

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 830
HOUSE BILL 1005

AN ACT AUTHORIZING THE JOINT LEASING OF A CIVIC CENTER BY THE
COUNTY OF MECKLENBURG AND THE CITY OF CHARLOTTE AND
PROVIDING FOR THE OPERATION OF SAID CIVIC CENTER AND THE
EXISTING CHARLOTTE AUDITORIUM AND COLISEUM BY A SINGLE
BOARD.

The General Assembly of North Carolina do enact:

Section 1. Subject only to approval at an election as provided in this Act, the governing bodies of the County of Mecklenburg and the City of Charlotte are hereby authorized and empowered jointly to lease from any person or persons, for an original term of not exceeding forty-five years and a renewal term of not exceeding thirty years, and for such rental as may be mutually agreed upon, a building or buildings, or any part or parts thereof, to be used as a civic center, including, but without limitation, convention, exhibition, auditorium, meeting room, parking and other appurtenant facilities, and to levy and collect a special tax for the purpose of meeting their respective obligations under such lease; provided, however, that the land upon which the building or buildings are located is within the corporate limits of the City of Charlotte. Any such lease may contain such provisions with respect to renewal options, refinancing, options to purchase any building or part thereof, rights to execute a new lease beyond the above stated original and renewal terms for the land on which the building or buildings are situated if options to purchase are exercised, rights of assignment and sublease and such other details as may be agreed upon between the parties.

Sec. 2. The governing bodies of the County of Mecklenburg and the City of Charlotte shall determine in joint or separate sessions the policy to be followed with respect to and the general use which shall be made of the civic center, the term of the lease, the rentals and all other necessary details, and the County and the City shall enter into such contracts or agreements with each other as they may deem necessary with respect to such determinations. The County and the City shall each bear an equal share of the rental payable thereon and the costs of maintenance and operation thereof.

The operation of said civic center shall be entrusted to a board of seven members to be known as the Charlotte-Mecklenburg Civic Center Board. Three members of said Board shall be appointed by the City Council of the City of Charlotte, three members shall be appointed by the Board of Commissioners for the County of Mecklenburg and one member shall be appointed by said City Council and said Board of Commissioners acting jointly. Of the members initially appointed by each of the two governing bodies acting separately, one shall be appointed for a term of three years, one

shall be appointed for a term of two years and one shall be appointed for a term of one year. The member initially appointed by the two governing bodies acting jointly shall be appointed for a term of three years. Thereafter all regular appointments shall be for a term of three years. Any vacancy occurring in the membership of the Board shall be filled by the proper governing body for the unexpired term. Any member of the Board may be removed for cause at any time by the governing body who appointed him. The Board shall elect one of its members as chairman and may elect such other officers as it deems necessary or desirable. The Board shall have all powers necessary or convenient to effectuate the purposes of this Act and the efficient operation of the civic center.

Sec. 3. The lease shall not become effective until approved by the vote of a majority of the qualified voters of the County and the City who vote thereon in separate special elections held prior to July 1, 1970, which elections may be held on the same day.

For the purpose of submitting this matter to the qualified voters of the County a special election shall be called by the Board of Commissioners for the County of Mecklenburg. Such special election shall be called and held in the same manner as provided by The County Finance Act for the authorization of bonds of the County, with such changes in points of detail as may be necessary for application to the subject of the election, and shall be supervised by the Mecklenburg County Board of Elections. A question in substantially the following form shall be submitted to the qualified voters of the County of Mecklenburg:

Shall the Board of Commissioners for the County of Mecklenburg be authorized to join with the City Council of the City of Charlotte in leasing for ____ years a building or buildings or any part or parts thereof to be used as a civic center, including, but without limitation, convention, exhibition, auditorium, meeting room, parking and other appurtenant facilities, with an option to renew said lease for a period of ____ years at an annual rental of not exceeding \$_____, the County to pay in equal annual installments as its share of the rent due over the original term of the lease an aggregate amount not exceeding \$_____ and to bear equally with the City its share of the cost of maintenance and operation of said civic center, and to levy and collect, if necessary, a tax without limitation of rate or amount, on all taxable property, real and personal, in the County of Mecklenburg for the purpose of providing funds to meet the County's obligations under the lease?

The Board of Commissioners shall prepare a statement showing the number of votes cast for and against the question, and the number of voters qualified to vote in the election, and declaring the result of the election, which statement shall be signed by a majority of the members of the Board of Commissioners and delivered to the Clerk, who shall record it in the minutes of the Board of Commissioners, and file the original in his office and publish it once. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within 30 days after the publication of such statement of result.

For the purpose of submitting this matter to the qualified voters of the City of Charlotte a special election shall be called by the City Council of the City of Charlotte. Such election shall be called and held in the same manner as provided by The Municipal Finance Act for the authorization of bonds of the City, with such changes in points of detail as may be necessary for application to the subject of the election. The question submitted to the qualified voters of the City of Charlotte shall be in substantially the following form:

Shall the City Council of the City of Charlotte be authorized to join with the Board of Commissioners for the County of Mecklenburg in leasing for ____ years a building or buildings or any part or parts thereof to be used as a civic center, including, but without limitation, convention, exhibition, auditorium, meeting room, parking and other appurtenant facilities, with an option to renew said lease for a period of ____ years at an annual rental of not exceeding \$_____, the City to pay in equal annual installments as its share of the rent due over the original term of the lease an aggregate amount not exceeding \$ _____ and to bear equally with the County its share of the cost of maintenance and operation of said civic center, and to levy and collect, if necessary, a tax without limitation of rate or amount, on all taxable property, real and personal, in the City of Charlotte for the purpose of providing funds to meet the City's obligations under the lease?

The City Council shall prepare a statement showing the number of votes cast for and against the question submitted, and the number of voters qualified to vote in the election, and declaring the result of the election, which statement shall be signed by a majority of the members of the City Council and delivered to the City Clerk, who shall record it in the book of ordinances and file the original in his office and publish it once. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within 30 days after the publication of such statement.

Sec. 4. With the exception of those amounts representing land rent and reimbursement of the lessor for payments made by him on account of taxes, interest and insurance, the sum of the rentals payable by the County to the lessor over the original term of the lease shall constitute a debt of the County for the purposes of G.S. 153-84 and the sum of the rentals payable by the City to the lessor over the original term of the lease shall constitute a debt of the City for the purposes of G.S. 160-383. If the County and the City shall exercise an option to renew such lease for an additional term, the sum of the annual rentals payable by the County and the City for such additional term shall become, at the time of the exercise of such option, debts of the County and the City for the purposes of G.S. 153- 84 and G.S. 160-383, respectively.

Sec. 5. Subject to the provisions of the lease, the Charlotte- Mecklenburg Civic Center Board is hereby authorized to sublease the civic center or any part or parts thereof to any person or persons upon such terms as may mutually be agreed upon.

Sec. 6. The levy of taxes by the County of Mecklenburg in the manner and to the extent provided by this Act for the payment of obligations incurred pursuant to this

Act is hereby declared to be a special purpose and the General Assembly does hereby give its special approval to the levy of such taxes for such special purpose.

Sec. 7. No portion of the civic center acquired through the exercise of an option to purchase shall be sold, encumbered, conveyed or otherwise disposed of except by joint action of the County and the City; provided, however, that the County or the City may purchase the interest of the other upon such terms as may mutually be agreed upon.

Sec. 8. The City of Charlotte is hereby authorized, by majority vote of its City Council, to transfer to the Charlotte-Mecklenburg Civic Center Board control of the management and operation of the existing Charlotte Auditorium and Coliseum, upon such terms and conditions as it may by resolution determine. Upon such transfer said Board shall accede to all powers of and duties imposed upon the Charlotte Auditorium-Coliseum Authority, and said Authority shall cease to exist.

Sec. 9. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted by any other law.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.