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WEEK IN REVIEW:

Mon (July 18)	Tues (July 19)	Wed (July 20)	Thurs (July 21)	Fri (July 22)
12:00 PM Zoning Lunch Briefing, Room 886				
5:00 PM Zoning Meeting, Room CH-14				

CALENDAR DETAILS:

Monday, July 18

12:00 PM Zoning Lunch Briefing, Room 886

5:00 PM Zoning Meeting, Room CH-14

July and August calendars are attached.



July - August
2016.pdf

INFORMATION:

August 2 – Mayor’s Youth Employment Program/Microsoft DigiGirlz Workshop

Staff Resource: Sophia Davis, NBS, 704-353-0486, scdavis@charlottenc.gov

Mayor and Council are invited to attend a one-day DigiGirlz workshop on Tuesday, August 2, 2016 from 8:30 a.m. to 4 p.m. at the Microsoft Campus, 8055 Microsoft Way. The free workshop is open to up to 100 girls, grades 9-12, interested in technology and entrepreneurship. The event is an opportunity to promote careers in science, technology, engineering, arts and math (STEAM) among girls and minorities, who are often underrepresented in those fields. The workshop is sponsored by Microsoft in partnership with the Mayor’s Youth Employment Program (MYEP). For more details, please contact Sophia Davis at scdavis@charlottenc.gov.

Early July Storms and Impacts on Charlotte’s Tree Canopy

Staff Resource: Tim Porter, E&PM, 704-336-3459, tporter@charlottenc.gov

Storm events occurring during the past two weeks have generated a record-breaking amount of downed tree and/or limb service requests for the City of Charlotte’s Landscape Management Division. A total of 481 service requests have been generated since July 1, including 410 from the severe storms occurring between July 8 and 13.

City and contractor tree crews have been working 24/7 to clear roads focusing on clearing major thoroughfares and access for hospitals, fire departments, police stations and emergency shelters, followed by the secondary and neighborhood roads per Landscape Management’s Storm Response Plan. Due to the significantly high volume of service requests, Landscape Management inspectors are still working to assess the damage in some locations. Road clearing and clean-up work is ongoing and some secondary and neighborhood roads could remain blocked until Friday.

The aging canopy in many of Charlotte's older neighborhoods was impacted by the storm. Many public and private large older trees and limbs fell during these storm events and caused property damage to homes and yards, commercial buildings, vehicles, and other trees.

A large 97-year-old oak tree in the Wesley Heights Neighborhood uprooted and fell across Walnut Avenue. The tree was planted during the 1920s during the initial development of the Wesley Heights Neighborhood. No injuries have been reported due to fallen trees or limbs.

Update on Charlotte Tree Canopy Master Plan and Public Meeting Opportunities

Staff Resources: Erin Oliverio, E&PM, 704-432-2925, eroliverio@charlottenc.gov

Tim Porter, E&PM, 704-336-5753, tporter@charlottenc.gov

Building on Council's goal to have 50% tree canopy coverage in 2050, staff is creating a master plan combining community and staff input with urban forestry best practices to define responsibilities and reach the community's goals. The plan will be created in close partnership with the collaborative non-profit TreesCharlotte and other community stakeholders including Charlotte Tree Advisory Commission, Charlotte Mecklenburg Schools, Catawba Lands Conservancy, and many others.

Staff presented this planning process to Council on April 11, 2016.

This work will produce two products: first, a full analysis geared for use by City staff; second, the public master plan with clear calls to action for the City's community partners and residents.

Milestones Met:

- Staff selected and contracted with Davey Resource Group as consultant to assist in creating the master plan.
- Staff selected and contracted with Yellow Duck Marketing as media buyer to advertise and promote public input opportunities.
- Stakeholder group formed with first meeting held June 18, 2016, with 33 stakeholders attending.
- A public survey was created and is currently online for citizens to complete at Charlottenc.gov/trees.
 - As of Monday, July 11, 1,967 surveys have been completed, surpassing the goal of 1,500. The survey closes July 30.
- Three community input meetings are set.
 - Monday, July 25: 6:30 -8:00 p.m. – Good Shepherd Presbyterian Church, 3307 Rea Road
 - Thursday, July 28: 6:30 -8:00 p.m. – Amity Presbyterian Church, 2831 N. Sharon Amity Road
 - Saturday, July 30: 8:30-10:00 a.m. – Friendship Missionary Baptist Church, 3400 Beatties Ford Road

Upcoming Milestones:

- Stakeholder Meeting #2: Thursday, July 28: Focus on partners
- Stakeholder Meeting #3: Wednesday, August 17: Focus on tree management
- October 2016: First draft of plan due to staff
- December 2016: Finalized plan

Staff will keep Council abreast of any additional developments of the Master Plan process.

Final Report for the 2015-2016 General Assembly

Staff Resource: Dana Fenton, City Manager's Office, 704-408-7393, dfenton@charlottenc.gov

Attached is the Final Report for the recently completed 2015 – 2016 North Carolina General Assembly. The report details the outcomes of issues taken up by the General Assembly from January 14, 2015 through July 1, 2016 that were of importance to the City, including House Bill 2. The report is in a “report card” format that is designed to provide quick summaries of the bills. Accordingly, these are not legal opinions as such is the purview of the City Attorney’s Office. Each issue received either a “” or “”. A “” indicates that the issue was fully or partially resolved to the City’s satisfaction, whereas issues that were not fully or partially resolved to the City’s satisfaction received a “”.



2015-2016 final
report.pdf

July

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
					1	2
3	4 Independence Day	5	6	7	8	9
10	11	12	13	14	15	16
17	18 12:00pm Zoning Lunch Briefing, Room 886 5:00pm Zoning Meeting, Room CH-14	19	20	21	22	23
24	25 5:00pm Citizens' Forum/Council Business Mtg., Room 267	26	27	28 6:30pm CM Eiselt and CM Phipps Town Hall Mtg., Elevation Church – 8105 IBM Drive	29	30
31						

2016

August

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 12:00pm Governance & Accountability Committee Mtg., Room 280	16	17	18	19	20
21	22 12:00pm City Attorney's Evaluation, Room CH-14 5:00pm Citizens' Forum/Council Business Mtg., Room 267	23	24 5:30pm MTC Meeting, Room 267	25	26	27
28	29	30	31			

2016



**CHARLOTTE™
FINAL REPORT**

2015 REGULAR SESSION & 2016 SECOND EXTRA SESSION

2015-2016 STATE LEGISLATIVE AGENDA

- Support replacement source of revenue for business privilege license tax**
General Assembly did not enact a source of replacement revenue for the business privilege license tax
- Authorize City to undertake the same cost effective flood control solutions on private property as was granted to Mecklenburg and Wake Counties**
2015 HB 141 (Jeter) passed the House in 2015 but was not considered by the Senate in 2016
- Amend North Carolina Street Gang Nuisance Abatement Act to require a gang injunction to be reviewed by the Court that issued the injunction one year after being issued, and authorize the Court to extend or modify the injunction upon good cause shown by one of the parties**
2015 SB 60 (Bingham) passed the Senate and House, and was signed into law by the Governor; Section 4 contains the requested provisions
- Increase membership of Civil Service Board from seven to nine members**
2015 HB 70 (Bishop) passed the House and Senate, and was enacted into law
- Request technical amendments to the Charlotte Firefighters' Retirement System Act to maintain conformance with Internal Revenue Code**
2015 HB 143 (Bishop) passed the House and Senate, and was enacted into law
- Repeal Sunset Date of the Special Assessments for Critical Infrastructure Needs Act (MTC Agenda)**
2015 SB 284 (Hartsell) extended the sunset date of the Special Assessments for Critical Infrastructure Needs Act from July 1, 2015 to July 1, 2020; SB 284 was signed into law
- Support Repeal of the Light Rail Cap (MTC Agenda)**
2016 HB 1030 (Dollar) repealed the \$500,000 State funding cap but then replaced it with a state funding limitation of 10% of project costs on commuter rail and light rail projects; any funding limitations are not consistent with the "data driven" decision making approach of the strategic transportation investments program; HB 1030 was signed into law

ADMINISTRATIVE & FISCAL

Sales Tax Redistribution

Proposals to convert local sales taxes into a state source of revenue and redistribute those revenues on a per capita basis statewide were not enacted; based upon the Senate version of the 2015 Appropriations Act (HB 97 – Dollar), the potential loss of revenue to the City of Charlotte was estimated at more than \$20 million over five years

Eminent Domain / Condemnation

2015 HB 127 (Stam) amended the “quick take” condemnation process in such a way that leads to more litigation and higher costs to taxpayers; HB 127 was defeated

2015 HB 875 (Jordan) started out as a statewide measure that required all units of local government to obtain the consent of the County Commission prior to acquiring any real property by condemnation, purchase or lease, even for property located within their corporate limits; final version of HB 875 was converted to local legislation applicable only to Ashe and Watauga Counties

Referendum for Certain Local Debt

2015 HB 128 (Speciale) required local referenda on most forms of borrowing, including certificates of participation, revenue bonds, project development financing, and special obligation bonds; HB 128 was defeated

Exempt Builders’ Inventory

2015 HB 168 (Hager) provided property tax breaks for developers by exempting, under certain circumstances, the increase in commercial and residential property value during the building process; while HB 168 was improved from the introduced version, the fiscal impact to the City of Charlotte in the first full year of implementation is estimated to still be substantial; HB 168 was signed into law

Historic Artifacts Management Act

2015 SB 22 (Soucek) established procedures for removal of objects of remembrance owned by local governments, which include securing the express approval of the General Assembly; SB 22 was signed into law

Land Use Regulatory Changes

Introduced version of 2015 HB 483 (Jordan) incentivized land use litigation with resulting higher legal costs being borne by taxpayers; these provisions of HB 483 were removed and the final version merely addressed how multi-phased developments are treated with respect to changes in zoning and subdivision ordinances; HB 483 awaits action by the Governor

□ **Non-Discrimination**

2015 SB 279 (Barefoot) conference report included provisions that would preempt local authority to enact ordinances prohibiting discrimination in public accommodations and establishing minimum housing standards; conference report was subsequently withdrawn and the bill amended to remove the local preemption provisions; SB 279 was signed into law without the local preemption provisions

2015 Second Extra Session HB 2 (Bishop) established statewide public accommodation law that prohibits discrimination on the basis of race, religion, color, national origin, or biological sex, and preempts local government from the field; HB 2 requires public agencies to designate multiple occupancy restrooms or changing facilities to be designated for and only used by persons based on their “biological sex”; HB 2 was signed into law by the Governor

Several measures were introduced in the 2016 short session to repeal or amend the portions of House Bill 2 addressing restroom use and statewide public accommodations statutes including Repeal House Bill 2 (HB 946 – Jackson / SB 784 – Van Duyn), The Equality for All Act (HB 1078 – Sgro), and Provide Protections Against Discrimination (HB 1118 – W. Richardson); none of these measures were considered by the General Assembly

General Assembly took action in HB 169 (Hager) to amend section 3.2 of House Bill 2 to restore the State tort claim for wrongful discharge and set a retroactive effective date of March 23, 2016; HB 169 awaits action by the Governor

□ **Illegal Immigration**

2015 HB 318 (Cleveland) prohibited any cities or counties from adopting what are known as “sanctuary city” policies that limit or restrict “... the enforcement of federal immigration laws to less than the full extent permitted by federal law”; Senator Tillman (R-Randolph) referred to several NC cities, including the City of Charlotte, during Senate floor debate on HB 318 as “sanctuary cities”, which appeared to be based upon the civil rights resolutions passed by those cities; HB 318 addresses other issues surrounding illegal immigration including application of E-Verify requirements to contractors of local governments and the types of identity and residency documents that are acceptable for use by officers of the court, law enforcement, or other government officials in determining a person's actual identity or residency; HB 318 was signed into law

As a follow-up to HB 318, 2016 SB 868 (Sanderson) created “additional incentives” for local governments to comply with State immigration laws; among the “incentives” to comply with such laws was the threat of losing Powell Bill funding in the event the Attorney General found that a local government was in violation of State immigration laws; these provisions were amended in 2016 into 2015 HB 100 (Cleveland); neither bill was enacted into law

ECONOMIC DEVELOPMENT

Municipal Service Districts

2015 HB 97, Section 15.16 of the 2015 Appropriations Act (Dollar) originally created a process for registered voters residing within municipal service districts to petition and vote to abolish municipal service districts without considering the views of all stakeholders of the districts; the final version directs the Legislative Research Commission to study the feasibility of authorizing property owners within a municipal service district to petition for removal from that municipal service district and requires contracts for Municipal Service Districts to require public input and public hearing before entering into the contract, specify contract purposes, and require appropriate accounting; HB 97 was signed into law

2016 HB 1023 (Davis) further strengthened accountability of private entities that operate municipal service districts and provided a method for property owners to have their properties removed from districts upon approval of local governing bodies; HB 1023 was signed into law

Film

2015 HB 97, Section 15.25 of the 2015 Appropriations Act (Dollar) increased limits of grants single film and television productions can receive from the Fund; HB 97 appropriates \$30 million nonrecurring funds in each year of the biennium; HB 97 was signed into law

Historic Preservation Tax Credit

2015 HB 97, Section 32.3 of the 2015 Appropriations Act (Dollar) enacted a reformed version of the Historic Preservation Tax Credit that was allowed to lapse at the end of calendar year 2014; the credit expires January 1, 2020; HB 97 was signed into law

Job Development Investment Grant and OneNC Funds

2015 HB 117 (S. Martin) continued and modified the major State economic development programs, the Job Development Investment Grant and One NC programs through January 1, 2019; several controversial Senate proposals, including one to limit Job Development Investment Grant grants available to Durham, Mecklenburg and Wake counties were not incorporated into the final version of HB 117; HB 117 was signed into law

ENVIRONMENTAL & PLANNING

Extraterritorial Jurisdiction

2015 HB 44, Section 3, Developments Located in the City and the County of the Local Government Regulatory Reform Act (Conrad) prescribed how city ordinances are to be implemented outside of a city's territorial jurisdiction; the final language was greatly improved over the introduced version that impacted the implementation of City ordinances in the extraterritorial jurisdictional areas of the City; HB 44 was signed into law

2015 HB 51 (Pittman) prohibited the exercise of extraterritorial planning jurisdiction by any city in the unincorporated areas; HB 51 was defeated

Land Application of Biosolids

2015 HB 61 (Pittman) authorized county governing bodies to impose additional conditions on the land application of biosolids, including some which would be very expensive to wastewater utilities throughout the State; HB 61 was defeated

Protest Petitions

2015 HB 201 (Stam) repealed the "protest petition" statute that requires a three-fourths majority vote of governing body members to approve a rezoning in the event of a qualified protest against a zoning map amendment; in other words, all zoning map amendment cases now require a simple majority vote just like all other decisions of City Council; HB 201 was signed into law

Signs

2015 HB 304 (Hager) and 2015 SB 320 (Brown) preempted local authority in favor of statewide standards with respect to the location, height and size of relocated signs and conversion to changeable message signs; legislation appears to open the door to relocating outdoor advertising from industrially zoned areas to commercially zoned areas and allowing such signs to be higher and larger than those allowed under existing local ordinances; local governments were united in their opposition to these measures and were able to galvanize opposition to the bills; neither bill was enacted into law

2015 HB 544 (Brawley) specified that in an extraterritorial jurisdictional area of a City, the governing board of the city may specify that any signage required by the county ordinance must be in compliance with city ordinances; HB 544 was signed into law

2015 HB 613 (Brawley) clarified that a municipality is authorized to enforce State law concerning placement of political signs on the State highway system within the corporate limits of the municipality and specifies that signs are not to be placed on a median or traffic island; while HB 613 passed the House, the Senate did not take up the measure

Performance Guarantees

2015 HB 721 (Bryan) reformed local government performance guarantee practices by addressing the different forms of acceptable guarantees, procedures for returning or releasing guarantees, maximum levels of required guarantees, and use of guarantees to complete required improvements; HB 721 was signed into law

2015 HB 483 (Jordan) was amended in 2016 to establish very onerous performance guarantee provisions that would have put local property taxpayers at risk of paying the costs of repairing substandard infrastructure, and subject property purchasers to the harms created by failing infrastructure; fortunately, these provisions were removed from HB 483 prior to ratification

Computer, Television, and Electronics Recycling Program

2015 HB 765, Section 4.2 of the Regulatory Reform Act of 2015 (McElraft) called for a study of electronic recycling programs, whereas the original section called for a repeal of the recycling fees paid by computer and television manufacturers that would have led to a shortfall in revenues that underwrite local recycling efforts; HB 765 was signed into law

2015 HB 169 (Hager) was amended in 2016 to repeal the electronic recycling requirements and fees paid by manufacturers, as recommended in the study shepherded by the Department of Environmental Quality, but this section was ultimately removed from HB 169 prior to ratification by the House and Senate

Stormwater Management

2015 HB 765, Section 4.20 of the Regulatory Reform Act of 2015 (McElraft) clarified requirements for local governments desiring to implement State stormwater management laws; since the City does not implement State stormwater management law, this section does not affect the program implemented by the City of Charlotte; HB 765 was signed into law

Design & Aesthetic Controls

2015 SB 25 (Gunn) clarified when local governments can apply design and aesthetic controls to structures subject to regulation under the NC Residential Code for One- and Two-Family Dwellings; unless the structures are exempt from the law, City Council will no longer be able to take building design standards into account when considering conditional zonings involving structures subject to regulation under the NC Residential Code for One- and Two-Family Dwellings; SB 25 was signed into law

Ongoing Land Use Violations

2015 SB 303 (Barefoot) was amended in 2016 to make it more difficult for local governments to enforce ongoing land use violations, leaving neighboring property owners left with few remedies; SB 303 was not enacted into law

INFRASTRUCTURE

State Highway System Lane Reductions

2015 HB 44, Section 7, Edition 3 (Conrad) proposed onerous standards for reducing state roadway lanes in order to better accommodate pedestrians, bicyclists and other users of roadways that would have eventually resulted in very few lane miles being reduced, which were eventually removed from the final version of HB 44; HB 44 was signed into law

Notice to Property Owners

2015 HB 44, Section 12, Notice to Property Owners Prior to Construction of the Local Government Regulatory Reform Act (Conrad) specified procedures local governments must take to notify adjacent property owners of new construction projects; local governments worked with sponsors to ensure section would not apply to emergency repairs and routine maintenance; HB 44 was signed into law

LYNX Blue Line Extension

2015 HB 97, 2015 Appropriations Act (Dollar) and 2016 HB 1030, 2016 Appropriations Act (Dollar) fully fund the State share of construction funding for the LYNX Blue Line Extension at \$25 million annually; HB 97 was signed into law; HB 1030 was signed into law

State Transportation Funding

2015 HB 97, 2015 Appropriations Act (Dollar) eliminated annual transfer of \$215.9 million of highway revenues to General Fund for non-highway uses, which increases transportation funding by a like amount; HB 97 was signed into law

2015 SB 20, Part II, Motor Fuel Tax Changes (Rabon) stabilized revenues from the motor fuel excise tax in order to prevent causing major revenue shortfalls in highway and transit funding; SB 20 was signed into law

2016 HB 1030, 2016 Appropriations Act (Dollar) allocated an additional \$2 million in FY 2016-2017 for the State Maintenance Assistance Program, of which Charlotte Area Transit System is a participant; HB 1030 was signed into law

Transportation Improvements / Schools

2016 SB 778 (Wade) shifted primary responsibility to NCDOT for design of and funding for transportation ingress/egress improvements to schools, public and otherwise, from state and locally owned rights-of-way; however, questions remained unanswered as to whether improvements such as sidewalks, traffic signals, and left turn lanes would have been eligible for funding under SB 778; SB 778 was not enacted into law

City Rights of Way

2015 SB 481 (Barringer) was amended in 2016 to prohibit cities from charging fees for activities conducted in the rights-of-way by suppliers of natural gas, telecommunications, video programming and electricity; City collects approximately \$1.1 million of such fees annually that would be foregone under the bill; this provision is effective July 1, 2017; SB 481 awaits action by the Governor

Terminate Agreement for Tolling of I-77

2016 HB 954 (Jeter) initiated steps to terminate the contract between the State of North Carolina and the private entity set to construct, operate and maintain the high occupancy toll lanes on I-77 from Charlotte north to Mooresville; HB 954 prohibits any project on I-77 in Mecklenburg or Iredell Counties from being constructed as a toll managed lane public-private partnership project by the Department of Transportation or Turnpike Authority, which would have negated the planned public-private partnership on I-77 from the South Carolina / North Carolina border to Uptown Charlotte and pushed back eventual completion of any such project; HB 954 was passed by the House but never considered by the Senate; a similar bill, HB 950 (Cotham), was introduced but never considered

PUBLIC SAFETY

Rental Registration

2015 SB 326 (Gunn) was amended in 2016 to incorporate language from HB 530 (Brawley) and SB 442 (Gunn) that substantially modifies the rental registration laws enacted in 2011; SB 326 prohibits local governments from requiring all owners of rental properties to register their properties with the local government, which is the surest and quickest way for local governments to notify property owners of illegal activities taking place on their properties; SB 326 will require the program operated by Charlotte-Mecklenburg Police Department to be substantially modified; SB 326 awaits action by the Governor

Indecent Exposure

2015 HB 792 (Bryan) created new criminal offenses for indecent exposure when the exposed individual is standing on private property; HB 792 was signed into law

Transportation Network Companies

2015 SB 541 (Rabon) implemented a statewide regulatory regimen for transportation network companies and drivers administered by the Department of Motor Vehicles; City worked with stakeholders to secure language authorizing airport operators and transportation network companies to enter into agreements for the appropriate use of airport facilities; SB 541 was signed into law

Body Worn and Dashboard Camera Recordings

2016 HB 972 (Faircloth) is legislation recommended by the Body-Worn Cameras Subcommittee of the Joint Legislative Oversight Committee on Justice & Public Safety; HB 972 creates statewide standards governing the disclosure and release of audio and video recordings from body worn cameras and dashboard cameras, where none had previously existed for statewide application; during floor debate and in the period after the Governor signed the bill into law, several elected officials stated that they would be considering introduction of legislation in 2017 to provide for greater public access to the recordings; HB 972 was signed into law and takes effect on October 1, 2016