AGENDA

Meeting Type:	WORKSHOP
Date:	04/06/1998

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Patrick McCrory *Mayor Pro Tem Lynn Wheeler*

Rod Autrey
Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Al Rousso
Tim Sellers
Sara Spencer

Council Agenda

CITY COUNCIL WORKSHOP

Monday, April 6, 1998

	Dinner Room 267
5:00 - 5:45 p.m.	Economic Development Proposed Zoning Text Amendment for Sidewalks
5:45 - 6:30 p.m.	Economic Development: Convention Center Long Range Plan
6:30 - 7.00 p.m.	Restructuring Government: Proposed Legislative Program
7:00 - 7:30 p.m.	All Focus Areas: Proposed Contract with Ferguson Group
	Council Chamber
7:30 p.m.	Citizens' Forum
	Economic Development. NationsBank West Trade Street Project

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Sidewalk Text Amendment - Charlotte Subdivision Ordinance

COUNCIL FOCUS AREA: Economic Development
Transportation

KEY POINTS (Issues, Cost, Change in Policy):

Council Policies

- Public Safety
  - Separation of pedestrian vs vehicular traffic
  - Neighborhood viability
  - Accessibility
- Connectivity
  - Pedestrian connectivity and accessibility
  - Safety from increased traffic flows through residential neighborhoods

Background

- Text amendment sponsored by the Charlotte Mecklenburg Planning Commission to increase the required sidewalk construction requirements during new development
- Public hearings held on 2/16/98 and continued to 3/16/98
- City Council requested the issue be placed on the 4/6/98 workshop agenda for discussion
- Decision scheduled for the 4/20/98 zoning hearing meeting

Issues raised at the public hearings

- Potential conflict with the placement of utilities within the street right-of-way.
- Potential construction problems and constraints including slope and grades of the proposed lots and damage during house construction which requires sidewalk to be rebuilt or replaced
- Increased construction cost which are passed on to the homebuyer and adds to the overall housing prices

Attached is staff response to these issues

OPTIONS: Comparison of Sidewalk Alternatives (See Chart)

1) **Existing Sidewalk Requirements**

- Present requirements are for sidewalk to be constructed along one side of residential collector and residential local streets No sidewalk is presently required along residential limited (cul-de-sac) streets
- Developers currently do not have to construct any improvements along their project frontage on an arterial street

2) **Proposed Subdivision Ordinance Text Amendment**

- Would require sidewalk to be constructed along both sides of all streets, including the residential limited (cul-de-sac) street
- Developers would also be required to construct sidewalk along their project frontage on an arterial street

3) **REBIC Alternative**

- Would require sidewalk to be constructed along both sides of collector streets
- Remain with current requirement for sidewalk to be constructed along one side of residential local streets
- Would require sidewalk to be constructed along one side (not to include bulb) of residential limited (cul-de-sac) streets if they are longer than 500 feet
- Residential limited (cul-de-sac) streets less than or equal to 500 feet would be exempt from any sidewalk construction.
- Watershed Overlay Zoning Districts only
    - Ditch-type street standard (no curb & gutter) - no sidewalk construction required
    - Curb & Gutter street standard - sidewalk construction would be required along one side of residential collector and residential local streets No sidewalk construction would be required along residential limited (cul-de-sac) streets
- Developers would be required to construct sidewalk along their project frontage on an arterial street

4) **Zoning Committee Compromise**

- Would require sidewalk to be constructed along both sides of all residential collector, residential local, and residential limited (cul-de-sac) streets including the bulb that are longer than 250 feet or serve

more than 10 lots or units
- Would require sidewalk to be constructed along one side only on residential limited (cul-de-sac) streets that are 250 feet or less, or 10 lots or units or less and would not include the bulb
- Developer would be required to construct sidewalk along their project frontage on an arterial street
- Unanimous recommendation of the Zoning Committee on 3/23/98

COUNCIL DECISION OR DIRECTION REQUESTED:

The proposed text amendment is scheduled for a vote on the 4/20/98 City Council Zoning Hearing agenda

ATTACHMENTS:

"Comparison of Sidewalk Alternatives" (Chart)
"Issues Raised at Public Hearing and Staff Response"

Comparison of Sidewalk Alternatives

Street Classification	Current Ordinance	Proposed Text Amendment	REBIC Alternative	Zoning Committee Compromise
Arterial Streets [1] **Major = 100' Minor = 70'**	Sidewalk on both sides (Developer only responsible for project side)	Sidewalk on both sides (Developer only responsible for project side)	Sidewalk on both sides (Developer only responsible for project side)	Sidewalk on both sides (Developer only responsible for project side)
Collector [2] **60'**	Sidewalk on **one** side	Sidewalk on **both** sides	Sidewalk on **both** sides	Sidewalk on **both** sides
Local Residential [3] **50 '**	**One** side (except ditch type streets)	Sidewalk on **both** sides	Sidewalk on **one** side	Sidewalk on **both** sides
Local Limited Residential [4] **40'**	No Sidewalk	Sidewalk on **both** sides including the bulb of the cul de-sac	Sidewalk on **one** side of streets > 500', but not on the bulb of the cul-de-sac	Sidewalk on **both** sides, except streets with < 10 lots or < 250' in length shall have **one** side and not the bulb
Watershed Overlay District	N/A	N/A	*Ditch Type Streets* **No** Sidewalk *Curb and Gutter* **One** side on collectors, **One** side on locals, and **None** on cul-de sacs	N/A
Effective Date	N/A	Date of Adoption	3 Months	90 Days

1 Arterial Street (Class III and IV) - A multilane roadway as shown on the adopted thoroughfare plan, including major and minor **Usually seen on the exterior of subdivisions.**

2 Collector (Class V) *A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street* **Seldom included within subdivisions**

3 Local Residential (Class VI) - A two lane roadway which provides access directly to adjoining low/medium density land uses **Most common street type within a subdivision**

4 Local Limited Residential (Class VI L) - This type of street serves the same function as the local street, but is permanently dead ended with a maximum length of 1000' (ex cul-de-sacs) **Common within most subdivisions**

Sidewalk Text Amendment
Issues Raised at Public Hearing and Staff Response

Issue: The new requirement will cause a problem installing underground utilities

> **Response:** No, most new streets have 9'-12' of right-of-way behind the curb This is more than enough room in which to locate a 4' sidewalk Highland Creek subdivision, or the incorporated towns of Davidson, Cornelius, Huntersville, and Matthews do not seem to have a problem coordinating utilities during construction

Issue: The side slope to a street is frequently a major hindrance to installing sidewalks

> **Response:** No, grade is rarely a problem in our area The Charlotte-Mecklenburg Land Development Standards Manual presently requires that developers grade at least 8 feet of right-of way behind the curb for all new streets The proposed sidewalk would be located within this graded area Where there is a significant problem, staff already has the authority to provide sidewalk exemptions

Issue: Sidewalk requirements on the developer raises the cost by 2-3 times the actual installation cost

> **Response:** If a developer finds that the builder or other construction activities tear up the sidewalk, the current process can be amended to allow the developer or the builder to install the sidewalk as the last task before a certificate of occupancy is issued

Issue: Developers have already made financial commitments for which the new regulations will be a burden

> **Response:** As part of the Zoning Committee recommended compromise, the new regulations will have a delayed implementation of 90 days

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Convention Center Long Range Plan

COUNCIL FOCUS AREA: Economic Development

STAFF RESOURCE: Tom Flynn

KEY POINTS (Issues, Cost, Change in Policy):

- Old Convention Center abandoned because it could not be expanded
- New Convention Center built to be expanded toward Caldwell Street
- Brief Council on long range plan for Convention Center Expansion, including
  - Market factors that affect the timing of that expansion
  - Comparison to competitive cities
  - Identification of land needed to be purchased to preserve the option of expanding the Convention Center
  - Need to purchase land in order to preserve the ability to expand
- The Convention Center currently operates at about 53% capacity The Council will need to decide on expanding the Convention Center when it operates at 80% of capacity Without a Convention Center Hotel, the Center is not projected to reach 80% capacity until 2016
- Presentation by
  - Stan Vaughn, Coliseum Authority Chairman
  - Charlie Johnson, C H Johnson
  - Tom Ventulette, TVS Architects

COUNCIL DECISION OR DIRECTION REQUESTED:

The City currently has an option on one of the pieces of land needed to preserve the ability of expanding the Convention Center This option expires in July 1998 Council will need to decide in July 1998 if it wants to purchase this property for $7,815,000 Prior to that decision, Council will receive the results of the Convention Center Hotel RFQ process

The purpose of this presentation is to provide background information and discuss additional information needed by Council to make the land purchase decision in July 1998

ATTACHMENTS: Long Range Master Plan previously sent to City Council

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: 1998 N C Legislative Agenda

COUNCIL FOCUS AREA: Restructuring Government

STAFF RESOURCE: Boyd F Cauble

KEY POINTS (Issues, Cost, Change in Policy):

- At the workshop, Council will be briefed on items of interest to the City that are anticipated to be addressed by the legislature during the "1998 Short Session "
- Council will also be asked to consider seeking local legislation to authorize revenue bond funding for stormwater improvements

OPTIONS: Endorse the N C League's agenda and/or approve a request for revisions in the stormwater policy to allow the issuance of Revenue bonds

COUNCIL DECISION OR DIRECTION REQUESTED: Advise staff regarding the '98 legislative agenda

ATTACHMENTS:

A A request for revisions to the authority to change stormwater fees

B List of proposed N C League of Municipalities legislative goals and policies

Department

Engineering and Property Management -- Storm Water Services

Legislative Request

Amend the law to allow the City to charge its own Storm Water fees if the City issues Storm Water Revenue Bonds

Description:

State Law requires that only one governing body charge a Storm Water fee if two governments operate a storm water program in the same area Through an Interlocal Agreement Mecklenburg County sets the fee and remits to the City its share If the Interlocal Agreement were to be dissolved, then neither entity could charge a fee Accordingly we cannot guarantee Revenue Bond buyers that we are in control of the revenue stream which would back the bonds The requested leglislative change will enable the City to issue Revenue Bonds to support its Storm Water Capital Investment Program

Justification of Need:

Over the next five years the Storm Water Capital Investment Program is scheduled to make $124 million of improvements $107 million will be financed with Revenue bonds City Council has adopted a strategy to fund the Enterprise operations with Revenue Bonds

Council Policies Impacted

The City's Storm Water Capital Investment Program will not have the resources to operate

Other Agencies Impacted

No

Has the request been made before?

No

What are the consequences if not approved?

Other funding sources must be found if Storm Water will have a viable Capital Program

Has proposed legislation been drafted?

Yes, please see the attached memorandum

MEMORANDUM

ENGINEERING & PROPERTY MANAGEMENT

STORM WATER SERVICES

Date: March 17, 1998

TO· Boyd Cauble

FROM· Richard Woodcock
Business Manager

SUBJECT: Change in State Law Concerning the Authority to Charge Storm Water Fees

Over the past five years Charlotte Storm Water Services has expended more than $34 million in completion of over 1,000 storm water projects. These projects have included the repair or reconstruction of pipes, culverts, channels, and streams in all parts of the City The improvements have been funded through storm water fees and a 1994 GO Bond issue in the amount of $25 million. Notwithstanding this significant investment, a vast majority of needs are unfortunately still unmet as the City has thousands of verified requests for service that must be addressed The five year capital investment plan includes $124 million in needed work and the City Council has adopted a strategy of using Revenue Bonds to help fund that work. In FY99 the Storm Water program is scheduled to issue $18 4 million in Revenue Bonds to help fund that year's capital investment program of $24.8 million

City Council's financing strategy appears to be precluded by state law The storm water utility enabling legislation authorizes **only one** unit of local government to levy storm water fees within a given geographical area. Currently the City is operating its program pursuant to an Interlocal Agreement with Mecklenburg County which stipulates that only Mecklenburg County can levy storm water fees and which provides for the distribution of a share of the fee revenues to the City. While this arrangement is presently working satisfactorily, the City's bond counsel has pointed out that if the County **or** the City were to dissolve the Interlocal Agreement, neither government could charge a fee This would eliminate the revenue stream necessary to service Revenue Bond debt. Since the City would not have the legal authority to unilaterally ensure the revenue stream, bond counsel has indicated that revenue bonds would not be marketable

This problem could be fixed through a local act that would amend the law by adding the underlined language below. The language allows the City to charge its own storm water fees only if Revenue Bonds have been issued and are outstanding

> No Storm water utility fee may be levied under this subsection whenever two or more units of government operate separate structural and natural storm water and drainage system services in the same area within a county, <u>provided, however, that any unit of local government which has issued revenue bonds (including revenue bonds issued to refund prior revenue bonds) for which stormwater utility fees have been pledged under Article 5 of Chapter 159 of the North Carolina General Statutes may levy or continue to levy a stormwater utility fee under this subsection until such revenue bonds (including any refunding bonds) have been retired</u>.

The issuance of Storm Water Revenue bonds will enable the City to pursue its strategy of accelerating the program to eliminate the backlog of storm water repairs, a backlog that will force some citizens to wait from 5 to 20 years for much needed repairs

1998 Municipal Legislative Goals and Policies

[Recommended additions are underlined and deletions are struck through]

Finance, Administration and Intergovernmental Relations

MUNICIPAL REVENUES

- As its first priority, the League strongly **supports** preservation of the current local government tax structure, since it provides stable revenues in a balanced manner The League will **support** modifications which enhance the ability of municipalities to meet the needs of their citizens, but will **oppose** modifications that do not observe basic tax equity principles or that erode local revenues

- The property tax is the only major revenue source subject to the control of elected municipal officials, and thus is the foundation of municipal finance The League will **oppose** proposals to abolish the property tax or erosion of the property tax through additional exemptions and preferential classifications in the property tax base unless otherwise provided by League policy

- If revenue sources are repealed, lost revenues must be replaced under a hold harmless formula which will replace revenue to all municipalities on a dollar-for-dollar basis with an adequate growth factor The League will seek new revenue sources to replace repealed and/or reimbursed revenue sources

- The League **supports** the current distribution methods for existing local revenue sources, but will **oppose** legislation that would distort the distribution of existing revenues and have some municipalities gain revenues at the expense of others

- Municipalities are in need of new revenue sources to offset diminished financial assistance from the federal government, to meet the tide of expensive state and federal mandates, and to balance the revenues derived from the property tax The League will **support** municipalities that **seek** local option taxes, such as an occupancy tax, a local income or payroll tax, a prepared meals tax, a real estate transfer tax and an admissions tax, the proceeds of which may be used for any public purpose The League will **oppose** legislation to convert any of these local option taxes into state revenue sources, or to interfere unduly with prior local acts

- The League will **oppose** consolidation of the state and local sales taxes

- The League will **support** legislation to provide reasonable relief to elderly taxpayers whose homestead exemptions lose value as a result of inflation

- The League will **support** a public referendum on a state lottery provided that a fair and reasonable portion of the proceeds are earmarked for capital improvement needs of municipalities and made available on an equitable basis

- The League will **support** legislation to authorize the governing body to delegate the decision to declare real property or personal property surplus to the purchasing agent or manager, authorize the governing body to delegate the authority to the purchasing agent or the manager to accept the lowest responsible bid within appropriated funds or reject the bids that exceed the appropriated funds, increase the informal bid limits for supplies and equipment from the current $20,000 to $30,000 and require state contract vendors to sell to municipalities under the same conditions and price

- The League will **oppose** legislation to limit cities' authority to impose fees reasonably related to the cost of local regulatory programs

- The League will **seek** legislation to clarify the authority of cities to collect fees from Housing Authorities for services rendered

- The League will **support** a reasonable increase in the interest rate on delinquent property taxes The League will **support** a change to an earlier date of the time when property taxes become delinquent, and authority for governing boards to use prepayment discounts until the delinquent date

- The League will **support** clarifying legislation to ensure that municipalities receive tax valuation information at least by the time the county budget ordinance is adopted

- The League will **seek** legislation to provide municipalities with effective remedies to challenge property tax valuations within the municipal corporate limits Such remedies should include statutory standing to participate in valuation proceedings and early notice to affected municipalities

- The League will **not oppose** taxation of residential property occupied by the owner and located in a commercially-zoned area at a lower residential use value, if reasonable rollback provisions similar to agricultural use value taxation are included and provided that the tax advantage will not be available to the property owner or other party with a legal interest who petitions for rezoning to commercial use

- The League will **support** legislation to apply local sales or use tax to automobiles, boats and airplanes

- The League will **support** legislation providing for more frequent distribution of state collected local sales tax revenues, or payment of interest to local governments for the period during which funds are held by the state

- The League will **support** legislation to expand the current property tax incentives for historic preservation

- The League will **support** a study of the current property tax exemptions and exclusions for those individuals or entities engaged in non-profit activities

- The League will **seek** legislation to exempt municipalities from payment of state and local sales taxes as well as state motor fuels taxes

MUNICIPAL FINANCE

- The League will **support** legislation allowing more flexibility in local government borrowing such as special obligation bond financing

- The League will **oppose** legislation to restrict the current authority of municipalities to secure lease/purchase or installment financing

- The League will **support** legislation to allow municipalities flexibility in letting construction contracts under the informal bid procedures to unlicensed contractors

- The League **supports** efforts to increase state funding for libraries, including increased state aid to libraries to support 74 public library systems, provision of state funds to assist local governments with renovations and construction of public library facilities with a match from local sources of at least 50% of total cost (planning grants also would be available), and funding of the state libraries expansion request to support technical assistance, training and statewide services for local libraries

- The League will ~~**support**~~ **seek** technical changes to the Local Government Finance Act to facilitate the sale and issuance of duly authorized bonds

- The League will **support** legislation to include municipalities in with those authorized set-off debts against State income tax refunds This authorization shall be to the League as a representative of municipalities or to a clearing house formed by a number of municipalities

PERSONNEL

- The League **supports** the right of municipal employers to make basic employment decisions, and will **oppose** any law or regulation which, either directly or indirectly, affects municipal employees' salaries, benefits or conditions of work, or which adversely affects the prerogative of each elected municipal governing body to make independent policy and budgetary decisions regarding municipal employees

- The League will **oppose** efforts to modify the law which prohibits a municipality from recog-

nizing or entering into contracts with labor unions or other employee organizations The League will **oppose** legislation that tends to strengthen the influence of public employee labor unions, because that is not in the public interest

- The League will **oppose** legislation to increase local government financed death benefits of law enforcement officers and firefighters

RETIREMENT

- The League will **oppose** legislation to provide full retirement benefits for some classes of employees with a minimum length of service less than that required of other employees, or other preferential treatment The League will **oppose** legislation to reduce the minimum length of service required for retirement with full benefits

- The League will **support** legislation to provide reasonable cost of living increases for retirees and enhanced levels of benefits if they can be funded from actuarial gains in the local retirement system The League will **oppose** cost-of-living and benefit level increases that cannot be funded from available actuarial gains unless specifically authorized by a vote of the membership

- The League will **seek** legislation to coordinate the various retirement benefits of law enforcement officers in a rational and equitable manner The benefits are excessive, inequitable to other employees, and unduly burdensome to local taxpayers who must pay the costs The League will **support** state administration of law enforcement officer retirement benefits, provided it is at the option of a municipality

- The League will **seek** legislation to increase local government representation on the Retirement System Board of Trustees and to allow all members to vote on all state and local retirement matters

- The League will **oppose** legislation to allow other classes of employees to be eligible for disability retirement with less than five years of service

- The League will **oppose** legislation to exempt some law enforcement officers from the general rules on reduction of disability retirement payments based on later earnings

OPEN MEETINGS

- The League **supports** the principle of openness in government and specifically endorses the concept that meetings of governmental bodies should generally be open to the public The League also **supports** reasonable provisions for closed sessions when such limitations are in the public interest The League will **oppose** legislation imposing additional statutory requirements on municipal governing bodies The same provisions should apply to all elected state, county and municipal legislative bodies

PUBLIC RECORDS

- The League **supports** the principle that public records should be available to the public, but the League also supports reasonable confidentiality provisions that are in the public interest The League will not oppose legislation that makes public records available to the general public at reasonable cost but the League will oppose legislation to diminish the proprietary value of records collected in the public interest Special consideration should be given to proprietary rights in commercially valuable information, such as geographic information system records

MUNICIPAL UTILITIES

- The League will **oppose** legislation that would restrict the authority of municipalities to set fiscal operation policies and determine the appropriate rates, fees and service areas for municipal enterprises

MUNICIPAL LIABILITY

- The League will **oppose** efforts to abolish or restrict further the governmental immunity of municipalities from tort liability

- The League will **seek** legislation to create a Local Government Tort Claims Act similar to the State Tort Claims Act

- The League will **support** legislation prohibiting punitive damages against local governments

- The League will **oppose** legislation to replace the current contributory negligence doctrine with a comparative fault system

- The League will **seek** legislation to clarify the entities that may be members of local government risk pools

- The League will **seek** legislation to provide notice periods for cancellation and non-renewal that are comparable to those required of commercial insurers

GENERAL GOVERNMENT

- The League will **oppose** legislation imposing upon municipalities statewide initiative and referendum procedures for municipal ordinances, and recall of municipal officials

- The League will **seek** legislation making appropriate technical amendments to statutes affecting municipalities

- The League will **oppose** legislation that would make enforcement of local ordinances more difficult

- The League will **oppose** a constitutional amendment or legislation that imposes term limits on local elected officials

- The League **supports** our existing system of representative democracy and will oppose efforts to change that system by letting the electorate propose and enact laws without action by their duly elected representatives

- The League will **seek** legislation to provide for representatives of municipal government on boards and commissions that oversee essential local government activities

- The League **does not oppose** voluntary privitization of municipal services but will **oppose** mandates requiring municipalities to contract with private companies for public services

- The League will **seek** legislation to allow municipalities the option to designate violations of municipal ordinances as infractions in addition to current options

- The League will **seek** an increase in the dollar threshold for declaring a motor vehicle a junked motor vehicle

ETHICS

- The League **supports** ethics and good government in the State of North Carolina but will **oppose** proposals that are unduly burdensome or restrictive, and proposals that do not include all elected officials

MANDATES

- The League will **seek** a proposed constitutional amendment, legislation or changes to legislative rules through the Fiscal Trends Study Commission and other appropriate channels, that will require full funding or adequate revenue sources for state mandates to local governments

- The League will **oppose** legislation imposing unduly burdensome or expensive mandated requirements on municipalities unless full funding or adequate new revenue sources are provided for implementation

- The League will **seek** state grants for local functions or activities which have been mandated by the state, or which have been requested by state agencies and reviewed and approved by the League Board of Directors

Community and Economic Development

ECONOMIC DEVELOPMENT

- The League will **seek** legislation to enhance the effectiveness of economic development efforts and broaden the authority of municipalities to participate

- The League will **support** continued funding of the Industrial Development Fund grant program to make it useful to more communities in creating jobs

- The League will **support** legislation that will promote tourism in North Carolina and in North Carolina's municipalities

- The League will **support** continued state appropriations to lead regional organizations (councils of governments) at current levels for economic development technical assistance to municipalities and counties, provided such funding is at the option of local government members

- The League will **seek** development of a comprehensive and integrated statewide strategy and policy for economic development that includes the appropriate role and responsibility for local governments Local governments shall be provided an opportunity to fully participate in the development of such policy

- The League will **support** legislation to establish a program to provide both matching and non-matching grants based on ability to pay to municipalities for capital improvements planning to facilitate local economic growth

- The League will **support** legislation that will promote the continued development of the film making industry in North Carolina and in North Carolina's municipalities

- The League will **support** legislation to establish standby state programs to help stimulate locally stressed economies

- The League will **support** legislation and administrative actions to increase exporting by North Carolina firms

- The League will **support** continuation of the current state income tax credit for job creation and supports expansion to increase its effectiveness for smaller businesses

- The League will ~~**support**~~ <u>**seek**</u> legislation to require the North Carolina Department of Administration and other state agencies to consult with the host municipality before any decision to relocate a state office is made

- The League will **support** legislation which will enhance the effectiveness of downtown revitalization, provided any measures involving local incentives be offered at the discretion of local governments

LAND USE PLANNING

- The League acknowledges the constitutional obligations of government officials to respect private property rights and urges municipal officials to be mindful of those concerns The League will **oppose** legislation that unreasonably restricts modification of current zoning or requires municipalities to pay monetary damages in connection with valid rezoning actions

- The League will **support** legislation to clarify and enhance the authority of municipalities to regulate outdoor advertising signs, but will **oppose** legislation to restrict further the authority of local officials to regulate outdoor advertising and require removal of nonconforming signs by amortization

- The League will **oppose** additional legislation concerning local zoning treatment of manufactured housing since these decisions are most appropriately made at the local level In addition, the League urges its membership in the strongest possible terms to reexamine land use practices to assure compliance with applicable statutes and case law, and consider allocating more residential land area for manufactured homes based upon local housing needs

- The League will **seek** legislation to enhance municipalities' ability to regulate inappropriate location of licensed alcohol establishments

- The League will **support** statewide legislation to authorize levy of development impact or facilities fees

- The League will **oppose** legislation or administrative actions which would alter the current allocation of federal Community Development Block Grant funds between housing-related purposes (approximately 80%) and economic development (20%) <u>Regarding CDBG funds for housing-related purposes, the League will support the enhancement of local discretion in the utilization of CDBG funds for new construction or rehabilitation purposes</u>

- The League will **support** legislation providing authority to municipalities to require installation of private and public utility company lines inside the extraterritorial planning jurisdiction up to municipal standards

- The League will **support** legislation to encourage preservation of farm land and natural and scenic areas, but will **oppose** legislation which unreasonably infringes on the authority of local officials to make appropriate land use decisions

- The League will **support** legislation which will enhance the effectiveness of local historic preservation provided it does not unduly erode the local property tax base

- The League **supports** coordinated land use planning and efforts toward state/local cooperation

- The League will **seek** a technical amendment to the subdivision statutes to allow the governing body to delegate to subordinate bodies the authority to accept dedications

- The League will **support** legislation to require the filing of special assessment resolutions adopted pursuant to G S 160A-225 in the register of deeds office

- The League will **support** legislation to clarify and provide flexibility in the zoning notice requirements

ANNEXATION

- The League **supports** the existing state legislative policy that sound urban development is essential for the continued economic development of North Carolina and **supports** the existing legislative framework for extending municipal boundaries, which allows areas that are urban in character to be municipal and which guarantees provision of essential services to citizens in annexed areas Municipalities are encouraged to develop annexation policy as part of the planning process and to use the authority to annex in a fair and reasonable manner The League will continue to **oppose** changes in the law, either statewide or local, which would weaken the present annexation procedures or restrict annexation authority The League will **oppose** new incorporations which are primarily for the purpose of preventing annexation by an existing municipality

- The League will ~~**support**~~ <u>**seek**</u> legislation or rules changes to require review and recommendation by the Joint Commission on Municipal Incorporation before municipal incorporation proposals are considered by the General Assembly <u>It is in the interest of the State and its citizens that urban and urbanizing areas receive urban services from existing general purpose governments where possible rather than create new special districts or new municipalities to provide them Accordingly, the League will **seek** a comprehensive study of legislation regarding the incorporation process, including the provision of additional criteria before a positive recommendation by the Joint Legislative Commission on Municipal Incorporations may be made If a study committee is established, municipal representatives must be inlcuded among the members of that committee</u>

- <u>The League will **support** legislation requiring that municipalities incorporated in the future be required to levy a reasonable property tax and provide a reasonable level of municipal services as a prerequisite to eligibility for state-shared revenues</u>

HOUSING

- The League will **support** legislation which will facilitate access to safe and decent housing for all North Carolina citizens, including appropriations for the Housing Trust Fund and other housing programs and transitional housing for homeless <u>and disabled</u> persons, and legislation to authorize incentives to developers for providing low and moderate income housing

- The League will **seek** statewide legislation to require improvement or demolition of buildings and structures closed on order of a building inspector, instead of boarding up and abandoning

- The League will **seek** legislation authorizing the exercise of the power of eminent domain to acquire property that fails to meet minimum

housing code standards for the purpose of providing housing for low and moderate income persons

- The League will **support** legislation that provides more flexibility in conveying property to non-profit corporations for public use

- The League will **support** statewide legislation to authorize municipalities to require installation and maintenance of smoke detectors

- The League will **support** legislation to facilitate the collection and dissemination of information that will be useful to local government officials and others in evaluating the local investment performance of financial institutions

- The League will **seek** amendment to G S 160A-443 (5a) to allow housing authorities and commissions, or the governing body's designee, to exercise the authority to order further action

- The League will **seek** legislation allowing a municipality to serve minimum housing code orders in any manner allowed for court pleadings under the NC Rules of Civil Procedure

TECHNICAL ASSISTANCE

- The League will **support** enlarged state appropriations for technical assistance to local governments in community and economic development activities, water quality efforts, capital improvements planning and mass transit planning

MUNICIPAL ELECTIONS

- The League will **oppose** legislation that authorizes non-municipal residents to vote in municipal elections

Energy, Environment and Natural Resources

ENVIRONMENTAL REGULATION

- The League will **seek** legislation to consolidate all water and wastewater programs in the department responsible for environmental protection

- The League will **seek** appropriations to provide technical assistance in the area of environmental protection

- The League recognizes that local governments are partners with the state in the protection of the environment and will **seek** to continue to be included in the initial development of environmental legislation and regulation and will further **seek** full funding or adequate revenue sources for implementation

- The League will **seek** amendments to water pollution tax legislation, if proposed, to provide to local governments the same exemption provided to the federal and state governments, based on principles of intergovernmental tax immunity, and to provide municipalities with a statutory share of the proceeds

- The League will **seek** legislation to provide for representation of municipal government on state environmental boards and commissions

- The League will **support** legislation and administrative rules that more effectively regulate non-municipal, particularly non-point, sources of water pollution

- The League will **support** legislation and administrative rules establishing management strategies for nutrient sensitive waters, provided that any such management plan (1) fully recognizes the costs of implementation to local government and includes fair and adequate funding, (2) is science-based and technologically feasible, (3) allows flexibility in attaining reduction goals using the most cost-effective means, and (4) applies any mandatory controls in a balanced and equitable manner, with nutrient reductions by all responsible parties in proportion to their relative contributions to the problem, and with recognition of previous reduction efforts by municipalities

- Recognizing that existing safeguards and design criteria are sufficient to protect against power failure in all but the rarest of circumstances, and that it is neither feasible nor cost-effective to design for the most extreme of

natural disasters, the League will **oppose** legislation to impose unnecessary requirements for on-site generators for wastewater treatment systems

- The League will **seek** to include local governments in any legislation that requires the Environmental Management Commission to abate penalties for violations of water quality requirements so funds may be used for system improvements

- The League will **support** legislation to require that, before implementation or enforcement, operating policies developed by administrative agencies will be subject to a review process comparable to that used for adoption of administrative rules, including full opportunity for public hearing and comment

- Given the existence of adequate regulatory and permitting programs applicable to local governments, the League will **support** a comprehensive study of the N C Environmental Policy Act to determine if it can be eliminated or revised to address local government concerns Local government representatives must be included among the members of the study committee

- The League will **oppose** legislation to grant immunity from civil penalties for voluntarily disclosed environmental violations

MUNICIPAL UTILITIES

- The League will **oppose** the imposition of state taxes or fees on municipal public enterprise operations to fund state agency operations

SOLID WASTE MANAGEMENT

- The League will **support** legislation that places source reduction initiatives as its first priority
- The League will **seek** additional legislation, including refinement of current solid waste legislation, to address growing solid waste management problems and solutions based on municipal experience, and continue to explore solid waste management issues with study commissions and the General Assembly

- The League will **support** legislation that will enhance the ability of local governments to meet established goals in the area of solid waste management, without being unduly burdensome Of particular interest are source reduction through restricting disposable bottles and packaging, the imposition of advance disposal fees and the use of tire and refuse derived fuel Reasonable guidelines and technical assistance must be provided for implementation of any such legislation

- The League will **oppose** laws and regulations, (including statewide mandatory solid waste bans) that directly or indirectly affect local governments' flexibility to manage solid waste under the hierarchy set by state law, unless there is a demonstrated direct relationship to public health and safety, or unless there is adequate state funding and infrastructure resources to support such bans

- The League will **oppose** legislation and regulations that undercut the ability and authority of municipalities to meet established goals in the area of solid waste management and their ability to finance facilities and programs for the effective management of solid waste

- The League will **oppose** legislation or regulations limiting local government flexibility in the development of their solid waste management plans

- The League will **seek** continued funding of a revolving loan and grant program for solid waste disposal facilities

- The League will **seek** legislation reassigning the solid waste management administrative rulemaking authority to the Environmental Management Commission, due to the changing technical and environmental protection requirements of solid waste management

WATERSHED PROTECTION AND WATER SUPPLY

- The League will **support** a legislative study of public water supply issues, including watershed protection and viability

WATER AND WASTEWATER FUNDING

- The League will **seek** increased adequate funding from state appropriations, bond issues and other revenues, to assist with critical municipal water and wastewater capital facilities, through the Clean Water Loan and Grant Fund Additional attention should be devoted to water supply funding, and the League will **seek** legislation to provide for points in the priority ranking system for funding for facilities to treat contaminants in water supplies, if required by federal law The 20% state match to draw down the available federal funds is the minimum that must be provided

- The League will **oppose** efforts to distort the historical system for setting priority for the awards of grants and loans under the Clean Water Loan and Grant Fund

- The League will **oppose** efforts to divert local government funds to subsidize the state share of water and wastewater funding

- The League will **not oppose** reasonable and justifiable increases in water quality permitting and compliance fees, if the increases are fairly applied to all regulated point and non-point sources The League will **support** additional funding from state appropriations to support water quality regulatory programs

WETLANDS PROTECTION

- The League will **support** reasonable legislation and regulations to establish effective riparian buffers and to protect wetlands, including the creation of a state wetlands restoration, mitigation and preservation program and a wetlands restoration trust fund

Transportation, Communications and Public Safety

ALCOHOLIC BEVERAGES

- The League will **support** legislation to permit inspections of ABC licensed premises by local law enforcement officers

DRUGS

- The League will **support** legislation to establish and fund a comprehensive statewide response to our drug problem, with emphasis on drug prevention education and rehabilitation as well as enforcement

- The League acknowledges the obligation of government officials to respect the constitutional rights of public job applicants and employees At the same time, municipal officials recognize their responsibility to maintain public confidence in government by assuring alcohol and drug-free public work places and delivery of services in a safe manner The League will **oppose** legislation which restricts, beyond the significant safeguards of the state and federal constitutions, the ability of municipal employers to administer drug and alcohol tests to applicants and employees and take appropriate personnel actions where warranted

LAW ENFORCEMENT

- The League will **oppose** legislation providing state courts exclusive jurisdiction over criminal forfeitures or otherwise interfering with the right of municipalities to retain a share of the proceeds

- The League will **support** legislation or the creation of a legislative study commission on the issue of restitution to local governments by criminal convicts for the costs of law enforcement incident to their arrest and prosecution

- The League will **support** reasonable proposals to strengthen the laws regulating the possession of handguns The League will **oppose** legislation relaxing training standards and other requirements as provided under the concealed weapons law The League will **support** legislation clarifying restrictions on the possession of concealed weapons and preserving the rights of municipalities, entities and other persons to prohibit weapons on properties owned or occupied by them

- The League will **support** legislation to enhance the enforceability of statutes which ban or reg-

ulate the sale and possession of automatic weapons

- The League will **support** legislation requiring the fingerprinting of juveniles upon arrest for acts that would be felonies if committed by adults, provided the legislation includes criteria for expunging such records

- The League will **support** creation of a legislative study committee on law enforcement officer jurisdiction, including consideration of liability issues

- The League will **support** legislation to repeal the 1993 statutory exemptions that made certain types of fireworks legal in North Carolina

- The League will **support** legislation which enhances the safe operation of personal watercraft through expanded regulation of their use by means such as establishing user age limitations, requiring operator instruction, and providing safety regulation

CHILD FATALITY TASK FORCE

- The League will **support** legislation extending the existence of the North Carolina Child Fatality Task Force

TELECOMMUNICATIONS

- The League will **oppose** legislation to mandate statewide public safety telecommunicator training and certification standards

- The League will **oppose** legislation which is more restrictive on municipalities than the Federal Telecommunications Act of 1996

FIRE INSPECTORS' TRAINING

- The League will **oppose** legislation requiring local fire inspectors to receive OSHA inspection training

HAZARDOUS MATERIALS

- The League will **support** legislation to increase incentives for local government participation in regional hazardous materials emergency response team contracts and to address concerns with response time, the perceived disincentive for non-contracting localities to retain existing teams, medical coverage liability for participating personnel, and local representation on the advisory body

PUBLIC TRANSPORTATION

- The League recognizes that public transportation and paratransit systems, including regional transportation authorities, benefit all areas of the state by providing a vital link to employment opportunities and human services programs for all citizens and by facilitating the attainment of air quality standards without which further economic development cannot take place The League will work to cultivate a partnership among federal, state and local governments in promoting a multimodal transportation system to serve the interests of citizens in both rural and urban areas of the state

The League will **seek** the creation of a state program to assist public transit and human services transportation systems with operating costs, to be financed by a dedicated revenue source, such as a fuel tax, collected statewide and distributed to both urban and rural transit systems on a formula basis In addition, the League will **support** the dedication of additional funds to highway maintenance

The League will **seek** legislation to authorize municipalities to impose local option taxes dedicated to transit, such as ~~parking fees and rental car fees and legislation to raise the statewide limitation on vehicle registration fees~~ rental vehicle gross receipts taxes, vehicle registration surcharges, parking taxes, and local option sales taxes

The League will **support** a comprehensive public transportation needs assessment and study process to build consensus on the level of need, identify revenue sources and undertake long-range planning

The League will continue to **oppose** mandated use of Powell Bill funds for public transportation purposes

- The League will **support** legislation which implements the objectives set forth by the Transit 2001 Commission

- The League will **support** legislation which provides for the enhancement of pedestrian space and amenities, the development of bikeways, and the promotion of bicycle-friendly facilities

- The League will **support** legislation which implements graduated levels of licenses for provisional licensees for the operation of motor vehicles

STREETS AND HIGHWAYS

- The League will **support** legislation to require municipal approval of withdrawals of platted streets prior to filing of a declaration of withdrawal in the register of deeds office

- The League will **support** legislation providing for enhanced planning, technical assistance and coordination of local transportation improvement efforts, with particular attention to protection of future rights-of-way

- ~~The League will support passage of the bond referendum authorizing the issuance of general obligation bonds of the State under the Highway Bond Act of 1996.~~

RAILROADS

- The League will **seek** legislation to allow municipalities to determine the level of maintenance for railroad tracks within corporate boundaries and to require that railroads bear the total cost of constructing and improving streets in areas covered by railroad crossties

- The League will **oppose** legislation to remove the existing municipal authority to require the elimination of railroad grade crossings

AIRPORTS

- The League will **support** establishment of minimum standards regulating height of structures surrounding public airports, provided that existing airport ordinances are grandfathered and local zoning adoption and enforcement is not mandated

- The League will **support** state appropriations for capital and operating assistance to municipal and other public airports

NOTE: Approved August 6, 1997, by League Board of Directors for recommendation to the membership.

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Proposed Contract with the Ferguson Group

COUNCIL FOCUS AREA: All Council Focus Areas

STAFF RESOURCE: Boyd F Cauble

KEY POINTS (Issues, Cost, Change in Policy):

The Ferguson Group has represented the City and County well during the last twelve months

- The City Manager and County Manager propose to extend the Ferguson contract for the next sixteen months to provide continuous Washington, D C representation

- The City and County have jointly agreed to have one D C lobbyist to provide staff assistance to our congressional delegations as they seek additional funding in the following general areas

  - Transportation
  - Water Resource and Environmental Protection
  - Economic Development
  - Housing

The proposed cost to the City for the next 16 months will not exceed $100,000 (FY'98 - $20,000, FY'99 -$80,000) Funding would come from FY'98 Council contingency

OPTIONS:

COUNCIL DECISION OR DIRECTION REQUESTED:

On April 13, Council will be asked to 1) authorize the Manager to execute an agreement with the County to continue the current arrangement with the Ferguson group for Washington representation, 2) join the County Manager to negotiate an additional twelve month contract for the next fiscal year, and 3) adopt a budget ordinance appropriating the funding

ATTACHMENTS: Description of the Washington Lobbyist Agreement

PROPOSED WASHINGTON LOBBYIST AGREEMENT

Last year the City contracted with the McMillan group to provide assistance for transit funding and Mecklenburg County hired the Ferguson Group to provide general purpose lobbying for County programs. After McMillan's contract expired in November of 1997, the City was able to use the Ferguson group to supplement McMillan's efforts as well as take advantage of additional lobbying and grant advice in areas such as Brownfields, community development, housing, etc.

The following is a breakdown of the City/County lobbying effort last year.

Funding:	McMillan	Ferguson	Total
Charlotte	$60,000	$14,000	$ 74,000
Mecklenburg County	-	74,000	74,000
	$60,000	$88,000	$148,000

Results:	Streambank Stabilization	Transit "NewStart"
Direct Appropriation Received	$1,000,000	$1,000,000
Direct Staff Assistance	- Brownfields Advice - HUD Rule Waiver Assistance - Numerous Notifications re: grants and regulations	

Since December, the Ferguson Group has assisted the City, without compensation, by providing information about grant programs, Housing Authority residence waivers; and a general transit funding strategy.

We are currently working with Mecklenburg County to draft a single work program and contract with the Ferguson Group to provide Washington representation services for both the City and County.

Attached is a listing of issues upon which Ferguson proposes to concentrate in the following year. This list is a result of interviews with City staff and elected officials. These items will form the basis for Ferguson's proposed work program and contract.

Should you have questions regarding the attached proposed work program or any other issues regarding the future Ferguson contract, please contact Boyd Cauble at 336-2009.

March 13, 1998

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: NationsBank West Trade Street Project

COUNCIL FOCUS AREA: Economic Development

STAFF RESOURCE: Tom Flynn

KEY POINTS (Issues, Cost, Change in Policy):

- Presentation by Tommy Shealy of NationsBank
- NationsBank and Cousins Properties are developing 1 million plus square feet of office space along West Trade Street in Third Ward
- Development also includes residential and retail
- This project will bring an estimated 8,000 workers to an area of Center City Charlotte that is currently mostly parking lots and boarded up buildings
- The project was planned with major input from Third Ward and Planning Commission, and conforms to Council's Third Ward Plan

OPTIONS: N/A

COUNCIL DECISION OR DIRECTION REQUESTED:

- None at this time Staff is developing a service plan that responds to this development and will share it with Council when it is completed
- This is also background information for an agenda item that will be on Council's April 13, 1998 agenda This agenda item will recommend a change in the City's land disposition policy in Center City to allow Council to consider other criteria, in addition to price, in selling Center City land

ATTACHMENTS:

None