

February 25, 1985  
Ordinance Book 33 - Page 390

ORDINANCE NO. 1670-X

AN AMENDMENT TO THE ORDINANCE ADOPTED ON FEBRUARY 22, 1982, TO DESIGNATE NOW ONLY THE EXTERIOR KNOWN AS THE "OLD LITTLE ROCK A.M.E. ZION CHURCH" AND THE LAND ASSOCIATED THEREWITH AS HISTORIC PROPERTY, AT 403 NORTH MYERS STREET, IN THE CITY OF CHARLOTTE, NORTH CAROLINA, AND RECORDED ON PARCEL NUMBER 080-104-08 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, the City Council of the City of Charlotte adopted an ordinance on February 22, 1982, designating "the property known as the Old Little Rock A.M.E. Zion Church and the land associated therewith" as historic property, as shown in Ordinance Book 31, page 166; and

WHEREAS, the term "the property" was intended to mean and has been interpreted to mean both the exterior and the interior of the structure known as the "Old Little Rock A.M.E. Zion Church"; and

WHEREAS, the City of Charlotte, a municipal corporation, owns the property known as the "Old Little Rock A.M.E. Zion Church" in fee simple absolute; and

WHEREAS, the owner City of Charlotte desires to amend the February 22, 1982 ordinance to delete designation of the interior as historic property; and

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at the joint public hearing held with the Charlotte-

February 25, 1985  
Ordinance Book 33 - Page 391

Mecklenburg Historic Properties Commission on the 25th day of February, 1985, on the question of designating only the exterior and land known as the "Old Little Rock A.M.E. Zion Church" as historic property; and

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

1. That the ordinance adopted on February 22, 1982, by the City Council of the City of Charlotte, as shown in Ordinance Book 31, page 166, is hereby amended and this amended ordinance shall now read as hereinafter stated.

2. That the exterior known as the "Old Little Rock A.M.E. Zion Church" and the land associated therewith, is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on a tract of property at 403 North Myers Street, in Charlotte, North Carolina, as recorded on Parcel Number 080-104-08 in the Tax Office of Mecklenburg County, North Carolina.

3. That said exterior and land may be materially altered, restored, moved, or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An Application for a Certificate of Appropriateness authorizing the demolition of structure may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto and hereinafter adopted.

February 25, 1985  
Ordinance Book 33 - Page 392

4. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on the exterior and land that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

5. That a suitable sign may be posted indicating that exterior and land has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

6. That the owners and occupants of the property known as the "Old Little Rock A.M.E. Zion Church" be given the notice of this ordinance as required by applicable law, and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

February 25, 1985  
Ordinance Book 33 - Page 393

7. That the exterior and land, designated as historic property, shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it.

Approved as to form:

Henry W. Choderhill Jr.  
City Attorney

CERTIFICATION

I, Menta C. Detwiler, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33 at Pages 390-393.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of February, 1985.

MENTA C. DETWILER, Deputy City Clerk

February 25, 1985  
Ordinance Book 33 - Page 394

ORDINANCE NO. 1671

AN ORDINANCE REGULATING VENDORS IN THE TRYON STREET MALL OF  
THE CITY OF CHARLOTTE

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

Section 1. Chapter 6, "Business and Trades", of the City  
Code shall be amended by adding a new Article IVB therein  
entitled "Tryon Street Mall Vendors" and shall read as follows:

"Article IVB "Tryon Street Mall Vendors"

§ 6-100. Findings and purpose.

The City Council finds and declares that a  
regulatory scheme for Tryon Street Mall Vendors  
will promote the public interest in that:

1. The Tryon Street Mall is a major public  
investment which revitalizes an important  
portion of Tryon Street and that Tryon Street  
Mall Vendors will contribute to an attractive  
and lively environment for pedestrians and  
businesses.
2. Certain kinds of vendors, subject to specific  
regulations, on the sidewalk of the Tryon  
Street Mall would contribute to furthering  
an attractive pedestrian environment for the  
general welfare of the City.

- 3. N. C. Gen. Stat. § 160A-178 authorizes a city to enact an ordinance that regulates, restricts or prohibits the business activities of itinerant merchants, salesmen, promoters, drummers, peddlers, or hawkers.
- 4. N. C. Gen. Stat. § 160A-194 authorizes a city to enact an ordinance that regulates and licenses occupations and businesses and prohibits those that may be inimical to the public health, welfare, safety, order, or convenience.
- 5. N. C. Gen. Stat. § 160A-174 authorizes a city to enact an ordinance that defines, prohibits, regulates, or abates acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city.
- 6. N. C. Gen. Stat. § 160A-296(5) gives a city the power to regulate the use of the public sidewalks and public streets.
- 7. This Article IVB is an exception to Article IVA.

§ 6-101. Geographic Scope:

This Article shall apply only to the public streets, sidewalks, and public property within the Tryon Street Mall which is defined in § 6-102(10).

§ 6-102. Definitions.

For purposes of this Article, the following definitions shall apply:

1. "Central Charlotte Association" refers to a division (or its successor) of the Charlotte Chamber of Commerce and shall be referred to herein as "CCA".
2. "Department" shall refer to the Department designated by the City Manager.
3. "Food" means solid food and non-alcoholic beverages and shall only include foods sold by the piece or an individual serving. Any such "food" must strictly comply with any regulations as interpreted and administered by the Mecklenburg County Department of Environmental Health; or any other food code enforcement agency.
4. "Mall Coordinator" refers to a designated position (or successor position) at the Charlotte Chamber of Commerce and shall be referred to herein as "Coordinator."
5. "Mall District Committee" is a committee (or its successor) of the Central Charlotte Association and is not a committee established by the City of Charlotte. Members of the Committee are appointed by the CCA. The City of Charlotte shall have one member appointed by the City

- Manager. The Mall District Committee shall hereinafter be referred to as "Committee."
6. "Merchandise" means only fresh cut flowers, balloons or anything else or entertainment authorized by the review regulations approved by the Mall District Committee.
  7. "Permit" refers to Tryon Street Mall Vendor's Regulatory Permit issued by the City of Charlotte for the Tryon Street Mall pursuant to N.C. Gen. Stat. §§ 160A-194 and 160A-174.
  8. "Person" means any natural individual, firm, partnership, association, or corporation. Whenever the word "person" is used in any section in this Article prescribing a penalty or fine as applied to a partnership or association, the word shall include the partners or members thereof, such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section.
  9. "Stand" means a non-motorized, but mobile, pushcart which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, or a pedal-powered cart, used for the displaying, storing or trans-



February 25, 1985  
Ordinance Book 33 - Page 398

porting of articles offered for sale by a vendor and any such stand shall be constructed in accordance with the size, quality, design, and all other written regulations.

10. "Tryon Street Mall" means the area of Tryon Street beginning at Stonewall Street and extending to Eighth (8th) Street, including the blocks designated as the 100 Blocks of East and West Trade Street, and includes both sides of Tryon Street and Trade Street on any portion of the sidewalk, street, or public property (excluding Discovery Place, Spirit Square, Overhead pedestrian bridges, the Charlotte-Mecklenburg Central Library, and the Hall House except for sidewalks and streets) fronting on Tryon Street and Trade Street within the area described above and hereinafter referred to as "Mall".
11. "Vendor" means a person receiving a Tryon Street Mall Vendor's Regulatory Permit under this Article described in this ordinance for the Tryon Street Mall.

§ 6-103. Administration.

The Committee can recommend the initial Review Regulations to the City Council for approval. The City Council can approve or change Review Regulations entirely on its own initiative at anytime.

The Review Regulations may include, but not be limited to, design, size, kinds of materials, color, health, safety, aesthetics, merchandise, method of distributions and disposal of food and

February 25, 1985  
Ordinance Book 33 - Page 399

merchandise, a map showing specific site locations for such distributions, or other matters and appropriate changes that will ensure an attractive and successful Tryon Street Mall Vendor environment.

The Committee shall have the authority to amend, delete, or add to these initial regulations with reference to the standards and purposes stated in this ordinance and the initially approved regulations. The Committee shall at all times provide any changes to the initial, City Council approved regulations to the City Clerk's Office and to any Department designated by the City Manager.

The Committee, or the Coordinator, on behalf of the CCA, shall provide vendor applications, accept a reasonable application fee with checks made payable to the City of Charlotte, review submitted applications for compliance with § 6-106, and make recommendations on all vendor applications based on this ordinance and review regulations to the Department to issue or to deny a vendor application. The Department shall have sole authority to determine whether a permit should be issued or denied based on the requirements of this Article IVB. The Committee shall approve a site location plan, available for public inspection, that is compatible with the public interest and use of street and sidewalk areas as public rights of way. The site location plan shall take into consideration the width of the sidewalk, the proximity and location

February 25, 1985  
Ordinance Book 33 - Page 400

of existing street furniture including but not limited to sign posts, lamp posts, parking meters, bus shelters, benches, telephone booths, news stands, bus stops, truck loading zones, taxi stands, building entrances, proximity to other vendor locations, and the like, in order to ensure that there will not be pedestrian and street congestion or obstruction of the above and to ensure an attractive and orderly distribution of vendor locations.

The Committee shall assign site locations either by lottery or on a first-come-first-served basis or in accordance with a fair procedure recommended by the Committee to the City Manager for approval to all of those who have been issued permits, including the meeting of the requirements in § 6-106. The Department shall ensure that the Committee has complied with the procedures stated herein.

§ 6-104. Distribution and Scope of Permit.

1. No more than 44 permits shall be issued for the Tryon Street Mall.
2. Only 2 permits shall be issued for each side of each block in the Mall. That would allow 2 permits on each side of the 11 blocks of the Tryon Street Mall for a total of 44 permits. Any other permits can only be approved by the City Council upon a favorable recommendation by the Committee.

February 25, 1985  
Ordinance Book 33 - Page 401

3. The site location shall be fixed and not exceed six feet by eight feet.
4. A vendor can have only one permit per block and only one permit per stand and only three permits for the entire Mall. An application(s) shall be denied if there is a reasonable basis for determining that there have been efforts to circumvent that limitation. A vendor can sell either food or merchandise or both.
5. An additional permit beyond the 44 permits referred to in (1) may be issued to an at-large, strolling balloon vendor at the Trade Street/Tryon Street Square with whatever reasonable restrictions and conditions consistent with the purposes of this Article are imposed on the permit by the Department upon the recommendation of the Committee.

§ 6-105. Regulatory permit required.

It shall be unlawful for any person to sell or to offer for sale, any food, beverage, merchandise, or anything else on the Tryon Street Mall (as defined herein) unless there is compliance with the provisions of this Article and the Review Regulations and unless a permit has been obtained. Otherwise, it shall be unlawful for a person to sell or offer to sell anything within the Tryon Street Mall described in § 6-102(10). This article shall not apply to news vending machines.

February 25, 1985  
Ordinance Book 33 - Page 402

§ 6-106. Applications for permits.

The application for a Vendor's permit may include the following information:

1. The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, the name of the vending business, and information to show compliance with the Review Regulations for the stand to be used in the operation of the vending business.
2. A description of the type of food, beverage or merchandise to be sold.
3. A description and a photograph of the stand to be used in operation with the business.
4. Three prints of a full-face photograph, taken not more than thirty days prior to the date of the application, of any person who will sell or offer to sell any food, beverage or merchandise upon any street or sidewalk subject to this ordinance.
5. Proof of an insurance policy issued by an insurance company licensed to do business in the State of North Carolina, showing a policy of comprehensive general liability including coverage for products/completed operations and contractual liability for the indemnification provision in the Vendor's Permit, in the amount of not less than three hundred

February 25, 1985  
Ordinance Book 33 - Page 403

thousand dollars (\$300,000) for bodily injury per occurrence and one hundred thousand dollars (\$100,000) for property damage per occurrence. Such policies shall not be cancelled until thirty days written notice of such cancellation shall be given to the Charlotte-Mecklenburg Insurance Risk and Management Agency. Any termination or lapse of such insurance shall automatically revoke any permit issued pursuant to this Article. Such insurance limits and requirements shall be subject to revision by the Insurance Risk and Management Agency. Certificates of insurance shall be kept on file with the Vendor's application.

6. There shall be a reasonable application fee payable at the time of the application, which fee shall be non-refundable, for processing the application and payable to the City of Charlotte. The application fee shall be transmitted to the Department with the application.
7. Proof of acquisition of any necessary Business Privilege License or any other legally required permits or licenses.
8. Any such other information, relevant to this Article, as may be required by the Committee.

§ 6-107. Issuance.

Not later than 45 days after filing of the completed application for a permit, the applicant shall be notified by the Department of the decision on the issuance or denial of the permit. If the permit is denied, the applicant shall be provided by the Department with a written statement of reasons for the denial on the application. A permit issued to a person is not transferable in any way and the recipient of the permit remains responsible for compliance with this Article.

The issuance of this permit shall be subject to any resolution adopted by the City Council pertaining to the carrying out of any special events that would include the Tryon Street Mall. That shall include, but not be limited to, to requiring the vendor with such a permit to be at another location during such City-sanctioned special event and to require the vendor to pay any fees that are imposed for participation in the special event.

§ 6-108. Permanent regulatory permit fee.

An annual permit issued for March 15, 1985 through December 31, 1985, shall have a permit fee of \$225.00. Thereafter, an annual permit shall be issued effective January 1 through December 31. The annual regulatory permit fee shall be \$300.00. However, any regulatory permit issued after July 1

to expire the following December 31st shall have a fee of \$150.00. The permit shall be subject to the resolution authorizing the City-sanctioned event pursuant to § 6-113 and as stated in § 6-107 and the permit shall be subject to allowing other vendors on the Tryon Street Mall at such a City-sanctioned event.

§ 6-109. Temporary regulatory permit fee.

The Department shall have the authority to issue a temporary regulatory permit. The Committee may recommend to the Department the issuance of a temporary regulatory permit solely for the display and sale of crafts or other visual artistic products made by an individual craftsperson or artist. The temporary permit shall be for no longer than 72 hours and shall be approved for a particular person or pertaining to that person's works no more than four times within twelve (12) months. The Committee shall approve a site location plan available for public inspection. There shall be a nonrefundable reasonable application fee. The requirements of § 6-106 shall be applicable to a temporary permit only to the extent of their inclusion in the approved application form. § 6-110 shall apply to the temporary permit where relevant. § 6-104(1) and (2) do not include nor pertain to a temporary permit.



§ 6-110. Prohibited conduct.

The following shall constitute unlawful conduct. It shall be unlawful to:

1. Violate any federal, state, county or city law or regulation that pertains to food, beverages, or the selling thereof or that pertains to the operation of the Vendor's business on the Tryon Street Mall.
2. Fail to permit any lawfully requested inspection by health officials or to comply with any lawful request of a police officer.
3. Fail to carry and display at all times the permit issued under this Article.
4. Have a stand that is not in compliance with the Review Regulations or any additional special restrictions or conditions stated in the permit.
5. Vend without the insurance required by this ordinance.
6. Vend in any area other than that space designated by the permit.
7. Leave any stand overnight on any street or sidewalk; or park other than in a lawful parking place or in violation of any City of Charlotte's parking ordinance provision; or fail to remove any stand during non-manned hours.
8. Sell food or beverages for immediate consumption, unless the Vendor has available for

public use the vendor's litter receptacle or a public litter receptacle no more than ten (10) feet distant from the person's stand.

- 9. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the Vendor.
- 10. Allow any item relating to the operation of the vending business to be placed anywhere other than in, on or under the stand. Offer to sell any goods other than those permitted by the permit.
- 11. Sound or permit the sounding of any device which produces a loud and raucous noise or engage in any hawking or harassment for the purpose of attracting the attention of the public to the stand for commercial purposes.
- 12. Have any advertising, except the posting of prices, the name of the product, and the name of the Vendor, if desired.
- 13. Use a vehicle to pick up or deliver a cart during the hours of 7:30 - 9:00 a.m. and 4:30 - 6:00 p.m.
- 14. Fail to actually operate the stand, for whatever reason, during the minimum time usage of the site required by the Review Regulations; such failure shall constitute an abandonment of the site and result in revocation of the permit.

February 25, 1985  
Ordinance Book 33 - Page 408

§ 6-111. Denial, suspension and revocation.

The Department shall have the authority to deny, suspend or revoke a permit for any of the following causes:

1. Fraud or misrepresentation contained in the application for the permit or, in applying for the permit, failure to provide the information required by this Article, by the Committee, or to provide any relevant information sought by the Coordinator.
2. Fraud or misrepresentation made in the course of carrying on the business of vending or failure to pay required sales tax.
3. A violation of a provision of this Article or the Review Regulations.
4. Conviction of the permittee for any felony or for a misdemeanor related to the vendor business authorized by the permit.

The Department shall have the authority to suspend or revoke a permit for any of the reasons stated in § 6-110.

If a permit is suspended or revoked, then the permittee shall have the right to appeal the revocation or the suspension to the City Manager or his designee in writing within 10 days of the suspension or revocation. The decision of the City Manager or his designee shall be final.

6-112. Enforcement.

In addition to the authority under this Article to deny, to suspend, or to revoke a permit, any or all of the following methods shall be available for enforcing this Article:

(a) City of Charlotte law enforcement officers shall have the authority to issue citations in the same manner as described in City of Charlotte Code § 3-33, as if it were fully stated herein. A penalty of ten dollars (\$10.00) may be levied against any person for a violation of each provision of this Article for which a citation has been issued. Each day's violation shall be a separate and distinct offense. Nothing in this Article shall preclude any other lawful enforcement action by an officer.

Further, if a Vendor with a permit is convicted of a criminal misdemeanor for a violation of this ordinance or has a permit revoked, then the Committee may reject any new application for any kind of permit under this Article for a twelve-month period from the date of conviction or revocation.

(b) Any remedies available to the Mecklenburg County Department of Environmental Health or any other Mecklenburg County Department responsible for enforcing laws pertaining to the activities carried out by this Article shall be available to such personnel to enforce this Article.

February 25, 1985  
Ordinance Book 33 - Page 410

(c) This Article may be enforced by any of the remedies enumerated in N.C. Gen. Stat. § 160A-175 and each day's violation shall be a separate and distinct violation.

§ 6-113. Exception.

This Article and the requirements herein, shall not apply to any market, festival or activity or other similar event or arts and crafts exhibits sponsored or sanctioned authorized by the City Council.

Section 2. This ordinance shall be effective on March 1, 1985.

Approved as to form:

  
City Attorney

CERTIFICATION

I, Menta C. Detwiler, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular meeting held on the 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33 at Page 394-410.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of February, 1985.

\_\_\_\_\_  
MENTA C. DETWILER, Deputy City Clerk

February 25, 1985  
Ordinance Book 33 - Page 411

ORDINANCE AMENDING

CHAPTER 6

ORDINANCE 1672

AN ORDINANCE AMENDING CHAPTER 6, "BUSINESS AND TRADES" OF THE CITY CODE RELATIVE TO VENDING IN THE CONGESTED BUSINESS DISTRICT OF THE CITY.

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

Section 1. Section 6-39 of the City Code shall be deleted in its entirety, and a new section to read as follows shall be substituted in lieu thereof:

"Sec. 6-39. Vending in the Congested Business District Prohibited - Exceptions.

It shall be unlawful for any person to sell any article of merchandise upon any of the streets and sidewalks within the congested business district, and within the stadium district of the city as defined in section 6-34, other than newspapers and magazines, except as provided in Article IV B, Section 6-100 of the Code, and except as provided below:

Any vendor with the proper business licenses shall be permitted to sell merchandise within the congested business district as part of a market, festival, activity, or other similar event sponsored or sanctioned by the city or county government.

In addition to the required licenses, vendors may be subject to such additional fees as may be established or authorized by the City Council for any event sponsored or sanctioned by city government."

Sec. 2. This ordinance shall become effective upon 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 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33 at Page 411.

Pat Sharkey  
City Clerk

February 25, 1985  
Ordinance Book 33 - Page 412

ORDINANCE AMENDING  
CHAPTER 11

ORDINANCE 1673

AN ORDINANCE AMENDING CLASSIFICATION (296) ENTITLED " ORGAN GRINDERS AND STREET MUSICIANS" OF CHAPTER 11 OF THE CITY CODE.

WHEREAS, at the present time Classification (296) "Organ Grinders and Street Musicians" contains a provision prohibiting such activity within three blocks of Independence Square; and

WHEREAS, it is anticipated that street musicians may be attracted to and become a part of the activities of the Tryon Street Mall; therefore, Council is desirous of deleting the provision which prohibits their performance within three blocks of the Square.

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

Section 1. Classification (296) "Organ Grinders and Street Musicians" of Chapter 11 of the City Code be amended by the deletion of the words "Not allowed within 3 blocks of Independence Square".

Sec. 2. This ordinance shall become effective upon adoption.

Approved as to form:

*Henry W. Chiles Jr.*

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33 at Page 412.

Pat Sharkey  
City Clerk

February 25, 1985  
Ordinance Book 33 - Page 413

ORDINANCE NO. 1674-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION TO FUND A CONTRACT WITH UNIVERSITY OF NORTH CAROLINA INSTITUTE FOR TRANSPORTATION RESEARCH AND EDUCATION TO ACQUIRE A PAVEMENT MANAGEMENT SYSTEM AND TO ACQUIRE ASSOCIATED EQUIPMENT.

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

Section 1. That the sum of \$91,500 is hereby available from the unappropriated balance of the Powell Bill Fund (0120) for the maintenance and repair of the street system.

Section 2. That the sum of \$91,500 is hereby appropriated to the Pavement Management account (0120; 523.31) to provide funding for the equipment and a contract to acquire the Pavement Management System.

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 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33 at Page 413.

Pat Sharkey  
City Clerk



February 25, 1985  
Ordinance Book 33 - Page 414

ORDINANCE NO. 1675-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, TO AMEND THE TABLE OF ORGANIZATION FOR THE ENGINEERING DEPARTMENT TO PROVIDE STAFFING AND FUNDING FOR A PARK IMPROVEMENTS CAPITAL PROJECT DESIGN TEAM.

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

Section 1. That the Table of Organization of the Engineering Department is hereby amended to reflect the addition of the following positions:

<u>Account</u>	<u>Class No.</u>	<u>Class Title</u>	<u>Salary Range No.</u>	<u>No. of Positions</u>
512.00	2366	Drafting Technician III	18	1
512.00	2368	Design Supervisor	21	1

Section 2. That the Engineering Department operating budget be increased by \$24,879 to provide staffing requirements for a Park Design Team to implement park improvement projects; and, that these costs be recovered through departmental charges in the amount of \$24,879 from Improvements to Existing Park Facilities (2010-701.00) for a net appropriation of zero.

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. 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 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33 at Page 414.

Pat Sharkey, City Clerk

February 25, 1985  
Ordinance Book 33 - Page 415

ORDINANCE NO. 1676-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, ESTIMATING ADDITIONAL SEWER TAPPING PRIVILEGE FEE REVENUE AND APPROPRIATING THOSE REVENUES TO THE SEWER TAPPING PRIVILEGE EXPENSE ACCOUNT.

---

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

Section 1. That the sum of \$300,000 in additional sewer tapping privilege fee revenue is hereby estimated to be available to the Water and Sewer Operating Fund from payments for 50/50 sewer extensions.

Section 2. That the sum of \$300,000 is hereby appropriated from Sewer Tapping Privilege Fees revenue account, 7101-5750, to the Water and Sewer Operating Fund account 7101; 630.90--Sewer Tapping Privilege Expense, for the construction of sewer extensions pursuant to the water and sewer extension policy.

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. 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 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33 at Page 415.

Pat Sharkey  
City Clerk

February 25, 1985  
Ordinance Book 33 - Page 416

ORDINANCE NO. 1677-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET  
ORDINANCE, APPROPRIATING FUNDS FOR UPGRADING MCALPINE CREEK  
WASTEWATER TREATMENT PLANT.

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

Section 1. That the sum of \$1,100,000 was previously  
advanced from 1979 Sewer Bonds, for upgrading the treatment capacity  
of McAlpine Creek Wastewater Treatment Plant to 40 million gallons  
per day.

Section 2. That the sum of \$1,100,000, previously  
advanced, is hereby appropriated from 1979 Sewer Bonds to the  
Water and Sewer Capital Improvement Fund 2071;636.25--McAlpine  
Creek Wastewater Treatment Plant Improvements for the same  
purpose for which it was originally advanced.

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. 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 25th day of February,  
1985, the reference having been made in Minute Book 83, and is recorded  
in full in Ordinance Book 33 at Page 415.

Pat Sharkey  
City Clerk

February 25, 1985  
Ordinance Book 33 - Page 417

ORDINANCE NO. 1678-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 420 Frazier Avenue PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF Fannie Robinson Springs Estate, % T. S. Johnson RESIDING AT 3708 Fagan Way, Charlotte, N.C. 28216

WHEREAS, the dwelling located at 420 Frazier Avenue in the City of Charlotte has been found by the Director of the Community Development Department to be unfit for human habitation and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served by registered mail on the 9/10/84 and 10/11/84 :  
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 420 Frazier Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

APPROVED AS TO FORM:

*inst* A. Douglas Cant  
CITY ATTORNEY

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 25th day of February, 1985, the reference having been made in Minute Book 83, and is recorded in full in Ordinance Book 33, at Page 417.

Pat Sharkey  
City Clerk