



**ORDINANCE NO.** 1851-X

**ORDINANCE OF THE CHARLOTTE CITY COUNCIL AUTHORIZING THE CHARLOTTE-MECKLENBURG POLICE DEPARTMENT TO SEEK STATE ACCESS TO SBI / DCI CRIMINAL HISTORY RECORD INFORMATION FOR USE IN THE ISSUANCE AND REVOCATION OF DANCE HALL PERMITS**

**WHEREAS**, Article XI., "Dance Hall Businesses" of Chapter 6, "Businesses and Trades" of the Charlotte City Code provides for the permitting of dance hall businesses in the City of Charlotte; and

**WHEREAS**, Section 6-158(a) of the Code provides that the chief of police of the Charlotte-Mecklenburg Police Department is responsible for issuing dance hall business permits; and

**WHEREAS**, Section 6-159(b)(7) of the Code provides for the denial of a dance hall business permit if an applicant or any individual identified in an application has been convicted of certain criminal offenses within certain time parameters; and

**WHEREAS**, Section 6-165(b)(8) of the Code provides for the revocation of a dance hall business permit if a permittee, owner, or operator of a dance hall business has been convicted of those same criminal offenses after the issuance of the permit; and

**WHEREAS**, Section 6-159(b)(7) of the Code sets forth the above-referenced criminal offenses as follows: Any felony; any misdemeanor offense of or equivalent to North Carolina General Statutes §14-190.9, Indecent exposure; §14-202, Secretly peeping into room occupied by female person; §14-33, Assault; §14-34, Assault by pointing gun; §14-32.1, Assault on handicapped person, §14-288.9 Assault on emergency personnel; §14-318.2, Child abuse; §14-401.14, Ethnic intimidation; §14-277.1, Communicating threats; §14-196, Harassing phone calls; §14-277.3, Stalking; §14-269, Carrying concealed weapon; §14.269.7, Possession of handgun by minor; §14-315.1, Storage of firearm to protect minors; §14-269.3, Carrying weapon where alcoholic beverages are sold and consumed; §14-277.2, Weapons at parades; §14-204, 204.1, Prostitution, Loitering for prostitution; §14-190.5, Preparation of obscene photographs; §14-190.14, 190.15(a), Displaying/ Disseminating material harmful to minors; §14-190.15(b), Exhibiting harmful performances to minors; §14-316.1, Contributing to the delinquency of a minor; any misdemeanor offense under Articles 5, 5A, or 5B of Chapter 90 of the North Carolina General Statutes; the Common law offenses of False imprisonment or Going armed to the terror of the people; or any violation of dance hall regulations of any other city, county, or state; and

**WHEREAS**, in order to determine whether an applicant or an individual identified in an application for a dance hall business permit or a permittee, owner, or operator of a dance hall business has been convicted of any of the above-referenced criminal offenses, the Charlotte-Mecklenburg Police Department desires State access to

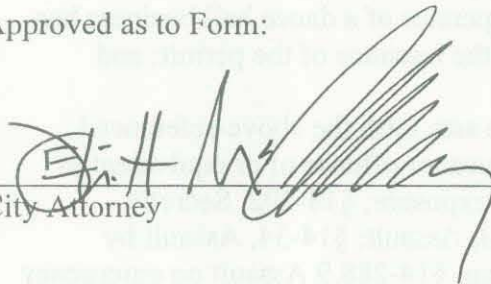
the SBI / DCI Criminal History Record Information to obtain criminal history information on all such persons; and

**WHEREAS**, the Charlotte-Mecklenburg Police Department will obtain said criminal history information on each such person based on the identification information regarding that person contained in the application for the dance hall business license; and

**WHEREAS**, if said criminal history information reveals that any such person has been convicted of any of the above-referenced criminal offenses, as prescribed by Sections 6-159(b)(7) and 6-165(b)(8) of the ordinance, the chief of police of the Charlotte-Mecklenburg Police Department will deny or revoke the dance hall business permit in question;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Charlotte that the Charlotte-Mecklenburg Police Department is hereby authorized to seek State access to the SBI / DCI Criminal History Record Information to obtain criminal history information on an applicant or an individual identified in an application for a dance hall business permit or a permittee, owner, or operator of a dance hall business.

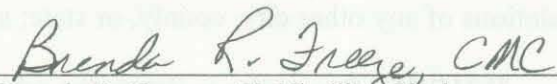
Approved as to Form:

  
\_\_\_\_\_  
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 25<sup>th</sup> day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Ordinance Book 51, Pages 129-130.

**WITNESS** my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of June, 2001.

  
\_\_\_\_\_  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1852-X

0-88

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1620-X, REVISING ESTIMATED FEDERAL AND STATE GRANT REVENUES AND PROVIDING AN APPROPRIATION FOR PRELIMINARY ENGINEERING/EIS FOR THE SOUTH CORRIDOR.

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

Section 1. That estimated revenues included in Ordinance Number 1620 - X (approved by City Council on October 10, 2000) are hereby revised to reflect the following:

Source	Original Estimate	Revised Estimate
FTA Grant	\$2,900,000	\$ 3,117,000
NCDOT Grant	1,450,000	1,558,500
Transfer from Fund 7801;814.00	1,450,000	1,558,500
Total	\$5,800,000	\$ 6,234,000

Section 2. That the sum of \$6,234,000 is hereby appropriated to the Rapid Transit Capital Project Fund (2098) 894.20 - South Corridor Engineering/EIS.

Section 3. This ordinance estimates Federal and State grant participation in the project. Upon receipt of grant assistance, the sources and levels of funding for the project specified in Section 1, above, may be adjusted to reflect permanent financing. Until permanent financing is achieved, the Finance Director is hereby authorized to advance funding from Fund 7801 fund balance to cover estimated grant revenues specified in Section 1, above. Upon receipt of grant revenues, funds advanced to the project shall revert back to the Fund 7801 fund balance. The total project appropriation level will not increase above that specified in Section 2, unless adjusted by subsequent ordinance.

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

Section 5. This ordinance shall be effective immediately.

Approved as to Form:

J. D. ...  
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 25th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Ordinance Book 51, Page(s) 131.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of June, 2001.

Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 1853-X

0-89

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE 2000-2001 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR LAND ACQUISITION FOR WATERSHED PROTECTION

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

- Section 1. That the sum of \$1,126,000 is hereby estimated to be available prior General Obligation Sewer Bonds (2071-43530-4110).
- Section 2. That the sum of \$1,126,000 is hereby appropriated to the Land Acquisition for Watershed Protection account (637.28) in the Water and Sewer Capital Project Fund (2071).
- Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

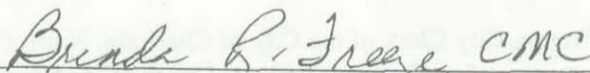
Approved as to form:

  
City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of June, 2001.

  
Brenda R. Freeze, CMC, City Clerk

AMENDING CHAPTER 23

ORDINANCE NO. 1854

AN ORDINANCE AMENDING CHAPTER 23 ENTITLED "WATERS. SEWERS AND SEWAGE DISPOSAL" OF THE CODE OF THE CITY OF CHARLOTTE.

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

Section 1. Amend Chapter 23 by deleting Section 23-10 in its entirety and substituting the following in lieu thereof:

**Sec. 23-10. Surcharge for treatment of industrial wastes.**

(a) All users discharging industrial wastes into the CMUD system shall be billed monthly for a surcharge, covering the entire cost to the CMUD of treating all wastes having a cBOD in excess of two hundred thirty-five (235) mg/l, suspended solids in excess of two hundred fifty (250) mg/l, and ammonia in excess of twenty (20) mg/l. The surcharge shall be levied in addition to the existing sewer service charge.

(b) The amount of surcharge shall be set forth in the schedule of current rates, fees and charges.

(c) The surcharge is to be derived in accordance with the water and sewer rate methodology documents described in section 23-83. The city manager shall fix the rate to be charged during the new fiscal year at the beginning of such fiscal year for the following:

(1) The cBOD in excess of two hundred thirty-five (235) mg/l discharged into the system;

(2) For suspended solids in excess of two hundred fifty (250) mg/l discharged into the system;

(3) For ammonia in excess of twenty (20) mg/l discharged into the system;

(4) For an industrial waste control charge per one hundred (100) cubic feet of wastewater discharged into the system; and

(5) For a commercial volume charge per one hundred (100) cubic feet of wastewater discharged into the system.

(d) The bill for such surcharge shall be prepared in accordance with the provisions of sections 23-4 and 23-5 of this chapter. Such bill shall be payable as provided in section 23-5 of this chapter, and delinquent fees and charges shall be assessed and collected as set forth in section 23-5.

Section 2. Section 23-43 shall be amended by adding the following definitions:

*Ammonia (NH<sub>3</sub>).* A nitrogen compound found in wastewaters, usually expressed as a concentration (milligrams per liter (mg/l)).

*Carbonaceous biochemical oxygen demand (cBOD).* The quantity of oxygen utilized in the biochemical oxidation of the carbonaceous compounds in organic matter under standard laboratory procedures, usually expressed as a concentration (milligrams per liter (mg/l)).

Section 3. Section 23-43 shall be amended by deleting the definition of "Pollutant" in its entirety and substitution the following in lieu thereof:

*Pollutant.* Any "waste" as defined in N.C.G.S. 143-213.18 and dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial waste, municipal waste, agricultural waste, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, cBOD, NH<sub>3</sub>, COD, toxicity, or odor).

Section 4. Section 23-44 shall be amended by adding the following abbreviations and designated meanings and by renumbering the remaining subsections accordingly:

(2) cBOD: Carbonaceous biochemical oxygen demand.

(15) NH<sub>3</sub>: Ammonia-nitrogen

Section 5. Section 23-45 shall be amended by adding the letters "cBOD" within the parenthesis on line 2 of subsection (b)(4), and by adding the number "235.0" in column one immediately above the number "250.0", and adding the letters "cBOD" in column two immediately above the letters "TSS", and changing the number "30.0" in column one to

"20.0".

Section 6. Amend Section 23-83, subsection (a), by adding the following words after the date "March 26, 2001":

"and as further amended by the "Fifth Amendment to the Water and Sewer Rate Methodology Documents," dated June 25, 2001."

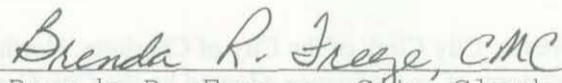
Section 7. This ordinance shall become effective July 1, 2001.

Approved as to form:

  
Sr. Deputy City Attorney

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 25th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Ordinance Book 51, pages 133-135.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of June, 2001.

  
Brenda R. Freeze, City Clerk



ORDINANCE NUMBER: 1855-X


0-90

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE 2000-2001 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION TO FUND A DUKE ENERGY HANGAR SITE PREPARATION WORK

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

- Section 1. That the sum of \$475,000 is hereby estimated to be available from Airport Discretionary Funds to be repaid from the proceeds of future General Airport Revenue Bonds.
- Section 2. That the sum of \$475,000 hereby appropriated to the Airport Capital Improvement Fund 2073, 56310
- Section 3. That the existence of this program may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.
- Section 4. It is the intent of this ordinance to be effective upon its adoption.

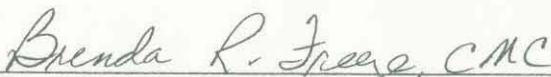
Approved as to form:

  
\_\_\_\_\_  
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 25th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Ordinance Book 51, Page(s) 136.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of June, 2001.

  
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Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1856-X

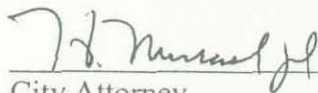
0-91

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE 2000-2001 BUDGET  
ORDINANCE, PROVIDING AN APPROPRIATION TO FUND A CONTRACT FOR  
RELOCATION OF THE FIELD MAINTENANCE YARD

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

- Section 1. That the sum of \$404,278 is hereby estimated to be available from Airport Discretionary Funds to be repaid from the proceeds of future General Airport Revenue Bonds.
- Section 2. That the sum of \$404,278 hereby appropriated to the Airport Capital Improvement Fund 2087, 52931
- Section 3. That the existence of this program may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.
- Section 4. It is the intent of this ordinance to be effective upon its adoption.

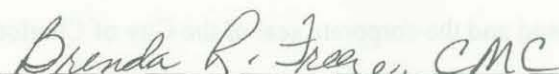
Approved as to form:

  
\_\_\_\_\_  
City Attorney

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of June, 2001.

  
\_\_\_\_\_  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1857-X

0-92

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE 2000-2001 BUDGET  
ORDINANCE, PROVIDING AN APPROPRIATION TO FUND A CHANGE ORDER FOR THE  
RAMP "E" CONSTRUCTION CONTRACT

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

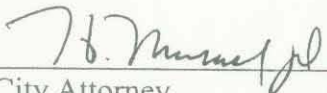
Section 1. That the sum of \$752,529 is hereby estimated to be available from Airport  
Discretionary Funds to be repaid from the proceeds of future General Airport Revenue  
Bonds.

Section 2. That the sum of \$752,529 hereby appropriated to the Airport Capital Improvement  
Fund 2087 as follow:  
52929 - \$92,050  
52931 - \$185,500  
52932 - \$474,979

Section 3. That the existence of this program may extend beyond the end of the fiscal year.  
Therefore, this ordinance will remain in effect for the duration of the program and  
funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. It is the intent of this ordinance to be effective upon its adoption.

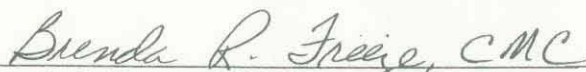
Approved as to form:

  
\_\_\_\_\_  
City Attorney

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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 25th day of June, 2001, the reference having been made in Minute Book 116, and recorded in  
full in Ordinance Book 51, Page(s) 138.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of June, 2001.

  
\_\_\_\_\_  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1858-X

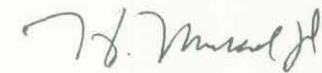
0-93

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE FY2000-2001 BUDGET  
ORDINANCE, PROVIDING AN APPROPRIATION FOR REFUNDING 1994 STADIUM PARKING  
DECK CERTIFICATES OF PARTICIPATION.

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

- Section 1. That the sum of \$8,200,000 is hereby estimated to be available from the sale of the Stadium Parking Deck.
- Section 2. That the sum of \$8,200,000 is hereby appropriated within the Municipal Debt Service Fund for transfer to the escrow agent to refund the 1994 Stadium Parking Deck Certificates of Participation.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective immediately.

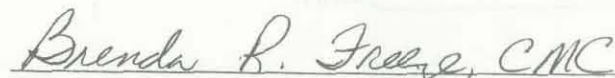
Approved as to Form:

  
S. Dep. 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 25th day of June, 2001, the reference having been made in Minute Book 116, and recorded in full in Ordinance Book 51, Page(s) 139.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of June, 2001.

  
Brenda R. Freeze, CMC, City Clerk