

EXTRACTS FROM MINUTES OF CITY COUNCIL OF
THE CITY OF CHARLOTTE, NORTH CAROLINA

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was held in the Meeting Chamber at Charlotte-Mecklenburg Government Center, in Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on Monday, October 8, 1990.

Present: Mayor Sue Myrick, presiding, and Councilmembers: Dan Clodfelter, Ann Hammond, Pat McCrory, Tom Mangum, Hoyle Martin, Roy Matthews, Cyndee Patterson, Ella Scarborough, Richard Vinroot and Lynn Wheeler

Absent: Councilmember Stan Campbell

Also Present: City Manager, O. Wendell White; City Attorney, Henry Underhill; and Finance Director, Richard Martin

Councilmember Tom Mangum introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title:

RESOLUTION APPROVING A LEASE,
AN INSTALLMENT PURCHASE AGREEMENT
AND RELATED MATTERS

RESOLUTION APPROVING A LEASE,
AN INSTALLMENT PURCHASE AGREEMENT
AND RELATED MATTERS

WHEREAS, the City of Charlotte, North Carolina (the "City") is a validly existing municipal corporation of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina;

WHEREAS, the City has the power, pursuant to North Carolina General Statutes, to (i) purchase property and construct facilities, (ii) lease property with an option to purchase and (iii) enter into installment purchase contracts in order to finance the purchase of property used, or to be used, for public purposes;

WHEREAS, the City has determined and hereby expresses its determination that the use of the certain convention facilities and the site on which they are located, as more particularly described herein, is essential to its proper, efficient and economic operation; that it anticipates an ongoing need for such convention facilities; that such convention facilities will provide an essential use and permit the City to carry out public functions that it is authorized by law to perform;

WHEREAS, the City has determined, and hereby determines, that it is necessary and expedient and in the best interests of the City to enter into either (i) a Convention Facility Lease Agreement dated as of November 1, 1990 (the "Lease") between a nonprofit corporation, as Lessor, and the City, as Lessee, or (ii) a Convention Facility Installment Purchase Contract dated as of November 1, 1990 (the "Installment Purchase Contract") between a nonprofit corporation, as Seller, and the City, as Purchaser, either of which will serve to provide for the construction, acquisition, improvement and equipping of certain convention facilities and the site on which they are located more specifically described in exhibits to both the Lease and the Installment Purchase Contract (the "Facilities") in order to make the Facilities available for the City;

WHEREAS, the City has determined, and hereby expresses its determination, that certain pending and threatened litigation involving available methods of providing for the financing of the Facilities makes it necessary and expedient for the City to proceed with both the Lease and the Installment Purchase Contract, pending further developments with respect to such litigation;

WHEREAS, the obligation of the City to make payments of Base Rentals and Additional Rentals (each as defined in the Lease) or alternatively to make Installment Payments and Additional Payments (each as defined in the Installment Purchase Contract) shall constitute a limited obligation payable solely from currently budgeted appropriations of the City and shall not constitute a pledge of the faith and credit of the City within the meaning of any constitutional debt limitation;

WHEREAS, in the event developments in the aforementioned litigation result in the City entering the Installment Purchase Contract then, in order to secure its obligations under the Installment Purchase Contract the City will enter into the Deed of Trust dated as of November 1, 1990 with the deed of trust trustee named therein;

WHEREAS, no deficiency judgment may be rendered against the City in any action for breach of a contractual obligation under the Lease or the Installment Purchase Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Lease or the Installment Purchase Contract;

WHEREAS, the taxing power of the City will not be pledged directly or indirectly to secure any moneys due under the Lease or the Installment Purchase Contract;

WHEREAS, there has been presented to the City Council of the City of Charlotte (the "Council") the following documents (collectively, the "Instruments"), copies of which are attached hereto, which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing of the Facilities:

- (1) the form of the Lease;
 - (2) the form of the Installment Purchase Contract;
- and
- (3) the form of the Deed of Trust;

WHEREAS, it appears that each of the Instruments is in appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the Board did conduct a public hearing on October 8, 1990 to receive public comment on both the proposed Lease and the proposed Installment Purchase Contract to finance the Facilities; and

WHEREAS, the sums to fall due under the either the Lease or the Installment Purchase Contract will not exceed \$14,000,000 per year for 35 years and can be included in the City's budget;

WHEREAS, it is reasonable to conclude that neither the payments under the Lease or the Installment Purchase Contract are not excessive for the stated purpose of acquiring and constructing the Facilities;

WHEREAS, the City Attorney is of the opinion that, subject to the construction of N.C.G.S. § 160A-20 by the Supreme Court of North Carolina in a Wayne County case now on appeal thereto involving the constitutionality of said statute, this transaction is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina;

WHEREAS, the City has determined and hereby expresses its determination that the use of the Facilities is essential to its proper, efficient and economic operation; that it anticipates an ongoing need for the Facilities; that the Facilities will provide an essential use and permit the City to carry out public functions that it is authorized by law to perform; and that entering into either the Lease or the Installment Purchase Contract and the Deed of Trust are necessary and expedient for the City;

WHEREAS, the City has further determined and hereby expresses its determination that the Base Rentals, the Additional Rentals and all other obligations of the City under the Lease or alternatively the Installment Payments, the Additional Payments and all other obligations of the City under the Installment Purchase Contract and the Deed of Trust are not excessive for their stated purposes;

WHEREAS, the City may avail itself of federal rebate savings currently estimated to exceed \$4,000,000 in the event the financing of the Facilities can be qualified under the provisions of Section 1317(44) of the Tax Reform Act of 1986 (the "Transition Rule") which expires on and will no longer be available after December 31, 1990;

WHEREAS, the City has determined and hereby expresses its determination that the Lease and the obligations of the City thereunder or alternatively the Installment Purchase Contract, the Deed of Trust and the obligations of the City thereunder are preferable to, and more cost efficient than, a general obligation or revenue bond issue for the same purpose and that the purchase price of the Facilities exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and nonvoted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State of North Carolina;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors, or any other regulatory agencies in connection with such management; and

WHEREAS, the City is not in default in meeting any of its debt service or contract obligations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That all actions of the City in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. That the City approves the leasing of the Facilities with an option to purchase the same in accordance with the terms of the Lease, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Lease are in all respects authorized, approved and confirmed, and unless developments in the aforementioned litigation make it possible for the City to enter into the Installment Purchase Agreement the City Manager or his designee and the City Clerk are authorized, empowered and directed to execute and deliver the Lease for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or

deletions, and that from and after the execution and delivery of the Lease, the City Manager and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Lease as executed.

Section 3. That as an alternative to the Lease the City approves the purchase of the Facilities in accordance with the terms of the Installment Purchase Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Installment Purchase Contract are in all respects authorized, approved and confirmed, and in the event developments in the aforementioned litigation make it possible for the City to enter into the Installment Purchase Agreement the City Manager or his designee and the City Clerk are authorized, empowered and directed to execute and deliver the Installment Purchase Contract for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Installment Purchase Contract, the City Manager and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Installment Purchase Contract as executed.

Section 4. That the form and content of the Deed of Trust are in all respects approved and confirmed, and in the event developments in the aforementioned litigation make it possible for the City to enter into the Installment Purchase Agreement the City Manager and the City Clerk are authorized, empowered and directed to execute and deliver the Deed of Trust for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the

Deed of Trust, the City Manager and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 5. That the City Manager is hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Instruments, and the City Manager is authorized and directed to proceed with the construction, acquisition, leasing and/or purchase of the Facilities in accordance with the Instruments, and to seek opinions as a matter of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The City Clerk, the City Director of Finance and the City Manager are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 6. That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 7. That all motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

[Remainder of page intentionally left blank]

Section 8. That this Resolution shall become effective on the date of its adoption.

AYES Councilmembers: Clodfelter, Hammond,
McCrory, Mangum, Martin, Matthews,
Patterson, Scarborough and Vinroot

NOES Councilmember Wheeler.

* * * * *

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council of said City at a regular meeting held October 8, 1990, as relates in any way to the passage of a resolution providing for a lease/purchase or installment purchase of a certain convention facility by said City, that all required notices of such meeting were given and that said proceedings are recorded in Minute Book 96 of the minutes of said City Council beginning on page and ending at page .

WITNESS my hand and the official seal of said City, this 10th day of October 1990.

[SEAL]

Pat Sharkey
City Clerk

RESOLUTION OF
THE CITY OF CHARLOTTE, NORTH CAROLINA
SETTING FORTH AN INTERLOCAL
AGREEMENT WITH
THE CITY OF DURHAM, NORTH CAROLINA

WHEREAS, the North Carolina General assembly has authorized the Levy of an additional 3% Mecklenburg County Room Occupancy Tax and a Mecklenburg County Prepared Food and Beverage Tax as restated in Chapter 821 of the 1989 session laws effective June 28, 1990, and by Senate Bill 1527 ratified on July 16, 1990.

WHEREAS, Mecklenburg County adopted an ordinance on July 25, 1990 to impose and levy a Room Occupancy Tax effective September 1, 1990, and a Prepared Food and Beverage Tax effective January 1, 1992.

WHEREAS, the Charlotte City Council reaffirmed on August 27, 1990, the Lease/Purchase financing approach for the proposed new Convention Center.

WHEREAS, the City of Durham has an immediate need to Lease/purchase Capital outlay as part of its recycling program.

WHEREAS, a provision in Technical Corrections Act of 1986 authorized \$200,000,000 of securities to be issued for the benefit of municipalities in North Carolina under the auspices of the North Carolina League of Municipalities (League Pool).

WHEREAS, any financings under the League Pool would be exempt from compliance with the new rebate requirements, and if the City and Durham were to complete their respective financings as part of the League Pool, the City and Durham would realize substantial savings.

WHEREAS, in order to take advantage of these arbitrage savings, the City and Durham must close their financing before December 31, 1990, the expiration of the Legislation authorizing the Pool.

WHEREAS, in order to activate the League Pool at least two municipalities must participate.

WHEREAS, as an inducement for the City of Durham to participate in the Pool, the City will pay all costs associated with the issuance of the securities provided that financing is closed on and/or before December 31, 1990, and that the City and Durham will benefit from the arbitrage savings.

NOW, THEREFORE, be it resolved by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. That the City and Durham enter into this interlocal agreement in order to finance facilities and equipment essential to carry out public functions that are authorized by law.

Section 2. That the City and Durham have an interest in doing financings under the North Carolina League Pool by December 31, 1990 and that the City will pay all costs associated with the issuance of the securities.

Section 3. That the City Manager and City Finance Director, with advise from special counsel, are hereby authorized and directed to proceed with carrying out the intent of the agreement with the City of Durham.

Section 4. That this Resolution shall become effective on the date of its adoption.

YEAS

Councilmembers Clodfelter, Hammond, McCrory,
Mangum, Martin, Matthews, Patterson,
Scarborough and Vinroot.

NAYS

Councilmember Wheeler.

PASSED, ADOPTED AND APPROVED this 8th day of October 1990.

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 8th day of October, 1990 the reference having been made in Minute Book 96, and recorded in full in Resolution Book 27, Page(s) 91-92.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of October, 1990.

Pat Sharkey, City Clerk

RESOLUTION APPROVING AMENDMENTS TO THE MECKLENBURG COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, the City entered into that certain Solid Waste Management Plan Interlocal Agreement with Mecklenburg County in which Agreement the City approved the Mecklenburg County Solid Waste Management Plan dated September 1988, (the "Plan"); and

WHEREAS, Mecklenburg County, upon advice of its Waste Management Advisory Board, has requested that the City approve certain changes to the Plan, which changes are reflected on the attached document entitled "Mecklenburg County Solid Waste Management Plan Proposed 1990 Revisions".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the City does hereby approve the changes to the Mecklenburg County Solid Waste Management Plan as outlined in the attached document entitled "Mecklenburg County Solid Waste Plan Proposed 1990 Revisions".

This resolution shall become effective immediately upon its adoption.

THIS the 8th day of October, 1990.

APPROVED AS TO FORM:

Anthony J. Fox
Assistant City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of October, 1990, the reference having been made in Minute Book 96 and recorded in full in Resolution Book 27, page(s) 93-98.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of October, 1990.

Pat Sharkey, City Clerk

October 8, 1990
Resolution Book 27, Page 94

RESOLUTION APPROVING AMENDMENTS TO THE MECKLENBURG COUNTY SOLID WASTE MANAGEMENT PLAN

Mecklenburg County Solid Waste Management Plan

Proposed 1990 Revisions

WHEREAS, Mecklenburg County, North Carolina, is a party to the Solid Waste Management Plan with the City of Charlotte, North Carolina, and the City of Concord, North Carolina, and the attached document entitled "Mecklenburg County Solid Waste Management Plan Proposed 1990 Revisions";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE THAT THE CITY DOES HEREBY APPROVE THE CHANGES TO THE MECKLENBURG COUNTY SOLID WASTE MANAGEMENT PLAN AS OUTLINED IN THE ATTACHED DOCUMENT ENTITLED "MECKLENBURG COUNTY SOLID WASTE MANAGEMENT PLAN PROPOSED 1990 REVISIONS";

THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION.

THIS IS THE DAY OF _____, 1990.

APPROVED AS TO FORM:

[Signature]
CITY CLERK

READ, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, IN PUBLIC SESSION CONVENED ON THE _____ DAY OF _____, 1990, THE RESOLUTIONS HAVING BEEN MADE IN PUBLIC HEARING AND RECORDED IN FULL IN RESOLUTION BOOK _____, PAGE _____.

WITNESSED MY HAND AND THE SEAL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, THIS _____ DAY OF _____, 1990.

CITY CLERK

MECKLENBURG COUNTY

SOLID WASTE MANAGEMENT PLAN

1989 Update and 1990 Plan Revision
(Edited 8/15/89)

Present Language - Page 4

- * Recycle 15% of the County's solid waste by 1994 and 30% by 2006.
- * Convert 40% of the waste into energy for sale to businesses and institutions.
- * Reduce the amount of solid waste going to landfills from 99% of the total to 30%.

Proposed Language

- * Recycle 25% of the County's solid waste by 1993 as mandated by North Carolina legislation, and 30% by 2006.
- * Convert 40% of the waste utilizing resource recovery technologies by 2006.
- * Reduce the amount of solid waste disposed in landfills from 99% of the total to 30% by 2006.

MECKLENBURG COUNTY

SOLID WASTE MANAGEMENT PLAN

(Edited 8/15/89)

1989 Update and 1990 Plan Revision

Present Language - Page 5

Although landfills are currently the least expensive option, siting them is becoming increasingly difficult. The Mecklenburg County Zoning Ordinance requires that a special use permit be obtained prior to the siting of a landfill. Following the issuance of a County special use permit the landfill must also be permitted by the State Department of Human Resources before operations may begin.

Proposed Language

Permitting regulations from the State Department of Human Resources will require that future landfills be lined and have leachate collection facilities; however, the siting of such future landfills will continue to be politically difficult.

MECKLENBURG COUNTY

SOLID WASTE MANAGEMENT PLAN

(Edited 8/15/89)

1989 Update and 1990 Plan Revision

Present Language - Page 7

Current recycling operations include:

1. Two staffed and six unstaffed drop-off recycling centers.
3. Pilot Curbside Collection Program for glass, aluminum, PET and newspapers. At present 9100 households are serviced throughout Charlotte, Davidson, Cornelius, and Huntersville.
4. Disposal Site Salvaging. When weather permits a cardboard recovery program operates at the active area of the landfill.

Proposed Language

Current recycling operations include:

1. Staffed and unstaffed drop-off recycling centers within the County.
3. Curbside Collection Program for glass, aluminum, PET and newspapers. Households are serviced throughout Charlotte, Davidson, Cornelius, and Huntersville.
4. Disposal Site Salvaging. Cardboard recovery program operates at the landfill.

MECKLENBURG COUNTY

SOLID WASTE MANAGEMENT PLAN

(Edited 8/15/89)

1989 Update and 1990 Plan Revision

Present Language - Page 10 - 11

County has established a solid waste management goal of reducing the waste stream by 40% through the use of resource recovery facilities.

Proposed Language

County has established a solid waste management goal of reducing the waste stream by 40% through the use of resource recovery facilities. This portion of the Mecklenburg County, integrated Waste Management System continues to stress that recycling comes first and then the removal of valuable metals, plastics, wood waste and glass complements resource recovery projects.

A cogeneration facility, completed in June 1989, was constructed on County property adjacent to the University of North Carolina at Charlotte. The steam produced is sold to the University while electricity generated is sold to Duke Power. This resource recovery facility represents 10% of the total solid waste stream.

RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE COUNTY OF MECKLENBURG FOR THE COLLECTION OF RECYCLABLE MATERIALS.

WHEREAS, the County of Mecklenburg has requested the City of Charlotte to collect certain recyclable materials from single-family service locations within the County in accordance with the Mecklenburg County's Solid Waste Management Plan; and

WHEREAS, the City of Charlotte collects recyclable materials from various service locations within its corporate limits and transports and disposes of such materials at a disposal facility constructed by the County; and

WHEREAS, the City is capable of providing recyclable collection service for the County of Mecklenburg with its work force; and

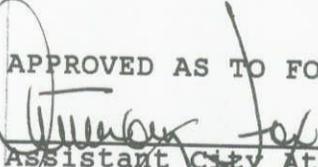
WHEREAS, the North Carolina General Statute, Section 160A-461, authorizes cities and counties to enter into interlocal agreements to accomplish certain undertakings and pursuant thereto a copy of said Agreement is attached.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte as follows:

1. The Interlocal Agreement between the City and Mecklenburg County for the collection of recyclable materials is hereby approved.
2. The City Manager is hereby authorized and empowered to execute the Interlocal Agreement with the County of Mecklenburg on behalf of the City.
3. This Resolution shall be come effective immediately upon its adoption.

THIS the 8th day of October, 1990.

APPROVED AS TO FORM:


Assistant City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of October, 1990, the reference having been made in Minute Book 96 and recorded in full in Resolution Book 27, page(s) 99.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of October, 1990.


Pat Sharkey, City Clerk

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL IN SUPPORT
OF THE NOVEMBER 6, 1990 CITY AND COUNTY BOND REFERENDUM

WHEREAS, the people of Charlotte-Mecklenburg enjoy an exceptionally high quality of life; and,

WHEREAS, this is a rapidly growing, vibrant community where the public and private sectors have a strong tradition of working together for the good of the community; and,

WHEREAS, coping with change requires progressive, innovative action on the part of local government; and,

WHEREAS, City government recognizes the need to address the problems of water and sewer service and bed space for detention/jail facilities; and,

WHEREAS, the high quality of life in a community is maintained by the development of adequate protective and utility services; and,

WHEREAS, City government has united in partnership with local citizens, business firms, and with other institutions and agencies to identify specific projects that will address our most pressing problems and facilities that will improve the life of our community; and,

WHEREAS, the "AAA" bond rating and sound financial structure of both the City and County enable them to issue bonds adequate to fund the new projects and facilities; and,

WHEREAS, the City and County have called a general obligation bond referendum for water, sewer and detention/jail facilities on November 6, 1990; now therefore,

BE IT RESOLVED that the Charlotte City Council supports these bonds and calls upon the voters of Charlotte-Mecklenburg to vote YES on November 6, for the preservation of the high quality of life in our community.

This the eighth day of October, 1990.

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 8th day of October, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 27, Page(s) 100.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of October, 1990.

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

A motion was made by Councilmember Mangum and seconded by
Councilmember Wheeler for the adoption of the following
Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the City Code of the City of Charlotte (Section 19-51)
requires that driveways serving changed or altered land uses conform to the
City Driveway Regulations, and

WHEREAS, the Myers Park Presbyterian Church has requested that its
existing driveway on Queens Road be exempted from City Driveway Regulations
to comply with an agreement which it entered into with the Myers Park
Homeowners Association, and

WHEREAS, the City Code does not allow City staff to grant a variance
for the reason requested,

NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council, in
regular session duly assembled,

THAT, the City Council of the City of Charlotte waives the
requirement that the Myers Park Presbyterian Church driveway on Queens Road
be widened to conform to City Driveway Regulations. This waiver does not
release the Church from its responsibility to maintain the existing
driveway in good repair, even if complete reconstruction is required.

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 8th day of October,
1990, the reference having been made in Minute Book 96, and
recorded in full in Resolution Book 27, Page 101.

WITNESS my hand and the corporate seal of the City of Charlotte,
North Carolina, this the 10th day of October, 1990.

(SEAL)

Pat Sharkey, City Clerk

Approved as to Form

Henry W. Underhill, Jr.
CITY ATTORNEY

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

A motion was made by Richard Vinroot and seconded by Ann Hammond for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation and the City of Charlotte propose to make certain street and highway improvements consisting of the relocation of Graham Street and Mint Street, the replacement of water mains and sanitary sewer lines and the construction of a retaining wall in order to relocate the railroad spur serving Knight Publishing Company; and,

WHEREAS, the Department of Transportation and the City of Charlotte propose to enter into an agreement for construction of the aforementioned highway improvement whereby the Department agrees to design the project plans, adjust utilities and install traffic signals, and railroad grade crossing devices; and,

WHEREAS, said agreement provides for the Department to be responsible for the acquisition of right-of-way and construction of the project; and,

WHEREAS, the Municipality shall reimburse the Department all costs incurred by the Department in constructing the water mains, sanitary sewer lines, and the retaining wall.

NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council, in regular session duly assembled,

THAT project U-2511, Mecklenburg County, is hereby formally approved by the City Council of the Municipality of Charlotte and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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 8th day of October, 1990, the reference having been made in Minute Book 96, and recorded in full in Resolution Book 27, Page 102.

October 8, 1990
Resolution Book 27, Page 103

WITNESS my hand and the corporate seal of the City of Charlotte,
North Carolina, this the 10th day of October, 1990.

(SEAL)

Pat Sharkey, City Clerk

Approved as to Form

Henry W. Underhill Jr.
CITY ATTORNEY

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE U. S. DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRANSIT ASSISTANCE GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services:

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlotte, North Carolina:

1. That the City Manager is authorized to execute and file applications on behalf of the City of Charlotte with the U. S. Department of Transportation and North Carolina Department of Transportation, to aid in the financing of transit assistance projects.
2. That the City Manager is authorized to execute and file with such applications an assurance or any other document required by the U. S. Department of Transportation or the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Director of the Charlotte Department of Transportation is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the project;

4. That the City Manager or his designee is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the Mayor is authorized to execute grant agreements and any amendments thereto on behalf of the City of Charlotte with the U. S. Department of Transportation and the North Carolina Department of Transportation for aid in the financing of the transit assistance projects.

Approved as to form:

Henry W. Underhill Jr
City Attorney

10/10/90
Date

CERTIFICATION

The undersigned duly qualified and acting City Clerk of the City of Charlotte certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Charlotte City Council held on October 8, 1990.

Pat Sharkey
City Clerk

Date

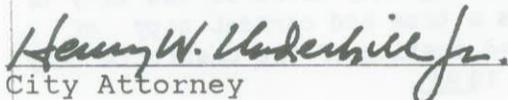
A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 8th day of October, 1990, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of October, 1990, the reference having been made in Minute Book 96 and recorded in full in Resolution Book 27, page(s) 106-107.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of October, 1990.

Pat Sharkey, City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Baker, Barbara Lee	59.47	Illegal levy
Guion R. Andrew & Assoc. Inc.	274.22	Clerical error
Baker, Barbara Lee	67.19	Illegal levy
Banair	126.13	Illegal levy
Guion R. Andrew & Assoc. Inc.	746.76	Illegal levy
Baker, Barbara Lee	66.56	Clerical error
Baker, Wanda J.	79.00	Illegal levy
Bartlett, Kelly Max	141.19	Illegal levy
Helms, Kimberly Jackson	127.21	Clerical error
Kale, Anthony Scott	82.32	Illegal levy
Kenney, Paul Harrington	110.41	Illegal levy
Kenney, Sally F.	48.30	Illegal levy
McGuinn, Sallie J.	43.83	Illegal levy
Wurtz, Jean Ann	64.18	Clerical error
Elam, Ed Realty Co., Inc.	198.13	Illegal levy
Guion R. Andrew & Assoc., Inc.	1,153.42	Illegal error
Carriage Club Ltd. Partnership	247.08	Clerical error
Healy, Madelyn	45.33	Clerical error
Otten, Deborah M.	31.38	Illegal levy
Southerland, James Harold	75.85	Clerical error
		Illegal levy

\$3,787.96

Approved as to form:

City Attorney

A RESOLUTION TO AMEND THE RESOLUTION ADOPTED BY CITY COUNCIL ON
JULY 23, 1990, AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE
ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, on the 23rd day of July, 1990, City Council authorized condemnation proceedings to be instituted against the property of JAMES E. McCRARY; MARY M. McCRARY; Any Other Parties in Interest, located at 6632 Providence Road in the City of Charlotte, for the Providence/Alexander/Rea Road-Intersection Improvements Project; and

WHEREAS, after the Resolution was adopted on July 23, 1990, it was discovered that certain incorrect property descriptions were made in the original Resolution, and for this reason, it is necessary for a correction to be made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte that the Resolution adopted on July 23, 1990, authorizing the institution of condemnation proceedings against the property belonging to the parties referenced above, located at 6632 Providence Road in the City of Charlotte, shall be amended in the following manner:

Property Description

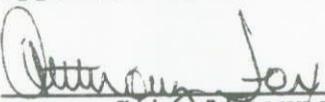
CHANGE: "24,202 square feet for fee-simple taking"
TO: "20,649 square feet for fee-simple taking"

CHANGE: "116 square feet for permanent utility easement"
TO: "3,669 square feet for permanent utility easement"

ADD: "9,609 square feet lying within existing right-of-way for fee-simple taking."

Except as hereby amended, said Resolution shall remain as originally adopted.

Approved as to form:


Assistant 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 8th day of October, 1990, and the reference having been made in Minute Book 96, Page 108-109, and recorded in full in Resolutions Book 27, Page 108-109.

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 10th day of October, 1990.

City Clerk

Pat Sharkey

CITY CLERK

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the Delta/Newell-Hickory Grove Road Project; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

Parties in Interest

Jack Liebau; Charlene C. Liebau; George Tuerk; James Mamokos; Thien Ng; Cale and Liebau; James W. Kiser, Trustee; NCNB of North Carolina, Beneficiary; Any Other Parties in Interest

Property Description

4,707.81 square feet for permanent water main easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 099-282-02, 099-312-01, 099-312-02, and 099-312-03

Appraised Value

\$3,153.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the appraised value of the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 8th day of October, 1990, and the reference having been made in Minute Book 96, Page .

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 10th day of October

City Clerk

Pat Sharkey

City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the Delta/Newell-Hickory Grove Road Project; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

Parties in Interest

Grace Morris Helms; McLendon Helms; William Harold Morris Family Trust U/W of William Harold Morris; Robert H. Morris, Trustee; Robert H. Morris, Beneficiary; William Harold Morris, Jr., Beneficiary; Margaret Elizabeth Morris, Beneficiary; Nina Lynn Browder; Kenneth Browder; Sally F. Calvert; Donald Calvert; Sara Carpenter; Dorothy Miller Crowder; Any Other Parties in Interest

Property Description

2,609.76 square feet for permanent water main easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 099-293-01

Appraised Value

\$2,087.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the appraised value of the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 8th day of October, 1990, and the reference having been made in Minute Book 96, Page .

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 10th day of October, 1990

City Clerk

Pat Sharkey
City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for Park/Johnston Road Widening-Phase II-Segment I Project; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

Parties in Interest

Richard H. Jones; Mary Long Jones; Any Other Parties in Interest

Property Description

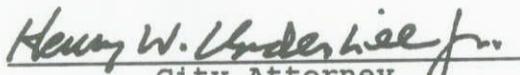
5,639 square feet for fee-simple; 11,555 square feet for temporary construction easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 173-242-06

Appraised Value

\$4,700.00 or such appraised value as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the appraised value of the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 8th day of October, 1990, and the reference having been made in Minute Book 96, Page .

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 10th day of October, 1990

City Clerk

Property Description

575 square feet for right distance easement; 575 square feet for temporary construction easement; and any additional property interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 305-023-12

Appraised Value

\$2,100.00, or such appraised value as may be determined based upon the values required by the final construction plans.

IT IS FURTHER RESOLVED that the appraised value of the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Wake County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Deputy City Attorney

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the Add-A-Lane: Carmel Road at Mill Pond; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

Parties in Interest

Norma H. Wiles; Daniel S. Wiser; Audrey M. Wiser; E. Clayton Selvey, Jr.; Roy B. McKnight, Trustees; Peoples Savings and Loan Association, Beneficiary; Any Other Parties in Interest

Property Description

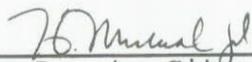
857 square feet for sight distance easement; 579 square feet for temporary construction easement; and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 209-042-26

Appraised Value

\$8,200.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the appraised value of the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:



Deputy 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 8th day of October, 1990, and the reference having been made in Minute Book 96, Page .

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 10th day of October, 1990.

City Clerk

Pat Sharkey

CITY CLERK

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of The City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the Swan Run Branch Replacement-Phase II Sanitary Sewer; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to locate all the parties in interest, and has, therefore, been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

Parties in Interest

Robert M. Stein; Lenora S. Stein; G. Robert Turner III, et al., Trustees; Home Federal Savings & Loan Association, Beneficiary; Hugh H. Durden, Trustee; Wachovia Bank & Trust Company, Beneficiary; Any Other Parties in Interest

Property Description

1,616.403 square feet for sanitary sewer right-of-way; and any and any additional property or interest as the City may determine is necessary to complete the project, as it relates to Tax Parcel No. 187-264-07

Appraised Value

\$900.00, or such appraised value as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the appraised value of the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 8th day of October, 1990, and the reference having been made in Minute Book 96, Page .

WITNESS my hand and the corporate seal of The City of Charlotte, North Carolina, this the 10th day of October, 1990

City Clerk

Pat Sharkey

Pat Sharkey, City Clerk

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 15th day of October, 1990. The reference having been made in Minute Book 96, and recorded in full in Resolution Book 27, Page 120.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of October, 1990.

Pat Sharkey, City Clerk