Council-Manager Memo #19
Wednesday, March 7, 2012

CHARLOTTE.

WHAT'S INSIDE:

Page

Information:

Sidewalk Program Overview 2
Noise Issues at Kalu Restaurant 2-3

Attachment:

City Council Follow-Up Report 3
-Funding Request from Step Group
-Bus Maintenance Facility

INFORMATION:

Sidewalk Program Overview

Staff Resource: Danny Pleasant, CDOT, 704-336-3879, dpleasant@charlottenc.gov

The February 27 City Council meeting produced two follow-up items related to the City's sidewalk building efforts:

- Provide options for transferring funding from current projects to other projects;
- Provide update on recent changes to the sidewalk program.

Council's interest in transferring funds stemmed from the two pedestrian fatalities on February 22, 2012 along a segment of W. Tyvola Rd near Shady Lane that has no sidewalk. As described in the attached report, the City ranks and builds sidewalks based on criteria adopted by City Council as part of its Sidewalk Retrofit Policy. This segment is ranked highly on the City's list of unfunded sidewalk projects planned along thoroughfares.

City staff is examining options within the current capital budget to advance high priority sidewalk projects, including the W. Tyvola Rd segment near Shady Lane and the top ranked E. Sugar Creek Rd segment. Staff is exploring whether this can be accomplished through capital program savings in other areas instead of reprioritizing currently funded sidewalk projects. Staff is planning to bring forward these options at Council's March 26 Business Meeting. Capital budget project savings are reprogrammed annually as part of the capital budget process. Additionally, Council also may consider funding for the sidewalk program as part of the future capital budget discussion scheduled for the March 21 Budget Retreat.

The **attached** report **(see "2. Sidewalk Program.pdf")** describes how sidewalks are produced in Charlotte and reviews recent changes to the sidewalk program.

Noise Issues at Kalu Restaurant

Staff Resources: Walter Abernethy, N&BS, 704-336-4213, wabernethy@charlottenc.gov
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This item is intended to update Council on staff's efforts to work with Kalu Asian Restaurant in light of media reports released this week. As staff reported to Council in early February, CMPD referred Kalu to N&BS as a chronic noise producer after receiving approximately 30 calls for service in recent months for noise violations, most of which were deemed credible, at the restaurant.

Shortly after the referral, N&BS representatives met with Kalu's owner and his attorney to introduce themselves and to describe the noise mitigation plan process. That same week, several members of N&BS' Code Enforcement Division met with the owner at Kalu where they got a tour of the restaurant space and tested the sound equipment. The Code Enforcement team explained to the owner that additional observations in residential units would be necessary before they would be in a position to recommend a course of action.

Those team members visited the third floor units of several residents of the Courtside building in the early morning hours of Saturday, February 25, and Sunday, March 4, to get a firsthand impression of the noise conditions. During each of those visits, the Code Enforcement staff described the significant noise coming into the units from Kalu as "unreasonably loud and disturbing," to the point that metal window frames of the units were shaking and vibrating and the voice of the DJ could be heard clearly in each unit.

In addition to Code Enforcement's efforts, CMPD arrested the owner on March 3 for violating the noise ordinance after he refused to come into compliance. The arrest will proceed through the criminal court process in the normal fashion.

In the meantime, and as part of its normal process, the Code Enforcement team has reached out to the owner this week to discuss the results of its visits and a possible mitigation plan. Staff is waiting to hear back from the owner.

ATTACHMENTS:

City Council Follow-Up Report **(see "3. Council Follow Up.pdf")**

Contents include:
-Funding Request from Step Group
-Bus Maintenance Facility