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MINUTES OF  
THE CITY OF CHARLOTTE CITY COUNCIL

December 22, 1986

The City Council of the City of Charlotte met in a regular meeting in Council Chambers in the City Hall of Charlotte, 600 East Trade Street, in Charlotte, North Carolina, at 3:00 P.M. on December 22, 1986.

Present: Mayor Harvey B. Gantt presiding, and  
Council members Dannelly, Hammond, Leeper, Matthews, C. Patterson,  
P. Patterson, Vinroot and Woollen

Absent: Councilmembers Fenning and Rousso

Also Present: \_\_\_\_\_

It was announced that the City has been requested by Cadillac Properties, a North Carolina general partnership and initial operator of the Project (the "Borrower") to agree to provide financing for the renovation and rehabilitation of the Borrower's four story 36,000 square foot office building, the addition of approximately 14,000 square feet of office space to such building and the construction on the project site of a parking facility containing approximately 100 spaces (the "Project"). The Project is located at the southeast corner of the intersection of North Church Street and West Sixth Street (216 North Church Street) in the City of Charlotte. The renovation will aid in eliminating existing blight and preventing future blight in the Area 2 of the Charlotte Redevelopment Area. It was also announced that the Borrower had obtained a commitment from NCNB National Bank of North Carolina ("NCNB") to make a loan under the Separate Loan Program adopted by the City by which NCNB will purchase a Note of the City in the amount of \$3,200,000, the proceeds of which will be loaned by the City to the Borrower for the purpose of constructing the Project. The Note represents the maximum amount of financing which the City will be requested to provide for the Project.

It was stated that in connection with such loan application, it was necessary that a public hearing be held. A proper Notice of Public Hearing describing the proposed loan and the Project had been published in The Charlotte Observer on December 5, 6 and 15, 1986. A public hearing was then convened. The City Clerk announced that the following written comments had been received in response to the Notice of Public Hearing: None

\_\_\_\_\_ The follow-  
ing persons appeared at the public hearing: Michael Schneiderman  
\_\_\_\_\_. Whereupon, it was announced  
that such public hearing was closed.

\* \* \* \* \*

In connection with this loan, \_\_\_\_\_ then presented the following documents:

- (a) The Commitment dated as of \_\_\_\_\_, 1986 between the City and the Borrower approving the proposed Project;
- (b) Note Purchase Agreement dated as of December 1, 1986 among the Borrower, the City and NCNB;
- (c) Loan Agreement dated as of December 1, 1986 between the City and the Borrower;
- (d) Deed of Trust and Security Agreement dated as of December 1, 1986 from the Borrower to J. W. Kiser, trustee for the benefit of the City;
- (e) Assignment of Leases and Contracts dated as of December 1, 1986 from the Borrower in favor of the City;
- (f) Assignment dated as of December 1, 1986 from the City to NCNB;
- (g) Borrower Note of the Borrower dated as of December 1, 1986 from the Borrower to the City;
- (h) Promissory Note dated as of December 1, 1986 of the City in the principal amount of \$3,200,000;
- (i) Form of Individual Guaranty Agreement dated as of December 1, 1986 of individual members of Borrower to NCNB;

The foregoing documents were delivered to the Clerk of the City and directed to be marked Exhibits A, B, C, D, E, F, G, H and I respectively, and made a part of the permanent records of the City.

Thereafter, Councilmember Dannelly introduced the following resolution, a copy of which has been distributed to each Council member, the title to which was read aloud:

RESOLUTION APPROVING THE ISSUANCE BY THE CITY OF THE \$3,200,000 CITY NOTE (CADILLAC PROPERTIES PROJECT), AUTHORIZING THE LOAN OF THE PROCEEDS OF THE CITY NOTE TO CADILLAC PROPERTIES, AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF THE NOTE PURCHASE AGREEMENT, THE LOAN AGREEMENT AND THE ASSIGNMENT AND APPROVING THE FORMS OF DEED OF TRUST AND SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND CONTRACTS, GUARANTY AGREEMENT AND BORROWER NOTE AND ENDORSEMENT OF BORROWER NOTE, MAKING AN ELECTION UNDER SECTION 144(a) OF THE INTERNAL REVENUE CODE OF 1986, AUTHORIZING EXECUTION AND DELIVERY OF CLOSING CERTIFICATES, AND REQUESTING A VOLUME ALLOCATION FROM

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THE STATE OF NORTH CAROLINA FOR THE PROJECT, ALL IN CONNECTION  
WITH FINANCING AN UPTOWN REDEVELOPMENT PROJECT.

BE IT RESOLVED by the City Council (the "Council") of the  
City of Charlotte (the "City"):

Section 1. The Commitment by the City relating to the financing of the renovation and rehabilitation of a 36,000 square foot four-story office building known as 216 North Church Street, the addition of approximately 14,000 square feet of office space to such building and the construction on the Project site of an approximately 100 space parking facility (the "Project") for Cadillac Properties (the "Borrower") in the Uptown Redevelopment Project Area 2, City of Charlotte, Mecklenburg County, North Carolina, is hereby approved, in the form which has been presented to the Council at this meeting and is attached hereto as Exhibit A, and the Mayor or the Mayor pro tem of the Council and the Clerk or the Assistant Clerk of the City are hereby authorized to execute and deliver any number of signed counterparts of such Commitment for and on behalf of the City, and the City is hereby authorized to issue, subject to the terms and in accordance with North Carolina General Statutes Sections 160A-500 through 160A-526, a promissory note in the amount of \$3,200,000 (the "City Note") to pay all or a portion of the cost of the Project. Such City Note shall be designated the "City of Charlotte Promissory Note (Cadillac Properties Project)" and the City Note shall be in the form and denomination and have the terms and provisions of that which has been presented to the City at this meeting, and the Mayor or Mayor pro tem are hereby authorized to execute and deliver the City Note for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the City Note shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein, additions thereto and omissions therefrom.

Section 2. The City Note shall be issued pursuant to the Note Purchase Agreement, dated as of December 1, 1986 (the "Note Purchase Agreement"), among the City, the Borrower and NCNB National Bank of North Carolina ("NCNB"), in the form of that which has been presented to the Council at this meeting. The terms and conditions by which NCNB has agreed to purchase the City Note, as set forth therein, are hereby approved and accepted, and the City hereby confirms its agreement to sell the City Note to NCNB at the purchase price and otherwise upon the terms and conditions set forth in the Note Purchase Agreement; and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Note Purchase Agreement, in any number of signed counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Note Purchase Agreement shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom, and the same are hereby further authorized to deliver

the City Note to NCNB upon evidence satisfactory to counsel for the City of payment therefor.

Section 3. For the purpose of providing funds for paying the cost of the renovation, expansion, construction, rehabilitation and equipping of the Project, the loan of the proceeds of the sale of the City Note to the Borrower, on the terms and conditions contained in the Loan Agreement described hereinafter, is hereby authorized and approved.

Section 4. The loan of the proceeds of the sale of the City Note shall be made pursuant to the Loan Agreement dated as of December 1, 1986 (the "Loan Agreement") among the City and the Borrower, in the form of that which has been presented to the Council at this meeting. The terms and conditions on which the Borrower has agreed to accept and repay the loan, as set forth therein, are hereby approved and accepted, and the City hereby confirms its agreement to make the loan; and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Loan Agreement, in any number of signed counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Loan Agreement shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom.

Section 5. The City hereby approves the form of the Borrower's promissory note (the "Borrower Note"), to be dated as of the date of the City Note, presented to the Council at this meeting in the form attached as Exhibit A to the Loan Agreement. The City hereby authorizes the endorsement and pledge of the Borrower Note to NCNB without recourse, in substantially the form of the endorsement and pledge appearing on the form of the Borrower Note, as security for the City Note.

Section 6. The City hereby approves the forms of the Deed of Trust and Security Agreement, dated as of December 1, 1986, from the Borrower to a trustee for the benefit of the City, and of the Guaranty Agreement of members of Borrower, in the forms which have been presented to the City at this meeting.

Section 7. The City approves the Assignment, dated as of December 1, 1986, from the City to NCNB, in the form of that which has been presented to the City at this meeting, and the Mayor and Mayor pro tem are hereby authorized to execute and deliver the Assignment, in any number of counterparts, for and on behalf of the City in substantially such form with such changes therein, additions thereto and omissions therefrom as those executing the Assignment shall approve, their execution and delivery thereof constituting the conclusive approval of the City of any changes therein or additions thereto or omissions therefrom.

Section 8. The City hereby approves the form of Assignment of Leases and Contracts, dated as of December 1, 1986, from the

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Borrower to the City in the form of that which has been presented to the Council at this meeting.

Section 9. The City hereby elects to have the provisions of Section 144(a)(4) of the Internal Revenue Code of 1986, as amended (the "Code"), and any successor therefor apply to the Note if it is issued in a principal amount greater than \$1,000,000. The Mayor and Mayor pro tem are authorized and directed to execute and cause to be maintained in the records of the City or filed with the Internal Revenue Service on behalf of the City, if required (a) an election to have the provisions of Section 144(a)(4) of the Code apply to the Note, (b) an Information Return for Private Activity Bond Issues (Form 8038) and (c) such other instruments and documents as may be necessary or desirable to comply with Applicable provisions of Sections 103 and 141 through 150 of the Code.

Section 10. The Mayor and Mayor pro tem are hereby authorized to act as "City Representatives" of the City pursuant to the Loan Agreement.

Section 11. The City hereby requests that the State of North Carolina, pursuant to Executive Orders 113 and 28 of the Governors of the State of North Carolina, allocate to the above-described revenue bonds and Project \$3,200,000 of Volume Limitation (as defined in said Executive Order), and the Mayor or Mayor pro tem of the City is hereby authorized to execute and submit appropriate application for the allocation of the Volume Limitation and to certify under penalties of perjury that this request is not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign. All actions previously taken by the Mayor to obtain a Volume Allocation for the Project and the financing thereof for 1986 are ratified and approved.

Section 12. The Mayor and Mayor pro tem or their designee are hereby authorized and directed to execute and deliver such certificates, statements and other documents as may be required by the Note Purchase Agreement and the Loan Agreement or as otherwise required in connection with the issuance and sale of the City Note. Such officers are further authorized and directed to sign and to cause to be filed such financing statements and to cause to be recorded such instruments as counsel to the City shall deem necessary or advisable in connection with the issuance and sale of the City Note. Such officers shall be entitled to rely on the advice of counsel to the City in deciding to take or not to take any action in connection with the issuance of the City Note.

Section 13. The Minutes in which this Resolution is contained is hereby approved and adopted as the final minutes of the Charlotte City Council pertaining to the action described in this Resolution, shall be inserted into or attached to any later compilation of minutes of action taken by the City Council at this meeting as such by the Clerk and shall be made available by the Clerk on

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December \_\_, 1986 and every date thereafter to any member of the public requesting a copy thereof.

Section 14. This resolution shall take effect upon its passage.

Councilmember Dannelly moved the passage of the foregoing resolution entitled as indicated above, and Councilmember P. Patterson seconded the motion, and resolution was passed by the following vote:

Ayes: Council members Dannelly, Hammond, Leeper, Matthews, C. Patterson, P. Patterson, Vinroot and Woolfen

Noes: Council members None

\* \* \* \* \*

I, Pat Sharkey, City Clerk of the City of Charlotte and keeper of the official minutes of the City Council of the City of Charlotte, DO HEREBY CERTIFY that the foregoing is a true copy of certain of the proceedings of the City Council of the City of Charlotte taken at a regular meeting held on December 22, 1986, and is a complete copy of so much of the recorded minutes of said meeting as relates in any way to the passage of the resolution hereinabove set forth.

I DO HEREBY FURTHER CERTIFY that regular meetings of said Council are held on the second Monday at designated districts, fourth Mondays of each month at 3:00 p.m. in the Council Chambers in City Hall, Charlotte, North Carolina, and on the third Monday of each month at 6:00 p.m. in the Board of Education Center, Charlotte, North Carolina.

WITNESS my hand and official seal of The Charlotte City Council this 23 day of December, 1986.

\_\_\_\_\_  
Clerk

(SEAL)

I, Harvey, B. Gantt, the Mayor of the City of Charlotte (the "City") DO HEREBY CERTIFY under penalties of perjury that the actions taken by the City in Section 11 of the attached minutes of the City was not taken in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

This the \_\_\_\_ day of December, 1986.

\_\_\_\_\_  
Mayor, City of Charlotte

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AMENDING  
THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY1987-91.

WHEREAS, the City of Charlotte has adopted a five year program as a plan for needed capital facilities during fiscal years 1987 through 1991; and

WHEREAS, a need has been identified for the construction of a water main along Reames Road from U.S. 21 to Vance Road and a sewer outfall extending along Long Creek from Reames Road to I-77.

WHEREAS, the Water Main Along Reames Road and the Outfall Along Long Creek need to be added as fifth year unfunded projects; and

WHEREAS, the projects concur with the intent of the Capital Improvement Program to balance the City's future physical development with its long range financial capability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it does hereby formally amend the Capital Improvement Program for FY1987-91 to include the two aforementioned utility projects.

This 22nd day of December, 1986.

Approved as to form:

  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of December, 1986, the reference having been made in Minute Book 87, and recorded in full in Resolution Book 23, at Page(s) 122.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of December, 1986.

\_\_\_\_\_  
PAT SHARKEY, CITY CLERK

CITY OF CHARLOTTE, NORTH CAROLINA  
RESOLUTION

WHEREAS, Charlotte recognizes the immediate and long range value of developing its sister city partnership with the City of Krefeld, West Germany; and

WHEREAS, this partnership has already provided the citizens of Charlotte with an opportunity to host citizens of Krefeld in their homes, and for government, business, and civic leaders to begin a dialog of mutual interests; and

WHEREAS, the State of North Carolina has entered into an economic development agreement with the State of North Rhine Westphalia where the City of Krefeld is located; and

WHEREAS, this agreement has already benefited the citizens of Charlotte through increased job opportunities and business contacts with great potential for further advancement; and

WHEREAS, The Charlotte Chamber is planning an economic development mission to Krefeld concurrent with the proposed Sister City visit; and

WHEREAS, it is further anticipated that the Charlotte visit could correspond with the inaugural flight by Piedmont Airlines into Europe and its wealth of international markets.

NOW, THEREFORE, The Mayor of Charlotte and City Council do hereby resolve;

- (1) To accept the invitation of the citizens of Krefeld to visit their city; and
- (2) To send an official delegation composed of the Mayor, members of the City Council, leaders of the Charlotte Sister Cities Committee, and City support staff as designated by the Mayor; and
- (3) To encourage the citizens of Charlotte, through its Sister Cities Committee, to participate fully in this activity; and
- (4) To contract with International House to provide day-to-day coordination of this project.

Approved as to Form

Henry W. Underhill Jr.  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of December, 1986, the reference having been made in Minute Book 87, and recorded in full in Resolution Book 23, at Page(s) 123.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of December, 1986.

PAT SHARKEY, CITY CLERK



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RESOLUTION AMENDING THE RULES AND REGULATIONS  
OF THE  
CITY OF CHARLOTTE

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

RULE V. Retirement Policy; Section 1, Mandatory Retirement, Age to read in its entirety as follows:

Excluding disability or voluntary early retirement, Firefighters and Police Officers shall be retired from the City's service upon reaching the age of 70. There is no mandatory retirement age for other City employees.

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

APPROVED AS TO FORM:

  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of December, 1986, the reference having been made in Minute Book 87, and recorded in full in Resolution Book 23, at Page(s) 124.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of December, 1986.

\_\_\_\_\_  
PAT SHARKEY, CITY CLERK

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RESOLUTION APPROVING EXTENSION OF PERIOD FOR ACQUISITION OF PHASE II  
LAND UNDER AGREEMENT FOR PURCHASE AND SALE OF LAND IN THE  
THIRD WARD NEIGHBORHOOD STRATEGY AREA DATED AUGUST 24, 1981

WHEREAS, the City of Charlotte (the "City") entered into an Agreement with the Third Ward Neighborhood Development Association (the "Redeveloper") for the purchase and sale of land in the Third Ward Neighborhood Strategy Area, said Agreement being dated August 24, 1981; and

WHEREAS, said Agreement provided that Phase II land would be conveyed by warranty deed or deeds from the City to the Redeveloper at a closing or series of closings to occur on or before June 30, 1983; and

WHEREAS, on June 13, 1983, the City Council approved a resolution extending the time for acquisition to December 15, 1984; and

WHEREAS, the City Council on December 10, 1984, approved a resolution extending the period for completion of the land sale to December 31, 1985;

WHEREAS, the City Council on January 27, 1986, approved a resolution extending the period for completion of the land sale to December 31, 1986;

WHEREAS, the Third Ward Neighborhood Development Association has requested an extension to December 31, 1987 in order to purchase from the City any property that has not yet been acquired under the agreement.

WHEREAS, it appears that said request should be approved;

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

1. The period of acquisition for Phase II property be extended from December 31, 1986 to December 31, 1987.
2. The Mayor is hereby authorized to execute and deliver the proposed amendment to said Agreement on behalf of the City.

Approved as to form:

*Henry W. Wadsworth Jr.*  
City Attorney

CERTIFICATION

I, PAT SHARKEY, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of December, 1986, the reference having been made in Minute Book 87, and recorded in full in Resolution Book 23, at Page(s) 125.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of December, 1986.

PAT SHARKEY, CITY CLERK

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RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE  
A PORTION OF SCHOLTZ ROAD, LOCATED BETWEEN  
OLD PINEVILLE ROAD AND THE SOUTHERN RAILROAD RIGHT OF WAY  
IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

WHEREAS, Lucas Concrete Products, Inc. has filed a Petition to close a portion of Scholtz Road in the City of Charlotte; and

WHEREAS, the portion of Scholtz Road petitioned to be closed lies between two parcels of land numbered as 169-76-24 and 169-74-06 on the county tax maps and bordering on the Southern Railroad Right of Way, as shown on a map marked "Exhibit A", and is more particularly described by metes and bounds in a document marked as "Exhibit B", both of which are available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina.

WHEREAS, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question, said Statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled session of December 22, 1986, that it intends to close a portion of Scholtz Road lying between Old Pineville Road and the Southern Railroad Right of Way, said portion of street being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's Office, and hereby calls a public hearing on question to be held at 3:00 p.m., on Monday, the 23rd day of February 1987, at Council Chambers, City Hall. The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for four successive weeks next preceding the date fixed here for such hearing, as required by North Carolina General Statutes 160A-299.

CERTIFICATION

I, MENTA C. DETWILER, Deputy City Clerk for the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the City Council for the City of Charlotte, North Carolina, in regular session convened on the 22nd day of December, 1986, the reference having been made in Minute Book 87, and is recorded in full in Resolution Book 23 at page 126.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of January, 1987,

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