

RESOLUTION OF THE CITY OF CHARLOTTE AMENDING THE FIVE-YEAR WATER AND SEWER CAPITAL IMPROVEMENT PROGRAM FOR FY1993-97.

WHEREAS, the City of Charlotte has adopted a five-year program as a plan for needed water and sewer capital facilities during fiscal years 1993 through 1997; and

WHEREAS, a need has been identified to accelerate an approved project to design and purchase land for construction of a sanitary sewer force main and lift station on Neal Branch at Withers Cove on Lake Wylie in FY93.

WHEREAS, this project concurs with the intent of the Capital Improvement Program to balance the City's future physical development with its long range financial capacity.

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 Water and Sewer Capital Improvement Program for FY1993 to include funds originally authorized for FY1994 for Neal Branch Lift Station and Trunk Main.

This 14th day of December, 1992.

Approved as to form:

Henry W. Underhill, Jr.  
City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 14th day of December, 19 92 the reference having been made in Minute Book 100, and recorded in full in Resolution Book 30, Page(s) 233-234.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of December, 1992.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

EXTRACT FROM MINUTES OF  
MEETING OF CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on December 14, 1992.

Present: Mayor Richard Vinroot, presiding, and Councilmembers Campbell, Clodfelter, Hammond, Majeed, Mangum, Martin, Patterson, Reid and Scarborough

Absent: Councilmembers McCrory and Wheeler

Also Present: City Manager, O. Wendell White; City Attorney, Henry Underhill and City Clerk, Brenda R. Freeze

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Councilmember Mangum introduced the following resolution, a summary of which had been provided to each Councilmember, which was read by title:

RESOLUTION RELATING TO THE INSTALLMENT PAYMENT FINANCING OF REAL PROPERTY, TAKING OFFICIAL ACTION WITH RESPECT TO A CAPITAL PROJECT AND DECLARING OFFICIAL INTENT TO REIMBURSE CAPITAL EXPENDITURES WITH RESPECT TO THE ACQUISITION OF CERTAIN REAL PROPERTY WITH PROCEEDS OF SUCH FINANCING

RESOLVED, by the City Council (the "City Council") of the City of Charlotte (the "Issuer") that the appropriate officers of the Issuer have been authorized: (i) to purchase an

approximately 89.5 acre tract of real property located at 6900 Wilkinson Boulevard, Charlotte, North Carolina and the air rights in connection therewith (the "Real Estate") in order to settle certain noise abatement claims and litigation; (ii) to finance a portion of the cost of the acquisition of such property in an estimated principal amount of up to approximately \$2,700,000, which financing may occur with other such financings on behalf of the Issuer; (iii) if required, to seek the approval of the North Carolina Local Government Commission of such financing; (iv) to investigate and negotiate the selection and terms of such financing; (v) to solicit bids or proposals in connection with such financing; and

FURTHER RESOLVED, by the City Council that it is hereby determined that the acquisition of the Real Property and the resolution of noise abatement claims is necessary and expedient, that financing by installment payment contract, under the circumstances, is preferable to a bond issue, that the sums to fall due under an installment payment contract are adequate and not excessive for its purpose, that the debt management and budgetary and fiscal policies of the Issuer have been carried out in strict compliance with applicable law, that the increase in tax, if any, necessary to meet the sums to fall due under an installment payment contract will not be excessive and that the Issuer is not in default under any of its debt service obligations; and

FURTHER RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized to

submit an Application for Approval of Contract or any other applications to the North Carolina Local Government Commission if any such application is required, and that the Director of Finance, the Deputy Director of Finance and the City Treasurer of the Issuer be, and each of them hereby is, authorized to sign and file any such application; and

FURTHER RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized to publish any notices that may be required in connection with such financing; and

FURTHER RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized and directed to do any and all things necessary, appropriate or convenient to carry into effect the foregoing resolutions.

FURTHER RESOLVED, by the City Council of the Issuer that the Issuer hereby finds, represents and covenants:

1. As a part of the Issuer's previously announced Airport Master Plan, it from time to time may acquire necessary real property for ownership and operation of Charlotte/Douglas International Airport (the "Airport") and for noise abatement purposes at the Airport. Following such plan, the Issuer has proposed to acquire real property adjoining the Airport which constitute the Project (described below).

2. The proposed project (the "Project") includes the acquisition of an approximately 89.5 acre tract of real property at 6900 Wilkinson Boulevard, Charlotte, North Carolina.

3. The Issuer expects that the Project will cost an estimated amount of approximately \$12 million.

4. To finance part of the Issuer's share of the cost of the Project, the Issuer plans to issue its obligations under the provisions of North Carolina General Statutes Section 160A-20 in an estimated amount of up to approximately \$3.0 million which obligations shall not constitute a pledge of its taxing power and

which may be issued together with other obligations of the Issuer to acquire other property.

5. It is the intention of the Issuer that this resolution constitute an "official action" by the Issuer within the meaning of Treas. Reg. § 1.103-8(a)(5).

6. The Finance Director and the City Clerk are hereby authorized to prepare and publish an appropriate notice of public hearing in connection with the Project and proposed financing.

FURTHER RESOLVED, by the City Council of the Issuer that the Issuer hereby finds, represents and covenants:

1. The Issuer intends to pay after the adoption of this resolution certain capital expenditures (hereinafter sometimes called "reimbursement expenditures") incurred or to be incurred with respect to capital projects and to reimburse the payment of such capital expenditures with proceeds of borrowing(s) by incurring installment payment obligations or debt (hereinafter sometimes called "reimbursement obligations").

2. The City Council has determined that the funds to be advanced to pay the reimbursement expenditures will be available on a temporary basis and that it is necessary and desirable to declare the "official intent" of the Issuer with respect to the proposed reimbursement (hereinafter sometimes called the "reimbursement" or the "reimbursement allocation") of the reimbursement expenditures with the proceeds of the reimbursement obligations and otherwise to meet the requirements of Treas. Reg. § 1.103-18 (or successor provisions).

3. This resolution is a declaration of official intent under Treas. Reg. § 1.103-18 (or successor provisions).

4. The Issuer reasonably expects to reimburse the payment of the reimbursement expenditures with proceeds of borrowing(s) by incurring debt which will constitute reimbursement obligations.

5. The reimbursement expenditures will be paid for certain costs in connection with authorization and issuance of the reimbursement obligations and to pay a portion of the costs of acquisition of an approximately 89.5 acre tract of real property at 6900 Wilkinson Boulevard, Charlotte, North Carolina. The maximum principal amount of reimbursement obligations expected to be issued for such purposes is \$2,700,000.

6. These proceedings will be reasonably available for public inspection within a reasonable period of time after the adoption of the declaration of official intent herein. In particular, within thirty (30) days after the date of this

declaration of official intent by adoption of this resolution, these proceedings will be available for public inspection at the main administrative office of the Issuer at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, in the office of the City Clerk, the customary location of records of the Issuer that are available to the general public, and they will remain available for public inspection on a reasonable basis until the date of issue of the reimbursement obligations.

7. This declaration of official intent to reimburse expenditures is consistent with the budgetary and financial circumstances of the Issuer (and of any other entity that is part of the same controlled group of entities of which the Issuer is a part within the meaning of Treas. Reg. § 1.150-1(f)) as of the date of this declaration of official intent. Specifically, the Issuer does not intend to reimburse an expenditure for which funds (from sources other than the reimbursement obligations), at the time of this declaration of official intent, are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer (or by any member of the same controlled group as the Issuer) pursuant to its budget or financial policies. The Issuer does not have a pattern of failing to reimburse expenditures for which official intent was declared and that were actually paid by the Issuer other than in circumstances that were beyond the control of the Issuer and could not have been foreseen.

8. This declaration of official intent is occurring on or before the date any related reimbursement expenditure is paid by the Issuer, except as otherwise provided in Treas. Reg. § 1.103-18(i)(1) [relating to certain unforeseeable expenditures] or (2) [relating to certain preliminary expenditures].

9. The reimbursement allocation contemplated hereby will occur not earlier than the date on which the reimbursement expenditure is paid and not later than one year after the later of (a) the date on which the reimbursement expenditure is paid, or (b) the date on which the property for which the reimbursement expenditure is paid is placed in service (as described in Treas. Reg. § 1.103-8). However, the reimbursement allocation for reimbursement expenditures paid with respect to a project abandoned prior to completion will be made by the later of (i) the date one year after the project is abandoned, or (ii) the date two years after the last payment of an expenditure with respect to the abandoned project that is not less than the lesser of \$25,000 or five percent (5%) of the cost of the project.

10. The reimbursement allocation contemplated hereby will be an allocation of reimbursement obligation proceeds evidenced by an entry on the books or records of the Issuer maintained with respect to the reimbursement obligations, specifically identifying an actual prior expenditure to be reimbursed or, in

the case of a reimbursement of a fund or an account, the fund or account from which the expenditure was paid. As a result of the allocation, the allocated reimbursement obligation proceeds covered by the entry will be relieved from any restrictions under the relevant legal documents and applicable state laws that apply to unspent proceeds of such obligations.

The reimbursement expenditures will be capital expenditures (as defined in Treas. Reg. § 1.150-1(h)). Generally, the term "capital expenditure" means any cost of a type that is properly chargeable to capital account (or would be chargeable with a proper election) under general federal tax principles. For purposes of this resolution, costs of reimbursement obligations paid out of reimbursement proceeds that are properly allocable to the reimbursement are treated as capital expenditures.

12. No action or inaction by the Issuer with respect to a reimbursement allocation will be an artifice or device under Treas. Reg. § 1.103-13(j) or Treas. Reg. § 1.148-9(g) to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

The reimbursement obligation proceeds will not be used directly or indirectly --

(a) within one year of the date of the reimbursement allocation, to "refund" another issue of governmental obligations within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;

(b) within one year of the date of the reimbursement allocation, to create or increase the balance in a "sinking fund" within the meaning of Treas. Reg. § 1.103-13(g), with respect to any obligation of the Issuer, or to replace funds that have been, are being, or will be so used for sinking fund purposes;

(c) within one year of the date of the reimbursement allocation, to create or increase the balance in a "reserve or replacement fund" within the meaning of Treas. Reg. § 1.103-14(d), with respect to any obligation of the Issuer, or to replace funds that have been, are being, or will be so used for reserve or replacement fund purposes; or

(d) to reimburse any person for any expenditure or any payment that was originally paid with proceeds of any obligation of the Issuer (other than a borrowing by the Issuer from one of its own funds or the funds of a member of the same controlled group, as defined in Treas. Reg. § 1.150-1(f)).



Notwithstanding the above provisions of this paragraph, the moneys from the reimbursement allocation may be deposited in a bona fide debt service fund (as defined in Treas. Reg. § 1.103-13(b)(12)) or otherwise used to pay current debt service coming due within the next succeeding one-year period on any obligation of the Issuer (other than the reimbursement obligations). Subparagraphs (a) and (d) above shall not apply if, as of the date of issue of the obligation originally used to pay the expenditure for which a reimbursement allocation is made (the "original financing"), the Issuer did not reasonably expect to finance the reimbursement expenditure with the proceeds of the original financing as provided in Treas. Reg. § 1.103-18(k)(5).

14. The Issuer may rely from time to time upon an opinion of its bond counsel or other nationally recognized bond counsel to the effect that the Issuer need not comply with any requirement or requirements of any of the provisions of this resolution, or that the Issuer must comply with a requirement or requirements not contained in this resolution, in order to comply with the provisions of Treas. Reg. § 1.103-18 (or successor provisions), as may be amended or otherwise changed with any requirement or requirements inconsistent with the provisions of this resolution.

15. This resolution shall take effect upon its passage.

Upon motion of Councilmember Mangum, seconded by Councilmember Hammond, the foregoing resolution entitled: "RESOLUTION RELATING TO THE INSTALLMENT PAYMENT FINANCING OF REAL PROPERTY, TAKING OFFICIAL ACTION WITH RESPECT TO A CAPITAL PROJECT AND DECLARING OFFICIAL INTENT TO REIMBURSE CAPITAL EXPENDITURES WITH RESPECT TO THE ACQUISITION OF CERTAIN REAL PROPERTY WITH PROCEEDS OF SUCH FINANCING" was passed by the following vote:

Ayes: Councilmembers Campbell, Clodfelter, Hammond, Majeed,

Mangum, Martin, Patterson, Reid and Scarborough

Noes: None

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I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of said City

Council at a regular meeting held December 14, 1992, as relates in any way to the passage of a resolution relating to installment payment financing of real property, taking official action with respect to a capital project and declaring official intent to reimburse certain capital expenditures with proceeds of certain reimbursement obligations, that all required notices of such meeting were given and that a reference regarding said proceedings is recorded in Minute Book 100 of the minutes of said City Council on page(s) \_\_\_\_\_ and a full copy of the foregoing resolution is recorded in Resolution Book 30 on page(s) 235-243 .

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held (with certain exceptions not applicable to said meeting) at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, in the Conference Center on the first Monday of each month at 5:00 P.M. (workshop); and in the Meeting Chamber on the second Monday of each month at 7:00 P.M., the third Monday of each month at 6:00 P.M. (zoning), and the fourth Monday of each month at 7:00 P.M., has been on file in the office of the City Clerk pursuant to North Carolina General Statutes, Sec. 143-318.12, as of a date not less than seven days before said meeting.

WITNESS my hand and the official seal of said City, this  
16th day of December, 1992.

Brenda R. Frey  
City Clerk

(SEAL)

RESOLUTION ESTABLISHING SCHEDULES FOR INSPECTIONS OF BUILDINGS AS MANDATED BY THE FIRE PREVENTION CODE

WHEREAS, the North Carolina State Fire Prevention Code specifies that cities and counties shall have an inspection schedule to identify activities or conditions in buildings, structures and premises that pose a danger of fire, explosion or related hazards; and

WHEREAS, the inspection schedule adopted by the city must be approved by the local governing body and submitted to the Division of Engineering of the Department of Insurance by January 1, 1993; and

WHEREAS, the Charlotte Fire Department has reviewed its fire inspection needs and manpower and recommends the minimum standard proposed by the fire prevention code adopted July 1, 1991.

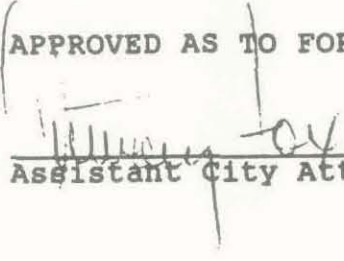
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE AS FOLLOWS:

1. The City of Charlotte hereby adopts the following inspection schedule for identification of activities or conditions in buildings, structures and premises that pose a danger of fire, explosion or related hazards:

- Inspections once a year: structures or types of occupancies that will include the following: hazardous, institution, high-rise, assembly, and interior common areas of multi-family dwelling.
- Inspections once every two years: structures or types of occupancies that will include the following: educational and industrial facilities, except public schools.
- Inspections once every three years: structures or types of occupancies that will include the following: business, mercantile, storage, churches and synagogues.

2. This inspection schedule shall apply to the City of Charlotte and shall become effective immediately upon its adoption.

APPROVED AS TO FORM:

  
Assistant City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 14th day of December, 19 92 the reference having been made in Minute Book 100, and recorded in full in Resolution Book 30, Page(s) 244-245.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of December, 1992.

Brenda R. Freeze  
Brenda R. Freeze, City Clerk

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

A motion was made by Councilmember Mangum and seconded by  
Councilmember Hammond for the adoption of the following  
Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the City of Charlotte and North Carolina Department of  
Transportation (NCDOT) propose to enter into an agreement to make  
certain improvements to NCDOT maintained streets and highways within  
Charlotte known as the Woodlawn Road/Scaleybark Road Intersection  
Improvement Project, and

WHEREAS, the City will acquire all right-of-way and easements for  
the improvements and construct such improvements at no cost or  
liability to the NCDOT, and

WHEREAS, the City will convey all right-of-way and permanent  
easements to the NCDOT prior to the NCDOT assuming maintenance of the  
improved roadway facilities, and

WHEREAS, the City will implement appropriate traffic control  
measures during and following construction of the project;

NOW, THEREFORE, BE IT RESOLVED that the Agreement for the  
Woodlawn Road/Scaleybark Road Intersection Improvement Project is  
hereby formally approved by the City Council of the City of Charlotte  
and the Mayor and Clerk of the City are hereby empowered to sign and  
execute the Agreement with the North Carolina Department of  
Transportation.

I, Brenda R. Freeze, Clerk of the Municipality of Charlotte, d-  
hereby certify that the foregoing is a true and correct copy of the  
excerpts from the Minutes of the meeting of the City Council duly held  
on the 14th day of December, 1992.

WITNESS, my hand and the official seal of said Municipality on  
this the 16th day of December, 1992.

(SEAL)

Brenda R. Freeze  
CLERK  
MUNICIPALITY OF CHARLOTTE  
NORTH CAROLINA

A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected certain taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 14th day of December, 1992 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in a regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100 and recorded in full in Resolution Book 30, page(s) 247-249.

Brenda Freeze  
City Clerk

TAXPAYERS AND REFUNDS REQUESTED  
MORE THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
American Finance Group	\$ 221.08
Young Ed Sales Co. Inc.	139.06
Citizens & Southern	286.99
Carolina Cable and Connections	433.79
J. E. Ferguson Company, Inc.	<u>531.33</u>
Total	<u>\$1,612.25</u>



TAXPAYERS AND REFUNDS REQUESTED  
LESS THAN \$100

<u>Name</u>	<u>Amount of Refund</u>
Tri-Crafts, Inc.	\$ 50.00
Renegar J R Enterprises	59.55
Renegar J R Enterprises	56.44
Laboratory Supply & Equip. Co.	21.19
Laboratory Supply & Equip. Co.	23.32
Renegar J R Enterprises	54.89
PLS Auto Financing Corp.	62.80
Laboratory Supply & Equip. Co.	66.99
Volvo Finance North	98.60
Laboratory Supply & Equip. Co.	45.68
Jefferson, Rosa Lee	17.48
Inman, Rufus F.	14.52
Rhyne, Christopher Parks	<u>12.27</u>
 Total	 <u>\$583.73</u>

A RESOLUTION RESTRUCTURING THE CHARLOTTE-MECKLENBURG PUBLIC ART COMMISSION AND AUTHORIZING THE ALLOCATION OF FUNDS FOR PUBLIC ART PROGRAMS

WHEREAS, the Charlotte City Council and the Mecklenburg County Board of Commissioners recognize that cultural heritage and artistic development are vital to the health of Charlotte/Mecklenburg; and

WHEREAS, the character, identity and educational environment of Charlotte and Mecklenburg County have been enhanced by public interest and support of the arts; and

WHEREAS, Public Art Programs contribute to economic development and tourism while humanizing the impact of rapid urbanization; and

WHEREAS, Public Art Programs within and around public buildings add warmth, dignity, beauty, and accessibility to public spaces; and

NOW, THEREFORE, BE IT JOINTLY RESOLVED by the City Council of Charlotte and the Mecklenburg County Board of Commissioners to provide a system of support for Public Art Programs as follows:

Section 1. Purpose.

Charlotte and Mecklenburg County accept a responsibility for expanding the experience and direct participation of citizens in the visual arts. A policy, therefore, is established to direct the inclusion of Public Art Programs in City and County public construction projects as hereinafter defined.

Section 2. Definitions.

a. "Art Commission" shall mean to the Charlotte-Mecklenburg Public Art Commission.

b. "Construction project" means any capital project paid for wholly or in part by the City of Charlotte or Mecklenburg County to construct or remodel any building or public space, such as offices, park buildings, parks, parking facilities, court facilities, schools, recreation centers, or any portion thereof within Mecklenburg County, which are normally visited by the public, with the exception of restoration of historic properties. Construction projects also shall not include street, highway or transportation projects.

c. "Capital Improvement Program" means the City and County's program for advance planning of capital development.

d. "Works of art" includes, but is not limited to, original paintings, sculptures, fountain sculptures, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, silk screens, etchings, lithographs, and other physical elements of design. The term "works of art" shall not include any reproduction of original art by mechanical means.

e. "Artist" refers to a practitioner in the visual and design arts, generally recognized by critics and his peers as a professional who produces works of art.

f. "Construction Cost" means actual construction cost, excluding engineering, administrative, architectural and legal services; permit fees; as well as indirect and interest costs. It shall also exclude Federal or State funds, if such funds are not permitted to be used for works of art.

Section 3. Funds for Works of Art.

a. All City and County department heads shall include in all estimates of necessary expenditures and all requests for authorization or appropriations for construction projects 1% of the construction cost for works of art. This amount will be based on the construction cost of any such project, as estimated in the Capital Improvement Program for the year in which such estimates or request is made.

b. Funds authorized and/or appropriated pursuant to this section for City or County construction projects but not spent on that project in total or in part may be expended for Public Art Programs in other City or County projects or existing public facilities and spaces which are owned or leased by the City or County, if legally permissible.

c. Such funds shall be provided as above for all public facilities authorized by the County and the City after

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Section 4. Public Art Commission Composition and Responsibilities.

Composition. The Art Commission shall have twelve (12) members appointed for three-year terms in the following manner:

Six members shall be nominated by the Arts and Science Council to the Charlotte City Council for review and approval. Six members shall be nominated by the Arts and Science Council to the Mecklenburg Board of County Commissioners for approval. The Chairman of the Public Art Commission shall be elected by the Public Art Commission. The Chairman shall serve by appointment on the ASC Board of Directors.

Terms shall be staggered with terms of four initial appointees for one (1) year; four for two (2) years; and four for three (3) years. Thereafter, all appointments shall be for three years, however, no member shall serve more than two consecutive three-year terms.

The Art Commission may select advisors for a particular project to adjust to the size and complexity of art projects. These advisors shall assist the commission but shall have no vote. A representative from the interested City or County department and the construction

project architect shall also be non-voting advisors. The Art Commission shall encourage community participation.

Responsibilities.

a. The Art Commission shall make periodic reviews of all construction projects authorized by the City Council and Board of County Commissioners. The Art Commission shall determine which construction projects are appropriate for inclusion in the Public Art Program. An annual presentation of all construction projects selected for inclusion in the Public Art Program for the upcoming year shall be made to the City Council and Board of County Commissioners. The City Council and County Commissioners have final approval of the annual work program and budget of the Public Art Commission, as well as the amount of funds (up to 1% of the construction costs) to be spent for works of art.

b. Once a construction project is included in the Public Art Program, the Art Commission shall be responsible for the selection of artists, the commissioning of works of art and/or the purchase of works of art. The use of works of art by local and North Carolina artists should be emphasized. The Art Commission shall be responsible for condition monitoring of artworks; inventory/cataloging; educational programs; promotional activities; technical services to public and private entities; and management of the City/County approved Public Art budget.

c. The Art Commission shall examine annually the condition of works of art selected and make a report to managers of artwork sites. It is the responsibility of site managers to provide for the maintenance of works of art in their routine site maintenance program.

d. The Art Commission may encourage and help obtain additional grants and gifts from outside sources.

Section 5. Placement.

Works of art, selected and implemented pursuant to the provisions of this Resolution and any amendment thereto, may be placed in, on or about City or County construction projects or other City or County-owned, leased or rented property. They may be attached or detached within or about such property and may be either temporary or permanent. City or County officials responsible for the design and construction of such projects shall make appropriate space available for the placement of works of art.

Section 6. Ownership.

All art objects acquired pursuant to this Resolution shall be acquired in the name of the City of Charlotte or Mecklenburg County, and title shall vest in the City of Charlotte or Mecklenburg County.

Section 7. Repeal of Previous Resolution.

The previous Resolution establishing the Charlotte-Mecklenburg Art Commission approved by the City Council on November 23, 1981, and by the County Commission on February 15, 1982 is hereby repealed.

PASSED AND APPROVED on the 14th day of December, 1992 by the City Council; and on the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_ by the County Commission.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

Approved as to form:

\_\_\_\_\_  
County Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 14th day of December, 1992, the reference having been made in Minute Book 100, and recorded in full in Resolution Book 30, at Pages 250-253.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina this the 23rd day of December, 1992.

Brenda R. Freeze  
City Clerk

EXTRACT FROM MINUTES OF  
MEETING OF CITY COUNCIL OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 P.M. on December 14, 1992.

Present: Mayor Richard Vinroot, presiding, and Councilmembers Campbell, Clodfelter, Hammond, Majeed, Mangum, Martin, Patterson, Reid and Scarborough

Absent: Councilmembers McCrory and Wheeler

Also Present: City Manager, O. Wendell White; City Attorney, Henry Underhill and City Clerk, Brenda R. Freeze

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Councilmember Hammond introduced the following resolution, a summary of which had been provided to each Councilmember, which was read by title:

RESOLUTION RELATING TO INSTALLMENT PAYMENT  
CONTRACT FINANCING OF REAL PROPERTY  
IMPROVEMENTS

WHEREAS, the City of Charlotte (the "Issuer"), as Lessee, entered into a Municipal Facilities Lease Agreement dated as of August 1, 1986 (the "Lease") with Citicorp Industrial Credit, Inc., as Lessor (the "Lessor") providing for the Lease to the Issuer of certain public buildings and improvements to public

buildings as more particularly described in the Lease (the "Municipal Facilities"); and

WHEREAS, officials of the Issuer have now advised the City Council (the "City Council") of the Issuer that it is in the best interest of the Issuer to purchase the Municipal Facilities from the Lessor and to finance such purchase;

RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized: (i) to acquire the Municipal Facilities; (ii) to begin the process of notifying the Lessor of the Issuer's intent to purchase the Municipal Facilities and to otherwise terminate the Lease; (iii) to finance the acquisition of such property in an estimated principal amount up to approximately \$6,600,000 by installment payment contract financing, including without limitation the use of notes or other financing under North Carolina General Statute § 160A-20 (including the financing of issuance and all other costs necessary in conjunction with such financing), the amount of which financing may, in the discretion of the Director of Finance, be combined with other such financings on behalf of the Issuer or otherwise increased, subject to final approval by City Counsel; (iv) if required, to seek the approval of the North Carolina Local Government Commission of such financing; (v) to investigate and negotiate the selection and terms of such financing; and (vi) to solicit bids or proposals in connection with such financing; and

FURTHER RESOLVED, by the City Council that it is hereby determined that acquisition of the Municipal Facilities is

necessary and expedient, that financing such acquisition by installment payment contract, under the circumstances, is preferable to a bond issue, that the sums to fall due under an installment payment contract are adequate and not excessive for its purpose, that the debt management and budgetary and fiscal policies of the Issuer have been carried out in strict compliance with applicable law, that the increase in taxes, if any, necessary to meet the sums to fall due under an installment payment contract will not be excessive and that the Issuer is not in default under any of its debt service obligations; and

FURTHER RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized to submit an Application for Approval of Contract or any other applications to the North Carolina Local Government Commission if any such application is required, and that the Director of Finance, the Deputy Director of Finance and the City Treasurer of the Issuer be, and each of them hereby is, authorized to sign and file any such application; and

FURTHER RESOLVED, by the City Council that the Director of Finance, the City Clerk or other appropriate officers of the Issuer be, and they hereby are, authorized to publish any notices or notices of public hearing that may be required in connection with such acquisition and financing; and

FURTHER RESOLVED, by the City Council that the appropriate officers of the Issuer be, and they hereby are, authorized and directed to do any and all things necessary, appropriate or convenient to carry into effect the foregoing resolutions.



This resolution shall take effect upon its passage.

Upon motion of Councilmember Hammond, seconded by Councilmember Scarborough, the foregoing resolution entitled: "RESOLUTION RELATING TO THE INSTALLMENT PAYMENT CONTRACT FINANCING OF REAL PROPERTY IMPROVEMENTS" was passed by the following vote:

Ayes: Councilmembers Campbell, Clodfelter, Hammond, Majeed, Mangum, Martin, Patterson, Reid and Scarborough

Noes: None

\* \* \* \* \*

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of said City Council at a regular meeting held December 14, 1992, as relates in any way to the passage of a resolution relating to installment payment financing of real property improvements, that all required notices of such meeting were given and that a reference regarding said proceedings is recorded in Minute Book 100 of the minutes of said City Council on page(s) \_\_\_\_\_ and a full copy of the foregoing resolution is recorded in Resolution Book 30 on page(s) 254-257.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held (with certain exceptions not applicable to said meeting) at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, in the Conference Center on the first Monday of each month at 5:00 P.M. (workshop); and in the Meeting

Chamber on the second Monday of each month at 7:00 P.M., the third Monday of each month at 6:00 P.M. (zoning), and the fourth Monday of each month at 7:00 P.M., has been on file in the office of the City Clerk pursuant to North Carolina General Statutes, Sec. 143-318.12, as of a date not less than seven days before said meeting.

WITNESS my hand and the official seal of said City, this  
16th day of December, 1992.

Brenda R. Freese  
City Clerk

(SEAL)