

ORDINANCE 845
**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, it has been determined, upon the basis of an investigation, that a lowered speed limit on certain streets of the City of Charlotte is appropriate; and,

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

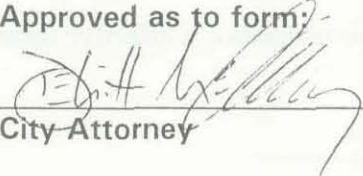
NOW THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte,

SECTION 1: That Schedule X referred to in Chapter 14-131[©] of the Charlotte City Code be amended by declaring a speed limit on the following City System streets as described below:

Fall's Branch Lane from Mt.Holly-Huntersville Road to cul de sac	25 MPH
Gray's Creek Lane from South Ford Road to cul de sac	25 MPH
Hillside Avenue from Park Road to Selwyn Avenue	25 MPH
Partridge Cross Lane from cul de sac to cul de sac	25 MPH
Ridge Acres Road from Ridge Acres Road to cul de sac	25 MPH
Sentinel Oak Lane from Ridge Acres Road to cul de sac	25 MPH
Sir Francis Drake Drive from Providence Road West to cul de sac	25 MPH
Trailing Rock Drive from cul de sac to cul de sac	25 MPH

SECTION 2: Section 1 shall become effective upon adoption by Charlotte City Council 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:

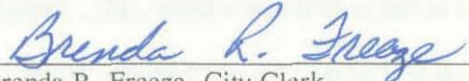


City Attorney

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 an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 100.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 1997.



Brenda R. Freeze, City Clerk

June 9, 1997

Ordinance Book 48, Page 101

ORDINANCE NUMBER: 846-X

0-45

AN ORDINANCE TO AMEND ORDINANCE NUMBER 586-X, THE 1996-1997 BUDGET ORDINANCE, ESTIMATING NCDOT GRANT REVENUES AND PROVIDING AN APPROPRIATION FOR HIGHLAND AVENUE BRIDGE REPLACEMENT.

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

Section 1. That the sum of \$1,120,000 is hereby estimated to be available from North Carolina Department of Transportation.

Section 2. That the sum of \$1,120,000 is hereby appropriated to General Capital Improvement Fund 2010; 248.00 - Bridge Replacement Program.

Section 3. That the Finance Director is hereby authorized to advance the sum of \$1,120,000 from the Powell Bill Fund until such time that the NCDOT grant is received.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective immediately.

Approved as to form:


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 an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 101.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 1997.


Brenda R. Freeze, City Clerk

June 9, 1997

Ordinance Book 48, Page 102

ORDINANCE NUMBER: 847-X

0-46

AN ORDINANCE TO AMEND ORDINANCE NO. 586-X, THE 1996-1997 BUDGET ORDINANCE, ESTIMATING STATE GRANT REVENUES AND PROVIDING AN APPROPRIATION FOR BICYCLE SUITABILITY MAPS.

BE IT ORDAINED by the City Council of the City of Charlotte;

Section 1. That the sum of \$50,000 is hereby estimated to be available from the North Carolina Department of Transportation.

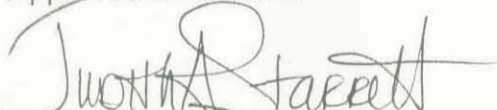
Section 2. That the sum of \$50,000 is hereby appropriated to the Public Transportation Capital Projects Fund (2078; 477.50).

Section 3. That the Finance Director is hereby authorized to advance the sum of \$50,000 from the Transit Fund fund balace to the project until such time that the NCDOT grant is received.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective immediately.

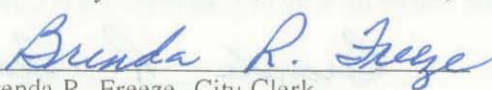
Approved as to form:


Asst. City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 1997.


Brenda R. Freeze, City Clerk

ORDINANCE NO. 848-X

0-47

AN ORDINANCE TO AMEND ORDINANCE NO. 586-X, THE 1996-97 BUDGET ORDINANCE TO PROVIDE AN ADDITIONAL APPROPRIATION TO FUND CONSTRUCTION OF PIPELINE FOR MALLARD CREEK REUSE RECLAMATION PROJECT.

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

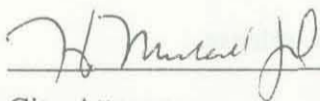
Section 1. That the sum of \$200,000 is available from Water and Sewer Capital Improvement Plan Fund (2071) available unallocated prior sewer bonds.

Section 2. That the sum of \$200,000 is hereby appropriated to the Water and Sewer Capital Improvement Fund (2071) Effluent Reuse Project (Account No. 636.26).

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

Section 5. This ordinance shall become effective upon its adoption.

Approved as to form:

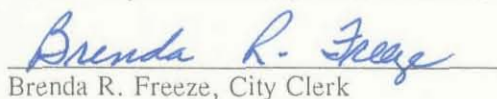


City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 1997.


Brenda R. Freeze, City Clerk

ORDINANCE NO. 849

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE
OF THE CITY OF CHARLOTTE BY THE ADDITION OF A
NEW ORDINANCE CREATING A CITIZENS REVIEW BOARD.

WHEREAS, City Council finds that the citizens of the City of Charlotte have an interest in ensuring the thoroughness and fairness of the Charlotte-Mecklenburg Police Department disciplinary process; and

WHEREAS, City Council finds that the City has broad authority to adopt such an ordinance and that a Citizens Review Board Ordinance is consistent with the broad authority that the City has to execute the powers, duties, and privileges conferred upon it by Chapter 160A of the North Carolina General Statutes and confirmed by the Supreme Court of North Carolina in Homebuilders Association of Charlotte v. City of Charlotte, 336 NC 37 (1994); and

WHEREAS, City Council finds that under the authority of N.C.G.S. 160A-168(c)(7), the City Manager may, with the concurrence of City Council, release information concerning the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action provided that before releasing the information, the City Manager or Council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF CHARLOTTE, NORTH CAROLINA, THAT THE FOLLOWING
ORDINANCE BE ADOPTED: June 9, 1997

ORDINANCE NO. 849 AMENDING CHAPTER 16

An Ordinance creating a Citizens Review Board for the City of Charlotte.

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

Section 1: Chapter 16 of the Charlotte City Code be amended by adding Division 3,
"Citizens Review Board" to read as follows:

**“Section 16-34. Creation; composition; terms; compensation; appointments;
vacancies; quorum; removal.**

There is hereby established a Citizens Review Board to be composed of eleven (11) members; five (5) members to be appointed by City Council, three (3) members by the Mayor and three (3) to be appointed by the City Manager. The appointing authorities shall ensure that the members of the Board are representative of the community. All members shall serve without compensation. Board members shall attend and successfully complete the Charlotte-Mecklenburg Police Department's Citizens' Academy and receive training on relevant legal and policy issues as required by the City Manager. This training must be completed prior to any Board appointee serving as a member of the Board. Terms of office shall be for three (3) years, with no member serving more than two (2) consecutive terms. The initial appointment shall be three (3) years for each member. At the conclusion of the first three (3) year term, five (5) members shall rotate off the Board and the remaining six (6) members may serve another three (3) year term. The City Council shall designate one (1) of the initial members as Chairperson and one (1) member as Vice-Chairperson. Thereafter, the board shall elect a Chairperson and Vice-Chairperson from the membership. When a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position. Individuals with a felony conviction or a Class A1 misdemeanor conviction shall not be eligible to serve on the Board. In addition, individuals with a Class 1 or Class 2 misdemeanor conviction within three (3) years of their nomination for appointment shall be ineligible to serve. Further, conviction of, or a plea of nolo contendere, to a felony, a Class A1 misdemeanor, a Class 1 misdemeanor, or a Class 2 misdemeanor during term of office shall automatically terminate membership on the Board, irrespective of any appeals. Board members charged with a felony, a Class A1 misdemeanor, a Class 1 misdemeanor, or a Class 2 misdemeanor during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership. Six (6) members shall constitute a quorum in order to hold

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF CHARLOTTE, NORTH CAROLINA, THAT THE FOLLOWING
ORDINANCE BE ADOPTED:** June 9, 1997

ORDINANCE NO. 1849 AMENDING CHAPTER 16

An Ordinance creating a Citizens Review Board for the City of Charlotte.

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

Section 1: Chapter 16 of the Charlotte City Code be amended by adding Division 3, "Citizens Review Board" to read as follows:

Section 16-34. Creation; composition; terms; compensation; appointments; vacancies; quorum; removal.

There is hereby established a Citizens Review Board to be composed of eleven (11) members; five (5) members to be appointed by City Council, three (3) members by the Mayor and three (3) to be appointed by the City Manager. The appointing authorities shall ensure that the members of the Board are representative of the community. All members shall serve without compensation. Board members shall attend and successfully complete the Charlotte-Mecklenburg Police Department's Citizens' Academy and receive training on relevant legal and policy issues as required by the City Manager. This training must be completed prior to any Board appointee serving as a member of the Board. Terms of office shall be for three (3) years, with no member serving more than two (2) consecutive terms. The initial appointment shall be three (3) years for each member. At the conclusion of the first three (3) year term, five (5) members shall rotate off the Board and the remaining six (6) members may serve another three (3) year term. The City Council shall designate one (1) of the initial members as Chairperson and one (1) member as Vice-Chairperson. Thereafter, the board shall elect a Chairperson and Vice-Chairperson from the membership. When a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position. Individuals with a felony conviction or a Class A1 misdemeanor conviction shall not be eligible to serve on the Board. In addition, individuals with a Class 1 or Class 2 misdemeanor conviction within three (3) years of their nomination for appointment shall be ineligible to serve. Further, conviction of, or a plea of nolo contendere, to a felony, a Class A1 misdemeanor, a Class 1 misdemeanor, or a Class 2 misdemeanor during term of office shall automatically terminate membership on the Board, irrespective of any appeals. Board members charged with a felony, a Class A1 misdemeanor, a Class 1 misdemeanor, or a Class 2 misdemeanor during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership. Six (6) members shall constitute a quorum in order to hold

business meetings and hearings. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as herein provided. Members must be continually domiciled within Mecklenburg County and must be registered to vote within the County. Prior to serving, each Board member must sign a Confidentiality Agreement that is satisfactory to the City and which shall require that members maintain as confidential any information classified as confidential by state law or otherwise classified as confidential by the City. Members of the Board shall be subject to removal from office by a two-thirds vote of the City Council.

Section 16-35. Meetings.

The Citizens Review Board shall hold regular meetings not less than once a quarter. The affirmative vote of a majority, a quorum being present, shall be required before any recommendation is made on any matter considered. A majority vote shall be required for any decision made by the board. Special meetings may be called by the chairperson to carry out any duties described in Section 16-36 by giving each member notice in writing or by providing personal notice, or by leaving notice at the member's residence not less than seventy-two (72) hours prior to the time set for the meeting.

Section 16-36. Duties and Responsibilities.

(a) The Board's responsibilities are as follows:

1. Serves as an advisory board to the Chief of Police, City Manager, and the City Council;
2. Reviews appeals by the citizens who filed complaints of disciplinary to dispositions imposed by the Chief of Police or his designee relating allegations of misconduct against a sworn police officer. The Board may hear appeals of complaints regarding alleged violations of the following rules: use of force, unbecoming conduct, and arrest, search and seizure. In addition, the disposition of the review of any discharge of firearm by an officer which results in the death or injury of a person may be appealed to this Board by the person injured or the next of kin in the event of a death. When a death results and there is no next of kin, any member of City Council or the Chairman of the Community Relations Committee may file an appeal pursuant to Section 16-37. The disciplinary actions that may be reviewed shall include the findings of the Chief of Police that an allegation has been categorized as: sustained, not sustained, exonerated, unfounded or information file. The dispositions that may be reviewed for discharges of firearms shall include: justified, not justified, or accidental. The Board may review only appeals of citizen complaints arising from incidents that occur after the effective date of this ordinance. The Board may not review

appeals of decisions of the City Manager or the Civil Service Board.

3. Determines whether to hold an appeals hearing. The Board may hold an appeals hearing only when it appears, based upon a preponderance of the evidence, that the disposition of the disciplinary charges entered by the Chief of Police constituted an abuse of discretion by the Chief of Police.
 4. Conducts appeals hearings, which include receiving and evaluating testimony and issuing findings of fact and recommendations to the Chief of Police and the City Manager. The duty and power of the Board is to conduct an appeals hearing and to determine whether by a preponderance of the evidence, the Chief of Police abused his discretion by: (1) finding in a disciplinary action that allegations were sustained, not sustained, exonerated, unfounded, or classified as an information file; or (2) finding in connection with the discharge of a firearm that the officer's action was justified, not justified, or accidental.
 5. As required by state law, board members shall maintain as confidential all personnel information to which they gain access as a member of the Board. In addition, Board members shall be required to execute and adhere to a Confidentiality Agreement that is satisfactory to the City.
- (b) The Citizens Review Board shall promulgate rules and regulations to effect its exercise of authority under this division, and shall keep such rules and regulations on file with the City Clerk.

Section 16-37. Appeal Procedure.

- (a) All complaints will be investigated by the Police Department. Upon completion of an investigation, the Chief of Police shall, consistent with state law, notify the complainant by certified letter of the disposition of the complaint. The complainant also shall be informed of his or her right to appeal the decision of the Department to the Citizens Review Board.
- (b) All appeals to the Citizens Review Board must be filed in writing with the City Clerk's Office. The request must state the reason for the appeal and the nature of the incident. The citizen may seek the assistance of the Community Relations Committee in drafting and filing his or her appeal. The citizen must file this appeal within seven (7) calendar days of receiving written notice of the disposition of the complaint. The citizen must provide a valid current address for the purpose of all notifications required to be made pursuant to this ordinance.
- (c) Upon receiving a request for an appeals hearing, the Chairperson of the Board shall direct the Chief of Police to prepare a summary of the case and forward the same to the Chairperson of the Board. A meeting of the Board will be held to

discuss the request for appeal.

Section 16-38. Necessity for a Hearing.

- (a) Upon receiving a request for an appeals hearing, a meeting of the Board will be held within fourteen (14) calendar days of the request. The Board, in closed session, shall consider the request, the case summary, and by a majority vote, shall determine the necessity for a hearing. An appeals hearing may be held only in those cases in which it appears, by a preponderance of the evidence, that the disposition of the disciplinary charges entered by the Chief of Police constituted an abuse of discretion by the Chief of Police.
- (b) In a public session, the Chairperson shall indicate whether the Board has decided to hold a hearing and if so, shall announce the date, time and place of hearing. The Chairperson shall notify the complainant and other involved parties in writing of the decision and, if a hearing is to be held, also shall advise all parties in writing of the reasons for the decision to hold a hearing.

Section 16-39. Hearing Procedures.

- (a) If the Board decides to conduct a hearing, it shall be concluded within thirty (30) calendar days of the date of the decision to hold an appeals hearing. Should the complainant or Department desire a hearing date other than that set by the Board, they shall submit a written request for a change of hearing date, stating the reason for the request. The Chairperson shall approve or disapprove such request; provided, that such request is received by the Board at least seven (7) calendar days prior to the date of the hearing. For good cause, the Chairperson may continue the hearing from time to time, but all appeals must be concluded within thirty (30) calendar days from the date of the decision to hold an appeals hearing. The hearing shall be conducted in a closed session, with at least six (6) members of the Board present.
- (b) All witnesses must testify under oath.
- (c) All of the proceedings before the Board shall be recorded.
- (d) All parties involved shall have the right to be represented by counsel or any other person of their choice.
- (e) The complainant shall offer evidence first in support of his or her appeal. The Department and officer(s) shall have the right to cross-examine the complainant and his or her witnesses. Thereafter, the Department and officer(s) shall have the right to offer evidence and the complainant shall have the right to cross-examine the Department's and officer's witnesses. At the conclusion of all the evidence, the complainant or his or her representative, followed by the Department and

officer(s), may make a closing statement.

- (f) Members of the Board may question witnesses or request additional information or further investigation at any point in the process.
- (g) Members, who in a particular case have a conflict of interest, shall not attend nor participate in the hearing and decision-making process.
- (h) Within ten (10) calendar days after the conclusion of the hearing, the Board shall issue its written findings of fact to the Chief of Police and the City Manager along with a recommendation. The findings of fact must be supported by a preponderance of the evidence and approved by a majority of the Board who were present at the hearing.

Section 16-40. Action by the Chief of Police and City Manager.

- (a) The Chief of Police shall review the findings of fact of the Citizens Review Board and any other information at his or her disposal. The Chief of Police shall take such action as he or she deems appropriate, consistent with state law and city policy. The Chief of Police will then, within seven (7) calendar days of the receipt of the Board's recommendations, report his or her decision to the City Manager.
- (b) The City Manager shall review the decision of the Chief of Police and within seven (7) calendar days of the receipt of the decision of the Chief of Police, take such action as he or she deems appropriate, consistent with state law, and shall advise the Chief of Police of any intended action.
- (c) The City Manager shall notify all parties, including the Citizen Review Board, of the decision of the City Manager consistent with state law and city policy. The City Manager also shall advise City Council of the outcome of the appeal. Notifications made under this subsection must be made within seven (7) calendar days of the date that the decision of the City Manager was initially communicated to the Chief of Police.

Section 16-41. City Clerk Duties; Meeting Places.

- (a) The City Clerk shall act as Secretary to the Board and shall keep the minutes of its meetings and shall be custodian of all papers and records pertaining to the business of the Board and shall perform such other duties as the Board may require.
- (b) The City Council shall provide sufficient and reasonable rooms and use of public buildings for meetings and hearings of said Board as may be necessary.

June 9, 1997
Ordinance Book 48, Page 110


- (c) The City Manager shall assign staff to support the functions of the Citizens Review Board.

Section 16-42. Reports.

The Board shall make a semi-annual and an annual report of its actions for each preceding year. These reports shall be kept in the files of the Board and a copy delivered to the Chief of Police, City Manager, City Council and the Community Relations Committee."

Section 2: This ordinance shall become effective ninety (90) days after its adoption.

APPROVED AS TO FORM:


Deputy City Attorney

CERTIFICATION

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 an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of June, 1997, the reference having been made in Minute Book 111, and recorded in full in Ordinance Book 48, Page(s) 104-110.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of June, 1997.


Brenda R. Freeze, City Clerk

June 9, 1997

Ordinance Book 48, Page 111

ORDINANCE NO. 850-X

0-48

AN ORDINANCE TO AMEND ORDINANCE NO. 586-X, THE 1996-97 BUDGET ORDINANCE, PROVIDING APPROPRIATIONS TO FUND A PUBLIC INFORMATION CAMPAIGN FOR THE CITIZENS' REVIEW BOARD.

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

Section 1. That the sum of \$20,000 is hereby available from the General Fund- Council Contingency.


Section 2. That the sum of \$20,000 is hereby appropriated for transfer to the Community Relations Committee (6806; 900.59).

Section 3. Completion of this project may extend beyond the end of the fiscal year; therefore, this ordinance will remain in effect for the duration of the process.

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

Section 5. It is the intent of this ordinance to be effective upon its adoption.

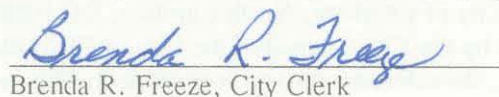
Approved as to form:


City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 1997.


Brenda R. Freeze, City Clerk

June 9, 1997
Ordinance Book 48, Page 112

ORDINANCE NO. 851-X

0-49

AN ORDINANCE TO AMEND ORDINANCE NO. 586-X, THE 1996-97 BUDGET ORDINANCE TO PROVIDE AN ADDITIONAL APPROPRIATION TO FUND A UNIT PRICE INCREASE TO THE BROWNING-FERRIS INDUSTRIES, INC. CONTRACT.

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

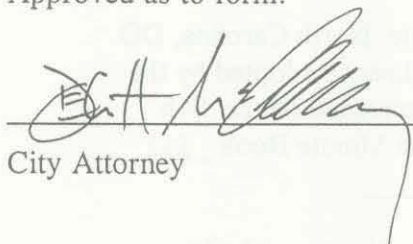
Section 1. That the sum of \$40,000 is available from the General Fund Fund Balance (0101).

Section 2. That the sum of \$40,000 is hereby appropriated to the General Fund Solid Waste Services Privatized Contract Center (520.02.199).

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

Section 5. This ordinance shall become effective upon its adoption.

Approved as to form:

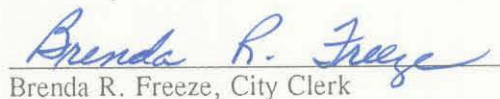


City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of June, 1997.



Brenda R. Freeze, City Clerk