

November 22, 1976  
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RESOLUTION OF CITY COUNCIL OF  
THE CITY OF CHARLOTTE, NORTH CAROLINA,  
APPROVING AMENDMENT NO. 3, REDEVELOPMENT PLAN  
AND THE FEASIBILITY OF RELOCATION FOR  
GREENVILLE URBAN RENEWAL PROJECT AREA

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Secretary of the Department of Housing and Urban Development is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban renewal projects; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall require that the Urban Renewal Plan for the respective project area be approved by the governing body of the locality in which the project is situated and that such approval include findings by the governing body that: (1) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; (3) the Urban Renewal Plan conforms to a general plan for the development of the locality as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the City of Charlotte (Successor to the Redevelopment Commission of the City of Charlotte) herein called the "Local Public Agency") has entered into a Loan and Capital Grant Contract for financial assistance under such Act with the United States of America, acting by and through the Secretary of Housing and Urban Development, pursuant to which Federal funds were provided for the urban renewal Project (herein called the "Project") identified as "Greenville Urban Renewal Area, Project No. N.C.R-78" and encompassing the area bounded on the southeast by North Graham Street; on the east by Statesville Avenue; on the northeast by Oaklawn Avenue; on the northwest by Irwin Creek; on the southwest by Seaboard Coastline Railroad and on the south by Southern Ra -

road, in the City of Charlotte, State of North Carolina, (herein called the "Locality"); and

WHEREAS, there has been prepared and approved by the City Council of the City of Charlotte (herein called the "Governing Body") an Urban Renewal Plan (hereinafter called "Redevelopment Plan") for the Project Area, dated September, 1969, and consisting of 21 pages and 4 exhibits; and

WHEREAS, there has been prepared and approved by the Governing Body of the City of Charlotte Amendment No. 1 to the Redevelopment Plan for the Project Area, dated August, 1970, consisting of 29 pages and 6 exhibits; and

WHEREAS, there has been prepared and approved by the Governing Body of the City of Charlotte Amendment No. 2 to the Redevelopment Plan for the Project Area, dated July, 1973, consisting of 42 pages and 6 exhibits; and

WHEREAS, since the above-cited approvals and acceptances, it has been desirable and in the public interest to further amend said Redevelopment Plan to reflect changes in the land use; to make refinements to street alignments and locations; and to revise the special building requirements for townhouses as to minimum lot width to apply only to townhouses for sale; and

WHEREAS, there has been prepared and referred to the Governing Body of the City of Charlotte for review and approval an Amended Redevelopment Plan for the Project Area dated April, 1976, and consisting of 42 pages and 6 exhibits; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the Charlotte-Mecklenburg Planning Commission, which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting the Amended Redevelopment Plan for the Project Area and has certified that the Amended Redevelopment Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations, and certification of the planning body; and

WHEREAS, the Amended Redevelopment Plan for the Project Area prescribes certain land uses for the Project Area and will

require, among other things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action; and

WHEREAS, the Governing Body is cognizant of the rules and regulations prescribed by the Federal Government pursuant to Title I requiring that the Conditions under which the Local Public Agency will make Relocation Payments in connection with the Urban Renewal Project contemplated by the Amended Redevelopment Plan be officially approved by the Governing Body of the Local Public Agency; and

WHEREAS, the Governing Body is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, or national origin:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. That it is hereby found and determined that the Project is a blighted area and qualifies as an eligible Project Area under Section 110. c. 1. of the Housing Act of 1949, as amended, and under North Carolina Urban Redevelopment Law of 1951, as amended, N.C.G.S. 160-454 through 160-474.2.

2. That the Amended Redevelopment Plan for the Project, having been duly reviewed and considered, is hereby approved, and the City Clerk be and is hereby directed to file said copy of the Amended Redevelopment Plan with the minutes of this meeting.

3. That it is hereby found and determined that the objectives of the Amended Redevelopment Plan cannot be achieved through rehabilitation of the Project Area.

4. That it is hereby found and determined that the Amended Redevelopment Plan for the Project Area conforms to the general plan of the Locality.

5. That it is hereby found and determined that the financial aid provided and to be provided pursuant to the contract for Federal financial assistance pertaining to the Project is necessary to enable the Project to be undertaken in accordance with the Amended Redevelopment Plan for the Project Area.

6. That it is hereby found and determined that the Amended Redevelopment Plan for the Urban Renewal Area will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the redevelopment of the Area by private enterprise.

7. That it is hereby found and determined that the Amended Redevelopment Plan for the Urban Renewal Area gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.

8. That the United States of America and Department of Housing and Urban Development be, and they hereby are, assured of full compliance with the rules and regulations prescribed by the Federal Government pursuant to Title I including the conditions under which the Local Public Agency will make relocation payments in connection with the Urban Renewal Project contemplated by the Amended Redevelopment Plan, insofar as is applicable.

9. That it is hereby found and determined that the program for the proper relocation of individuals and families displaced in carrying out the Project in decent, safe, and sanitary dwellings in conformity with acceptable standards is feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Project; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the Project Area, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.

10. That, in order to implement and facilitate the effectuation of the Amended Redevelopment Plan hereby approved, it is found and determined that certain official action must be taken by this Body with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action, and, accordingly, this Body

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hereby (a) pledges its cooperation in helping to carry out the Amended Redevelopment Plan; (b) requests the various officials, departments, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Amended Redevelopment Plan; and (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Redevelopment Plan.

11. That additional financial assistance under the provisions of Title I of the Housing Act of 1949, as amended, is necessary to enable the land in the Project Area to be renewed in accordance with the Amended Redevelopment Plan for the Project Area and, accordingly, the filing of an amendatory application or applications for such financial assistance under Title I is hereby approved.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 1976, the reference having been made in Minute Book 64, and is recorded in full in Resolutions Book 12, at Page 148-152.

Ruth Armstrong  
City Clerk

RESOLUTION OF  
THE CITY COUNCIL OF THE CITY OF CHARLOTTE  
CHARLOTTE, NORTH CAROLINA  
AUTHORIZING THE FILING OF AN AMENDATORY APPLICATION FOR LOAN AND GRANT  
GREENVILLE URBAN RENEWAL PROJECT AREA

WHEREAS, it is necessary and in the public interest that the City of Charlotte avail itself of the financial assistance provided by Title I of the Housing Act of 1949, as amended, to carry out the urban renewal project described as Greenville Urban Renewal Area, and bounded generally on the southeast by North Graham Street; on the east by Statesville Avenue; on the northeast by Oaklawn Avenue; on the northwest by Irwin Creek; on the southwest by Seaboard Coastline Railroad and on the south by Southern Railroad, in the City of Charlotte, State of North Carolina, hereinafter referred to as the "Project;" and

WHEREAS, it is recognized that the Federal contract for such financial assistance pursuant to said Title I will impose certain obligations and responsibilities upon the Local Public Agency and will require among other things (1) the provision of Local grants-in-aid; (2) a feasible method for the relocation of individuals and families displaced from the project area; and (3) other local obligations and responsibilities in connection with the undertaking and carrying out of urban renewal projects; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Housing and Urban Development effectuating that Title, provide that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the undertaking and carrying out of urban renewal projects assisted under Title I of the Housing Act of 1949, as amended; and

WHEREAS, a Loan and Grant Contract, numbered Contract No. N.C.R-78 (LG) for Greenville Urban Renewal Area, Project No. N.C.R-78, was approved by the Governing Body of the Redevelopment Commission of the City of Charlotte on July 21, 1971, and thereafter said Loan and Capital Grant Contract was accepted by the Department of Housing and Urban Development on August 5, 1971; and

WHEREAS, a First Amendatory Contract amending Loan and Capital Grant Contract No. N.C.R-78 (LG) for Greenville Urban Renewal Area, Project No. N.C.R-78 for the purpose of increasing the budget to cover increased costs of relocation payments anticipated under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which increased benefits to persons displaced under a Federal program was approved by the Governing Body of the Redevelopment Commission of the City of Charlotte on August 9, 1972, and thereafter said Loan and Capital Grant Contract was accepted by the Department of Housing and Urban Development on August 18, 1972; and

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WHEREAS, a Second Amendatory Contract amendatory Loan and Capital Grant Contract No. N.C.R-78 (LG) for Greenville Urban Renewal Area, Project No. N.C.R-78 for the purpose of reducing the relocation grant to an amount estimated to be adequate to complete the relocation payments for the project was approved by the City Council of the City of Charlotte (successor to the Redevelopment Commission of the City of Charlotte) on June 18, 1973, and then after said Loan and Capital Grant Contract was accepted by the Department of Housing and Urban Development on June 22, 1973; and

WHEREAS, a Third Amendatory Contract amending Loan and Capital Grant Contract No. N.C.R-78 (LG) for Greenville Urban Renewal Area, Project No. N.C.R-78 for the purpose of changing the estimated cost and method of financing to reflect that after June 30, 1972, the City of Charlotte would share in the payment of relocation costs on a 1/3 - 2/3 basis, to reflect changes in the land use, in property designated for acquisition and property designated not to be acquired, and changes in project improvements and supporting facilities was approved by the City Council of the City of Charlotte on December 10, 1973, and thereafter said Loan and Capital Grant Contract was accepted by the Department of Housing and Urban Development on December 20, 1973; and

WHEREAS, since the above-cited approval and acceptance, it has become desirable and in the public interest to reflect changes in the land use, to make refinements to street alignments and locations and to revise the special building requirements for townhouses as to minimum lot width to apply only to townhouses for sale, and to change the Redevelopment Plan to reflect these changes; and

WHEREAS, the objectives of the Urban Renewal Plan cannot be achieved through rehabilitation of the Project area:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. That the United States of America and the Secretary of the Department of Housing and Urban Development be, and they hereby are, assured of full compliance by the Redevelopment Commission of the City of Charlotte with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964 and applicable Executive Orders.

2. That an Amendatory Application on behalf of the City of Charlotte for a loan under Section 102 (a) of said Title I in the amount of \$13,012,873 and for a project capital grant and a

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relocation grant to the full amount available for undertaking and financing the Project is hereby approved, and that the Mayor is hereby authorized and directed to execute and to file such Amendatory Application with the Department of Housing and Urban Development, to provide such additional information and to furnish such documents as may be required in behalf of said Department, and to act as the authorized correspondent of the City of Charlotte.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of November, 1976, the reference having been made in Minute Book 64, and is recorded in full in Resolutions Book 12, at Page 153-155.

Ruth Armstrong  
City Clerk



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RESOLUTION AMENDING THE  
PERSONNEL RULES AND REGULATIONS

BE IT RESOLVED by the City Council of the City of Charlotte,  
North Carolina, that the Personnel Rules and Regulations heretofore adopted  
by the City Council to be effective October 6, 1969, as subsequently amended,  
are hereby further amended as follows:

Rule III, Section 11, Overtime, is amended to read in its entirety as  
follows:

Overtime work shall be that work performed by an employee which exceeds  
40 hours in the workweek.

Overtime opportunities will be distributed equally as practicable among  
employees in the same job classification, department, and shift.

Departments shall maintain records of time worked for employees assigned  
to job classes which qualify for overtime payment.

Employees required to work overtime may be compensated with straight time  
off within two weeks from the time which the overtime is worked, or paid for  
such overtime on the basis of 1-1/2 times the overtime hours worked provided  
that:

- (1) The work is of an unusual, unscheduled or emergency nature and  
is directed by department head or an authorized representative.

(2) The class of work to which the employee is assigned is not excluded from entitlement to such overtime payment or time off as provided for in Schedule IV of the Pay Plan; except that Police Patrol Officers, Police Sergeants and uniformed Fire Department personnel up to and including the rank of District Fire Chief may be compensated on an overtime basis when in the judgment of the Chief of the department and the City Manager it becomes necessary, due to an unusual or emergency situation, to recall off-duty personnel or to implement an emergency shift schedule in which the assigned workday and workweek exceed the established workday and workweek for positions within their department.

(3) Employees required to perform work on regularly scheduled holidays may be granted compensatory time off on a straight time basis within two weeks from the time which the holiday occurs or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled.

(4) Department heads may with prior approval of the Personnel Director provide for a written policy which allows for payment of a nominal fee to employees who must be available for unscheduled work during scheduled off duty hours.

(5) The payment of overtime pay shall depend upon the availability of funds in the personal services account of the department.

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(6) Department heads may with prior approval of the Personnel Director provide for a written policy which allows for compensatory time off to be taken in periods greater than two weeks from the time which the overtime was worked.

BE IT FURTHER RESOLVED that this resolution shall be effective on the date of adoption.

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 22nd day of November, 1976, the reference having been made in Minute Book 64, and is recorded in full in Resolutions Book 12, at Page 156-160.

Ruth Armstrong  
City Clerk

ATTACHMENT

RECOMMENDED CHANGES TO OVERTIME POLICY

Section 11, Overtime

Overtime work shall be that work performed by an employee which exceeds 40 hours in the workweek.

Overtime opportunities will be distributed equally as practicable among employees in the same job classification, department, and shift.

Departments shall maintain records of time worked for employees assigned to job classes which qualify for overtime payment.

Employees required to work overtime may be compensated with straight time off [during the workweek in which overtime hours are worked] within two weeks from the time which the overtime is worked, or paid for such overtime on the basis of 1-1/2 times the overtime hours worked provided that:

(1) The work is of an unusual, unscheduled or emergency nature and is directed by department head or an authorized representative.

(2) [The employee is entitled to overtime compensation under the provisions of the Fair Labor Standards Act;] The class of work to which the employee is assigned is not excluded from entitlement to such overtime payment or time off as provided for in Schedule IV of the Pay Plan; except that Police Patrol Officers, Police Sergeants and uniformed Fire Department personnel up to and including the rank of District Fire Chief may be compensated on an overtime basis when in the judgment of the Chief of the

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department and the City Manager it becomes necessary, due to an unusual or emergency situation, to recall off-duty personnel or to implement an emergency shift schedule in which the assigned workday and workweek exceed the established workday and workweek for positions within their department.

(3) Employees required to perform work on regularly scheduled holidays may be granted compensatory time off on a straight time basis [during the workweek] within two weeks from the time which the holiday occurs or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled.

(4) Department heads may with prior approval of the Personnel Director provide for a written policy which allows for payment of a nominal fee to employees who must be available for unscheduled work during scheduled off duty hours.

(5) The payment of overtime pay shall depend upon the availability of funds in the personal services account of the department.

(6) Department heads may with prior approval of the Personnel Director provide for a written policy which allows for compensatory time off to be taken in periods greater than two weeks from the time which the overtime was worked.

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ARTHUR DANIEL McAULAY LOCATED TO THE REAR OF NORTHWEST CORNER OF GILEAD ROAD AND I-77 IN THE CITY OF CHARLOTTE AND THE COUNTY OF ME CKLENBURG FOR THE TORRENCE CREEK OUTFALL PROJECT.

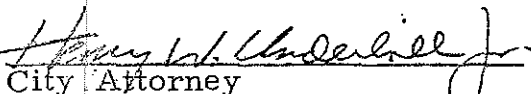
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Arthur Daniel McAulay located to the rear of northwest corner of Gilead Road and I-77 in the City of Charlotte and the County of Mecklenburg for a perpetual easement for a sanitary sewer plus a temporary construction easement in connection with the Torrence Creek Outfall Project; 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 owner 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 Arthur Daniel McAulay, located to the rear of northwest corner of Gilead Road and I-77 in the City of Charlotte and the County of Mecklenburg, 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 \$800.00, 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.

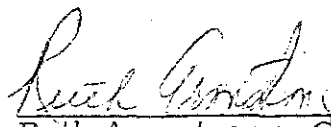
Approved as to form:

  
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 22nd day of November, 1976, and the reference having been made in Minute Book 64, page \_\_\_\_\_, and recorded in full in Resolutions Book 12, page 161.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of November, 1976.

  
Ruth Armstrong, City Clerk

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A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO BERTRAM A. BARNETTE AND WIFE, AGNES B. BARNETTE, LOCATED AT SOUTHSIDE OF GILEAD ROAD (SR 2136) WEST OF MCCOY ROAD IN THE CITY OF CHARLOTTE AND THE COUNTY OF MECKLENBURG FOR THE TORRENCE CREEK OUTFALL PROJECT.

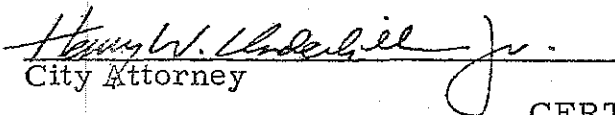
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Bertram A. Barnette and wife, Agnes B. Barnette located at southside of Gilead Road (SR 2136) west of McCoy Road in the City of Charlotte and the County of Mecklenburg for a perpetual easement for a sanitary sewer plus a temporary construction easement in connection with the Torrence Creek Outfall Project; 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 Bertram A. Barnette and wife, Agnes B. Barnette, located at southside of Gilead Road (SR 2136) west of McCoy Road in the City of Charlotte and the County of Mecklenburg, 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 \$2,350.00, 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.

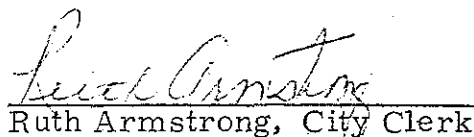
Approved as to form:

  
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 22nd day of November, 1976, and the reference having been made in Minute Book 64, page         , and recorded in full in Resolutions Book 12, page 162.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of November, 1976.

  
Ruth Armstrong, City Clerk