materials will predominate throughout this facility due to the harsh and unusual nature of it's user requirements.

#### CITERIA FOR THE COMPONENT:

Durable and easily maintainable materials

General illumination levels at 100fc at desk surface levels

Functional sound criteria of 40-70 db

olfactor management

Office and workstation area per city standards

Specific security and video monitoring

Chair rails and wall guards

All wall surfaces to be hard finish

#### SECONDARY ADMINISTRATIVE COMPONENT

Field Team Supervisor ( F.T.S )	100 sf
Field Team Supervisor (F.T.S.)	100 sf
Customer Service Supervisor ( C.S.S.)	100 sf
Task Force Supervisor ( T.F.S.)	100 sf
Vet Tech (3) x 100 sf ( V.T.)	300 sf
Kennel Attendants (8) x 25 sf ( K.A.)	200 sf
Animal Control Officers (23) x 25 sf (ACO)	575 sf
D.D.T.F. Officers (6) x 25 sf (DDTF)	150 sf
Requires 4 station expansion	100 sf

<u>Computer Support Area (COMP)</u>	<u>120 sf</u>
<u>Sub total</u>	<u>1845 sf</u>

Circulation @ 10%	185 sf
-------------------	--------

Growth @ 10%	203 sf
--------------	--------

<u>Secondary Administrative total</u>	<u>2233 sf</u>
---------------------------------------	----------------

<u>Administrative Total</u>	<u>5522 sf</u>
(Primary + Secondary)	

Mechanical, Electrical, Maintenance @ 10%	552 sf
---	--------

<u>Administrative Component Total</u>	<u>6074 sf</u>
---------------------------------------	----------------

CMACC NOTES AND COMMENTS:

## PUBLIC AREA COMPONENT

The public area component will provide the primary space and areas of interface between the general populace and CMACC staff and service personnel. Clearly defined areas for public information will serve to facilitate the various needs of the public / staff interface upon entering the facility. There exists specialized functional and service requirements within this node of the facility. Separations of activity and use; specific movement and access requirements will necessitate thoughtful planning and finish criteria for this area.

### CRITERIA FOR THE COMPONENT:

First impression is essential at the primary public entry

Durable finishes, furnishing, and fixtures

Artificial and natural light desirable

Handicap accessibility throughout

Separation between animal relinquishment and reclaim  
Public directory and information kiosk

### PUBLIC AREA COMPONENT

Lobby (LOBBY )	300 sf
Animal Reclaim ( A.D)	150 sf
Animal Relinquishment (A.R.)	150 sf
Licensing / Payments (LIC / PAY)	200 sf

Adoption Habitat (ADOPT HAB)	650 sf
Adoption Interaction / Handling (AIH)	200 sf
Adoption Office (ADOPT OFF)	100 sf
Humane Society Library (HSLIB)	225 sf
Public Toilet Facilities (PT)	250 sf
Storage (STOR)	150 sf

TELECOMMUNICATIONS and SECURITY

Telecommunications Center (4) (TCC)	150 sf
Radio Dispatch ( RADIO DISP)	100 sf
<u>SubTotal</u>	<u>2625 sf</u>
Circulation @ 10%	263 sf
<u>Growth @ 10%</u>	<u>289 sf</u>
<b><u>TOTAL</u></b>	<b><u>3177sf</u></b>

CMACC NOTES AND COMMENTS:

## STAFF SUPPORT AREAS

The staff support areas within the facility serve to provide necessary functional support for the staff during normal operations. This will include staff assembly and assignment space, a break area, shower and locker area and equipment storage. The finishes and furnishings for these areas should be durable and able to withstand the rigors of daily use. The functional and adjacency relationships of these spaces to public areas, animal habitats, and the clinical area is important and should be studied carefully as a space needs issue in the facility.

### STAFF SUPPORT COMPONENT

Ready Room	1250 sf
Break Room	150sf
Staff Storage ( P.T.)	300 sf
Staff Showers / lockers	600 sf

### FACILITY STORAGE

Bulk Food Storage	450 sf
Trap Storage	outside
Table Chair Storage	75 sf
<u>Subtotal</u>	<u>2825 sf</u>
Circulation @ 10%	283 sf
Growth @ 10%	311 sf
<u>Mechanical, Electrical, Maintenance @ 10%</u>	<u>342 sf</u>
<u>TOTAL</u>	<u>3761 sf</u>

CMACC NOTES AND COMMENTS:

## ANIMAL PROCESSING COMPONENT

The animal processing component of the facility will be positioned as the physical center of the facility as it evolves in the plan layout. Controlled access from a number of different areas under a variety of situations will require careful consideration of circulation and adjacency in the space needs study. A separate entrance will be required; This entry should be covered. A number of the functional areas of this component will require separate H.V.A.C. and ventilation. The need for sterile environments, and for bacteria and virus control in order to avoid cross contamination, will necessitate close study. This component will need to conform to current A.H.A. criteria.; As such the finishes, fixtures, and furnishings require special research. Plumbing, and electrical requirements.

### CRITERIA FOR THE COMPONENT

Specialized H.V.A.C. and environmental controls

Durable and washable surfaces and finishes

Compliance with A.H.A. standards and criteria

Special plumbing and electrical requirements

Special lighting (surgical and treatment areas)

Medical special systems ( gas scavenging, gasified ozone, laboratory, pharmacology, euthanasia, and quarantine)

Closed circuit video security

D.E.A. and public health requirements

### ANIMAL PROCESSING COMPONENT

Animal Ward and Holding Area / Exam

525sf

Treatment Area	170 sf
Pharmacy	100 sf
Vaccine Storage	25 sf
Sick Ward (dogs)	200 sf
Sick Ward (cats)	200 sf
Cooler Room	100 sf
Grooming / Bathing / Laundry	225 sf
Euthanasia	200 sf
Storage (Record)	50 sf
<u>Animal Food Prep and Storage</u>	<u>100 sf</u>
<u>SubTotal</u>	<u>1895 sf</u>

Circulation @ 10% 190 sf

Growth @ 10% 209 sf  
Sub total 2294 sf

Mechanical, Electrical, and Maintenance @ 10% 229 sf

**TOTAL** **2523 sf**

CMACC NOTES AND COMMENTS

## SPAY NEUTER CLINIC

The Spay neuter clinic as an autonomous component in terms of operations is a service directed and managed by the Humane society. This component will need special planning consideration. Within the facility, the spay neuter clinic will need a direct adjacency relationship to the medical / clinical areas, separate entry from the public parking areas, and a direct access to it's kennel and ward areas. Spay Neuter will need to comply with and meet A.A.H.A. criteria as an operational entity. The clinic is a fully equipped surgical / recovery unit; As such will require special systems applications in performing routine services.

### CRITERIA FOR THE COMPONENT

Compliance with A.A.H.A. standards and criteria

Specialized H.V.A.C. and environmental controls

Durable and washable surfaces and finishes

Special plumbing and electrical requirements

Medical special systems (gas scavenging, gasified ozone, pharmacology, gasified anaesthesia )

Special visual relationships to the recovery ward

Special lighting (surgical, and exam)

D.E.A. and public health requirements

Central Vacuum

### SPAY NEUTER COMPONENT

Surgery I	170 sf
Surgery II	170 sf
Prep Area	170 sf



Exam Room	170 sf
Recovery	100 sf
Public / Ward Area	250 sf
S.N. Kennels	192 sf
Office	100 sf
Storage	75 sf
Washer / Dryer	48 sf
Toilet Room (men)	36 sf
Toilet Room (women)	36 sf
<u>Pharmacy</u>	<u>24 sf</u>
<u>SubTotal</u>	<u>1541 sf</u>

Circulation @ 10% 154 sf

Subtotal 1695 sf

Mechanical, Electrical, and Maintenance @ 10% 169 sf

**TOTAL 1864 sf**

**CMACC NOTES AND COMMENTS:**

During the meeting of 3-28-91 it was determined that the Recovery and Prep areas need direct adjacency.

There will need to be a raised wash tub with hand held spray nozzle in the clinic. It was determined that this tub should be located in the washer / dryer room.

The clinic will also require a central vacuum.

## ANIMAL KENNEL COMPONENT

The animal kennel areas as discussed will provide for a variety of containment and segregation related criteria. The planning aspects of this component will address housing of: Stray dogs and puppies; Stray cats and kittens; Adoptive dogs and puppies; Adoptive cats and kittens; Rabies isolation for dogs, cats, and other small wildlife, and secure isolated housing for dangerous animals. In addition, the new facility will provide housing and care for larger farm and exotic animals as local needs demand. Coops and hutches, for the housing of fowl and wildlife will be integral with the farm habitat. The idea of housing as a habitat will attempt to bring an entirely new notion to the care and sheltering of animals. Reptile and fish housing and tanks will need to be integrated into the kennel area with separate H.V.A.C. for environmental control. Variations in the scale of spaces will need consideration in the planning and design process. Independent watering and feeding systems are desirable. The use of 6" minimum drains to prevent clogging and cross-contamination due to back up should be standard. The installation of a sewer trap valve should be included to prevent sewer gases from entering the shelter lines. The primary considerations for the kennel area should include: EASE OF MAINTENANCE; VISIBILITY OF ANIMALS AT ALL TIMES; AFTER HOURS SECURITY; ANIMAL COMFORT; ENERGY CONSERVATION AND REDUCED OPERATIONAL COSTS.

### ANIMAL KENNEL COMPONENT CRITERIA:

Durable washable materials and surfaces

Sound control

Secure drop-off for enforcement vehicles

Radiant floor heat

Natural light

Special ventilation and H.V.A.C.

Ozonated water supply

Closed circuit video security at Dangerous Dog kennels

Olfactor management

Incubation area

#### ANIMAL KENNEL COMPONENT

Stray Dog Kennels (100 @ 60 sf ea.)	6000 sf
Cat House Stray (50 cages)	300 sf
Adoptive Dogs ( 50 @ 60 sf ea )	3000 sf
Adoptive cats and Kittens	*****
Rabies Quarantine Area ( Dogs / Cats)	600 sf
Dangerous Dog Kennels	800 sf
Reptile and Fish Habitat	125sf
Wildlife and Exotic Animal Area	125 sf
Food Storage and Prep (2 @ 100 sf ea)	100sf
<u>General Storage</u>	<u>50 sf</u>
<u>SubTotal</u>	<u>11100 sf</u>
Circulation @ 15%	1665 sf
<u>Growth @ 10%</u>	<u>1276 sf</u>
<u>Subtotal</u>	<u>14041 sf</u>
Mechanical, Electrical, and Maintenance @ 5%	702 sf
<b><u>TOTAL</u></b>	<b><u>14743 sf</u></b>

\*\*\*\*\* indicates housing or kenneling programed in other areas

#### CMACC NOTES AND COMMENTS:

It was determined during the meeting of 3-28-91 that the cat house stray will require a total of 75 cages in lieu of 50. ( 25 for adult males, 25 for adult females, and 25 for kittens.)

In the Rabies Quarantine Area, dogs will require 8 runs @ 60 sf ea and a bank of 6 cages. Cats will require a bank of 12 cages. Visual separation between the cat containment and dog containment is also desired.

In the Dangerous Dog Kennels, 10 runs @ 60 sf, plus a double size run of 120 sf will be needed.

## FARM ANIMAL BARN

While the farm animal barn is a part of the general kennel / housing requirements, the physical structure, (barn) will be constructed as a separate building adjacent to the main kennel building. The farm animal habitat will be a structure approximately 36'x 36' with 6- 12' x 12' stalls and a 12' x 36' central aisle. Coups and bins for fowl and wildlife will be established within one of the stalls. A wash stall, and feed / tack room will be integrated into the the 6 stall layout. Hay storage will occur overhead in the loft area. Hay feeders will be provided in four of the six stalls. Automatic watering will be required in the stall areas. Outside of the barn, 4 paddock areas will be provided with connecting gate access between them, in addition to gate access to the general pasture area.

### FARM ANIMAL COMPONENT:

Barn @ 36' x 36'	1296 sf
<u>TOTAL</u>	<u>1300 SF</u>

### CMACC NOTES AND COMMENTS:

## FACILITY PARKING AND VEHICLE WASH AREAS

The facility parking requirements as established by the Charlotte Mecklenburg Zoning Department. Defined the facility as " MULTI-USE" for the purposes of parking requirements and count.

Per telephone conversations with Mr. Cam Merrill of the Zoning Department the preliminary calculations for required parking were based on the following formula:

### **Kennel Areas**

( 1 space per 2 employees of highest shift )

### **Public, Administrative, and Clinical areas**

1 space per 300 sf

### **Spay Neuter Clinic**

1 space per 200 sf

Based of the previous zoning criteria and formula the following totals per area represent city requirements as discussed.

### **Kennel Areas**

8 employees @ 1/2 employees

4 reqd.

### **Public, Administrative, and Clinical Areas**

17747 sf @ 1/300 sf

59 reqd.

### **Spay Neuter Clinic**

1864 sf @ 1/200 sf

9 reqd.

Total parking requirements per city standards

72 reqd.

Upon examination of actual facility staff and public vehicle totals, the city established requirements are inadequate for facility operations. The following are staff and vehicle totals as compiled during meetings and discussions.

CMACC STAFF	64
ENFORCEMENT VEHICLES	25
CMPD STAFF	10
CMPD VEHICLES	10
<u>TOTAL</u>	<u>109 MIN.</u>

PUBLIC /SPAY NEUTER 48 EST.

TOTAL FACILITY REQUIREMENTS 157

When evaluated in terms of square footage requirements, using an average of 300 sf / parking space which includes isle area. The total area of impervious surfacing required for the parking areas will be: 47100 sf

#### VEHICLE WASH AREA

CMACC and CMPD will have a combined total of 34 staff vehicles on site on a daily basis. The need for a wand type vehicle wash, maintenance area will be required as a part of the program. This area will consist of a shed type structure approximately 15' wide by 20' long or 300 sf for this function.

## CPD K-9 CORP COMPONENT

The CPD K-9 areas will be integrated into the facility, but will function and operate independently of CMAAC. The Corp facility will remain under the direction and supervision of the Charlotte Mecklenburg Police department. There will be an Officer supervisor and 9 handlers on staff. Office, Ready Room, Stroage Area, Lockers and Showers, Dog Runs, and Grooming Area, as well as, various outside training areas will comprise the described spaces of this component. Obedience, and Agility , will require secured pen areas of 50' x 100'ea. A break area shaded from the direct sunlight, and a hide-and-seek course,

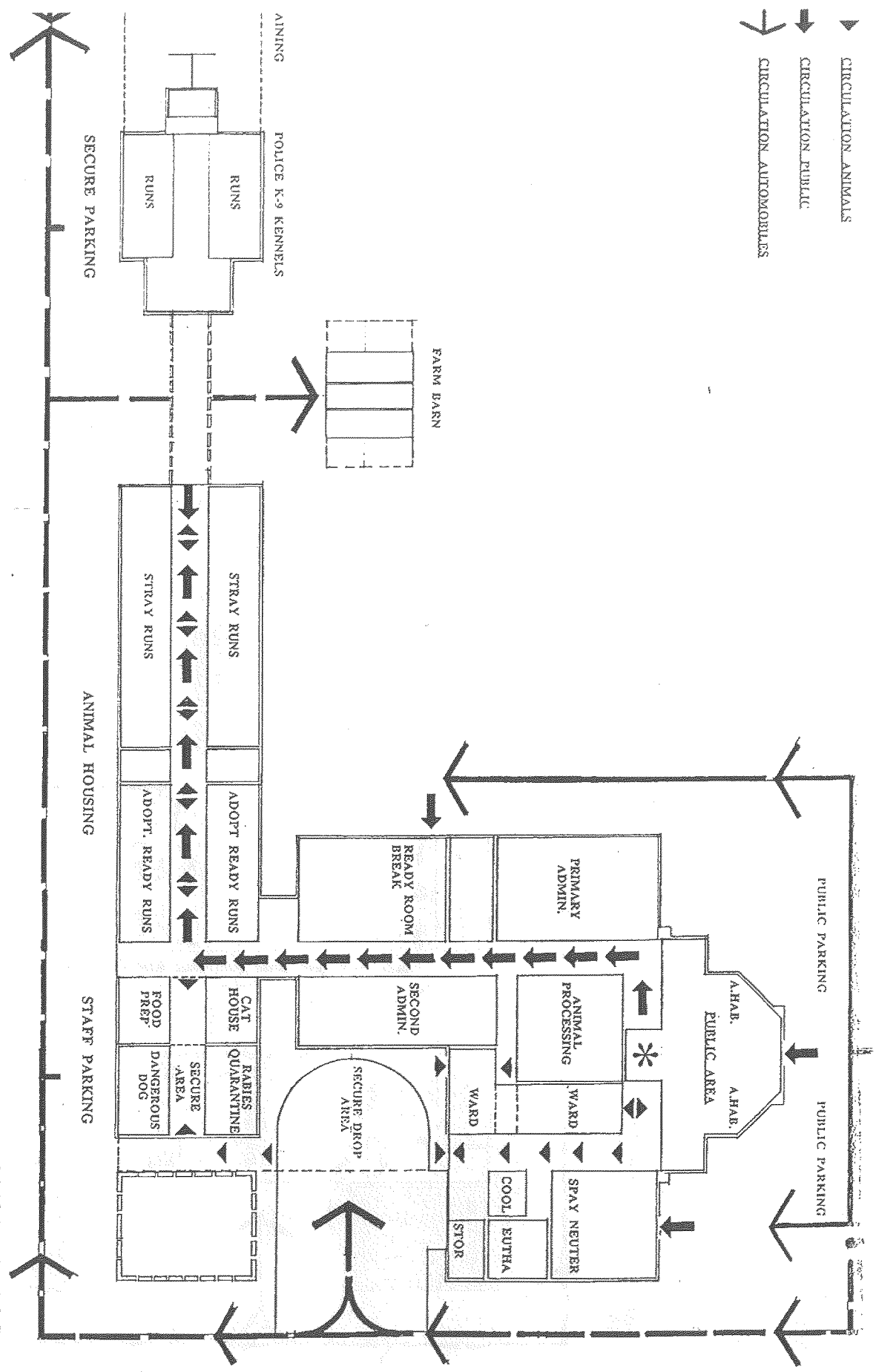
### CPD K-9 CORP AREAS

Office	100 sf
Ready Room	225 sf
Lockers and Showers	350 sf
Storage ( Food and Training Equip.)	350 sf
Dog Kennels	900 sf
Bath and Grooming	48 sf
Washer / Dryer	<u>38 sf</u>
Sub Total	<u>2011 sf</u>
Circulation Mech. and Elec.	<u>201 sf</u>
<b>TOTAL</b>	<b><u>2212 SF</u></b>



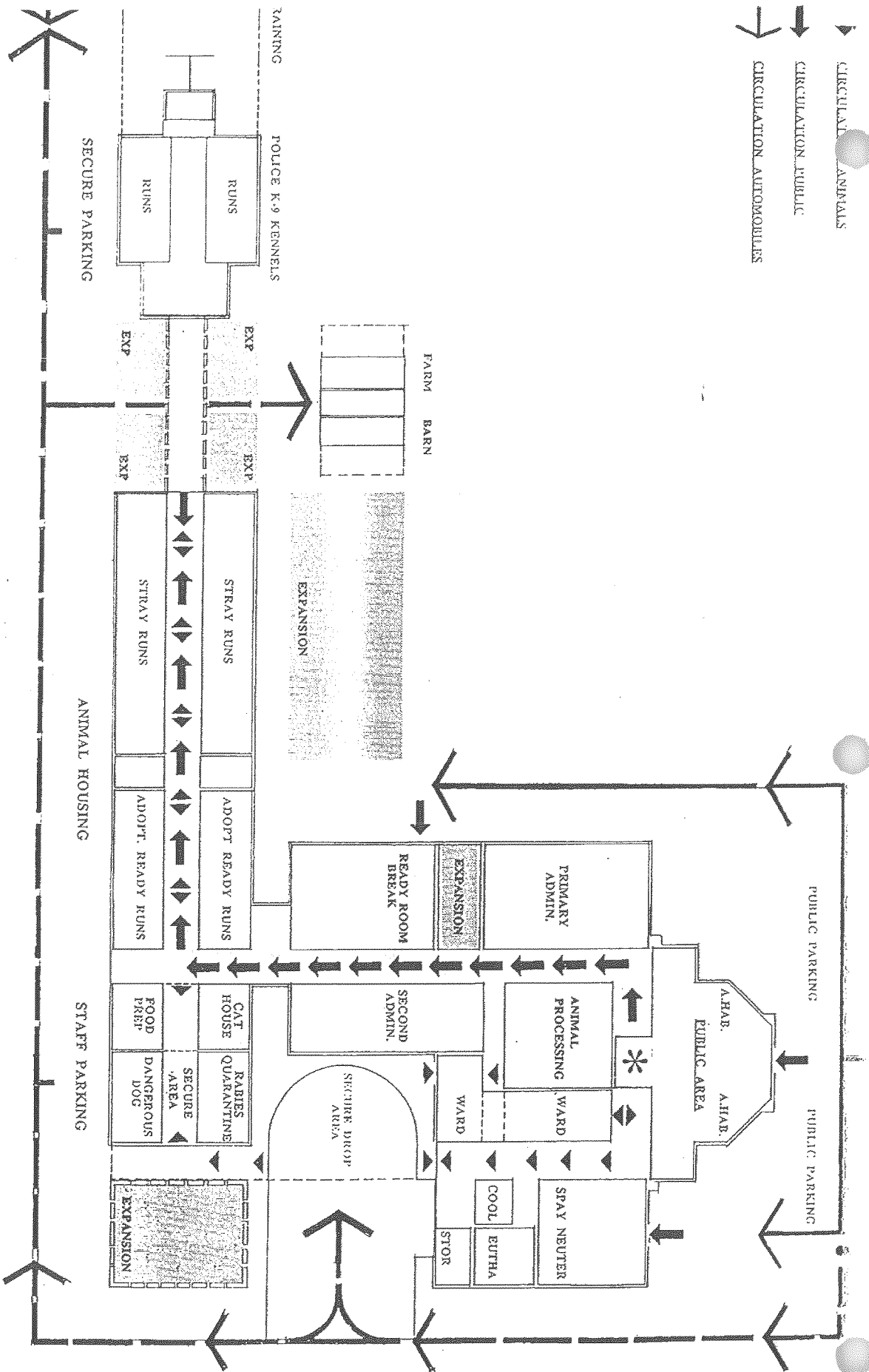
**FACILITY COMPONENTS  
ORGANIZATION ALTERNATIVE**

- ▶ CIRCULATION ANIMALS
- ➡ CIRCULATION PUBLIC
- CIRCULATION AUTOMOBILES



ADIACENCY ANALYSIS  
ALTERNATE 1

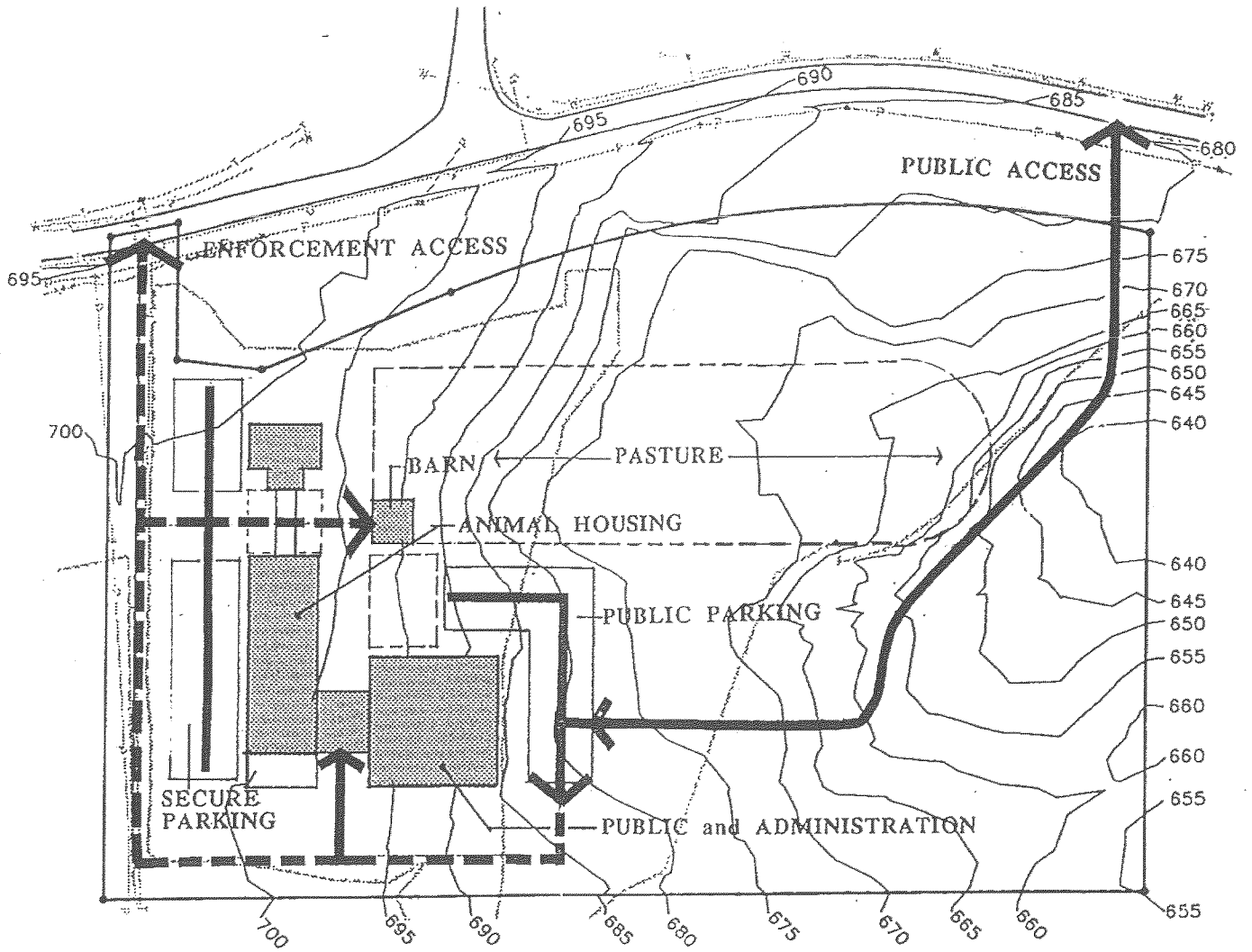
- ▶ CIRCULATION ANIMALS
- ➔ CIRCULATION PUBLIC
- ➔ CIRCULATION AUTOMOBILES



ADJACENCY ANALYSIS  
ALTERNATE 1 EXPANSION

**SITE ORGANIZATION  
ALTERNATIVES**

# SITE ORGANIZATION ALTERNATE I



**STATEMENT OF PROBABLE COSTS**

CMACC PRELIMINARY COST PROJECTIONS  
PREDESIGN 4/15/91

Site Development

Grading, Utilities, Pavement 47,100 S.F. Parking - 157 Cars	\$ 400,000.00
Landscaping Allowance	<u>\$ 75,000.00</u>
	\$ 475,000.00

Special Conditions:

- . Distance and availability of Utilities
- . Size of Site
- . Stump Hole
- . Topography

Administrative / Office Areas

17,399 S.F.

Shell Construction Costs \$45.00 / S.F. \$ 785,000.00

Upfit Costs

General Office \$20.00 / S.F.  
Animal Process/Spay Neuter \$45.00 / S.F.

General Office Area 13,012 S.F. @ \$20.00 / S.F. \$ 260,240.00  
Animal Process /  
Spay Neuter 4,387 S.F. @ \$45.00 / S.F. \$ 197,415.00  
\$1,242,655.00

Spay / Neuter Clinic Cost Included in above \$1,242.655.00

Special Conditions:

- . Hard Surfaced, Wear Resistant Materials
- . Acoustical Controls
- . Special Equipment in Medical / Clinical areas
- . Security Controls

SUBTOTAL \$1,717,655.00

**Kenneling**

14743 S.F.

Shell construction costs \$35.00 / S.F. \$ 516,000.00

Special Conditions:

- . Radiant Floor Heating System
- . Glazed Ceramic Block Between Runs
- . Ozone Water System
- . Acoustic Controls
- . Security Controls

**Farm Animal Barn**

1300 S.F.

Shell construction cost \$25.00 / S.F. \$ 32,500.00

4 Stalls 12' x 12'  
Loft for Hay Storage

Special Conditions:

- . Vermin Proof Food Storage
- . Small Animal Cages

**Vehicle Wash Area**

300 S.F. @ \$20.00 / S.F. \$ 6,000.00  
Equipment Estimate \$ 1,500.00  
\$ 7,500.00

**CPD K-9 Corp Component**

2212 S.F.

Offices and support areas 1312 S.F. @ \$65.00 / S.F. \$ 85,280.00

Kenneling Areas 900 S.F. @ \$35.00 / S.F. \$ 31,500.00

\$ 116,780.00

Special Conditions:

- . Radiant Floor Heating System
- . Glazed Ceramic Block Between Runs
- . Ozone Water System
- . Acoustic Controls
- . Security Controls



SUBTOTAL BUILDING & SITE DEV. COSTS	\$2,390,435.00
CONTINGENCY 20%	<u>\$ 478,087.00</u>
	\$2,868,522.00
FURNITURE & EQUIPMENT ALLOWANCE	<u>\$ 300,000.00</u>
TOTAL ESTIMATED CONSTRUCTION COSTS	<b>\$3,168,522.00</b>

Note: This estimate does not include professional design or consultant fees, Site surveys or soils testing, or any costs associated with the design or administration of the development of the building by the City of Charlotte staff.

PREDESIGN PHASE REQUIREMENTS  
SUMMARY REPORT

# PREDESIGN PHASE SUMMARY REPORT

## PROJECT DESCRIPTION

This project involves the design, production, and construction review of a new project for the Charlotte-Mecklenburg Animal Control Center (CMACC).

The project as currently programmed will be a 36,000 S.F., facility located on 10 acres of land off Byrum Drive at Piney Top Drive in Charlotte, North Carolina.

Close evaluation of the current program reveals EIGHT (8) functional / spatial components to the facility:

1. ADMINISTRATIVE COMPONENT
2. PUBLIC AREA COMPONENT
3. STAFF SUPPORT AREAS
4. ANIMAL PROCESSING COMPONENT
5. SPAY NEUTER CLINIC
6. ANIMAL KENNEL COMPONENT
7. FARM ANIMAL BARN
8. POLICE OFFICE AND KENNEL COMPONENT

Interviews and meetings with CMACC departmental supervisors, administrators and City Engineering indicate very specific relationships of public, staff, animal, and enforcement officer movement and circulation. Functional components for the project as listed require very specific separations, and adjacencies including specific and special systems indicative of many multi-use facilities as a project type.

A clear description of the project must involve the acknowledgement of the special mechanical, plumbing, electrical and medical requirements of the functional components within the facility. Surfaces, finishes, and durable materials will require in depth research and evaluation in the establishment of special performance criteria in the design and specifications development by the A and E team in meeting requirements for the project.

Special consultants must be retained on the project to address the effects of noise created by the proximity of the project to Charlotte's local jet-port; and the noise extremes of animal quartering and control and will need to include:

1. ENVIRONMENTAL MONITORING AND TESTING.
2. EVALUATION AND ESTABLISHMENT OF INTERIOR SOUND CRITERIA.
3. STUDIES OF TRANSMISSION LOSS FOR PRIMARY AND SECONDARY BUILDING SYSTEMS, I.E., ROOF, WALLS, GLASS AND STOREFRONT SYSTEMS.

4. SYSTEMS RECOMMENDATIONS AND VALUE ENGINEERING FOR THE CONSTRUCTION DOCUMENTS PHASE.
5. POST CONSTRUCTION VERIFICATION AND REPORTS ON SOUND ATTENUATION RESULTS.

Considerable site design, site modifications, and grading will be required for the project. Careful planning for locations and orientations of the building pads, auto access and circulation will also be required. Public and agency vehicular parking requirements must be met, necessary with appropriate controlled access and secured parking arrangements.

## **SPECIALIZED CRITERIA REQUIREMENTS**

### **BUILDING TYPE DESCRIPTION:**

The CMACC project as defined by the Charlotte Mecklenburg Zoning Department for review purposes will be "MULTI-PURPOSE". As such building standards requirements for the various components will be individualized and specific to the defined areas. The component types as defined by the Zoning department are as follows:

**ANIMAL HOUSING** - Is defined as "Warehouse / Storage" by the Zoning Department.

**PUBLIC and ADMINISTRATION AREAS** - Are defined as "Office" for Zoning Department purposes.

**ANIMAL PROCESSING AREAS** - Due to the functional operations of this area also to be considered "Office" by definition in this project.

**SPAY NEUTER CLINIC** - Because of previous precedent this component is to be reviewed under the guidelines of a "Medical" building type.

**SMALL ASSEMBLY** - Ready Room areas fall under the special separation and fire protection requirements of "Assembly".

These designations combined within the single facility create a unique, hybrid building type that requires special review processes, interpretations, and separation issues. The aforementioned issues will dictate complex applications of architectural, and engineering practice in resolving the spatial and functional requirements of this project.

The current examples of Animal Control and Animal Control Facilities from the image, functional / operational point-of-view is poorly defined, thus providing very

few facilities that could be termed good examples or standards from which to emulate, or serve as a point of departure in the design and functional resolution of a facility of this type. Realizing that it should not be the intention of the design and engineering team to "re-invent the wheel", the nature of this particular project will require by regulatory definition as well as community intent a somewhat unique final resolution and physical realization.

## **SPECIAL SYSTEMS and DESIGN STANDARDS**

The regulatory definition, proximity noise issues, site and utility constraints, as well as the individual component area requirements of the facility combine to create extensive special system applications in the design, production, and construction methods and materials for the project. The introduction of a new statewide code regulating building design and construction further complicates the design process involved.

### **SPECIAL ENGINEERING REQUIREMENTS:**

**Acoustical:** Per city request, special acoustical consultants have been interviewed. Upon approval by city authorities, a firm will be retained on behalf of the project to address the issues related to adverse noise created both internally and externally. The monitoring and testing process conducted by these specialist will establish criteria and standards by which design and detail will be affected for the project. The recommendations for sound attenuation will impact virtually all systems assemblies in the building shell. Including but not limited to: wall, roof, window and storefront, and the primary frame. The interior partitions, ceilings, walls, and floor systems, of various functional components will also require particular attention in their assembly configurations and detail due to sound attenuation considerations.

The acoustical analysis and design recommendations if followed could potentially add 15-25% to the normally anticipated construction cost of the facility. This will surely be an issue for close review and consideration with regard to the project budget.

**Mechanical:** The "multi-purpose" nature of the project will demand special HVAC requirements. Independent Zones and Mechanical applications conforming to and meeting A.H.A., A.A.H.A., E.P.A., and Health Department criteria for separation, isolation, and exchanges of air. Thus necessitating special design consideration in the planning of the heating, cooling, and ventilation systems for the various components. The consideration of radiant floor heat in the kennel and animal housing areas adds yet another system and particular cost considerations in relation to the project budget.

**Electrical:** The Animal Processing and Spay Neuter components of the project present the specialized electrical requirements that will be associated with the project. In this regard the need for: Special Surgical Lighting and Power, Explosion Proof Outlets, Special Equipment Power Requirements, Multiple Power Service Requirements, i.e. emergency generators, Security and Site Lighting, Audio /Visual Security, Data Network Communications , Radio Dispatch, and Security Gates.

**Plumbing:** The water and sewer requirements for the facility will, due to functional and special agency standards and criteria (i.e. A.H.A., A.A.H.A., E.P.A., Health Department; Insurance Department, and fire protection) involve highly specialized design considerations in the planning of the project. The introduction of current Ozone technology in both water and gasified applications for disinfection and microbial control has been recommended for operational savings. Initial analysis indicates quick recovery of first cost for the introduction of this technology.

The animal housing, (kennel areas) will require, special waste line design that will include self-flushing characteristics. . The investigation of waste water recovery and monitoring will need to be included to meet the new E.P.A. standards regarding discharge into our municipal waste water system.

Proximity to the existing fire hydrant system will necessitate the introduction of and on-site hydrant system, conforming to the new regulations as set forth in the Standard Building Code fire protection guidelines. This dictates the need for a 6" minimum water service for the facility in lieu of a 2 -2 1/2" as would otherwise be anticipated.

The need for a high pressure water system for use in vehicle cleaning and maintenance has also been identified. It is recommended that a wand type high pressure car wash package be utilized.

The animal processing and spay neuter components will have heavy hot water as well as Ozone water and gas applications; Extensive waste and floor drainage is required. Special power and plumbing requirements for cleaning and disinfecting procedures of surfaces and equipment will be necessary.

**Site / Civil:** The proposed site for the new CMACC facility is approximately 10 acres. The facility and associated parking will involve only two acres of this site. The remaining eight acres will form the open space and pasture area of the project. Attention to the rough grading and landscaping for the pasture, open space, will aid in reinforcing the overall site and campus environment concept . Within the 8 acres a 3.4 acre spoil area exists and will need to be avoided for any form of physical development without close cost evaluation This includes use as sub base for roadway construction.

Project fencing should be seen as decorative as well as secure. The use of chain link and barbed wire from an aesthetic and image point-of-view is strongly discouraged.

Grounds maintenance should be regarded carefully in the budgets for operations.

Additional subsurface testing and evaluation should be anticipated as the proposed and approved building pads, parking, and roadway design is completed.

The sewer outfall located 770' east of the project site will require additional off-site engineering and below grade excavation. This requirement alone could potentially add a substantial cost and strain on the project budget. It would be very beneficial if CMUD as a part of their local services could evaluate the extension of these lines as a part of local outreach services to the surrounding area. This would further serve to promote future development in the area due to the availability of the municipal infrastructure.

**Materials and Special Finishes:** The special nature of this project given it's variety of uses will require a number of different material assemblies in the development of the facility shell and interior spaces. The majority of these assemblies will need to be of highly durable and easily maintained materials. The research required for appropriate applications throughout will be extensive. It is further understood that the materials for use in the finishes and furnishings should be environmentally safe, and/or produced from re-cycled material. It is understood that awareness and responsibility of environment and resources should be demonstrated in our public projects if this same accountability is to be mandated for private sector development. This requirement precludes the typical practice of specifying directly from "Sweets Catalogues".

**Interior Development and Casework:** the interior design and casework requirements for the project cannot be considered typical in terms of the project program. The public areas, Adoption Handling areas, Telecommunications Areas, Animal Processing Areas, Spay Neuter Clinic, and Staff Support Areas, all have specific cabinet, casework, and special finish requirements. Systems furniture and partitions are desired for the primary and secondary administrative components of the project. In addition, special equipment (i.e. cages, gas scavenging systems, task lighting, central vacuum, skylighting, noise control, isolation and quarantine design, and close attention to color selections are required throughout. Internal security, and access management within the facility will require special keying, door and hardware protection and scheduling.

### **Special Agency Criteria**

**and Design Standards:** The nature of the facility type and function is governed by regulatory agencies not normally encountered in typical project development. A complete list of these requirements can be found in the Predesign Phase Document, Appendix-B: American Humane Association Standards and Criteria,(A.H.A.) and Appendix-C: American Animal Hospital Association Standards and Criteria, (A.A.H.A.).

In addition, strict compliance with Environmental Protection Agency (E.P.A.) Regulations, Food and Drug Administration (F.D.A.) regulations, and the Drug Enforcement Administration (D.E.A.) regulations will also need to be considered and addressed in the facility design and review process.

### **PROJECT STANDARDS and**

**DESIGN SUMMARY:** The extensive program and systems study conducted in relation to the planning and design of the new project for the Charlotte Mecklenburg Animal Control Department, stands out as a very unique and complex facility, possibly misunderstood by city personnel unfamiliar with the operations and requirements that govern the functioning of this city agency. A "Multi-Use" facility by definition, the CMACC project upon close programatic evaluation reads like a medical facility in the design and planning processes involved for execution demonstrating requirements for special planning in terms of public, staff, and animal circulation and movement. Special regulatory requirements, methods and materials for construction read as atypical and function specific. Critical adjacency issues between functional areas must be addressed and met to allow smooth and efficient operation and control. It is easily concluded that the complexities and requirements of this project extend well beyond normal office building shell and interior planning practices (from the design professionals point-of-view.) When specific site, acoustic, and fire protection requirements are included in the scope of the project, the specialized nature require design solutions that cannot be merely "shoe-horned" into a shell building. This project will adhere to the old saying that "Form follows Function".



## Lahbabi, Leila

---

**From:** Carter, Diane  
**Sent:** Wednesday, July 17, 2013 2:37 PM  
**To:** Lahbabi, Leila  
**Subject:** Fw: Impound lot and Animal Control Facility

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Fyi.

---

**From:** Hill, Michael D.  
**Sent:** Wednesday, July 17, 2013 08:58 AM  
**To:** Kaplan, Theodore  
**Cc:** Cagle, Brent D.; Woods, Amos; Carter, Diane  
**Subject:** RE: Impound lot and Animal Control Facility

Ted,

The interest payment on the animal control facility is interest only. The City has not yet reimbursed the Airport for any portion of the \$3,000,000 principal loan balance associated with the loan used to construct the facility. Let me know if you need a copy of the MOU.

Thanks,  
Mike

**Michael D. Hill, Jr., C.M.**  
AIRPORT FINANCE MANAGER

CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT  
Finance

PH: 704.359.4009  
CELL: 704.589.9778  
FAX: 704.359.4950

[cltairport.com](http://cltairport.com)

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**From:** Cagle, Brent D.  
**Sent:** Wednesday, July 17, 2013 8:12 AM  
**To:** Woods, Amos; Hill, Michael D.  
**Subject:** Fwd: Impound lot and Animal Control Facility

Can you answer Ted's question.

Brent

Sent from my iPhone

Begin forwarded message:

From: "Kaplan, Theodore" <[takaplan@cltairport.com](mailto:takaplan@cltairport.com)>  
Date: July 17, 2013, 5:35:16 AM EDT  
To: "Lahbabi, Leila" <[lzlahbabi@cltairport.com](mailto:lzlahbabi@cltairport.com)>  
Cc: "Carter, Diane" <[ddcarter@cltairport.com](mailto:ddcarter@cltairport.com)>, "Kaplan, Theodore" <[takaplan@cltairport.com](mailto:takaplan@cltairport.com)>, "Cagle, Brent D." <[bdcagle@cltairport.com](mailto:bdcagle@cltairport.com)>  
Subject: Re: Impound lot and Animal Control Facility

Does the interest payment on the dog pound include principal repayment or is this an interest only loan?

Sent from my iPad

On Jul 16, 2013, at 10:40 PM, "Lahbabi, Leila" <[lzlahbabi@cltairport.com](mailto:lzlahbabi@cltairport.com)> wrote:

Good- thanks for digging this up. There is a lease for the impound lot but its good to know the budget ordinance is being followed for the dog pound, setting aside the principal loan. I'll include this info in the memo I am preparing for Jerry.

Sent from my iPad

On Jul 16, 2013, at 4:35 PM, "Carter, Diane" <[ddcarter@cltairport.com](mailto:ddcarter@cltairport.com)> wrote:

Leila & Ted,

I have it confirmed that the City has been paying on both. The detail is as follows:

Impound lot---\$17,877 annually for 3.03 acres since 2008

Dog Facility--- Since 2000 City has paid \$11,800 annually in ground rent PLUS the "average interest earning rate" of the City (calculated by Treasury). Changes annually and last year they paid \$17,700 in interest.

Diane

**Diane Douglas Carter, CCIM**  
AIRPORT PROPERTY MANAGER

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
Development  
Ph: 704-359-4630  
Cell: 704-302-2451  
Fax: 704-359-4950

[charlotteairport.com](http://charlotteairport.com)

## Lahbabi, Leila

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**From:** Hill, Michael D.  
**Sent:** Tuesday, September 10, 2013 6:21 PM  
**To:** Lahbabi, Leila; Carter, Diane  
**Subject:** Dog Pound 562.92

Leila,

As requested, I tried to determine the actual construction cost of the Dog Pound (562.92). This is not an active project in the general ledger (GEAC). I went back as far as I could go (2001) and could find not cost or activity. The only way I know to get this information is from City Finance who will presumably have the information in the detail of its fixed asset inventory.

Sorry,  
Mike

**Michael D. Hill, Jr., C.M.**  
AIRPORT FINANCE MANAGER

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
Finance

PH: 704.359.4009  
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## Lahbabi, Leila

---

**From:** Lahbabi, Leila  
**Sent:** Monday, September 16, 2013 10:09 AM  
**To:** Carter, Diane  
**Subject:** RE: Revenue Diversion added information

I better come see you- I emailed you about dog ound and you answered about the hangar!

---

**From:** Carter, Diane  
**Sent:** Monday, September 16, 2013 10:02 AM  
**To:** Lahbabi, Leila  
**Subject:** RE: Revenue Diversion added information

Easy to do!

**Diane Douglas Carter, CCIM**  
AIRPORT PROPERTY MANAGER

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
Development  
Ph: 704-359-4630  
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charlotteairport.com

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**From:** Lahbabi, Leila  
**Sent:** Monday, September 16, 2013 10:01 AM  
**To:** Carter, Diane  
**Subject:** RE: Revenue Diversion added information

OMG\_ am I mixing up dog pournd and snoopy again?! thanks

---

**From:** Carter, Diane  
**Sent:** Monday, September 16, 2013 10:00 AM  
**To:** Lahbabi, Leila  
**Subject:** RE: Revenue Diversion added information

The appropriate charge per acre occurred in 2012 but the acreage was never adjusted.

The 1400 I believe was for the ¼ acre for the Police Helicopter Pad. This would make a \$5600 per acre charge, and that better aligns with 2001 when the \$425,000 for hangar was built/spent.

**Diane Douglas Carter, CCIM**  
AIRPORT PROPERTY MANAGER

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
Development  
Ph: 704-359-4630  
Cell: 704-302-2451  
Fax: 704-359-4950

charlotteairport.com

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**From:** Lahbabi, Leila  
**Sent:** Monday, September 16, 2013 9:45 AM  
**To:** Carter, Diane  
**Subject:** RE: Revenue Diversion added information

So we billed wrong acreage and wrong rent until 2011... Does that mean it was fixed in 2012? Also weird that the FAA disclosure shows \$1400 rather than \$3500 since we assumed the \$1400 was based on 1977 acreage.

---

**From:** Carter, Diane  
**Sent:** Monday, September 16, 2013 9:43 AM  
**To:** Lahbabi, Leila  
**Subject:** RE: Revenue Diversion added information

Leila,  
The billing from 2000 to 2011 states 2 acres at \$3500.

My research on the Police hangar indicates FMV of ground rent to be \$3500 from 1977 to 1995.

Apparently the rent and/or acreage was not adjusted at the appropriate time.

Thanks,  
Diane

**Diane Douglas Carter, CCIM**  
AIRPORT PROPERTY MANAGER

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
Development  
Ph: 704-359-4630  
Cell: 704-302-2451  
Fax: 704-359-4950

charlotteairport.com

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**From:** Lahbabi, Leila  
**Sent:** Monday, September 16, 2013 8:57 AM  
**To:** Carter, Diane  
**Subject:** RE: Revenue Diversion added information

Dog pound – 5.93 does that jive with the rent?

---

**From:** Carter, Diane  
**Sent:** Friday, September 13, 2013 5:02 PM  
**To:** Lahbabi, Leila  
**Subject:** Revenue Diversion added information

Leila,  
See my inserts of information. We can chat on Monday about its level of satisfaction.

Thanks and have a good weekend and don't you get sick,  
Diane

**Diane Douglas Carter, CCIM**  
AIRPORT PROPERTY MANAGER

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
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# MEMO

**TO:** Bob Hagemann, City Attorney

**CC:** Brent Cagle, Interim Aviation Director; Ted Kaplan, Assistant City Attorney

**FROM:** Leila Lahbabi, <sup>NAC</sup> Senior Assistant City Attorney

**DATE:** September 16, 2013

**RE:** Airport Revenue/ Airport Property Used by CMPD

As you and I discussed informally not long ago, I recently discovered that CMPD occupies and uses certain facilities at the Airport for which it has not properly paid. Specifically, two facilities were constructed at Airport expense but CMPD has never reimbursed the Airport for the capital costs as contemplated by Council and as I believe is required by law. Further, CMPD has never paid rent for use of one of those facilities and is paying incorrect rent on the other. Brent and I met late last week and he asked that we meet with you to discuss next steps.

I have looked into the facts and the applicable federal laws, and asked Ted to do the same. We conclude that some of the situations above constitute the unlawful diversion of airport revenue. The consequences to the City, as the Airport Sponsor, for revenue diversion can be severe. Now that we are aware of the issue, we need to remedy it as soon as possible.

## CMPD's Use of Airport Premises

### 1) Snoopy Hangar

CMPD currently occupies the helicopter hangar built in 2000 (the "Snoopy Hangar") and adjacent office space located at 3998-B Sentry Post and 3998-A Sentry Post respectively (collectively, the "Premises"). CMPD began using a smaller helicopter hangar (the "Original Hangar") at the Airport in the mid- 1970's. We have been unable to find any lease, license, or letter agreement governing use of either hangar or the associated office space.

CMPD's usage of the helicopter hangar is classified as aeronautical use.

### 2) Dog Pound

In July 1992, Council authorized the construction of an animal control facility ("Dog Pound") on Airport property costing approximately \$2.8 million to be paid for with



# MEMO

**TO:** Bob Hagemann, City Attorney

**CC:** Brent Cagle, Interim Aviation Director; Ted Kaplan, Assistant City Attorney

**FROM:** Leila Lahbabi, <sup>NAC</sup> Senior Assistant City Attorney

**DATE:** September 16, 2013

**RE:** Airport Revenue/ Airport Property Used by CMPD

As you and I discussed informally not long ago, I recently discovered that CMPD occupies and uses certain facilities at the Airport for which it has not properly paid. Specifically, two facilities were constructed at Airport expense but CMPD has never reimbursed the Airport for the capital costs as contemplated by Council and as I believe is required by law. Further, CMPD has never paid rent for use of one of those facilities and is paying incorrect rent on the other. Brent and I met late last week and he asked that we meet with you to discuss next steps.

I have looked into the facts and the applicable federal laws, and asked Ted to do the same. We conclude that some of the situations above constitute the unlawful diversion of airport revenue. The consequences to the City, as the Airport Sponsor, for revenue diversion can be severe. Now that we are aware of the issue, we need to remedy it as soon as possible.

## CMPD's Use of Airport Premises

### 1) Snoopy Hangar

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CMPD's usage of the helicopter hangar is classified as aeronautical use.

### 2) Dog Pound

In July 1992, Council authorized the construction of an animal control facility ("Dog Pound") on Airport property costing approximately \$2.8 million to be paid for with





# MEMO

**TO:** Bob Hagemann, City Attorney

**CC:** Brent Cagle, Interim Aviation Director; Ted Kaplan, Assistant City Attorney

**FROM:** Leila Lahbabi, Senior Assistant City Attorney

**DATE:** September 16, 2013

**RE:** Airport Revenue/ Airport Property Used by CMPD

As you and I discussed informally not long ago, I recently discovered that CMPD occupies and uses certain facilities at the Airport for which it has not properly paid. Specifically, two facilities were constructed at Airport expense but CMPD has never reimbursed the Airport for the capital costs as contemplated by Council and as I believe is required by law. Further, CMPD has never paid rent for use of one of those facilities and is paying incorrect rent on the other. Brent and I met late last week and he asked that we meet with you to discuss next steps.

I have looked into the facts and the applicable federal laws, and asked Ted to do the same. We conclude that some of the situations above constitute the unlawful diversion of airport revenue. The consequences to the City, as the Airport Sponsor, for revenue diversion can be severe. Now that we are aware of the issue, we need to remedy it as soon as possible.

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Airport revenue. In the approved Request for Council Action ("RCA"), Council stated that, "In order to reduce the impact of these capital costs on the General Fund, this project will be funded with monies borrowed initially from the Airport Fund. At some future date, the City will reimburse the Airport Fund from the General Fund or proceeds of a future bond issue to provide permanent funding."

Our Property Manager has confirmed that, since 2000, the City has paid \$11,800 annually in ground rent plus a variable amount in interest (CMPD pays the "average interest earning rate" of the City as calculated by Treasury). She indicates that ground rent is based on 2 acres although the site is 5.93 acres, so the rental amount is incorrect. More critically, the City has not yet reimbursed the Airport for any portion of the \$3,000,000 principal balance associated with the loan used to construct the facility.

CMPD's usage of the Dog Pound is classified as non-aeronautical use.

### **Legal Framework**

As you know, federal law generally provides that revenues generated by an airport that receives federal assistance may only be spent on the capital or operating costs of that airport. Similarly, a federally-assisted airport must maintain a fee structure that makes the airport as self-sustaining as possible.

For aeronautical users, a rate that recovers the Airport's costs is sufficient to satisfy the self-sustaining requirement. Do these general principles apply to the Snoopy Hangar? Yes. The FAA explicitly prohibits "[u]se of land by the sponsor for aeronautical purposes rent-free or for nominal rental rates." The FAA further specifies that even "police or fire-fighting operating aircraft at the airport . . . pay a reasonable rate for aeronautical use of airport property." However, the value of any services rendered by the police helicopter directly to the Airport can legally be offset against said reasonable rent.

For non-aeronautical users, the Airport must receive FMV. While there are certain enumerated exceptions for community use under which the FAA does allow the airport sponsor to provide land at less than FMV, but greater than nominal rates, the Dog Pound is not one of them. In fact, the FAA excludes police, fire department and other governmental facilities that do not directly support the operations of an airport from the community use exception.

### **Rent and Capital Costs Owed**

#### **1) Snoopy Hangar**

In 1975, the City Police Department (CMPD's predecessor) funded construction of a \$35,000 hangar at the Airport. Later, the City needed a larger hangar for a larger helicopter. In the Police Helicopter Hangar Council Action, approved July 26, 1999,

Council approved construction of a \$425,000 hangar (ultimately the Snoopy Hangar) financed by the Airport to be repaid by the Police Department in 2001.

CMPD has not reimbursed the Airport for the construction of the Snoopy Hangar. Since the approved RCA directs the repayment and since that would be the cleanest way to steer clear of unlawful revenue diversion, I recommend we figure out how to effect the reimbursement as soon as possible.

CMPD has not paid rent, either. In fact, the Airport is paying the utilities (at least power) on behalf of CMPD. The Airport's disclosures to FAA include the Snoopy Hangar and state that the police helicopter provides in-kind contributions equivalent to approximately \$1,400, the stated FMV of the land. However, the acreage indicated on the FAA disclosure is wrong and therefore so is the stated FMV, suggesting any analysis that may have been done was undertaken many years ago.

Police heliports are specifically mentioned by the FAA as warranting reasonable rent and not being exempted from the revenue diversion laws. Therefore, I recommend we not just assume a value equivalent to the FMV, but undertake an updated analysis of any direct benefit the Airport actually receives from the police helicopter and calculate what, if any, rent is owed for the Snoopy Hangar. Since the Police Department funded the Original Hangar, I recommend we call that even until it was converted to office space. The Property Manager has Airport rental rate history and can make specific recommendations at the appropriate time.

## 2) Dog Pound

The City owes the Airport \$2.8 million for the construction of the Dog Pound (or more- we need total project cost from City Finance). CMPD is currently paying the Airport (incorrect) ground rent for occupancy of the animal control facility and interest on the loan. I have several copies of an MOU that Jerry Orr signed but I can't locate any that were also signed by the Finance Director and City Manager. As mentioned above, the approved RCA states that the Airport will be reimbursed "at some future date." Since there is no clear trigger for when that is to occur, we may not have violated a directive of Council, however using the Airport fund as a bank to loan money to the General Fund is legally improper and the capital must be repaid as soon as possible.

CMPD is currently paying the Airport (incorrect) ground rent for occupancy of the animal control facility. They are only paying for two acres and they should be paying, according to our Property Manager, for 5.93 acres. I recommend we also correct that, at least going forward.

## Related Issues

### 1) Fire Stations 17 and 30

I believe the deal regarding CFD's use of Airport property for Stations 17 and 30 is legally sound. We are finalizing an MOU with CFD that, among other purposes,

**Lahbabi, Leila**

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**From:** Lahbabi, Leila  
**Sent:** Monday, September 16, 2013 9:00 AM  
**To:** Cagle, Brent D.  
**Cc:** Judon, Herbert; Kaplan, Theodore; Smithers, Elizabeth; Hill, Michael D.; Gentry, Haley; Christine, Jack; Carter, Diane  
**Subject:** RD memo- follow up  
**Attachments:** Revenue Diversion Memo Follow Up FINAL 9.16.13

Brent: Pls see attached the follow up info you requested. Thx, Leila

documents the services rendered that justifies the rent abatement on Station 30. Station 17 is the ARFF that exclusively serves the Airport. My understanding is that Station 17 is on land that is not otherwise valuable to the Airport. Further, Station 17 serves the Airport at a significant although not exclusive level. Ted has worked on the MOU and analyzed CFD's services at the Airport and can assist you if you want more details. I recommend we finalize the MOU and continue the current arrangement, unless you or Brent want to revisit it.

2) CMPD's Impound Lot

I believe the deal regarding CMPD's use of Airport property for their Impound Lot is legally sound. CMPD utilizes 3.03 acres of Airport property to store impounded vehicles. As documented in an MOU between the departments dated July 2007, CMPD pays the FMV of \$5,900 per acre/ per year and its own O & M. The MOU is in records management. The only issue is that the MOU expired July 1, 2012. I suggest we renew it and let it go from year to year automatically unless earlier terminated, unless you or Brent want to revisit the arrangement.

**Conclusion**

Obviously these are inconvenient situations, but we do need to work together to resolve them. We look forward to your advice on next steps.



**Charlotte-Douglas**  
INTERNATIONAL AIRPORT

**MEMORANDUM**

TO: Brent Cagle

CC: Diane Carter, Jack Christine, Haley Gentry, Mike Hill, Herbert Judon, Ted Kaplan & Elizabeth Smithers

FROM: Leila Lahbabi

DATE: September 3, 2013

RE: FOLLOW UP TO 9.3.13 Memo "Rent Requirements for the Helicopter Hangar Used by CMPD"

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**1) Impound Lot-**

You asked for the same analysis of the Impound Lot that CMPD uses. As documented in our July 2007 MOU, CMPD utilizes 3.03 acres of Airport property for a non-aeronautical purpose for which it pays FMV \$5,900 per acre/ per year) and its own O & M. The MOU is in records and can be found at the following link:

<http://cityspaces/kbus/aviation/arm/Airline%20Documents/CMPD%20Memo%20of%20Understanding%20%20Impound%20Lot.pdf>

**Recommendation-** I believe the deal is legally sound, however the MOU expired July 1, 2012. I suggest we renew it and let it go from year to year automatically unless earlier terminated. Please advise if this is acceptable, or if you want to revisit the arrangements.

**2) Animal Control Facility-**

- a. First, you asked how much money in interest had been paid to the Airport. The Airport has been paid \$1,434,750 since 2000. The payments from 1992 to 2000 need to be researched.
- b. Second, you asked for confirmation of the project cost of the Dog Pound (562.92). Mike Hill advises. "This is not an active project in the general ledger (GEAC). I went back as far as I could go (2001) and could find not cost or activity. The only way I

know to get this information is from City Finance who will presumably have the information in the detail of its fixed asset inventory." Please advise if you would like him to ask City Finance.

- c. Third, you asked for confirmation of the total acreage. Diane advises that currently they occupy 5.93 acres. However, the changes in acreage over time would have to be researched.

### 3) Snoopy Hangar-

- a. As you know, the approved Council Action specified that the Police Department would repay the Aviation Department the \$425,000 in construction costs that the Airport fronted to construct the Hangar. The RCA stated repayment should occur in 2001. Airport Finance advised that the Airport had never been repaid. You asked for a second look. We reached out to Charles who indicated that he was confident that he remembered this issue and that the Police Department had never been billed for, nor had they ever paid, the \$425,000.
- b. We also found that the disclosures to FAA include the Snoopy Hangar and state that the police helicopter provides in-kind contributions equivalent to approximately \$1,400, the stated FMV of the land. However, the acreage indicated is wrong and therefore so is the stated FMV, suggesting any analysis that may have been done was undertaken many years ago. Since police heliports are specifically mentioned by the FAA as warranting reasonable rent and not being exempted from the revenue diversion laws, I recommend an updated analysis of any direct benefit the Airport actually receives from the police helicopter. We discussed who would do this analysis (Airport? CMPD? Certification?) and can get Bob's advice today if you want.

**Lahbabi, Leila**

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**From:** Lahbabi, Leila  
**Sent:** Wednesday, September 18, 2013 3:52 PM  
**To:** Hagemann, Robert  
**Subject:** Mmeo w/ footnotes  
**Attachments:** Memo to Bob - Airport Revenue 9 16 13.pdf

Hi, Bob- Thanks for meeting with me and Brent on Monday. I realized the hard copy I gave you had the footnotes cut off. Please see the PDF of the same memo, with footnotes. Thanks!

**Leila Zahlan Lahbabi**  
Senior Assistant City Attorney/Airport Attorney

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
Aviation Director's Office

PHONE: 704.359.1911  
MOBILE: 980.721.4240  
FAX: 704.359.4030

cltairport.com



# MEMO

**TO:** Bob Hagemann, City Attorney

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**CC:** Brent Cagle, Interim Aviation Director; Ted Kaplan, Assistant City Attorney

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**FROM:** Leila Lahbabi, Senior Assistant City Attorney

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**DATE:** September 16, 2013

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**RE:** Airport Revenue/ Airport Property Used by CMPD

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I have looked into the facts and the applicable federal laws, and asked Ted to do the same. We conclude that some of the situations above constitute the unlawful diversion of airport revenue. The consequences to the City, as the Airport Sponsor, for revenue diversion can be severe. Now that we are aware of the issue, we need to remedy it as soon as possible.

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<sup>1</sup> 49 USC 47133; see also 49 USC 47107(b), AIP Grant Assurance 25

<sup>2</sup> *Id.* 47107(a); see also 49 USC 47107(l), AIP Grant Assurance 24

<sup>3</sup> Policy and Procedures Concerning the Use of Airport Revenue, 64 Fed. Reg. 7696 (Feb. 16, 1999)

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

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### 1) Fire Stations 17 and 30

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## Conclusion

Obviously these are inconvenient situations, but we do need to work together to resolve them. We look forward to your advice on next steps.

## Lahbabi, Leila

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**From:** Lahbabi, Leila  
**Sent:** Wednesday, September 18, 2013 2:49 PM  
**To:** Brent Cagle (bdcagle@icloud.com) (bdcagle@icloud.com); Christine, Jack; Gentry, Haley; Judon, Herbert; Gentry, Haley; Kaplan, Theodore; Carter, Diane; Hill, Michael D.  
**Cc:** Smithers, Elizabeth  
**Subject:** Revenue Diversion memo- action items

All:

Thanks for your help as we work to resolve some outstanding Airport revenue issues with CMPD. Brent and I met with Bob Hagemann on Monday to discuss next steps. Brent will need help from some of you in closing the loop, as noted below, but I know all of you would like to know what the intended solutions will be.

**1) Dog Pound**

- Brent is working with the City Budget Office to confirm final project amount and determine how best to get the capital contribution repaid.
- Diane will discuss with Brent how to calculate correct acreage and update lease and rental amount.

**2) Snoopy Hangar**

- Mike will look at the FAA form disclosures from 1999- 2002 to see if Airport reported the capital contribution as offset by services.
- If not, Brent will work with City Budget to confirm final project amount and determine how best to get the capital contribution repaid.
- Herbert will work with Eddie Levins to determine the estimated value of the in-kind services, if any, CMPD provides directly to the Airport with the Snoopy helicopter.
- Herbert will discuss results with Brent and Diane to see if rent is due, how utilities should be handled, etc. Diane and Leila will work on lease once that information is finalized.

**3) Impound Lot**

- Leila will extend the MOU which expired in July 2012.

**4) CFD Station 30**

- Ted and Herbert will work with Shane to finalize the MOU, if that hasn't already been done in the interim.

Let me or Brent know if you have any questions. Thanks!

**Leila Zahlan Lahbabi**

Senior Assistant City Attorney/Airport Attorney

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PHONE: 704.359.1911  
MOBILE: 980.721.4240  
FAX: 704.359.4030

ciltairport.com

**Lahbabi, Leila**

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**From:** Lahbabi, Leila  
**Sent:** Thursday, September 19, 2013 4:11 PM  
**To:** Hagemann, Robert  
**Cc:** Harrington, Randy; Cagle, Brent D.  
**Subject:** Airport  
**Attachments:** Revenue Diversion Memo. Exhibit. Hangar RCA. UnstampedCopy.pdf; Dog Pound. Approved RCA. 7.27.1992.pdf

Bob:

Thanks for meeting with us this past Monday to discuss some outstanding issues regarding Airport revenue. The relevant RCAs regarding the dog pound and the Snoopy hangar are attached.

Per your advice on next steps, Brent has communicated with Randy about how to handle the capital contribution repayments for both facilities. (First, though, Brent will ask Randy to confirm that the payments are still outstanding, which is what Airport records reflect and Brent will confirm that the Airport did not advise the FAA that the capital contribution was offset by in-kind services.)

As to rent on the hangar, I understand your advice is to undertake some analysis of the value of the property and any in-kind services and handle that separately. Brent indicated that he will have Diane and Herbert work on those issues. As to rent on the dog pound, that needs to be updated too to reflect the correct acreage. Brent will ask our Property Manager to work on that.

Thanks,  
Leila

**Leila Zahlan Lahbabi**  
Senior Assistant City Attorney/Airport Attorney

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT**  
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PHONE: 704.359.1911  
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Request for Council Action

Police Helicopter Hangar

- Action:
- A. Approve a \$425,000 budget ordinance to provide funding for the construction of a new police helicopter hangar; and
  - B. Award a construction contract to low bidder Randolph & Son Builders, Inc. of Charlotte in the amount of \$388,000 for a new hangar; and

Staff Resource: Jerry Orr, Bob Schurmeier

- Explanation:
- In 1975, the City Police Department gave the airport \$35,000 to construct a helicopter hangar south of the airport's general aviation area to accommodate their new helicopter.
  - Last year the Police Department replaced their helicopter with a newer model. The new helicopter has four fixed blades (the previous had two blades) and will not fit into the current hangar. A new hangar would be located on the same site as the current hangar. The existing hangar would be leased to another tenant. Construction funds will be provided by airport and repaid by the Police Department.

Community Input: Airport Advisory Committee recommends this contract.

Summary of Bids:

Randolph & Son Builders, Inc.	\$388,000
Stredvey Construction Co.	\$418,000
Maxco, Inc.	\$436,000
Edison Foard, Inc.	\$439,000
Gulf Construction, Inc.	\$447,920
Consolidated Construction, Inc.	\$457,695
Bowers Group LLC	\$477,000
American Eastern Builders, Inc.	\$488,727
Able-Bellamy, Inc.	\$525,900

DBE Status:	Amount	% of Project	Project Goals
MBE	\$1,165	.30%	
WBE	\$34,205	8.81%	
DBE Total	\$35,670	9.11%	5%

Funding: Funding will be provided by the Aviation Department and be reimbursed by the Police Department through annual lease payments.

Responsible KBU Aviation

Agenda Date July 26, 1999

Consequences if Agenda Date is Delayed or Action is Deferred:  
Would delay completion of expanded hangar for new helicopter.

Contact person for questions from the City Manager's Office: Jerry Orr

Does this action require a Budget Ordinance? Yes

Does this action require an Ordinance amending the City Code? No

Is a resolution necessary? No



APPROVED BY CITY COUNCIL

JUL 27 1999

Brenda R. Freeze *WB*  
City Clerk

  
CHARLOTTE

# 27

*Request for Council Action*

*To the City Council from the City Manager*

*Action Requested*

Adopt an Ordinance appropriating \$3 Million in Airport monies to provide project funding for the new Animal Control and Police Canine Facility.

*Responsible Department*

Aviation Department

*This request should be organized according to the following categories:  
Background, Explanation of Request, Source of Funding, Clearances, Bibliography*

Explanation of Request:

This Ordinance provides a temporary source of funding for the construction of the new Animal Control and Police Canine Facility, which will be located on approximately two acres of Airport property.

- In a companion action, Council is requested to award construction contracts totalling \$2,788,205.46 for the Animal Control and Police Canine Facility.
- In order to reduce the impact of these capital costs on the General Fund, this project will be funded with monies borrowed initially from the Airport Fund. At some future date, the City will reimburse the Airport Fund from the General Fund or proceeds of a future bond issue to provide permanent funding.
- Since this facility will be built on Airport property, the project will be established as an Airport Capital Project. Airport Funds must be segregated from the General Fund monies in order to meet Federal Requirements for use of Airport proceeds.
- Animal Control will budget and arrange for all maintenance and operating costs through the General Fund Budget, as well as annual interest on monies advanced and annual rental for the two acres of Airport property.
- The Aviation Director, Finance Director and City Manager concur in this action.

For Office Use Only

Date Submitted July 14, 1992

Agenda Date Requested July 27, 1992

Consequences if Agenda Date is Delayed or Action is Deferred

Would delay funding for construction contracts.

Contact Person for Questions from the City Manager's Office T. J. Orr

Authorized by T. J. Orr

Approved by

Department Head  
Christ Wozniak  
Assistant City Manager

List Attachments