

**1994-1995
Charlotte-Mecklenburg
Charter Drafting Committee**

**Final Report
Preliminary Charter
Supplemental Materials**

**Presented to the Charlotte City Council and
Mecklenburg County Board of Commissioners
May 8, 1995**

**OVERVIEW OF PRELIMINARY CHARLOTTE-MECKLENBURG
METROPOLITAN GOVERNMENT CHARTER
(AS PREPARED BY THE CHARTER DRAFTING COMMITTEE)
APRIL 28, 1995**

INTRODUCTION

This Overview is designed to provide the Charlotte City Council and the Mecklenburg County Board of Commissioners with a brief explanation of several key concepts of the Preliminary Charter and of consolidation which will assist in gaining an understanding of how the proposed consolidated city-county government would operate.

GENERAL PROVISIONS

The Preliminary Charter would consolidate the powers, duties, rights, privileges, functions and immunities of the City of Charlotte with those of Mecklenburg County, to be exercised by a government known as "Charlotte-Mecklenburg Metropolitan Government" or "Metro-Government". The Metro-Government would have all of the powers of both a city and a county and would perform all the duties and serve all the purposes required of counties under the Constitution and laws of the State of North Carolina.

FORM OF GOVERNMENT

The Preliminary Charter provides for an 11-member Council, with 6 members nominated in and elected from districts and 5 members elected at large. The presiding officer of the Council would be designated as "Mayor" and would be elected at large. All elections would be partisan. The Mayor would have no vote except in the event of ties, on

protested zoning petitions, and on the selection/dismissal of the Metro-Government Manager, Attorney and Clerk. The Mayor would have the right to veto any action adopted by the Council except for certain appointments, the adoption of the budget, and matters which must be approved by the voters. Any action vetoed by the Mayor could be overturned by the vote of 7 members of Council. The Mayor would also have one-third of all appointments. The Mayor and the 11 voting members of Council would be elected for two-year terms beginning December 1, 1997.

The Mayor and Council would select a Manager who would be the chief administrator of the Metro-Government. He would be responsible to the Council for the administration of all departments of the Government under the Council's general control. The Mayor and Council would also select the Metro-Government Attorney and Clerk.

The Metro-Government Council would have the same relationship to County offices and agencies as currently exists between the Board of County Commissioners and these offices and agencies. Examples of such offices and agencies include the following: Board of Education, Board of Elections, Public Library of Charlotte and Mecklenburg County, Register of Deeds, and Sheriff.

SERVICE DISTRICTS

The Metro-Government Council would be authorized to levy property taxes County-wide to pay for services which are to be provided throughout the County. Under the statutes which govern consolidated cities-counties, the geographical area formerly within the Charlotte City limits would become an urban service district. The Metro-Government Council would also be able to levy additional property taxes within the urban service district

to pay for services which are only provided within the urban service district, or which are provided to a greater extent within the urban service district than are provided County-wide. As areas adjacent to the urban service district become urbanized, the Metro-Government Council could annex these areas into the urban service district.

The Preliminary Charter also proposes that the Metro-Government would have the authority to create a suburban service district consisting of all area outside of the urban service district which is also outside of the corporate limits of the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville (the area now referred to as the unincorporated area). The Metro-Government would have the authority to levy additional property taxes within the suburban service district to pay for services not provided County-wide which are provided within the suburban service district, or which are provided to a greater extent within the suburban service district than are provided County-wide.

POWERS OF METRO-GOVERNMENT

The Metro-Government would have all the powers which are granted to counties to provide services County-wide (including within the Towns) and to provide services in the suburban service district. Some of the services which the Metro-Government would have the authority to provide County-wide are as follows: public health, social services, mental health, and parks. The County-wide tax rate could also provide funds to support services such as the schools, libraries, elections, Sheriff's Office and Register of Deeds.

The Metro-Government would also have all of the powers of a municipality, and would be able to exercise those powers within the urban service district. In addition, the Preliminary Charter proposes that some powers which are currently exercisable only by

municipalities within their corporate limits could be exercised by the Metro-Government in the suburban service district. Those services which can be provided both within the urban service and in the suburban service district are set forth in Chapters 5 and 6 of the Preliminary Charter. The authority to maintain and regulate streets, to levy a motor vehicle tax, and expanded authority to levy a business license tax are significant municipal powers which the Preliminary Charter would authorize the Metro-Government to exercise in the suburban service district.

The Preliminary Charter and the companion legislation also propose to carry forward for the Metro-Government all powers currently exercisable by either Mecklenburg County or the City of Charlotte and, except as provided in Chapters 5 and 6, restrict the exercise of these powers by the Metro-Government to the areas within which either the City of Charlotte or Mecklenburg County could exercise the powers currently granted to these governments.

CONTINUING MUNICIPAL CORPORATIONS

The Preliminary Charter provides that it will not interfere with the authority of any of the Towns to enjoy the powers which they have as municipalities. It further provides that no municipality may exercise any power within the urban service district of the Metro-Government, and that the annexation agreements (sometimes referred to as spheres of influence agreements) entered into between the Towns and the City of Charlotte would continue and would be enforceable against the Towns and the Metro-Government in accordance with their terms.

CHANGES IN FORM AND STRUCTURE OF METRO-GOVERNMENT

The Preliminary Charter provides, much like current law available to cities and counties, that certain aspects of the form of the Metro-Government could be changed without the necessity of obtaining permission from the General Assembly. These include changes in the name of the government, in the name of the governing board, in the terms of office of members of the governing board, in the number of members of the governing board, in the mode of election of the governing board, in whether elections are partisan or non-partisan, in the method of selection of the Mayor, and in whether the government would be operated under the council-manager form of government or some other form of government. The method for making any of these changes differs from current City-County authority. The Preliminary Charter proposes that such changes could be made only if approved by the voters in a referendum called either by the Council or by a stated number of voters of the Metro-Government.

PRELIMINARY CHARTER
OF THE CHARLOTTE-MECKLENBURG
METROPOLITAN GOVERNMENT

Approved by
CHARLOTTE-MECKLENBURG
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April 28, 1995

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CHAPTER 1

GENERAL PROVISIONS

Article 1. Establishment.

Article 2. Powers.

Article 3. Service Districts.

ARTICLE 1. ESTABLISHMENT.

Sec. 1-1. Consolidated government established.

(a) The powers, duties, rights, privileges, functions and immunities of the City of Charlotte are consolidated with those of the County of Mecklenburg. These consolidated powers, duties, rights, privileges, functions and immunities shall be exercised and enjoyed by a government for Mecklenburg County known as "Charlotte-Mecklenburg Metropolitan Government" (herein called the "Metro-Government"). The Metro-Government is the legal successor to the separate governments of the City of Charlotte and the County of Mecklenburg. Mecklenburg County continues as a political subdivision of the State of North Carolina, and the Metro-Government shall perform all the duties and serve all the purposes required of counties under the Constitution and laws of the State of North Carolina.

(b) The City of Charlotte is abolished as an independent municipal corporation.

Sec. 1-2. Boundaries.

The Metro-Government has jurisdiction and extends territorially throughout Mecklenburg County.

ARTICLE 2. POWERS.

Sec. 1-21. Corporate powers.

The inhabitants of Mecklenburg County are a body politic and corporate under the name of "Charlotte-Mecklenburg Metropolitan Government." Under that name they are vested with all the property and rights in property belonging to the corporation; have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold any property and rights in property, real and personal, that may be devised, bequeathed, sold or in any manner conveyed, dedicated to, or otherwise acquired by the corporation, and from time to time may hold, invest, sell, or dispose of the property and rights in property; may have a common seal and alter and renew it at will; and have and may exercise in conformity with this Charter and the laws of this State all county and municipal powers, duties, rights, privileges, functions, and immunities of every name and nature.

Sec. 1-22. Grant of county and municipal powers.

(a) Except as otherwise provided in this Charter, the Metro-Government and

its officers and employees may exercise and enjoy (1) all the powers, duties, rights, privileges and immunities that counties at or after the effective date of this Charter may exercise and enjoy under the Constitution and general laws of the State of North Carolina; (2) all the powers, duties, rights, privileges and immunities that incorporated municipalities at or after the effective date of this Charter may exercise and enjoy under the Constitution and general laws of the State of North Carolina and 3) all the powers, duties, rights, privileges and immunities granted by all local acts. As used herein, "Charter" shall mean all of the terms and provisions set forth herein and all express amendments hereto and shall not include any other local act. As used herein, "local act" shall mean an act of the General Assembly applying to Mecklenburg County by name or by description (not including any general statute) and an act of the General Assembly remaining in force and which applied to the City of Charlotte by name or by description (not including any general statute) prior to the effective date of this Charter.

(b) Except as otherwise provided in this Charter, the Metro-Government may exercise throughout its jurisdiction any power, duty, right, privilege, function or immunity granted by this Charter.

(c) In exercising any power, duty, right, privilege, function or immunity, the Metro-Government shall follow the procedures, if any, set out in this Charter. If this Charter contains a procedure that does not purport to

include all acts necessary to exercise the power, duty, right, privilege, function or immunity, the Charter procedure shall be supplemented by the general law procedure; but in case of conflict or inconsistency between the two procedures, the Charter procedure shall control; provided that, in any conflict or inconsistency between the procedures set forth in this Charter and those in Articles 2 and 3 of the act enacting this Charter, the provisions of said Articles shall control. If no procedure is set out in this Charter, the Metro-Government shall follow the procedure set out in any general or applicable local law granting the power, duty, right, privilege, function or immunity; and if two or more statutes, including any local acts other than this Charter, grant the same power, duty, right, privilege, function or immunity, but with differing procedures, the Metro-Government may choose the statute under which it will proceed.

(d) The procedure set out in any statute, when employed by the Metro-Government, is deemed amended to conform to the structure and administrative organization of the Metro-Government. If a statute refers to the governing body of a county or municipality, the reference, except as otherwise provided in this Charter, means the Council; and a reference to a specific official means the official of the Metro-Government who most nearly performs the same duties performed by the specific official. If there is doubt as to the appropriate official, the Council may by resolution designate an appropriate official to act

as fully as if his office were specified in the statute.

(e) The Metro-Government may exercise within the portion of any municipality located in Mecklenburg County only those powers, duties, rights, privileges, functions, and immunities that Mecklenburg County could exercise county-wide immediately prior to the effective date of this Charter, or that North Carolina counties are, subsequent to the effective date of this Charter, authorized by general law to exercise county-wide, or that the Metro-Government is authorized by a municipality to exercise within such municipality.

ARTICLE 3. SERVICE DISTRICTS.

Sec. 1-31. Urban service districts.

(a) The Council may define and revise urban service districts under applicable law. It is the intent of this Charter that the Council will define an urban service district comprised of the total area within the boundaries of the City of Charlotte immediately before the effective date of this Charter.

(b) The Metro-Government Manager shall cause the preparation of a map to be designated "Urban Service District Map" showing the urban service district boundaries as established by the Council. The Metro-Government Manager may also cause the preparation of a written description of the boundaries as shown on said map, to be designated "Description of Urban Service District Boundaries." Said map and any description shall be retained permanently in the office of the Metro-Government Clerk as the official map and description of the urban service

district boundaries of the Metro-Government. Immediately upon alterations of the urban service district boundaries made pursuant to law from time to time, the Metro-Government Manager shall cause appropriate changes in or additions to said official map and description(s) to be made. A redrawn map and rewritten description(s) shall supersede for all purposes the earlier maps and description(s) which are respectively replaced. Photographic, typed or other copies of said official map or description(s), certified by the Metro-Government Clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description(s).

Sec. 1-32. Suburban service district.

(a) The Council may define and revise a suburban service district under applicable law.

(b) IF the Council creates a suburban service district, the Metro-Government Manager shall cause the preparation of a map to be designated "Suburban Service District Map" showing the suburban service district boundaries as established by the Council. The Metro-Government Manager may also cause the preparation of a written description of the boundaries as shown on said map, to be designated "Description of Suburban Service District Boundaries." Said map and any description shall be retained permanently in the office of the Metro-Government Clerk as the official map and description of the suburban service district boundaries of the Metro-Government. Immediately upon alterations of the

suburban service district boundaries made pursuant to law from time to time, the Metro-Government Manager shall cause appropriate changes in or additions to said official map and description(s) to be made. A redrawn map and rewritten description(s) shall supersede for all purposes the earlier maps and description(s) which are respectively replaced. Photographic, typed or other copies of said official map or description(s), certified by the Metro-Government Clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description(s).

Chapter 2

COUNCIL AND MAYOR

- Article 1. Council: Composition, Terms, Qualifications and Compensation.
- Article 2. Council: Organization and Procedures.
- Article 3. Council: Powers and Duties.
- Article 4. Mayor.

ARTICLE 1. COUNCIL: COMPOSITION,

TERMS, QUALIFICATIONS AND COMPENSATION.

Sec. 2-1. Composition of the Council; terms.

(a) The Metro-Government Council shall consist of eleven (11) members, six (6) district members and five (5) at large members. Each district member shall be nominated and elected by the qualified voters of his district only. Each at large member shall be nominated and elected by all the qualified voters of the Metro-Government. All members of the Council shall serve two (2) year terms beginning the first Monday in December after the regular Metro-Government election at which they were elected, but members shall continue to serve until their successors are elected and qualified.

(b) Prior to the beginning of the terms of the members of the initial Council elected pursuant to Section 2-1, the governing board of the Metro-Government shall consist of those persons holding office as the Mayor of the City of Charlotte and as members of the governing boards of the City of Charlotte and Mecklenburg County immediately prior to the effective date of this Charter and such persons as may be appointed to fill vacancies, if any, on such governing board of the Metro-Government.

Sec. 2-2. Qualifications.

No person shall be eligible to be nominated or elected to the Council, or to serve thereon, unless he is a qualified voter and actual resident of Mecklenburg County. In addition, no person shall be eligible to be nominated or elected to a district seat on the Council, or serve thereon as a district member, unless he is an actual resident of the district.

Sec. 2-3. Vacancies.

(a) If any elected Council member shall refuse to be qualified, or if there is a vacancy in the office of a Council member after election and qualification, the Council shall fill such vacancy by appointment of a qualified voter and actual resident of Mecklenburg County for the unexpired term. Provided, that in the case of a vacancy in the office of a district member, the person so appointed to fill such vacancy shall be an actual resident of the district.

(b) If the number of vacancies on the Council is such that a quorum of the Council cannot be obtained, the Mayor shall appoint enough members to make up a quorum, and the Council shall proceed to fill the remaining vacancies. If the number of vacancies on the Council is such that a quorum cannot be obtained and the office of Mayor is vacant, the Governor may fill enough vacancies to make up a quorum upon the request of any remaining member of the Council, or upon the petition of any five registered voters of the Metro-Government.

(c) A person appointed to fill a vacancy in the office of a Council member shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. Council members appointed to fill vacancies shall have the same powers and authority as regularly elected Council members.

ARTICLE 2. COUNCIL: ORGANIZATION AND PROCEDURES.

Sec. 2-21. Oath of office; organizational meeting.

The newly elected Mayor and members of the Council shall assemble on the first Monday in December after the regular Metro-Government election at which they were elected, and the Mayor and members of the Council shall severally make oath before the Clerk, or Mayor of the Metro-Government, or any officer qualified to administer oaths, to perform faithfully the duties of their respective offices. A quorum being present, the Council shall thereupon elect from its

members a Mayor Pro Tempore who shall hold his office until the first Monday in December after the next regular Metro-Government election, unless he shall resign his office of Mayor Pro Tempore at an earlier date. Any member entitled to make the aforesaid oath who was not present at the time fixed therefor may make oath at any time thereafter.

Sec. 2-22. Meetings.

The Council shall hold a regular meeting at least once a month, and may hold more frequent regular meetings. The Council shall fix suitable times for its regular meetings. A majority of the members of the Council, the Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, may call special or emergency meetings.

Sec. 2-23. Quorum; procedure; voting.

(a) Six (6) members of the Council shall constitute a quorum. No member shall be excused from voting except upon matters involving the consideration of his own official conduct, involving his financial interest, or when the member failed to attend the entire hearing on a request for the issuance of a special use permit. In all other cases a failure to vote by a member who is present or who, having been present, has withdrawn from the meeting without being excused by the Council, shall be deemed an affirmative vote and shall be so recorded. A member who has withdrawn from a meeting, whether excused or not excused, shall not be counted as present for purposes of determining a quorum.

(b) Its meetings shall be public, except as otherwise authorized by law. The Mayor, who shall be the official head of the Metro-Government, shall preside, if present, but shall have no vote except in case of a tie, or as provided herein.

(c) A favorable vote of Council shall be required for the passage of any motion or resolution.

(d) To be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all the members of the Council. If the ordinance receives a favorable vote of Council but is not approved by all the members of the Council, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the Council. If it then or at any time thereafter within 100 days of its introduction receives a favorable vote of Council, the ordinance is adopted.

(e) No ordinance making a grant, renewal, extension, or amendment of any franchise shall be finally adopted until it has received a favorable vote of Council at two regular meetings of the Council, and no such grant, renewal, extension or amendment shall be made otherwise than by ordinance. Except as otherwise provided in this Section or other applicable law, ordinances will be deemed adopted upon a favorable vote of Council upon one reading.

(f) For purposes of this Section, "a favorable vote of Council" is six (6) or more affirmative votes of Council members, or five (5) of such affirmative votes, together with the affirmative vote of the Mayor, in case of a tie vote.

(g) The Mayor shall have a vote in the consideration of amendments to zoning ordinances when said amendments are the subject of a valid protest as provided by Section 7-19 of this Charter. In voting on amendments to zoning ordinances, the Mayor shall be deemed a member of the legislative body as that term is used in General Statute 160A-385. The Mayor shall have a vote in the consideration of the employment or dismissal of the Metro-Government Manager, Attorney and Clerk.

(h) Except for Council appointments to committees, boards and commissions; its employment of the Metro-Government Manager, the Attorney and the Clerk; its internal affairs; adoption or amendment of the budget ordinance or any project ordinance; and matters which must be approved by the voters, the Mayor may veto any action adopted by the Council. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the Mayor shall automatically be on the agenda at the next regular meeting of the Council (unless considered at an earlier special meeting), but shall not become effective unless it is readopted by the Council with at least seven (7) members voting in the affirmative.

(i) The Mayor Pro Tempore, when presiding over a Council meeting, shall

have the right to vote upon all questions, but shall have no additional vote in case of a tie, and shall not have veto power. In the absence of both the Mayor and the Mayor Pro Tempore, a Chairman Pro Tempore shall be chosen to preside at such meeting, and, when so presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie.

ARTICLE 3. COUNCIL: POWERS AND DUTIES.

Sec. 2-31. Powers of Council.

(a) All the legislative powers of the Metro-Government shall be vested in the Council.

(b) In addition to other powers conferred by law, the Council may adopt and provide for the execution of such ordinances, rules and regulations not inconsistent with this Charter, as may be necessary or appropriate for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the Metro-Government and its inhabitants, and may prescribe rules governing its procedures not in conflict with this Charter.

Sec. 2-32. Duties of Council.

(a) The Council shall appoint the Metro-Government Manager, Attorney and Clerk, each of whom shall hold office at the pleasure of the Council.

(b) The Council shall adopt and issue a code of its ordinances.

ARTICLE 4. MAYOR.

Sec. 2-41. Qualifications; terms; vacancy.

(a) No person shall be eligible to be nominated or elected to the office of Mayor, or to serve thereas, unless he is a qualified voter and actual resident of Mecklenburg County. The Mayor shall be elected at large by and from the qualified voters of the Metro-Government for a two-year term beginning the first Monday in December after the regular Metro-Government election at which he was elected, but the incumbent shall continue to serve until his successor is elected and qualified.

(b) If any elected Mayor shall refuse to be qualified, or if there is a vacancy in the office of Mayor after election and qualification, the Council shall fill such vacancy by appointment of a qualified voter and actual resident of Mecklenburg County for the unexpired term, and a Mayor so selected shall have the same power and authority as a regularly elected Mayor.

(c) A person appointed to fill a vacancy in the office of Mayor shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party.

Sec. 2-42. Powers and duties.

(a) Consistent with the provisions of this Charter, the Mayor has all the powers, duties, rights, privileges, functions and immunities granted to and imposed on chairmen of boards of county commissioners and mayors of

municipalities by the general laws of North Carolina. In addition, he shall have the following powers: (1) to call upon the local military, under an order of the Governor of the State, for the suppression of any riot or public disturbance, and (2) within an urban service district, to appoint special policemen who are otherwise qualified for any special occasions, and special firemen in the case of an emergency.

(b) The Mayor, the Metro-Government Manager, or the designated representative of either, shall sign all written contracts or obligations of the Metro-Government, and no contract or obligation of the Metro-Government required to be in writing shall be binding upon the Metro-Government unless signed by the Mayor, the Metro-Government Manager or his designated representative.

(c) The Mayor shall have authority to administer oaths in any transactions or proceedings connected with the Metro-Government; and all official oaths of Council members, police chiefs, fire chiefs or firefighters or other officers of the Metro-Government may be administered by the Mayor.

(d) The Mayor shall have authority to require the official head of each department of the Metro-Government appointed by the Council or the Metro-Government Manager to exhibit his official records, books and papers, and the refusal of any officer, when so required, shall be deemed a forfeiture and the abandonment of his position. With consent of the Council he may employ experts to examine the affairs of any department of the Metro-Government, when he deems

it necessary. In all cases of investigation of any department or any charges against any officers or employees of the Metro-Government, he shall have the power to administer oaths, subpoena and compel the attendance of witnesses and the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this Section, the Mayor may apply to the General Court of Justice for an order requiring that his order be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all necessary parties. No testimony of any witness before the Mayor pursuant to a subpoena issued in exercise of the power conferred by this Section may be used against him in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. If any person, while under oath at an investigation by the Mayor, willfully swears falsely, he is guilty of a Class 1 misdemeanor.

(e) The Mayor shall, from time to time, give the Council information about the condition of the Metro-Government affairs and recommend for consideration such measures as he deems best for the Metro-Government.

(f) The Mayor shall, whenever he deems it necessary, require the members of the several departments of the Metro-Government appointed by the Council or Metro-Government Manager to meet with him at a time and place designated for consultation and advice upon the affairs of the Metro-Government.

(g) Under a plan adopted by the Council, the Mayor shall appoint one-

third (1/3) of the members, and the Council shall appoint two-thirds (2/3) of the members of all boards, commissions, committees and authorities.

(h) The Mayor shall be an ex-officio member of all boards, commissions, committees and authorities elected or appointed by the Council or the Mayor, but he shall serve upon the same in an advisory capacity only and shall not have a vote.

(i) In the absence or incapacity of the Mayor, all his duties, powers and obligations shall be vested in the Mayor Pro Tempore.

Chapter 3

ADMINISTRATION

Article 1. In General.

Article 2. Metro-Government Manager.

Article 3. Personnel Administration.

Article 4. Civil Service.

ARTICLE 1. IN GENERAL.

Sec. 3-1. Organization.

The Council may by ordinance create, combine, consolidate, and abolish such offices, positions, and departments as it may from time to time deem best for the operation of the Metro-Government, except as otherwise provided by this Charter or by the applicable general laws of the State. All offices, positions and departments, as the same may exist from time to time, shall be under the general supervision and direction of the Metro-Government Manager, except as otherwise provided by this Charter or by the applicable general laws of the State.

ARTICLE 2. METRO-GOVERNMENT MANAGER.

Sec. 3-21. Appointment and duties.

(a) The Council shall appoint a Metro-Government Manager who shall be the administrative head of the Metro-Government and shall be responsible for the administration of departments having a department head appointed either by the Council or the Metro-Government Manager. He shall be appointed with regard to merit only and he need not be a resident of the Metro-Government when appointed. He shall hold office at the pleasure of the Metro-Government Council and shall receive such compensation as it shall fix by ordinance.

(b) The Metro-Government Manager shall: (1) see that within the Metro-Government the laws of the State and the ordinances, resolutions, and regulations of the Council are faithfully executed; (2) attend, at the request of the Council, all meetings of the Council and recommend for adoption such measures as he may deem expedient; (3) make reports to the Council from time to time upon the affairs of the Metro-Government and keep the Council fully advised of the Metro-Government's financial condition and its future financial needs; (4) appoint and remove all department heads and employees of the Metro-Government except as otherwise provided in this Charter; and (5) perform any other duties that may be required or authorized by the Council. Notwithstanding any provision of the General Statutes or other applicable law, the Metro-Government Manager shall appoint and remove the following department heads and employees: finance

director; director of the area mental health developmental disabilities and substance abuse authority; health director; director of social services; tax collector; tax assessor; and the director of the cooperative extension service. The Supervisor of the Board of Elections shall not be appointed or removed in accordance with the provisions of this Section but in accordance with general law.

Sec. 3-22. Council-Manager relationship.

The Council shall hold the Metro-Government Manager responsible for the proper management of the affairs of the Metro-Government and he shall keep the Council informed of the conditions and needs of the Metro-Government, and shall make such reports and recommendations as may be requested by the Council or as he may deem necessary. Except as otherwise provided herein, neither the Mayor, the Council nor any member thereof shall direct the conduct or activities of any Metro-Government employee, directly or indirectly, except through the Metro-Government Manager.

Sec. 3-23. Acting Metro-Government Manager; Interim Metro-Government Manager.

(a) By letter filed with the Metro-Government Clerk, the Metro-Government Manager may designate one or more qualified persons to be eligible to be appointed as acting Metro-Government Manager. A copy of said letter shall be provided to the Mayor and each member of the Council. Upon the temporary absence or disability of the Metro-Government Manager, he may appoint any person

designated in said letter as acting Metro-Government Manager. The Council may revoke the appointment of an acting Metro-Government Manager at any time. In the absence of a designation or appointment by the Metro-Government Manager or upon the revocation of an appointment of an acting Metro-Government Manager, the Council may appoint any qualified person as acting Metro-Government Manager.

(b) When the position of Metro-Government Manager is vacant, the Council may appoint any qualified person as interim Metro-Government Manager to serve at the pleasure of the Council.

(c) An acting or interim Metro-Government Manager shall have the same authority as the Metro-Government Manager.

(d) Neither the Mayor nor any member of the Council shall be eligible to be appointed as acting or interim Metro-Government Manager.

Sec. 3-24. Additional authority.

The Metro-Government Manager may:

(1) Approve the:

(a) Acquisition by the Metro-Government of real property having a value of ten thousand dollars (\$10,000.00) or less.

(b) Acquisition or sale by the Metro-Government of real property having a value of more than ten thousand dollars (\$10,000) but less than fifty thousand dollars (\$50,000), when the Metro-Government Manager certifies to the Council that the property is being acquired or sold for the purpose of increasing

the supply of affordable housing available to low or moderate income persons. The Metro-Government Manager shall, within 10 days of any transaction authorized by this Section, report the details to the Council.

(2) Approve certain contracts as provided in Section 12-51 of this Charter.

(3) Approve agreements permitting encroachments into setbacks and rights-of-way.

(4) Accept streets within urban service districts which are offered for dedication.

ARTICLE 3. PERSONNEL ADMINISTRATION.

Sec. 3-31. Standards.

The Council shall establish a system of personnel administration, not inconsistent with applicable law and with the provisions for Civil Service hereinafter set forth, governing the appointment, promotion, transfer, lay-off, removal, discipline and welfare of Metro-Government employees. Such system shall be based upon the following general standards:

(1) Employment shall be based on merit without regard to race, creed, color, sex, political affiliation, age or disability of the applicant unless the disability prevents the applicant from performing, with reasonable accommodation, an essential function of the employment sought. "Disability" shall be defined

as set forth in the Americans with Disabilities Act, as amended (42 USC 12101 et seq.).

(2) Conditions of employment shall be maintained to promote efficiency and economy in the operation of the Metro-Government.

(3) Position classification and compensation plans shall be established and revised from time to time to meet changing conditions.

(4) Appointments and promotions shall be made solely on the basis of merit and fitness, demonstrated by examination or other evidence of competence.

(5) Employment shall be subject to satisfactory performance of work, personal conduct compatible with the trust inherent in public service, necessity for the performance of work, and availability of funds.

(6) Such system shall also prescribe the details of personnel organizations and procedures.

The Council may, in its discretion,¹ delegate all or any part of the authority granted to it by G.S. 160A-162 and 153A-92 to the Metro-Government Manager.

Sec. 3-32. Employee benefits.

The Council is hereby authorized to provide for employee benefits, and to appropriate funds therefor, in keeping with generally accepted personnel practices of public and private employers within North Carolina. Such benefits may include, by way of illustration and not in limitation, group insurance

benefits in amounts based upon rate of pay or other reasonable classification, sick leave benefits, leaves of absence with or without pay, awards for length of service and employee suggestion awards. Premiums for group insurance benefits may be paid by the Metro-Government, by the Metro-Government and employee jointly, or by the employee. The Council is hereby further authorized and may, in its discretion, appropriate funds to provide group insurance benefits for retired employees. Premiums for group insurance benefits for retired employees may be paid by the Metro-Government, by the Metro-Government and the retired employees jointly, or by the retired employees.

Sec. 3-33. Jurisdiction of the State Personnel Commission.

The personnel system for all employees of the Metro-Government and of any board, commission, authority or entity established by the Council or whose governing board members are appointed by the Mayor, the Council or jointly by the Mayor and Council shall not be subject to Chapter 126 of the General Statutes of North Carolina.

ARTICLE 4. CIVIL SERVICE.

Sec. 3-41. Board.

There is hereby authorized a Civil Service Board for the Metro-Government, to consist of five (5) members, three (3) members to be appointed by the Council and two (2) members to be appointed by the Mayor. Each member shall serve a term of three (3) years. In case of a vacancy on the Board, the Council or the Mayor,

as the case may be, shall fill such vacancy for the unexpired term of said member. A majority of said Board shall constitute a quorum. Attendance at meetings and continued service on the Board shall be governed by the attendance policies established by the Council. Vacancies resulting from a member's failure to attend the required number of meetings or hearings shall be filled as provided herein. The members of the Civil Service Board shall be electors of the Metro-Government and shall take an oath to faithfully perform their duties. The members of said Board shall be subject to removal from office by a two-thirds vote of the Council, with or without cause.

Sec. 3-42. Definition.

The terms "officer or employee" or "officer," as used in this Article shall mean sworn officers with regard to the Police Department and shall mean uniformed personnel with regard to the Fire Department.

Sec. 3-43. Restriction on activities of officers or employees.

No officer or employee of the Fire and Police Departments shall take any part in any election or political function while in uniform or on duty other than that of exercising his right to vote. Any officer or employee found by the Board to have violated this provision may be dismissed from service by the Board, or the Board may adjudge other punishment.

Sec. 3-44. Requirements for applicants; examination of applicants.

(a) The Board shall establish and fix requirements for applicants for

employment in the Fire and Police Departments. All applicants shall be subjected to examination by or at the direction of said Board. The examination shall be competitive and free to all persons meeting the requirements of the Board, subject to reasonable limitations as to residence, age, health and moral character; provided:

(1) That applicants for employment in the Fire Department shall be at least eighteen (18) years of age,

(2) That applicants for employment in the Police Department shall be at least twenty (20) years of age.

The examination for applicants shall be practical in character and shall be limited to matters which fairly test the ability of the applicant to discharge the duties of the position applied for and shall include tests of physical qualifications and health, but no applicant shall be examined concerning his political or religious opinions or affiliations.

(b) Notice of time and place of every examination shall be given once by the Board at least one week preceding such examination in a newspaper published in the Metro-Government, and such notice shall be posted in a conspicuous place in the office of the Board, or its designee, for at least two (2) weeks preceding such examination.

(c) The Board shall prepare and keep a register of persons passing the examination, graded according to the respective showings upon the examination.

which register shall determine the appointments to be made in each of the departments under the eligibility rules and regulations established by the Board.

Sec. 3-45. Disciplinary action by chief; incapability of performance by officer or employee.

(a) Relieving a member from duty. The Chief of either the Fire or Police Department, or the officer in charge in the absence of the Chief, may relieve an officer or employee of the respective department of all duties, and the Chief, or the officer in charge in the absence of the Chief, shall provide such officer or employee with a written complaint setting forth the department rules or regulations the officer or employee is charged with violating, along with a statement of the basic facts supporting the charge, and the Chief, or the officer in charge in the absence of the Chief, shall simultaneously cite such officer to the Board for an automatic hearing as set forth herein with a recommendation that such officer be dismissed from the department. Any officer so relieved of duty shall not receive any pay or be assigned any duties until the Board has acted upon the charges at the conclusion of its hearing. In the alternative, the Chief, or the officer in charge in the absence of the Chief, may cite such officer to the Board for an automatic hearing in accordance with the foregoing procedure, but without relieving the officer from duty.

(b) Dismissal or suspension of officer. The Chief of either the Fire or Police Department, or the officer in charge in the absence of the Chief, may

suspend without pay for a period not exceeding thirty (30) days, any officer or employee of the respective department. In suspending such officer, the Chief, or the officer in charge in the absence of the Chief, will provide such officer with a written complaint setting forth the department rules or regulations the officer is charged with violating, along with a statement of the basic facts supporting the charge. Any such officer so suspended may appeal to the Board by giving written notice of appeal to the Board with a copy to the Chief of such officer's department. Such notice of appeal must be received by the Board within a period of fifteen (15) days from the date of the officer's suspension, whereupon a hearing before the Board on such appeal shall be conducted as provided in Section 3-46. Any officer suspended without pay shall receive no pay for the period of suspension unless the officer is found by the Board not to have committed the offense, or unless the Board adjudges a different period of suspension without pay, in which case the officer shall receive no pay for such different period of suspension.

(c) Incapability of performance. In those situations where the Chief of the Fire or Police Department determines that an officer of the respective department is permanently disabled, the Chief may cite that officer to the Board with a statement of the facts relating to the inability of such officer to perform his duties, and the Board shall, upon receipt of any such citation, hold a hearing as provided for herein, and the Board may dismiss such officer if it

finds that such officer can no longer perform his duty. "Permanently disabled" as used in this paragraph shall mean the continuing or enduring incapacity because of physical injury, sickness or mental illness as determined by competent medical authority, to earn the wages which the officer was receiving at the time of the injury, sickness or determination of mental illness in the same or any other related employment.

Sec. 3-46. Conduct of hearings.

(a) **Setting hearing.** Upon receipt of a citation from either Chief or upon receipt of notice of appeal from any officer or employee of the Fire or Police Department, the Board shall hold a hearing not less than fifteen (15) days nor more than thirty (30) days from the date the notice of appeal, or the citation, is received by the Board, and shall promptly notify the officer of the hearing date. In the event an officer desires a hearing at a date other than that set by the Board within the period set forth above, such officer may file a written request for a change of hearing date setting forth the reasons for such request, and the Chairman of the Board is empowered to approve or disapprove such request; provided, that 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 Board may set a hearing date other than within the period set forth above, or may continue the hearing from time to time.

(b) **Hearing procedure.** In the conduct of its hearing, each member of the

Board shall have the power to subpoena witnesses, administer oaths and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board may apply to the General Court of Justice, Superior Court Division, for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all parties. If any person, while under oath at a hearing of the Board, willfully swears falsely, such person shall be guilty of a Class 1 misdemeanor. Both the officer and the Police or Fire Department shall have the right to present relevant evidence to the Board at its hearing. The officer must be furnished with a copy of the charges which have been brought against the officer and which will be heard by the Board. The officer shall be required to answer questions from members of the Board or the Board's counsel; however, the officer may refuse to answer any question where the answer might incriminate the officer with respect to any criminal violation of State or federal laws. The officer may be present at all evidentiary portions of the hearing, may retain counsel to represent the officer at the hearing, and may cross-examine those witnesses who testify against the officer. The officer will be given the right to an open or closed hearing as he may elect. After the evidentiary portion of the hearing is concluded the Board will consider the evidence in closed session, and the Board will make findings of facts which will be provided to the officer together with

a statement of the action taken by the Board on the basis of its findings of fact.

(c) General powers of the Board.

(1) If, at the completion of its hearing, the Board shall find that an officer has not committed the offense or offenses with which such officer has been charged, the Board may restore such officer to full duty with reimbursement of any pay lost during the period the officer was suspended or relieved from duty.

(2) If, at the completion of its hearing, the Board shall find that an officer has committed the offense or offenses with which such officer has been charged, the Board may issue an order:

(i) Dismissing such officer;

(ii) Suspending such officer, without pay, for a period not exceeding 90 days; or

(iii) Imposing such other lesser punishment as it deems just and proper.

(3) The Board may suspend its dismissal or suspension without pay, and place such officer on probation for a period not to exceed one year upon such reasonable conditions as the Board may deem appropriate. The Board may order the department to furnish to the Board, during the period of probation, such information regarding the officer as the Board deems necessary.

(d) Appeal from action of Board. Any officer may appeal from any order of the Board to the Superior Court of Mecklenburg County by giving notice of appeal, in writing, to the Superior Court within ten (10) days after the entry of the order. Assignments of error must be filed with the Court and served upon the Board within thirty (30) days after the entry of the order. The appeal to the Superior Court will be upon the record of the proceedings before the Board at its hearing.

Sec. 3-47. Promotions; demotions.

The Chief of the Police Department and the Chief of the Fire Department shall have authority to make all promotions of officers of their respective departments, subject to majority approval of the Civil Service Board. Promotions are probationary for six (6) months from the date they become effective. Any demotions, except voluntary demotions, shall be made only after written charges are preferred and a hearing held before the Civil Service Board. Except as otherwise provided, demotions must be approved by a majority vote of the Board.

Sec. 3-48. Power of the Board to require investigation.

The Board is hereby empowered to require the Chief of the Fire or Police Department to investigate any incident or circumstance involving officers of such departments which shall come to the Board's attention; provided, that a majority of the Board shall first determine that such an investigation is in the public's interest. The respective Chief shall report the results of an investigation to

the Board in writing within a time to be set by the Board.

Sec. 3-49. Exceptions to civil service coverage.

(a) The provisions of this Article pertaining to Civil Service coverage of officers and employees of the Fire and Police Departments shall not apply to the Chief of the Fire Department or the Chief of the Police Department, and shall not apply to an officer of the Police or Fire Department until he or she has been an officer of the respective department for at least twelve (12) months. During such twelve-months' probationary period, he or she shall be subject to discharge by the Chief of such department under rules promulgated with respect thereto, such rules to be approved by the Council.

(b) Notwithstanding any other provisions of this Article, during any wartime emergency and for six (6) months thereafter, officers of the Fire Department and Police Department may be employed on a temporary basis and such temporarily employed officers may be discharged by the Metro-Government Manager without the preferment of charges.

(c) The Council may authorize the Metro-Government Manager to appoint auxiliary officers of the Fire and Police Departments without previous examinations by the Civil Service Board, who, subject to such rules and conditions as the Chief of the respective department shall prescribe, shall have all the powers and duties of regular members of the Police and Fire Departments. Such auxiliary officers shall be subject to discharge by the Metro-Government

Manager, with or without cause, and without a hearing before the Civil Service Board.

Sec. 3-50. Miscellaneous provisions.

(a) The Board shall make an Annual Report of its actions for the preceding year and said Annual Report shall be kept in the files of the Board and a copy delivered to the Council.

(b) The Metro-Government 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 said Board and shall perform such other duties as the Board may require.

(c) The Council shall provide suitable rooms for the Board and shall provide sufficient reasonable use of public buildings for meetings and hearings of said Board as may be necessary.

(d) The members of said Board shall serve without compensation.

(e) Nothing in this Article shall be construed to deprive the Council of its control of the finances of the Metro-Government.

Chapter 4

AUTHORITIES, BOARDS AND COMMISSIONS

Article 1. In General.

Article 2. Auditorium-Coliseum-Convention Center Authority.

Article 3. Other Authorities, Boards and Commissions.

ARTICLE 1. IN GENERAL.

Sec. 4-1. Powers of Council.

(a) In addition to any authorities, boards, committees or commissions now or hereafter created and established by or pursuant to the General Statutes of North Carolina, local acts of the General Assembly, or this Charter, the Council is hereby vested with power to create and establish by ordinance or resolution, such other authorities, boards, committees and commissions as it may deem necessary or appropriate to the administration, regulation, and operation of services, facilities, activities, and functions which the Metro-Government is authorized by law to perform, regulate, and carry on. It is desirable that in appointing persons to boards, commissions, committees and authorities, the

appointing authority should attempt to secure reasonable representation on each such body of every sex, race, geographic section of the Metro-Government and political party. Provided however, that such representation shall not be required, and the validity of any appointment may not be challenged on grounds that such representation has not been achieved.

(b) Any authority, board, commission, committee or other agency to which the Mayor or Council appoints members or appropriates money is hereby required to furnish to the Mayor and Council, upon request, such information as the Mayor and Council may deem relevant to the affairs of any such authority, board, commission, committee or other agency. The duty to provide such information is mandatory and may be enforced by an action for mandamus in the Superior Court of Mecklenburg County.

ARTICLE 2. AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY.

Sec. 4-21. Continuation.

The control, management and operation of the properties and facilities now or hereafter made or acquired by the Metro-Government for auditorium, coliseum, civic center and baseball stadium purposes shall continue to be vested in the Authority to be known as the Auditorium-Coliseum-Convention Center Authority. The Authority shall continue to be composed of seven (7) members, five (5) members to be appointed by the Council and two (2) members to be appointed by the Mayor. Each member shall serve a term of three (3) years. No member shall serve

more than two (2) consecutive terms. In case any vacancy shall be created on said Authority, the Council or the Mayor, as the case may be, shall appoint a member to fill the unexpired term. The members of the Authority shall receive no compensation.

Attendance at meetings and continued service on the Authority shall be governed by the attendance policies established by the Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided herein.

Sec. 4-22. Officers and funds.

The members of the Authority shall elect annually from their body a chairman, vice-chairman and a secretary and otherwise provide for the efficient administration of its affairs; provided, however, the Finance Officer of the Metro-Government shall by virtue of his office be also the Treasurer of the Authority, and he or his designee shall serve as such Treasurer without additional compensation. All funds of the Authority shall be kept by its Treasurer in a separate bank account or accounts from other funds of the Metro-Government and shall be paid out only in accordance with procedures established by such Authority. The net proceeds from the operation of the Authority shall be used to pay the interest and retirement on the bonded debt of the Metro-Government incurred in connection with such auditorium-coliseum-convention center-baseball stadium properties and facilities and shall not be used for any

other purpose until said bonds, principal and interest have been paid, except as may be otherwise approved by the Council for other uses of the Authority. Quarterly operating statements of the Authority and an annual audited statement shall be presented to the Council. The Authority shall be deemed a "special district," as defined in G.S. 159-7, for purposes of the Local Government Budget and Fiscal Control Act and shall budget and administer its fiscal affairs according to the provisions of that Act applicable to special districts.

Sec. 4-23. Powers and duties.

The Authority shall operate the auditorium-coliseum-convention center-baseball stadium properties and facilities in a proper, efficient, economical, and business-like manner, to the end that such properties and facilities may effectively serve the public needs for which they were established at the least cost and expense to the Metro-Government. The Authority shall appoint a manager of such auditorium-coliseum-convention center-baseball stadium properties and facilities, whose salary shall be fixed by the Authority. Such manager shall, in addition to other duties imposed upon him by the Authority, be responsible for the collection of rents or fees for the use of the properties and facilities of the Authority. The Authority shall select such other personnel as it deems advisable to properly operate such properties and facilities. The Authority shall have full and complete control of such auditorium-coliseum-convention center-baseball stadium properties and facilities; shall have full and complete

control over granting and denying the use of, and establishing and collecting rents and fees for the use of, such properties and facilities; shall make all reasonable rules and regulations as it deems necessary for the proper operation and maintenance of such properties and facilities; may expend funds of the Authority for the advertising and promotion of the use of such properties and facilities; and may sponsor and promote shows, events, games and activities involving the use of such properties and facilities and make reasonable charges therefor.

The Authority may, in its discretion, lease or rent auditorium-coliseum-convention center baseball stadium properties and facilities for such terms and upon such conditions as the Authority may determine but not for longer than ten (10) years. Leases and rentals for terms of more than one (1) year may be executed only after ten (10) days' public notice by publication describing the property to be leased or rented, stating the annual lease or rental payments and announcing the Authority's intent to authorize the lease or rental at its next meeting. No public notice or resolution of the Authority is required with respect to leases and rentals for terms of one (1) year or less.

ARTICLE 3. OTHER AUTHORITIES, BOARDS AND COMMISSIONS.

Sec. 4-31. Continuation of other boards, authorities and commissions.

All authorities, boards, committees and commissions of the City of Charlotte or Mecklenburg County in existence immediately prior to the effective

date of this Charter shall continue their existence with the same duties and functions previously delegated, until altered or revised by the Council. All authorities, boards, committees and commissions created by the General Assembly shall have the same relationship to the Metro-Government as each had to the City of Charlotte or to Mecklenburg County, immediately prior to the effective date of this Charter, and shall continue to have such authority, including but not limited to matters of employment of personnel, as is provided by law.

Appointments to authorities, boards, committees and commissions previously made by the Mayor or Council of the City of Charlotte or by the Chairman or Board of Commissioners of Mecklenburg County shall hereafter be made by the Mayor and the Council as provided in Chapter 3.

CHAPTER 5

REGULATORY AND PLANNING FUNCTIONS

Article 1. General Powers of Regulation.

Article 2. Planning, Zoning, Subdivision and Building Regulation.

Part 1. General Provisions.

Part 2. Zoning Regulations.

Part 3. Subdivision Regulations.

ARTICLE 1. GENERAL POWERS OF REGULATION.

Sec. 5-1. Powers supplemental to general law.

The Council shall have the power to make and provide for the execution of such regulatory ordinances as it may deem proper not inconsistent with the law of the land, and the Metro-Government shall have all the powers granted to counties and to municipalities by the general laws of North Carolina, as the same may now or hereafter be enacted. In addition, the Metro-Government shall have the powers granted by this Charter as the same may be amended from time to time, and the enumeration of specific powers or procedures in this Charter shall be supplemental to and not in limitation of the powers or procedures provided by

other applicable law of North Carolina. The powers conferred upon the Metro-Government by this Chapter may be exercised throughout Mecklenburg County, except within municipalities.

Sec. 5-2. Business privilege licenses.

Except as otherwise provided by law, the Metro-Government shall have power to levy privilege license taxes on all trades, occupations, professions, businesses and franchises.

Sec. 5-3. Power to inspect and condemn.

The Council is authorized to provide by ordinance for the inspection, condemnation and removal of unsafe and dangerous buildings. Such ordinance may provide for the entry in and upon all premises, buildings and structures to inspect and discover whether the same are unsafe and dangerous to life or property on account of defects or dilapidation, and to cause all unsafe and dangerous conditions to be repaired or removed, and all filth and trash in and around the same to be removed. Such ordinance may also provide for the condemnation, as unsafe and dangerous to life or property, of any such building or structure and to prohibit further use or occupancy thereof. If the owner of any such building or structure which has been so condemned, fails or refuses, after notice, hearing and order, to repair or remove the unsafe and dangerous building or structure pursuant to such order, he shall be guilty of a class 1 misdemeanor. A copy of such notice and order shall be certified by the Metro-Government Clerk

and filed for recording in the office of the Clerk of Superior Court for Mecklenburg County in the Record of Lis Pendens and from the date or dates of recording of such notice and order, they shall be binding upon the successors and assigns of the owner. In addition, if the owner fails or refuses as aforesaid, or, if the owner cannot, after reasonable and diligent search and notice by publication, be located or found, then the Metro-Government is authorized to enter upon such premises and remedy such unsafe and dangerous condition or demolish and remove such building or structure if necessary, and to charge the costs thereof against the owner of said premises and the same shall be and remain a lien against the said premises until such costs are paid in full, and the lien herein provided for may be collected or foreclosed as provided by law for the collection of unpaid taxes, and the Metro-Government, its agents, servants, employees and contractors shall not be liable in any manner, civilly or criminally, for carrying out the terms and provisions of this Section or any ordinance adopted pursuant hereto. The term "costs" as used in this Section shall include interest at the rate of not less than six (6) per cent per annum until said lien is paid, nor more than twelve (12) per cent per annum until said lien is paid; the rate of interest to be determined by the Council on an annual fiscal year basis. Provided, that if the Council should fail to set a rate of interest in any fiscal year, the rate of interest in effect for the preceding fiscal year shall continue in effect.

Sec. 5-4. Emergency vehicles.

The Council is hereby authorized to establish regulations governing the drivers and operators of ambulance services. The Council is also authorized to establish rates which may be charged by operators of ambulance services and to grant franchises to such operators on such reasonable terms and conditions as may be necessary. The Metro-Government may contract with operators of ambulance and wrecker services for such service or services as may be deemed necessary.

Sec. 5-5. Power to destroy property.

The Chief of the Fire Department or the officer in charge at the scene of a fire may order the blowing up, tearing down, or other destruction of any building, property or structure when it is deemed necessary for the protection of life and property to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders thus given, nor shall the Chief or officer giving such order be held liable, civilly or criminally for the giving of such of such order or for damages to property destroyed pursuant to order.

Sec. 5-6. Power of arrest.

The Fire Chief and his assistants, while on duty during fires, shall have the powers conferred upon police officers of the Metro-Government to make arrests, and are hereby authorized to make arrests without warrants for interference with or obstruction to their operations.

Sec. 5-7. Regulation of alleys to prevent fire hazards.

If, in the opinion of the Council, a fire hazard is created by the obstruction of private alleys, the Council may adopt regulations governing the obstruction of private alleys, whether by reason of the parking of motor vehicles or otherwise, but such regulations shall not be construed so as to restrict or limit the legal right of the owners of interests in a private alley to close the alley or to exercise other property rights therein.

Sec. 5-8. Equal housing.

(a) The Council shall have the power to adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, handicap, familial status or national origin in real estate transactions. Such ordinances may regulate or prohibit any act, practice, activity or procedure related, directly or indirectly, to the sale or rental of public or private housing, which affects or may tend to affect the availability or desirability of housing on an equal basis to all persons; may provide that violations constitute a criminal offense; may subject the offender to civil penalties; and may provide that the Metro-Government may enforce the ordinances by application to the Superior Court Division of the General Court of Justice for appropriate legal and equitable remedies, including but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorney's fees and punitive damages, and the court shall have jurisdiction to grant such remedies.

(b) The Council also shall have the power to amend any ordinance adopted pursuant to the provisions contained in subsection (a) of this Section to ensure that such ordinance remains substantially equivalent to the federal Fair Housing Act (42 USCS §§ 3601 et seq.). Any ordinance enacted pursuant to this Section prohibiting discrimination on the basis of familial status shall not apply to housing for older persons as defined in the federal Fair Housing Act (42 USCS §§ 3601 et seq.).

(c) Any ordinance enacted pursuant to this Section may provide for exemption from its coverage:

(1) The rental of a housing accommodation in a building containing accommodations for not more than four (4) families living independently of each other if the lessor or a member of his family resides in one of those accommodations;

(2) The rental of a room or rooms in a housing accommodation by an individual if he or a member of his family resides there;

(3) With respect to discrimination based on sex, the rental or leasing of housing accommodations in single-sex dormitory property;

(4) With respect to discrimination based on religion to housing accommodations owned and operated for other than a commercial purpose by a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a

religious organization, association, or society; the sale, rental or occupancy of such housing accommodation being limited or preference being given to persons of the same religion, unless membership in such religion is restricted because of race, color, national origin, or sex;

(5) Any person, otherwise subject to its provisions, who adopts and carries out a plan to eliminate present effects of past discriminatory practices or to assure equal opportunity in real estate transactions, if the plan is part of a conciliation agreement entered into by that person under the provisions of the ordinance.

(d) The Council may create or designate a committee to assume the duty and responsibility of enforcing ordinances adopted pursuant to this Section. Such committee may be granted any authority deemed necessary by the Council for the proper enforcement of any fair housing ordinance, including, but not limited to, the power to:

(1) Promulgate rules for the receipt, initiation, investigation and conciliation of complaints of violations of the ordinance;

(2) Require answers to interrogatories, the production of documents and things, and the entry upon land and premises in the possession of a party to a complaint alleging a violation of the ordinance; compel the attendance of witnesses at hearings; administer oaths; and examine witnesses under oath or affirmation;

(3) Apply to the Superior General Court of Justice, upon the failure of any person to respond to or comply with a lawful interrogatory, request for production of documents and things, request to enter upon land and premises, or subpoena, for an order requiring such person to respond or comply;

(4) Upon finding reasonable cause to believe that a violation of the ordinance has occurred, to petition the General Court of Justice for appropriate civil relief on behalf of the aggrieved person or persons.

(e) The Council may provide that neither complaints filed with any committee pursuant to the ordinance nor the results of the committee's investigations, discovery or attempts at conciliation, in whatever form prepared and preserved, shall be subject to inspection, examination or copying under the provisions of what is now Chapter 132 of the General Statutes.

(f) The Council may provide that the statutory provisions relating to meetings of governmental bodies, presently embodied in Article 33C of Chapter 143 of the General Statutes, shall not apply to the activity of any committee authorized to enforce the ordinance, to the extent that said committee is receiving a complaint or conducting an investigation, discovery, or conciliation pertaining to a complaint filed pursuant to the ordinance.

Sec. 5-9. Statutory powers included by reference.

In addition to the powers granted in this Chapter, the Metro-Government may exercise throughout Mecklenburg County, except within municipalities, the powers

set forth in the following statutes:

- (a) G.S. 160A-213. Motor vehicles taxes.
- (b) G.S. 160A-304. Regulation of taxis.
- (c) G.S. 160A-458.4. Designation of roadway corridor official maps.

Sec. 5-10. Additional regulatory powers in urban service districts.

In addition to the regulatory powers granted in this Article, the Metro-Government may exercise such supplemental, regulatory powers within any urban service district as are set forth in Chapter 7 of this Charter.

ARTICLE 2. PLANNING, ZONING, SUBDIVISION AND BUILDING REGULATION

PART 1. GENERAL PROVISIONS.

Sec. 5-21. Powers supplemental to general law.

For the purpose of promoting the orderly growth, expansion, and development of the Metro-Government and for the purpose of promoting the health, safety, morals and general welfare of the citizens of the Metro-Government, the Council shall have the powers granted to counties and municipalities by the general law of North Carolina, as the same may now or hereafter be enacted, to adopt such ordinances for planning, zoning, subdivision and building regulation as it may deem proper not inconsistent with the law of the land. In addition, the Metro-Government shall have the powers granted by this Charter as the same may be amended from time to time, and the enumeration of specific powers as provided in this Charter shall be supplemental to and not in limitation of the powers or

procedures provided by other applicable law of North Carolina.

Sec. 5-22. Reserved.

PART 2. ZONING REGULATIONS.

Sec. 5-23. Amendments to zoning ordinances.

a) As a part of, and not in limitation of, the powers granted by general law to enact amendments to zoning ordinances, whenever the Council is petitioned to enact an amendment changing the zoning of a particular area, it shall have and may exercise the power to amend by changing the existing zoning classification of the area covered by the petition, or any part or parts thereof, to the classification requested or to a higher classification or classifications, without the necessity of withdrawal or modification of the petition; provided, that notices of hearings on such amendments shall inform the public that such action may be taken. If the Council desires to exercise the power granted herein, it shall, for the purposes of this Section, provide by ordinance for the classification of zoning districts from highest to lowest classification.

b) Upon the conclusion of the public hearing on a proposed amendment to the zoning ordinance, the Council shall refer the proposed amendment to the planning agency for the recommendation of the planning agency. The planning agency shall be given at least 30 days in which to make a recommendation. The Council is not bound by the recommendation, if any, of the planning agency. The Council may authorize the planning agency to refer proposed amendments to the

zoning ordinance to any committee of the planning agency, and such committee shall have full authority to make a recommendation to the Council on behalf of the planning agency.

Sec. 5-24. Zoning Board of Adjustment.

(a) The Council may provide for the appointment of a Board of Adjustment consisting of five (5) or more members. The Council may, in its discretion, appoint alternate members to serve on the Board in the absence of any regular member. Members shall be appointed for a term of three years, and no member shall serve more than two full consecutive terms. The Board of Adjustment shall have and exercise all of the powers, duties and functions which can be exercised by a county or city zoning board of adjustment under the general law; provided, however, that only a majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the zoning ordinance or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to effect any variation from the provisions of the ordinance.

(b) Under such terms and conditions as the Council may determine to be appropriate, the Council may provide by ordinance for the Board to be divided into two (2) or more panels and for each panel to exercise such portion of the

Board's powers, duties, rights, privileges, functions, and immunities as is set forth in such ordinance.

Sec. 5-25. Reserved.

PART 3. SUBDIVISION REGULATIONS.

Sec. 5-26. Approval and recording of plats.

The Chairman of the planning agency, or his designee, may approve plats as satisfying applicable requirements of a subdivision ordinance adopted by the Council and thereby authorize its recording by the Mecklenburg County Register of Deeds. The filing or recording of a plat of a subdivision without such approval shall be null and void.

Sec. 5-27. Miscellaneous provisions.

(a) Subdivision regulations may require the construction, improvement and installation of community improvement facilities, such as but not limited to, streets, street pavements, curbs, gutters, sidewalks, and utility mains such as water, sewer, and surface water drainage, as a condition precedent to the approval of the plat.

(b) Such regulations shall provide that the planning agency shall approve or disapprove the final plat. The grounds for disapproval of any plat shall be stated upon the records of the planning agency.

Sec. 5-28. Acceptance of and improvements in unapproved streets.

The Metro-Government shall not accept for maintenance, lay out, open,

improve, grade, pave, or light any street or authorize the laying of water mains, sewer connections, or other facilities or utilities in any street within the Metro-Government, (1) unless such street shall have been accepted or opened as, or shall have otherwise received the legal status of a public street or (2) unless such street corresponds in its location and lines with a street shown on a preliminary or final subdivision plat which has received tentative or final approval by the planning agency or planning staff, or (3) unless such street be accepted as a public street by the Metro-Government Manager; or (4) unless such street is an approved private street built in conformance with the provisions of applicable law.

Sec. 5-29. Change or modification of street names.

a) The Council may designate by ordinance any committee, employee or officer of the Metro-Government to hear and approve requests to change or modify names of public streets and roads within Mecklenburg County and not within a municipality. Such designation is subject to modification or revocation at any time. Such ordinance shall provide for an appeal to the Council, subject to such conditions as the Council may impose. The decision of the Council on appeal shall be final.

b) In naming or renaming such public streets and roads, the Metro-Government shall be subject to the procedures and limitations set forth in G.S. 153A-239.1.

Chapter 6

SERVICES AND FACILITIES

Article 1. Establishment and Maintenance of Services and Facilities.

Part. 1. In General.

Part. 2. Water and Sewer.

Part. 3. Miscellaneous.

Article 2. Streets and Highways.

Article 3. Eminent Domain.

Article 4. Special Assessments for Certain Services and Facilities.

ARTICLE 1. ESTABLISHMENT AND MAINTENANCE

OF SERVICES AND FACILITIES.

PART 1. IN GENERAL.

Sec. 6-1. General powers.

The Council shall have the power to establish and maintain public services and facilities deemed necessary or desirable for the health, safety, comfort, welfare, convenience and good order of the public, not inconsistent with the law of the land, and the Metro-Government shall have all the powers granted to

counties and municipalities by the general laws of North Carolina as the same may now or hereafter be enacted. In addition, the Metro-Government shall have the powers granted by this Charter as the same may be amended from time to time, and the enumeration of specific powers or procedures in this Charter shall be supplemental to and not in limitation of the powers or procedures provided by other applicable law of North Carolina. Except as expressly stated in this Chapter, the powers conferred upon the Metro-Government by this Chapter may be exercised throughout Mecklenburg County, except within municipalities.

PART 2. WATER AND SEWER.

Sec. 6-2. Remedies for collection of water and sewer charges.

In addition to the remedies provided by general law for the collection of charges for water and sewerage services, both within and outside Mecklenburg County, if any such charge is not paid within ten (10) days after it becomes due, the same shall become a lien upon the property served or in connection with which the service or facility is used and said lien may be enforced in the same manner as the lien for taxes upon property. The Council may also require the payment of reasonable deposits by owners or tenants as a condition precedent to the furnishing of water or sewerage services, or both. Such deposits may be retained by the Metro-Government as assurance for the payment of charges and may be refunded, without interest, upon such terms and condition as the Council may establish.

Sec. 6-3. Dedication of water and sewer lines.

Before any person, firm or corporation shall connect any privately owned water or sewer line or lines with any water or sewer line or lines of the Metro-Government, such person, firm or corporation shall, by proper written instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant and convey such water or sewer lines to the Metro-Government. No such connection shall be made with the Metro-Government water or sewer lines without the express approval of the Metro-Government, nor shall such connection be effected except in accordance with the regulations of the Metro-Government governing same, and upon payment of any reasonable charges made therefor. Should any person, firm or corporation connect any privately owned water or sewer line or lines without first dedicating, giving, granting and conveying same to the Metro-Government, the act of connecting shall be deemed a dedication, gift, grant and conveyance of such lines to the Metro-Government and the Metro-Government may accept same or may order the disconnection of such lines; provided, that the Metro-Government may enter into contracts, with any person, firm or corporation whereby water or sewer lines may be laid within or outside the Metro-Government and connected to the Metro-Government's systems under such terms as may be agreed upon, notwithstanding any provisions of this section.

Sec. 6-4. Connection of sanitation facilities.

The Metro-Government shall have the following powers within urban service districts: (1) to require the owner or owners of private drains, sinks, and privies to fill up, cleanse, drain, repair, fix, and improve the same, and to cause all drains, toilets, sinks, and all water or sewerage facilities to be connected with the Metro-Government's systems as they may be ordered; (2) in case of failure on the part of such owner or owners to comply with any such order, to go upon their premises and perform such work as may be necessary to comply with such order; and (3) to charge the cost thereof against the premises upon which such work is performed.

PART 3. MISCELLANEOUS.

Sec. 6-5. Refuse service contracts.

The Council is hereby authorized to make and enter into service contracts with any person, firm or corporation for either the collection or disposal of refuse, and both when, in judgment of the Council, such action is in the public interest. Such contracts may extend over a period not to exceed forty (40) years; shall be deemed to be continuing contracts within the meaning of G. S. 153A-13 and 160A-17; and shall be binding upon the Metro-Government in accordance with their terms for the period of such contracts. The Council is further authorized, in its discretion, to lease or to sell, at private sale, any lands now or hereafter owned or acquired by the Metro-Government, to any person, firm or

corporation contracting with the Metro-Government for disposal of refuse collected by or on behalf of the Metro-Government, for use as a plant site or sites, upon such terms and considerations as the Council may prescribe.

Sec. 6-6. Authority to operate spay/neuter clinic.

The Metro-Government is authorized to establish, equip, operate and maintain a spay/neuter clinic for cats and dogs, to employ personnel for this clinic and to appropriate and expend tax and nontax funds, including property taxes, for those purposes. In lieu of the Metro-Government itself operating the spay/neuter clinic, the Metro-Government is further authorized to contract with any individual, corporation, nonprofit corporation, governmental body or any other group for the purpose of operating a spay/neuter clinic, or for providing spay/neuter services for dogs and cats. The Metro-Government may appropriate and expend tax and nontax funds, including property taxes, for these purposes.

Sec. 6-7. Differential licensing tax.

The Metro-Government may levy an annual differential license tax on the privilege of keeping a dog or cat. The Council may levy a lower annual license tax for spayed or neutered dogs and cats than for non-spayed and non-neutered dogs and cats.

Sec. 6-8. Statutory powers included by reference.

In addition to the powers granted in this Chapter, the Metro-Government may exercise throughout Mecklenburg County, except within municipalities, the powers

set forth in the following statutes:

(a) Article 15 of Chapter 160A. Public Enterprises, provided that, G.S. 160A-324 (Contract with private solid waste collection firm(s)) shall not apply.

(b) G.S. 160A-456. Community development programs and activities.

(c) G.S. 160A-457. Acquisition and disposition authority for redevelopment.

ARTICLE 2. STREETS AND HIGHWAYS.

Sec. 6-21. Authority over public streets in Mecklenburg County.

Except as provided in Section 6-23, the Metro-Government shall have general authority and control over all public streets, sidewalks, alleys, bridges and other ways of public passage in Mecklenburg County except to the extent that general authority and control over certain streets and bridges is vested in the Board of Transportation or the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill or Pineville. For purposes of this Article, "general authority and control" includes, but is not limited to the same duties and powers as set forth in G.S. 160A-296. The exercise of general authority and control by the Metro-Government over such ways of public passage benefits all of the residents of the Metro-Government and may be financed by a County-wide property tax.

Sec. 6-22. Traffic-control devices.

(a) The Council, upon finding as a fact that the density of population and

volume of vehicular and pedestrian traffic requires prompt, continuing, and effective control of such traffic through the installation, removal, relocation and change of official traffic-control devices in order to protect and promote the public safety and convenience, may designate, by ordinance, an official of the Metro-Government to make or cause to be made, upon the basis of engineering and traffic investigations, installations, removals, relocations and changes of official traffic control devices in accordance with accepted traffic engineering principles and standards and in accordance with the procedures hereinafter set forth.

(b) An "official traffic-control device," as used in this section, means a sign, signal, marking or device, including a parking meter, which is designed and intended to regulate vehicular or pedestrian traffic.

(c) For purposes of enforcement, the installation, relocation or change of an official traffic control device pursuant to this Section shall have the force of law immediately upon such installation, relocation or change.

Sec. 6-23. Exercise of authority over public streets in Mecklenburg County but outside an urban service district.

(a) The Metro-Government may only exercise the authority set forth in this Article over a public street, sidewalk, alley, bridge or other way of public passage, or portion thereof, which is subject to the general authority and control of the North Carolina Board of Transportation by entering into an

agreement with the Board of Transportation. Such agreement shall identify each way of public passage, or portion thereof, which is subject to such agreement and shall contain the terms and conditions under which the Metro-Government may exercise authority and control over said way of public passage. Such agreement may provide either for the transfer by the Board of Transportation to the Metro-Government of ownership and permanent authority and control over such way of public passage, or of authority and control over such way of public passage only during the term of such agreement.

(b) The Metro-Government may only exercise the authority set forth in this Article over a public street, sidewalk, alley, bridge or other way of public passage which is subject to the general authority and control of a municipality by entering into an agreement with such municipality. Such agreement shall be subject to the provisions of Article 20, Part 1 of Chapter 160A of the General Statutes.

(c) This Article may not be construed to impose any duty upon, or otherwise require, the Metro-Government to exercise authority or control over any public street, sidewalk, alley, bridge or other way of public passage outside an urban service district, except as provided in an agreement authorized by this Section; or to enter into an agreement authorized by this Section.

(d) Nothing in this Article shall be construed to limit any power, duty, function, right, privilege or immunity which the Metro-Government may exercise

or otherwise enjoy with respect to any public street, sidewalk, alley, bridge or other way of public passage which is within an urban service district.

Sec. 6-24. Streets under authority of Board of Transportation or municipality.

(a) The Metro-Government shall not be responsible for maintaining streets or bridges under the authority and control of the Board of Transportation or a municipality, and shall not be liable for injuries to persons or property from any failure to do so.

(b) Nothing in this Article shall authorize the Metro-Government to interfere with the powers, duties, functions, rights, privileges or immunities of the Board of Transportation or a municipality with respect to streets and bridges under the authority and control of the Board of Transportation or a municipality.

Sec. 6-25. Municipal annexation.

Upon the annexation of any public street, sidewalk, alley, bridge or other way of public passage ^{by some municipality} over which the Metro-Government exercises authority and control pursuant to this Article, such authority and control shall terminate on the last day of the fiscal year containing the effective date of annexation; provided that, if the annexed way of public passage is a part of the primary road system of the State of North Carolina, the agreement between the Metro-Government and the Board of Transportation shall not terminate but shall continue unaffected by the annexation. Except as otherwise provided by this Section or applicable

law, the annexing municipality shall assume full authority and control over the annexed way of public passage upon the termination of the Metro-Government's authority and control. The Metro-Government and the annexing municipality may provide by agreement that the transfer of authority and control over an annexed way of public passage will occur at a different time than is set forth herein.

Sec. 6-25 Planting strip and driveway maintenance.

It shall be the responsibility of the abutting property owner to maintain any property or driveway between the property line and the edge of every street over which the Metro-Government exercises general authority and control.

Sec. 6-27 Exchange of property.

In connection with street widenings, the Metro-Government may purchase with any available funds, property immediately adjacent to property located on a street corner; provided, in the opinion of the Council, the value of such inside lands does not exceed the value of the corner property needed for street widening projects, and may convey and transfer such inside lands to the owner of the corner property in exchange for property needed for street widening purposes, at private sale.

Sec. 6-28. Miscellaneous powers.

For any public street, sidewalk, alley, bridge or other way of public passage outside an urban service district which the Metro-Government owns or over which it has general authority and control, the Metro-Government is authorized

to exercise or otherwise enjoy the powers, duties, rights, privileges, functions, and immunities as set forth in the following statutes: G.S. §§160A-298 (Railroad Crossings), 160A-299 (Procedure for permanently closing streets and alleys.), 160A-299.1, 160A-300 (Traffic control), 160A-301 (Parking) and 160A-307 (Curb cut regulations). With respect to such ways of public passage, it is the intent and purpose of this Article to authorize the Metro-Government to exercise or otherwise enjoy every power, duty, right, privilege, function, and immunity set forth in said statutes in the same manner outside an urban service district as such powers, duties, rights, privileges, functions, and immunities may be exercised by the Metro-Government within an urban service district.

Sec. 6-29. Reserved.

ARTICLE 3. EMINENT DOMAIN

Sec. 6-31. Eminent domain.

The Metro-Government shall have the power of eminent domain to acquire property to provide housing for low and moderate income persons but only to acquire: (i) vacant structures boarded up as a result of housing code violations; (ii) structures that have been found to contain housing code violations that the property owner has failed or refused to correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of a housing code enforcement demolition order. Provided that in the exercise of its authority of eminent domain to acquire property to provide housing for low and moderate income

persons, the Metro-Government shall follow the procedures prescribed in Chapter 40A of the General Statutes. Vesting of title to the property taken under this paragraph, and right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The Metro-Government may not file an eminent domain action to acquire property described in clauses (i) or (ii) of this Section until the property owner has had 150 days from the date of the order finding violations of the Metro-Government housing code to correct the violations. The Council must adopt a plan to use condemned property for low or moderate income housing prior to exercising the powers under this Section.

Sec. 6-32. Additional powers and procedures.

Notwithstanding the provisions of G. S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, and airports, the Metro-Government is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided further, that whenever the words "Secretary" or "Secretary of Transportation" appear, they shall be deemed to include the "Metro-Government Manager"; provided further that nothing herein shall be construed to enlarge the power of the Metro-Government to condemn property already devoted to public use.

ARTICLE 4. SPECIAL ASSESSMENTS FOR
CERTAIN SERVICES AND FACILITIES.

Sec. 6-41. Authority; procedure.

(a) The Metro-Government is hereby authorized to exercise all the power and authority granted to municipalities by general law with respect to public or local improvements, such as, but not limited to, grading, regrading, widening, paving and repaving public streets and alleys, and in the construction, reconstruction and alteration of curbs, gutters and drains in the public streets and alleys, and in the laying or relaying of sewers and water lines, and in the construction, reconstruction and alteration of sidewalks. The authority granted by this Article shall not be exclusive, but shall be in addition to that granted by any other law, and with respect to any particular local improvement, the Metro-Government, in its discretion, may exercise any one or more of the alternative powers hereinafter granted.

(b) The procedures set forth in the general laws of North Carolina for the making of special assessments against property benefitted by local improvements shall apply to the Metro-Government except as the Council may elect to follow alternative procedures as herein provided.

Sec. 6-42. Alternative procedures.

(a) Upon receipt of a petition from an owner or owners representing fifty per cent (50%) or less of the total street frontage where fifty per cent (50%)

or more of the total street frontage is in one ownership, the Council may order the making of any local improvement and assess the cost against the abutting property in the same manner and following the same procedures as set forth in general law for making special assessments against property benefitted by local improvements.

(b) The Council may order the making of any local improvements and assess the cost thereof, except the Metro-Government's portion, against only a limited number of abutting properties upon receipt of a petition from all such property owners asking that the improvement be made and that the total amount to be assessed for the improvement be assessed only against their properties.

(c) No petition shall be necessary for the making of any local improvements for which the Metro-Government bears the entire cost without assessment.

(d) If, in the judgment of the Council, the abutting property to be assessed will be benefitted in an amount at least equal to the assessment, and such judgment shall be conclusive, no petition for local improvements shall be necessary and the Council may order the making of any local improvements and assess the cost thereof against abutting properties in the following cases:

1. Street improvements and/or curb and gutter. When, in the judgment of the Council, any street or part of a street is unsafe; or, the improvement of a street or part of a street not more than three blocks in length

is necessary to connect streets already paved; or, the improvement of a street or part of a street is necessary to connect a paved street, or portion thereof, with a paved highway; or, the improvement of a street or part of a street is necessary to provide a paved approach to a railroad or street grade separation or any bridge; or, any street or part of a street should be widened to accommodate present and anticipated volumes of traffic thereon.

2. Water main improvements. When, in the judgment of the Council, any street or part of a street, or any property is without a public water supply and can be served, and water service should be provided in the public interest.

3. Sanitary sewer improvements. When, in the judgment of the Council, any street or part of a street, or any property, is without a public sanitary sewer system and can be served, and sanitary sewer service should be provided in the public interest.

4. Storm sewer or other surface drainage improvements. When, in the judgment of the Council, any street or part of a street, or any property, is without storm sewer or other surface drainage improvements, and can be served, and storm sewer or other surface drainage should be provided in the public interest.

5. Sidewalk improvements. When, in the judgment of the Council, any street or part of a street is without sidewalks, and sidewalks should be provided in the public interest.

(e) Whenever the Council finds that the public interest requires a sidewalk or sidewalks or portion of driveways within the public right of way be repaired, the total cost of such repairs may be assessed against the property abutting the sidewalk or driveway repaired. Before an assessment may be made against abutting property for a sidewalk or driveway repair, at least 30 days' written notice must be given to the abutting property owner personally or by registered or certified mail to his last known address or as shown on the tax records, that he is required to make the designated repairs at his own cost and expense in conformity with the sidewalk standards adopted by the Metro-Government, and if he shall fail to make such repairs within thirty (30) days after notice served upon him, the Metro-Government may thereupon make said repairs and assess the cost thereof. Provided, however, if the Council finds that any sidewalk or driveway is in need of immediate repair, the Council may adopt a resolution setting out such finding and directing that such repair be made immediately by the Metro-Government and that the cost thereof be assessed against the property abutting without notice to the property owner affected.

Sec. 6-43. Corner lot exemption.

The Council shall have authority to determine the amount and applicability of assessment exemptions for corner lots. Provided, exemptions for corner lots shall apply to only one side of each such lot and the amount of the exemption shall not exceed seventy five (75) per cent of the frontage of that side. If the

corner formed by the two (2) intersecting streets is rounded into a curve or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the frontage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

Sec. 6-44. Payment of assessments.

Any property owner shall have the option of paying assessments for local improvements in cash or in not less than two (2) or more than ten (10) equal annual installments, as may have been determined by the Council in the resolution ordering the improvements. With respect to payment by installment, the Council may direct:

(1) That installments shall become due and payable on the same date when property taxes of the Metro-Government are due and payable, or

(2) That the first installment with interest shall become due and payable sixty (60) days after the date of the confirmation of the assessment roll, and one subsequent installment and interest shall be due and payable on the same day of the month in each successive year until the assessment is paid in full.

Sec. 6-45. Subdivision regulations; special assessment.

Subdivision regulations applicable to property may provide, in lieu of the completion of community improvement facilities prior to the final approval of a plat, for an assessment under applicable laws governing assessments for local

improvements whereby the Metro-Government may complete said facilities at the cost of the owners of the property within the subdivision.

CHAPTER 7

URBAN SERVICE DISTRICTS

Article 1. Supplemental Regulatory Powers in Urban Service Districts.

Part 1. In General.

Part 2. Emergency Vehicles.

Part 3. Drainage and Sanitation.

Part 4. Utilities Regulation.

Part 5. Protest Petitions.

Article 2. Special Powers in Urban Service Districts.

Part 1. Uptown Development Projects.

Part 2. Miscellaneous Powers.

Article 3. Additional Services in Urban Service Districts.

Article 4. Jurisdictional Limitation on Exercise of Power.

ARTICLE 1. SUPPLEMENTAL REGULATORY POWERS

IN URBAN SERVICE DISTRICTS.

PART 1. IN GENERAL.

Sec. 7-1. General provisions.

The Metro-Government may exercise the supplemental regulatory powers set forth in this Article only within urban service districts. Such supplemental regulatory powers may be exercised within urban service districts in addition to the regulatory powers granted in Chapter 5 of this Charter. The enumeration of specific powers or procedures in this Article shall be supplemental to and not in limitation of the powers or procedures provided by other applicable law of North Carolina.

Sec. 7-2. Reserved.

PART 2. EMERGENCY VEHICLES.

Sec. 7-3. Emergency vehicles.

The Council is hereby authorized to establish regulations governing the drivers and operators of wrecker services and other vehicles used in connection with accidents, emergencies and disasters. The Council is also authorized to exercise the following powers within urban service districts: (1) to establish rates which may be charged by operators of wrecker services; and (2) to grant franchises to such operators on such reasonable terms and conditions as may be necessary.

Sec. 7-4. Reserved.

PART 3. DRAINAGE AND SANITATION.

Sec. 7-5. Drainage of premises.

The Metro-Government shall have the following powers within urban service districts: (1) to require that all property owners provide adequate drainage facilities to the end that their premises be free from standing water and permit the natural flow of water thereon to be taken care of; (2) in case of failure on the part of such owner or owners to so provide the same, to go upon their premises and construct the necessary facilities; (3) and to charge the costs thereof against the premises so improved.

Sec. 7-6. Weeds and overgrowth.

The Metro-Government shall have the following powers within urban service districts: (1) to require the owner or owners of all premises, vacant or improved, to keep the same free from trash, obnoxious weeds or overgrowth as they may be ordered; (2) in case of failure on the part of such owner or owners to comply with any such order, to go upon their premises and perform such work as may be necessary to comply with such order; and (3) to charge the cost thereof against the premises upon which such work is performed.

Sec. 7-7. Costs a lien as for taxes.

The costs to the Metro-Government of any work performed under this part shall constitute a lien upon the premises upon which the work is performed and

may be collected in the same manner as taxes upon real property. The term "costs" as used in this Section shall include interest at the rate of not less than six (6) percent per annum until said lien is paid, nor more than twelve (12) percent per annum until said lien is paid; the rate of interest to be determined by the Council on an annual fiscal year basis. Provided, that if the Council should fail to set a rate of interest in any fiscal year, the rate of interest in effect for the preceding fiscal year shall continue in effect.

Secs. 7-8 and 7-9. Reserved.

PART 4. UTILITIES REGULATION.

Sec. 7-10. Power to regulate; franchises.

The Council shall have the following powers: (1) to regulate and supervise the operation of all public utilities and quasi-public utilities operating or doing business within urban service districts to the end that all residents of urban service districts shall receive from said public utilities and quasi-public utilities, equal treatment, good service and just and reasonable rates; (2) to grant or refuse franchises or privileges to such utilities; (3) to regulate the erection and location of all poles in urban service districts; and (4) to require that all wires, pipes and conduits be placed underground and to regulate the same; provided, however, that such regulations shall not be in contravention of general law as the same is now or may hereafter be enacted.

Sec. 7-11. Reserved.

PART 5. PROTEST PETITIONS

Sec. 7-12 Changes in zoning.

(a) In any proposed amendment, supplement, change, modification or repeal of zoning regulations or restrictions or zone boundaries within urban service districts, the provisions of G.S. 160A-385 and 160A-386 shall apply with full force and effect.

(b) A proposed amendment, supplement, change, modification or repeal of zoning regulations or restrictions or zone boundaries within urban service districts shall be considered separately from any proposed amendment, supplement, change, modification or repeal of zoning regulations or restrictions or zone boundaries outside urban service districts.

ARTICLE 2. SPECIAL POWERS IN URBAN SERVICE DISTRICTS.

PART 1. UPTOWN DEVELOPMENT PROJECTS.

Sec. 7-21. Uptown development projects.

(a) Definition. In this Part, "uptown development project" means a capital project in the Metro-Government's central business district, as defined by the Council, comprising one or more buildings or other improvements and including both public and private facilities. By way of illustration but not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center and a privately owned hotel or office building.

(b) Authorization. If the Council finds that it is likely to have a significant effect on the revitalization of the central business district, the Metro-Government may acquire, construct, own, and operate or participate in the acquisition, construction, ownership and operation of an uptown development project or of specific facilities within such a project. The Metro-Government may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract shall among other provisions, specify the following:

(1) The property interest of both the Metro-Government and the developer or developers in the project;

(2) The responsibilities of the Metro-Government and the developer or developers for construction of the project;

(3) The responsibilities of the Metro-Government and the developer or developers with respect to financing the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property acquisition. An uptown development project may be constructed on property acquired by the developer or developers or on property directly acquired by the Metro-Government by any means.

(d) Property disposition. In connection with an uptown development project, the Metro-Government may lease or convey interests in property owned by

it, including air rights over public facilities, by private negotiation or sale, and Article 12 of Chapter 160A of the General Statutes does not apply to such dispositions.

(e) Construction of the project. The contract between the Metro-Government and the developer or developers may provide that the developer and developers shall be responsible for construction of the entire uptown development project. If so, the contract shall include such provisions as the Council deems sufficient to assure that the public facility or facilities included in the project meet the needs of the Metro-Government and are constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to Article 8 of Chapter 143 of the General Statutes.

(f) Operation. The Metro-Government may contract for the operation of any public facility or facilities included in an uptown development project by a person, partnership, firm or corporation, public or private. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the Metro-Government.

(g) Grant funds. To assist in the financing of its share of an uptown development project, the Metro-Government may apply for, accept and expend grant funds from the federal or state governments.

Secs. 7-22 through 7-24. Reserved.

PART 2. MISCELLANEOUS POWERS.

Sec. 7-25. Extraterritorial jurisdiction.

For the purposes of G.S. 160A-360, an urban service district established by the Metro-Government pursuant to G.S. 160B-4 or 160B-5 shall be deemed to be a city; provided that, under no circumstances shall the extraterritorial jurisdiction of the Metro-Government extend more than one mile from the limits of such an urban service district.

Sec. 7-26. Power to appoint special peace officers.

The Council may determine when and at what place or places within urban service districts special peace officers are necessary to police and guard certain designated public or private premises, and may in its discretion appoint such special peace officers who are otherwise qualified to police and guard such premises, the length of the appointment to be at the discretion of the Council; provided, that such special peace officer shall have as full and ample authority in all respects to make arrests, enforce the law, maintain the peace on and about said designated public or private premises, and deliver an arrested person or persons to the Metro-Government jail as regular police officers of the Metro-Government; provided further, that such peace officers may be removed at any time in the discretion of the Council; provided, however, that the Council shall not be obligated to appoint any such special peace officers, but may do so in its discretion, and when appointed and designated by the Council, such special peace

officers shall be sworn in by the Metro-Government Clerk or Deputy Metro-Government Clerk and the record of such appointment shall be kept in the office of the Metro-Government Clerk.

ARTICLE 3. ADDITIONAL SERVICES IN URBAN SERVICE DISTRICTS.

Sec. 7-31. General provisions.

In addition to the powers to establish and maintain services and facilities granted in Chapter 6 of this Charter, the Metro-Government may establish and maintain the services and facilities set forth in this Chapter within urban service districts; provided that such services and facilities may not be established and maintained outside urban service districts. The enumeration of specific powers or procedures in this Chapter shall be supplemental to and not in limitation of the powers or procedures provided by other applicable law.

Article 4. JURISDICTIONAL LIMITATION ON EXERCISE OF POWER.

Sec. 7-41. Jurisdictional limitation on exercise of powers granted by general law.

(a) Except as otherwise expressly provided in this Charter, the powers, duties, rights, privileges and functions granted to municipalities by general law for exercise only within their corporate limits, but not granted to counties by general law, may be exercised by the Metro-Government only within its urban service districts.

(b) The powers, duties, rights, privileges and functions granted to

municipalities by general law for exercise only within their corporate limits which are also granted to counties by general law may be exercised by the Metro-Government anywhere within Mecklenburg County where a county government could exercise such powers, duties, rights, privileges, or functions.

(c) The powers, duties, rights, privileges and functions granted to municipalities by general law for exercise within their extraterritorial jurisdiction may be exercised by the Metro-Government within its urban service districts and within the extraterritorial jurisdiction of the Metro-Government.

(d) This Section may not be construed to limit the authority of the Metro-Government to exercise any powers, duties, rights, privileges or functions granted to counties by general law or to limit the jurisdiction within which such powers, duties, rights, privileges or functions may be exercised.

CHAPTER 8

PROPERTY TAX ADMINISTRATION AND FINANCE

ARTICLE 1. Property Tax Administration.

ARTICLE 2. Finance.

Part 1. General Provisions.

Part 2. Allocation of Costs.

Part 3. Allocation of Revenues.

ARTICLE 1. PROPERTY TAX ADMINISTRATION.

Sec. 8-1. General law to apply except as provided.

Property in Mecklenburg County shall be listed, appraised and assessed and taxes on property levied and collected as provided by general law, except as otherwise provided in this Charter or in any local act applying to Mecklenburg County.

Sec. 8-2. County assessor; tax collector.

The Metro-Government Manager shall appoint a county assessor and tax collector in accordance with general law. The Council may provide for the duties

of county assessor and tax collector to be discharged by the same person in accordance with general law.

ARTICLE 2. FINANCE.

PART 1. GENERAL PROVISIONS.

Sec. 8-21. Mecklenburg Service Area.

The Mecklenburg Service Area extends throughout and includes all portions of Mecklenburg County.

Sec. 8-22. Service districts.

The Council shall have the authority in accordance with general law to establish and maintain service districts, including the following: urban and suburban service districts under Chapter 160B; county service districts under Chapter 153A; and municipal service districts under Chapter 160A.

Secs. 8-23 and 8-24. Reserved.

PART 2. ALLOCATION OF COSTS.

Sec. 8-25. Allocation of costs to Mecklenburg Service Area.

The costs for services, facilities and/or functions which are provided or maintained for the entire county shall be allocated to the Mecklenburg Service Area.

Sec. 8-26. Allocation of costs to service districts.

If any service, facility or function is provided or maintained for only one or more service districts (as described in Section 8-22 of this Charter) but not

for the Mecklenburg Service Area, the costs of providing or maintaining the service, facility or function for each such service district shall be allocated to such district. If any service, facility or function is provided or maintained for one or more service districts to a greater extent than for the Mecklenburg Service Area, the costs of providing or maintaining the service, facility or function to a greater extent for each such district shall be allocated to such district.

The costs for a service district of providing or maintaining a service, facility or function in addition to, or to a greater extent than, those provided for the Mecklenburg Service Area include: operating, maintenance and repair expenses; capital improvement costs; the appropriate share of the costs of administrative services; and the appropriate share of debt service on bonds or notes issued to finance improvements associated with the service, facility or function.

Sec. 8-27. **Reserved.**

PART 3. ALLOCATION OF REVENUES.

Sec. 8-28. **Fees and charges.**

All fees and charges imposed by the Metro-Government for a particular service, facility or function shall be allocated to the service district or Mecklenburg Service Area for which the service, facility or function is provided or maintained. If a particular service, facility or function is provided or

maintained for the Mecklenburg Service Area and to a greater extent for one or more service districts, the Council shall determine the allocation of the fee or charge.

CHAPTER 9

CONTINUING MUNICIPAL CORPORATIONS

Article 1. Preservation of Municipal Powers.

ARTICLE 1. PRESERVATION OF MUNICIPAL POWERS.

Sec. 9-1. Continuation of existing municipal powers.

(a) Except as expressly provided in Section 9-1(b), this Charter does not abridge the authority of any of the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville to enjoy and be subject to: (1) all the powers, duties, rights, privileges, functions and immunities that incorporated municipalities enjoy and are subject to under the Constitution and general laws of the State of North Carolina at or after the effective date of this Charter; and (2) all the powers, duties, rights, privileges, functions and immunities that said Towns enjoy and are subject to under each of their respective charters at or after the effective date of this Charter.

(b) Without the express, written consent of the Metro-Government, no municipality may exercise any power, duty, right, privilege or function within an urban service district of the Metro-Government, including but not limited to the following: annexation; planning and regulation of development; or operation

or regulation of a public enterprise. No general law, municipal charter or local act enacted or taking effect after the date of adoption of this Charter may be construed to modify, amend, or repeal any portion of this Section unless it expressly so provides by specific reference to this Section, and this Section supersedes any general law, municipal charter, or local act enacted on or before the date of adoption of this Charter.

Sec. 9-2. Continuation of annexation agreements.

(a) The annexation agreements (sometimes referred to as "sphere of influence" agreements) entered into by the City of Charlotte prior to the effective date of this Charter shall continue and be enforceable in accordance with their terms. These include, but are not limited to, those annexation agreements between the City of Charlotte and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, Pineville and Weddington.

(b) With respect to said agreements, the Metro-Government is the successor to the City of Charlotte and the urban service districts created and amended by the Metro-Government pursuant to Chapter 160B from time to time, are equivalent to the area within the corporate limits of the City of Charlotte.

(c) "Annexation," as used in said agreements, shall be construed to include, but is not limited to, the creation or extension of an urban service district pursuant to Chapter 160B of the General Statutes.

Sec. 9-3. Services to citizens of Towns.

The citizens of the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville who reside in Mecklenburg County are citizens of the Metro-Government as well and are entitled to services, facilities and functions that are provided or maintained by the Metro-Government for the Mecklenburg Service Area.

Sec. 9-4. Cooperation authorized between Metro-Government and Towns.

The Metro-Government and any of the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville may (1) agree to exercise or enjoy jointly or (2) contract for the Metro-Government or the Town to exercise or enjoy for both, any power, duty, public enterprise, right, privilege, function or immunity that the Metro-Government and the participating Town may exercise or enjoy individually.

CHAPTER 10

CHANGES IN FORM AND STRUCTURE

OF METRO-GOVERNMENT

Sec. 10-1. Optional forms.

The Metro-Government may change its name or alter its form of government by adopting one or any combination of the options prescribed by this Section:

(1) Name of the government:

The name of the government may be changed to any name not deceptively similar to that of another city, county or consolidated city-county in this State. No change can be made pursuant to this Section in the name of the geographical area known as Mecklenburg County.

(2) Style of the governing board:

The governing board may be styled the board of commissioners, the board of alderman, or the council.

(3) Terms of office of members of the governing body:

Members of the governing body shall serve terms of office of either two or four years. All of the terms need not be of the same length, and all of the terms need not expire in the same year.

(4) Number of members of the governing body:

The governing body shall consist of any number of members not less than three, provided that if the members of the governing body are elected for a combination of four- and two-year terms of office, the governing body shall consist of an odd number of members.

(5) Mode of election of the governing body:

(a) The qualified voters of the entire Metro-Government shall nominate all candidates for and elect all members of the governing body.

For options (b), (c), and (d), the Metro-Government shall be divided into electoral districts, and governing body members shall be apportioned to the districts so that the quotients obtained by dividing the population of each district by the number of members apportioned to the district are as nearly equal as practicable.

(b) The qualified voters of each district shall nominate candidates and elect members who reside in the district for seats apportioned to that district; and the qualified voters

of the entire Metro-Government shall nominate candidates and elect members apportioned to the Metro-Government at large, if any.

(c) The qualified voters of each district shall nominate candidates who reside in the district for seats apportioned to that district, and the qualified voters of the entire Metro-Government shall nominate candidates for seats apportioned to the governing body at large, if any, and the qualified voters of the entire Metro-Government shall elect all the members of the governing body.

(d) Members shall reside in and represent the districts according to the apportionment plan adopted, but the qualified voters of the entire Metro-Government shall nominate all candidates for and elect all members of the governing body.

If any of options (b), (c), or (d) is adopted, the governing body shall divide the Metro-Government into the requisite number of electoral districts according to the apportionment plan adopted, and a delineation of the districts so laid out shall be drawn up and filed as required by Section 11-2 of this Charter. No more than

half the governing body may be apportioned to the Metro-Government at large.

An initiative petition may specify the number of electoral districts to be laid out and the number of members apportioned to each district, but the drawing of district boundaries shall be done in all cases by the governing body.

(6) Elections:

(a) Partisan. ---Primaries and elections shall be conducted on a partisan basis as provided in G.S. § 163-291.

(b) Nonpartisan Plurality. ---Elections shall be conducted as provided in G.S. § 163-292.

(c) Nonpartisan Election and Runoff Election. ---Elections and runoff elections shall be conducted as provided in G.S. § 163-293.

(d) Nonpartisan Primary and Election. ---Primaries and elections shall be conducted as provided in G.S. § 163-294.

(7) Selection of Mayor:

(a) The Mayor shall be elected by all the qualified voters of the Metro-Government for a term of either two or four years.

(b) The Mayor shall be selected by the governing body from among its membership to serve at its pleasure.

Under option (a), the Mayor may be given the right to vote on all matters before the governing body, or he may be limited to voting only to break a tie. Under option (b), the Mayor has the right to vote on all matters before the governing body. In both cases the Mayor has no right to break a tie vote in which he participated. Under any proposal authorized by this sub-section to alter the manner of selecting the Mayor which would authorize the Mayor to vote on all matters before the Council, the Charter shall also be amended to eliminate the veto and appointment authority set forth in Sections 2-23(h) and 2-42(g) of this Charter. Under any proposal authorized by this sub-section to alter the manner of selecting the Mayor which would result in the loss of authority by the Mayor to vote on all matters before the Council, the Charter shall also be amended to restore the veto and appointment authority set forth in Sections 2-23(h) and 2-42(g) of this Charter as contained therein immediately before the elimination of such authority pursuant to this sub-section.

(8) Form of government:

- (a) The Metro-Government shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of Chapter 180A. To the extent that any provisions of this

Charter are in conflict with said Part the provisions of this Charter shall control.

- (b) The Metro-Government shall operate under the manager plan form of government under which the Council shall either: confer the duties of the Metro-Government Manager upon the Mayor, a member of the Council, or any other officer, employee or agent of the Metro-Government; or appoint the Metro-Government Manager in accordance with Part 2 of Article 7 of Chapter 160A and the provisions of Section 3-21(a) of the Charter. If the Mayor or a member of Council shall have the duties of the Metro-Government Manager conferred upon him: he shall become a full-time Metro-Government official, and the Council may increase his compensation and allowances at any time during his service as a full-time official for the duration of that service; he shall have no vote in his dismissal; and if he is the Mayor, he shall not have the power to veto his dismissal. If the provisions of this option are exercised, and a proposal is made to confer the duties of the Metro-Government Manager upon the Mayor or any member of the Council, neither the Mayor nor such member of Council may vote on such proposal, and the

provisions of Section 3-23(d) shall not apply to such proposal.

- (c) The Metro-Government shall operate under a form of government without a manager in accordance with Part 3 of Article 5 of Chapter 153A. To the extent that any provisions of this Charter are in conflict with said Part, the provisions of said Part shall control.

Sec. 10-2. Amendment by ordinance.

By following the procedure set out in this Section, the Council may amend this Charter by ordinance to implement any of the optional forms set out in Section 10-1, subject to a referendum before such amendments can take effect. The Council shall first adopt a resolution of intent to consider an ordinance amending this Charter. The resolution of intent shall describe the proposed Charter amendments briefly but completely and with reference to the pertinent provisions of Section 10-1 but it need not contain the precise text of the Charter amendments necessary to implement the proposed changes. At the same time that a resolution of intent is adopted, the Council shall also call a public hearing on the proposed Charter amendments, the date of the hearing to be not more than 45 days after adoption of the resolution. A notice of the hearing shall be published at least once not less than 10 days prior to the date fixed for the public hearing, and shall contain a summary of the proposed amendments.

Following the public hearing, but not earlier than the next regular meeting of the Council and not later than 60 days from the date of the hearing, the Council may adopt an ordinance amending this Charter to implement the amendments proposed in the resolution of intent.

The Council shall make any ordinance adopted pursuant to this section effective only if approved by a vote of the people, and shall by resolution adopted at the same time call a special election for the purpose of submitting the ordinance to a vote. The date fixed for the special election shall be not more than 90 days after adoption of the ordinance.

Within 10 days after an ordinance is adopted under this Section, the Council shall publish a notice of the election in accordance with G.S. § 163-287, together with a summary of the contents and effect of the ordinance proposing to amend the Charter.

The Council may not commence proceedings under this Section between the time of the filing of a valid initiative petition pursuant to Section 10-3 and the date of any election called pursuant to such petition.

Sec. 10-3. Initiative petitions for Charter amendments.

The people may initiate a referendum on proposed Charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the Metro-Government equal to at least ten percent (10%) of the whole number of voters who are registered to vote in Metro-Government

elections according to the most recent figures certified by the State Board of Elections or 3,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of Section 10-1, but it need not contain the precise text of the Charter amendments necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of Charter amendments. Upon receipt of a valid initiative petition, the Council shall call a special election on the question of adopting the Charter amendments proposed therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed at not more than 120 nor fewer than 60 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the Council shall adopt an ordinance amending this Charter to put them into effect. Such an ordinance shall not be subject to a referendum petition. No initiative petition may be filed (i) between the time the Council initiates proceedings under Section 10-2 by publishing a notice of hearing on proposed Charter amendments and the time proceedings under that Section have been carried to a conclusion either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within one year and six months following the effective date of an ordinance amending this Charter pursuant to this Chapter nor (iii)

within one year and six months following the date of any election on Charter amendments that were defeated by the voters.

The restrictions imposed by this Section on filing initiative petitions shall apply only to petitions concerning the same subject matter. For example, pendency of Council action on amendments concerning the method of electing the Council shall not preclude an initiative petition on adoption of the council-manager form of government.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for Charter amendments on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

Sec. 10-4. Submission of propositions to voters; form of ballot.

A proposition to approve an ordinance or petition shall be printed on the ballot in substantially the following form:

"Shall the ordinance (describe the effect of the ordinance) be approved?

() YES

() NO"

The ballot shall be separate from all other ballots used at the election.

If a majority of the votes cast on a proposition shall be in the affirmative, the plan contained therein shall be put into effect as provided in this Chapter. If a majority of the votes cast shall be against the proposition,

the ordinance or petition proposing the amendments shall be void and of no effect.

Sec. 10-5. Amendment of Charter provisions dependent on form of government.

The authority conferred by this Chapter to amend Charter provisions within the options set out in Section 10-1 also includes authority to amend other Charter provisions dependent on the form of the Metro-Government to conform them to the form-of-government amendments. By way of illustration and not limitation, if the number of members of Council is amended to increase the size of the Council from 11 to 13 members, Section 2-23(a) of this Charter defining a quorum of the Council as six members shall be amended to define a quorum as seven members.

Sec. 10-6. Plan to continue for two years.

Charter amendments adopted as provided in this Chapter shall continue in force for at least two years after the beginning of the term of office of the officers elected thereunder.

Sec. 10-7. Municipal officers to carry out plan.

It shall be the duty of the Mayor, the Council, the Metro-Government Clerk, and other Metro-Government officials in office, and the Mecklenburg County Board of Elections and election officials, when any plan of government is adopted as provided by this Chapter or is proposed for adoption, to comply with all requirements of this Chapter, to the end that all things may be done which are

necessary for the nomination and election of the officers first to be elected under the new plan so adopted.

Sec. 10-8. Effective date.

The Council may submit new Charter amendments proposed under this Chapter at any regular or special election, or at a special election called for that sole purpose. Any amendment affecting the election of Metro-Government officers shall be finally adopted and approved at least 90 days before the first election for Mayor or Council members held thereunder.

Sec. 10-9. Charter to remain in force.

Upon the adoption of a new form of government as provided in this Chapter, this Charter shall continue in full force and effect notwithstanding adoption of the new form of government, except to the extent modified by an ordinance adopted under the authority conferred and pursuant to the procedures prescribed by this Chapter.

Sec. 10-10. Filing certified true copies of Charter amendments.

The Metro-Government Clerk shall file a certified true copy of any Charter amendment adopted under this Chapter, together with a copy of the abstract of any referendum, with the Secretary of State, Supreme Court Library, and the Legislative Library.

CHAPTER 11

DISTRICT BOUNDARIES

Article 1. Council Electoral Districts.

ARTICLE 1. COUNCIL ELECTORAL DISTRICTS.

Sec. 11-1. Council electoral districts.

(a) There shall be one electoral district for each district member of the Council provided for in Section 2-1 of this Charter. The boundaries of each electoral district may be revised in accordance with the provisions of the General Statutes applicable to counties, and such revised boundaries shall supersede all prior boundaries.

(b) The initial electoral districts are initially defined as having these boundaries:

DISTRICT 1: [See Mecklenburg County Commissioner Districts Map, January 1994]

DISTRICT 2: [See Mecklenburg County Commissioner Districts Map, January 1994]

DISTRICT 3: [See Mecklenburg County Commissioner Districts Map, January 1994]

DISTRICT 4: [See Mecklenburg County Commissioner Districts Map, January 1994]

DISTRICT 5: [See Mecklenburg County Commissioner Districts Map, January 1994].

DISTRICT 6: [See Mecklenburg County Commissioner Districts Map, January 1994].

From and after any revision to the boundaries of the initial electoral districts, the Council may provide that the provisions of Section 11-1(b) and the designation of the remaining provisions of Section 11-1 as subsection (a) may be deleted from any future printings of this Charter.

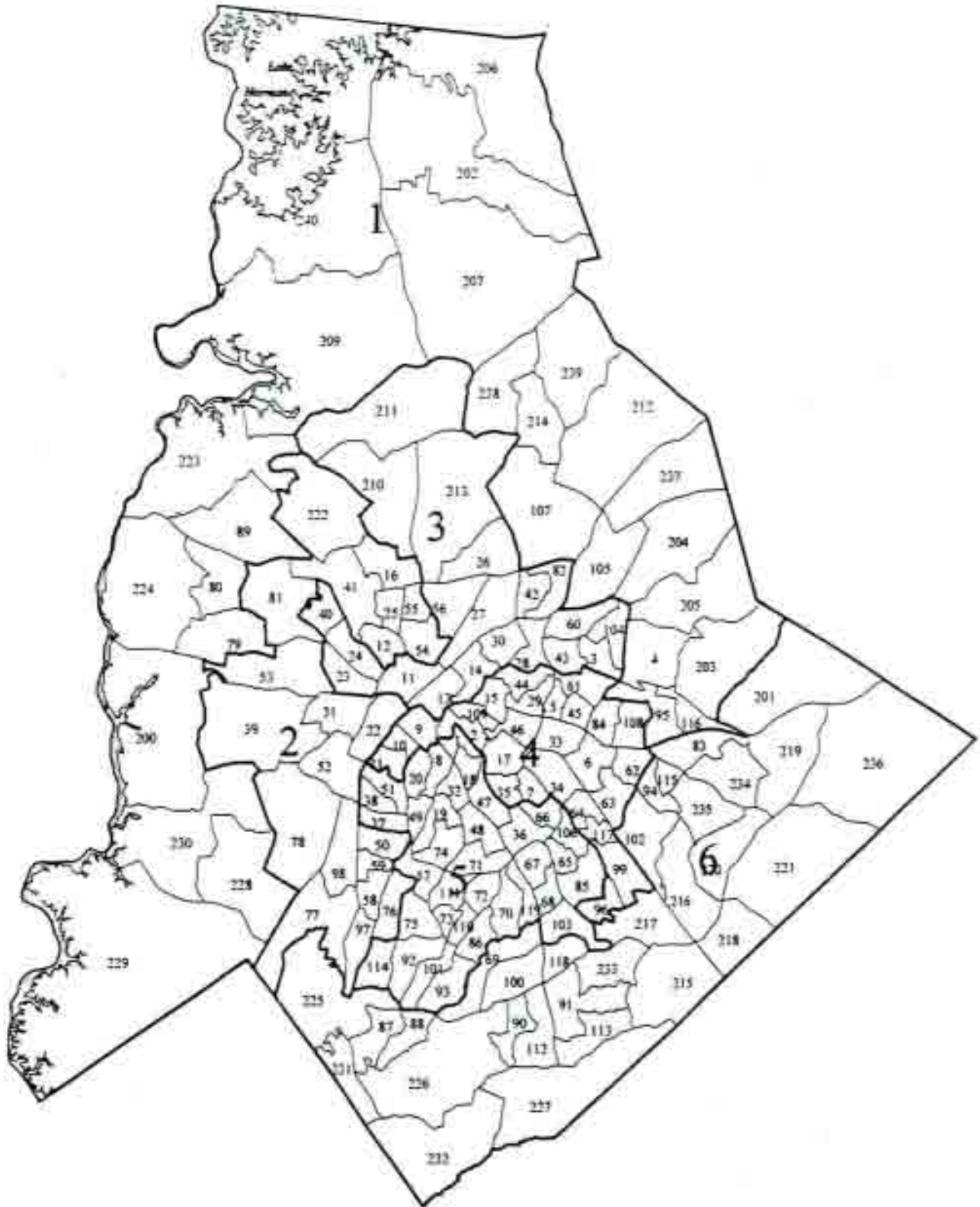
Sec. 11-2. District map.

The Metro-Government Manager shall cause the preparation of a map to be designated "Council District Map" showing the electoral district boundaries as established by the Council. The Metro-Government Manager may also cause the preparation of a written description of the district boundaries as shown on said map, to be designated "Description of Council District Boundaries." Said map and any description shall be retained permanently in the office of the Metro-Government Clerk as the official map and description of the electoral districts of the Metro-Government. Immediately upon alterations of the district boundaries of the Metro-Government made pursuant to law from time to time, the Metro-Government Manager shall cause appropriate changes in or additions to said official map and description(s) to be made. A redrawn map and rewritten description(s) shall supersede for all purposes the earlier maps and description(s) which are respectively replaced. Photographic, typed or other copies of said official map or description(s), certified by the Metro-Government

Clerk, shall be admissible in evidence in all courts and shall have the same force and effect as would the official map or description(s).

Mecklenburg County Commissioner Districts

JANUARY 1994



Board of Elections

Produced by Mecklenburg County GIS



CHAPTER 12

MISCELLANEOUS PROVISIONS

- Article 1. Continuing officers.
- Article 2. Formation of other political subdivisions.
- Article 3. Sale and disposition of property.
- Article 4. Official bonds.
- Article 5. Contracts and purchases.
- Article 6. Conflict of interest.
- Article 7. Statutory references.
- Article 8. Federal and state aid.
- Article 9. Elections.

ARTICLE 1. CONTINUING OFFICERS.

Sec. 12-1. Sheriff; Register of Deeds; Supervisor of Elections.

The offices of Sheriff, Register of Deeds and Supervisor of Elections of Mecklenburg County continue within the Metro-Government as provided in the Constitution and applicable law.

ARTICLE 2. FORMATION OF OTHER POLITICAL SUBDIVISIONS.

Sec. 12-21. Procedure: Council consent.

(a) The Council's written consent must be obtained before any political subdivision, whether a municipal corporation, special district or other similar tax-levying or revenue-raising governmental agency, board, commission, authority or other entity, may be established to operate within any portion of Mecklenburg County which is not within a municipality. Any person petitioning a state, county or municipal governmental body for the creation of a political subdivision within any portion of Mecklenburg County which is not within a municipality shall file with the Mayor, the Metro-Government Manager and the Metro-Government Clerk certified copies of the petition at the same time he files the petition with the other governmental body. If the Council neither withholds nor gives its consent to the petition by its fourth regular meeting following receipt of the petition, the Council shall be deemed to have withheld its consent. If the Council withholds its consent, the petition and any action taken on it by any other governmental body shall be void and have no effect, and no similar action may be considered within six (6) months after the Council's withholding of its consent. If the Council consents, the petition may be acted on according to the procedures established by applicable law for the creation of the proposed political subdivision. The Council's consent shall not be effective unless it is adopted by resolution at an official meeting of the Council.

(b) The Council's written consent must be obtained before any unit of local government, including a municipal corporation, county, special district or other similar tax-levying or revenue-raising governmental agency, board, commission, authority or other entity, may extend or exercise its jurisdiction in any manner within any portion of Mecklenburg County which is not within a municipality. Any unit of local government intending to extend or exercise jurisdiction within the meaning of this subsection shall file with the Mayor, Metro-Government Manager and Metro-Government Clerk written statements of its intent to extend or exercise jurisdiction within the meaning of this subsection and shall include in such statement a full and complete description of the extension or exercise of jurisdiction within the meaning of this subsection. The Council may require such unit of local government to submit such additional information and documentation as the Council may specify. If the Council neither withholds nor gives its consent to such extension or exercise of jurisdiction by its fourth regular meeting following receipt of the statement of intent and all requested information and documentation, the Council shall be deemed to have withheld its consent. If the Council withholds its consent, any action shall be void and have no effect which is taken by or on behalf of any unit of local government to extend or exercise jurisdiction within the meaning of this subsection. No similar action may be considered by such unit of local government within six (6) months after the Council's withholding of its consent. If the

Council consents, the extension or exercise of jurisdiction within Mecklenburg County by a unit of local government may be acted on according to the procedures established by applicable law. The Council's consent shall not be effective unless adopted by resolution at an official meeting of the Council. This subsection shall not apply to the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville nor to the exercise of jurisdiction by the Town of Weddington within such portions of its corporate limits as are located within Mecklenburg County on the date of adoption of this Charter.

(c) No general law, municipal charter or local act enacted or taking effect after the date of adoption of this Charter may be construed to modify, amend or repeal any portion of this Section unless it expressly so provides by specific reference to this Section, and this Section of this Charter supersedes any general law, municipal charter, or local act enacted on or before the date of adoption of this Charter.

ARTICLE 3. SALE AND DISPOSITION OF PROPERTY.

Sec. 12-31. Personal Property.

The Council shall have the power at all times to sell any and all personal property belonging to the Metro-Government at private sale, and without resorting any other procedure for the disposition of personal property. The Metro-Government Manager is fully authorized to make title to the purchases of any personal property sold.

Sec. 12-32. Real Property.

The Metro-Government may convey interests in real property owned by it by private negotiation or sale with respect to parcels of property having a fair market value of ten thousand dollars (\$10,000.00) or less, and Article 12 of Chapter 160A of the General Statutes shall not apply to such dispositions. The Metro-Government Manager is authorized and empowered to approve such dispositions.

Sec. 12-33. Lease of property.

Notwithstanding the provisions of G.S. 160A-272, the Council may, in its discretion, lease property owned by the Metro-Government for such terms and upon such conditions as the Council may determine, including terms of more than ten (10) years without the necessity of following any procedures other than those required by G.S. 160A-272 for leases of ten (10) years or less.

ARTICLE 4. OFFICIAL BONDS.

Sec. 12-41. Finance officer.

The finance officer of the Metro-Government shall give a true accounting and faithful performance bond with sufficient securities in an amount fixed by the Council, not less than ten thousand dollars (\$10,000.00). The Council shall provide for the payment of such bond.

Sec. 12-42. Council to provide.

The Council shall provide for payment of the official bonds of such

officers and employees of the Metro-Government as the Council may deem in the public interest.

ARTICLE 5. CONTRACTS AND PURCHASES.

Sec. 12-51. Award and approval of certain contracts.

(a) The Metro-Government Manager or his duly authorized designee is hereby authorized to award, approve and execute contracts or agreements of any kind or nature on behalf of the Metro-Government when the amount of such contract or agreement does not exceed Fifty Thousand Dollars (\$50,000), provided that the Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year for the general purpose specified in the contract or agreement. In addition, the Metro-Government Manager or his duly authorized designee is authorized to approve and execute amendments to contracts or agreements, including contracts initially approved by the Council, when the amount in question does not exceed Fifty Thousand Dollars (\$50,000).

(b) The Metro-Government Manager or his duly authorized designee is authorized to award, approve and execute contracts for the construction and installation of water and sewer lines that will eventually become a part of the Metro-Government utility system, regardless of the amount, where the construction and installation is the sole responsibility and is at the sole expense of another person, firm or corporation.

(c) The Metro-Government Manager may award, approve, and execute

contracts for the purchase of apparatus, supplies, materials, or equipment regardless of the value of the contract, provided that:

(1) The Metro-Government Manager shall report to the Council prior to executing any contracts upon which bids are received;

(2) The Council shall have approved a sufficient unencumbered appropriation in the annual budget for the current fiscal year for the general purpose specified in the contract;

(3) The contract is not a construction contract; and

(4) The contracts are not entered into as a result of requests for proposals.

(d) The authority granted in this Section is supplemental to and not in limitation of the authority provided by other applicable law.

Sec. 12-52. Purchase of equipment and supplies.

(a) G.S. 143-129, as it applies to the Metro-Government by virtue of Section 2 of Chapter 89 of the Session Laws of 1981, is amended as to the Metro-Government by deleting "purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than thirty thousand dollars (\$30,000)" and substituting "purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than fifty thousand dollars (\$50,000)".

(b) G.S. 143-129 as it applies to the Metro-Government is amended to

provide that the Metro-Government Manager or his designee may waive the requirement for a bid bond or deposit for the purchase of apparatus, supplies, material, or equipment where the successful bidder does not have any past experience of nonperformance with the Metro-Government. The Metro-Government Council may consider a bid for the purchase of apparatus, supplies, materials, or equipment and award a contract on such bid notwithstanding the fact that the proposal is not accompanied by a bid deposit with the Council.

Sec. 12-53. Purchase of telecommunications equipment.

(a) This section establishes special procedures for the purchase and lease of telecommunications, data processing and data communications equipment, supplies and services, and applies only to those purchases and leases.

(b) Because of the:

(1) Highly complex and innovative nature of telecommunications, data processing and data communications equipment, supplies and services; and

(2) Desirability of a single point of responsibility for the development of contracts for products and services which include in their scope combinations of design, installation, operation, management, and service and maintenance responsibilities over prolonged periods of time,

in some instances it may be beneficial to the Metro-Government to award a contract on the basis of factors other than cost alone, including but not limited to: (i) system design, (ii) operation experience, (iii) system reliability, (iv)

long-term operational costs, (v) compatibility with existing equipment, and (vi) emerging technology. Therefore, notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, or any other general, special, or local law, a contract entered into between the Metro-Government and any person selected as a responsible proposer pursuant to this section may be awarded, negotiated, and entered into in accordance with the following provisions for the award of a contract based upon an evaluation of proposals submitted in response to a request for proposals prepared by or for the Metro-Government.

(c) The Metro-Government shall give notice that it is requesting proposals as follows:

(1) By mailing notice of request for proposals a minimum of 10 days prior to the time specified for opening of said proposal to suppliers represented on the Metro-Government's current relevant bid list; and

(2) By advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in the Metro-Government. The advertisement shall state the time and place where the request for proposals may be had, and the time and place for opening of said proposals, and shall reserve to the Metro-Government the right to reject any or all such proposals. All proposals shall be opened in public. Proposals shall be sealed if the invitation to propose so specifies.

(d) The Metro-Government shall require in its request for proposals that

each proposal to be submitted shall include:

1) Information relating to the experience of the proposer on the basis of which said proposer purports to be qualified to carry out all work required by a proposed contract;

(2) Information establishing the ability of the proposer to secure adequate financing;

(3) Proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities required by a proposed contract;

(4) Language clearly identifying and specifying all elements of cost which would become charges to the Metro-Government, in whichever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for the proposal for the full lifetime of a proposed contract, including, as appropriate, but not limited to,

(i) the cost of purchase or lease of equipment,

(ii) the cost of design, installation, operation, management, and maintenance of any system, and

(iii) the cost of any services performed by proposer; and

(5) Such other information as the Metro-Government may determine to have a material bearing on its ability to evaluate any proposal in accordance with this section,

(e) The Metro-Government may prescribe the form and content of such

proposal and, in any event, the proposer must submit sufficiently detailed information to permit a fair and equitable evaluation of such proposal. The Metro-Government may evaluate such proposals based on one or more of the factors set forth above as the Metro-Government determines to be appropriate.

(F) The Metro-Government may make a contract award to any responsible proposer selected pursuant to this section based on a determination that the selected proposal is more responsive to the request for proposals and may thereupon negotiate a contract with said proposer for the purchase and/or lease of equipment and performance of the services set forth in the request for proposals and the response thereto. Such determination is conclusive.

Sec. 12-54. Sludge management facility contracts.

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this section:

- (1) "Sludge" means any solid, semisolid, or liquid waste generated from a local government, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- (2) "Sludge management" means purposeful, systematic control of the generation, storage, collection, transport, treatment, processing, recovery, and disposal of sludge.

(3) "Sludge management facility" means land, personnel, and equipment used in sludge management.

(4) "Storage" means the containment of sludge in a manner which does not constitute disposal.

(b) To acknowledge the highly complex and innovative nature of sludge management technology for processing sludge, the relatively limited availability of existing and proven proprietary technology involving sludge management facilities, the desirability of a single point of responsibility for the development of facilities, and the economic and technical utility of contracts for sludge management which include in their scope combinations of design, construction, operation, management, and maintenance responsibilities over prolonged periods of time and that in some instances it may be beneficial to the Metro-Government to award a contract on the basis of factors other than cost alone, including, but not limited to, facility design, operational experience, system reliability, long-term operational costs, compatibility with sludge production facilities, environmental impact, and operation guarantees, this section establishes special procedures for the construction, design, and operation of sludge management facilities. Accordingly, and notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, or any other general, special, or local law, a contract entered into between the Metro-Government and any person pursuant to this section may be awarded in accordance

with the following provisions for the award of a contract based upon an evaluation of proposals submitted in response to a request for proposals prepared by or for the Metro-Government.

The Metro-Government shall give notice that it is requesting proposals as follows: Proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in the Metro-Government. The advertisement shall state the time and place where the request for proposals may be had, and the time and place for opening of the proposals, and shall reserve to the Metro-Government the right to reject any or all such proposals. All proposals shall be opened in public. Proposals shall be sealed if the invitation to propose so specifies. Nothing in this paragraph limits the Metro-Government from publicizing the request for proposals by other means, or from directly soliciting proposals.

(c) The Metro-Government shall require in its request for proposals that each proposal to be submitted shall include:

- (1) Information relating to the experience of the proposer on the basis of which said proposer purports to be qualified to carry out all work required by a proposed contract; the ability of the proposer to secure adequate financing; and proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities required by a proposed contract;

- (2) A proposal clearly identifying and specifying all elements of cost which would become charges to the Metro-Government, in whatever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for the proposal for the full lifetime of a proposed contract, including, as appropriate, but not limited to, the cost of planning, design, construction, operation, management, and/or maintenance of any facility; provided, that the Metro-Government may prescribe the form and content of such proposal and that, in any event, the proposer must submit sufficiently detailed information to permit a fair and equitable evaluation of such proposal; and
- (3) Such other information as the Metro-Government may determine to have a material bearing on its ability to evaluate any proposal in accordance with this section.

(d) Proposals received in response to such request for proposals may be evaluated on the basis of a technical analysis of facility design, operational experience of the technology to be utilized in the proposed facility, system reliability and availability, efficiency, environmental impact and protection, required staffing level during operation, projection of anticipated revenue from the materials produced by the facility, net cost to the Metro-Government for

operation and maintenance of the facility for the duration of time to be established in the request for proposals, and upon such other factors and information as the Metro-Government determines to have a material bearing on its ability to evaluate any proposal, which factors were set forth in said request for proposal.

(e) The Metro-Government may make a contract award to any responsible proposer selected pursuant to this section based upon a determination that the selected proposal is more responsive to the request for proposals and may thereupon negotiate a contract with said proposer for the performance of the services set forth in the request for proposals and the response thereto. Such determination shall be deemed to be conclusive. Notwithstanding other provisions of Article 8 of Chapter 143 of the General Statutes, or any other general, local, or special law, a contract may be negotiated and entered into between the Metro-Government and any person selected as a responsible proposer hereunder which may provide for, but not be limited to, the following:

- (1) A contract, lease, rental, license, permit, or other authorization to design, construct, operate, and maintain such a sludge management facility, upon such terms and conditions for such consideration and for such term or duration, not to exceed 40 years, as may be agreed upon by the Metro-Government and such person;

- (2) Payment by the Metro-Government of a fee or other charge to such person for acceptance, processing, management, and disposal of sludge;
- (3) An obligation on the part of the Metro-Government to deliver or cause to be delivered to a sludge management facility guaranteed quantities of sludge; and
- (4) The sale, utilization, or disposal of any form of material or residue resulting from the operation of any sludge management facility.

(f) The construction work for any facility or structure which is ancillary to the sludge management facility and which does not involve storage and processing of sludge or the recovery of useful or marketable forms of materials from sludge at the sludge management facility, shall be procured through competitive bidding procedures as described in Article 8 of Chapter 143 of the General Statutes. Such ancillary facilities shall include, but shall not necessarily be limited to, the following: roads, water and sewer lines to the facility limits, transfer stations, scale house, administration buildings, and residue and bypass disposal sites.

ARTICLE 6. CONFLICT OF INTEREST.

Sec. 12-61. Penalty.

- (a) It shall be unlawful for the Mayor or any member of the Council, or

other officer or employee of the Metro-Government, directly or indirectly, to become an independent contractor for work done by the Metro-Government, or to become directly or indirectly financially interested in, or receive profits from any purchase by the Metro-Government. Any such person or persons violating this provision shall be guilty of a misdemeanor.

(b) Nothing in this Section nor in any general principle of common law shall render unlawful the acceptance of remuneration from the Metro-Government for services, facilities, or supplies furnished directly to needy individuals by a member of Council under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the Council; provided, however, that such programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; and provided further that neither the Council, nor any of its employees or agents, shall have any control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance, and that the remuneration for such services, facilities or supplies shall be in the same amount as would be paid to any other provider; and provided further that, although the Council member may participate in making determinations of eligibility of needy persons to receive the assistance, he shall take no part in approving his own bill or claim for remuneration.

ARTICLE 7. STATUTORY REFERENCES.

Sec. 12-71. Statutory references deemed amended.

Whenever a reference is made in this Charter, or in any ordinance, resolution, motion or order of the Metro-Government, to a portion of the General Statutes that is subsequently repealed or superseded by another portion of the General Statutes, the reference shall be deemed amended to refer to that portion of the General Statutes which most nearly corresponds to the repealed or superseded portion of the General Statutes. Whenever a reference is made in this Charter, or in any ordinance, resolution, motion or order of the Metro-Government to a portion of the General Statutes that is subsequently amended, the reference shall be construed to refer to the portion of the General Statutes, as amended.

ARTICLE 8. FEDERAL AND STATE AID.

Sec. 12-81. Federal and State aid.

(a) The Metro-Government shall be considered both a county and a municipality for the purposes of determining its right to receive any amount or form of financial assistance or support from the United States or the State of North Carolina or from any federal or state agency or instrumentality. The Metro-Government is entitled to receive this assistance in the same manner as any county or municipality, without diminution or loss because of the consolidation with Mecklenburg County of the City of Charlotte and any other municipality which may become consolidated with the Metro-Government.

(b) When the federal or state governments distribute funds to counties in the State on the basis of population or area or both, the entire population and total area of Mecklenburg County shall be used in calculating and determining the basis of the distribution. When funds are distributed to counties on the basis of the population or area or both of their unincorporated areas, the areas outside urban service districts of the Metro-Government and outside municipalities shall be considered unincorporated areas. When funds are distributed to municipalities in the State on the basis of population or area or both, the population and total area of each urban service district of the Metro-Government shall be used in calculating and determining the basis of any distribution to the Metro-Government.

ARTICLE 9. ELECTIONS

Sec. 12-91. General applicability of State law; intent.

Elections for the office of Mayor and for membership on the Council of the Metro-Government shall be conducted as set forth in Chapter 163 of the General Statutes under the provisions applicable to municipalities.

Sec. 12-92. Residency.

The rules for determining residency within the Metro-Government and the rules for determining residency within an urban service district shall be the same as prescribed in G.S. 163-57 for determining county residency.

Sec. 12-93. Partisan elections.

All elections for membership on the Council and for the office of Mayor are partisan.

CHAPTER 13

INTENT AND SEVERABILITY

Sec. 13-1. Intent and severability.

It is the intent and purpose of the General Assembly in adopting this Charter to consolidate the governmental and corporate functions of the County of Mecklenburg and the City of Charlotte so that the consolidating governments may be operated as one governmental entity in the interest of modern, efficient, economical, responsive and responsible democratic government. Each provision of this Charter that is not essential to this objective is severable from every other provision. This Charter shall continue in full force and effect even if any of its severable provisions are held unconstitutional or void.

LEGISLATION TO ACCOMPLISH CITY-COUNTY CONSOLIDATION

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE THE CITY OF CHARLOTTE WITH MECKLENBURG COUNTY BY CREATING THE CHARLOTTE-MECKLENBURG METROPOLITAN GOVERNMENT; TO PROVIDE A CHARTER FOR THE CHARLOTTE-MECKLENBURG METROPOLITAN GOVERNMENT; TO PROVIDE FOR THE IMPLEMENTATION OF THE CHARLOTTE-MECKLENBURG METROPOLITAN GOVERNMENT; TO REPEAL AND AMEND CERTAIN LOCAL ACTS THAT APPLY TO THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY; TO AMEND CERTAIN STATUTES NECESSARY FOR OPERATION OF A CONSOLIDATED CITY-COUNTY GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Charlotte-Mecklenburg Metropolitan Government is enacted to read:

[Insert charter provisions]

Sec. 2. The Charter for the City of Charlotte as contained in Section 1 of Chapter 713 of the 1965 Session Laws, together with all local laws adopted prior thereto or thereafter enacting or amending the Charter for the City of Charlotte, are hereby repealed.

Sec. 3. The following provisions are intended to supplement the Charter of the Charlotte-Mecklenburg Metropolitan Government set forth in Section 1 in order to provide for the orderly transition and consolidation of the City of Charlotte and Mecklenburg County into the new governmental entity to be known as the Charlotte-Mecklenburg Metropolitan Government:

ARTICLE 1. GENERAL TRANSITION PROVISIONS.

Part 1. *Continuation of ordinances, regulations and resolutions.*

(a) All ordinances, regulations and resolutions of Mecklenburg County and of the City of Charlotte that are in force immediately prior to the effective date of the Charter

for the Charlotte-Mecklenburg Metropolitan Government set forth in Section 1 (hereinafter the "Charter") and that are not inconsistent with the Charter continue in full force and effect within the area in which they applied. They become ordinances, regulations and resolutions of the Charlotte-Mecklenburg Metropolitan Government (hereinafter called "Metro-Government") and shall continue in force until repealed or amended by the Metro-Government Council.

(b) All orders, rules and regulations made by any officer, agency, board, commission, department, or authority of Mecklenburg County or of the City of Charlotte that are in force immediately prior to the effective date of the Charter and that are not inconsistent with the Charter also continue in force within the area in which they applied until repealed or amended by the appropriate officer, agency, board, commission, department, or authority of the Metro-Government.

(c) Except as otherwise provided in this Act, all personnel policies, procedures, rules and regulations, whether adopted by the Charlotte City Council or the Mecklenburg County Board of Commissioners, or adopted pursuant to delegated authority, shall remain in force as to those employees of either Mecklenburg County or the City of Charlotte who continue as employees of the Metro-Government until repealed or amended by the Metro-Government Council or repealed or amended pursuant to delegation by the Metro-Government Council.

Part 2. Continuation of hearings and proceedings.

All petitions, hearings and other proceedings pending before any officer, office, department, agency, board, council, commission or authority of Mecklenburg County or the City of Charlotte continue and remain in full force and effect, even if the officer,

office, department, agency, board, council, commission or authority has been abolished or consolidated. The petition, hearing, or proceeding shall be completed by the officer, office, department, agency, board, council, commission or authority of the Metro-Government that succeeds to the powers, duties, rights, privileges and immunities of the abolished or consolidated officer, office, department, agency, board, council, commission or authority.

Part 3. *Transfer of assets and liabilities.*

On the effective date of this Charter:

(a) All property of every kind and nature, including real and personal, tangible and intangible, belonging to Mecklenburg County or the City of Charlotte immediately prior to the effective date of the Charter vests in, belongs to and is the property of the Metro-Government.

(b) All judgments, liens, rights of liens and causes of action of any nature in favor of either Mecklenburg County or the City of Charlotte immediately prior to the effective date of the Charter vest in and remain and inure to the benefit of the Metro-Government.

(c) All rentals, taxes, assessments and any other funds, charges or fees owed to either Mecklenburg County or the City of Charlotte immediately prior to the effective date of the Charter are owed to and may be collected by the Metro-Government.

(d) Any cause of action, action, suit, or proceeding pending against, or having been instituted by, either Mecklenburg County or the City of Charlotte immediately prior to the effective date of the Charter shall not be abated by the Charter or by consolidation, but shall be continued and completed. The Metro-Government shall become a party to all these actions, suits and proceedings in the place and stead of either Mecklenburg

County or the City of Charlotte and shall pay or cause to be paid any judgment rendered against it and shall have the right to collect any judgment rendered in its favor, in any of these actions, suits or proceedings. No new process need be served in any of these actions, suits or proceedings.

(e) All obligations of either Mecklenburg County or the City of Charlotte, including outstanding indebtedness, is assumed by the Metro-Government and all the obligations and outstanding indebtedness are constituted obligations and indebtednesses of the Metro-Government. The full faith and credit of the Metro-Government is deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of either Mecklenburg County or the City of Charlotte outstanding immediately prior to the effective date of the Charter, and all the taxable property within the Metro-Government shall be and remain subject to taxation for these payments. **[Review this section with bond counsel. Review after financial legislation is drafted. Is authorized but unissued debt covered? Does this adequately cover financing mechanisms such as revenue bonds and certificates of participation?]**

(f) It is the intent of the General Assembly that Mecklenburg County and the City of Charlotte retain their respective assets and liabilities through the end of June 30, 1997, the end of fiscal year 1997, and that all of such assets and liabilities as provided above shall be transferred to the Metro-Government at the instant of its creation on July 1, 1997, the beginning of fiscal year 1998.

Part 4. *Continuation of offices.*

Except as otherwise provided in this Act, every office, department, agency, board, commission and authority of either Mecklenburg County or the City of Charlotte shall

continue to perform their respective functions after the effective date of the Charter, until their successors have been appointed, created, or otherwise provided for by the Metro-Government.

ARTICLE 2. TRANSITIONAL GOVERNING BOARD.

Part 7. Transitional Governing Board.

From January 2, 1997 through June 30, 1997, the members of the Mecklenburg County Board of Commissioners, the Mayor of the City of Charlotte, and the members of the Charlotte City Council shall serve as Members of the Transitional Governing Board (hereinafter called "Board") for the Metro-Government. Such persons shall serve in this capacity as part of the duties of their respective city and county offices and shall not be considered to be serving in separate offices.

Part 8. Powers of the Board.

The Board shall have all powers, duties, rights, privileges and immunities granted to the Metro-Government Council in the Charter, except that: (a) the Board shall not have the power to adopt an ordinance changing the zoning of any parcel of property; (b) other than actions authorized or required by Chapter 159 of the General Statutes for the preparation and adoption of a budget and actions to authorize public hearings which are to be held on or after July 1, 1997, no action taken by the Board shall be effective prior to July 1, 1997, the effective date of the Charter.

Part 9. Organizational meeting.

The members of the Board shall assemble on January 2, 1997 at 10:00 a.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center. A quorum being present, the Board shall thereupon elect from its members a Presiding Officer who shall hold

his office through June 30, 1997, unless he shall resign such office at an earlier date. A quorum being present, the Board shall also elect from its members a Vice-Presiding Officer who shall hold his office through June 30, 1997, unless he shall resign such office at an earlier date. The Mayor of the City of Charlotte and every other member of the Board shall be a voting member of the Board unless elected to serve as the Presiding Officer.

Part 10. *Presiding Officer and Vice-Presiding Officer.*

The Presiding Officer shall have all the powers of the Mayor of the Metro-Government set forth in the Charter. The Vice-Presiding Officer shall have all the powers of the Mayor Pro Tempore of the Metro-Government set forth in the Charter.

Part 11. *Quorum; procedure; voting.*

(a) Eleven (11) members of the Board shall constitute a quorum. No members shall be excused from voting except upon matters involving the consideration of his own official conduct or involving his financial interest. In all other cases the failure to vote by a member who is present or who, having been present, has withdrawn from the meeting without being excused by the Board, shall be deemed an affirmative vote and shall be so recorded. Any member who has withdrawn from a meeting, whether excused or not excused, shall not be counted as present for purposes of determining a quorum.

(b) Each meeting shall be public, except as otherwise authorized by law. The Presiding Officer shall have no vote except in case of a tie, or as provided in this Part.

(c) A favorable vote of the Board shall be required for the passage of any motion or resolution.

(d) To be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond

ordinance, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all the members of the Board. If the ordinance receives a favorable vote of the Board but is not approved by all the members of the Board, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the Board. If it then or at any time thereafter within 100 days of its introduction receives a favorable vote of the Board, the ordinance is adopted.

(e) No ordinance making a grant, renewal, extension, or amendment of any franchise shall be finally adopted until it has received a favorable vote of the Board at two regular meetings of the Board, and no such grant, renewal, extension or amendment shall be made otherwise than by ordinance. Except as otherwise provided in this Part or other applicable law, ordinances will be deemed adopted upon a favorable vote of the Board upon one reading.

(f) For purposes of this Part, "a favorable vote of the Board" is eleven (11) or more affirmative votes of the Board members, or ten (10) of such affirmative votes, together with the affirmative vote of the Presiding Officer, in case of a tie vote.

(g) The Presiding Officer shall have a vote in the consideration of the employment or dismissal of the Metro-Government Manager, Attorney and Clerk.

(h) Except for Board appointments to committees, boards and commissions; its employment of the Metro-Government Manager, the Attorney and the Clerk; its internal affairs; adoption or amendment of the budget ordinance or any project ordinance; and matters which must be approved by the voters, the Presiding Officer may veto any action adopted by the Board. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the Presiding Officer shall automatically be on the agenda at the next

regular or special meeting of the Board, but shall not become effective unless it is readopted by the Board with at least thirteen (13) members voting in the affirmative.

(i) The Vice-Presiding Officer, when presiding over a Board meeting, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie, and shall not have veto power. In the absence of both the Presiding Officer and the Vice-Presiding Officer, a Chairman Pro Tempore shall be chosen to preside at such meeting and, when so presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie.

(j) If the Board appoints a Metro-Government Manager, the Metro-Government Manager shall have all the powers of the Metro-Government Manager set forth in the Charter, except that any decision or action taken by the Metro-Government Manager, other than as required by Chapter 159 of the General Statutes, shall not become effective until July 1, 1997.

ARTICLE 3. METRO-GOVERNMENT BOARD.

Part 12. Metro-Government Board.

From July 1, 1997 through December 1, 1997, the governing board of the Metro-Government shall consist of those persons holding office as members of the Mecklenburg County Board of Commissioners, the Mayor of the City of Charlotte, and members of the Charlotte City Council immediately prior to the effective date of the Charter and such persons who may be appointed to fill any vacancies which existed in said offices immediately prior to the effective date of the Charter. Said Metro-Government Board shall have all powers, duties, rights, privileges and immunities granted to the Metro-Government

Council in the Charter and shall exercise such powers in accordance with the Charter except as otherwise provided by this Article.

Part 13. *Oath of office; organizational meeting.*

(a) Those persons entitled to be members of the Metro-Government Board shall assemble on July 1, 1997 at 10:00 a.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, unless the time of day of said organizational meeting has been changed by the Transitional Governing Board, and shall severally make oath before the Clerk to the Metro-Government, or any officer qualified to administer oaths, to perform faithfully the duties of their offices. Any member entitled to make the aforesaid oath who was not present at the time fixed therefor may make oath at any time thereafter.

(b) The person elected as Presiding Officer of the Transitional Governing Board shall be the temporary chair of the Board for purposes of presiding during the election of a Mayor. The member serving as Presiding Officer shall have the right to vote on election of the Mayor.

(c) A quorum being present, the Board shall thereupon elect from its members a Mayor who shall hold his office until December 1, 1997, unless he shall resign his office of Mayor at an earlier date. A quorum being present, the Board shall thereupon elect from its members a Mayor Pro Tempore who shall hold his office until December 1, 1997, unless he shall resign his office as Mayor Pro Tempore at an earlier date. The Mayor shall have all powers, duties, rights, privileges and immunities granted to the Mayor in the Charter. The Mayor Pro Tempore shall have all powers, duties, rights, privileges and immunities granted to the Mayor Pro Tempore in the Charter.

Part 14. *Vacancies.*

(a) If any person holding an office described in Part 12 shall refuse to be qualified, or if there is a vacancy in any of said offices immediately prior to the effective date of this Charter, or if there is a vacancy in the office of Mayor or member of the Metro-Government Board after July 1, 1997, the Board shall fill such vacancy for the unexpired term in accordance with the following provisions:

(i) If the vacancy is in the office of Mayor of the Metro-Government, the Board may elect a new Mayor from among its members or may fill the vacancy before electing a new Mayor. If the Board fills such vacancy before electing a new Mayor, the person appointed to fill such vacancy shall become a member of the Board and shall be eligible to be elected as Mayor.

(ii) The person appointed to fill a vacancy in the office of Mayor or member of the Metro-Government Board shall meet all requirements of the office held by the vacating member immediately prior to the effective date of the Charter.

(b) If the number of vacancies on the Board is such that a quorum of the Board cannot be obtained, the Mayor shall appoint enough members to make up a quorum and the Board shall proceed to fill the remaining vacancies. If the number of vacancies on the Board is such that a quorum cannot be obtained and the office of Mayor is vacant, the Governor may fill enough vacancies to make up a quorum upon the request of any remaining member of the Board, or upon the petition of any five (5) registered voters of the Metro-Government.

(c) A person appointed to fill a vacancy in the office of a Board member shall be a member of the same political party as the person whom he replaces if that person was

elected as the nominee of a political party. Board members appointed to fill vacancies shall have the same powers and authority as if they had been members of the Mecklenburg County Board of Commissioners, Mayor of the City of Charlotte, or members of the Charlotte City Council who became members of the Metro-Government Board.

Part 15. *Quorum; procedure; voting.*

(a) Eleven (11) members of the Board shall constitute a quorum. No member shall be excused from voting except upon matters involving the consideration of his own official conduct or involving his financial interest, or where the member failed to attend the entire hearing on a request for the issuance of a special use permit. In all other cases the failure to vote by a member who is present or who, having been present, has withdrawn from the meeting without being excused by the Board, shall be deemed an affirmative vote and shall be so recorded. Any member who has withdrawn from a meeting, whether excused or not excused, shall not be counted as present for purposes of determining a quorum.

(b) Each meeting shall be public, except as otherwise authorized by law. The Mayor shall have no vote except in case of a tie, or as provided in this Part.

(c) A favorable vote of the Board shall be required for the passage of any motion or resolution.

(d) To be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond ordinance, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all the members of the Board. If the ordinance receives a favorable vote of the Board but is not approved by all the members of the Board, or if the ordinance is not voted on at that meeting, it shall be considered at the

next regular meeting of the Board. If it then or at any time thereafter within 100 days of its introduction receives a favorable vote of the Board, the ordinance is adopted.

(e) No ordinance making a grant, renewal, extension, or amendment of any franchise shall be finally adopted until it has received a favorable vote of the Board at two regular meetings of the Board, and no such grant, renewal, extension or amendment shall be made otherwise than by ordinance. Except as otherwise provided in this Part or other applicable law, ordinances will be deemed adopted upon a favorable vote of the Board upon one reading.

(f) For purposes of this Part, "a favorable vote of the Board" is eleven (11) or more affirmative votes of the Board members, or ten (10) of such affirmative votes, together with the affirmative vote of the Mayor, in case of a tie vote.

(g) The Mayor shall have a vote in the consideration of the employment or dismissal of the Metro-Government Manager, Attorney and Clerk.

(h) Except for Board appointments to committees, boards and commissions; its employment of the Metro-Government Manager, the Attorney and the Clerk; its internal affairs; adoption or amendment of the budget ordinance or any project ordinance; and matters which must be approved by the voters, the Mayor may veto any action adopted by the Board. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the Mayor shall automatically be on the agenda at the next regular meeting of the Board (unless considered at an earlier special meeting), but shall not become effective unless it is readopted by the Board with at least thirteen (13) members voting in the affirmative.

(i) The Mayor Pro Tempore, when presiding over a Board meeting, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie, and

shall not have veto power. In the absence of both the Mayor and the Mayor Pro Tempore, a Chairman Pro Tempore shall be chosen to preside at such meeting and, when so presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie.

Sec. 4. [A substantial number of local laws have been adopted by the General Assembly which alter the provisions stated in the General Statutes with respect to the powers of the City of Charlotte and Mecklenburg County. The following is a classification of local laws adopted by the General Assembly from 1965 (when the City Charter was last readopted) through 1994 which still have some effect on either the City of Charlotte or Mecklenburg County, and the action which needs to be taken with respect to each such local act. Some earlier local laws which were encountered during this effort are also included. The actual amendment or repealing language for each such local act will be drafted and inserted into this Bill prior to its submission to the General Assembly. In addition, prior to submission a review of local laws adopted before to 1965 will be conducted and those local laws which still have some effect on either the City or the County will similarly be classified, and amended or repealed as appropriate. This initial review of local laws was conducted at the time the Preliminary Charter was drafted primarily to identify any local laws of such significance that they should be inserted into the Preliminary Charter and to determine if there were any conflicts between City local laws and County local laws which needed to be resolved by the Charter Drafting Committee as part of its work. The local laws from 1965 to the present which still have some effect on either the City or the County have been placed into the following categories:

- I. Local Acts to be Repealed.
- II. Local Acts to be Amended to Change the Name of the Government to Reflect Consolidation.
- III. Local Acts to be Amended to Change the Name of the Government and otherwise Modified to Reflect Consolidation.
- IV. Local Acts To Be Amended to Apply in Urban Service Districts Only.
- V. Local Acts to be Retained Without Amendment.]

I. LOCAL ACTS TO BE REPEALED

CITY OF CHARLOTTE LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Reason for Repeal</u>
• 1989 (Reg. Sess. 1990), c. 862	Allows settlement of claims up to \$30,000 without notice to City Council.	Same as 1989, c. 151 (Mecklenburg County) which is to be retained.
• 1987, c. 123	Adds additional time to provide services to annexed areas.	Not needed; governed by Chapter 160B after consolidation.
• 1983, c. 71	Increases maximum fine allowed by G.S. 14-4 for misdemeanor from \$50 to \$500.	Same as 1983, c. 118 (County) which is to be retained.
• 1983, c. 362	Increases maximum fine for littering to \$500.	Repeal since current general law maximum for littering is \$1,000 [G.S. 14-399(d)].
• 1981, c. 88	Requirement to obtain permit from Charlotte Fire Department to conduct fireworks exhibition.	Repeal since Board of County Commissioners (and therefore Metro-Government Council) must approve fireworks exhibitions (G.S. 14-413).
• 1981, c. 99	Increases parking penalties from \$1.00 to \$3.00.	Repeal since penalties permissible under general State law are now higher than those authorized by this local act.
• 1981, c. 364	Allows assignment of Board of Adjustment duties to planning agency.	Similar to 1981, c. 293 (County) which is to be retained.
• 1981, c. 365	Authorizes Mayor and Council to share certain appointments.	Repeal since included in Sec. 2-42 (g) of Preliminary Charter.
• 1979, c. 352	Increased maximum formal bid amount for equipment to \$10,000.	Repeal since included in Sec. 12-52(a) of Preliminary Charter.
• 1979, c. 446	Authorizes leases at the airport in excess of 10 years without following general law sale procedures.	Repeal since included in Sec. 12-33 of Preliminary Charter.

LOCAL ACTS TO BE REPEALED

CITY OF CHARLOTTE LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Reason for Repeal</u>
• 1977, c. 252	Authorizes appropriation to Carolinas Carousel.	Same as 1985, c. 296 (County) which is being retained and amended.
• 1973 (Reg. Sess. 1974), c. 841	Requires partisan elections for City of Charlotte.	Repeal since included in Sec. 12-93 of Charter.
• 1973, c. 330	Clarifies power to organize boards, commissions and committees.	Repeal since same as 1973, c. 228 (City) which is being retained and amended.
• 1971, c. 318	Authority to appropriate money to symphony orchestra.	Metro-Government will have the authority under G.S. 160A-488 to appropriate money to the Symphony.

LOCAL ACTS TO BE REPEALED

MECKLENBURG COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Reason for Repeal</u>
● 1993 (Reg. Sess. 1994), c. 573	Authorizes RFP process for purchase of telecommunications and data processing equipment.	Repeal since authority included in Sec. 12-53 of Preliminary Charter.
● 1993 (Reg. Sess. 1994), c. 709	Authorizes Manager to waive bid bonds under certain circumstances.	Repeal since authority included in Sec. 12-52(b) of Preliminary Charter.
● 1993, c. 477	Provides authority for County Park Rangers to act as special peace officers on City park property.	This power will not be needed after consolidation since all property will be owned by the Metro-Government.
● 1991 (Reg. Sess. 1992), c. 881	Amends the Fair Housing Act authorization.	Fair Housing Act authorization included in Sec. 5-8 of Preliminary Charter.
● 1989, c. 150	Raises threshold for formal bid of equipment to \$50,000.	Repeal since authority included in Sec. 12-52 of Preliminary Charter.
● 1987 (Reg. Sess. 1988), c. 1042	Fair Housing Act authorization amendments.	Repeal since authority included in Sec. 5-8 of Preliminary Charter.
● 1987, c. 184	Allows rebid under G.S. 143-129 without Board of County Commissioner approval.	Repeal since similar to 1987, c. 151 (City) which is to be revised and retained.
● 1987, c. 220	Board of Commissioners authorized to waive bid bond on equipment purchases under \$100,000.	Similar to 1987, c. 329 (City) which is to be revised and retained.
● 1981, c. 116	Raises equipment formal bid amount to \$30,000.	Repeal since this authority was increased by 1989, c. 150 (County) to \$50,000; this authority, as amended, is included in Sec. 12-52 of Preliminary Charter.
● 1981, c. 239	Increased parking penalties from \$1.00 to \$5.00.	Repeal since penalties permissible under general State law are now the same as those authorized by this local act.

LOCAL ACTS TO BE REPEALED

MECKLENBURG COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Reason for Repeal</u>
● 1981, c. 292	Authorization to enact fair housing ordinances.	Repeal since authority included in Sec. 5-8 of Preliminary Charter.
● 1981, c. 373	Increased fine for littering from \$200 to \$500.	Repeal since current General Statutes authorize fine of \$1,000.
● 1981, c. 510	Authorizes Manager to sell personal property valued under \$1,000 by private sale.	Repeal since included in Sec. 12-31 of Preliminary Charter.
● 1975, c. 433	Authorizes eminent domain for flood and drainage projects.	Repeal since this authority is now contained in General Statutes.
● 1971, c. 302	Authorizes private use of law enforcement vehicles.	Repeal since same as 1971, c. 220 (City) which is to be revised and retained.
● 1963, c. 482, as amended by 1967, c. 598, as amended by 1969, c. 92	Authorized use of non-tax revenues to pay for recreational programs.	Repeal since authority now contained in County General Statutes.
● 1917, c. 493 as amended by 1979, c. 367	Established Drainage Commission; increased Drainage Commission from 3 to 5 members.	Repeal since Drainage Commission is no longer a functioning committee used for purposes as authorized by these local acts.

LOCAL ACTS TO BE REPEALED

JOINT CITY-COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Reason for Repeal</u>
● 1993 (Reg. Sess. 1994), c. 712	Increased authority of Managers to award certain contracts.	Repeal since authority included in Sec. 12-52 of Preliminary Charter.
● 1983, c. 119	Provides authority to contract for operation of human relations programs.	This authority is no longer needed since the 1985 adoption of G.S. 153A-449 and G.S. 160A-20.1 which provide authority to contract to carry out any public purpose in which cities and counties can engage.
● 1973, c. 331	Authorizes joint Historic Properties Commission.	Repeal since authority to operate a joint program will not be necessary after consolidation. (This authority is not even required now as a result of revisions to the General Statutes.)
● 1973, c. 563	Authorized increased in force account labor amount.	Repeal since the amount authorized in this local act has been increased by amendments to the General Statutes.
● 1965, c. 711	Authorized the City to transfer land to the County.	Repeal since authority will not be needed after consolidation. (Authority is not even needed today as a result of changes in General Statutes.)

**II. LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT TO REFLECT CONSOLIDATION**

CITY OF CHARLOTTE LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Amendment Needed</u>
● 1991, c. 64	Establishes privilege license tax penalties.	Change City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.
● 1991, c. 526	Allows notice by publication of housing code enforcement where service by certified mail is refused.	Change City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.
● 1989 (Reg. Sess. 1990), c. 835	Housing Authority Commissioners terms reduced from 5 to 3 years.	Change City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.
● 1989 (Reg. Sess. 1990), c. 859	Reduces Housing Code Appeals Board votes required to modify order from 4 to 3 votes.	Change City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.
● 1987, c. 221	Allows filing housing code violations in lis pendens records.	Change City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.
● 1973, c. 228	Clarifies power to organize boards, commissions and committees.	Change City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.
● 1967, c. 815	Authorizes sales of urban redevelopment land to other than high bidder under certain circumstances.	Change City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT TO REFLECT CONSOLIDATION**

MECKLENBURG COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Amendment Needed</u>
● 1993, c. 82	GIS information exception to public records law created.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1993, c. 387	Exempts County from doing residential plan review.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1993, c. 478	Authorizes County to assist in thoroughfare plan implementation.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1989, c. 253	Establishes Lake Wylie "No Wake Zone".	Change references from Board of Commissioners to Metro-Government Council and from Mecklenburg County Police to Metro-Government Police.
● 1989, c. 151	Allows settlement of claims up to \$30,000 without notice to Board of County Commissioners.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government. [Also same as 1989 (Reg. Sess. 1990), c. 862 (City), which is to be repealed.]
● 1987 (Reg. Sess. 1988), c. 944	Act modifying sailboard regulations.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1983, c. 153	Sets 35 mile per hour speed limit on subdivision streets.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1983, c. 189	Allows storm drainage and street lighting assessments.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1983, c. 200	Requires personal flotation devices on boats on Lakes Norman, Wylie and Mountain Island Lake.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT TO REFLECT CONSOLIDATION**

MECKLENBURG COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Amendment Needed</u>
● 1983, c. 356	Requires boats on Lakes Wylie, Norman and Mountain Island Lake to stop for blue lights and sirens.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1983, c. 788	Increase the ABC Board from 3 to 5 members.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1981, c. 433	Allows Mecklenburg County to establish precincts without regard to township boundaries.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1981, c. 524	Prohibits deer hunting with rifle and hunting from roads.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1981, c. 583	Allows delegation to Zoning Board of Adjustment to hear appeals from Soil Erosion and Sedimentation Control Ordinance and other ordinances.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government.
● 1981, c. 293	Allows assignment of duties of Board of Adjustment to planning agency.	Change Mecklenburg County to Charlotte-Mecklenburg Metropolitan Government. [Also same as 1981, c. 364 (City) which is to be repealed.]

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT TO REFLECT CONSOLIDATION**

JOINT CITY-COUNTY LOCAL ACTS

Citation

Effect of Local Act

Amendment Needed

- 1993, c. 174

Expands local development activity powers.

Make applicable to Charlotte-Mecklenburg Metropolitan Government.

- 1989, c. 354

Modifies the authority to sell or lease property to for-profit corporations for day care purposes.

Change reference from Mecklenburg County and City of Charlotte to Charlotte-Mecklenburg Metropolitan Government.

**III. LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT AND OTHERWISE MODIFIED TO
REFLECT CONSOLIDATION**

(MANY OF THESE ACTS REFER EITHER TO THE BOARD OF COUNTY
COMMISSIONERS OR TO THE CITY COUNCIL. UNLESS OTHERWISE NOTED,
ACTION WILL BE TO MODIFY THE LOCAL ACTS TO REFER TO THE
GOVERNING BODY OF THE CHARLOTTE-MECKLENBURG
METROPOLITAN GOVERNMENT.)

CITY OF CHARLOTTE LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>
● 1991, c. 161	Allows extraterritorial area regulation for City of Charlotte.
● 1991 (Reg. Sess. 1992), c. 830	Rewrote the Charlotte Firefighters Retirement System legislation.
● 1987, c. 151	Allows Manager to reject bids without governing body action. [Similar to 1987, c. 184 (County) which is to be repealed.]
● 1987, c. 329	Authorizes Manager to waive bid bonds on equipment purchases under \$100,000. [Similar to 1987, c. 220 (County) which is to be repealed.]
● 1987, c. 426	Reduced publications from 4 to 2 for street closings. [Modify to provide same notice requirements for street closings outside urban service district by amending G.S. 153A-241.]
● 1983 (Reg. Sess. 1984), c. 953	Authorizes annexation agreements with Towns.
● 1981 (Reg. Sess. 1982), c. 1139	Provides the City authority to operate a public market.
● 1979 (Reg. Sess. 1980), c. 1112	Authorizes water-sewer service to Carowinds area in South Carolina.
● 1979, c. 663	Expands City community development authority to allow issuance of revenue bonds for housing.
● 1971, c. 220	Authorizes law enforcement vehicles to be used for private use. [Same as 1971, c. 302 (County) which is to be repealed.]

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT AND OTHERWISE MODIFIED TO
REFLECT CONSOLIDATION**

CITY OF CHARLOTTE LOCAL ACTS

Citation

Effect of Local Act

- 1971, c. 783, as amended by 1971, c. 1144
Authorizes lease of air rights across South College Street and right to regulate lighting on walkways.
- 1967, c. 740
Authorizes City to acquire entire structure when property is to be severed by a road right-of-way.
- 1967, c. 719
Authorizes City to regulate buildings in mapped streets.
[Modify to reflect Section 6-23 of Preliminary Charter.]

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT AND OTHERWISE MODIFIED TO
REFLECT CONSOLIDATION**

MECKLENBURG COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>
● 1993, c. 167	Requires that Board of County Commissioner districts be the same as Board of Education districts. [(Delete first sentence and Subsection (1).]
● 1991, c. 28	Provides for volunteer police auxiliary for County police.
● 1987 (Reg. Sess. 1988), c. 980	Allows Board of County Commissioners to waive governmental immunity if County establishes a funded reserve to pay claims.
● 1987 (Reg. Sess. 1988), c. 897	Amends act establishing the Lake Wylie Marine Commission.
● 1987, c. 683	Establishes Lake Wylie Marine Commission.
● 1987, c. 823	Allows one term extension of contracts for purchase of supplies, materials or equipment without a rebid.
● 1985, c. 296	Allows appropriations to promote the Carolinas Carousel. [Same as 1977, c. 252 (City) which is to be repealed.]
● 1985, c. 284	Amends the mandatory referral requirements for solid waste disposal facilities and facilities authorized by special use permits.
● 1983, c. 118	Amends G.S. 14-4 to increase the maximum fine for violation of local government ordinances from \$50 to \$500.
● 1983, c. 264	Authorizes County to prohibit the deposit of mud and debris on public streets within unincorporated area.
● 1981, c. 117	Allows delegation of fireworks permit issuance to the County Fire Marshall.
● 1981, c. 136	Allows Board of County Commissioners to approve special peace officers with jurisdiction only on County property.
● 1981, c. 231	Allows the County to appropriate non ad-valorem tax funds for social service programs where poverty is not a criteria for participation, which programs can provide services broader than the basic necessities of life.

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT AND OTHERWISE MODIFIED TO
REFLECT CONSOLIDATION**

MECKLENBURG COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>
1981, c. 509	Authorizes appointment of special Board of Equalization and Review.
1981, c. 510	Authorizes County Manager to sell personal property worth \$1,000.00 or less at private sale.
1981, c. 625	Allows Board of Social Services to have more than 5 members.
1981, c. 838	Act to amend the Mecklenburg County Sales and Use Tax (1967, c. 1096).
1979, c. 368	Act to modify the appointment process for the Charlotte-Mecklenburg Public Library.
1973, c. 398	Legislation affecting the County Police Department.
1973, c. 428	Authorizes use of eminent domain to acquire land for roads.
1969, c. 1089	Created Lake Norman Marine Commission.
1969, c. 1191	Authorizes special 2c watershed improvement tax without voter approval.
1967, c. 180	Expanded meaning of "courthouse" to include other buildings in governmental complex.
1967, c. 611	Alters rules relating to the Zoning Board of Adjustment and bona fide farms. [Need to modify to allow ZEA panels.]
1967, c. 1096	Authorizes the Mecklenburg County 1% sales and use tax.
1965, c. 240	Authorizes Board of County Commissioners to determine reimbursement for mileage to employees.

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT AND OTHERWISE MODIFIED TO
REFLECT CONSOLIDATION**

MECKLENBURG COUNTY LOCAL ACTS

Citation

Effect of Local Act

- 1965, c. 1205

Authorizes adoption of rules for boats on Lake Norman.

**LOCAL ACTS TO BE AMENDED TO CHANGE THE NAME OF
THE GOVERNMENT AND OTHERWISE MODIFIED TO
REFLECT CONSOLIDATION**

JOINT CITY-COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>
● 1989 (Reg. Sess. 1990), c. 821	Amends Mecklenburg County occupancy tax and added prepared food and beverage tax to finance Convention Center.
● 1983, c. 488	Regulates granting special use permits.
● 1981, c. 233	Authorizes support of non-commercial television and radio stations.
● 1973 (Reg. Sess. 1974), c. 1283	Authorizes City and County to use special use districts (now called parallel conditional use districts and zoning ordinance).
● 1969, c. 278	Authorizes discount for early payment of property taxes and revised interest penalties for late payment.
● 1969, c. 1170	Authorizes County to allow City Police to have county-wide jurisdiction.
● 1965, c. 710	Rewrites acts for public library of Charlotte and Mecklenburg County.
● 1965, c. 715	Authorizes City and County to appropriate non-tax funds to Veterans Recreation Authority.
● 1947, c. 835, as amended by 1971, c. 331, and as amended by 1967, c. 731	Governs the division of ABC Board profits.

**IV. LOCAL ACTS TO BE AMENDED TO APPLY
IN URBAN SERVICE DISTRICTS ONLY**

[REVIEW THIS AFTER DRAFTING COMMITTEE DECIDES ON
DIVISION OF POWERS.]

CITY OF CHARLOTTE LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>	<u>Amendment Needed</u>
• 1993, c. 345	Establishes \$30 motor vehicle tax.	Make applicable to Charlotte-Mecklenburg Metropolitan Government.
• 1987, c. 225	Raised fine for unauthorized parking in handicapped parking space	Make applicable to Charlotte-Mecklenburg Metropolitan Government.
• 1983 (Reg. Sess. 1984), c. 955	Treatment of protest petition when Council member excused from voting.	Make applicable to Charlotte-Mecklenburg Metropolitan Government.
• 1983 (Reg. Sess. 1984), c. 964	Modifies Urban Redevelopment Commission authority.	Make applicable to Charlotte-Mecklenburg Metropolitan Government.
• 1975, c. 115	Authorizes protection of trees.	Make applicable to Charlotte-Mecklenburg Metropolitan Government.
• 1979, c. 380	Adds Charlotte to cities authorized to remove unauthorized vehicles from private parking lots.	[May need to amend G.S. 20-219.2(c) to accomplish result.]
• 1965, c. 120	Amends redevelopment law to allow sale of property for single purpose.	Make applicable to Charlotte-Mecklenburg Metropolitan Government.

V. LOCAL ACTS TO BE RETAINED WITHOUT AMENDMENT

[THE FOLLOWING LOCAL ACTS WILL BE RETAINED WITHOUT AMENDMENT OR MODIFICATION. THEY ARE LISTED HERE FOR REFERENCE PURPOSES SINCE THEY WILL BE OF IMPORTANCE TO THE CHARLOTTE-MECKLENBURG METROPOLITAN GOVERNMENT. THESE WILL BE LISTED IN AN APPENDIX TO THE CHARLOTTE-MECKLENBURG METROPOLITAN GOVERNMENT CHARTER AFTER ITS ADOPTION BY THE GENERAL ASSEMBLY.]

CITY OF CHARLOTTE LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>
● 1991 (Reg. Sess. 1992), c. 1030, s. 51.6	Amends Firefighters Retirement System legislation as rewritten in 1991 (Reg. Sess. 1992), c. 830.
● 1985 (Reg. Sess. 1986), c. 847	Ratified Charlotte-Weddington annexation agreements.

MECKLENBURG COUNTY LOCAL ACTS

<u>Citation</u>	<u>Effect of Local Act</u>
● 1991, c. 689, ss. 319, 320, 357	Amends 1967, c. 1096 - the Mecklenburg County Sales and Use Tax.
● 1989, c. 662	Made employees of the Charlotte-Mecklenburg Public Broadcasting Authority members of the Local Government Employees Retirement System.
● 1989, c. 567, s. 5	Excludes County's Ridge Road property from Matthews annexation.
● 1987 (Reg. Sess. 1988), c. 1096, s. 5	References 1967, c. 1096 - Mecklenburg County Sales and Use Tax.
● 1987, c. 832	Modifies 1967, c. 1096 - Mecklenburg County Sales and Use Tax and excise tax on spirituous liquor.
● 1981 (Reg. Sess. 1982), c. 1266	Requires mufflers on boats on Lakes Norman, Wylie and Mountain Island Lake.
● 1981, c. 4	Amends 1967, c. 1096 - Mecklenburg County Sales and Use Tax.

LOCAL ACTS TO BE RETAINED WITHOUT AMENDMENT

MECKLENBURG COUNTY LOCAL ACTS

Citation

- 1965, c. 248

Effect of Local Act

Prohibits placing of posters within right-of-way or on property of another without consent (including political, commercial and advertising posters).

JOINT CITY-COUNTY LOCAL ACTS

Citation

- 1989 (Reg. Sess. 1990), c. 922

Effect of Local Act

Amends Mecklenburg Occupancy Tax and Food and Beverage Tax to allow refunds to government and non-profit entities. [Amends 1985, c. 908 as amended by 1989 (Reg. Sess. 1990), c. 821.]
[Need to add these local acts to some list.]

- 1973, c. 416

Creates mandatory referral process for capital projects.