

ORDINANCE NO. 3260-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, TRANSFERRING APPROPRIATIONS FROM THE IN REM ACCOUNT TO CREATE A MINOR REPAIR PROGRAM ACCOUNT TO PROVIDE INCENTIVE MONEY FOR LANDLORDS TO CORRECT HOUSING CODE VIOLATIONS.

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

Section 1. That the sum of \$38,000 is hereby estimated to be available from the General Capital Improvement Program's In Rem Account (2010; 377.10).

Section 2. That the sum of \$38,000 is hereby appropriated to the General Capital Improvement Program's Minor Repair Program Account (2010; 377.12).

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 25th day of November, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 313.

Brenda Freeze
Deputy City Clerk

ORDINANCE NO. 3261-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET
ORDINANCE, PROVIDING AN APPROPRIATION TO INCREASE COUNCIL
CONTINGENCY.

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

Section 1. That the sum of \$64,000 is hereby
estimated to be available from the General Fund Unappropriated
Fund Balance (4110).

Section 2. That the sum of \$64,000 is hereby
appropriated to the Non-Departmental account Council Contingency
(0101; 530.00).

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conflict herewith are hereby repealed.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
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North
Carolina, in regular session convened on the 25th day of November, 1991, the reference having
been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 314.

Brenda Freeze
Deputy City Clerk

ORDINANCE 3262-X

AN ORDINANCE AMENDING CHAPTER 14, SECTION 131 OF THE CHARLOTTE CITY CODE

WHEREAS, on May 14, 1984, the Charlotte City Council approved a policy to provide for a 25 miles per hour speed limit on non-thoroughfare residential streets; and

WHEREAS, the residents of certain streets have submitted a petition signed by at least 75 percent of the residents of the streets affected; and

WHEREAS, it has been determined, upon the basis of an engineering and traffic investigation, that a lowered speed limit on certain streets of the City of Charlotte is not inappropriate; and

WHEREAS, G. S. 20-141 (speed restrictions) requires adoption of a speed limit ordinance to amend Chapter 14, Section 131(c) of the Charlotte City Code,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte,

SECTION 1: That Schedule X referred to in Chapter 14-131(c) of the Charlotte City Code be amended by declaring a speed limit on the following City System Streets as described below:

	<u>STREET AND DESCRIPTION</u>	<u>SPEED LIMIT</u>
1.	Longleaf Drive from South Boulevard to the 2500 block of Longleaf Drive	25
2.	Loblolly Lane from the 1500 block of Longleaf Drive to the 1600 block of Longleaf Drive	25
3.	Winding Way Road from Carmel Road to Robin Crest Road	25

SECTION 2: Section 1 shall become effective upon adoption and after signs are erected giving notice of the speed limits, as required by N.C.G.S. Section 20-141.

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 25th day of November, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 315.

Brenda Freeze
Deputy City Clerk

DATE November 25, 1991

CITY B-1SCD

Petition No. 91-58
Erwin Properties

ORDINANCE NO. 3264-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of 15.64 acres located on the westerly side of East W. T. Harris Boulevard south of University City Boulevard (N.C. 49); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3210 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 3202 and 3210.2 and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on September 16, 1991; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and each of the following which are required by Section 3210.5:

- .1 Access to public streets and the adequacy of those streets to carry anticipated increased traffic.
- .2 On-site circulation for both pedestrian and vehicular traffic.
- .3 Adequacy of existing community facilities such as water, sewer, police and, fire protection.
- .4 Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- .5 For proposed shopping centers, the appropriateness of the proposal in relationship to the policies and objectives of the comprehensive plan and to a more detailed area plan, if available.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from O-15(CD) to B-1SCD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at an iron located at the point of intersection of the easterly margin of the right-of-way of Chancellor Park Drive with the southerly margin of the right-of-way of W. T. Harris Boulevard; thence from said point S.48-24-36W. 9.54 feet to the point of beginning of said property; thence S.03-49-43W. 301.40 feet to a point; thence S.86-10-17E. 18.5 feet to a point; thence S.03-49-43W. 497.13 feet to a point; thence N.39-46-38E. 151.36 feet to a point; thence S.74-54-20E. 456.13 feet to a point; thence S.83-27-20E. 180.0 feet to a point; thence S.03-49-43E. 748.12 feet to a point; said point being at the westerly margin of the right-of-way of Chancellor Park Drive; then continue along the southerly margin of the right-of-way of Chancellor Park Drive with the arc of a circular curve, said arc having a radius of 603.0 feet and an arc distance of 439.41 feet to a point; thence S.76-53-48W. 67.70 feet to a point; thence with the arc of a circular curve, said arc having a radius of 409.53 feet and an arc distance of 89.57 feet to a point; thence S.63-56-35W. 48.42 feet to a point; thence with the arc of a circular curve said arc having a radius of 617.00 feet and an arc distance of 112.17 feet to the point and place of beginning, said parcel containing 11.86 (+/-) acres.

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That 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 25th day of November, 19 91, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page 319-320.

Brenda R. Freeze
City Clerk

ORDINANCE NO. 3265

AMENDING CHAPTER 22

ORDINANCE AMENDING CHAPTER 22, ARTICLE II, OF THE CHARLOTTE CITY CODE ENTITLED "TAXICABS".

BE IT ORDAINED, by the City Council of the City of Charlotte as follows:

Section 1. Amend Article II, Section 22-32 by adding a new sub-section entitled "(g)" at the end thereof to read as follows:

"(g) Before being allowed to operate under its operating permit, the operating permit holder shall review the qualifications of such driver seeking to operate a taxicab under his or her operating permit. No operating permit holder shall permit or allow any driver to operate a taxicab vehicle under his or her operating permit if, after reasonable inquiry by the permit holder, it appears such driver fails to meet the provisions contained in this Article. The failure of an operating permit holder to comply with this section shall subject the operating permit holder's operating permit to revocation or suspension as provided in Section 22-42(a)(1). Nothing herein shall be construed as establishing a standard for civil liability for the evaluation of prospective or current taxicab drivers and a violation of this section shall not be considered as evidence of negligence."

Section 2. Amend Section 22-36 entitled "Issuance; Conditions" by re-titling such section "Issuance; Conditions; Denial." Further amend Section 22-36 (a) (2) by adding a new sub-section entitled "(a)" said sub-section to read as follows:

"(a) However, no application for an operating permit shall be approved where the court record of the applicant is not such as to make it in the public interest for such application to be granted. Convictions, commissions, pleas of guilty, or no contest to any of the following shall create a rebuttable presumption that the approval of the applicant's application is not in the public interest:

Sex offenses

Felonious drug offenses

Prostitution; and/or

Gambling.

Any applicant denied an operator's permit under the provisions of this Section may appeal such denial to the Taxicab Review Board. All appeals shall be filed pursuant to the provisions contained in Section 22-44. No application from the applicant denied an operator's permit pursuant to provisions of this Section, which denial was upheld by the Taxicab Review Board, shall be accepted from such applicant within five (5) years from the date of the denial by the Taxicab Review Board."

Section 3. Amend Section 22-42(a)(1) by re-writing said sub-section to read as follows:

"(1) The operating permit holder fails to operate his taxicab or taxicabs in compliance with all the provisions of this article, including the provisions contained in Section 22-32(g);

Section 4. Amend Section 22-58 by adding new paragraphs (9) and (10) to read as follows:

(9) Produce, at applicant's expense, applicant's court records, including any criminal record obtained by applicant in applicant's country of origin. Where applicant has no criminal record, applicant shall provide an affidavit indicating the lack of such record.

(10) Produce reliable documentation evidencing applicant's eligibility to be a taxicab driver. Reliable documentation shall include a valid resident alien registration card, U. S. Passport, certificate of naturalization, or any other documents allowed under Part 274(a)(2) of the Immigration and Naturalization Service Rules of the Immigration Reform and Control Act of 1986.

Section 5. Amend Section 22-60 by adding a new sub-section, sub-section (5) to read as follows:

"(5) Notwithstanding the above, no application for a driver's permit shall be approved where the court record of the applicant is not such as to make it in the public interest for such application to be granted. Convictions, commissions, pleas of guilty or no contest to any of the following shall create a rebuttable presumption that the approval of the applicant's application is not in the public interest:

Murder, including first degree and second degree;
Voluntary manslaughter;
Involuntary manslaughter;
Felony death by vehicle;
Felonious assaults and/or batteries;
Rape and other sex offenses; and
Felonious drug offenses.

Any applicant denied a driver's permit under the provision of this section may appeal such denial to the Taxicab Review Board pursuant to Section 22-66. Once an application denied under this section has been approved by the Taxicab Review Board, the granting of a driver's permit to the applicant shall be presumed to be in the public interest. No further review of the applicant under this section shall be required for any prospective renewal pursuant to Section 22-68.

No application from the applicant denied a driver's permit pursuant to the provisions of this section, which denial was upheld by the Taxicab Review Board, shall be accepted from such applicant within five (5) years from the date of the denial by the Taxicab Review Board."

Section 6. Amend Section 22-61(b) entitled "Issuance; Probationary Period" by adding the words, "including satisfactorily passing the Federal Bureau of Investigation fingerprint check," following the word "period" and before the word "the" in the last sentence of the last paragraph.

Section 7. Amend Section 22-64 (1) by deleting the word "or" contained in sub-section (e); amend sub-section (f) by adding to the end thereof the word "or"; and add a new sub-section entitled sub-section "(g)" to read as follows:

"(g) Any sex offense or offense involving moral turpitude."

Section 8. Amend Section 22-64 of the Code by adding a new sub-paragraph (6) to read as follows:

"(6) Found by the inspector to have aided or abetted in the commission of any of those acts contained in sub-paragraph (1) a, b, d, e or f of this section."

Section 9. Amend Sections 22-66 and 67 by deleting these sections in their entirety and re-writing them to read as follows:

"Section 22-66 Appeal of Inspector's Decision

(a) The decision of the inspector not to grant or renew a driver's permit under Section 22-60(5) shall be subject to an administrative appeal to the Chairman of the Taxicab Review Board pursuant to the provisions contained in Section 22-67.

(b) A decision by the Inspector not to grant or renew or to suspend or revoke a driver's permit, and a determination by the Inspector under Section 22-65, shall be subject to appeal to the Taxicab Review Board.

(c) Any person aggrieved by a decision of the Inspector to which there is a right to appeal, may appeal by giving written notice of appeal to the Inspector. The notice of appeal shall set forth the reasons why the Inspector's decision is improper and shall be filed with the Inspector within ten (10) days of the decision being appealed. Appeals may be taken only from the Inspector's findings of fact and application of law. The penalty assessed by the Inspector shall not be subject to appeal.

(d) Upon the filing of an appeal, the Inspector shall transmit the notice of appeal to the Chairman of the Taxicab Review Board which shall schedule a hearing as provided in Sections 22-67 and 22-78.

(e) A decision by the Inspector to suspend or revoke a driver's permit shall not become final until ten (10) days after the decision is rendered. If the appeal is filed within the allowed time, the Inspector's decision shall be stayed pending the final decision of the Taxicab Review Board. If no appeal is filed within the allowed time, the holder of the driver's permit shall immediately surrender the permit to the Inspector, and the period of suspension shall not begin until the Inspector receives the permit. The Inspector, upon taking any action from which there is a right to appeal, shall give the driver, applicant, or operating permit holder, as appropriate, notice of the right to appeal."

Section 22-67. Administrative Appeal.

(a) There is hereby created an administrative appeal from a decision of the Inspector not to grant or renew a driver's permit pursuant to the provisions contained in

Section 22-60(5). An administrative appeal shall be conducted by the Chairman of the Taxicab Review Board or his or her designee. A decision by the Inspector not to grant or renew a driver's permit shall not become final until ten (10) days after the decision is rendered. If the appeal is filed within the allowed time, the Inspector's decision shall be stayed pending the final decision of the Taxicab Review Board. If no appeal is filed within the allowed time, the holder of the driver's permit shall immediately surrender the permit to the Inspector.

(b) The Chairman shall schedule a hearing within twenty-four (24) hours of receipt of a notice of appeal. Such hearing shall be held within three (3) working days following the receipt of the notice of appeal. Notice of the time and place of the hearing shall be given to all parties. In the event the party seeking the appeal desires a hearing at a date other than that set by the Chairman, such person may file a written request for a change of hearing date, setting forth reasons for such request and the Chairman is empowered to approve or disapprove such a request. For good cause, the Chairman may set a hearing date other than within the period set forth above, or may continue the hearing from time to time.

(c) An appealing party may appear at the hearing in person and shall have the right to representation by a person of his or her choice. The Chairman shall render a decision within twenty-four (24) hours of the date of the hearing. The decision of the Chairman shall be in writing.

(d) The decision of the Chairman shall be based upon whether the court record of the applicant for a driver's permit is or is not such as to make it in the public interest for such application to be granted. In rendering his or her decision, the Chairman shall consider, but not be limited to, the following:

1. The nature of the criminal offense;
2. The date of the criminal offense;
3. The criminal record of the applicant before and after the offense;
4. The employment history of the applicant before and after the offense;
5. The applicant's experience as a taxicab driver;

6. The character of the applicant;
7. The applicant's involvement in community and/or civic activities; and
8. Any relevant evidence of reformation or rehabilitation.

(e) The decision of the Chairman not to grant or renew a driver's permit shall be appealable to the Taxicab Review Board. Hearings before the Taxicab Review Board shall be de novo.

Section 22-68. Renewal.

"The Inspector may renew a driver's permit from year to year by appropriate endorsement thereon. The driver applying for a renewal of his driver's permit shall make application on a form furnished by the Inspector."

Section 10. Amend Section 22-76 by amending the sentence which reads: "The City Manager shall designate one of the members as Chairman." to read as follows:

"The City Manager shall designate one of the members appointed by him as Chairman. The Chairman shall be a member of the Charlotte Police Department and have the rank of Captain or above.

Section 11.

Further amend Section 22-76 by adding a new sentence at the end of this section to read as follows:

"Notwithstanding the above, when a vacancy occurs in the Chairman position, the City Manager shall designate a new Chairman who shall meet the requirements set out above."

Section 12. Amend Section 22-77(a) by re-designating paragraph (6) as (7) and inserting a new paragraph (6) to read as follows:

"(6) Appeals from determinations of the Chairman under Section 22-67.

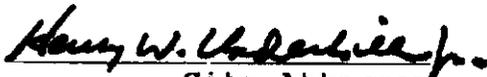
Section 13. Amend Section 22-78 by re-writing sub-paragraphs (a) and (b) to read as follows:

"(a) The Inspector shall, within twenty-four (24) hours of its receipt, forward any appeal provided in Section 22-77 to the Chairman of the Taxicab Review Board. Appeals shall be on a form and in a manner designed by the Taxicab Review Board. The Chairman may review the appeal to determine if the required information is submitted or if the appeal is from the Inspector's findings of fact or application of law; however, such review shall be completed within twenty-four (24) hours following his or her receipt of notice of appeal. If information submitted is insufficient, the Chairman may return the appeal to the applicant for additional information without regard to paragraph (b) of this Section. If the appeal cannot be determined to be made from the findings of fact or application of law, the Chairman may elect to dismiss the appeal, without prejudice, to resubmittal at a later time with the findings of fact or application of law.

(b) If a hearing is determined to be warranted, the Taxicab Review Board shall hold a hearing no more than twenty (20) days from the receipt of the appeal. The Chairman of the Taxicab Review Board shall give notice to all parties of the time and place for the hearing. In the event the party seeking the appeal desires a hearing at a date other than that set by the Board, such person may file a written request for a change of hearing date, setting forth reasons for such request and the Chairman is empowered to approve or disapprove such a request; provided such request must be received by the Board at least seven (7) days prior to the date set for the hearing. For good cause, the Chairman of the Taxicab Review Board may set a hearing date other than within the period set forth above, or may continue the hearing from time to time. The Taxicab Review Board shall render a decision on an appeal within five (5) days after the date of the hearing."

Section 14. This ordinance shall become effective January 1, 1992.

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 25th day of November, 1991, the reference having been made in Minute Book 40, and is recorded in full in Ordinance Book 40, at page(s) 322-328.

Brenda R. Freeze
Deputy City Clerk

ORDINANCE NO. 3266-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET
ORDINANCE, ESTIMATING, APPROPRIATING AND TRANSFERRING
CONVENTION CENTER FUNDING TO ACCOMMODATE DEBT SERVICE PAYMENTS.

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

Section 1. That the sum of \$8,586,950.93 is hereby
estimated to be available from the Reserve for Capitalized
Interest in the Convention Center Capital Project Fund (2013),
and is hereby appropriated in said fund.

Section 2. That the sum of \$8,586,950.93 in the
Reserve for Capitalized Interest is hereby transferred from the
Convention Center Capital Fund (2013) and is appropriated in the
General Fund (0101).

Section 3. That the sum of \$8,586,950.93 is hereby
transferred from the General Fund (0101) and is appropriated in
the Convention Center Debt Service Fund (5104) for installment
payments.

Section 4. That the sum of \$1,408,656.07 is hereby
estimated to be available in the Convention Center Debt Service
Fund (5104) from the following sources:

<u>Source</u>	<u>Amount</u>
Estimated Accrued Interest	\$ 491,113.59
Estimated Interest Earnings	917,542.58
Total	\$1,408,656.07

Section 5. That the sum of \$1,408,656.07 is hereby appropriated in the Convention Center Debt Service Fund (5104) for installment payments.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 25th day of November, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 334-33

Brenda Freeze
Deputy City Clerk

ORDINANCE NO. 3267-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION TO THE CHARLOTTE CONVENTION AND VISITORS BUREAU AND AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY FOR PROMOTIONAL PURPOSES FOR THE NEW CONVENTION CENTER.

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

Section 1. That the sum of \$1,500,000 is hereby estimated to be available from the Occupancy Tax and Prepared Food Tax.

Section 2. That the sum of \$1,500,000 is hereby appropriated as follows:

Charlotte Convention and Visitors Bureau	\$ 965,000
Auditorium-Coliseum-Convention Center Authority	535,000
Total	\$1,500,000

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 25th day of November, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 336.

Brenda Freeze
Deputy City Clerk

ORDINANCE NO. 3268-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, ESTIMATING REVENUES FROM MECKLENBURG COUNTY AND PROVIDING AN APPROPRIATION FOR THE PURCHASE OF LAND FOR A NEW LAW ENFORCEMENT CENTER.

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

Section 1. That the sum of \$6,901,728 is hereby estimated to be available from Mecklenburg County.

Section 2. That the sum of \$6,901,728 is hereby appropriated to General Capital Improvement Fund 2010; 234.00 - Law Enforcement Center.

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 25th day of November, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 337.

Brenda Freeze
Deputy City Clerk

ORDINANCE NO. 3269-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2187-X, THE 1991-92 BUDGET ORDINANCE, TRANSFERRING CAPITAL FUNDS TO PROVIDE SUPPLEMENTAL FUNDING FOR THE PURCHASE OF LIGHT RAIL TRANSIT RIGHT-OF-WAY - CEDAR YARD.

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

Section 1. That the sum of \$58,905 is hereby transferred from General Capital Improvement Fund 2010; 238.00 - Light Rail Corridor Study and is appropriated to General Capital Improvement Fund 2010; 237.00 - Light Rail Right-of-Way Protection.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 25th day of November, 1991, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 338.

Brenda Freeze
Deputy City Clerk