

June 27, 1983  
Resolution Book 19 - Page 283

RESOLUTION CLOSING A CERTAIN PORTION OF  
AVANT STREET LOCATED BETWEEN LUTHER STREET AND MAIN STREET  
IN THE CITY OF CHARLOTTE  
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, a Petition has been filed and received in accordance with the provisions of Chapter 160A, Section 299 of the General Statutes of North Carolina, requesting the closing of a certain portion of Avant Street in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the City Council has caused to be published a Resolution of Intent to close a certain portion of Avant Street, all in accordance with said Statute; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a certain portion of Avant Street to be sent by registered or certified mail to all owners of property adjoining the said street, and prominently posted a notice of the closing and public hearing in at least two places along said street, all in accordance with said Statute; and

WHEREAS, said public hearing was held on the 27th day of June, 1983; and

WHEREAS, no persons, firms, or corporations or parties in interest have appeared in opposition to the closing of said portion of said street;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of June 27, 1983, that the Council hereby orders the closing of a portion of Avant Street in the City of Charlotte, Mecklenburg County, North Carolina as described below:

Beginning at an iron pin marking the intersection of the westerly right of way margin of Avant Street with the northerly right of way margin of Main Street, and running thence with the westerly right of way margin of Avant Street in two (2) courses as follows: (1) N45°-55'-00"E, 180.66 feet to an iron pin, (2) N46°-06'-22"E, 98.71 feet to an iron pin, said iron pin marking the intersection of the southerly right of way margin of Luther Street with the westerly right of way margin of Avant Street; thence with the southerly right of way margin of Luther Street S36°-42'-12"E, 49.04 feet, crossing Avant Street to a point, said point marking the intersection of the easterly right of way margin of Avant Street with the southerly right of way margin of Luther Street; thence with the easterly right of way margin of Avant Street in two (2) courses as follows: (1) S45°-42'-50"W, 99.73 feet to an iron pin, (2) S45°-40'-28"W, 185.02 feet to an iron pin, said iron pin marking the intersection of the easterly right of way margin of Avant Street with the northerly right of way margin of Main Street; thence with the northerly right of way margin of Main Street N30°-00'-36"W, 51.52', crossing Avant Street to the point or place of beginning, containing 13,910 square feet or 0.319 Ac. all as shown on a map prepared by the City of Charlotte Engineering Department dated May 13, 1983 to which reference is hereby made.

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BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

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 27th day of June, 1983, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 283-284.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1983.

PAT SHARKEY, CITY CLERK

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE ADOPTING  
THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY 1984 - 88.

WHEREAS, the City of Charlotte has provided a five year program as a plan for needed capital facilities during fiscal years 1984 through 1988; and

WHEREAS, the Capital Improvement Program balances 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 adopt the Capital Improvement Program as a plan for FY 1984 - 88.

This 27th day of June, 1983.

Approved as to form:

H. Michael D.  
Deputy 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 27th day of June, 1983, the reference having been made in Minute Book 80 and recorded in full in Resolution Book 19 at Page 285.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1983.

Pat Sharkey, City Clerk

RESOLUTION AMENDING THE PAY PLAN  
AND PERSONNEL RULES AND REGULATIONS

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

- (1) The Pay Plan heretofore adopted by the City Council to become effective October 1, 1960, as subsequently amended, be hereby further amended as follows:
  - (a) The Pay Range Adjustment recommendations for Job Class Additions, Deletions and Title Changes presented in the report entitled FY84 Recommended Salary and Benefit Adjustments be adopted in their entirety, except that Class 3013, Fire Chief's Aide, also be deleted from the Pay Plan, all of which to become effective on July 6, 1983.
  - (b) The pay rates in the current Pay Plan be increased by 3 percent, also effective on July 6, 1983.
  - (c) Class 3105, Police Officer, be retitled as Police Officer I; Class 3107, Police Officer II, be added and assigned at Pay Range 18, Steps A-F; Class 3106, Master Police Officer be deleted from the Pay Plan; and the pay range assignment of Class 3011, Firefighter-Engineer, be increased from pay range 16 to 17, to become effective on October 5, 1983.
- (2) The Personnel Rules and Regulations heretofore adopted by the City Council to be effective October 6, 1969, as subsequently amended are hereby further amended as presented in the recommendation report, including changes to the employee vacation leave accrual schedule and changes to overtime pay eligibility of certain police protection classes, to become effective on July 6, 1983.

BE IT FURTHER RESOLVED that the sections and subsections of this resolution shall become effective on the dates indicated herein.

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 27th day of June, 19 83, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 286.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 19 83.

PAT SHARKEY, CITY CLERK

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RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY BELONGING TO THE CITY OF CHARLOTTE FOR PERSONAL PROPERTY BELONGING TO PINOCA VOLUNTEER FIRE DEPARTMENT

WHEREAS, the City of Charlotte owns certain real property located at the southerly intersection of Salem Church Road and Hovis Road containing 0.781 acre, valued at \$29,225.00; and

WHEREAS, Pinoca Volunteer Fire Department owns one class A triple action pumper on a 1970 Ford chassis, being equipped with a Wattrous 1,000 GPM pump and a Fecom bal. foam system valued at \$30,000.00; and

WHEREAS, the City desires to exchange said real property, a description of which is attached hereto and marked as Exhibit "A", for personal property owned by Pinoca Volunteer Fire Department, a description of said property listed above;

WHEREAS, the City believes it would receive a full and fair consideration in exchange for its property; and

WHEREAS, ten-day notice by publication of this meeting has been given as required by N.C.G.S. 160A-271;

NOW THEREFORE, BE IT RESOLVED that the City is hereby authorized to exchange the the real property described in Exhibit "A" attached hereto for the personal property described above , said City receiving full and fair consideration in exchange for its property.

Approved as to form:

76. [Signature]  
Deputy City Attorney

C E R T I F I C A T I O N

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 27th day of June, 1983, and reference having being made in Minute Book 80, Page           , and recorded in full in Resolutions Book 19, Page 297-288.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1983.

\_\_\_\_\_  
CITY CLERK

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EXHIBIT "A"

PROPERTY OF THE CITY OF CHARLOTTE

BEGINNING at an old iron in the southerlymost point of the intersection of Hovis Road and Salem Church Road; thence running with the southwesterly margin of Salem Church Road S44-50E, 117.27 feet to a point; thence following the arc of a circular curve to the right with a radius of 1,254.18 feet, an arc distance of 189.79 feet to an old iron at the northeasterly corner of Lance, Inc. property recorded in Deed Book 2854, page 76; thence with the northerly line of said Lance property S53-38W, 95.37 feet to the northeasterly corner of Pinoca Volunteer Fire Department property shown in Deed Book 1519, page 145; thence with the northerly line of said Pinoca Volunteer Fire Department property, N88-09W, 138.11 feet to the easterly margin of Hovis Road N02-42E, 100.0 feet to a point; thence N01-21E, 179.54 feet to the point and place of Beginning. Containing 0.781 acre. Tax Code - 039-171-01

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A RESOLUTION AUTHORIZING THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION TO ENTER INTO AN EMPLOYMENT CONTRACT WITH A CONSULTANT FOR THE PURPOSE OF PROVIDING SERVICES TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

WHEREAS, N.C.G.S. §160A-399.3(7) manifests the intent of the General Assembly that a governing board must authorize a contract entered into by the Historic Properties Commission; and

WHEREAS, N.C.G.S. §160A-399.3(8) indicates that the powers of a historic properties commission can include having an employee or agent of the commission; and

WHEREAS, N.C.G.S. §160A-4 states such statutory grants of power shall be broadly construed to include any additional and supplementary powers that are reasonably necessary or expedient to carry them into execution and effect; and

WHEREAS, the City Council of the City of Charlotte desires to authorize the Charlotte-Mecklenburg Historic Properties Commission to enter into an annual contract with a consultant for a sum of money not to exceed the approved budget authorization for the purpose of providing services to the Historic Properties Commission, for securing additional personnel for the Historic Properties Commission, and for providing necessary services to the Historic Properties Commission and the power to amend such contract.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Charlotte does hereby authorize:

1. That the Charlotte-Mecklenburg Historic Properties Commission is authorize to enter into a contract with a consultant that coincides with each annual fiscal year of the City of Charlotte not to exceed the total authorization for the purpose of providing any and all necessary services required by the

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Charlotte-Mecklenburg Historic Properties Commission.

2. That the consultant and any individuals receiving any compensation pursuant to that contract shall not be employees or agents of the City of Charlotte but the consultant shall be an independent contractor and shall secure what assistance the consultant deems necessary to meet the objectives stated in the employment contract.

3. That the contract between the Charlotte-Mecklenburg Historic Properties Commission and the consultant shall include a detailed budget attached thereto and a copy of the contract and the budget and any future amendments thereto shall be provided to the City's Finance Department, the City's Budget and Evaluation Department, and the City Clerk's Office.

4. That the Commission shall not enter into any such contract until the City Attorney's Office and City's Budget and Evaluation Office have approved the contract and any such contract without the approval of those two offices shall be null and void.

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 27th day of June, 1983, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 289-290.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1983.

PAT SHARKEY, CITY CLERK

RESOLUTION

A motion was made by Councilmember Berryhill and  
(Name and Title)

seconded by Councilmember Selden for the adoption of the  
(Name and Title)

following resolution, and upon being put to a vote was duly accepted:

WHEREAS, a grant in the amount of \$ 100,000 has been approved by the  
Department; and

WHEREAS, an amount equal to or greater than the approved grant has been  
appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED THAT THE MAYOR  
(Title)

of the Sponsor be and he hereby is authorized and empowered to enter into a Grant  
Agreement with the Department, thereby binding the Sponsor to the fulfillment of  
its obligation incurred under this Grant Agreement.

I, Pat Sharkey, City Clerk of the City of  
(Name and Title) (Sponsor)

Charlotte do hereby certify that the above is a true and correct  
copy of an excerpt from the minutes of the City of Charlotte City Council  
(Sponsor)  
of a meeting duly and regularly held on the 27th day of June, 19 83.

WITNESS my hand the official seal of the Sponsor City of Charlotte.

This, the 28th day of June, 19 83.

Signed: \_\_\_\_\_

Title: City Clerk

Of The: City of Charlotte, North Carolina

SEAL

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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 Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 27th day of June, 1983, 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.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of June, 1983, the reference having been made in Minute Book 80 and recorded in full in Resolution Book 19, page(s) 292-293.

Pat Sharkey  
City Clerk

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TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Black, Julian R. and wife, Frances W.	\$ 11.49	Clerical Error
Markley, George E. and wife, Mary Eunice	14.66	Clerical Error
Black, Julian R. and wife, Frances W.	11.49	Clerical Error
Markley, Mary Eunice Mrs. G. E. By Ent.	14.66	Clerical Error
Lane, Margaret Klutz	12.48	Illegal Levy
Black, Julian R. and wife, Frances W.	11.49	Clerical Error
Markley, Mary Eunice Mrs. G. E. By Ent.	14.66	Clerical Error
Leslie Fay, Incorporated	63.57	Clerical Error
Lane, Margaret Klutz	48.26	Illegal Levy
Lazarow Apostolos Konstad	6.34	Clerical Error
Leake, Robert Hunter	11.56	Clerical Error
Meacham, John Franklin	57.83	Clerical Error
Stephens, Emory David, Jr.	167.62	Clerical Error
Elliott, Mary Lillian	128.45	Clerical Error
Levine, Gladys Blacker	<u>5.00</u>	Clerical Error
TOTAL	\$ <u>579.56</u>	

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RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended by the additions of a class number 2336, Transportation Projects Specialist, Pay Range 26, Pay Steps A through F inclusive.

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

APPROVED AS TO FORM:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of June, 1983, the reference having been made in Minute Book 80 and is recorded in full in Resolution Book 19 at Page 294.

Pat Sharkey  
City Clerk

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RESOLUTION AMENDING THE PAY PLAN  
OF THE  
CITY OF CHARLOTTE

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Pay Plan heretofore adopted by the City Council to be effective October 1, 1960, as subsequently amended, is hereby further amended by the addition of a class number 2135, Transportation Marketing Manager, Pay Range 23, Pay Steps A through F inclusive.

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

APPROVED AS TO FORM:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of June, 1983, the reference having been made in Minute Book 80 and is recorded in full in Resolution Book 19 at Page 295.

Pat Sharkey  
City Clerk

"RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE  
FIVE POINTS NEIGHBORHOOD STRATEGY AREA"

WHEREAS the City of Charlotte has undertaken the Redevelopment of the Five Points Neighborhood Strategy area, an Urban Redevelopment Project, in accordance with the provisions of Article 22 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS the Urban Redevelopment Law as set out in said Article and Chapter provides for the acquisition, preparation, sale, sound replanning, and redevelopment of property within a redevelopment area, as defined by said law; and

WHEREAS such area has been established in accordance with the requirements of such law and the said Five Points Neighborhood Strategy Area approved by the Governing Body of the City of Charlotte; and

WHEREAS such law specifically provides for the exercise of power of Eminent Domain in order to achieve and accomplish the purpose of the law as set out in said Article 22 of Chapter 160A, such purpose being in the public interest and designed to promote the health, safety and welfare of the inhabitants of this community and locality; and

WHEREAS the City of Charlotte, pursuant to the applicable laws and regulations, has endeavored to establish a fair market value on properties within the area, and has made a good faith effort through its proper agents to negotiate for the acquisition of properties within the fair market value thereof; and

WHEREAS the City of Charlotte, after such fair negotiations, has of this date been unable to acquire properties as hereinafter set out and recognizes that such acquisition is essential to the achievement of the plans and accomplishment of the purpose of the redevelopment law as the same relates thereto; and

WHEREAS it therefore appears that it will be necessary for the City of Charlotte to institute condemnation proceedings under the provisions of the North Carolina Law of Eminent Domain and the exercise of powers thereunder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Council approves and hereby orders the institution of condemnation proceedings in its proper corporate name with respect to the following properties:

Block 23, Parcel 7 - Frankie Adams; any and all unknown heirs of Nancy Edwards; husband of Dezarine McCaskill.  
Property Address: 619 Sparrow Street  
Fair Market Value: \$7,000.00

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 27th day of June, 1983, the reference having been made in Minute Book 80, and recorded in full in Resolution Book 19, at Page(s) 296.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of June, 1983.

A RESOLUTION AUTHORIZING THE DEVELOPMENT OF THE MARION DIEHL  
RECREATION CENTER PLAYGROUND BY THE CHARLOTTE CITY COUNCIL.

WHEREAS, the Land and Water Conservation Fund Act of 1965 provides for the making of grants by the National Park Service (NPS), Department of Interior of the United States Government to States and local municipalities in support of Outdoor Recreation projects and such funds are available after approval of the appropriate State Agency and the Bureau of Outdoor Recreation; and

WHEREAS, the State is required to insure that there will be no discrimination against any person of any race, color, sex, creed, or political affiliation; and

WHEREAS, the City Council of the City of Charlotte realizes that recreation facilities are not adequate to meet the minimum recreational needs of the people of Charlotte; and

WHEREAS, it is believed that said Council with the assistance of the general public is now in a position to lend full support to the development of the Marion Diehl Center Playground.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

(1) That an application be made to the National Park Service, Department of Interior of the U.S. Government through the State of North Carolina for a development grant of \$21,575, which represents fifty percent (50%) of all costs (\$43,150) including preparation, plans, and construction of recreational facilities to be completed in the fiscal year 1983-1984.

(2) That the City Manager of the City of Charlotte be authorized and directed to file such application on behalf of the City of Charlotte, to provide additional information and furnish such documents as may be required by the NPS and the State of North Carolina and to act as the authorized correspondent of the City of Charlotte.

(3) That the Director, NPS, Department of Interior of the United States Government be, and hereby is assured of full compliance by the applicant with the regulations promulgated pursuant to Title VI of the Civil Rights Act of 1964.

RESOLVED, this the 27th day of June, 1983.

Approved as to form:

  
by Henry W. Underhill Jr.

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 27th day of June, 1983, the reference having been made in the minutes of the meeting in Minute Book 80, and recorded in full in Resolutions Book 19 Page 297.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1983.

Pat Sharkey, City Clerk

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE CITY MANAGER TO REQUEST AND FORMALLY ACCEPT AN URBAN PARKS AND RECREATION RECOVERY GRANT FROM THE NATIONAL PARK SERVICE.

WHEREAS, the NATIONAL PARK SERVICE (NPS) has made available 70% federal grants to assist in rehabilitating urban parks and facilities; and

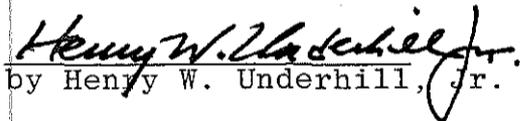
WHEREAS, the City of Charlotte has parks and facilities within economically-distressed areas in need of substantial rehabilitation in order to bring them up to acceptable standards; and

WHEREAS, the City of Charlotte intends to request Urban Parks and Recreation Recovery (UPARR) grants to assist in funding the rehabilitation of local inter-city swimming pools.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, in regular session duly assembled, that the City Manager be authorized to submit a grant request to NPS in the amount of \$567,000 and provide all necessary assurances and support documentation for processing the grant request and making subsequent grant awards.

RESOLVED, this the 27th day of June, 1983.

Approved as to form:

  
by Henry W. Underhill, Jr.

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 27th day of June, 1983, the reference having been made in the minutes of the meeting in Minute Book 80, and recorded in full in Resolutions Book 19 Page 298.

Witness my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1983.

\_\_\_\_\_  
Pat Sharkey, City Clerk