

MINUTES OF  
THE CITY OF CHARLOTTE CITY COUNCIL

December 19, 1983

The City Council of the City of Charlotte met in a regular meeting in the Board Room on the 4th Floor of the Education Center in Charlotte, North Carolina, at 6:00 P.M. on December 19, 1983.

Present: Mayor Gantt presiding, and  
Council members Dannelly, Frech, Hammond, Juneau, Leeper, Myrick, Patterson,  
Spaugh, Trosch, Vinroot and Woollen

Absent: None

Also Present: \_\_\_\_\_

Henry W. Underhill, City Attorney, announced that the City has been requested by R. Malloy McKeithen and B. Bernard Burns, Jr. (collectively the "Borrower") to agree to provide financing for the renovation, construction, equipping and installation of the Borrower's building (the "Project") located at 123 East Trade Street in the City of Charlotte, for purposes of eliminating existing blight and preventing future blight in the Area 2 of the Charlotte Redevelopment Area. Mr. Underhill also announced that the Borrower had obtained a commitment from First Union National Bank ("FUNB") to make a loan under the Separate Loan Program adopted by the City by which FUNB will purchase a Note of the City in the amount of \$380,000.00, the proceeds of which will be loaned by the City to the Borrower for the purpose of constructing the Project.

Mr. Underhill advised that in connection with such loan application, it was necessary that a public hearing be held and that a proper Notice of Public Hearing describing the proposed loan and the Project had been published in The Charlotte Observer on December 2, 1983. A public hearing was then convened. The City Clerk announced that the following written comments had been received in response to the Notice of Public Hearing:

None

\_\_\_\_\_. The following persons appeared at the public hearing: None

\_\_\_\_\_. Whereupon, it was announced that such public hearing was closed.

In connection with this loan, Mr. Underhill then presented the following documents:

- (a) The Commitment dated as of December 19, 1983 between the City and the Borrower approving the proposed Project;

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- (b) Note Purchase Agreement dated as of December 1, 1983 among the Borrower, the City and FUNB;
- (c) Loan Agreement dated as of December 1, 1983 between the City and the Borrower;
- (d) Deed of Trust and Security Agreement dated as of December 1, 1983 from the Borrower to a trustee for the City;
- (e) Assignment of Lease dated as of December 1, 1983 from the Borrower in favor of the City;
- (f) Assignment dated as of December 1, 1983 from the City to FUNB; and
- (g) Promissory Note dated as of December 1, 1983 of the City in the principal amount of \$380,000.00.

The foregoing documents were delivered to the Clerk of the City and directed to be marked Exhibits A, B, C, D, E, F and G, respectively, and made a part of the permanent records of the City.

Thereafter, Councilmember Dannelly introduced the following resolution, a copy of which has been distributed to each council member, the title to which was read aloud:

RESOLUTION APPROVING THE ISSUANCE BY THE CITY OF THE \$380,000.00 CITY NOTE (123 EAST TRADE STREET PROJECT), AUTHORIZING THE LOAN OF THE PROCEEDS OF THE CITY NOTE TO R. MALLOY McKEITHEN AND B. BERNARD BURNS, JR., AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF THE NOTE PURCHASE AGREEMENT, THE LOAN AGREEMENT, THE ASSIGNMENT AND APPROVING THE FORM OF DEED OF TRUST AND SECURITY AGREEMENT, ASSIGNMENT OF LEASE AND ENDORSEMENT OF BORROWER NOTE AND AUTHORIZING EXECUTION AND DELIVERY OF CLOSING CERTIFICATES, ALL IN CONNECTION WITH FINANCING AN UPTOWN REDEVELOPMENT PROJECT.

BE IT RESOLVED by the City Council (the "Council") of the City of Charlotte (the "City"):

Section 1. The Commitment by the City relating to the financing of the rehabilitation of the building known as 123 East Trade Street (the "Project") for R. Malloy McKeithen and B. Bernard Burns, Jr. (collectively the "Borrower") in the Uptown Redevelopment Project Area 2, City of Charlotte, Mecklenburg County, North Carolina, is hereby approved, in the form which has been presented to the Council at this meeting and is attached hereto as Exhibit A, and the Mayor or the Mayor pro tem of the Council and the Clerk or the

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Assistant Clerk of the City are hereby authorized to execute and deliver any number of signed counterparts of such Commitment for and on behalf of the City, and the City is hereby authorized to issue, subject to the terms and in accordance with North Carolina General Statutes 160A-500-526, a promissory note in the amount of \$380,000.00 (the "City Note") to pay all or a portion of the cost of the Project. Such City Note shall be designated the "City of Charlotte Promissory Note (123 East Trade Street Project)" and the City Note shall be in the form and denomination and have the terms and provisions of that which has been presented to the City at this meeting, and the Mayor or Mayor pro tem are hereby authorized to execute and deliver the City Note for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the City Note shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein, additions thereto and omissions therefrom.

Section 2. The City Note shall be issued pursuant to the Note Purchase Agreement, dated as of December 1, 1983 (the "Note Purchase Agreement"), among the City, the Borrower and First Union National Bank ("FUNB"), in the form of that which has been presented to the Council at this meeting. The terms and conditions of which FUNB has agreed to purchase the City Note, as set forth therein, are hereby approved and accepted, and the City hereby confirms its agreement to sell the City Note to FUNB at the purchase price and otherwise upon the terms and conditions set forth in the Note Purchase Agreement; and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Note Purchase Agreement, in any number of signed counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Note Purchase Agreement shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom, and the same are hereby further authorized to deliver the City Note to FUNB upon evidence satisfactory to counsel for the City of payment therefor.

Section 3. For the purpose of providing funds for paying the cost of the renovation, construction, rehabilitation and equipping of the Project, the loan of the proceeds of the sale of the City Note to the Borrower, on the terms and conditions contained in the Loan Agreement described hereinafter, is hereby authorized and approved.

Section 4. The loan of the proceeds of the sale of the City Note shall be made pursuant to the Loan Agreement dated as of December 1, 1983 (the "Loan Agreement") among the City and the Borrower, in the form of that which has been presented to the Council at this meeting. The terms and conditions on which

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the Borrower has agreed to accept and repay the loan, as set forth therein, are hereby approved and accepted, and the City hereby confirms its agreement to make the loan; and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Loan Agreement, in any number of signed counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Loan Agreement shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom.

Section 5. The City hereby approves the form of the Borrower's promissory note (the "Borrower Note"), to be dated as of the date of the issuance of the City Note, presented to the Council at this meeting in the form attached as Exhibit A to the Loan Agreement. The City hereby authorizes the endorsement and pledge of the Borrower Note to FUNB without recourse, in substantially the form of the endorsement and pledge appearing on the form of the Borrower Note, as security for the City Note.

Section 6. The City hereby approves the form of the Deed of Trust and Security Agreement, dated as of December 1, 1983, from the Borrower to a trustee for the benefit of the City, in the form of that which has been presented to the City at this meeting.

Section 7. The City approves the Assignment, dated as of December 1, 1983, from the City to FUNB, in the form of that which has been presented to the City at this meeting, and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Assignment, in any number of counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Assignment shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom.

Section 8. The City hereby approves the form of Assignment of Lease, dated as of December 1, 1983, from the Borrower to the City, in the form of that which has been presented to the Council at this meeting.

Section 9. The Mayor and Mayor pro tem are authorized to execute and to file, on behalf of the City, Internal Revenue Service Form 8038.

Section 10. The Mayor and Mayor pro tem are hereby authorized to act as "City Representatives" of the City pursuant to the Loan Agreement.

Section 11. The Mayor and Mayor pro tem or their designee are hereby authorized and directed to execute and deliver such

certificates and statements as may be required by the Note Purchase Agreement and the Loan Agreement or as otherwise required in connection with the issuance and sale of the City Note. Such officers are further authorized and directed to sign and to cause to be filed such financing statements and to cause to be recorded such instruments as counsel to the City shall deem necessary or advisable in connection with the issuance and sale of the City Note. Such officers shall be entitled to rely on the advice of counsel to the City in deciding to take or not to take any action in connection with the issuance of the City Note.

Section 12. This resolution shall take effect upon its passage.

Councilmember Dannelly moved the passage of the foregoing resolution entitled as indicated above, and Councilmember Frech seconded the motion, and resolution was passed by the following vote:

Ayes: Council members Dannelly, Frech, Hammond, Juneau, Leeper, Myrick, Patterson, Spaugh, Trosch, Vinroot and Woollen.

Noes: Council members None.

\* \* \* \* \*

I, Pat Sharkey, City Clerk of the City of Charlotte and keeper of the official minutes of the City Council of the City of Charlotte, DO HEREBY CERTIFY that the foregoing is a true copy of certain of the proceedings of the City Council of the City of Charlotte taken at a meeting held on December 19, 1983, and is a complete copy of so much of the recorded minutes of said meeting as relates in any way to the passage of the resolution hereinabove set forth.

I DO HEREBY FURTHER CERTIFY that regular meetings of said Council are held on the second Monday at designated districts, fourth Mondays of each month at 3:00 p.m. in the Council Chambers in City Hall, Charlotte, North Carolina, and on the third Monday of each month at 6:00 p.m. in the Board of Education Center, Charlotte, North Carolina.

WITNESS my hand and the official seal of The Charlotte City Council this 20th day of December, 1983.

\_\_\_\_\_  
Clerk

(SEAL)

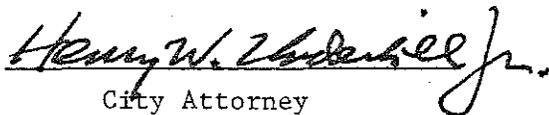
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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE  
APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT  
TO NOTE AND LOAN AGREEMENT (THIRD WARD)

BE IT RESOLVED, that the City Council of the City of Charlotte does approve and authorize the Mayor to execute a First Amendment to Note and Loan Agreement (Third Ward) extending and revising the terms of the existing \$15,000,000 indebtedness and Loan Program for the Third Ward Redevelopment Area.

This the 19th day of December, 1983.

Approved as to form:

  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 20, at Page 6.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of December, 1983.

\_\_\_\_\_  
Pat Sharkey, City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR A JOINT PUBLIC HEARING TO BE HELD BY THE COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION ON THE QUESTION OF DESIGNATING THE STRUCTURE KNOWN AS THE "WALTER BREM HOUSE" (INCLUDING THE INTERIOR, EXTERIOR, AND THE LAND ASSOCIATED THEREWITH), AS HISTORIC PROPERTY.

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has recommended that the City Council adopt an ordinance designating the structure described below as historic property pursuant to Chapter 160A, Article 19, Part 3B, of the General Statutes of North Carolina, as amended; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-399.4.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Properties Commission will hold a joint public hearing at which time interested parties will have an opportunity to be heard on the question of the designation of the structure known as the "Walter Brem House" (including the interior, exterior, and the land associated therewith), as historic property.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

Approved as to form:

  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 20, at Page(s) 7.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of December, 1983.

PAT SHARKEY, CITY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR A JOINT PUBLIC HEARING TO BE HELD BY THE COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION ON THE QUESTION OF DESIGNATING THE STRUCTURE KNOWN AS THE "PHILIP CAREY BUILDING" (INCLUDING THE INTERIOR, EXTERIOR, AND LAND ASSOCIATED THEREWITH), AS HISTORIC PROPERTY.

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has recommended that the City Council adopt an ordinance designating the structure described below as historic property pursuant to Chapter 160A, Article 19, Part 3B, of the General Statutes of North Carolina, as amended; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-399.4.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Properties Commission will hold a joint public hearing at which time interested parties will have an opportunity to be heard on the question of the designation of the structure known as the "Philip Carey Building" (including the interior, exterior, and land associated therewith), as historic property.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

Approved as to form:

  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 20, at Page(s) 8.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of December, 1983.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR A JOINT PUBLIC HEARING TO BE HELD BY THE COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION ON THE QUESTION OF DESIGNATING THE STRUCTURE KNOWN AS THE "REVEREND GEORGE H. DETWILER HOUSE" (INCLUDING THE INTERIOR AND EXTERIOR OF THE HOUSE, OUTBUILDING, AND THE LAND ASSOCIATED THEREWITH), AS HISTORIC PROPERTY.

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property described below; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has recommended that the City Council adopt an ordinance designating the structure described below as historic property pursuant to Chapter 160A, Article 19, Part 3B, of the General Statutes of North Carolina, as amended; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-399.4.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Properties Commission will hold a joint public hearing at which time interested parties will have an opportunity to be heard on the question of the designation of the structure known as the "Reverend George H. Detwiler House" (including the interior and exterior of the house, outbuilding, and the land associated therewith), as historic property.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

Approved as to form:

  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 20, at Page(s) 9.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of December, 1983.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CALLING FOR A JOINT PUBLIC HEARING TO BE HELD BY THE COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION ON THE QUESTION OF DESIGNATING THE STRUCTURE KNOWN AS THE "HARRILL-PORTER HOUSE" (INCLUDING THE INTERIOR, EXTERIOR, AND THE LAND ASSOCIATED THEREWITH), AS HISTORIC PROPERTY.

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has made an investigation and report on the historic, architectural, educational, and cultural significance of the property as described below; and

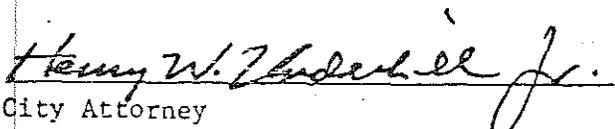
WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has recommended that the City Council adopt an ordinance designating the structure described below as historic property pursuant to Chapter 160A, Article 19, Part 3B, of the General Statutes of North Carolina, as amended; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has determined that the property described below meets the criteria for designation because of special significance in terms of its history, architectural, and/or cultural importance, and because it possesses integrity of design, setting, workmanship, materials, feeling and/or association as required by N.C.G.S. 160A-399.4.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the City Council and the Charlotte-Mecklenburg Historic Properties Commission will hold a joint public hearing at which time interested parties will have an opportunity to be heard on the question of the designation of the structure known as the "Harrill-Porter House" (including the interior, exterior, and the land associated therewith), as historic property.

BE IT FURTHER RESOLVED that reasonable notice of the time and place of the public hearing shall be given.

Approved as to form:

  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 1983, the reference having been made in Minute Book 81, and recorded in full in Resolution Book 20, at Page(s) 10.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 20th day of December, 1983.

A RESOLUTION PROVIDING FOR PUBLIC  
HEARINGS ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 84-1 through 84-4 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Education Center, Board Meeting Room, Fourth Floor at 701 East Second Street beginning at 6:00 o'clock P. M. on Monday the 30th day of January, 1984, on petitions for zoning changes numbered 84-1 through 84-4.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

  
Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 1983, the reference having been made in Minute Book 81 and is recorded in full in Resolution Book 20 at Page 11.

Pat Sharkey  
City Clerk