

ORDINANCE NO. 2788

AMENDING ARTICLE III

AN ORDINANCE AMENDING ARTICLE III, ENTITLED "PEDDLER", OF
CHAPTER SIX OF THE CODE OF THE CITY OF CHARLOTTE

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

SECTION 1. Amend Article III of Chapter 6, Section 6-21,
"Definitions" of the Charlotte City Code by adding a sentence at
the end of "Congested Business District of the City" to read as
follows:

"The City Manager or his designee shall have the authority
to amend that area designated and defined as the 'Congested
Business District of the City' by expanding or reducing the
number of streets contained therein."

SECTION 2. Article III of Chapter 6, Section 6-26 of the
Charlotte City Code shall be amended as follows:

1. Amend Section 6-26(1) by deleting this paragraph in its
entirety and substituting in lieu thereof, the following:

"Any peddler with the proper business licenses shall be
permitted to apply for a permit 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. No peddler
without the required permit shall otherwise sell
merchandise within the congested business district. All
applications for such permits shall be made to the
appropriate event sponsor."

2. Amend Section 6-26(2) by renumbering this section,
Section 6-26(3), and deleting in its entirety the language
contained therein and inserting in lieu thereof the following:

"In addition to the required licenses, peddlers may be
subject to such additional fees as may be established or
authorized by the City Council and amended by the City
Manager or his designee pursuant to subsection (1) above or
the 'Tryon Street Mall Closing Policy'."

3. Amend Section 6-26 of the code by adding two new
paragraphs numbered 2, and 4, to read as follows:

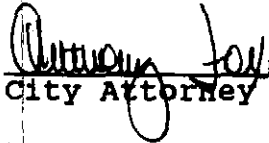
"(2) Because of the space limitations within the
boundaries of such events, peddlers may be subject to a
selection process established and adopted by the event
sponsor. The selection process shall include the adoption
of guidelines which ensure the fair and equitable selection

of all peddlers seeking to sell merchandise at the sponsored event. Peddlers at such events may be assigned locations. Where locations are assigned, the event sponsor shall develop and adopt fair and equitable guidelines for the assignment of locations. Each event sponsor shall establish and adopt an appropriate appeal process for disgruntled peddlers.

(4) The City Manager or his designee shall have the authority to designate the boundaries of any market, festival, activity or other similar event. To accommodate such an event, the City Manager or his designee is further authorized to temporarily close any public streets, sidewalks or other publicly owned areas within the boundaries of any proposed market, festival, activity or similar event. Where such streets sidewalks or other publicly owned areas are temporary closed, they shall be for the general use of the public."

SECTION 3. This ordinance shall become effective immediately upon 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 8th day of January, 1990, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 330-331.

Pat Sharkey,
City Clerk

ORDINANCE NO. 2789

AMENDING ARTICLE VI

AN ORDINANCE AMENDING ARTICLE VI, "TRYON STREET MALL VENDORS",
OF CHAPTER VI OF THE CODE OF THE CITY OF CHARLOTTE

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 entitled, "Tryon Street Mall Vendors" shall be amended as follows:

1. Amend Section 6-102(10), "Tryon Street Mall", by adding a new sentence to the end thereof to read as follows:

"The City Manager or his designee shall have the authority to amend the area which constitutes the mall by expanding or reducing the number of streets included within this area. Where the City Manager exercises such authority, a copy of which streets comprise the newly designated mall shall be filed in the Office of the City Clerk."

2. Amend Section 6-113, "Exception", by deleting in its entirety the language contained therein and inserting in lieu thereof the following:

"Section 6-113. Exception and City Manager's Authority

This article and its requirements, rights or privileges shall not apply in any respect to any market, festival or activity, arts and crafts exhibits or other similar events sanctioned by the City Council's 'Tryon Street Mall Closing Policy' or by the City Manager or his designee."

3. Amend Article VI of Chapter 6 of the City Code by adding a new section, Section 6-114, entitled "Possession of Permit on Public Plaza", which shall read as follows:

"(a) Necessity of Permit Any person, firm or corporation that wishes to conduct an activity in any of the public plazas located within the Tryon Street Mall, including but not limited to, those public plazas hereby designated as Independence Plaza Park and the NCNB park area, shall first make application to the Central Charlotte Association. If the proposed activity is in accordance with the 'City of Charlotte Public Plaza's Regulations' said person, firm or corporation shall be issued a permit which shall authorize the requested use.

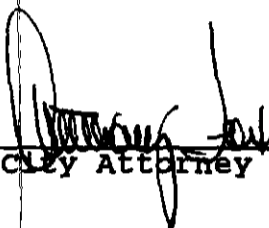
(b) Failure To Have A Permit All permits granted under this section shall be in the possession of the person to whom it was granted at all times. It shall be unlawful for

any person, firm, or corporation to vend in any of the public plazas set out in subsection (a) above, or otherwise designated by the City Manager or his designee, without a valid permit. It shall also be unlawful for any person to fail to produce upon request, or otherwise present a valid permit to a law enforcement officer. Failure to produce a valid permit upon request shall constitute a violation of this section and may result in the immediate removal of said person, firm or corporation from the public plaza.

(c) Purpose Of Permit The purpose of issuing permits is to schedule activities to avoid conflicts in the use of the public plazas and to insure that any person, firm or corporation that uses the public plazas does so in accordance with the public plazas' regulations."

Section 2. This ordinance shall become effective immediately upon its adoption.

APPROVE AS TO FORM


Asst. City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of January, 1990, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 332-333.

Pat Sharkey,
City Clerk

ORDINANCE NO. 2790-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2648-X, THE 1989-90 BUDGET, PROVIDING A SUPPLEMENTAL APPROPRIATION TO DEVELOP A STRATEGY FOR CITYFAIR.

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

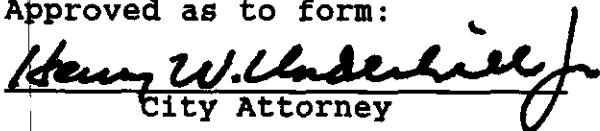
Section 1. That the sum of \$58,000 is hereby estimated to be available in the General Fund Contingency.

Section 2. That the sum of \$58,000 is hereby appropriated to the Cityfair Operating Fund (0131) - Cityfair Operating Support.

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 8th day of January, 1990, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 334.

Pat Sharkey,
City Clerk

ORDINANCE NO. 2791-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2648-X, THE 1989-90 BUDGET
ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR SPIRIT
SQUARE COMPLETION.

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

Section 1. That the sum of \$312,500 is hereby
estimated to be available for Spirit Square from the Pay-As-You-
GoTax Levy Fund Balance.

Section 2. That the sum of \$312,500 is hereby
appropriated to General Capital Improvement Fund 2010; 370.00 -
Spirit Square Completion.

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 8th day of January, 1990, the reference
having been made in Minute Book 94, and is recorded in full in Ordinance Book 38,
at page(s) 335.

Pat Sharkey,
City Clerk

ORDINANCE NO. 2792-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2648-X, THE 1989-90 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE NFL FOOTBALL STADIUM ACCOUNT FOR A TRAFFIC EVALUATION, SITE ANALYSIS AND LAND ACQUISITION.

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

Section 1. That the sum of \$6,626,000 is hereby estimated to be available from an Installment Financing Agreement.

Section 2. That the sum of \$6,626,000 is hereby appropriated to General Capital Improvement Fund 2010; 472.00 - NFL Football Stadium.

Section 3. That the Finance Director or his designee is hereby authorized to advance the sum of \$6,626,000 from the Municipal Debt Service Fund Fund Balance until such time that the Installment Financing Agreement has been secured.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 8th day of January, 1990, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 336.

Pat Sharkey,
City Clerk

ORDINANCE NO. 2793-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2648-X, THE 1989-90 BUDGET, PROVIDING AN APPROPRIATION FOR THE PURCHASE OF FIFTY-FOUR TRANSIT BUSES.

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

Section 1. That the sum of \$10,560,000 is hereby estimated to be available from the following sources:

| <u>Sources</u> | <u>Amount</u> |
|-----------------------------|------------------|
| UMTA Section 3 Grant | \$ 7,920,000 |
| NCDOT Grant | 1,320,000 |
| 1975 and 1981 Transit Bonds | <u>1,320,000</u> |
| Total | \$10,560,000 |

Section 2. That the sum of \$10,560,000 is hereby appropriated to the Public Transportation Capital Improvement Fund 2078; 846.00 - UMTA Section 3 Grant.

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 8th day of January, 1990, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 337.

Pat Sharkey,
City Clerk

ORDINANCE NO. 2794-XAN ORDINANCE TO AMEND ORDINANCE NO. 2648-X, THE 1989-90 BUDGET ORDINANCE, TRANSFERRING CAPITAL FUNDS FOR CONSTRUCTION OF THE SHARON ROAD WATER MAIN PROJECT.

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


Section 1. That the sum of \$100,000 is hereby available from Water and Sewer Capital Improvement Fund 2071; 634.02 - Franklin Water Plant Clearwell Addition.

Section 2. That the sum of \$100,000 is hereby transferred from Water and Sewer Capital Improvement Fund 2071; 634.02 to Water and Sewer Capital Improvement Fund 2071; 636.65 - Sharon Road Water Main Project. This transfer is necessary to cover higher than anticipated construction costs for the project.

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 8th day of January, 1990, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 338.

Pat Sharkey,
City Clerk

ORDINANCE NO. 2795-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "NEWELL ROSENWALD SCHOOL" (THE EXTERIOR OF THE BUILDING, THE INTERIOR OF THE BUILDING, AND THE ENTIRE PARCEL OF LAND RECORDED UNDER TAX PARCEL NUMBER 049-051-16) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED ON TORRENCE GROVE CHURCH ROAD, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 049-151-16 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, 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 a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 8th day of January, 1990, on the question of designating a property known as the "Newell Rosenwald School" as historic property; and

WHEREAS, the "Newell Rosenwald School" is one of the best-preserved of the twenty-one Rosenwald School buildings that survive in Mecklenburg County; and

WHEREAS, the former Rosenwald School buildings, including the "Newell Rosenwald School", are the earliest black school buildings known to survive in Mecklenburg County; and

WHEREAS, the Rosenwald Schools are a reminder of the Julius Rosenwald Fund's commitment to the improvement of black education and racial cooperation in the South in the early twentieth century; and

WHEREAS, the former Rosenwald School buildings, including the "Newell Rosenwald School", denote the locations of black farm communities in Mecklenburg County, often now vanished; and

WHEREAS, the former Rosenwald School buildings, including the "Newell Rosenwald School", are local examples of one of America's largest non-residential experiments of standardized architecture in the early twentieth century; and

WHEREAS, the Rosenwald Schools are testimonials to the important contributions made to black education by Dr. George E. Davis; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Newell Rosenwald School Building" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Newell Rosenwald School Building" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Newell Rosenwald School" is vested in fee simple to the Trustees of Silver Set Lodge 327 F & A M.
NOW, THEREFORE, BE IT ORDAINED by the City Council of Charlotte, North Carolina:

1. That the property known as the "Newell Rosenwald School" (the exterior of the building, the interior of the building, and the entire parcel of land recorded under Tax Parcel Number 049-151-16 in the Mecklenburg County Tax Office) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only,

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the location of said property is noted as being situated on Torrence Grove Church Road, Charlotte, North Carolina, and recorded under Tax Parcel Number 049-051-16 in the Mecklenburg County Tax Office.

2. That said designated property 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 said property 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.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property 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.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other

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appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "Newell Rosenwald School" be given 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 Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

The City Council of the City of Charlotte, North Carolina, adopted ordinance No. 2631-X on May 15, 1989, as shown in Ordinance Book 37, Page 471. Ordinance No. 2631-X designated, and referred to, property known as the "Newell Rosenwald School" located on Torrence Grove Road, Charlotte, NC, as historic property. Ordinance No. 2631-X referred to tax code parcel 049-051-16 when the correct tax code parcel number is 049-151-16. The sole purpose of this Ordinance Correction is to correct that typographical error in Ordinance No. 2631-X. Any reference to tax code parcel number "049-051-16", in Ordinance No. 2631-X, has been corrected to tax code parcel number 049-151-16 in this Ordinance Correction.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of January, 1990, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 339-342.

Pat Sharkey,
City Clerk