

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: CITY ATTORNEY REPORT

DATE: October 29, 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. Chuck's Chariots, LLC and Mirador, LLC. As the Council may observe elsewhere in this packet, I have prepared a complaint seeking to abate the nuisance created by the owner, Mirador, LLC, and Chuck's Chariots, LLC, as it relates to their claimed operation of a used car sales business at 221 E. Lawrence Ave. As the Council may be aware, while they obtained a conditional use to operate a used car dealership pursuant to their Class B vehicle dealer license, Chuck's Chariots has not met the obligations required by either the State, or as it pertains to the City, its zoning ordinance. A number of the motor vehicles on that lot are visibly inoperable and have remained in their location on the lot for months, if not years. It also appears that there is a resident living in this former gasoline station. The maintenance of a storage lot for junk or dilapidated vehicles, and permitting a residence in a former gas station, all located in the B-3 district, is a violation of the City's zoning ordinance.

At this meeting, having conferred with the City Manager, we are requesting that you authorize the City to file suit filing a complaint substantially identical to what is in the packet. As I indicated to the City Manager, there may be some minor refinements to the complaint, but this essentially sets forth the position of the City in this lawsuit.

2. Park Trash Receptacles. I have mailed a letter to the contact person with the Park trash receptacles received earlier this year. The City Manager and I will keep you apprised.

3. Council Procedures. I am working with the City Manager as it relates to formalizing my ordinance establishing the dates of Council meetings. The City Manager discovered that it requires an ordinance, rather than a resolution, to establish the dates of the Council meetings in the first and third weeks. As I advised her, it has no impact of the legality of what the City has done at any of its council meetings, but is rather a procedural matter to bring it in line with the City of Charlotte charter requirement.

TMH:md