

Petition No. 77-54

February 27, 1978
Ordinance Book 25 - Page 205

Ordinance No. 910-Z

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

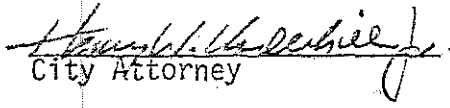
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-9 to B-1(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property to be developed in accordance with the site plan attached hereto and other requirements as may have been designated by the Charlotte City Council:

BEGINNING at a point in the northerly margin of Central Avenue, said point being the southwesternmost corner of the Morgan Ceramic Tile Company property identified as Lot 34, Block 191 in Tax Map Book 101 in the Mecklenburg County Registry; thence with said margin running N.27-29-30W. 180.0 feet; thence N.17-30-30E. 170.0 feet; thence S.72-29-30E. 180.0 feet; thence S.17-30-30W. 170.0 feet to the point of BEGINNING.

Section 2. That this ordinance shall become effective upon its 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 27th day of February, 19 78, the reference having been made in Minute Book 67, and recorded in full in Ordinance Book 25, Page 205.

Ruth Armstrong,
City Clerk

Petition No. 77-62

February 27, 1978

Ordinance Book 25 - Page 206

Ordinance No. 911-Z

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-6MF to I-1 on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEING all of Lots 18, 19, 20 and 21 in Block 5 located at the southeastern corner of Bank Street and Foster Avenue and recorded in Map Book 5, on Page 365 in the Mecklenburg County Registry.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of February, 19 78, the reference having been made in Minute Book 67, and recorded in full in Ordinance Book 25, Page 206.

Ruth Armstrong,
City Clerk

Petition No. 78-1

February 27, 1978
Ordinance Book 25 - Page 207

Ordinance No. 912-Z

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing the zoning classifications as listed below on the Official Zoning Map, City of Charlotte, N. C. the following described properties:

SECTION A - CHANGE FROM B-1 AND R-6MF TO R-6

BEGINNING at a point in the southerly right-of-way line of Oaklawn Avenue, said point being N.66-37-40W. 30.0 feet from the common corner of Lot 15, Block 3 of Greenville and a 30.0 foot pedestrian easement; thence with the centerline of the easement projected S.24-24-53W. 164 feet, more or less, to the center of the 50.0 foot cul-de-sac in Whisnant Street; thence south to the point of intersection of the centerline of Whisnant Street and the extension of the common property line of Lots 14 and 15, Block 3 and being N.68-21-35W. 25.0 feet from the common property corner of Lots 14 and 15, Block 3; thence S.24-26-09W. 174.0 feet to the intersection of the centerlines of Whisnant Street and Fontana Avenue; thence S.68-22-24E. 391.75 feet to the intersection of the centerlines of Burton and Fontana; thence with the centerline of Burton Street south 155.0 feet, more or less, along the arc of a curve with a radius of 716.20 feet to a point opposite the southwest corner of Lot 1, Block 6; thence S.68-22-24E. 264.0 feet to a point in a 30.0 foot pedestrian easement; thence S.24-26-08E. 71.0 feet to a common corner of Lots 18 and 19, Block 6; thence S.07-37-39E. 145.0 feet to the centerline of Spring Street; thence along centerline of Spring Street S.82-00-36W. 120.0 feet to the P.C. of a curve to the right with a radius of 229.18 feet; thence running an arc distance of 140 feet, plus or minus to the P.T.; thence N.65-33-51W. 101.43 feet to the centerline of Burton Street; thence along centerline of Burton Street southerly 350.0 feet; thence S.60-18-41W. 149.84 feet; thence N.42-38-34E. 194.52 feet; thence S.72-01-44E. 160.0 feet; thence N.82-00-36E. 269.0 feet; thence N.02-00-36E. 161.0 feet to the centerline of Spring Street; thence along centerline N.82-00-36E. 70.22 feet to the P.C. of a curve to the right with a radius of 229.18 feet; thence running an arc distance of 167.98 feet along said centerline to the P.T.; thence S.50-56-08E. 150.93 feet; thence S.05-17-55E. 611.5 feet to the centerline of Polk Street; thence down centerline of Polk Street S.54-25-08W.

178 feet, plus or minus, to intersection, with the centerline of Hamilton Street; thence with the centerline of Hamilton Street S.58-05-10E. 180.0 feet; thence N.31-54-50E. 25.0 feet to a proposed lot corner; thence along proposed boundorus between multi-family and single family uses in Block 8; thence N.55-35E. 328 feet, plus or minus; thence N.61-20E. 140 feet, plus or minus; thence N.86-06-17E. 195.0 feet; thence S.73-50E. 140 feet, plus or minus; thence N.51-92E. 360 feet, plus or minus, to the intersection with the centerline of Callahan Street; thence S.32-35-07E. 200.0 feet to the intersection of the centerline of Polk Street; thence S.57-24-54W. 223.0 feet; thence 180.0 feet along an arc with radius of 327.03 feet; thence S.27-24-53W. 160.0 feet to the centerline of a box culvert; thence with the culvert and the centerline of a paved channel N.75-35-07W. 45.0 feet; thence N.67-30-42W. 117.39 feet; thence 111.0 feet with the arc of a curve to the left with a radius of 106.10 feet; thence S.52-23W. 93.88 feet; thence 100 with the arc of a curve to the right with a radius of 190.99 feet; thence S.52-20W. 158.0 feet to proposed corner for Lots 5 and 6, Block 10; thence with an arc to the right with a radius of 220.0 feet from the center of Canton Place cul-de-sac, for a distance of 285 flat, thence S.44-54W. approximately 640 feet to the centerline of Brookshire Boulevard; thence in a westerly direction with the centerline of Brookshire Boulevard approximately 2600 feet to the centerline of Irwin Creek; thence northward 1550 with the channel of Irwin Creek to the intersection of the centerline of Oaklawn Avenue; thence with the centerline of Oaklawn Avenue approximately 500 feet to intersect the extension of the centerline of a 30 foot pedestrian easement; thence S.24-24-53E. 48.0 feet to the point of BEGINNING.

SECTION B - CHANGE FROM R-6MF TO B-1

BEGINNING at the intersection of the centerlines of Fontana Avenue and Burton Street and proceeding N.68-22-24W. 391.75 feet to the intersection of the centerlines of Fontana and Whisnant; thence N.24-26-09E. 174.0 feet to intersection with the extension of the common property line of Lots 14 and 15, Block 3; thence S.68-21-35E. 337.82 feet to a point in the centerline of Burton Street; thence S.06-23-51W. 180.0 feet to the point of BEGINNING.

SECTION C - CHANGE FROM R-6MF, B-1 AND I-2 TO R-9MF

BEGINNING at the point of intersection of the centerlines of Brookshire Freeway and the Southern Railway right-of-way and proceeding 450.0 feet west along the centerline of Brookshire Freeway to the centerline of Johnson Street; thence with the centerline of Johnston Street N.34-21-53E. 500 feet, plus or minus, to the intersection of the centerlines of Johnson and Polk Streets; thence N.54-32-01W. 133.69 feet to point of curve; thence with the arc of curve to the right with a radius of 572.96 feet; 80.0 feet to intersection with R-6 single family zoning line; thence N.44-54E. 270 feet, plus or minus, to a proposed corner of Lots 7 and 8, Block 10; thence with the arc of a curve to the left with a radius of 220.0 feet, a distance of 285.0 feet to a proposed corner of Lots 5 and 6, Block 10; thence N.52-20E. 158.0 feet to intersection with centerline

of channel; thence with the centerline of the channel 100.0 feet along an arc to the left; thence N.52-23E. 93.88 feet; thence with the arc of a curve to the right with a 106.10 foot radius; 111.0 feet; thence S.67-30-42E. 117.39 feet; thence S.75-35-07E. 45.0 feet to intersection with the centerline of Polk Street; thence with centerline of Polk N.27-24-53E. 160.0 feet to point of curve; thence along arc of curve to right with a radius of 327.03 feet; 99.0 feet to intersection with extension of the common property line of Lots 7 and 8, Block 9; thence with the common line S.29-41-45E. 234.80 feet to an iron; thence S.86-38-45E. 331.58 feet to intersection with centerline of Statesville Avenue; thence along the centerline of Statesville Avenue approximately 1400 feet to intersection with centerline of North Graham Street; thence with the centerline of Graham Street 400.0 feet south to intersection with the centerline of the Graham Street ramp; thence with the centerline of the Graham Street ramp 1170 west to intersection with the centerline of the Southern Railway right-of-way; thence south with the centerline of the Railway right-of-way 150.0 feet to intersection with the centerline of Brookshire Freeway; the point of BEGINNING.

SECTION D - CHANGE FROM I-2 TO B-1

BEGINNING at the intersection of the centerlines of Johnson Street and Polk Street and proceeding S.34-21-53W. 500 feet, plus or minus, to the centerline of Brookshire Freeway; thence with the centerline of Brookshire Freeway westerly for approximately 400 feet to point of intersection with R-6 single family zoning; thence with said zoning line N.44-54E. 370 feet, plus or minus, to intersection with the centerline of Polk Street; thence along the arc of a curve to the left with a radius of 572.96 feet, a distance of 80.0 feet to a point of tangent; thence S.54-32-01E. 133.69 feet to the point of BEGINNING.

SECTION E - CHANGE FROM R-6MF AND B-2 TO B-1

BEGINNING at the intersection of the centerlines of Oaklawn and Statesville Avenues and proceeding south with the centerline of Statesville Avenue 828.46 feet to intersection with the centerline of Callahan Street; thence with the centerline of Callahan Street northward to intersection of Centerline of Springs Street; thence with a curve to the left 200.0 feet; thence S.68-16-29E. 205 feet, plus or minus, to centerline of McCall Street extended; thence N.16-21-08E. 180.0 feet to intersection of McCall and Oaklawn; thence with center of Oaklawn S.68-16-29E. 282.59 feet to the point of BEGINNING.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Chadwick Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of February, 19 78, the reference having been made in Minute Book 67, and recorded in full in Ordinance Book 25, Page 207-209.

Ruth Armstrong, City Clerk

Petition No. 78-2

February 27, 1978
Ordinance Book 25 - Page 210

Ordinance No. 913-Z

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing the zoning classifications as listed below on the Official Zoning Map, City of Charlotte, N. C. the following described properties:

PART A - CHANGE FROM R-6MF, B-1 AND B-2 TO R-6

BEING several parcels of land in the Seventh Street (Old Monroe Road)/ Fannie Circle area and more specifically shown on the attached map.

PART B - CHANGE FROM B-1 AND O-15 TO R-6MF

BEING several parcels in the Alpha Road area and the Ellington Street area in the Grier Heights Target Area and more specifically shown on the attached map.

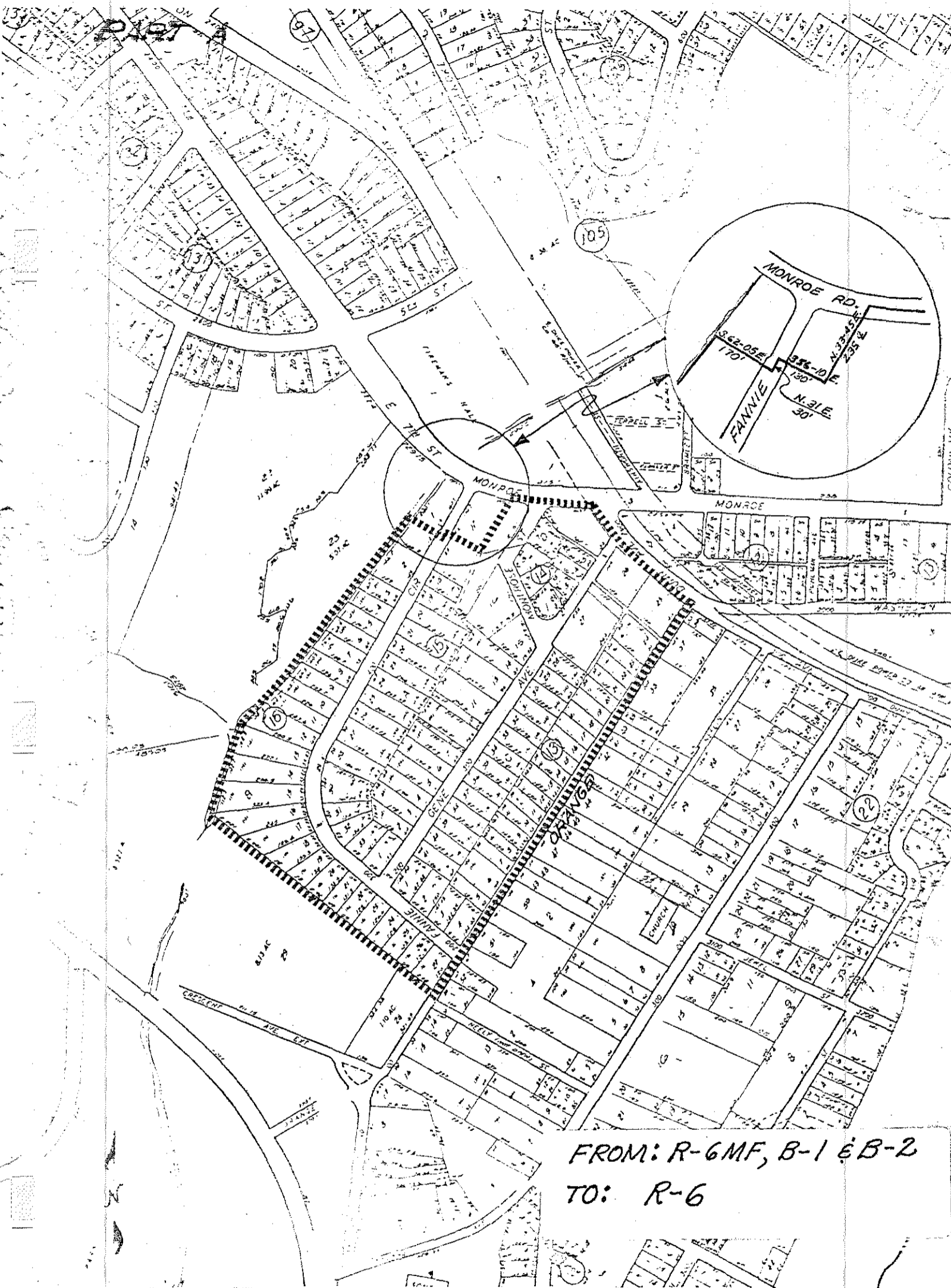
Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

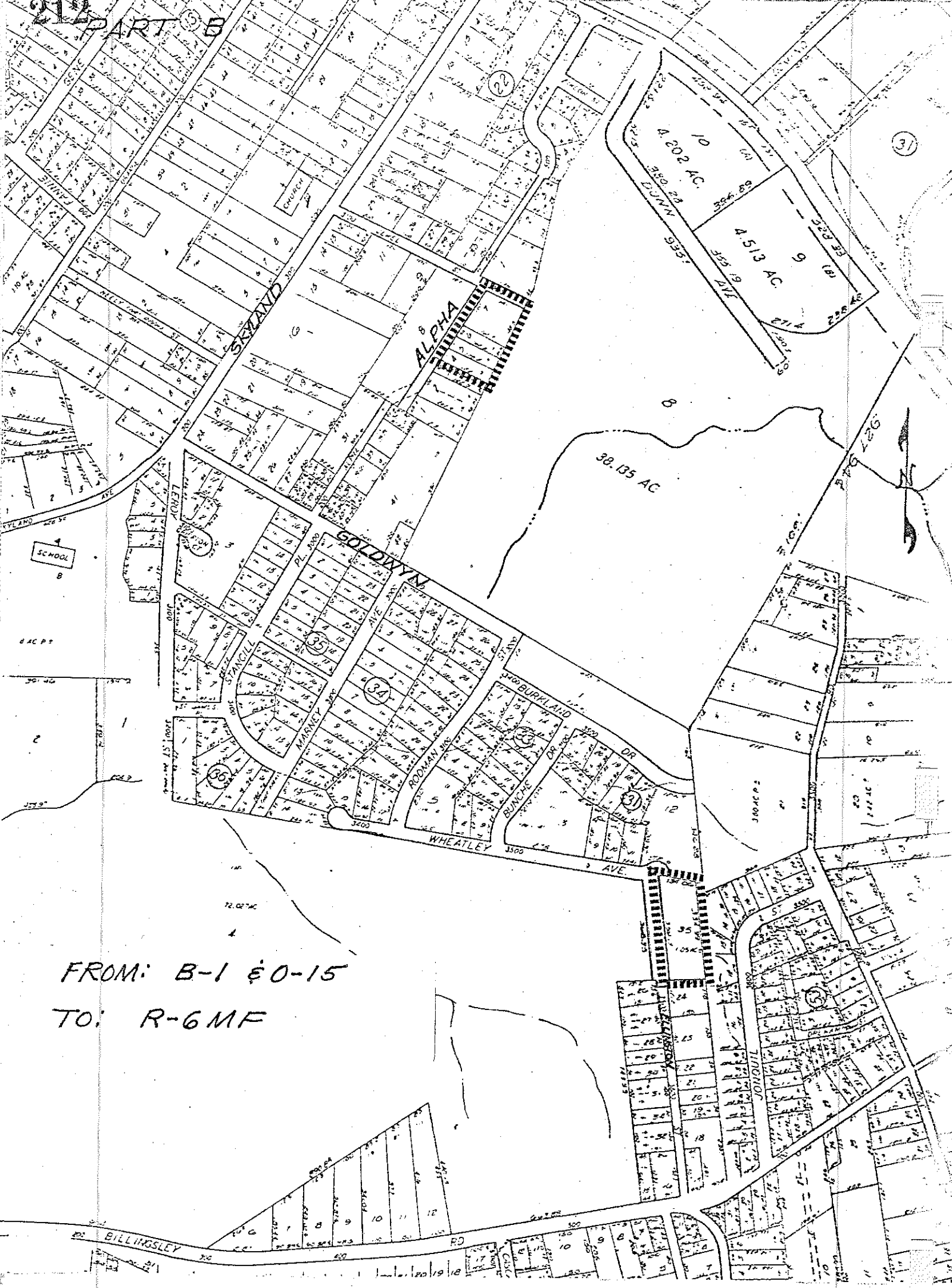
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of February, 19 78, the reference having been made in Minute Book 67, and recorded in full in Ordinance Book 25, Page 210-212.

Ruth Armstrong,
City Clerk



FROM: R-6MF, B-1 & B-2
 TO: R-6

212 PART 8



FROM: B-1 & O-15
 TO: R-6MF

Petition No. 78-4

February 27, 1978
Ordinance Book 25 - Page 213

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

Ordinance No. 914-Z

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-6 to I-2 on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point in the southerly margin of Dwelle Street, said point being S.71-55W. 285.1 feet from the southwesterly corner of the intersection of Dwelle Street and Rozzelles Ferry Road; thence running S.71-55W. 75.0 feet; thence S.18-05E. 144.0 feet; thence N.72-01E. 75.0 feet; thence N.18-05W. 144.05 feet to the point of BEGINNING.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Charlesbill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 27th day of February, 19 78, the reference having been made in Minute Book 67, and recorded in full in Ordinance Book 25, Page 213.

Ruth Armstrong,
City Clerk

February 27, 1978
Ordinance Book 25 - Page 214

ORDINANCE NO. 915-X

AN ORDINANCE TO AMEND ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, REVISING THE REVENUE ESTIMATES AND EXPENDITURES FOR CETA TITLES II AND VI TO REFLECT ADDITIONAL FUNDS PROGRAMMED BY THE MANPOWER DEPARTMENT TO SUPPORT YOUTH EMPLOYMENT DURING FY 1978

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

Section 1. That the revenue estimates for CETA Titles II and VI are revised in accordance with the following schedule:

	<u>Original Appropriation</u>	<u>Revised Appropriation</u>	<u>Difference</u>
Title II	\$3,310,635	\$4,878,746	\$1,568,111
Title VI	<u>906,235</u>	<u>1,331,801</u>	<u>425,566</u>
TOTAL	\$4,216,870	\$6,210,547	\$1,993,677

Section 2. That the expenditures for CETA Titles II and VI are revised in accordance with the following schedule:

	<u>Original Appropriation</u>	<u>Revised Appropriation</u>	<u>Difference</u>
Title II	\$3,310,635	\$4,878,746	(\$1,568,111)
Title VI	<u>906,235</u>	<u>1,331,801</u>	<u>(425,566)</u>
TOTAL	\$4,216,870	\$6,210,547	(\$1,993,677)

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

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

Approved as to form:

Henry W. Chandler Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of February, 1978, the reference having been made in Minute Book 67, and is recorded in full in Ordinance Book 25, at Page 214.

Ruth Armstrong
City Clerk

ORDINANCE NO. 916-X

AN ORDINANCE TO ESTIMATE FEDERAL REVENUES AND TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR SITE PREPARATION IN THE CONSTRUCTION OF THE NORTH/SOUTH PARALLEL RUNWAY PROJECT AT DOUGLAS AIRPORT.

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

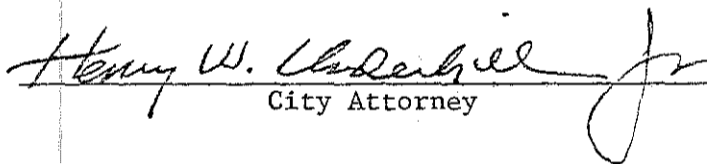
Section 1. That the sum of \$519,525 is hereby estimated to be available as a result of the revision of a Federal Aviation Agency grant for site preparation in the construction of the North/South Parallel Runway project at Douglas Airport.

Section 2. That the sum of \$519,525 is hereby appropriated to the Airport Construction Fund 7403, Account 562.97 - Plans-First Stage New North/South Runway.

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

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of February, 1978, the reference having been made in Minute Book 67, and is recorded in full in Ordinance Book 25, at page 215.

Ruth Armstrong
City Clerk

February 27, 1978
Ordinance Book 25 - Page 216

ORDINANCE NO. 917-X

AN ORDINANCE TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE COUNTY SEWER BOND FUND TO ESTABLISH AN APPROPRIATION TO FINANCE THE CONSTRUCTION OF A SANITARY SEWER STUB AT DOUGLAS AIRPORT.

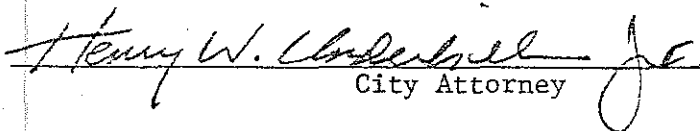
BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina;

Section 1. That the sum of \$25,000 is hereby transferred from the unencumbered balance of the County Sewer Bond Fund to the Utilities Capital Improvement Projects Fund 2075 - Account 631.19-Coffey Creek Outfall. These funds will be used to construct a sanitary sewer stub at Douglas Airport.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its 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 27th day of February, 1978, the reference having been made in Minute Book 67, and is recorded in full in Ordinance Book 25, at page 216.

Ruth Armstrong
City Clerk

ORDINANCE NO. 918

AMENDING CHAPTER 6

AN ORDINANCE AMENDING CHAPTER 6, "BUSINESS AND TRADES" OF THE CITY CODE TO PROVIDE FOR THE REGULATION OF COMMUNITY ANTENNA TELEVISION SYSTEMS (CATV).

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

Section 1. Article VI of Chapter 6 of the City Code is hereby repealed and the following is adopted in lieu thereof:

Section 6-65. Purpose

The purpose of this ordinance is to provide for the regulation of CATV systems in the City of Charlotte in the public interest in accordance with all state and federal laws.

Section 6-66. Definitions

- A. "City Manager" means the office of the City Manager or its agent.
- B. "City" means the City of Charlotte, North Carolina.
- C. "Council" means the governing body of the City of Charlotte, North Carolina.
- D. "Community Antenna Television System" shall mean a system of antennas, cables, wires, lines, towers, waveguides, laser beams or any other conductors, converters, equipment or facilities designed, constructed or operated for the purpose of producing, receiving, amplifying, modifying, and distributing audio, video, and other forms of electronic or electrical signals to and from subscribers and locations in and outside of the City of Charlotte, North Carolina. It may also be referred to as "Broadband Cable Communications System."
- E. "Franchise" means any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate, and maintain a CATV system in the City.
- F. "Grantee" means the person, firm or corporation to whom or to which a franchise is granted by Council under this ordinance, or anyone who succeeds said person, firm or corporation in accordance with the provisions of this ordinance.

- G. "Streets and Dedicated Easements" means the public streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, alleys, all other public right-of-way and easements, and the public grounds, places or water within or belonging to the City.
- H. 1) "Total Gross Receipts" shall mean any and all compensation and other consideration collected or received or in any manner gained or derived by Grantee from the operation of its CATV system.
- 2) "Total Subscriber Revenue" or "Gross Subscriber Revenue" shall mean any and all compensation and other consideration in any form paid by a subscriber and received by the Grantee arising from the sale of its regular monthly service to its subscribers within the City, but shall not include revenue from pay TV except as set forth herein. In computing said sum, however, any sales, service, rent, occupational or other excise tax shall not be included to the extent such taxes are charged separately in addition to the regular monthly service charge and are remitted by Grantee to the taxing authority.
- I. "FCC" means the Federal Communications Commission.
- J. "Residential Subscriber" means a purchaser of service delivered over the system to an individual dwelling unit, where the service is not to be utilized in connection with a business, trade or profession.
- K. "Subscriber" means a purchaser of service delivered over the system.
- L. 1) "Basic Service" means the delivery by the Grantee of those audio and visual signals required by the FCC to be carried on a CATV system and any broadcast television signals allowed by the FCC to be carried on a CATV system.
- 2) "Additional Service" means any communications service other than Basic Service, provided over its system by the Grantee directly or as a carrier for its subsidiaries, affiliates, or any other person engaged in communications services including, by way of example but not limited to, burglar alarm, data or other electronic intelligence transmission, facsimile reproduction, meter reading, and home shopping.

- M. "Channel" means a frequency band 6 MHz in width which is capable of carrying a standard broadcast audio-video television signal; further, its definition shall include the following classes/types of channels, as specified by FCC regulations:
- 1) Class I cable television channel: A signaling path provided by a cable television system to relay to subscriber terminals television broadcast programs that are received off-the-air or are obtained by microwave or by direct connection to a television broadcast station.
 - 2) Class II cable television channel: A signaling path provided by a cable television system to deliver to subscriber terminals television signals that are intended for reception by a television broadcast receiver without the use of an auxiliary decoding service and which signals are not involved in a broadcast transmission path.
 - 3) Class III cable television channel: A signaling path provided by a cable television system to deliver to subscriber terminals signals that are intended for reception by equipment other than a television broadcast receiver or by a television broadcast receiver only when used with auxiliary decoding equipment.
 - 4) Class IV cable television channel: A signaling path provided by a cable television system to transmit signals of any type from a subscriber terminal to another point in the cable television system.
- N. "Passed by the CATV System" means the construction of the system in a given area has been completed to the degree that no feeder or trunk construction is required to provide basic service upon request.
- O. "Access Channel" includes all public, education, local government and leased channels. Until such time as there is demand for each channel full time for its designated use, public, educational, government and leased access channel programming may be combined on one or more cable channels to the extent time is available, therefore, access channels may also be used for other broadcast and non-broadcast services except that at least one channel may be maintained exclusively for the presentation of access programming as required by Section 76.254 of the FCC Rules. The system

shall, in any case, maintain at least one full channel for shared access local government programming. Whenever any of the channels described in this section is in use 80 percent of the weekdays (Monday through Friday) for 80 percent of the time during any consecutive three hour period for six consecutive weeks, the system shall have six months in which to make a new channel available for the same purposes: provided, however, that the channel expansion mandated by this paragraph shall not exceed the activated channel capability of the system. The system shall make available all other unused channels in addition to those which are part of the system's activated channel capability for the purposes specified, provided, however, that in making available such additional channels, the Grantee shall be under no obligation to install converters.

- P. "Education Access Channel" means a channel on the system which is reserved for use by educational authorities designated by the City, in accordance with the rules of the FCC.
- Q. "Local Government Access Channel" means a channel on the system which is reserved for use by the City, in accordance with the rules of the FCC.
- R. "Access Channels" includes all public, education, local government, and leased channels.
- S. "Leased Access Channel" means a channel on the system which is reserved for carriage of program material provided by persons who lease channel time from the grantee, including the unused portion of the public, education, and local government access channels.
- T. The total number of subscribers shall be determined as follows: In the event a single fee is paid for service to a multiple dwelling unit, the number of equivalent subscribers shall be determined by dividing such fee by the then prevailing residential subscriber rate and rounding the resulting quotient to the nearest whole number. To this number shall be added the number of all other subscribers.
- U. "Year" means any period of 365 consecutive days.
- V. "Initial Service Area" means that portion of the City passed by the CATV system where energized trunk and feeder cable has been extended and

service has been made available to all persons desiring said service upon enactment of this ordinance by the City Council.

- W. "Applicant" means any person, firm, corporation, or other entity who or which applies for a cable television franchise pursuant to this ordinance.
- X. "Principal" means, for the purposes of this ordinance and the application form, any person, group of persons acting in concert, firm, corporation, or other entity who or which owns or controls 3% or more and an applicant's capital stock or is a member of the applicant's Board of Directors.
- Y. "Strand Mile" means one (1) linear mile of steel wire strung from utility pole to utility pole as a weight bearing support for cables, wires, lines, electronic equipment and facilities required in the community antenna television system.
- Z. "Trench Mile" means one (1) linear mile of underground trench provided or used as an underground path for trunk or distribution lines.

Section 6-67. Franchise Required; Duration; Exclusivity; Rights of Parties; of Franchise Terms

- A. The City shall grant a franchise for the use of the streets and dedicated easements within the City for the construction, operation, and maintenance of a CATV system. No CATV system shall be allowed to occupy or use the streets of the City nor shall any system be allowed to operate without a CATV Franchise. A CATV Franchise may be awarded by ordinance only after the Grantee's legal, character, financial, technical, and other qualifications and the adequacy and feasibility of its construction arrangements have been approved by the City as a part of a full public proceeding affording interested parties due process.
- B.
 - 1) The franchise shall be granted for a term of ten years; thereafter, after full public hearing, and according to the franchise-renewal procedure that follows, the franchise may be renewed for another term of ten years.
 - 2) Procedure to consider franchise renewal -
 - a) Thirteen months before expiration of the franchise, the City administrative staff shall

review the performance of the Grantee and the content of the this Ordinance.

b) After giving public notice, the City staff shall proceed to determine whether the Grantee has satisfactorily performed his obligations under the franchise. To determine satisfactory performance, the staff shall look at the technical developments and performance of the system, programming, other services offered, cost of service, and any other particular requirement set in the ordinance such as the availability of programming equipment and personnel to aid access channel users; also, among other measurements, the staff shall consider the franchisee's annual reports made to the City or the FCC. The participation of the public and of the Grantee shall be permitted during these considerations.

c) Upon completion of its review the staff shall submit recommendations with regard to (1) renewal of the franchise, (2) changes to the franchise, and (3) amendments to the Franchise Ordinance to Council for its consideration.

d) If the Council finds the Grantee's performance satisfactory, a new franchise may be granted for a period of ten years pursuant to the ordinance as amended.

e) In the event the current Grantee is determined by Council to have performed unsatisfactorily new applicants may be sought and a franchise award made by Council according to CATV franchising procedures adopted by the Council. No determination of unsatisfactory past performance may be made unless the Grantee has had full notice of the possibility of such findings and a chance to be heard; the determination itself shall be supported by complete written findings of fact.

f) In conjunction with the cancellation and/or expiration of the franchise, and independent of any finding made by Council that the current Grantee's performance has been or has not been satisfactory, Council reserves the right to make a franchise award to a new grantee following franchising procedures adopted by Council.

C. The franchise, rights, and privileges granted pursuant to this ordinance are not exclusive and nothing in this ordinance shall be construed to

prevent a grant by the City of a similar franchise, right, and privileges to other persons or corporations.

- D. The right is hereby reserved to the City to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police power, provided, however, that nothing in this provision shall operate to deprive or curtail the rights and privileges of the Grantee as granted by this ordinance and provided further that such regulations shall be adopted following a public hearing to which the Grantee shall be given notice.
- E. 1) Scheduled Performance Review Sessions. The City and the Grantee shall hold scheduled performance review sessions within thirty (30) days prior to the third, sixth, and ninth anniversary dates of the Grantee obtaining certification for the system from the FCC. All such performance review sessions shall be open to the public.
- 2) Special Performance Review Sessions. Special performance review sessions may be held at any time during the term of the franchise, provided that both the City and the Grantee shall mutually agree on the time, place and the topics to be discussed. All such performance review sessions shall be open to the public.
- 3) Topics to be Discussed. The following topics may be discussed at every scheduled performance review session: service rate structures; free or discounted services; application of new technologies; system performance; services provided; programming offered; customer complaints, privacy and human rights; amendments to this ordinance; undergrounding progress; judicial and FCC rulings; and conformance to this ordinance.
- 4) Required Financial Information. At all performance review sessions, the Grantee shall provide the annual report for all years completed, containing full cash flow information. Supplemental financial information regarding the operations of the Grantee and the system shall be promptly supplied by the Grantee upon the request of the City.

Section 6-68. Use of the Street and Dedicated Easement

- A. The Grantee shall have the right to use the streets of the City for the construction, operation, and maintenance of a CATV system as prescribed, regulated, and limited by provision of this ordinance and by state, local, and federal law, both present and future.
- B. The Grantee shall have the right pursuant to the provisions of this ordinance to construct, erect, suspend, install, renew, maintain and otherwise own and operate throughout the City, in, upon, along, across, above, over and under the streets, alleys, easements, publicways and public places as now laid out or dedicated and all extensions thereof and additions thereto in the City a system of poles, wires, cables, underground conduits, ducts, trenches, conductors, amplifying equipment, manholes fittings and any and all other fixtures, appliances, and appurtenances necessary for the installation, ownership, maintenance and operation in the City of the cable television (CATV) system, either separately or in conjunction with any public utility maintaining the same in the City. This franchise shall further include the right, privilege, easement and authority to construct, erect, suspend, install, lay, renew, repair, maintain and operate such poles, wires, cables, underground conduits, manholes, ducts, trenches, fixtures, appliances, and appurtenances for the purposes of distribution to inhabitants within the limits of the City. Without limiting the generality of the foregoing, this franchise shall and does hereby include the right, in, over and upon the streets, sidewalks, alleys, easements, public grounds and places in the City for the purpose of installing, erecting, operating or in any other way acquiring the use of as by leasing all poles, lines and equipment necessary to operate a CATV system and the right to make connections to subscribers, the right to repair, replace and enlarge and extend said lines, equipment and connections; provided that:
- i. The Grantee shall utilize the facilities of utilities and subways wherever practicable.
 - ii. In no case may the Grantee install poles where underground facilities are in use by utility companies without approval of the City Manager or without the consent of the

agency or department designated by the City Manager to give such consent, subject to any limitations or restrictions determined to be in the public interest.

- iii. Notwithstanding any other provision, the installation of cable television facilities, including service drops to subscribers, shall be made underground in areas where existing utility cables are underground and also in areas where underground installation of cables or other electrical power facilities is required either by City Ordinance or existing policies: provided Grantee is able to obtain the necessary easements along rear property lines without payment to the property owners involved, and provided, further, that where the Grantee proposes to install additional wires, cables or lines in locations where the poles of the power company or the telephone company are not available for use, such installations by the Grantee shall be made underground (where required by ordinance), either along existing pole routes or along the back of residential lots, provided, however, if underground installation is not otherwise required by law, such underground installation shall be required only where all utilities have been installed underground. Grantee's distribution system, poles, wires, and appurtenances shall be located, erected, and maintained so as not to endanger or interfere with the lives and safety of persons, or to interfere with any improvements or other uses the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of streets, alleys, bridges, thoroughfares, or other public property.
- iv. Nothing in this Section shall be construed to act as a waiver of the power of the City to require by ordinance the substitution of underground service or overhead service in the areas where both the electric and/or telephone companies place their service underground.
- v. Nothing in this Section shall be construed to relieve the Grantee from its obligation to pay any fees or rent for its use of facilities of the City, utility companies or other legal entities.

- C. The Grantee shall not erect or install, move, alter, or change the location of any pole, tower, wire, conduit, subway, line, manhole, cable or equipment in any street, alley, or other public place of the City or dig, cut or disturb any street, alley or other public place of the City unless prior written notice of its intention so to do is given to such department or agency of the City as shall have been or may be designated by the Council and permission in writing so to do is granted by such department or agency or such requirement is waived by such department or agency. Such permission shall be conditioned upon compliance with the terms, conditions, provisions, and limitations of this ordinance and with such other terms, provisions, conditions, and limitations as will preserve, protect, and promote the safety of the public using the streets, alleys, and other public places of the City and as will prevent interference with or obstruction of the use of streets, alleys, and other public places by the City or by any other public utility or public service corporation for their respective purposes and functions. Such permission shall also be conditioned upon such other terms, provisions, conditions, and limitations as will preserve, protect and promote the health, safety, and general welfare of the City and its citizens subject to the lawful exercise of the police power.
- D. In the event of the relocation, construction, reconstruction, maintenance or repair by the City of any of its facilities or services now or hereafter acquired, and including but not limited to any street, alley or other public place, sewer, electric, water, fire alarm, police communications or traffic control facilities or any part thereof, or in the event access to any street, alley or other public place to or from any property of the City is required, and it is necessary to move, alter, or relocate, either permanently or temporarily, any of the Grantee's poles, towers, wires, appliances, conduits, subways, lines, manholes, cables or equipment or any part thereof in the public right-of-way, in order for the City to relocate, construct, reconstruct, maintain or repair or any such sewer or electric, water, fire alarm, police communication or traffic control facility, or any part thereof, or to obtain access to or from such property, upon notice from the City, the Grantee will move, alter or relocate such pole, tower, appliance, conduit, subway, line, manhole, cable or equipment or part

thereof, at its own cost and expense; and should the Grantee fail, refuse or neglect to comply with such notice, such pole, tower, wire, appliance, conduit, subway, line, manhole, cable, or equipment or part thereof may be removed, altered or relocated by the City at the cost of the Grantee and the City shall not be liable to the Grantee for damages resulting from such removal, alteration or relocation. This Section shall not serve to prevent the Grantee from performing its day-to-day service and maintenance functions to the system and shall not serve to limit the Grantee in its efforts to preserve the continuity of service to the public.

- E. The Grantee shall at no cost to the City erect, install, and maintain on any of its poles, towers, wires, appliances, conduits, subways, lines, manholes, cables or equipment in or near the streets, alleys, and other public places of the City such reasonable devices to apprise or warn persons using the streets, alleys, and other public places of the existence of such poles, towers, wires, appliances, conduits, subways, manholes, lines, cables or equipment as shall be from time to time reasonably prescribed or approved for purposes of public safety by such department or agency of the City as shall have been or may be designated for the purpose by the City Council and permission in writing to do so is granted by such department or agency or such requirement is waived by such department or agency.
- F. The Grantee shall have the right to remove, trim, cut and keep clear of its poles, towers, wire, and other overhead appliances and equipment, the trees in and along the streets, alleys, and other public places of the City, provided it first complies with Section 22-5(b) of the City Code, except in cases of emergency and further provided that in the exercise of such right, the Grantee shall not cut, remove, trim or otherwise injure such trees to any greater extent than is necessary for the installation, maintenance, and use of such poles, towers, wires, and other overhead appliances.
- G. Grantee in the exercise of any right granted to it by this franchise shall at no cost to the City, promptly reconstruct, replace, restore or repair any facility or service of the City, now or hereafter acquired, including but not limited to any street, alley or other public place, sewer, electric, water, fire alarm, police communication or traffic

control by the exercise of any such right, in a manner, with such materials and to the satisfaction of such department or agency as shall have been or may be designated by the City Council and permission in writing to do so is granted by such department or agency or such requirement is waived by such department or agency; provided that should the Grantee fail to comply with these requirements, the City shall have the right to carry out the provisions of this paragraph and Grantee shall reimburse the City for all expenses incurred in so doing.

Section 6-69. Maintenance of the System

- A. The Grantee shall at all times employ ordinary care in the maintenance and operation of its CATV systems.
- B. The Grantee shall install and maintain its wires, cable, fixtures, and other equipment so as not to interfere with the equipment of any utility of the City or any other entity lawfully and rightfully using the conduit, pole, subway, or other part of the right-of-way.
- C. The system shall at all times be kept in good repair and in a safe and acceptable condition, according to all FCC technical requirements.
- D. All conductors, cables, towers, poles, and other components of the system shall be located and constructed by the Grantee so as to provide minimum interference with access by adjoining property owners to the streets and public ways. No pole or other fixtures of the Grantee placed in the public way shall interfere with the usual travel on such public way.
- E. During the term of this franchise and any renewal thereof the Grantee shall maintain within the City a local business office for the purpose of receiving complaints regarding the quality of service, equipment malfunctions, billing disputes and similar matters. The local business office shall be open to receive inquiries and complaints during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday excluding holidays. In addition, the Grantee shall maintain a qualified technician on call so that any interference with the operation of the system, excluding those of individual instrumentalities

on private property, shall be corrected promptly. The Grantee shall respond to all service calls dealing with the malfunctioning of equipment in the possession of the subscriber within forty-eight hours and correct malfunctions as promptly as possible, but in all cases not longer than sixty hours after notification thereof, except in circumstances beyond the control of the Grantee. Grantee shall keep a maintenance service log which shall indicate the nature of each service complaint, and the date and time thereof. This log shall be made available for periodic inspection by the City Manager or his designated representative.

- F. Except in an emergency, the Grantee may interrupt service for maintenance and repair only during periods of minimum use.
- G. Grantee and its employees shall not engage directly or indirectly in the sale, service, rental, or leasing of television receivers, or radio receivers. Grantee and its employees, shall not require or attempt to direct its subscribers, either directly or indirectly, to deal with any particular firm or person in regard to sale, service, rental or leasing of television receivers, radio receivers, or television or radio receiver related parts and accessories.

Section 6-70. Construction and Technical Standards; Initial Service Area; Extension of Service Area

- A. Within sixty (60) days after accepting a franchise, the Grantee shall submit to the FCC an application for Certificate of Compliance along with all necessary supporting materials. The City Manager shall be given a copy of all documents so filed.
- B. Within five (5) years after being awarded a Franchise, Grantee shall make its CATV system available to all areas within the January 1, 1978 corporate limits of the City of Charlotte on a non-discriminatory basis at regular connection rates, provided, however, the Grantee shall not be required to extend its cable television system in areas where the number of potential residential subscribers is less than fifty (50) per strand or trench mile. Such expansion and construction of the cable plant shall be prorated over a five (5) year period and the Grantee shall submit a construction map within six (6) months after the award or date of the franchise which shows the location and projected dates for construction of the annual phases.

- C. Whenever the Grantee is required to provide underground wiring, and the Grantee is able to obtain underground easement rights each property owner shall pay their pro rata share of the difference between underground and aerial wiring. In new subdivisions developed after the effective date of the Franchise, and after the city amends its subdivision ordinance, the developer shall provide the trench, any required fill material and conduit and the Grantee shall provide the cable. In this situation, no additional charge shall be assessed against the property owner for underground wiring.
- D. Upon the annexation of any areas into the City after the effective date of the Franchise, and when requested by a potential subscriber, cable television service shall be provided whenever the extension of strand or trench mileage will pass at least fifty (50) potential residential subscribers.
- E. If a request for extension of service into a residential area requires the construction of cable plant which does not pass at least fifty (50) potential subscribers per strand or trench mile, the Grantee and subscribers will each bear their proportionate share of construction costs. For example, if there are twenty-five subscribers per strand mile or trench mile, the Grantee's share will equal 25/50th's or 1/2 of construction cost. The remaining cost will be shared equally by each subscriber. After completion of the project, should additional subscribers request cable television service, the pro-rata shares shall be recalculated. Each new subscriber shall pay the new pro-rata share and all prior subscribers shall receive pro-rata refunds.

At such time as there are said 50 potential subscribers per mile, the subscribers shall receive their pro-rata share of construction costs. In any event, at the end of two (2) years from the completion of a project, the subscribers are no longer eligible for refunds, and the amounts paid in construction costs will be credited to the plant account of Cablevision of Charlotte.

Section 6-71. Services

- A. The Grantee shall provide either a minimum of eleven (11) channels or such number as may be required by the FCC, whichever is greater, throughout

the initial service area. Grantee shall change all electronic equipment to state-of-the-art capable of at least twenty (20) channel performance with built-in two-way capacity by March 31, 1986 upon the schedule that follows:

- 1) Within five (5) years all remaining Western Electric air dielectric cable shall have been replaced with low loss aluminum cable.
 - 2) Within five (5) years, all remaining Jerrold trunk amplifiers shall have been replaced with new push-pull state-of-the-art amplifiers designed to carry over twenty (20) channels and capable of 2-way performance.
 - 3) By March 31, 1986, the entire CATV system shall have been changed to state-of-the-art equipment capable of at least twenty (20) channel performance with built-in 2-way capacity.
- B. The operating rules established by the Grantee for the Public Access, Education Access, and Leased Access Channels shall be submitted to the Office of the City Manager for review and comment before filing with the FCC.
- C. The City shall establish operating rules and procedures for the Local Government Access Channel or Channels.
- D. The Grantee shall provide at least one full-time composite access channel for educational, governmental and public uses.

The Grantee shall provide this full-time composite access channel not later than one (1) year following the award of a franchise by the City, with additional channels being made available commensurate with community need and interest; and shall provide competent and trained personnel and reasonably adequate financial resources to develop access programming. The Grantee shall also provide an access studio. The Grantee shall make available to the public, at no charge for access programming, the studio and all related production facilities and equipment on a 16-hour a day basis. The Grantee shall provide state-of-the-art studio equipment including color cameras and tape recorders, and the equipment to be provided by the Grantee shall be adaptable for both studio and remote

location productions. The Grantee shall encourage community groups to actively utilize the access facilities and equipment.

The Grantee shall, at no charge, help the community develop an access video workshop, and shall provide, at no charge, programming and technical assistance to all access users.

The Grantee's employees will, at no charge, train and assist any individual or group interested in producing programming for the access channel in the City.

The Grantee shall, at no charge, assist community groups and agencies in obtaining available governmental funding for projects and productions to be developed in the public interest.

The Grantee shall, at no charge, make available to community groups, agencies and individuals, the technical and production expertise of its employees.

The Grantee shall provide reasonable and adequate technical assistance to the City's public and private schools in developing effective educational and instructional programs for the access channel by making available to these institutions, at no charge, its studio, equipment and personnel.

- E. The Grantee shall provide Basic Service and one free outlet to each of the following public facilities located within 500 feet of existing service lines of the Grantee: all courthouses, prisons, libraries, detention centers, public hospitals, police and fire stations, municipal office buildings, and public schools. No monthly service fee shall be charged for any such outlet. The Grantee shall provide service to new construction hereafter for the above public facilities provided they are within 500 feet of the existing service lines of the Grantee. The City reserves the right to provide service to public facilities outside of the franchised area at its own expense.
- F. In the event of an emergency or disaster, the Grantee shall, upon the request of the City Manager or his designated agent, make available its facilities to the City for emergency use for the duration of such emergency or disaster.

- G. The Grantee shall dedicate additional Access Channels, channels for origination cablecasting, and all facilities and services as required by the FCC.

Section 6-72. Rates

- A. Residential rates for installation and monthly television service shall be fair and reasonable and designed to meet all necessary costs of the service including a fair rate of return on the net valuation of the Grantee's property devoted thereto under efficient and economical management and shall conform to the minimum requirements of this section.
- 1) The connection rate to be charged by the Grantee to a single outlet residential subscriber to the service is hereby fixed at the sum not to exceed fifteen dollars (\$15.00).
 - 2) The connection rate to be charged by the Grantee for connection of an additional outlet is hereby fixed at the sum not to exceed ten dollars (\$10.00)
 - 3) The rate to be charged by the Grantee for relocation of an outlet is hereby fixed at the sum not to exceed seven dollars and fifty cents (\$7.50).
 - 4) The rate to be charged by the Grantee for transfer of service from one residence to another is hereby fixed at the sum not to exceed seven dollars and fifty cents (\$7.50).
 - 5) The single outlet monthly basic service fee to be charged by the Grantee is hereby fixed at the sum not to exceed seven dollars and fifty cents (\$7.50).
 - 6) The additional outlet monthly basic service fee to be charged by the Grantee is hereby fixed at the sum not to exceed two dollars (\$2.00).
 - 7) The connection rate to be charged by the Grantee for service to commercial or bulk rate subscribers is fixed at the sum not to exceed the actual costs of labor and materials required to provide service.

- 8) The monthly service fee to be charged to commercial or bulk rate subscribers is fixed at the sum not to exceed the charges established for residential service.
- B. The Grantee shall not charge a disconnect fee.
- C. The Grantee may collect a security deposit from each subscriber at a rate which is uniform.
- D. A request for a change in rates may be initiated either by the Grantee or the City. The Grantee shall be permitted to increase said rates and/or installation charges to the extent that (a) the ratio of the proposed rates to the rates in effect on February 28, 1978 does not exceed the ratio of the Consumer Price Index for a date preceding the effective date of the rate increase by not more than three (3) months to such Index for the month of February, 1978, or (b) the proposed rates do not exceed the rates in effect on February 28, 1978 plus six percent (6%) per annum from February 28, 1978 to the effective date of the rate increase, whichever results in the lower rates. Any request for an increase in excess of the amount permitted by the foregoing sentence shall be accompanied by written justification for the change, and any change in rates in excess of the amount permitted by the foregoing sentence shall be adopted by the Council by written resolution only after a public hearing which shall be announced by written notice published in a newspaper of general circulation at least ten (10) days before the date of the hearing. If in the future the state of North Carolina, the FCC or other authorized governmental agency regulates the rates of Grantee for the service provided for in this ordinance, this section shall be of no effect during such regulated period to the extent of any conflict. As used herein the term "Consumer Price Index" shall mean the Consumer Price Index (1967 = 100) published by the Bureau of Labor Statistics, U. S. Department of Labor. If such Index is no longer published, reference shall be made to that index published by the United States Government most closely resembling the Consumer Price Index.
- E. For service from either overhead or underground feeder cable, in the event the distance from the center line of the street, alley, or easement occupied by the feeder cable to any outlet at the subscribers set exceeds 150 feet, the Grantee may make an additional charge not to exceed the actual

direct cost to the Grantee attributable to such distance in excess of 150 feet. For underground service from an overhead cable, the Grantee may charge, in addition to the charge stated above, the difference between the Grantee's incurred variable cost of providing underground facilities and the estimated cost of constructing equivalent aerial facilities.

- F. The Grantee may petition the City Council for a review of any rate, or notify Council of a desire to initiate a new service at any time. Council may defer final action on such request until such time as in the discretion of Council will serve the public interest; provided, however, that in no event shall such delay in final action extend more than three (3) months from the date of any such petition.

Section 6-73. Franchise Payment

- A. For the reason that streets and other facilities of the City of Charlotte to be used by the Grantee in the operation of the CATV system within the corporate limits of the City of Charlotte are valuable public properties acquired and maintained by the City of Charlotte at great expense to the City of Charlotte taxpayers, and that the grant to Grantee of the right to use said streets and facilities as herein provided is a valuable property right without which Grantee would be required to invest substantial capital and right-of-way costs, as consideration for the use of said streets and other facilities of the City of Charlotte for the Grantee's purposes herein provided, and as consideration for the regulatory costs incurred by the City of Charlotte in the exercise of its responsibility to franchise and regulate the Grantee's CATV system within the City of Charlotte, the Grantee shall pay to the City of Charlotte quarterly, within thirty (30) days after the quarter ends, an amount equal to three percent (3%) of the quarter gross subscriber revenue taken in and received from all subscribers, plus an amount equal to three percent (3%) of the quarter net revenue taken in and received from subscribers to pay TV service, after deduction of the Grantee's cost of acquiring programming for pay TV. If at any time in the future the FCC or any other federal or state regulatory agency shall exert jurisdiction in

regard to franchise fee payments on pay TV revenue, payment to the City shall conform to such regulatory ruling.

- B. Each year during which the franchise is in force, the Grantee shall file with the City no later than fifteen days after the actual filing date of the Grantee's Federal Income Tax Returns, a complete financial statement covering the Grantee's operations, including a balance sheet, a profit and loss statement, and such other accounting statements as may be determined necessary by the City, certified by an officer of the Grantee according to generally accepted accounting principles, and showing in detail among other things gross subscriber revenue as defined herein, and the net operating profit of the Grantee during the fiscal year covered by the financial statement.
- C. In the event that payment is not made on or before the applicable date set in paragraph B of this Section, interest on such payment or portion thereof shall accrue to the City from such date at one percent above the average annual prime interest rate prevailing in the City.
- D. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this ordinance.
- E. Nothing contained in this ordinance shall be construed to exempt the Grantee from any tax, levy or assessment which is now or which may hereafter be authorized by law.

Section 6-74. Reports

- A. The City may, from time to time, require reports on the progress of CATV expansion or other information as it may deem necessary.
- B. Copies of any agreements, reports, petitions or other documents filed with or received from any local, state or federal governmental authority relating to the Grantee's operations within the City shall be filed with the City Manager within five (5) days.

Section 6-75. Books and Records of the Grantee

- A. The Grantee shall maintain an office in the City for so long as it continues to operate the system or any portion thereof and shall designate such office as the place where all notices, directions, orders and requests may be served or delivered under this ordinance. The City Manager shall be notified of the location of such office or any change thereof.
- B. The Grantee shall keep complete and accurate books of account and records of its business and operations under and in connection with the ordinance and franchise.
- C. At reasonable times, the City Manager, or his representative shall have access to all books of account and records of the Grantee for the purpose of ascertaining the correctness of any and all reports and shall be given access to all supplementary financial and engineering records upon request.
- D. Any false entry in the books of account or records of the Grantee or false statement in the reports to the City as to a material fact, knowingly made by the Grantee shall constitute the breach of a material provision of the ordinance and franchise.

Section 6-76. Liability for Damages

- A. The Grantee agrees and binds itself to indemnify, keep, and hold free and harmless the City from any and all liability or costs including attorneys fees and court costs pertaining thereto arising from any activities herein authorized, in that the Grantee shall pay, and by its acceptance of this franchise the Grantee specifically agrees that it will pay all damages and penalties which the City may be legally required to pay as a result of granting this franchise. These damages or penalties shall include but shall not be limited to damages arising out of copyright infringements and all other damages arising out of installation, operation or maintenance of the CATV system authorized herein whether or not any act or omission complained of is authorized, allowed or prohibited by this franchise.
- B. On the effective date of this franchise ordinance, the Grantee shall file with the City and thereafter maintain in full force and effect at all times for

the full term of the franchise, at the expense of the Grantee, a comprehensive general liability insurance policy naming the City as additional insured written by a company authorized to do business in the State of North Carolina, in a form approved by the City Attorney, protecting the City against liability for loss or bodily injury and property damage occasioned by the installation, removal, maintenance or operation of the CATV system by the Grantee in the following minimum amounts:

\$500,000 for property damage in any one occurrence.

\$1,000,000 for property damage - annual aggregate.

\$1,000,000 for bodily injuries in any one occurrence.

Additionally, an endorsement shall be effected to eliminate the normal XCU exclusion. Additionally, an endorsement shall be effected to add personal injury hazards A B & C with limits no less than one million dollars each person and one million dollars aggregate annual. Additionally, an endorsement shall be effected to add advertising liability with a limit no less than one million dollars.

The Grantee shall also file with the City a comprehensive automobile liability policy written by a company authorized to do business in the State of North Carolina, in the amounts set forth below for all owned, non-owned, hired and leased vehicles operated by the Grantee with limits no less than \$500,000 bodily injury any one person, \$1,000,000 bodily injury and one occurrence and \$500,000 property damage any one occurrence.

All liability insurance required in this section shall be kept in full force and effect by the Grantee during the existence of the franchise and until after the removal of all poles, wires, cables, underground conduits, manholes, and other conductors and fixtures installed by Grantee incident to the maintenance and operation of the CATV system as defined in this ordinance.

All policies shall be endorsed to give the City of Charlotte thirty days written notice of intent to amend, cancel or non-renew by either the Grantee or the insuring company.

Section 6-77. Foreclosure

Upon the foreclosure or other judicial sale of all or a substantial part of the system or upon the termination of any lease covering all or a substantial part of the system, the Grantee shall notify the City Manager of such fact, and such notification shall be treated as a notification that a change in control of the Grantee has taken place and the provisions of Section 6-79 of this ordinance, governing the consent of the City to such change in control of the Grantee shall apply. However, any offer or agreement of sale of all or a substantial part of the system, which is made expressly subject to Council approval of the transfer of the franchise, shall not be deemed a "sale" hereunder, unless and until such Council approval is granted, provided the Grantee or a duly constituted receiver or trustee remains in operational control prior to such Council approval.

Section 6-78. Receivership

The City shall have the right to cancel this franchise one hundred and twenty days after the appointment of a receiver or trustee to take over and conduct the business of the Grantee whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred and twenty days, or unless:

- 1) Within one hundred and twenty days after his election or appointment, such receiver or trustees shall have fully complied with all the provisions of this ordinance and remedied all defaults thereunder; and,
- 2) Such receiver or trustee within said one hundred and twenty days shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this ordinance and the franchise granted to the original Grantee. Appointment of a receiver or other transfer of control pursuant

to this section shall be governed by and be in compliance with applicable rules and regulations of the FCC. To the extent that FCC or other approvals are required, Grantee shall assist and cooperate in the obtaining of such approval.

Section 6-79. Restrictions Against Assignment

- A. No transfer of control or assignment of the franchise, the cable television system, or any part thereof shall be effective without the prior written consent of the City Council, which consent shall not be unreasonably withheld.
- B. The consent or approval of the City Council to any assignment, lease, transfer, sublease or mortgage of the franchise granted to the Grantee shall not constitute a waiver or release of the right of the City in and to the Streets.
- C. The Grantee shall promptly notify the City Manager of any actual or proposed change in or transfer of or acquisition by any other party, of control of the Grantee. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Grantee shall make the franchise subject to cancellation unless and until the Council shall have consented thereto. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, the Council may inquire into the qualifications of the prospective controlling party, and the Grantee shall assist the Council in any such inquiry. If the Council does not schedule a hearing on the matter within sixty days after notice of the change or proposed change and the filing of a petition requesting its consent, it shall be deemed to have consented. In the event that the Council adopts a resolution denying its consent and such change, transfer or acquisition of control has been effected, the Council may cancel the franchise unless control of the Grantee is restored to its status prior to the change or to a status acceptable to the Council.
- D. The Grantee may mortgage or pledge the grant, system, or any part thereof, for financing purposes, and may engage in the sale of its stock publicly

and in accordance with applicable laws. Any mortgage or pledge shall be subordinate to the rights of the City under this ordinance and applicable law, and shall be subject to the prior written consent of Council, whose consent shall not be unreasonably withheld.

Section 6-80. Cancellation and Expiration

- A. The Council shall have the right to cancel the franchise if the Grantee fails to comply with any material and substantial provision of this ordinance or of the grant of the franchise or any reasonable order direction or permit issued by any City department or agency pursuant to such material and substantial provision or any rule or regulation promulgated by the City which is reasonable in light of, and consistent with, any provision of this ordinance or the franchise; or if the Grantee persistently fails to comply with any provision of either, or any reasonable order, direction or permit issued. Cancellation shall be by resolution of the City Council duly adopted in accordance with the following procedures:
- i. The City Manager shall notify the Grantee of the alleged failure or persistent failure of compliance and give the Grantee a reasonable opportunity to correct such failure or persistent failure or to present facts and argument in refutation of the alleged failure or persistent failure.
 - ii. If the City Manager then concludes that there is a basis for cancellation of the franchise pursuant to Paragraph A of this Section, he shall notify the Grantee thereof.
 - iii. If within a reasonable time the Grantee does not remedy and/or put an end to the alleged failure or persistent failure, the Council after a public hearing by the Council on notice, may cancel the franchise if it determines that such action is warranted under Paragraph A of this section.
- B. If for ten consecutive days, the system is inoperative or if the same is inoperative for thirty days out of any consecutive twelve months, provided that it is within the control of the Grantee, the Council may cancel the franchise.

- C. The Grantee shall not be declared in default or be subject to any sanction under any provision of this ordinance or the franchise in any case in which the performance of any such provision is prevented for reason beyond its control.
- D. If all or part of the streets within the City are closed or discontinued as provided by statute, then the franchise and all rights and privileges hereunder with respect to said streets or any part thereof so closed or discontinued, shall cease and desist upon the date of the adoption of the ordinance closing and discontinuing such streets and the company shall not be entitled to damages from the City due to the closing or discontinuance of such streets, or for injury to any part of the system in the streets or for the removal or relocation of the same.
- E. If the system is taken or condemned pursuant to law, the franchise shall, at the option of the Council, cease and desist on the date of the vesting titled pursuant to such taking or condemnation and any award to the Grantee in connection with such taking or condemnation shall not include any valuation based on the franchise.
- F. Upon cancellation or expiration of the franchise, the City shall have the first right of refusal to purchase the system in accordance with Paragraph G of this section, and the City Council may direct the Grantee to cease operation of the system. If the City elects to purchase the system, the Grantee shall promptly execute all appropriate documents to transfer title to the City, and the Grantee shall assign all other contracts, leases, licenses, permits and any other rights necessary to maintain continuity of service to the public. The Grantee shall cooperate with the City, or such agency or person authorized or directed by the City Manager to operate the system for a temporary period in maintaining continuity of service. Nothing herein is intended as a waiver of any other right the City may have.
- G. If the franchise is cancelled by the City Council by reason of the Grantee's default, or if the franchise expires, the system shall, at the election of the City, become the property of the City at a cost equal to the fair market value of the system as a going concern, including physical assets and intangibles.

- H. Nothing herein shall be deemed or construed to impair or affect in any way any right of the City to acquire the property of the Grantee, at the election of the City, either by purchase or through the exercise of eminent domain.

Section 6-81. Day to Day Regulation

- A. The City Manager after affording the Grantee a reasonable opportunity to be heard shall devise, promulgate and administer such reasonable rules, regulations and procedures as may be required to implement the provisions of this ordinance and the franchise, or any subsequent ordinance, ruling, contract, or agreement adopted or entered into by the Council with regard to the CATV system. Such rules, regulations, and procedures shall be reasonable and confined to matters pertaining to the day to day enforcement of policies adopted by the Council.
- B. In cases where requests for service or adjustment have been ignored or unfilled for other than just cause, the City Manager shall have the power to require the Grantee to provide service in response to all reasonable requests as the City Manager may determine.
- C. The Grantee may appeal any decision made pursuant to this section as provided for in Section 6-83 of this ordinance.
- D. Nothing in this section shall be construed to act as a waiver of any other rights or powers the City might have against the Grantee for any of the situations described in Paragraphs A-D of this section.

Section 6-82. Hiring and Employment Practices

The Grantee shall not refuse to hire or employ, nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of age, race, creed, color, national origin or sex.

Section 6-83. Appeals

In the event the Grantee questions the reasonableness of any order, requirement, decision or other action taken by the City or shall be of the opinion that the City lacks authority to take such action, the Grantee shall be allowed to appeal the order, requirement, decision or other action to the Council. The notice of

objection and request for an appeal shall be made in writing to the City Manager within two weeks of the objectionable order, requirement, decision or other action. The effect of such order, etc. may be stayed by the action of the Council upon its receipt of the notice of objection, pending the Council's final determination of the appeal. This stay shall not affect any retroactive application of Council's upholding any such action.

Section 6-84. System Security - Tampering with CATV Equipment

- 1) Any individual or corporation, who with intent to defraud or to aid and abet another to defraud any person or corporation of the lawful charge, in whole or in part, for any cable television service, shall avoid or attempt to avoid or shall cause or assist another to avoid or attempt to avoid any charge for such service by rearranging, tampering with or making connection with any facilities or equipment of a cable television company, whether physically, inductively, acoustically, or electrically, or by utilizing such service having reason to believe that such rearrangements, connection or tampering existed or occurred, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be imprisoned not exceeding 30 days or fined not exceeding fifty dollars (\$50.00) or both, in the discretion of the court.
- 2) Any individual or corporation shall be guilty of a misdemeanor if he:
 - (a) makes, possesses, sells, gives or otherwise transfers to another or offers or advertises to sell, give or otherwise transfer any instrument, apparatus, equipment, or device or plans or instruction for making or assembling the same, which instrument, apparatus, equipment, or device is designed, adapted or can be used to fraudulently avoid the lawful charge for any cable television service; and,
 - (b) intends to use or employ such instrument, apparatus, equipment or device, or to allow the same to be used or employed for a purpose described in subsection (1) above, or knows or has reason to believe that the same is intended to be used for making or assembling such instrument, apparatus, equipment or device.

Any person convicted of a misdemeanor under this section shall be imprisoned not exceeding 30 days or fined not exceeding fifty dollars (\$50.00) or both, in the discretion of the court.

Section 6-85. Miscellaneous

- A. Every direction, notice or order to be served upon the Grantee shall be sent to its office in the City by registered mail as established by Section 6-75 A of this ordinance. Every notice served upon the City shall be delivered or sent by registered mail to the office of the City Manager, 600 East Trade Street, Charlotte, North Carolina 28202. The delivery or mailing of such notice or order shall be deemed to have been given at the time of delivery.
- B. All provisions of this ordinance shall apply to the Grantee, its successors, and assigns, as such may be approved by Council in accordance with this ordinance.
- C. The rights granted by this ordinance are subject to all franchises and permits heretofore or hereafter granted by the City Council of the City of Charlotte to use the streets of the City by other public utility or public service corporations. It is not intended by the grant of this franchise to abridge the exercise of the police power heretofore or hereafter granted to the City by the General Assembly. The grant of this franchise is subject to all ordinances and resolutions of the Council as the same now exist or may be hereafter amended, revised or codified, in the lawful exercise of any other power granted to the City by the General Assembly.
- D. Specific mention of the materiality of any of the provisions herein is not intended to be exclusive of any others for the purpose of determining whether any failure to compliance hereunder is material and substantial.
- E. If any particular section of this ordinance or the particular application thereof, shall be held invalid, the remaining provisions and their application shall not be affected thereby.
- F. The Grantee, upon its acceptance of this franchise, shall be bound by the provision of this ordinance and all responses, statements, and information contained in its bid.

Adopted by the Council of the City of Charlotte on first reading on the 13th day of February, 1978.

Adopted by the Council of the City of Charlotte on second reading on the 27th day of February, 1978.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th of February, 1978, the reference having been made in Minute Book 67, and is recorded in full in Ordinance Book 25, at page 217-245.

Ruth Armstrong
City Clerk

ORDINANCE NO. 919-X

AN ORDINANCE GRANTING A FRANCHISE TO AMERICAN CABLEVISION OF CAROLINA, INC., T/A CABLEVISION OF CHARLOTTE, TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF CHARLOTTE.

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

Section 1. This ordinance is adopted pursuant to the provisions, terms, and conditions of an ordinance designated as Article VI of Chapter 6 of the Code of the City of Charlotte, entitled "An Ordinance Amending Chapter 6, 'Business and Trades' of the City Code to Provide for the Regulation of Community Antenna Television Systems (CATV)."

Section 2. Pursuant to the provisions of the above-referenced ordinance, a non-exclusive franchise authorizing the construction, maintenance, and operation of a Community Antenna Television System as defined in Section 6-66 (D) of that ordinance, all within the corporate limits, as now or hereafter exist, of the City of Charlotte, is hereby granted to American Cablevision of Carolina, Inc., t/a Cablevision of Charlotte, for a term of 10 years with all the rights and privileges and subject to each and all of the terms and conditions of said ordinance.

Section 3. In consideration of the rights and privileges granted hereunder, American Cablevision of Carolina, Inc., t/a Cablevision of Charlotte, shall pay to the City of Charlotte the remuneration required by Section 6-73 and the payments shall be made at the times specified therein.

Section 4. The CATV System herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by Article VI of Chapter 6 of the Code of the City of Charlotte and no other purpose whatsoever.

Section 5. This ordinance shall become effective February 28, 1978.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in two regular sessions, the first convened on the 13th day of February, 1978, the reference having been made in Minute Book 67, and recorded in full in Ordinance Book 25, at page 246; the second convened on the 27th day of February, 1978, the reference having been made in Minute Book 67, and recorded in full in Ordinance Book 25, at page 246.

Ruth Armstrong, City Clerk

ORDINANCE NO. 920-X

AN ORDINANCE TO AMEND ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY TO PROVIDE FOR THE PURCHASE OF PORTABLE AMPLIFICATION EQUIPMENT.


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

Section 1. That the sum of \$8,267 is hereby transferred from the General Fund Contingency account (530.00) to the Traffic Engineering Radio Division account (403.00). These funds will be used to provide for the purchase of portable voice amplification equipment for use at City Council meetings not held in the City Hall Council Chambers.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its 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 27th day of February, 1978, the reference having been made in Minute Book 67, and is recorded in full in Ordinance Book 25, at page 247.

Ruth Armstrong
City Clerk

ORDINANCE NO. 921-X

AN ORDINANCE ORDERING THE REMOVAL OF TRASH AND RUBBISH PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE II B, SECTION 10-30 AND 10-31 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, trash and rubbish located on the premises at (address) 325 S. Turner Avenue has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte; and

WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on December 29, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of trash and rubbish

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of trash and rubbish from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte.

Section 1. That this Ordinance shall become effective upon its 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 27th day of February, 1978, the reference having been made in Minute Book 67 and is recorded in full in Ordinance Book 25 at Page 248.

Futh Armstrong
City Clerk

ORDINANCE NO. 922-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE II B SECTION 10-30 AND 10-31 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) Rear 400-410 W. Trade Street has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has/have been ordered to remove the same, pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte; and

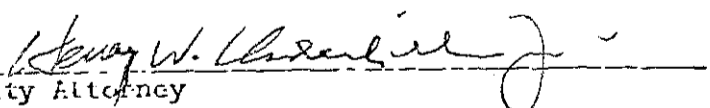
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on December 20, 1977: and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department, is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte.

Section 1. That this Ordinance shall become effective upon its 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 27th of February, 1978, the reference having been made in Minute Book 67 and is recorded in full in Ordinance Book 25 at Page 249.

Futh Armstrong
City Clerk

ORDINANCE NO. 923-X

AN ORDINANCE ORDERING THE REMOVAL OF TRASH AND RUBBISH PURSUANT
TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE II B
SECTION 10-30 AND 10-31 OF THE CITY CODE AND CHAPTER 160A-193 OF THE
GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, trash and rubbish located on the premises at (address)
two vacant lots-adjacent to 1801 Harrill Street has been found to be a nuisance by the
Supervisor of Community Improvement Division of the Public Works Department,
and the owner or those responsible for the maintenance of the premises
has/have been ordered to remove the same, pursuant to Chapter 10, Article II B
Section 10-30 and 10-31 of the Code of the City of Charlotte; and

WHEREAS, the owner (s) or person (s) responsible for the maintenance
of these premises has (have) failed to comply with the said order served by
registered mail on January 18, 1978: and

WHEREAS, The City Council, upon consideration of the evidence, finds as
a fact that the aforesaid premises are being maintained in a manner which
constitutes a public nuisance because of trash and rubbish

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of
Charlotte, North Carolina, that the Supervisor of the Community Improvement
Division, of the Public Works Department, is hereby ordered to cause removal
of trash and rubbish from the aforesaid premises in the City
of Charlotte, and that the City assess costs incurred, and this shall be a
charge against the owner (owners), and shall be a lien against this property,
all pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code
of the City of Charlotte.

Section 1. That this Ordinance shall become effective upon its adoption.

Approved as to form:

Kerry W. Chasler Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 27th of February, 1978,
the reference having been made in Minute Book 67 and is recorded in full
in Ordinance Book 25 at Page 250.

Futh Armstrong
City Clerk

ORDINANCE NO. 924-X

AN ORDINANCE ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE (s) LOCATED AT REAR 908 Belmont Avenue PURSUANT TO THE ARTICLE 10-29 OF THE CODE OF CHARLOTTE AND CHAPTER 160A-303 OF THE GENERAL STATUTES OF NORTH CAROLINA.

WHEREAS, an abandoned motor vehicle (s) located at rear 908 Belmont Ave. _____ in the City of Charlotte has been found by the Supervisor of the Community Improvement Division of the Public Works Department to be unsafe and to constitute a health hazard, and the owner (s) thereof has/have been ordered to remove said abandoned motor vehicle (s), all pursuant to the Article 10-29 of the Code of the City of Charlotte and Chapter 160A-303 of the General Statutes of North Carolina, and

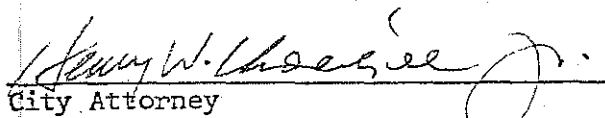
WHEREAS, said owner (s) has/have failed to comply with said order served by registered mail on January 19, 1978; and,

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid vehicle (s) is unsafe and constitutes a health hazard;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division of the Public Works Department is hereby ordered to cause removal of said abandoned motor vehicle (s) located at rear, 908 Belmont Ave.

_____, in the City of Charlotte in accordance with Article 10-29 of the Code of the City of Charlotte and Chapter 160A-303 of the General Statutes of North Carolina.

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 27th of February, 1978, the reference having been made in Minute Book 67 and is recorded in full in Ordinance Book 25 at Page 251.

Ruth Armstrong
City Clerk