

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: CITY ATTORNEY REPORT

DATE: November 11, 2021

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The following is my report to the City Council on issues in which our office has been engaged since the last Council meeting:

1. City of Charlotte v Chuck's Chariots, LLC and Mirador, LLC. Based on my discussion with the City staff, I have made a very minor change to the complaint so that the City staff is comfortable with all of the factual allegations that were made in that proposed complaint. Because the City is seeking injunctive relief, it requires a verified complaint and Bryan Myrkle will have signed that complaint before a notary prior to its filing. It is anticipated that the complaint will be filed prior to this Council meeting.

2. Zoning Enforcement Issues. My associate Caitlin Gillies and I have been working with Bryan Myrkle regarding several zoning matters. They involve properties on S. Lawrence and in one circumstance, we have come to an agreement over the timing of a land owner to replace a fence between his commercial property and the adjoining residential property. In another matter, Bryan has reached out to a property owner who removed a junk mobile home from the land owner's property.

3. Meeting Dates. As this Council may observe, I have prepared an ordinance formalizing the establishment of the dates of the City Council meetings and changing them to the first and third Mondays of each calendar month. As previously noted in my prior City Attorney Report, the City Manager discovered that a provision in the "Schedule" appended to the City Charter requires that if there is a change in the Mondays of the month for City Council meetings, it is to be done by ordinance. The proposed ordinance formally makes that change, and provides that all of the actions taken by the City Council at those meetings on dates other than as set forth in the Charter are ratified and affirmed. In addition, I have provided in this ordinance that in the future, meeting dates, including the days of the month, may be changed by resolution as it was not the apparent intention that the provisions on the subsection of the City Charter entitled "Schedule" should have further effect once the City adopts an ordinance as it pertains to these meeting dates.

TMH:cf