AGENDA

Meeting Type:	B
Date:	10-12-1981

City of Charlotte, City Clerk's Office

Charlotte

Meetings in October '81

Public Service and Information Department
City Hall, 600 E Trade Street
Charlotte, North Carolina 28202
704/374-2395

OCTOBER 1 – OCTOBER 3

1	Thursday, 4 00 p m	CITY COUNCIL TRANSPORTATION COMMITTEE – City Hall, Council Chamber
	Thursday, 7 30 p m	MAYOR'S TASK FORCE ON RESIDENTIAL BURGLARY – Law Enforcement Center, Third Floor Conference Room

THE WEEK OF OCTOBER 4 – OCTOBER 10

5	Monday	NO CITY COUNCIL MEETING
6	Tuesday, 4 00 p.m	CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE – City Hall, Second Floor
	Tuesday, 7 30 p m	CHARLOTTE TREE COMMISSION – Cameron-Brown Building, Fifth Floor Conference Room
	Tuesday, 7 30 p m	PLANNING COMMISSION – Cameron Brown Building, First Floor Conference Room
7	Wednesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY – Education Center, Room 239
	Wednesday, 4 00 p m	CITY COUNCIL ENVIRONMENTAL HEALTH & PROTECTION COMMITTEE – City Hall, Council Chamber
8	Thursday, 4 00 p.m	CITIZEN PARTICIPATION TASK FORCE – Cameron Brown Building, First Floor Conference Room

THE WEEK OF OCTOBER 11 – OCTOBER 17

12	Monday, 12 Noon	PLANNING COMMISSION (Work Session) – Cameron-Brown Building, First Floor Conference Room
	Monday, 7 00 p m	CITIZENS HEARING (District 7) – Huntingtowne Farms Elementary School, 2520 Starbrook Drive
	Monday, 7 30 p m	CITY COUNCIL MEETING – Huntingtowne Farms Elementary School, 2520 Starbrook Drive
13	Tuesday, 8 00 a m	AIRPORT ADVISORY COMMITTEE – Douglas Municipal Airport, Conference Room
	Tuesday, 9 00 a m	HISTORIC DISTRICT COMMISSION – Edwin Towers, First Floor Conference Room
	Tuesday, 3 30 p m	MECHANICAL ADVISORY BOARD – City Hall Annex, Building Inspection Conference Room
14	Wednesday, 7 30 p m	HISTORIC PROPERTIES COMMISSION – City Hall, Second Floor Conference Room
15	Thursday, 8 00 a m	CHARLOTTE CLEAN CITY COMMITTEE – Cameron-Brown Building, Fifth Floor Conference Room
	Thursday, 3 00 p m	ADVISORY ENERGY COMMISSION – City Hall, Second Floor Conference Room
	Thursday, 7 00 p m	PUBLIC HEARING ON FEDERAL TRANSPORTATION FUNDING REQUESTS – City Hall, Council Chamber

MORE

THE WEEK OF OCTOBER 18 – OCTOBER 24

19	Monday, 6 00 p m	CITY COUNCIL MEETING – Zoning Hearings Education Center Board Room
20	Tuesday, 2 00 p.m	HOUSING AUTHORITY – 1301 South Boulevard
	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEE – Utility Department, Conference Room, 5100 Brookshire Boulevard
	Wednesday, 8 30 a m	CIVIL SERVICE BOARD – City Hall, Third Floor Conference Room
	Wednesday, 11 00 a m	AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY – Civic Center Conference Room
	Wednesday, 2 00 p m	TECHNICAL COORDINATING COMMITTEE – City Hall Annex, Department of Transportation Conference Room
	Wednesday, 4 00 p m	EMPLOYMENT & TRAINING ADVISORY COUNCIL – Belmont Regional Center, 700 Parkwood Avenue
	Wednesday, 7 30 p m	MAYOR'S TASK FORCE ON RESIDENTIAL BURGLARY – Law Enforcement Center, Third Floor Conference Room
21	Wednesday, 10 00 a m	CIVIL SERVICE BOARD – City Hall, Third Floor Conference Room
22	Thursday, 4 00 p.m	CITIZENS PARTICIPATION TASK FORCE – Cameron-Brown Building, First Floor Conference Room
	Thursday, 4 00 p m	ELECTRICAL ADVISORY BOARD – City Hall Annex, Building Inspection Conference Room
	Thursday, 6 00 p.m	SPECIAL USE HEARING – City Hall, Council Chamber

THE WEEK OF OCTOBER 25 – OCTOBER 31

26	Monday, 2 00 p m	CITIZENS HEARING – City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING – City Hall, Council Chamber
	Monday, 7 00 p m	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE – Belmont Regional Center, 700 Parkwood Avenue
27	Tuesday, 3 00 p m	ZONING BOARD OF ADJUSTMENT – City Hall Council Chamber
	Tuesday, 4 00 p m	MUNICIPAL INFORMATION ADVISORY BOARD – Cameron-Brown Building, Third Floor Conference Room
28	Wednesday, 4 30 p.m.	COMMUNITY RELATIONS COMMITTEE – Covenant Presbyterian Church, 1000 East Morehead Street
31	Saturday, 10 30 a m	PARADE – Discovery Place Grand Opening, Uptown
	Saturday, 12 15 p m	RIBBON-CUTTING – GRAND-OPENING – Discovery Place, 301 N Tryon Street

Charlotte

IN MEETING ON MONDAY, OCTOBER 12, 1981

7 00 P M. - Citizens Hearing
7 30 P M. - COUNCIL MEETING
Multi-Purpose Room
Huntingtowne Farms Elementary School
2520 Starbrook Drive

ITEM NO.

1 Invocation

2 Consideration of minutes of the last meeting on Monday, September 28, 1981

POLICY AGENDA

Community & Economic Development

3 Consideration of the purchase of a ten unit apartment complex located at 900-918 Beal Street

The purchase of this complex on Beal Street is the first part of a Community Development/Housing Plan to provide 45 units of housing for the lowest of low income, 35 units of which will satisfy the Harris-Kannon First Ward Law Suit Staff will complete work for the remaining 35 units in November

For these ten units, the following factors are relevant

- Total cost is $264,000, to be funded from the General Revenue Sharing Housing Account

Nine, one-bedroom units @ $26,000
One, two-bedroom units @$30,000

(continued)

council agenda

Mayor Eddie Knox Mayor Pro Tem Betty Chafin

L David Berryhill, Jr
Don Carroll
Tom Cox Jr
Charlie Dannelly
Laura Frech
Ron Leeper
Pat Locke
George K Selden, Jr
Herbert Spaugh, Jr
Minette Conrad Trosch

3. (continued)

- No further costs will be incurred since the units are already rehabilitated.

  The city will retain ownership.

- The city will contract with the Charlotte Housing Authority. for management and maintenance.

- Ten existing Section 8 Certificates from Community Development will be used. (Section 8 rehabilitation certificates will be used for the next 35 units.)

- All ten units are vacant Tenants will come from the relocation listing.

  The City Attorney has stated that these units can be used in the satisfaction of the law suit settlement.

- The Planning Commission meets on October 6 to consider mandatory referral.

- The owner indicated he needs to know City Council decision as quickly as possible.

4. Consideration of a request from W-F Associates, developers of Independence Center, to encroach within the sidewalk area of North Tryon Street. The purpose of the encroachment is to construct a retail bustle (glass storefront) that would protrude into the sidewalk area at street level. The maximum amount of encroachment requested is seven feet and four inches and would cover most of the North Tryon Street building face

   Since the request impacts upon development of the Tryon Street Transit Mall, the Project Management Team has discussed several alternatives for encroachments and presents the following for Council consideration

   1. Grant the encroachment as requested by W-F Associates or any other that may be requested.

   2 Grant no encroachments of any kind that would reduce sidewalk or street space.

   (continued)

4. (continued)

In other words, the only encroachments along the Mall that would be allowed would be underground such as vaults and basements which have traditionally been allowed and special sidewalk paving materials which have also been allowed in the past.

3. Grant a maximum encroachment not to exceed 25 percent of the sidewalk width existing at the time the encroachment is granted. In view of the existing sidewalk along Tryon Street, it is felt by the Project Management Team that a 25 percent encroachment would still allow adequate sidewalk width for pedestrian movement and other uses (A 25 percent encroachment would allow W-F Associates a maximum encroachment of three-four feet.)

The Project Management Team belives that approval of a 25 percent encroachment for this request, and as a policy for handling future requests within the Mall area, should be granted by City Council.

Attachment No. 1.

5 Recommend that City Council formally request that representatives of North Carolina National Bank, First Union National Bank and Southern National Bank meet with City staff to consider making recommended alterations to their respective portions of the Overstreet Pedestrian Walkway to allow for barrier free travel for the handicapped, and that they respond to the Council Committee with regard to the actions they plan to take.

In February of 1981, the City hired ADEP Architects to determine the extent of architectural barriers to the handicapped and to identify solutions for providing barrier free travel in the Overstreet Pedestrian Walkway Findings were presented to the City Council Finance and Procedures Committee, as well as representatives from First Union and the Radisson on September 9, 1981 The stairs within the Radisson Plaza leading to the Trade Street Bridge, the stairs in the Radisson leading to the Fourth Street Bridge, and the stairs located in the Fourth Street Bridge were identified as the major barriers. The estimated cost for all improvements and related design is approximately $88,000 The major portion of this cost will have to be borne by the involved private corporation in that all work except that associated with the Fourth Street Bridge is located on private property

Attachment No. 2.

Policy Formulation & Administration

6. Recommend approval of a recommendation by the Public Monuments Committee to name the Lakeview Park site in honor of Dr. Martin Luther King, Jr.

Attachment No. 3.

7. Consideration of nominations to fill an unexpired term on the Community Facilities Committee.

Mr. Bobby Martin failed to meet the attendance requirement Appointment will be for his unexpired term to expire September 1, 1982.

Attachment No 4.

BUSINESS AGENDA

8. Recommend approval of request of J Exum Construction Company to withdraw bid for improvements to St. Mark's Center, in the amount of $22,987 13, because of unintentional substantial errors and omissions in bid preparation

The owner of the J. L. Exum Construction Company requested by letter to be allowed to withdraw his bid and have his bid security returned. The provisions of General Statute 143-129.1 allow bid withdrawal when the bid contains unintentional substantial errors The Engineering Department has reviewed Mr Exum's worksheets and has vertified the errors and omissions in his bid

Attachment No 5

9 Recommend denial of a request for a refund in the amount of $5,587 69 and $5,682.97, from NCNB Leasing Corporation, ITEL Corporation and Data Processing of the South, Inc.

These corporations have submitted a request for refund claiming excessive and illegal valuation for 1980 tax purposes of certain computer equipment The requests have been reviewed by Mr. Hamlin Wade, City-County Tax Attorney, and it is his opinion the City Council has no discretionary authority to authorize the requested refund based on a reduced valuation. City Council does grant refunds in cases of illegal levy or clerical error

Attachment No. 6.

10. Consideration of condemnation for sanitary sewer right of way involving property owner, Torrence B Wilkinson. This item was deferred from the City Council meeting on September 28 so that staff could provide an estimate on the alternate routes, future plans for additional sewer lines, extent of damages and use of property for future development

The following information has been prepared in response to objections raised by Mr. Wilkinson

- Staff cannot see any need for any additional public sewers on this property. However, if Mr Wilkinson subdivides the property, an existing sewer and the one staff proposes will serve as the basic system to which he will tie his subdivision system

- All possible routes to serve Brady Distributing Company have been plotted. The distances and the costs are shown below

Route	Length	Cost	Comments
A	581.08'	$11,621 60	This is route proposed by CMUD.
B	2,500'	$68,750.00	Mr. Wilkinson's original proposed route.
C	2,200'	$66,000 00	In order to maintain minimum grade, this route would bring sewer out of ground on piers across Brady property and a portion of adjacent property
D	800'	$50,000 00	This route would be almost entirely above ground on piers and would require Brady to abandon and relay most of the sewer lateral which they have already constructed

Routes B, C and D do not take Wilkinson's property Routes C and D would tie the Brady Company to existing sewers in the Airport Industrial Park as proposed by Mr Wilkinson. The Brady Company would have to pay any increased costs (A map depicting the alternate routes can be reviewed in the City Clerk's office)

If City Council elects Route A, the condemnation resolution presented on September 28 will need to be adopted

Adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Torrence B Wilkinson and wife, Emma H Wilkinson, McDonald Mortgage Company, Cestui Que Holder, and W J Kellam, Jr , et al, Trustees, located at 2645 Horseshoe Lane, in the City of Charlotte for the sanitary sewer to Wilmount Road

Attachment No 7

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The City Attorney advises that Agenda Items No 11 through No. 32 may be considered in one motion However, any member of Council may request an item be divided and voted on separately.

* * * * * *

11 Recommend adoption of an ordinance amending the 1981-82 Budget Ordinance transferring funds within the General Capital Improvement Projects Fund to provide a supplemental appropriation for the Park Center Building, in the amount of $2,500.

Funds are being transferred from the close-out of the 911 account to meet increased cost of exterior improvements to Park Center The increased cost results from an architectural study that recommended a better, but more expensive method for making structural repairs.

The project was originally funded in the Fiscal 1980 Capital Improvement Project Fund with General Revenue Sharing dollars

12. Recommend award of contracts as follows·

(a) Contract to the low bidder, Firestone Truck Tire Center, in the amount of $38,443 30, on a unit price basis for tires and tubes for all city departments

(b) Contract to the low bidder, Firestone Truck Tire Center, in the amount of $111,490, on a unit price basis for police pursuit tires.

(c) Contract to the low bidder, Firestone Truck Tire Center, in the amount of $195,665 82, on a unit price basis, for truck and grader tires and tubes for all departments

(d) Contract to the low bidder, Action Fire & Safety, Inc , in the amount of $42,945 25, on a unit price basis, for breathing apparatus for fire department

(e) Contract to the low bidder, Facet Enterprises, Inc , in the amount of $14,981, for prover tank for Aviation Fueling Storage Facility

(f) Contract to AMC-Heard, in the amount of $64,463, for control valves for Aviation Fueling Storage Facility.

(continued)

12 (continued)

(g) Contract to the low bidder, Seps, Inc , in the amount of $19,088.54, for meters, for Aviation Fueling Storage Facility.

(h) Contract to the low bidder, Mueller Steam Speciality, in the amount of $19,785 25, for strainers for Aviation Fueling Storage Facility

(i) Contract to the low bidder, Dover Corporation, in the amount of $212,959.63, for butterfly valves for Aviation Fueling Storage Facility.

(j) Contract to the low bidder, Mueller Steam Speciality, in the amount of $11,971.75, for check valves, for Aviation Fueling Storage Facility

(k) Contract to the low bidder, Branum Supply, Inc., in the amount of $43,153.27, for hydrant valves for Aviation Fueling Storage Facility.

(l) Contract to the low bidder, Southern Pump & Tank Company, in amount of $8,098.75, for pumps for Aviation Fueling Storage Facility

(m) Contract to the only bidder, Metritape, Inc., in the amount of $25,967, for tank gauges, for Aviation Fueling Storage Facility.

(n) Contract to J. Alton Stewart Construction Company, on a negotiated bid of $17,880, on a unit price basis for St Mark's Center Improvements

(o) Contract to the low base bid of Moretti Construction Company, in the amount of $34,680, on a lump sum price basis for Sweden Road Operations Facility, Solids Separator

(p) Contract to R. T Dooley, Inc , on a negotiated bid of $47,188.01 on a lump sum basis for Park Center Repairs

(q) Contract to the only bidder meeting specifications, Perkin-Elmer, in the amount of $18,911, for gas chromatograph with data handler, for police department

(r) Extension of present contract with L & N Royal Tire Service, effective September 29, 1981 through September 29, 1982, at no increase in unit prices for tire recapping and repairs.

*13. Recommend approval of an amendment to the contract with Container Corporation of Carolina for apartment building refuse collection in order to transfer payment of the York Road landfill back to the city

The amendment will also authorize the City Manager to approve any additional contract changes that may arise out of landfill operations.

14. Recommend approval of an amendment to the existing architectural contract with Reg Narmour/The Architectural Group, P A., in the amount of $12,600, for completion of architectural services for the Boyce Road District Park

The original contract approved in Fiscal 1980 specified schematic design work only. The Fiscal 1982 Captial Improvement Budget allocates $240,000 for construction of improvements. The amendment will provide architectural services for preparation of contract documents and construction supervision

*15 Recommend approval of a contract between Mecklenburg County and the City of Charlotte wherein the Engineering Department of the City would provide engineering and real estate services for development of the Campbell and Mallard Creek Greenways, in an amount up to $95,000.

Services requested include all surveying, preparation of acquisition maps and real estate negotiations to secure for the County approximately 110 parcels Any necessary condemnation actions would be handled by the County and its legal staff Engineering estimates the work can be completed within a seven month period.

16 Recommend adoption of a resolution declaring an intent to abandon the right of way of a portion of Old Dixie Road, between Jason Avenue and Morris Field Drive, and calling a public hearing on the question on Monday, November 23, 1981

The petitioner intends to incorporate this portion of Old Dixie Road right of way into the adjoining property to allow for industrial development No city departments have objections to the closing

*17 Recommend approval of an amendment to the contract with Yellow Cab Cab Company for Carrier Special Transportation Services to allow the City to withhold $1,000 per month from payments due the company until $5,000 has been accumulated to provide performance bond

The contract with Yellow Cab provides that they maintain a performance bond in the amount of $5,000 to cover complete discharge of contractural obligations They have not been able to obtain the required bond Under this proposal, the City would withhold the necessary funds until the end of the contract term, or until the Company secures the bond

18 Recommend adoption of a resolution amending the Personnel Rules and Regulations and the Pay Plan to· (a) Change the pay range assignments of the classifications of Civil Engineer I from Pay Range 19 to 21 ($19,766-25,227 annually), and Civil Engineer III from Pay Range 26 to 24 ($22,882-29,203 annually), (b) Provide for progression within the Trainee Class from two steps below minimum pay to one step below after six months and to minimum pay after eighteen months.

Results of a Personnel Department study of all positions classified as Civil Engineers in the City indicate the need to change the pay range assignments of the Civil Engineer I and Civil Engineer III classifications. The Personnel Department also identified the need to amend Rule III, Pay Plan, Section 8· Employment of Trainees so that person employed as trainee in positions for which the city is unable to recruit experienced and qualified applicants will serve a single probationary period for the class for which they are training

19 Recommend adoption of a resolution authorizing the refund of certain taxes in the total amount of $10 00 which were collected through illegal levey against two tax accounts

20 Recommend adoption of ordinances affecting housing declared unfit for human habitation

(a) Ordinance ordering the occupied dwelling at 1622 Taylor Avenue to be vacated and closed.
(b) Ordinance ordering the unoccupied dwelling at 812 E 18th Street to be demolished and removed.
(c) Ordinance ordering the unoccupied dwelling at 311 Nance Road to be demolished and removed
(d) Ordinance ordering the unoccupied dwelling at 215 Nelson Avenue to be demolished and removed.
(e) Ordinance ordering the unoccupied dwelling at 506 Little Roadk Road to be demolished and removed
(f) Ordinance ordering the unoccupied dwelling at 3501 Kentucky Avenue to be demolished and removed.
(g) Ordinance ordering the unoccupied dwelling at 1800 Kennesaw Drive to be demolished and removed

21. Recommend approval of contracts for the construction of water and sewer mains, all at no cost to the city

(a) Contract with Spaulding & Slye Corporation for construction of 1,280 feet of 8-inch sanitary sewer mains to serve Seventy Seven Center Drive Extension, inside the city, at an estimated cost of $23,500.

Located at the northeast corner of the intersection of I-77 and Tyvola Road.

(continued)

21. (continued)

(b) Contract with Walsh Corporation for the construction of 565 feet of 8-inch sanitary sewer to serve Woodfield Corporate Center, outside the city, at an estimated cost of $11,300.

Located at the southwest corner of the intersection of N.C. 51 and Johnston Road Extension.

(c) Contract with Klutts Realty & Construction Company for the construction of 1,050 feet of 8-inch sanitary sewer mains to serve Lakedell Subdivision, inside the city, at an estimated cost of $21,000.

Located on the southside of Lakedell Drive, near the intersection of Adams Drive.

(d) Contract with Ralph Squires Homes for the construction of 4,890 feet of 8-inch sanitary sewer mains to serve Lawyers Station Subdivision, outside the city, at an estimated cost of $97,800.

Located on the north side of Lawyers Road, between Irvins Creek and Apple Creek Drive.

(e) Contract with NCNB Trustees, NCNB Real Estate Fund for the construction of 3,800 feet of 12-inch water main to serve Westhall Industrial Park, Phase II, N. C. 160, outside the city, at an estimated cost of $120,000

Located south of Westinghouse Boulevard and west of N C. 160, and east of Shopton Road.

(f) Contract with Elrod Construction Company for the construction of 310 feet of 6-inch water mains and 940 feet of 2-inch water mains to serve The Village of Morrocrfot, inside the city, at an estimated cost of $15,000.

Located west of Sharon Road and north of Colony Road.

(g) Contract with William Trotter Development Company for the construction of 1,310 feet of 8-inch water mains, 110 feet of 6-inch water mains and 445 feet of 2-inch water mains to serve Sardis Forest, Section VIII, outside the city, at an estimated cost of $26,500.

Located west of Monroe Road and north of Highway 51.

22. Recommend approval of property transactions

(a) Acquisition of 645 09 linear feet of easement, from John Crosland Company, 8840 Park Road, at $1.00, for sanitary sewer to serve Brandon Forest Subdivision.

(b) Acquisition of 24 17 linear feet of easement, from Washovia Bank and Trust Company, N A., 125 Green Street, at $1.00, for 1979 Annexation Sewer, Mount Holly Road Area.

23 Recommend approval of settlement in City vs William D Graham, Jr., and wife, Elizabeth F. Graham, for Annexation Area 5 Sanitary Sewer, Parcel #5-28, in an additional amount of $3,040, for a total of $3,540

*24. Recommend adoption of an ordinance ordering the dwelling located at 324 Jones Street to be repaired, altered or improved, and authorize execution of a contract to renovate the dwelling using the In Rem Remedy

After approval, the City will request bids for the repair work. The cost for repairs is estimated at $5,803 02, or less than 50% of the value of the dwelling The owner, Ronaldo Realty Company, has neglected to comply with orders to make the necessary repairs The dwelling is presently unoccupied.

A lien will be placed against the property for costs incurred

25 Recommend approval of a loan to William O Austin, in the amount of $48,600 for Unit #415F, West Seventh Commons, Fourth Ward Redevelopment Project Area.

The Community Development Department has received and reviewed the loan application prepared by the NCNB Mortgage Corporation The loan application contains sufficient information to form the basis for approval of the loan.

26. Recommend approval of a loan agreement with Joseph T & Ione Jones, in the amount of $19,350, for rehabilitation of house, in Five Points Neighborhood Strategy Area, at 2116 West Trade Street

The loan application has been carefully reviewed by the City Loan Officer, Community Development Department, and all criteria for qualifying for financial assistance has been met by the applicant in accordance with the requirements outlined for the Community Development Loan and Grant Program approved by City Council on November 3, 1975, as amended.

*27. Recommend adoption of a resolution approving the sale of land to McDowell Court Partnership in the First Ward Urban Renewal Project No N.C. R-79, at a total bid price of $236,500

The property is located at 126 North McDowell Street and is to be used for the construction of five individual two-story office condominium units. The proposed use is in accordance with the approved redevelopment plan.

A second bid was received in the amount of $201,800, from A Myles Haynes, Lloyd F Baucom, W J. Chandler, William M Claytor and Kenneth R Benton, for construction of two separate office buildings.

(A map depicting the property can be reviewed in the City Clerk's office.)

28 Recommend approval of an amendment to contract between the City of Charlotte and Paul C. Chambers, Jr , for sale of land for private redevelopment, in the West Morehead Neighborhood Strategy Area to extend time for conveyance of the property from September 1, 1981 to December 1, 1981, or such earlier date as the parties may mutually agree

The present contract stipulates that conveyance of title would take place on or before September 1, 1981, but the redeveloper has been unable to arrange construction financing and to complete development plans. The purchase of the property for construction of an office/warehouse facility was approved by City Council on August 25, 1980

29. Recommend approval for demolition of eight structures located in West Morehead and First Ward target areas.

The eight residential structures located on Community Development property have been inspected to determine the feasibility of rehabilitation or moving to another area and rehabilitating Analysis of the condition of the residences indicates that none meets the $26.00 per square foot guideline adopted by the City Council on March 9, 1981, and do not meet the structural feasibility or functional tests Six of the structures are located in West Morehead and two are in First Ward. Three of the structures in West Morehead, now occupied, will be demolished after suitable relocation is arranged.

30 Recommend City Council confirm the following appointments to the Charlotte-Mecklenburg Historic Properties Commission made by the Board of County Commissioners on September 21, 1981·

(a) Reappointment of Mary W White,
(b) Appointment of Jack O. Boyte to replace Alaina Davis.

31. Recommend approval of the renewal of special officer permits for a one year term for use on the premises of Douglas Municipal Airport

(a) Donald Ray Dolinger;
(b) Linda Eller Garris,
(c) Terry Lynn Heafner,
(d) Jerry Joseph Mitcham

*32 Recommend Council hold executive sessions, as follows

(a) City Council hold an executive session immediately upon the conclusion of this meeting for the purpose of discussing with the City Manager a personnel matter pursuant to the provisions of G.S 143-318 11(a)(8)

(b) City Council schedule an executive session on Monday, October 26, 12 00 Noon for the purpose of conferring with the City Attorney's office about the Beatty and McMillan litigation pursuant to the provisions of G S 143-318 11(a)(4)

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SCHEDULE OF MEETINGS
OCTOBER 12 -16, 1981

Monday, October 12	Citizens Hearing	7·00 P.M.
	Council Meeting	7·30 P.M.
	Multi-Purpose Room Huntingtowne Farms Elementary School 2520 Starbrook Drive	
	Executive Session -(Immediately following Council Meeting) Media Center	

PENDING MATTERS

1 In meeting on Monday, October 26, City Council will make nominations to fill positions on boards, committees, agencies as follows

(a) Council on Aging - one unexpired term.

1) Virginia Bowser, term expires March 30, 1982, has resigned from the Council.

(b) Clean City Committee - 9 positions

1) Judy Ranson's term expired. She has completed two full terms and is not eligible for reappointment. Appointment is to expire June 30, 1984
2) Richard Shields has completed one term, and is eligible for reappointment to expire June 30, 1984.
3) Ike Jones has completed one term, and is eligible for reappointment to expire June 30, 1984.
4) David B. Waymer (resigned) Appointment is for an unexpired term to expire June 30, 1984
5) Shirley Farrar (resigned) Appointment is for an unexpired term to expire June 30, 1982.
6) Billy J. Reid (resigned) Appointment is for an unexpired term to expire June 30, 1982
7) Darrell Holland (resigned) Appointment is for an unexpired term to expire June 30, 1982.
8) Vacant position. Appointments if for an unexpired term to expire June 30, 1982
9) Vacant position Appointment is for an unexpired term to expire June 30, 1982

(c) Private Industry Council - 1 position

1) Kelly Alexander, Jr. (resigned). Appointment is for an unexpired term to expire May 18, 1982.

(d) Tree Advisory Committee - 1 position.

1) Copley H. Smoak, declined appointment has moved out of town Appointment is for three years to expire December 13, 1983

(e) Charlotte Historic District Commission - 2 appointments

1) Nancy Betty (Resident-Owner) Moved out of town. Appointment is for an unexpired term to expire June 30, 1983
2) Dean Charles C. Hight (UNCC School of Architecture), has completed two terms and is not eligible for reappointment Appointment is for three years to expire June 30, 1984

PENDING MATTERS (Continued)

2. City Council is requested to appoint twenty-six persons to serve on the Board of Electors of the Southern Piedmont Health Systems Agency, Inc., (SPHSA).

   The twenty-six persons should be broadly representative of all citizens in this area, as the Board of Electors will elect consumer members of the agency's Governing Body

   The deadline for submission of the names is November 16, 1981.

3. City Council is also requested to provide nominations for the nine consumer positions to be voted on by the Board of Electors and for the four provider positions to be voted on by the SPHSA Governing Body.

   Attachment Miscellaneous

Attachments

RB

#1

Request for Council Action

Charlotte

To the City Manager C. D. Readling

October 1, 1981
Date

From C. D. Readling, City Engineer

Action Requested That City Council authorize the execution of an Encroachment Agreement with W-F Associates for the Independence Center and adopt a policy for encroachments along the Mall.

The Engineering Department has received a request from W-F Associates, developers of the Independence Center, to encroach within the sidewalk area of North Tryon Street. The purpose of this encroachment would be to construct a retail bustle (glass storefront) that would protrude into the sidewalk area of Tryon Street at street level. The maximum amount of encroachment requested is 7 feet 4 inches and it would cover most of the North Tryon Street building face.

The Project Management Team has thoroughly reviewed the W-F request and recommends that Council consider the request and the establishment of a policy for future encroachments into the mall area as separate items The Project Management Team further recommends that the W-F encroachment be approved in accordance with Alternate No. 3 listed below and that said Alternate No. 3 become the policy for granting of future surface-level encroachments.

In its review of the W-F Associates request, the Project Management Team determined that the proposed retail bustle would have merit as part of the overall mall design. A major problem confronting the Project Management Team at this time, however, is the fact that the mall has not been designed and that loss of street right of way may be detrimental to some extent in the final analysis. W-F Associates, however, have insisted all along that the bustle is critical to their building design and they would probably appear before Council to request the granting of the maximum encroachment of 7 feet 4 inches. The Project Management Team has discussed several alternatives for encroachments and these are listed below for Council's consideration.

1. Grant the encroachment as requested by W-F Associates or any others that may be requested.

2. That no encroachments of any kind that would reduce sidewalk or street space be allowed. In other words, the only encroachments along the Mall that would be allowed would be underground such as vaults and basements which have traditionally been allowed and special sidewalk paving materials which have also been allowed in the past.

3. Allow a maximum encroachment not to exceed 25% of the sidewalk width existing at the time the encroachment is granted. In view of the existing sidewalk along Tryon Street, it is felt by the Project Management Team that a 25% encroachment would still allow adequate sidewalk width for pedestrian movement and other uses.

Should Council authorize the encroachment and establish the policy as outlined in Alternate No. 3 above, the maximum encroachment allowed to W-F Associates would be three to four feet. The present sidewalk width in the 100 block of North Tryon Street varies from 12 to 14 feet.

nsg

#23 #2

Request for Council Action

Charlotte

To the City Manager

October 2, 1981
Date

From Pat Locke, Chairperson of the Finance and Procedures Committee

Action Requested Request that City Council formally request that NCNB, First Union National Bank and Southern National Bank meet to consider making improvements to their respective portions of the Overstreet Pedestrian Walkway.

In February of 1981, at the request of the Mayor, a contract in the amount of $4,000 was awarded to an architectural firm by the Engineering Department for the purpose of determining the extent of architectural barriers to the handicapped and identify solutions for providing barrier free travel in the Overstreet Pedestrian Mall. The study identified as major barriers the stairs within the Radisson Plaza leading to the Trade Street Bridge, the stairs in the Radisson leading to the Fourth Street Bridge and the stairs located in the Fourth Street Bridge. Various methods were studied to remove or circumvent these barriers with the following recommendations being made.

The plan for the Fourth Street Bridge includes a ramp at the stairs nearest the Southern National Center and a vertical lift at the two sets of stairs located at the juncture of the Bridge and the Radisson. This solution will require a substantial amount of building modifications but is economically comparable to other methods and is the most successful in maintaining a clear opening to the Bridge.

The plan for the Trade Street Bridge includes a vertical lift within the existing service corridor. This proposal requires more building modifications than other proposals, but is more economical and does not obstruct any of the existing opening to the bridge. This proposal does depend on the ability to convert this segment of the service corridor to a semi-public area. The estimated cost for all improvements and related design is approximately $88,000. The major portion of this will have to be borne by involved private corporations in that all work except the ramp is located on private property. On September 9, 1981, a presentation was made to the Finance and Procedures Committee and representatives of First Union National Bank and the Radisson, explaining the results of this study. Because the majority of the work to be done is on private property, the Finance and Procedures Committee made a motion to request that City Council formally request that representatives of NCNB, First Union National Bank, Southern National Bank and City staff meet to consider making the recommended alterations on their property and respond to the Council Committee with regard to the actions they plan to take.

September 11, 1981

Finance and Procedures Committee Meeting

September 9, 1981
Executive Summary

The Finance and Procedures Committee of the City of Charlotte, N. C met in Committee session on September 9, 1981, at 4:00 p.m. in the second floor Council Chamber of City Hall with Chairperson Pat Locke presiding and Committee members Charlie Darnelly, Laura Frech, Tom Cox, and Herb Spaugh present. Also present were Mike Boyd, Assistant City Attorney, Clark Readling, City Engineer, Tom Turner and Sally Cobb, A D E P, Architects, Joe Tronco, First Union National Bank and Charles Brown, Independence Ventures, Inc. (representing NCNB Radisson).

Barrier Study/Handicapped Walkways (Study the feasibility and make appropriate recommendations regarding making the overhead walkway system fully accessible to the handicapped.)

After a review and discussion of the plan and results of the study conducted by A D E P, Architects for removing barriers in the Overstreet Pedestrian Mall System, Councilmember Frech made a motion that Council be asked to send a formal request to NCNB, First Union National Bank and Southern National Bank requesting that their representatives meet to consider making the recommended alterations on their property and that City staff work with them toward these objectives, with the results circulated to Committee members. Motion was seconded by Councilmember Spaugh and vote was unanimously carried.

Meeting adjourned: 4:55 P.M.

3

MAIL RECEIVED
S_ _ - 1981
OF _ OF
_ • OR

OPERATIONS DEPARTMENT
LANDSCAPE DIVISION

4426 CENTRAL AVENUE
TELEPHONE 568 6530

City of Charlotte

Charlotte North Carolina 28205

September 23, 1981

The Honorable Eddie Knox
The Charlotte City Council
City of Charlotte
600 East Trade Street
Charlotte, NC 28202

Dear Mayor and City Council

The request of Reverend A. W. Anthony to have Lakeview Park named to honor the memory of Dr. Martin Luther King, Jr. has been reviewed. It is my recommendation that this request be approved.

In arriving at this recommendation, discussion was held with Reverend Anthony and members of the former Martin Luther King Memorial Committee, in order to gather additional input

In 1976 City Council authorized the establishment of citizens committee to determine a suitable memorial for Dr. King. This committee's recommendation was to erect a life size statue of Dr. King and place it in Marshall Park. This was completed in April, 1980. This naming of Lakeview Park represents an additional memorialization of Dr. King.

Should any additional requests be received to honor Dr. King, consideration of the type and number of existing memorials should be reviewed so as not to create a disproportionate number of memorials to one individual.

Sincerely,

T. P. McDermott, Chairman
Public Monuments Committee

cc Mr. O. Wendell White, City Manager
Pressly F. Beaver, Operations Director
Marvin F. Billups, Jr., Director, Parks & Recreation

(2) Appointed by City Council
(2) Appointed by County Commissioners
Chairman appointed by Mayor and
Chairman of County Commissioners

COMMUNITY FACILITIES COMMITTEE

(5 Members)

The Community Facilities Committee was established by agreement between the City of Charlotte and Mecklenburg County as adopted by City Council in regular session on Monday, August 18, 1969.

The Committee shall be composed of five members, one of whom shall be Chairman appointed for a term of two years jointly by the Mayor of the City of Charlotte and the Chairman of the County Board of Commissioners, two members shall be appointed by the City Council and two members by the Board of County Commissioners.

Of the members initially appointed by each of the two governing bodies, one is to be for a term of one year and one for a term of two years; thereafter, all appointments shall be for a term of two years. No member, nor the Chairman, shall be appointed for more than two consecutive full terms, no members of the City Council or the Board of County Commissioners or regular employee of either shall be eligible for appointment.

It shall be the duty and responsibility of the Committee to advise City Council and the Board of County Commissioners with respect to planning and providing water and sewerage services within the jurisdiction of the City and County Governments.

Any member who fails to attend at least 75 percent of the regular and special meetings during any one year period shall be automatically removed from the Committee.

MEMBER	DISTRICT	BUSINESS/ PROFESSION	ORIGINAL APPTMT.	RE-APPTMT.	TERM	EXPIRATION
Chairman						
R. Stanley Vaughn W/M	7		11- -79		2 yrs.	9-01-81
City						
Danya Hardwick Yon	6	Staff Accountant	9-08-80		2 yrs.	9-01-82
Bobby Martin B/M	2	CPA Resigned 9/81 (see sig)	8-21-78	9-08-80	2 yrs.	9-01-82
County						
E. M. Hicks, Jr.			9-04-79		4 yrs.	9-01-83
Joseph M. Griffin			7-07-80		Unexp.	9-01-80

#4

TALENT BANK NOMINEES FOR COMMUNITY FACILITIES COMMITTEE

NAME	ADDRESS	SEX	RACE	DISTRICT
Guignard, Betty B.	7208 Marley Cr.	Female	White	-
Knight, Kenneth E.	3517 Windbluff Dr., Matthews	Male	White	-
Lemmon, Robert E.	9030 Sandburg Ave.	Male	White	-
Fennimore, Thomas	323 W. Ninth St.	Male	White	1
Galloway, Jr., Alfred R.	1525 Herrin Ave.	Male	White	1
Martin, Bobby T.	951 S. Independence Blvd.	Male	Black	2
Holland, Matthew H.	7212 Barcliff Dr.	Male	Black	5
Davis, Nancy B.	6018 McNair Rd.	Female	White	5
Heinbaugh, Kenneth D.	144 S. Canterbury Rd.	Male	White	5
Bridgeman, Dorothy J.	5814 Wintercrest Ln.	Female	White	6
Sink, Adelaide A.	300 Hillside Ave.	Female	White	6
Cochrane, John F.	1619 Lyndhurst Ave.	Male	White	6
Foushee, John G.	1225 Townes Rd.	Male	White	6
Letts, Raymond M.	5101 Park Rd.	Male	White	6
Mauldin, Robert K.	2517 Wesley Dr.	Male	White	6
Dunbar, Miriam G.	16 Beacon Hill Ln.	Female	White	7
Crosland, Jr., John	4345 Silo Ln.	Male	White	7
Huson, John J.	4013 Columbine Cr.	Male	White	7
Powers, Lamar J.	4227 Tyndale Ave.	Male	White	7

PB

#5

Request for Council Action

Charlotte

To the City Manager

From C. D. Readling, City Engineer

September 24, 1981
Date

Action Requested Request by J. L. Exum Construction Company to withdraw their bid on St. Mark's Center

On September 4, 1981, bids were received for improvements to St. Mark's Center. Bids were requested on a unit price basis for 25 separate items of work in order to allow for the awarding of a choice of work items which could be constructed within the remaining funds in the project account. The contract documents required that the price bid for each item include all costs including profit. The following bids were received.

J. L. Exum Construction Co.	$ 22,987.13
J. Alton Stewart Construction Co.	37,040.00

Immediately after the opening, the bids were checked for accuracy. The low bidder's total reflected an error in the amount of $1,859.28, thus making the correct total bid $21,127.85.

Due to this error, and the substantial difference between the low bid and the second bid, Mr. James Exum, owner of J. L. Exum Construction Company, was contacted for verification of his bid. A meeting was held with Mr. Exum to discuss his bid and the work to be performed. Mr. Exum stated that the $1,859.28 difference between the correct item total and the total he submitted, represented his profit and overhead for the work. It also became apparent while discussing each item of work with Mr. Exum that he had failed to include in his bid, all the costs that will be incurred in performing this work. Mr. Exum was advised of the provisions of General Statute 143-129.1 regarding withdrawal of a bid when the bid contains a substantial error and has subsequently requested by letter to be allowed to withdraw his bid and have his bid security returned in accordance with the provisions of General Statute 143-129.1.

We have carefully reviewed Mr. Exum's estimate worksheets and verified the errors and omissions in his bid.

We recommend that Mr. Exum's request be approved.

/lb

J.L. Exum Const Co
1008 Comstock Dr
Charlotte, N.C. 28210

Dear Sir,

I James L. Exum, owner of J.L. Exum Const. Co. Would like To Wilhdraw my bid from The St. Mark Improvement Project no 512-79-073.

Beause I made a mistake in following the quide lines of the bid.

I am satified with the bid I sumitted for The project, But the way it is set up I can not carry out the Contract.

If it is any way possible, I will take all Items at my Total bid as Quoted.

Thank you

James L. Exum

#6

Request for Council Action

Charlotte

To the City Manager

September 28, 1981
Date

From Henry W. Underhill, Jr., City Attorney

Action Requested Recommend denial of a request for a refund in the amount of $5,587.69 and $5,682,97 from NCNB Leasing Corporation, ITEL Corporation and Data Processing of the South, Inc.

Henry W. Underhill Jr.

The above three corporations have submitted a request for a refund in the above-mentioned amounts claiming excessive and illegal valuation for 1980 tax purposes of certain computer equipment. These requests have been reviewed by Mr. Hamlin Wade, City-County Tax Attorney. In the opinion of Mr. Wade, the City Council has no discretionary authority to authorize the requested refund based on a reduced valuation. A copy of Mr. Wade's opinions, dated September 25, 1981 and February 5, 1981, are attached for your information. I have also attached copies of the tax payers' requests dated July 2, 1981 and September 14, 1981 for your information. In addition to the attached materials, I will have available at the Council meeting at which this matter is considered other correspondence concerning these requests.

An identical request for refund has been made to Mecklenburg County. The County Commissioners are slated to consider this request at its meeting of October 5th.

HWUjr:ps
Attachments

RUFF, BOND, COBB, WADE & McNAIR
ATTORNEYS AT LAW
2100 FIRST UNION PLAZA
CHARLOTTE, NORTH CAROLINA 28282

THOMAS C. RUFF
LYN BOND JR
JAMES O COBB
HAMLIN L WADE
WILLIAM H MCNAIR
MARVIN A. BETHUNE

MOSES LUSKI
FRANCIS W STURGES

PAUL C. WHITLOCK
1878 1959

HENRY C DOCKERY
1887 1965

TELEPHONE
(704) 377 1634

September 25, 1981

M E M O R A N D U M

To Charlotte City Council

From. Hamlin L. Wade

Subject. NCNB Leasing Corporation
Itel Capital Corporation
Data Processing of the South, Inc.

I have been asked to state a legal position with respect to the above matter. The Council has been supplied with copies of all pertinent correspondence, including my letter to Jack Mayes dated February 5, 1981.

It is my opinion that the tax in question is neither an illegal tax nor an unlawful tax nor a clerical error, as alleged in the separate letters from Itel Capital Corporation and NCNB Leasing Corporation. The sole question is one of value, and the taxpayers were given adequate notice of the assessed values as indicated by the messages from Walt Tedder dated May 27, 1980, and June 16, 1980, copies of which are in the information before the Council. The taxpayers had the right to appeal the values to the Board of Equalization and Review, and that appeal time has now passed.

Since this is not a discovery matter or a question of an illegal or an unlawful tax, it is my opinion that the City Council has no discretionary authority to authorize a refund based on a reduced valuation The reasons for my opinion are set forth in my letter dated February 5, 1981.

Hamlin L. Wade
Mecklenburg County Tax Attorney

HLW·jm

RUFF, BOND, COBB, WADE & McNAIR
ATTORNEYS AT LAW
2100 FIRST UNION PLAZA
CHARLOTTE, NORTH CAROLINA 28282

THOMAS C RUFF
LYN BOND JR
JAMES O COBB
HAMLIN L WADE
WILLIAM H McNAIR
MARVIN A BETHUNE

JEAN B LAWSON
MOSES LUSKI

PAUL C WHITLOCK
1878 1959

HENRY C DOCKERY
1887 1965

TELEPHONE
(704) 377 1634

February 5, 1981

Mr. Jack E. Mayes
Mecklenburg County Tax Supervisor
County Office Building
720 East Fourth Street
Charlotte, N. C. 28202

Re: NCNB Leasing Corporation
Data Processing of the South, Inc.
leased computer equipment

Dear Jack:

I have reviewed the letter directed to the City-County Tax Collector from Mr. Donald Latham at NCNB Leasing Corporation dated December 31, 1980, and I have reviewed the factual situation with Mr. Latham and previously with Mr. Bill Waggoner, attorney for Data Processing of the South, Inc. It is my understanding that the property in question is computer equipment which is owned by NCNB Leasing Corporation and leased to Data Processing of the South, Inc. The lease agreement apparently provides for the lessee to pay all ad valorem taxes. Data Processing also leases equipment directly from ITEL Corporation similar to the equipment in question and under a similar type leasing agreement. The taxpayers in both instances are the owners of the equipment (NCNB and ITEL) rather than Data Processing.

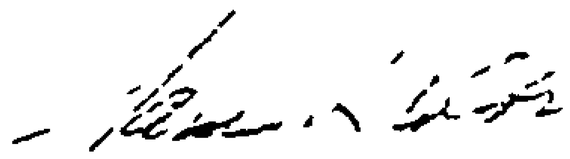
It is my understanding that in both instances the lease agreements provide for payments which have not diminished during the lease period and that the income stream to the lessors remains the same as if the property had maintained its original value with some allowance for depreciation. Therefore, it would appear that as far as the taxpayers are concerned (the lessors), the property has not diminished in value even though perhaps the property would not exchange hands for the value which the Tax Office has placed on it. When the lease expires or when the lease payments are diminished so that a capitalization of the income stream would not justify the value placed on the property by the Tax Office, then the property should be reduced in value. The General Statutes provide that the Tax Office, in appraising personal property, is required to consider certain things in

determining the value, among which is "the productivity of the property". There are also other considerations, such as replacement cost, sale price, age, physical condition, remaining life, and obsolescence (G.S. §105-317.1). It is my understanding that the Tax Office has placed a value on the property using a depreciation schedule, as is common in all computer equipment and machinery and equipment. However, if another method were used which would justify the same value, it is my opinion that the property should be taxed at that value. I am assuming that the capitalization of the income which NCNB and ITEL are receiving would justify a valuation commensurate with the value placed on the property by the Tax Office, and if this is not true then there should be a reduction in value for 1981. In my discussions with Bill Waggoner and Mr. Latham, there has been no suggestion that the income approach would not justify the tax value.

With respect to the 1980 taxes, it is my opinion that the question involved is one of value and the taxpayer had the burden of contesting the value prior to the issuance of the tax bills by the Tax Office. In my opinion, it is not a question of an illegal or unlawful tax, nor is it a clerical error, as stated in Mr. Latham's letter. If my opinion is correct, the governing bodies do not have the authority to refund the taxes and the request for refund should, therefore, be denied.

In summary, it is my opinion that the refund request should be denied for the 1980 taxes and the property should be valued for 1981 in the same manner as it was valued in 1980 unless the taxpayers can produce sufficient evidence that the value of the property to them is less than the value placed on it by the Tax Office. I have discussed this matter with both Mr. Latham and Mr. Waggoner and have indicated my opinion to them. I am also mailing a copy of this letter to each of them for their information. Notwithstanding my opinion, I believe it is necessary to present the matter to the governing bodies inasmuch as the General Statutes require that the governing body act upon a request for refund on the basis of an illegal or unlawful tax (G.S. §105-381). I will be happy to appear before the County Commission and the City Council in the event they have any questions or need any clarifications.

Yours very truly,



Hamlin L. Wade
Mecklenburg County Tax Attorney

HLW:jm

cc: Mr. Donald R. Latham
cc: Nathan E. Alberty
cc: Mr. William J. Waggoner

NCNB Leasing Corporation
Charlotte NC 28255
Telephone 704 374 5269

Certified Mail
P33 5452051

NCNB Leasing

LEGAL DEPARTMENT
JUL 13 1981

July 2, 1981

Charlotte City Council
c/o Henry W. Underhill, City Attorney
City Hall
Charlotte, NC 28202

Re: Mecklenburg County - Data Processing of the South - Itel Corp. Computer

Gentlemen

On behalf of our lessee, Data Processing of the South, Inc., we made payment of the enclosed Tax Notice for the year 1980 under protest. Specifically, we object to the excessive and illegal valuation of the Itel AS-5 3 model 0530 Feature 020 Computer System, Serial Numbers 1087, 2087 and 4087. This item is listed under account number 90 01 1546 01 of the Schedule of Leased Property, a reproduction of which is attached. Under the terms of our Lease, Data Processing of the South, Inc. has the obligation to pay all ad valorem taxes on this equipment.

Specifically, we object and protest the method in which the appraisal was made. It is our understanding that your appraisers made a valuation determination of $867,424.00 utilizing solely a straight-line depreciation method and totally ignoring the replacement costs of the property, the effect of obsolescence on the property, the economic utility of the property, the sudden demise of Itel as a viable supporter of the equipment it sold and the technological breakthrough by manufacturers of similar equipment. Specifically, we are informed that the value of this equipment as of January 1, 1980 was a sum not exceeding $250,000.00, and, at the present time, is considerably less than that valuation. Failure of your appraisers to take these factors into consideration was arbitrary, unlawful and constitutes a denial of due process. The valuation and resulting taxation is more than 300 percent of the proper tax based upon the true value of the property. This, we contend, renders the tax illegal because it amounts to imposing a confiscatory tax in violation of Section 19 of Article I of the North Carolina Constitution and the Fifth and Fourteenth Amendments of the United States Constitution.

Furthermore, the tax was imposed through clerical error, that is clerical error in failure to consider the tax valuation bases set forth above.

The tax records indicated that the computer system in question was valued by the assessor's office at $867,424.00. According to our calculation, the rate of ninety and one-half cents (.905) applied to this figure amounts to tax of $7,850.19. This rate applied to $250,000.00 amountsto$2,262.50. The difference between these two figures is $5,587.69. Under and pursuant to the provisions of Section 105-381 of the General Statutes of North Carolina, we hereby make demand upon the City of Charlotte Council for a refund of the difference.

Very truly yours

Donald R. Latham

Donald R. Latham
Tax Administration Officer

msf

Enclosure

#6

NCNB LEASING CORPORATION, P O Box 120, Charlotte, N C 28255 Date JAN 01 19 County Mecklenburg State North Carolina

SCHEDULE OF LEASED EQUIPMENT

ACCT NO	LESSEE NAME MAILING ADDRESS & EQUIPMENT LOCATION	TERM	PAYMENT	TOTAL COST	DATE PURCHASED	EQUIPMENT DESCRIPTION
90 20 1502 01 Inside	PTL Television Network 4701 Park Road Charlotte, N C 28279 EQUIP LOC SAME	60	3,426 97	155,500 00 @ 81%	2-16-78	(2) Two Model CER-4 PMPN Bell & Howell Phillipsburg Royale Expeditors S/N 27-6754 and S/N 27-6755 Each equipped with all standard equipment 125 955
90 01 1453 03 INSIDE	~~Cit Public Inc~~ The Weekly Newspapers Inc. 400 Radio Road Charlotte NC 28216 LEASE ASSUMED 6/8/78 EQUIP LOC 4433 N I 85 Charlotte, NC	60	900 00	41,680 00 @ 75%	4-20-78	1 Uniscriber, 115 v/60 Hz, S/N 001474 5 Mini Disk Terminals S/N's 299, 500, 264, 263 266 1 Mini Disk Reader S/N 226 31 260
90 01 1546 01 Inside	Data Processing of The South Inc 1043 E Morehead St Charlotte, N C 28204 EQUIP LOC SAME	86	16,200 00	1,156,564 57 @ 75%	3-31-78	867 424 1 ITEL AS5-3 Model 0530 Feature 020 Computer System S/N 1087, 2087, 4087, with 2 Megabyte Memory and all accessories and attachments
90 10 1554 01 INSIDE	C R Mullis Oil and Heating Company 940 N Davidson St Charlotte N C 28299 EQUIP LOC SAME	60	722 00	32,500 00 @ 75%	7-12-78	24 375 1 Centurion II-B Computer System, consisting of 32K MOS Memory CPU S/N 1171177 All CPU Interfaces & Cables 4-Port MUX Two Data Entry Video Terminals, S/N's 29921 & 39992 1 10 4 Fixed/removable Disc Drive, S/N 12209 1 175CPS Matrix Printer, S/N 139

MECKLENBURG

TAX NOTICE **City of Charlotte & Mecklenburg County, N.C.**

MAKE CHECK PAYABLE TO
CITY-COUNTY TAX COLLECTOR
P O BOX 31457 CHARLOTTE N C 28231

1980

REAL ESTATE VALUE	PERSONAL VALUE	LESS EXEMPTION	TAXABLE VALUE	ACCOUNT NUMBER	BILL NO
	2,872,149		2,872,149	700-002-000-8	204242

TAX RATE PER $100 VALUE	CITY TAXES PROPERTY TAX	CITY TAXES LISTING PENALTY	COUNTY TAXES PROPERTY TAX	COUNTY TAXES DOG	COUNTY TAXES LISTING PENALTY	TOTAL TAX
$1.745	25,992.95		24,126.05			50,119.00

NCNB LEASING CORP
1 NCNB PLAZA
CHARLOTTE, N.C.

LSD EQUIP

28255

CHECK HERE FOR ADDRESS CHANGE

TAXES DUE SEPT. 1, 1980 AND ARE SUBJECT TO LEVY, GARNISHMENT OR FORECLOSURE AFTER JAN. 6, 1981

INTEREST BEGINS JAN. 6, 1981 2% FOR JAN. AND ¾% ADDITIONAL FOR EACH MONTH THEREAFTER

INTEREST	
TOTAL DUE	

80-204242 90-02306

NCNB Leasing

NCNB Leasing Corporation
P O Box 120
Charlotte NC 28255

Tax Bill 204242
PAID UNDER PROTEST

66-0530/0019
North Carolina National
Bank Charlotte NC

12-30-80
Date

Pay Fifty thousand one hundred nineteen and no/100 Dollars $50,119.00

To the
Order
Of

Charlotte-Mecklenburg Tax Collector

NCNB Leasing Corporation
Arnold R Cathan
R Wayne Lowery

⑆0530⑈0019⑆ 000095521⑈ ⑈0005011900⑈

PAY ANY BANK PLG
CHARLESTON, S.C.
DOLLARS
CITY-COUNTY-STATE COLLECTOR
FOR DEPOSIT TO CREDIT OF
JAN 2 2 1992
PAY
60-19
60-19

ITEL

Itel Capital Corporation
One Embarcadero Center
San Francisco California 94111
(415) 955 0000

September 14, 1981

Charlotte City Council
c/o Mr. Henry W. Underhill
City Attorney
City Hall
Charlotte, North Carolina 28202

Re: Mecklenburg County -
Date Processing of the South, Inc. -
Itel Corporation (Capital Division)

Dear Mr. Underhill:

On behalf of our lessee, Data Processing of the South, Inc., we are writing to object and protest the excessive and illegal valuation of the Itel AS-5 3 Model 0530 Feature 020 Computer System, Serial Number 1210. This item is listed under account number 7000031047, and was attached to our tax listing schedule of leased property, a reproduction of which is attached. Under the terms of our Lease, Data Processing of the South, Inc. has the obligation to pay all ad valorem taxes on this equipment.

Specifically, we object and protest the method in which the appraisal was made. It is our understanding that your appraisers made a valuation determination of $877,953.00, utilizing solely a straight-line depreciation method and totally ignoring the replacement costs of the property, the effect of obsolescense on the property, the economic utility of the property, Itel's filing for reorganization under Chapter 11 of the Federal Bankruptcy Code, and withdrawal from computer leasing business and the technological breakthrough by manufacturers of similar equipment. Specifically, we are informed that the value of this equipment as of January 1, 1980 was a sum not exceeding $250,000.00 and, at the present time, is considerably less than that valuation. Failure of your appraisers to take these factors into consideration was arbitrary, unlawful and constitutes a denial of due process. The valuation and resulting taxation is more than 300 percent of the proper tax based upon the true value of the property. This, we contend, renders the tax illegal because it amounts to imposing a confiscatory tax in violation of Section 19 of Article I of the North Carolina Constitution and the Fifth and Fourteenth Amendments of the United States Constitution.

Your records indicate that the computer system in question was valued by your office at $877,953.00. According to our calculations, the rate of 9.05 cents applied to this figures amounts to a tax of $7,945.47. This rate applied to $250,000.00 amounts

to $2,262.50. The difference between these two figures is $5,682.97. Under and pursuant to the provisions of Section 105-381 of the General Statutes of North Carolina, we hereby make demand upon the Charlotte City Council for a refund of this difference.

Very truly yours

ITEL CORPORATION - CAPITAL DIVISION

Jess Mendoza
Tax Administrator

Enclosure

#7

CITY OF CHARLOTTE

CHARLOTTE MECKLENBURG UTILITY DEPARTMENT

INTER-OFFICE COMMUNICATION

DATE: October 2, 1981

TO: Mr. O. Wendell White
City Manager

FROM: R. D Campbell, Director
Charlotte-Mecklenburg Utility Dept

SUBJECT: Sanitary Sewer Right-of-Way Condemnation - Mr Torrence B Wilkinson - Council Meeting of September 28, 1981

During his presentation to Council last Monday, Mr Wilkinson raised two objections to locating the proposed sewer to serve the Brady Distributing Company on his property:

(1) The City will continue to put sewers across his property such that, in the future, his property will look like a "spider web" and will, therefore, be rendered useless as a building site.

Examination of the topography of Mr. Wilkinson's property reveals that there are two main drainage courses crossing it. There is an existing sewer along one course and the sewer which we are proposing will follow the other course. Our staff cannot see any need for any additional public sewers on this property. However, if Mr. Wilkinson subdivides the property, these two sewers will serve as the basic system to which he will tie his subdivision sewer system

(2) There is a shorter route for a sewer to serve Brady than a route across his property.

We have examined all of the possible routes a sewer might take in order to serve Brady and have plotted them on the attached map. The distances and costs are as follows:

Route	Length	Cost	Comments
A	581.08'	$11,621.60	This is route proposed by CMUD
B	2,500'±	$68,750.00	Mr Wilkinson's original proposed route
C	2,200'±	$66,000.00	In order to maintain minimum grade, this route would bring sewer out of ground on piers across Brady property and a portion of adjacent property

(2) continued

Route	Length	Cost	Comments:
D	800'±	$50,000.00	This route would be almost entirely above ground on piers and would require Brady to abandon and relay most of the sewer lateral which they have already constructed.

Routes "C" and "D" would tie the Brady Company to existing sewers in the Airport Industrial Park as proposed by Mr. Wilkinson at the Council meeting.

JFF.ck
Attachment

/

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO TORRENCE B. WILKINSON AND WIFE, EMMA H. WILKINSON; McDONALD MORTGAGE COMPANY, CESTUI QUE HOLDER, AND W. J. KELLAM, JR., ET AL., TRUSTEES, LOCATED AT 2645 HORSESHOE LANE IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, FOR THE SANITARY SEWER TO WILMOUNT ROAD

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Torrence B. Wilkinson and wife, Emma H. Wilkinson; McDonald Mortgage Company, cestui que holder, and W. J. Kellam, Jr., et al., Trustees, located at 2645 Horseshoe Lane in the City of Charlotte, Mecklenburg County, for a perpetual easement for a sanitary sewer plus a temporary construction easement in connection with the sanitary sewer to Wilmount Road; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Torrence B. Wilkinson and wife, Emma H. Wilkinson; McDonald Mortgage Company, cestui que holder, and W. J. Kellam, Jr., et al., Trustees, located at 2645 Horseshoe Lane in the City of Charlotte, Mecklenburg County, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that $1,750.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the Office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, RUTH ARMSTRONG, 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 _____ day of _____, 1981, and the reference having been made in Minute Book _____ Page _____ and recorded in full in Resolutions Book _____ Page _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 1981.

_____
Ruth Armstrong, City Clerk

NORTH CAROLINA AREA 3

SOUTHERN PIEDMONT HEALTH SYSTEMS AGENCY, INC.

Suite 425 • One Charlottetown Center • 1300 Baxter Street
P. O. Box 35588 • Charlotte, N C. 28235
704-372-8494

MISC.
RECEIVED
OCT 5 1981

GOVERNING BODY

Chairman
Pat Locke

Vice-Chairman
John Allen

Secretary
Gail Brotherton

Treasurer
Elisabeth Hair

Lester Brooks, M D
Earl Bullard
Elinor Caddell
Lewis C Coleman, Jr
Frank Crowell
Bell Dickerson
Tom Dillon
Cecil Duckworth O D
R O Everett
Ervin M Funderburk, Jr
Phillip E Gerdes
Harold Green
C C Griffin
Pauline Helms
George Jaggers Jr
Mary Jeter
Robert Long D D S
J Wiley Martin
Winnie Hamer McNeely
Wilton Rankin
David R Saunders
Larry Sifford
L Steve Thornburg
Lonnie Waggoner Jr, M D
Genevieve Ware

HSA Representative
Paul E Phillippi

Executive Director
Eugene C Goeller

October 2, 1981

Wendell White
Charlotte City Manager
600 East Trade Street
Charlotte, NC 28202

Ruth -
Please handle.

IW
10/8

Dear Mr. White:

On April 24, 1981 I wrote you concerning the postponement of SPHSA Governing Body elections. In effect, we delayed the election process which began on March 13, 1981 with our request for twenty-six (26) appointees to the SPHSA "Board of Electors" and which continued with our March 27, 1981 letter requesting nominations for positions on the Governing Body.

It is my pleasure to inform you now that the election process has been restarted. As I indicated in my April 24, 1981 letter, we will be pleased to honor elector appointments and nominations to positions on the Governing Body which were submitted in response to our March requests.

However, our records indicate that the Charlotte City Council has not, as yet, named their appointees to the Board of Electors. We are very interested in having the involvement of local governments in our election process. The Council is therefore requested to submit their appointees on the enclosed form as soon as possible -- please note that the deadline for submission is November 16, 1981. The meeting of the Board of Electors is tentatively scheduled for December 2, 1981 at 7:00 pm.

Regarding nominations, we continue to be interested in receiving nominations for the nine consumer positions to be elected by the Board of Electors and the four provider positions to be elected by the SPHSA Governing Body.

Of the nine consumer positions to be filled, the following characteristics should be satisfied:

- six should be female;
- two, non-white (male or female);
- one should be a representative of the handicapped;
- one, a major purchaser of health care;
- one, a representative of general purpose local government;
- three, representatives of low income;
- age: one should be 18 to 34 years old,
  two should be 65 years old or older;
- We are seeking nominees from all counties but must have elected to the Governing Body at least one person each from Cabarrus, Stanly and Iredell.

Naturally, any one nominee may meet more than one characteristic.

Of the four provider positions to be filled, the following categories must be represented: Health Care Professional (physician in private practice); Health Care Institutions - general hospital administration and rehabilitation facility administration (includes alcohol/drug and other substance abuse), Health Care Insurer; and, Public Health, Allied Health Professions and other providers of health care. In order to satisfy all categories, at least one provider must represent more than one category.

We are enclosing, for your convenience, nominating forms which must be used in submitting nominations. Additional forms are available upon request. All completed forms must be received in our office no later than November 16, 1981.

Please let me know if you have any questions. I, or Floyd Cogley of staff, would be happy to talk with you.

Thank you for your time and interest.

Sincerely,

Eugene C Goeller

Eugene C. Goeller
Executive Director

ECG/pme

Enclosures

CHARLOTTE CITY COUNCIL
APPOINTEES TO SOUTHERN PIEDMONT HEALTH SYSTEMS AGENCY
BOARD OF ELECTORS

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Address _____
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Telephone _____

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CHARLOTTE CITY COUNCIL
APPOINTEES TO SOUTHERN PIEDMONT HEALTH SYSTEMS AGENCY
BOARD OF ELECTORS

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Name _____
Address _____
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Telephone _____

_____
Signature of Person Authorized
to Appoint Electors for the
Charlotte City Council

Please complete and return to Southern Piedmont Health Systems Agency. Return envelope enclosed.

DEADLINE FOR A RESPONSE IS NOVEMBER 16, 1981

SOUTHERN PIEDMONT HEALTH SYSTEMS AGENCY
Suite 425 - One Charlottetown Center
1300 Baxter Street - P. O. Box 35588
Charlotte, NC 28235

PROSPECTIVE MEMBERSHIP QUESTIONNAIRE

A. BIOGRAPHICAL INFORMATION
[Where blanks appear, please check the appropriate response.]

1. Name _____ [Please print]

   Business Address _____

   Employer Name/Occupation/Profession/Title _____

   _____

   Home Address _____

   Telephone Home _____ Business _____

2. Sex ____ Male ____ Female

3. Age Group ____ 18-34 ____ 35-44 ____ 45-64 ____ 65+

4. Family Income ____ Less than $10,000 ____ $15-24,999
   ____ $10-14,999 ____ $25,000+

5. Race or Ethnic Group ____ White ____ Black
   ____ Hispanic ____ American Indian

   Other, please specify _____

6. Education ____ less than 12 years ____ 12 years/HS or GED Diploma
   ____ 13 to 15 years ____ 16 years or more

   Academic Degrees [e.g., BA, BS, MA, etc.] _____

7. Handicapped Yes ____ No ____ Please specify _____

8. List Major Organizational Memberships _____

   _____

   _____

   _____

   _____

   _____

9. I am interested in serving on the

   ____ Governing Body ____ Review Committee [PUFF & Project]
   ____ Plan Development ____ Public Education Committee
   ____ Plan Implementation Committee
   ____ County Implementation Group
   ____ A Technical Advisory Committee
   ____ Subarea Advisory Council
   ____ Wherever I can be of service

OVER

B CONSUMER/PROVIDER DETERMINANTS

1. [Please respond to the following questions by writing yes or no in the spaces provided]

(A) Are you a direct provider of health care (including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician) in that your primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, you received professional training in the provision of such care or in such administration and are licensed or certified for such provision or administration if yes please specify _____

(B) Do you receive (either directly or through your spouse) more than one-fifth of your gross annual income from any one or combination of --

(1) fees or other compensation for research into or instruction in the provision of health care,
(2) entities engaged in the provision of health care or in research or instruction in the provision of health care,
(3) producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care, or
(4) entities engaged in producing drugs or such other articles, _____

(C) Do you hold a fiduciary position with, or have a fiduciary interest in, any entity described in (2) or (4) of B above, if yes, please specify _____

(D) Are you a member of the immediate family (spouse and/or children living in the same household) of an individual described in (A), (B), or (C) above, _____

(E) Are you engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits _____

2. Public Official _____ Elected _____ Appointed

Please specify position _____

3. Private or Public Agency Representative _____

Identify agency _____

Name and affiliation of person making nomination, if other than nominee

_____
Name [please print] Signature

I agree to serve as a member of the SPHSA Governing Body if elected to such position at the next Annual Meeting or in the interim to complete an unexpired term

_____
Date Signature of Nominee

FOR USE BY GENERAL PURPOSE LOCAL GOVERNMENTAL UNITS
[e g , County, City, Town Governments]

Should the above nominee be elected to a seat on the SPHSA Governing Body, the nominee (will _____) (will not _____) be accepted as a representative of our government jurisdiction

_____
Signature of Person Authorized to Act for Jurisdiction

[Completed Nomination Forms must be received in the SPHSA Office by November 16, 1981.]

Nominees are requested to complete the following and return it to the Southern Piedmont Health Systems Agency; P. O. Box 35588; Charlotte, NC 28235. Please give your personal response to the following questions. Completed nomination forms must be received in our office by November 16, 1981. [If you need more space, feel free to enclose an additional sheet for your answers.]

WHAT IS YOUR PARTICULAR INTEREST AND COMMITMENT TO HEALTH AND HEALTH CARE IN YOUR COMMUNITY AND IN OUR REGION?

WHY DO YOU WISH TO SERVE ON THE GOVERNING BODY OF THE SPHSA?

_____

Nominee's Name