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**WEEK IN REVIEW:**

Mon (Aug 24)	Tues (Aug 25)	Wed (Aug 26)	Thurs (Aug 27)	Fri (Aug 28)
12:00 PM City Attorney's Evaluation, Room CH-14  5:00 PM Council Business Meeting, Room 267  6:30 PM Citizens' Forum, Meeting Chamber		5:30 PM Metropolitan Transit Commission, Room 267		

## CALENDAR DETAILS:

### **Monday, August 24**

12:00 PM City Attorney's Evaluation, Room CH-14

5:00 PM Council Business Meeting, Room 267

6:30 PM Citizens' Forum, Meeting Chamber

### **Wednesday, August 26**

5:30 PM Metropolitan Transit Commission, Room 267

**AGENDA:** CEO Jon Lewis introduction; TSAC report; CTAG report; TFWG update; CATS fare policy; LYNX silver line public meeting update; LYNX blue line TIFIA loan update

August and September calendars are attached.



Aug-Sept 2015.pdf

## AGENDA NOTES:

### **Citizens' Forum – Mr. Edward Eaves**

*Staff Resource: Alban Burney, City Manager's Office, 704-336-4947, [aburney@charlottenc.gov](mailto:aburney@charlottenc.gov)*

Mr. Edward Eaves has signed up to speak at Monday night's Citizens' Forum. Mr. Eaves addressed the Council previously at the July 27 Citizens' Forum. At that time Mr. Edward Eaves spoke about code enforcement violations at the Sandhurst Apartments. Mr. Eaves claims that the violations have not been addressed because of what he perceives as a biased relationship between the City's Code Enforcement division and management of the Sandhurst Apartments. Council requested that City staff look into Mr. Eaves' concerns.

After consulting the City's Code Enforcement division and the City Attorney's office, staff learned that the Sandhurst Apartments is in compliance with Code Enforcement. Mr. Eaves has also been in contact with the Charlotte Mecklenburg Community Relations Committee (CRC) with regards to filing a fair housing complaint against the Sandhurst Apartments. After conducting an assessment, the CRC determined that there was not enough evidence to file a fair housing complaint and that the issue is a disagreement between the landlord and the tenant.

Council member LaWana Mayfield, in whose district Mr. Eaves resides, has been in contact with Mr. Eaves regarding the issues at the Sandhurst Apartments.

## **Agenda Item #4 – Rezoning Process Update**

Staff Resources: Laura Harmon, Planning, 704-336-4565, [lharmon@charlottenc.gov](mailto:lharmon@charlottenc.gov)  
Tammie Keplinger, Planning, 704-336-5967, [tkeplinger@charlottenc.gov](mailto:tkeplinger@charlottenc.gov)

At Monday's meeting, City Council will be briefed on completed and upcoming improvements to the rezoning process, as well as additional options concerning rezoning meeting management. Attached is the full briefing presentation and a summary is provided below.

### *Completed and Upcoming Improvements*

Over the past year staff has implemented a few changes to the rezoning process in order to improve the process for petitioners, the community, and City Council. These include the creation of geography-based customer service staff teams to facilitate more efficient review of rezoning cases, establishment of deadlines for transportation study issues to be addressed, and updated user fees based on size and complexity to better reflect the range of effort on cases.

Staff is currently implementing or considering implementing a number of additional improvements. These include revising the rezoning schedule and process, adding thresholds that provide guidance about when a case is ready for hearing, scheduling petitioner sponsored community meetings earlier in the process, and making revisions to staff analyses and presentations to strengthen the explanation of issues and impacts of zoning decisions.

### *Options for Rezoning Meeting Management*

Staff and City Council have recognized that the recent increase in rezoning cases impacts the community's and Council's ability to review and consider each case effectively. One example of this is the increasing length of Council zoning meetings and the resulting fatigue and pressure it places on City Council, the community, petitioners, and staff to completely engage in the decision-making process. Staff will present for discussion several options to better manage the zoning meeting case load including: starting meetings earlier, moving zoning decisions to Council Business agendas, scheduling time during Council Workshops for additional zoning hearings/decisions, and aligning the number of zoning hearings with the per month limit on submittals.

### *Benefits*

All of these changes are intended to strengthen the rezoning process for all involved including petitioners, the community, staff, and City Council. These benefits include:

- Improved community engagement;
- Increased collaboration between staff and petitioners;
- Opportunity for petitioners to decrease the amount of time it takes to move through the process;
- Resolving most staff issues before hearing;
- Stronger explanation of issues and impacts for Council decision-making;
- More efficient management of zoning meetings.



Rezoning process  
update.pdf

**PULLED Agenda Item #18 – Charlotte Regional Workforce Development Consortium Agreement**

*Staff Resource: Patrick Mumford, NBS, 704-336-5612, [pmumford@charlottenc.gov](mailto:pmumford@charlottenc.gov)*

Staff has pulled Agenda Item #18, Charlotte Regional Workforce Development Consortium Agreement, from Monday's agenda to allow for further discussion. Representatives from CharlotteWorks will attend the Economic Development and Global Competitiveness Committee Meeting scheduled for September 17, 2015.

**Agenda Item #21 – Wastewater Treatment Plant Polychlorinated Biphenyl Decontamination Testing Services**

*Staff Resources: Barry Gullet, Charlotte Water, 704-336-4931, [bgullet@charlottenc.gov](mailto:bgullet@charlottenc.gov)*

At Monday's meeting, Council will be asked to consider a contract for environmental consulting services to assist with recovering from February 2014's PCB contamination at Mallard Creek Wastewater Treatment Plant. Thus far, to recover from the contamination event, Charlotte Water has:

- Disposed of approximately 3,600 wet tons or 185 truck-loads of contaminated materials to a hazardous waste landfill in Emelle, Alabama. This work began in September 2014 and was completed November 2014;
- Developed a decontamination procedure for EPA as required;
- Decontaminated and sampled more than 30 pieces of rental equipment used during the initial response including temporary mobile pumps, roll off dumpsters, portable storage tanks, and vacuum trucks;
- Developed and implemented a new biosolids land application strategy including a new PCB sampling plan for all five of the wastewater treatment plants;
- Taken over 2,000 monitoring samples in the wastewater treatment system including the five wastewater treatment plants;
- Developed and implemented a management and sampling plan for the contaminated sewer pipeline for engineering and field crews;
- Implemented a new truck waste monitoring and management plan;
- Assisted with the criminal task force;
- Completed several small projects in preparation for the larger decontamination project including removal and replacement of contaminated pavement;
- Currently completing the solicitation process for the Mallard Creek WWTP decontamination vendor and engineering firm. Significant time was put forth by technical, legal, and management staff to develop and implement the solicitation process due to the complexity and uniqueness of the project; and
- Responded concurrently to the contamination event at McAlpine Creek WWTP with similar management and recovery activities performed at that facility.

Charlotte Water continues to work with the EPA throughout the recovery to develop a comprehensive monitoring and decontamination plan, as required by the Federal Toxic

Substance Control Act (TSCA). Since TSCA is geared more for decontamination of natural gas pipelines, petroleum facilities, and soil, Charlotte Water had to work with the EPA on how to apply the requirements to a wastewater treatment system that must remain in operation 24 hours a day, 365 days a year. The EPA recognizes that the plant cannot be completely off line and that it is not possible to reasonably decontaminate or dispose of every pipe, valve, and piece of equipment at the facility at this time without major interruption of sewer service to the community, potential violations of existing regulatory permits, and significant financial impact.

Charlotte Water issued a Request for Qualifications and Proposals for the engineering testing services and decontamination services in late May and early June. A selection was made for the engineering testing work and the contract will be considered by City Council at the August 24 meeting.

The contract for the decontamination is expected to be considered by City Council in late November or early December. The procurement process for this work has been extended to allow for some modifications to the proposal requirements and to improve a few items with the Request for Proposals solicitation.

### **Agenda Item #22 – Airport Terminal Elevated Runway System and Pedestrian Tunnels**

*Staff Resource: Jack Christine, Aviation, 704-359-4932, [jlchristine@cltairport.com](mailto:jlchristine@cltairport.com)*

Local Charlotte passengers access the Airport's terminal via the three upper level vehicular lanes for departures and five lower level lanes for arrivals (three for passengers, two for commercial vehicles and Airport buses). These lanes are original to the terminal, which was constructed in 1982. Since that time, passenger traffic has grown from 2.9 million to 22 million enplanements annually, and current local passenger traffic exceeds the capacity provided by these lanes.

In May, the City Manager shared a video entitled "Destination CLT" which depicted the construction of a new elevated roadway system, terminal lobby expansion, and pedestrian tunnels and sky bridges linking the terminal to the newly constructed Hourly Deck and Consolidated Rental Car Facility. That video is also linked here:

<http://charmeck.org/city/charlotte/Airport/Pages/DestinationCLT.aspx>

Agenda Item # 22 includes requests for approval of several contracts related to the construction of the terminal curbside roadway. The project will construct eight new lanes for each level of the terminal curbside to accommodate vehicular and pedestrian traffic accessing the terminal. With Council approval, construction work will begin mid-September and is anticipated to be completed in Fall 2019.

The construction contract with Flatiron Constructors, Inc.-Blythe Development Company, A Joint Venture, includes an acceleration clause of \$1,875,000 if the company is able to meet completion milestones outlined in the contract. The acceleration clause was established to encourage the contractor to complete the project quicker in an effort to minimize the impact to passengers and others accessing the terminal during this time.

**CORRECTION: Agenda Item #35 – Situational Awareness for the Charlotte-Mecklenburg Police Department**

Staff Resource: Steve Willis, CMPD, 704-619-3407, [swillis@cmpd.org](mailto:swillis@cmpd.org)

Staff have made corrections to the text in Action A and the exemption section. A revised copy of the agenda item with corrected language is attached for review and will be distributed at the dais at Monday evening's meeting.

The revised text is italicized below:

- A. Approve the purchase of situational awareness software, maintenance, and implementation services *from a government unit or agency as authorized by G.S. 143-129 (e)(1)*

Exemption for Purchases from Other Units of Government

*G.S. 143-129(e)(1) provides that local governments may purchase apparatus, supplies, material or other equipment from the federal government or any other governmental unit within the United States.*



Situational  
Awareness System fo

**Agenda Item #77 – Release of Deed Restrictions for Mecklenburg County**

Staff Resource: Tony Korolos, E&PM, 704-249-6148, [tkorolos@charlottenc.gov](mailto:tkorolos@charlottenc.gov)

On Monday's agenda, Council will be asked to approve the release of a deed restriction on a Mecklenburg County property located at 2701 Statesville Avenue. The property, which houses the Double Oaks Park and Pool, was previously owned by the City until it was transferred to the County in 1997 along with dozens of other properties during the consolidation of City and County parks operations. When the City transferred the park parcels, the deeds included a reversionary clause requiring the return to City ownership of any property not used for park purposes.

Mecklenburg County intends to close the Double Oaks Park and Pool and deed the property to the Charlotte-Mecklenburg Housing Partnership (CMHP) as part of a land exchange. Although the property will not be used for park purposes, staff recommends release of the deed restriction so the community can benefit from the land exchange between the County and CMHP. CMHP plans to develop the property to attract a grocery store and other commercial and retail businesses. The Statesville Road Business Corridor serves eight surrounding neighborhoods, including the Double Oaks community, and is determined to be a "food desert," as defined by the USDA. The redevelopment of this block would provide the community needed retail amenities. The block is currently zoned R-22MF for multifamily residential use. CMHP is working with the city's Planning Department to achieve a commercial zoning.

On November 26, 2007, City Council approved \$25.1 million in financing for a development known as Brightwalk. The 98-acre project includes 700 residential units and 108,000 square feet for proposed retail/commercial. The redevelopment of the Double Oaks Park and Pool property will help alleviate some of the shortage of commercial development in this area.

To replace the Double Oaks Park and Pool, Mecklenburg County will begin construction of a \$3.5 million aquatic center at the corner of Statesville Avenue and Woodward Avenue. City Council approved the rezoning of this site on May 18, 2015 (petition 2015-042) to Neighborhood Services Zoning (NS) to accommodate a new pool, accessory building, and parking.

If the County completes the land exchange with CMHP early this fall, construction of the new aquatic center can begin in time for the new facility to open on Memorial Day 2016. The existing outdoor pool will remain open until later this fall.

## **INFORMATION:**

### **August 26 – Media Event to be held at Bojangles Coliseum**

*Staff Resource: Monifa Hendrickson Woodside, E&PM, 704-432-2577, [mwoodside@charlottenc.gov](mailto:mwoodside@charlottenc.gov)*

In partnership with the Charlotte Regional Visitors Authority and the Charlotte Checkers, the City of Charlotte will be hosting a media day August 26 at Bojangles Coliseum from 11:30 a.m. - 1:30 p.m. Media will be signed in from 11:30 a.m. - 11:45 a.m. and then given a guided tour of renovations underway including the seating bowl, new club areas, scoreboard, and audio visual equipment. Work is more than 50% complete and is on schedule for completion in early October. Phase I renovations are in preparation for the Charlotte Checkers first season at the Bojangles Coliseum in October.

### **2015 Charlotte Business Journal CIO of the Year Awards**

*Staff Resource: Jeff Stovall, I&T, 704-336-2460, [jstovall@charlottenc.gov](mailto:jstovall@charlottenc.gov)*

The City of Charlotte was well represented at the *Charlotte Business Journal's* CIO of the Year program when winners were announced Wednesday, August 19, at a luncheon at The Ritz-Carlton hotel. The finalists were chosen from a field of nominations after being evaluated by a panel assembled by the local chapter of the Society for Information Management. The panelists' scoring of the nominees determined the selection.

The City had two winners:

Jeffrey Stovall, CIO for the City of Charlotte, won CIO of the year in the category for Nonprofit/Government Agency. Jeff has been with the City since 2008, when he joined as the City's first CIO. In 2014, he became the Director of the new Innovation and Technology department.

Jan Whitesell, Senior Planning Coordinator in the Planning Department, representing the City's CIP Data & Intelligence Team, won the Best Big Data and Analytics Project Award. The City's team developed an easy-to-use, flexible, repeatable process for disseminating information both online and offline. The team members also include: Andrew Bowen, N&BS; Steven Castongia, CDOT; Rebecca Hefner, N&BS; Jason Lawrence, CATS; Evan Lowry, Planning; Katie Mayr, CDOT; Sou Moua, E&PM; Lori Quinn, I&T; Thomas Ricard, Stormwater; Keri Shearer, Stormwater; and Samantha Willis, Stormwater.

**2015 State Legislative Report #27**

*Staff Resource: Dana Fenton, City Manager's Office, 704-336-2009, [dfenton@charlottenc.gov](mailto:dfenton@charlottenc.gov)*

Attached is the latest State Legislative Report.



final week 27  
report.pdf

# August

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

**2015**

# September

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> <b>Labor Day</b>	<b>8</b>	<b>9</b> <b>12:00pm</b> Housing & Neighborhood Dev. Committee Mtg., Room 280  <b>2:00pm</b> Environment Committee Mtg., Room 280	<b>10</b> <b>12:00pm</b> Community Safety Committee Mtg., Room 280	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b> <b>3:00pm</b> Transportation & Planning Committee Mtg., Room 280	<b>15</b>	<b>16</b>	<b>17</b> <b>12:00pm</b> ED & Global Competitiveness Committee Mtg., Room CH-14  <div style="background-color: #cccccc; padding: 5px; text-align: center;"><b>Chamber Retreat Asheville, NC</b></div>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> <b>5:00pm</b> Zoning Meeting, Room CH-14	<b>22</b>	<b>23</b> <b>12:00pm</b> Housing & Neighborhood Dev. Committee Mtg., Room 280  <b>5:30pm</b> MTC Meeting, Room 267	<b>24</b> <b>12:00pm</b> Transportation & Planning Committee Mtg., Room 280	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b> <b>12:00pm</b> Governance & Accountability Committee Mtg., Room 280  <b>2:00pm</b> Budget Committee Mtg., Room 280  <b>5:00pm</b> Citizens' Forum/Council Business Meeting, Room 267	<b>29</b>	<b>30</b>			
<b>ICMA Conference Seattle, WA</b>						<b>2015</b>



# Rezoning Process Update

City Council Dinner Briefing  
August 24, 2015



## Rezoning Process Update

### Overview

- Current Rezoning Process
- What We Have Heard/What We Know
- Process Change Goals
- Recent and Pending Changes
- Additional Changes
  - Petition Management
  - Options for Rezoning Meeting Management
  - Petition Analysis
- Process Change Benefits
- Next Steps

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## Rezoning Process Update

### Current Rezoning Process

- **A rezoning is a request to make a change from the existing zoning district to a new zoning district for specified property.**
- **Interdepartmental review process**
- **Process Steps:**
  - **Month 1**
    - Application
    - Begin staff review
  - **Month 2**
    - Community Notification
    - Continue staff review
    - Open House Forum
  - **Month 3**
    - Revised site plan submittal and staff analysis
    - Community Meeting report due
    - Public Hearing
  - **Month 4**
    - Zoning Committee makes recommendation
    - Council Decision

3

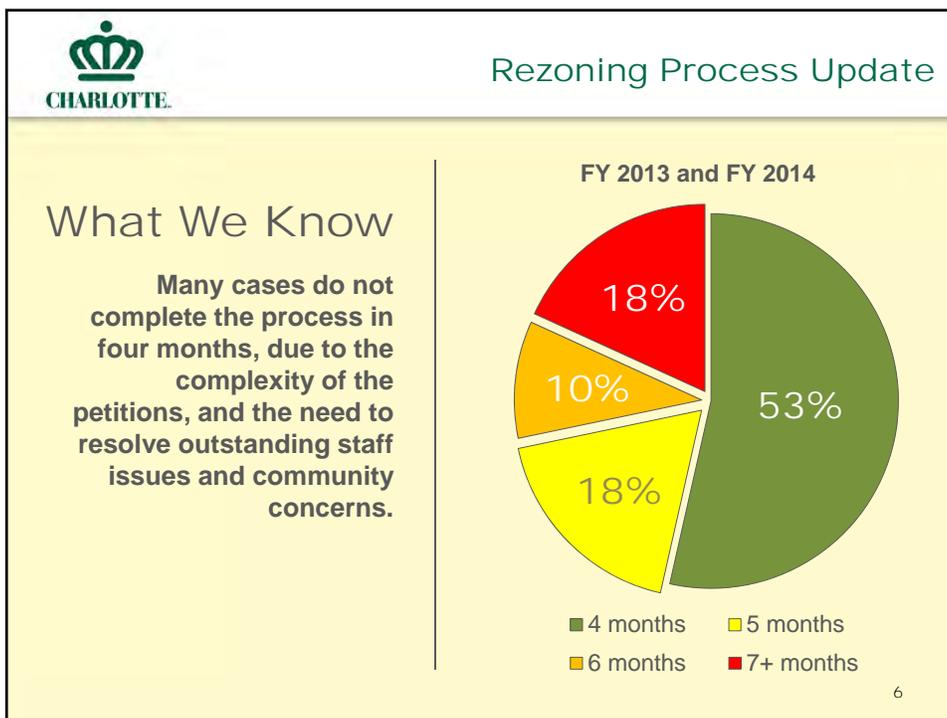
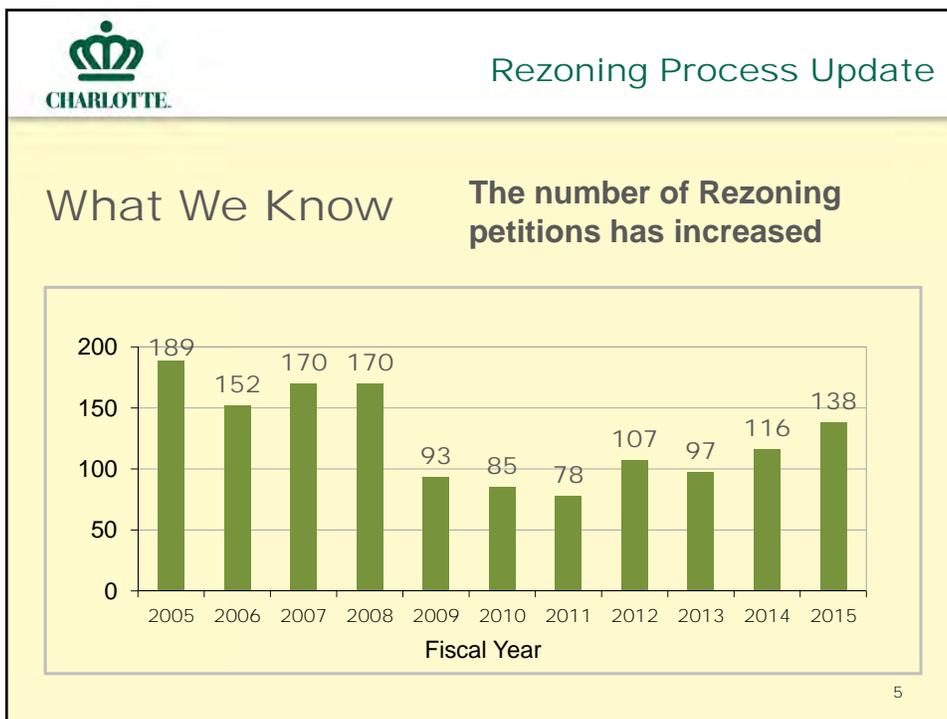


## Rezoning Process Update

### What We Have Heard

- Monthly rezoning meetings are too long
- Council is not getting needed information
- Community needs earlier opportunities for meaningful input
- The length of the process and early feedback from staff is important to petitioners
- Staff finds the current process to be inefficient

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## Rezoning Process Update

### Process Change Goals

- Petitioners: An efficient process, with clear expectations and early feedback
- Community: Understanding of process and opportunity to have meaningful input
- Council: Information and analysis that is valuable in decision making
- Zoning Committee: Information that is valuable in making recommendations to Council
- Staff: A process that is sustainable, and can be easily administered
- Everyone: More effective and efficient public hearings

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## Rezoning Process Update

### Recent and Pending Process Changes

- Created geographic customer service staff teams to facilitate more efficient review of rezoning cases
- Established deadline for transportation study issues to be addressed
- Updated user fees to better reflect level of effort – revised fees for minor and major conditional cases
- Revise Open House Forum to focus on process education for community members (pending)
- Require community meeting and report to be completed earlier in process (pending)
- Update process guide for petitioners (pending)

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## Rezoning Process Update

Additional  
Process  
Considerations

- Petition Management
- Options for Rezoning Meeting Management
- Petition Analysis

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## Rezoning Process Update

Petition  
Management:  
Revise rezoning schedule and  
process

- Adjust the application deadline and shorten the time for review of initial site plan
- Identify major substantive issues earlier in the process
- Formalize staff review and petitioner response to staff comments
- Establish thresholds that provide guidance about when a case is ready to be scheduled for hearing
- Full implementation by January 2016

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## Rezoning Process Update

**Petition Analysis:**  
Revise staff analyses and hearing presentations

- New format to provide additional graphic information and links to supporting information
- Emphasis on community vision and how addressed by proposal
- Additional information about petition context
- More analysis of data
- More substantive information that explains and clarifies impacts of rezoning proposal
- Clear explanation of substantive outstanding issues
- Full implementation by January 2016

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## Rezoning Process Update

**Options for Rezoning Meeting Management**

- Start meetings earlier
- Place decisions on a business meeting agenda
- Schedule time during Council workshops for additional zoning hearings/decisions
- Align the number of hearings with the limit on the number of rezoning submittals

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 **CHARLOTTE.**

## Rezoning Process Update

### Benefits of Process Changes

- Improved community engagement
- Increased collaboration between staff and petitioners
- Petitioners can decrease the amount of time it takes to move through the process
- Most staff identified issues resolved before hearings
- Council has information needed to make decisions
- More efficient management of zoning meetings

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 **CHARLOTTE.**

## Rezoning Process Update

### Next Steps

- Develop proposed Council policy for number of hearings per meeting
- Communication with public and petitioners about process changes
- Continue to implement process changes

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## 35. Situational Awareness System for the Charlotte-Mecklenburg Police Department

### Action:

- A. **Approve the purchase of situational awareness software, maintenance, and implementation services from a government unit or agency as authorized by G.S. 143-129 (e)(1),**
- B. **Approve a contract with the South Carolina Research Authority for the purchase of situational awareness software, maintenance, and implementation services for the term of three years,**
- C. **Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded,**
- D. **Authorize the City Manager to purchase maintenance and support for as long as the City uses the system, and**
- E. **Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time, but not to exceed \$250,000 to optimize the City's use of the system.**

### Staff Resource(s):

Steve Willis, Police  
Crystal Cody, Police

### Exemption for Purchases from Other Units of Government

G.S. 143-129(e)(1) provides that local governments may purchase apparatus, supplies, material or other equipment from the federal government or any other governmental unit within the United States.

### Explanation

- Currently, the Charlotte-Mecklenburg Police Department (CMPD) has a number of disparate systems that are used by the department, which include a Video Management System, License Plate Reader System, Computer-Aided Dispatch (CAD) System, Shot Spotter, and CMPD Live.
  - Some of these applications are needed simultaneously with the existing disparate system structure, making usage challenging and cumbersome.
- CMPD requests authorization to purchase **the South Carolina Research Authority's Alastar Situational Awareness system** to provide a single-graphical user interface **for CMPD's Real-Time Crime Center (RTCC)**.
- Using the system, RTCC staff and field managers will be able to more easily and quickly identify available resources and receive real-time information (including video) when responding to an incident. This overall objective will be supported by the **system's** ability to provide the following:
  - Integrate systems into a single user friendly interface;
  - Access real-time and historical information;
  - Access to RTCC, executive staff and field managers through a web browser to allow for access by personnel in the office and in the field;
  - Ability to configure access, permission and views based on business rules; and
  - Ability to expand to include other systems or departments.

- CMPD desires the project to be completed in a phased approach. By using this approach, basic functionality can be delivered in a timely manner while more complex integrations can be added as time, budget, and resources allow.
  - Phase 1 functionality includes graphical map overlays such as police divisions and critical infrastructure, access to social media feeds and traffic cameras, and access to live web services.  
CMPD anticipates that Phases 2 and 3 will consist of application and system integrations, such as integrations with KBCOPS, electronic offender monitoring, and computer-aided dispatch. CMPD anticipates planning Phases 2 and 3 while Phase 1 is being implemented.
- Staff has researched the market and believes the price and terms offered under the new **contract are very competitive and that it is in the City's best interest to procure the Alastar Situational** system through the contract.
  - The City will receive licenses for up to 50 concurrent users at no cost.
  - Annual recurring maintenance fees for years one to three are estimated to be \$16,200.
  - Expenditures for implementing Phase 1 of the project are estimated to be \$179,500. Expenditures for future phases will be determined when CMPD further defines its requirements.

### **Charlotte Business INclusion**

This system is being purchased from an existing governmental contract, and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### **Fiscal Note**

Funding:

- Crime Analysis Capability Building Project grant and Asset Forfeiture Funds



**CITY MANAGER'S OFFICE  
M E M O R A N D U M**

August 21, 2015

**TO:** Ron Carlee, City Manager  
Ron Kimble, Deputy City Manager

**FROM:** Dana Fenton, Intergovernmental Relations Manager

**SUBJECT:** 2015 State Legislative Report #27

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**Trending Topics**

**HB 97, 2015 Appropriations Act:**

- House, Senate and Governor agreed to overall FY 2016 General Fund spending of \$21.735 billion

**HB 117, NC Competes Act (Sales Tax Redistribution / Economic Development):**

- House voted 111-2 to not concur with Senate changes

**HB 168, Exempt Builder's Inventory:**

- Governor signed HB 168 into law; chaptered as SL 2015-223

**SB 541, Regulate Transportation Network Companies:**

- Reported favorably out of House Finance, and will be debated on House floor next week

**State Budget**

**2015 Appropriations Act ([HB 97 – Dollar, L. Johnson, McGrady and Lambeth](#))** is being conferenced by the House and Senate. House and Senate must agree on a budget before August 31 or a new continuing resolution will have to be passed to keep State government operating. House-Senate budget details attached.

**Fiscal & Administrative**

**Exempt Builder's Inventory ([HB 168 – Hager, Millis, Brody and Collins](#))** enacts exemptions from local property taxes for: (1) commercial properties for the increase in value due to subdivision and other improvements made by the builder, with the exception of buildings erected on the property, for up to five years; and (2) residential properties for the increase in the value of single family homes and duplexes that are held for sale by a builder, including the value of buildings, for up to three years. HB 168 also broadens the definition of a “builder” by repealing

the requirement that requires licensure as a general contractor under G.S. 87-1. HB 168 is effective for taxes imposed for taxable years beginning or after July 1, 2016, and it applies to subdivision of or other improvements made on or after July 1, 2015. HB 168 was signed into law by the Governor.

**Repeal Business License Fees ([HB 739 – Brawley](#))** repeals authority for cities to charge a regulatory user fee to businesses that are located in cities, which would repeal local authority to charge specific regulatory user fees. That local authority is being considered by some cities as a replacement for the privilege license tax, which is the target of the sponsor. HB 739 passed the House and was referred to Senate Rules. Representative Brawley has agreed to work with the NC League of Municipalities and City of Charlotte on compromise language.

### **Regulatory Reform**

**Local Government Regulatory Reform Act 2015 ([HB 44 – Conrad, Lambeth, Hanes and Terry](#))** is now in a House-Senate committee of conference. Sections of interest to the City are notification to property owners prior to beginning local government construction projects, conversion of travel lanes to bike lanes, riparian buffer reform, and county control of development. City staff is working with the NC League of Municipalities and other local governments to minimize the unintended consequences to local governments from these sections.

**Regulatory Reform Act of 2015 ([HB 765 – McElraft](#))** is now in a House-Senate committee of conference. Sections of interest to the City include a new requirement for local governments undertaking water, wastewater and storm water construction to consider the use of all piping materials, which has been sought by PVC piping manufacturers. While the section requires local governments to “consider” all piping materials, the language will require local governments to document these decisions thereby adding another layer of bureaucracy to such decisions. HB 765 also substantially amends recycling requirements of discarded computer equipment and televisions by repealing the manufacturer’s fee that funds drop off centers for discarded equipment but maintains the mandate that prohibits from dumping the equipment in landfills. The fiscal impact to the City of repeal of the manufacturer’s fee is estimated at greater than \$100,000. City staff is working with the NC League of Municipalities and other local governments to minimize the unintended consequences to local governments from these sections.

### **Environmental & Planning**

**Outdoor Advertising ([HB 304 – Hager, Collins, J. Bell and Hanes](#) / [SB 320 – Brown, Rabon and Tarte](#))** preempts local authority with respect to the location, height and size of relocated signs and conversion to changeable message signs and replaces these with statewide standards. The 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 ordinance. HB 304 received serial referrals to House Commerce and Finance Committees, and SB 320 received serial referrals to Senate Commerce and Finance Committees.

## **Public Safety**

**Rental Registration ([HB 530 – Brawley](#))** proposes substantial changes to the statutes enacted in 2011 allowing local governments to inspect buildings and structures and enact rental registration programs. HB 530 impacts the City’s rental registration program in the following ways:

- Prohibits mandatory registration of all rental properties. City currently requires all owners to register their properties so that CMPD can inform them of when crime occurs on the property, regardless of whether any of their properties meet the crime or disorder thresholds enumerated in the legislation. Without a database of rental properties and owners, the City will not be able to comply with its own requirement that all owners or managers be notified of crimes that occur on their properties. HB 530 allow registration only for rental units that are in the top 4% of a locally adopted crime or disorder index.
- Prohibits local governments from imposing criminal penalties for noncompliance. Violation of the local ordinance is classified as a misdemeanor, which is only charged as a last resort for flagrant violators. By charging a misdemeanor, it triggers the judiciary to adjudicate the end result and affords due process to both the City and the owner or manager of the property.
- Requires local governments to establish an appeals board for owners of rental units to appeal actions taken against the owner by local governments. The City had such an appeals board in place that was abolished in favor of having the judiciary adjudicate such matters.
- Requires local governments to “... assist the landlord in addressing criminal activity, including testifying in court in a summary ejection action or other matter to aid in evicting a tenant who has been charged with a crime.”

Reported favorably from House Local Government and has serial referrals to the House Regulatory Reform and Finance Committees. City is working with Representative Brawley in tandem with other affected cities and the NC League of Municipalities.

**Regulate Transportation Network Companies ([SB 541 – Rabon and McKissick](#))** implements statewide regulatory regimen for transportation network companies and drivers administered by the Department of Motor Vehicles in place of the current system of no regulation. SB 541 addresses liability insurance requirements, allows airport operators and transportation network companies to enter into agreements for the appropriate use of airport facilities, and requires all drivers pass a “criminal background check”, including clearance through the Multi-State / Multi-Jurisdiction Criminal Records Locator and National Sex Offender Registry, before they start driving for the transportation network company. Reported favorably out of House Finance.

## **City Requested Legislation**

**Stormwater Management ([HB 141 – Jeter, Cotham, Cunningham, Bradford, Bryan, Carney, Earle and R. Moore](#))** authorizes municipalities in Mecklenburg, Wake, Durham, Forsyth and Guilford Counties to utilize the statutory authority extended to Mecklenburg and Wake Counties in 2014 to implement flood damage reduction techniques that result in improvements to private property. HB 141 passed the House and was referred to Senate Rules.

**COMPARISON OF HOUSE AND SENATE BUDGET PROPOSALS  
HB 97, EDITIONS 5 AND 7**

Key Sections	House	Senate
HB 97 Bill Text	<a href="#">Edition 5 Bill Text</a>	<a href="#">Edition 7 Bill Text</a>
HB 97 Committee Report	<a href="#">Committee Report</a>	<a href="#">Committee Report</a>
FY 2016 General Fund Expenditures	\$22.2 billion	\$21.5 billion
	House and Senate agreed upon \$21.735 billion bottom line figure for FY 2016 budget	
FY 2017 General Fund Expenditures	\$22.4 billion	\$21.5 billion
Earmarking of Year-End Revenues	\$200 million to rainy day fund \$200 million to repairs and renovations fund (Page 1 of Committee Report)	\$500 million to rainy day fund \$155 million to repairs and renovations fund (Page 1 of Committee Report)
Tax Reform (impacting State General Fund)	Not addressed	\$72.7 m tax reduction (FY16) \$421.1 m tax reduction (FY 17) (Page 1 of Committee Report) State Franchise Tax Rate Reduction (Section 32.15 of Budget) Individual Income Tax Rate Reductions and Itemized Deduction Changes (Section 32.16 of Budget)
Sales Tax Redistribution	Removed from Budget Proposal	
Film and Entertainment Grant Fund	\$40 million each year (L-2 of Committee Report)	\$10 million each year (L-2 of Committee Report)
Historic Preservation Tax Credit	Incorporates HB 152 passed by House (Section 32.3 of Budget)	Not addressed
Municipal Service Districts (MSDs)	Not addressed	Creates process for registered voters residing within MSDs to petition and vote as to whether to abolish districts 15% of registered voters living within a district is sufficient to place question on the ballot Property owners residing outside the district would not be eligible to vote in such a referendum (Section 15.16B, page 325 of Budget)
Compensation	2% for members of the Teachers and State Employees, Legislative, and Judicial Retirement Systems (Section 30.21 of Budget)	Reserves \$34 million to adjust salaries in response to labor market demand (L-1 of Committee Report)

**COMPARISON OF HOUSE AND SENATE BUDGET PROPOSALS  
HB 97, EDITIONS 5 AND 7**

Key Sections	House	Senate
\$215.8 million Highway Fund Transfer to General Fund for Highway Patrol	Maintains transfer (Page 1 of Committee Report)	Ends transfer (Page 1 of Committee Report, K-4 of Committee Report)
LYNX Blue Line Extension \$25 million State share for construction	Maintains funding (Page 532 of Recommended Base Budget for Transportation)	Maintains funding (Page 532 of Recommended Base Budget for Transportation)
State Maintenance Assistance Program for transit agencies	Maintains funding (Page 532 of Recommended Base Budget for Transportation)	Maintains funding (Page 532 of Recommended Base Budget for Transportation)
Statewide Public Transportation Grants	\$1 million more each year (K-2 of Committee Report)	\$1 million more each year (K-2 of Committee Report)
Powell Bill Program	Funding reduced by nearly \$7.7 million starting in the second year of the biennium FY 2017 due to lower motor fuels excise tax revenues; \$1 million fiscal impact to City in FY 2017 (K-1 of Committee Report)	Repeals statutory formula tying funding to 10.4% of motor fuels tax revenues Appropriates additional funding of \$1.2 million in FY 2016 and \$3.7 million in FY 2017 (K-1 of Committee Report, Section 29.17D of Budget)
Governor's Bond Proposal	Appropriates \$50 million as a debt service reserve if the Governor's proposed transportation bond proposal is passed by voters (K-6 of Committee Report)	Not addressed
Key Transportation Program Enhancements	Additional \$43.5 million recurring funds in FY 2016 for Strategic Transportation Investments, which is offset by \$22 million recurring reduction in FY 2017; Additional non-recurring funds of \$42.5 million in FY 2016 and \$120.5 million in FY 2017 for Contract Resurfacing program; Additional non-recurring funds of \$10.6 million in FY 2016 and \$30.1 million in FY 2017 for Ports Authority modernization; (K-2, K-4 and K-6 of Committee Report)	Additional \$167.2 million recurring in FY 2016 and \$171.9 million recurring in FY 2017 for Strategic Transportation Investments; Additional \$50 million recurring each year for Bridge Program; Additional \$35 million recurring each year for Pavement Preservation; Additional \$35 million recurring each year for Ports Authority modernization; (K-2, K-4 and K-6 of Committee Report)

**COMPARISON OF HOUSE AND SENATE BUDGET PROPOSALS  
HB 97, EDITIONS 5 AND 7**

Key Sections	House	Senate
Division of Motor Vehicle Fees	<p>Across the board adjustments in Division of Motor Vehicles fees result in \$76.1 million in FY 2016 and \$172.2 million more in FY 2017</p> <p>Effective January 1, 2016 (Section 29.30 of Budget, K-4 of Committee Report)</p>	<p>Across the board adjustments in Division of Motor Vehicles fees result in \$29.18 million in FY 2016 and \$76.99 million more in FY 2017</p> <p>Effective January 1, 2016 (Section 29.30 of Budget, K-3 of Committee Report)</p>
Motor Fuels Tax Rate	<p>Raises rate for diesel fuel from 35 cents to 36 cents per gallon</p> <p>Lowers rate for all other fuels from 35 cents to 33 cents per gallon</p> <p>Lowers revenues available for transportation by \$30.5 million in 2016 and \$28.7 million in 2017</p> <p>Changes effective 1/1/2016 (Section 29.29 of Budget)</p>	Not addressed
Strategic Transportation Investment Act Amendments	<p>Requires use of “peak average daily traffic data in the Congestion formula” which favors rural areas, and tends to move program away from a “data-driven” approach</p> <p>(Section 29.3 (a) of Budget)</p>	Not addressed