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## INFORMATION:

### **January 8–18 – MLK Holiday Events**

*Staff Resource: Terry Bradley, Community Relations Committee, 704-336-5271, [tbradley@charlottenc.gov](mailto:tbradley@charlottenc.gov)*

The following are a list of community events scheduled around the upcoming Martin Luther King Jr. Holiday on Monday, January 18. Mayor and Council are invited to attend each event.

Thursday, January 8, 6:30 p.m. - 8:30 p.m.

Martin Luther King, Jr. CMS Art and Writing Contest Awards Ceremony  
West Charlotte High School

The 20<sup>th</sup> Annual Art and Writing Contest. Students submit art and writing entries to their schools and have their work entered into a district level competition. School winners will be recognized and district level competition winners will be announced. All first place winners receive an honorarium and have an opportunity to share their work throughout the community starting January 21.

Thursday, January 15, 12:00 p.m.

Martin Luther King, Jr. Memorial Service  
Marshall Park

This event, which occurs on the actual birth date of MLK, Jr., is held to commemorate the life and death of Dr. King. The brief service includes a wreath-laying ceremony.

Saturday, January 17, 9:00 a.m. - 11:00 a.m.

MLK Call to Service  
Multiple Locations (Charlotte-Mecklenburg Schools)

Each year, Hands On Charlotte honors the life and legacy of Dr. Martin Luther King, Jr., by organizing multiple service projects for hundreds of volunteers on and around the holiday that bears his name. These projects not only deliver valuable assistance to nonprofit organizations, schools and other service providers around the area, but also allow participants to kick off the New Year by reflecting on the meaning of Dr. King's life of service for today's America. Family- friendly service activities include sorting donated winter coats, assembling pencil pouches and designing bookmarks for classrooms and decorating adoption bandanas for shelter dogs. Donations will also be collected to benefit partner agencies. Items accepted may include coats, school supplies, non- perishable food items, books, housewares, etc.

Saturday, January 17, 11:00 a.m. - 12:30 p.m.

Martin Luther King, Jr. Holiday Parade  
Uptown Charlotte

The parade, which starts at 9<sup>th</sup> and Tryon and ends at the MLK Blvd, features over 80 local and regional organizations. Approximately 4,000 individuals participate in the parade. Participants include high school marching bands, steppers, Greek letter fraternities and sororities, social and community service organizations as well as city and county elected officials, and religious and community leaders.

Saturday, January 17, 12:30 p.m. - 2:00 p.m.  
Martin Luther King, Jr. Growing the Dream Award Ceremony  
Johnson C. Smith University

A luncheon held to honor community members who work to foster unity and promote diversity and multiculturalism in Charlotte-Mecklenburg. The event is free to attend and space is limited.

Sunday, January 18, 6:00 p.m. - 8:00 p.m.  
Dr. Martin Luther King, Jr. Community Worship Celebration  
Halton Theatre, CPCC

This celebration recognizes the MLK Keeper of the Dream award winners and features music, poems and speakers.

Monday, January 19, 8:00 a.m. - 10:30 a.m.  
MLK Holiday Prayer Breakfast  
Crown Ballroom, Charlotte Convention Center

This celebration recognizes the national holiday with music, student essays, poems and recognition of the annual MLK Medallion Award winners. Approximately 11,000 people attend this event. CMS student in the annual CMS MLK, Jr. Art and Writing Contest are presented with award checks. Former NAACP President Ben Jealous is the Keynote Speaker.

Monday, January 19, 11 a.m. - 1:00 p.m.  
3rd Annual MLK Teen Summit  
McCrorey Family YMCA

A discussion led by Ben Jealous around social justice, higher education, entrepreneurship and civic engagement.

## **Nominations for Dr. MLK Jr. Medallion Award Now Being Accepted**

*Staff Resource: Terry Bradley, Community Relations Committee, 704-336-5271, [tbradley@charlottenc.gov](mailto:tbradley@charlottenc.gov)*

Nominations are now being accepted for the [Dr. Martin Luther King, Jr. Medallion Award](#), presented annually by the [Charlotte Mecklenburg Community Relations Committee](#) to individuals in the Charlotte-Mecklenburg community who exemplify the ideals of Dr. King.

Nominees must be a resident of Mecklenburg County and promote the ideals of racial equality and social justice as espoused by Dr. King, including, but not limited to celebrating and promoting the worth of all human beings, pursuing equal rights by non-violent means, encouraging people of diverse cultures to live together in a spirit of love and acceptance, active involvement in community service, resisting injustice wherever it is found and promoting inter-group relations and understanding.

The deadline for submitting nominations is January 5, 2015. The nomination form is available online at

<http://charmeck.org/city/charlotte/CRC/Forms/Pages/MedallionAwardnomination.aspx>

Forms may also be faxed to (704) 632-8315 or mailed to:  
Charlotte-Mecklenburg Community Relations Committee  
600 East Trade Street, Suite 003  
Charlotte, NC 28202  
Attn: Mr. Terry Bradley

Questions may be addressed to the Charlotte Mecklenburg Community Relations Committee by calling (704) 336-5271.

The 2015 Dr. Martin Luther King, Jr. Medallion Award recipient will be honored on Monday, January 19 at the [21st Annual MLK Holiday Prayer Breakfast](#), one of several events marking the Charlotte-Mecklenburg MLK National Holiday Celebration.

This information was shared with the media via press release on December 9.

## **February 7 – Neighborhood Board Retreat**

*Staff Resource: Liz Mitchell, NBS, 704-336-8409, [enmitchell@charlottenc.gov](mailto:enmitchell@charlottenc.gov)*

On Saturday, February 7, 2015, Neighborhood & Business Services will host the sixth Neighborhood Board Retreat in partnership with Central Piedmont Community College. The event will be held from 8:30 a.m. – 1:30 p.m. at the college's Overcash Building located at 1201 Elizabeth Avenue.

The Neighborhood Board Retreat was created to help neighborhood and business associations engage in meaningful conversations about improving quality of life in their communities.

Retreat attendees receive a customized Quality of Life report, participate in a facilitated planning discussion to set goals and priorities, and develop action plans for neighborhood improvement. Participating associations within the Neighborhood Matching Grant eligible geography will receive a \$1,500 match credit towards their next application. NBS staff will also work with each participating neighborhood to provide support and resources throughout the year to ensure neighborhoods achieve their goals.

City Council members are invited attend the retreat, and are encouraged to recommend neighborhoods for participation. Participation is limited to 18 organizations and priority is given to first time attendees. Neighborhood and business associations interested in attending should contact Liz Mitchell at [enmitchell@charlottenc.gov](mailto:enmitchell@charlottenc.gov) or 704-336-8409 by January 5, 2015.

The next Neighborhood Board Retreat will be held in July 2015 at Johnson C. Smith University.

### **Charlotte Fire Department Management Review**

*Staff Resource: Ann Wall, City Manager's Office, 704-336-3187, [awall@charlottenc.gov](mailto:awall@charlottenc.gov)*

The City recently entered into a contract with Management Partners of Cincinnati, Ohio to conduct a review of the Fire Department's management system and disciplinary process. Management Partners is a reputable, national firm who has recently conducted similar reviews of the Orange County Fire Authority and the City of Phoenix Fire Department.

The review will include a period of information gathering from managers and employees, an analysis of management systems and disciplinary processes, a report of their findings, and support in implementing any recommendations. The contract is for \$89,900 and the results are scheduled to be reported in April.

### **100 Resilient Cities Grant Application**

*Staff Resource: Rob Phocas, NBS, 704-336-7558, [rphocas@charlottenc.gov](mailto:rphocas@charlottenc.gov)*

In September 2014, the City of Charlotte applied to the Rockefeller Foundation's 100 Resilient Cities program. Staff has recently learned the City was not chosen to be part of this year's awardee class. For this round of funding, 35 cities were selected from a pool of 330 applications from 94 countries. The City's application was submitted through a collaboration of multiple departments, including NBS, EPM, Fire, and Charlotte Water. Staff plans to re-submit an application for the third, and final, round of funding in 2015.

The goal of 100 Resilient Cities is to help cities around the world become more resilient to the physical, social, and economic challenges that are a growing part of the 21st century. Cities in the network are provided with the resources necessary to develop a roadmap to resilience along four main pathways:

1. Financial and logistical guidance for establishing an innovative new position in city government, a Chief Resilience Officer, who will lead the city's resilience efforts;

2. Expert support for development of a robust resilience strategy;
3. Access to solutions, service providers, and partners from the private, public and NGO sectors who can help them develop and implement their resilience strategies; and
4. Membership in a global network of member cities who can learn from and help each other.

### **Bloomberg Foundation Public Art Challenge Application**

*Staff Resource: Gina Shell, E&PM, 704-336-4648, [gshell@charlottenc.gov](mailto:gshell@charlottenc.gov)*

City and Arts and Science Council (ASC) staff have jointly submitted a grant application to the Bloomberg Foundation Public Art Challenge. At least three U.S. cities will receive grants of up to \$1 million each over two years to support temporary public art projects that celebrate creativity, enhance urban identity, encourage public-private partnerships and drive economic development.

The application submitted for Charlotte is titled “Placemaking and Revitalization: Seeing the Faces of our Neighbors,” and seeks \$1 million to fund art projects in the areas identified for Comprehensive Neighborhood Investment Program (CNIP) projects in the recent bond package. The projects will be exhibitions of large-scale photography and printed images installed throughout the common and public spaces in the CNIP areas.

The application states the project “is intended to engage our community in a dialogue that acknowledges economic diversity and reveals our stories to each other: stories of living with limited resources, stories of struggle and of persistence. By presenting the character of distinct faces and promoting intentional opportunities to hear individual voices, we will create a collaborative infrastructure to collect and share these stories.”

Grant finalists will be notified in February, 2015. If selected as a finalist, the City and ASC will prepare a full proposal for submittal in April, 2015.

### **Legislation to Prohibit Discriminatory Profiling Announced by Representative Rodney Moore**

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

On Monday, December 15, Representative Rodney Moore held a press conference in Raleigh where he unveiled legislation to prohibit discriminatory profiling. A news report on the press conference can be viewed at <http://www.wral.com/moore-to-file-racial-profiling-ban-14282527/>. Attached is a copy of the draft legislation that is being considered for introduction.



Racial\_profiling\_bill\_  
for\_2015\_final.pdf

### **Airport Briefing for Congresswoman Alma Adams**

*Staff Resources: Brent Cagle, Aviation, 704-359-4035, [bdcagle@cltairport.com](mailto:bdcagle@cltairport.com)  
Dana Fenton, City Manager's Office, 704-336-2009, [dfenton@charlottenc.gov](mailto:dfenton@charlottenc.gov)*

Congresswoman Alma Adams visited the Charlotte-Douglas International Airport on Monday, December 15. The Congresswoman was briefed by Councilmember Lyles and Aviation staff on airport operating and capital issues, including the need for the new airport control tower and the current status of the airport governance issue. Congresswoman Adams also toured the main terminal. The visit was one stop in a district wide tour she embarked upon this week.

### **ATTACHMENTS:**

City Council Follow-Up Report:



17 -- December.pdf

--Residential Traffic Calming Policy

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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BILL DRAFT 2015-ML-5 [v.7] (01/07)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

10/2/2014 1:57:28 PM

Short Title: Prohibit Discriminatory Profiling.

(Public)

Sponsors: Representative R. Moore.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO (1) PROHIBIT THE USE OF DISCRIMINATORY PROFILING BY LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR DUTIES; (2) AMEND THE TYPES OF INFORMATION REQUIRED TO BE REPORTED BY CERTAIN LAW ENFORCEMENT AGENCIES CONCERNING TRAFFIC LAW ENFORCEMENT; (3) REQUIRE CERTAIN LAW ENFORCEMENT AGENCIES TO REPORT CERTAIN INFORMATION CONCERNING HOMICIDES; (4) REQUIRE LAW ENFORCEMENT OFFICERS TO RECEIVE ANNUAL EDUCATION AND TRAINING CONCERNING DISCRIMINATORY PROFILING; (5) AUTHORIZE THE USE OF CIVILIAN REVIEW BOARDS TO INVESTIGATE OR REVIEW ALLEGATIONS OF CERTAIN POLICE MISCONDUCT; AND REQUIRE THAT CERTAIN TRAINING BE PROVIDED TO MEMBERS OF NEIGHBORHOOD CRIME WATCH PROGRAMS ESTABLISHED BY COUNTIES AND CITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 15A of the General Statutes is amended by adding a new article to read:

"Article 18.

"Discriminatory Profiling.

**"§ 15A-306. Prohibition on discriminatory profiling.**

(a) Definitions. – The following definitions apply in this section:

(1) Discriminatory profiling. – The practice of subjecting a person to investigation, detention, or arrest based solely on the person's race, ethnicity, national origin, or sexual orientation rather than on the person's behavior or on information identifying the person as having engaged in criminal activity.

(2) Law enforcement officer. – Any employee of the following agencies who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State, and who possesses the power of arrest by virtue of an oath administered under the authority of the State:

a. Any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State.

b. Any company police agency certified by the Attorney General pursuant to Chapter 74E of the General Statutes.



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1                   c.     Any campus police agency certified by the Attorney General  
2                             pursuant to Chapter 74G of the General Statutes.

3                   d.     Any special police agency created by the State."

4       (b)     Prohibition. – No law enforcement officer shall engage in discriminatory profiling  
5     in the performance of the officer's duties."

6       **SECTION 2.** G.S. 114-10.01(a) reads as rewritten:

7       "(a)     In addition to the duties set forth in G.S. 114-10, the Division of Criminal  
8     Information shall collect, correlate, and maintain the following information regarding traffic  
9     law enforcement by law enforcement officers:

10            ...

11           (3)     The alleged traffic violation that led to the stop.

12           (3a)    Whether the officers making the stop attempted to determine the  
13                   immigration status of the driver, passenger, or passengers.

14           (4)     Whether a search was instituted as a result of the stop.

15            ...."

16       **SECTION 3.** Article 3 of Chapter 114 of the General Statutes is amended by  
17     adding a new section to read:

18     "**§ 114-10.03. Collection of homicide statistics.**

19       (a)     Definition. – The term "law enforcement agency" means any duly accredited State  
20     or local government agency possessing authority to enforce the criminal laws of the State.

21       (b)     Additional Duties. – In addition to the duties set forth in G.S. 114-10, the Division  
22     of Criminal Information shall collect, correlate, and maintain the following information  
23     regarding homicides committed in the State:

24           (1)     The number of homicides committed.

25           (2)     The geographic location where the homicide was committed.

26           (3)     Identifying characteristics of offenders and victims, including the race or  
27                   ethnicity, approximate age, and sex.

28           (4)     The number of homicide cases solved and the number of homicide cases that  
29                   remain unsolved.

30           (5)     For homicide cases that were solved, the time required to solve the case,  
31                   including the date the investigation began and the date the case was  
32                   considered solved by the law enforcement agency.

33       (c)     Reporting Requirement. – Law enforcement agencies shall submit the information  
34     required under subsection (b) of this section to the Division within 60 days of the close of each  
35     month. Any law enforcement agency that does not submit the information as required by this  
36     subsection shall be ineligible to receive any law enforcement grants available by or through the  
37     State until the information which is reasonably available is submitted.

38       (d)     List. – The Division shall publish and distribute by December 1 of each year a list  
39     indicating the law enforcement agencies that will be subject to the provisions of this section  
40     during the calendar year commencing on the following January 1.

41       (e)     Availability to Public. – The Division shall make any report or summary analyzing  
42     the information required in subsection (b) of this section available to the public, including  
43     posting the report or summary on the website maintained by the Department of Justice."

44       **SECTION 4.** G.S. 17C-2 reads as rewritten:

45     "**§ 17C-2. Definitions.**

46     Unless the context clearly otherwise requires, the following definitions apply in this  
47     Chapter:

48            ...

49           (3)     Criminal justice officers. – The administrative and subordinate personnel of  
50                   all the departments, agencies, units or entities comprising the criminal justice  
51                   agencies who are sworn law-enforcement officers, both State and local, with

the power of arrest; State correctional officers; State probation/parole officers; State probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; State juvenile justice officers; chief court counselors; and juvenile court counselors.

(4) Discriminatory profiling. – As defined in G.S. 15A-306.

~~(4)~~(5) Entry level. – The initial appointment or employment of any person by a criminal justice agency, or any appointment or employment of a person previously employed by a criminal justice agency who has not been employed by a criminal justice agency for the 12-month period preceding this appointment or employment, or any appointment or employment of a previously certified criminal justice officer to a position which requires a different type of certification."

**SECTION 5.** G.S. 17C-6(a) reads as rewritten:

"(a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

...

(2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent position.

The standards for entry level employment shall include the following:

a. ~~education~~Education and training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions.

b. Education and training concerning the prohibition against discriminatory profiling.

...

(14) Establish minimum standards for in-service training for criminal justice officers. In-service training standards shall include the following:

a. ~~training~~Training in response to, and investigation of, domestic violence cases, as well as training investigation for evidence-based prosecutions.

b. Training concerning the prohibition against discriminatory profiling.

...."

**SECTION 6.** G.S. 17E-2 reads as rewritten:

**"§ 17E-2. Definitions.**

Unless the context clearly requires otherwise, the following definitions apply to this Chapter:

(1) ~~"Commission" means the~~Commission. – The North Carolina Sheriffs' Education and Training Standards Commission.

(2) ~~"Office" or "department" means the~~Department or Office. – The sheriff of a county, his deputies, his employees and such equipment, space, provisions and quarters as are supplied for their use.

(2a) Discriminatory profiling. – As defined in G.S. 15A-306.

(3) ~~"Justice officer" means:~~Justice Officer. – Means any of the following:

a. A person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by Chapter 11 of the General Statutes as a peace officer in the office of the sheriff. This term includes "deputy sheriffs", "reserve deputy sheriffs", and "special deputy sheriffs", but does not include clerical and support personnel not required to take an oath. The term "special deputy" means a

1 person who, through appointment by the sheriff, becomes an unpaid  
 2 criminal justice officer to perform a specific act directed by the  
 3 ~~sheriff; or~~ sheriff.

4 b. A person who, through the special trust and confidence of the sheriff,  
 5 has been appointed as a detention officer by the ~~sheriff; or~~ sheriff.

6 c. A person who is either the administrator or other custodial personnel  
 7 of district confinement facilities as defined in G.S. 153A-219;  
 8 however, nothing in this Chapter transfers any supervisory or  
 9 administrative control over employees of district confinement  
 10 facilities to the office of the ~~sheriff; or~~ sheriff.

11 d. A person who, through the special trust and confidence of the sheriff,  
 12 is under the direct supervision and control of the sheriff and serves as  
 13 a telecommunicator, or who is presented to the Commission for  
 14 appointment as a telecommunicator by an employing entity other  
 15 than the sheriff for the purpose of obtaining certification from the  
 16 Commission as a telecommunicator."

17 **SECTION 7.** G.S. 17E-4 reads as rewritten:

18 **"§ 17E-4. Powers and duties of the Commission.**

19 (a) The Commission shall have the following powers, duties, and responsibilities,  
 20 which are enforceable through its rules and regulations, certification procedures, or the  
 21 provisions of G.S. 17E-8 and G.S. 17E-9:

22 (1) Promulgate rules and regulations for the administration of this Chapter,  
 23 which rules may require (i) the submission by any agency of information  
 24 with respect to the employment, education, and training of its justice  
 25 officers, and (ii) the submission by any training school of information with  
 26 respect to its programs that are required by this ~~Chapter;~~ Chapter.

27 (2) Establish minimum educational and training standards that may be met in  
 28 order to qualify for entry level employment as an officer in temporary or  
 29 probationary status or in a permanent position. The standards for entry level  
 30 employment of officers shall include the following:

31 a. ~~training~~ Training in response to, and investigation of, domestic  
 32 violence cases, as well as training in investigation for evidence-based  
 33 prosecutions. For purposes of the domestic violence training  
 34 requirement, the term "officers" shall include justice officers as  
 35 defined in G.S. 17E-2(3)a., except that the term shall not include  
 36 "special deputy sheriffs" as defined in  
 37 G.S. 17E-2(3)a.; G.S. 17E-2(3)a.

38 b. Training concerning the prohibition against discriminatory profiling.

39 (3) Certify, pursuant to the standards that it may establish for the purpose,  
 40 persons as qualified under the provisions of this Chapter who may be  
 41 employed at entry level as ~~officers;~~ officers.

42 (4) Establish minimum standards for the certification of training schools and  
 43 programs or courses of instruction that are required by this ~~Chapter;~~ Chapter.

44 (5) Certify, pursuant to the standards that it has established for the purpose,  
 45 training schools and programs or courses of instruction that are required by  
 46 this ~~Chapter;~~ Chapter.

47 (6) Establish standards and levels of education or equivalent experience for  
 48 teachers who participate in programs or courses of instruction that are  
 49 required by this ~~Chapter;~~ Chapter.

- 1 (7) Certify, pursuant to the standards that it has established for the purpose,  
2 teachers who participate in programs or courses of instruction that are  
3 required by this ~~Chapter;~~Chapter.
- 4 (8) Investigate and make such evaluations as may be necessary to determine if  
5 agencies are complying with the provision of this ~~Chapter;~~Chapter.
- 6 (9) Adopt and amend bylaws, consistent with law, for its internal management  
7 and ~~control;~~control.
- 8 (10) Enter into contracts incident to the administration of its authority pursuant to  
9 this ~~Chapter;~~Chapter.
- 10 (11) Establish minimum standards for in-service training for justice officers.  
11 In-service training standards shall include the following:
- 12 a. ~~training~~Training in response to, and investigation of, domestic  
13 violence cases, as well as training in investigation for evidence-based  
14 prosecutions. For purposes of the domestic violence training  
15 requirement, the term "justice officer" shall include those defined in  
16 G.S. 17E-2(3)a., except that the term shall not include "special  
17 deputy sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.
- 18 b. Training concerning the prohibition against discriminatory profiling.
- 19 (12) Establish minimum standards and levels of training for certification of  
20 instructors for the domestic violence training required by subdivisions (2)  
21 and (11) of this subsection.
- 22 ...
- 23 (b) The Commission shall have the following powers, which shall be advisory in nature  
24 and for which the Commission is not authorized to undertake any enforcement actions:
- 25 (1) Certify, pursuant to the standards that it has established for the purpose,  
26 justice officers for those law-enforcement agencies that elect to comply with  
27 the minimum education, training, and experience standards established by  
28 the Commission for positions for which advanced or specialized training,  
29 education, and experience are ~~appropriate;~~appropriate.
- 30 (2) Consult and cooperate with counties, agencies of this State, other  
31 governmental agencies, and with universities, colleges, junior colleges, and  
32 other institutions, public or private, concerning the development of training  
33 schools and programs or courses of ~~instruction;~~instruction.
- 34 (3) Study and make reports and recommendations concerning justice education  
35 and training in North ~~Carolina;~~Carolina.
- 36 (4) Conduct and stimulate research by public and private agencies which shall  
37 be designed to improve education and training in the administration of  
38 ~~justice;~~justice.
- 39 (5) Study, obtain data, statistics, and information and make reports concerning  
40 the recruitment, selection, education and training of persons serving justice  
41 agencies in this State; to make recommendations for improvement in  
42 methods of recruitment, selection, education and training of persons serving  
43 sheriffs' ~~departments;~~departments.
- 44 (6) Study and make reports and recommendations to the Governor, Attorney  
45 General, Chief Justice, President of the Senate and Speaker of the House,  
46 concerning the manpower, salary and equipment needs of the sheriffs of the  
47 ~~State;~~State.
- 48 (7) Make recommendations concerning any matters within its purview pursuant  
49 to this ~~Chapter;~~Chapter.
- 50 (8) Appoint such advisory committees as it may deem ~~necessary;~~necessary.

- 1 (9) Do such things as may be necessary and incidental to the administration of  
2 its authority pursuant to this ~~Chapter~~Chapter.
- 3 (10) Formulate basic plans for and promote the development and improvement of  
4 a comprehensive system of education and training for the officers and  
5 employees of agencies consistent with its rules and ~~regulations~~regulations.
- 6 (11) Maintain liaison among municipal, State and federal agencies with respect to  
7 education and ~~training~~training.
- 8 (12) Promote the planning and development of a systematic career development  
9 program for sheriffs' department personnel."

10 **SECTION 8.** Article 10 of Chapter 153A of the General Statutes is amended by  
11 adding a new section to read:

12 **"§ 153A-212.3. Citizen review boards.**

13 (a) Definitions. – The following definitions apply in this section:

- 14 (1) Disciplinary action. – An oral or written reprimand, suspension, demotion,  
15 or termination.
- 16 (2) Discriminatory profiling. – As defined in G.S. 15A-306.
- 17 (3) Head. – As defined in G.S. 160A-288.
- 18 (4) Law enforcement agency. – A county police department or sheriff's  
19 department. If a joint civilian review board is established under subsection  
20 (l) of this section, this term includes a city police department. This term does  
21 not include company police agencies certified by the Attorney General  
22 pursuant to Chapter 74E of the General Statutes, campus police agencies  
23 certified by the Attorney General pursuant to Chapter 74G of the General  
24 Statutes, or any special police agency created by the State.
- 25 (5) Law enforcement officer. – Any employee of a law enforcement agency who  
26 is actively serving in a position with assigned primary duties and  
27 responsibilities for prevention and detection of crime or the general  
28 enforcement of the criminal laws of the State, and who possesses the power  
29 of arrest by virtue of an oath administered under the authority of the State.
- 30 (6) Misconduct. – Limited to excessive use of force, abuse of power, and  
31 discriminatory profiling.

32 (b) Creation. – A county may by ordinance establish a civilian review board, or may use  
33 an existing civilian review board, to investigate or review allegations of misconduct by law  
34 enforcement officers employed by a law enforcement agency located within the county that  
35 established the civilian review board. The ordinance shall specify the composition of the  
36 civilian review board and the manner in which hearings of the civilian review board are to be  
37 held.

38 (c) Powers and Duties. – A civilian review board shall have the following powers and  
39 duties:

- 40 (1) Receive and investigate complaints by members of the general public against  
41 law enforcement officers that allege misconduct.
- 42 (2) Review an internal investigation and discipline of a law enforcement officer  
43 who is alleged to have committed misconduct.
- 44 (3) Subpoena witnesses, administer oaths, and compel the production of  
45 evidence.
- 46 (4) Make findings and decisions on disciplinary action of a law enforcement  
47 officer alleged to have committed misconduct.
- 48 (5) Recommend changes in policy to the head of the law enforcement agency  
49 within the county that established the civilian review board.
- 50 (6) Exercise any other power deemed necessary by the governing body of the  
51 county to the discharge of its duties.

1       (d) Notice and Opportunity to be Heard. – When investigating a complaint or reviewing  
2 an internal investigation and discipline of a law enforcement officer alleged to have committed  
3 misconduct, the civilian review board shall provide the law enforcement officer with  
4 reasonable notice and an opportunity to be heard. A law enforcement officer and any other  
5 person involved in a hearing before the civilian review board may be represented by an  
6 attorney or attorneys at the hearing.

7       (e) Subpoena Power. – If a person fails or refuses to obey a subpoena issued pursuant to  
8 this section, the civilian review board may apply to the General Court of Justice located in the  
9 county that established the civilian review board for an order requiring that its order be obeyed,  
10 and the court shall have jurisdiction to issue these orders after notice to all proper parties. The  
11 court shall authorize subpoenas under this section if the court determines the subpoenas are  
12 necessary for the civilian review board to complete its investigation or review. No testimony of  
13 any witness before the civilian review board pursuant to a subpoena issued in exercise of the  
14 power conferred by this section may be used against that witness in any civil or criminal action.  
15 Subpoenas issued under this section shall be enforceable by the court through contempt powers.

16       (f) Personnel Records. – Notwithstanding G.S. 153A-98, but subject to any federal law  
17 restricting access, the head of the law enforcement agency that employs the law enforcement  
18 officer alleged to have committed misconduct shall make available to the civilian review board  
19 the personnel file of the law enforcement officer and any other material deemed necessary by  
20 the governing body of the county for the civilian review board to complete its investigation or  
21 review.

22       (g) Findings and Decisions. – Unless otherwise declared confidential by State or federal  
23 law, the findings and decisions of a civilian review board are public records. Notwithstanding  
24 G.S. 153A-103 or any other State law to the contrary, any decision by a civilian review board  
25 as to disciplinary action of a law enforcement officer found to have committed misconduct  
26 shall be binding on the head of the law enforcement agency that employs the law enforcement  
27 officer or the city or county that employs the law enforcement officer.

28       (h) Appeals. – A county that establishes a citizen review board under this section shall  
29 establish an appeals process under which a law enforcement officer may appeal any decision by  
30 a civilian review board as to disciplinary action of a law enforcement officer. An appeals  
31 process established under this subsection shall provide the law enforcement officer with a  
32 reasonable period of time to request an appeal, afford an opportunity for a hearing, and require  
33 the hearing officer or body to expeditiously provide a written disposition. If the hearing officer  
34 or body overturns the decision of the civilian review board, the law enforcement officer shall be  
35 entitled to all relief necessary to make the law enforcement officer whole.

36       (i) Judicial Review. – Any law enforcement officer aggrieved by a decision of a  
37 civilian review board, and who has exhausted the appeals processes established under  
38 subsection (h) of this section, is entitled to judicial review of the decision by the civilian review  
39 board in the same manner as a party or person aggrieved by the final decision of an agency in a  
40 contested case is entitled to judicial review of the decision under Article 4 of Chapter 150B.  
41 Judicial review under this subsection shall be conducted in accordance with Article 4 of  
42 Chapter 150B.

43       (j) Reports. – A citizen review board shall make a semiannual and an annual report of  
44 its actions for each preceding year to the head of the law enforcement agency in the county that  
45 established the civilian review board and the governing body of the county that established the  
46 civilian review board. The specific content of the reports shall be prescribed by the governing  
47 body of the county. Any report made by the civilian review board shall be public record.

48       (k) Funding. – No State funds shall be used to establish or operate a civilian review  
49 board established under this section.

50       (l) Joint Civilian Review Board. – A county and one or more cities in the county may  
51 establish a joint civilian review board.

1        (m) Exceptions to General Authority. – A civilian review board established by a county  
2 under this section shall have no authority to investigate or review allegations of misconduct by  
3 any of the following:

- 4            (1) A law enforcement officer employed by a city police department located  
5 within a city that has established a civilian review board pursuant to  
6 G.S. 160A-289.3, unless the county and city have established a joint civilian  
7 review board.
- 8            (2) A law enforcement officer employed by a company police agency certified  
9 by the Attorney General pursuant to Chapter 74E of the General Statutes.
- 10           (3) A law enforcement officer employed by a campus police agency certified by  
11 the Attorney General pursuant to Chapter 74G of the General Statutes.
- 12           (4) A law enforcement officer employed by a special police agency created by  
13 the State.

14        (n) Local Acts. – To the extent that any provisions of a local act may be inconsistent  
15 with the provisions of this section, the provisions of this section shall control."

16        **SECTION 9.** Article 13 of Chapter 160A of the General Statutes is amended by  
17 adding a new section to read:

18 **"§ 160A-289.3. Citizen review boards.**

19        (a) Definitions. – The following definitions apply in this section:

- 20            (1) Disciplinary action. – As defined in G.S. 153A-212.3.
- 21            (2) Discriminatory profiling. – As defined in G.S. 15A-306.
- 22            (3) Head. – As defined in G.S. 160A-288.
- 23            (4) Law enforcement agency. – A city police department. If a joint civilian  
24 review board is established under subsection (l) of this section, this term  
25 includes a county police department or sheriff's department. This term does  
26 not include company police agencies certified by the Attorney General  
27 pursuant to Chapter 74E of the General Statutes, campus police agencies  
28 certified by the Attorney General pursuant to Chapter 74G of the General  
29 Statutes, or any special police agency created by the State.
- 30            (5) Law enforcement officer. – As defined in G.S. 153A-212.3.
- 31            (6) Misconduct. – As defined in G.S. 153A-212.3.

32        (b) Creation. – A city may by ordinance establish a civilian review board, or may use an  
33 existing civilian review board, to investigate or review allegations of misconduct by law  
34 enforcement officers employed by a law enforcement agency located within the city that  
35 established the civilian review board. The ordinance shall specify the composition of the  
36 civilian review board, any training required of members, and the manner in which hearings of  
37 the civilian review board are to be held.

38        (c) Powers and Duties. – A civilian review board shall have the following powers and  
39 duties:

- 40            (1) Receive and investigate complaints by members of the general public against  
41 law enforcement officers that allege misconduct.
- 42            (2) Review an internal investigation and discipline of a law enforcement officer  
43 who is alleged to have committed misconduct.
- 44            (3) Subpoena witnesses, administer oaths, and compel the production of  
45 evidence.
- 46            (4) Make findings and decisions on disciplinary action of a law enforcement  
47 officer alleged to have committed misconduct.
- 48            (5) Recommend changes in policy to the head of the law enforcement agency  
49 within the city that established the civilian review board.
- 50            (6) Exercise any other power deemed necessary by the governing body of the  
51 city to the discharge of its duties.

1       (d) Notice and Opportunity to be Heard. – When investigating a complaint or reviewing  
2 an internal investigation and discipline of a law enforcement officer alleged to have committed  
3 misconduct, the civilian review board shall provide the law enforcement officer with  
4 reasonable notice and an opportunity to be heard. A law enforcement officer and any other  
5 person involved in a hearing before the civilian review board may be represented by an  
6 attorney or attorneys at the hearing.

7       (e) Subpoena Power. – If a person fails or refuses to obey a subpoena issued pursuant to  
8 this section, the civilian review board may apply to the General Court of Justice located in the  
9 county in which the city that established the civilian review board is located for an order  
10 requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders  
11 after notice to all proper parties. The court shall authorize subpoenas under this section if the  
12 court determines the subpoenas are necessary for the civilian review board to complete its  
13 investigation or review. No testimony of any witness before the civilian review board pursuant  
14 to a subpoena issued in exercise of the power conferred by this section may be used against that  
15 witness in any civil or criminal action. Subpoenas issued under this section shall be enforceable  
16 by the court through contempt powers.

17       (f) Personnel Records. – Notwithstanding G.S. 160A-168, but subject to any federal  
18 law restricting access, the head of the law enforcement agency that employs the law  
19 enforcement officer alleged to have committed misconduct shall make available to the civilian  
20 review board the personnel file of the law enforcement officer and any other material deemed  
21 necessary by the governing body of the city for the civilian review board to complete its  
22 investigation or review.

23       (g) Findings and Decisions. – Unless otherwise declared confidential by State or federal  
24 law, the findings and decisions of a civilian review board are public records. Notwithstanding  
25 G.S. 153A-103 or any other State law to the contrary, any decision by a civilian review board  
26 as to disciplinary action of a law enforcement officer found to have committed misconduct  
27 shall be binding on the head of the law enforcement agency that employs the law enforcement  
28 officer or the city or county that employs the law enforcement officer.

29       (h) Appeals. – A city that establishes a citizen review board under this section shall  
30 establish an appeals process under which a law enforcement officer may appeal any decision by  
31 a civilian review board as to disciplinary action of a law enforcement officer. An appeals  
32 process established under this subsection shall provide the law enforcement officer with a  
33 reasonable period of time to request an appeal, afford an opportunity for a hearing, and require  
34 the hearing officer or body to expeditiously provide a written disposition. If the hearing officer  
35 or body overturns the decision of the civilian review board, the law enforcement officer shall be  
36 entitled to all relief necessary to make the law enforcement officer whole.

37       (i) Judicial Review. – Any law enforcement officer aggrieved by a decision of a  
38 civilian review board, and who has exhausted the appeals processes established under  
39 subsection (h) of this section, is entitled to judicial review of the decision by the civilian review  
40 board in the same manner as a party or person aggrieved by the final decision of an agency in a  
41 contested case is entitled to judicial review of the decision under Article 4 of Chapter 150B.  
42 Judicial review under this subsection shall be conducted in accordance with Article 4 of  
43 Chapter 150B.

44       (j) Reports. – A citizen review board shall make a semiannual and an annual report of  
45 its actions for each preceding year to the head of the law enforcement agency or agencies in the  
46 city that established the civilian review board and the governing body of the city that  
47 established the civilian review board. The specific content of the reports shall be prescribed by  
48 the governing body of the county. Any report made by the civilian review board shall be public  
49 record.

50       (k) Funding. – No State funds shall be used to establish or operate a civilian review  
51 board established under this section.

1        (l) Joint Civilian Review Board. – A county and one or more cities in the county may  
2 establish a joint civilian review board.

3        (m) Exceptions to General Authority. – A civilian review board established by a city  
4 under this section shall have no authority to investigate or review allegations of misconduct by  
5 any of the following:

6            (1) A law enforcement officer employed by a county police department or  
7 sheriff's department located in a county that has established a civilian review  
8 board pursuant to G.S. 153A-212.3, unless the county and city have  
9 established a joint civilian review board.

10          (2) A law enforcement officer employed by a company police agency certified  
11 by the Attorney General pursuant to Chapter 74E of the General Statutes.

12          (3) A law enforcement officer employed by a campus police agency certified by  
13 the Attorney General pursuant to Chapter 74G of the General Statutes.

14          (4) A law enforcement officer employed by a special police agency created by  
15 the State.

16        (n) Local Acts. – To the extent that any provisions of a local act may be inconsistent  
17 with the provisions of this section, the provisions of this section shall control."

18            **SECTION 10.** G.S. 153A-212.2 reads as rewritten:

19        **"§ 153A-212.2. Neighborhood crime watch programs.**

20          (a) Creation. – A county may establish neighborhood crime watch programs within the  
21 county to encourage residents and business owners to promote citizen involvement in securing  
22 homes, businesses, and personal property against criminal activity and to report suspicious  
23 activities to law enforcement officials.

24          (b) Required Training. – A county shall provide training that does all of the following  
25 to any member of a neighborhood crime watch program established pursuant to subsection (a)  
26 of this section:

27            (1) Emphasizes the role of a neighborhood crime watch program is to observe  
28 and watch the community and report suspicious activities to law  
29 enforcement officials.

30            (2) Develops effective methods for maintaining a visible presence in the  
31 community without engaging persons suspected of committing criminal  
32 activities.

33            (3) Emphasizes that members of the neighborhood crime watch program are to  
34 adhere to the instructions given to them by law enforcement officials.

35            (4) Educates members of the neighborhood crime watch program about  
36 discriminatory profiling, as defined in G.S. 15A-306, and develops effective  
37 methods for ensuring that members of the neighborhood crime watch  
38 program perform their duties without engaging in discriminatory profiling."

39            **SECTION 11.** G.S. 160A-289.2 reads as rewritten:

40        **"§ 160A-289.2. Neighborhood crime watch programs.**

41          (a) Creation. – A city may establish neighborhood crime watch programs within the  
42 city to encourage residents and business owners to promote citizen involvement in securing  
43 homes, businesses, and personal property against criminal activity and to report suspicious  
44 activities to law enforcement officials.

45          (b) Required Training. – A city shall provide training that does all of the following to  
46 any member of a neighborhood crime watch program established pursuant to subsection (a) of  
47 this section:

48            (1) Emphasizes the role of a neighborhood crime watch program is to observe  
49 and watch the community and report suspicious activities to law  
50 enforcement officials.

- 1           (2)   Develops effective methods for maintaining a visible presence in the  
2           community without engaging persons suspected of committing criminal  
3           activities.
- 4           (3)   Emphasizes that members of the neighborhood crime watch program are to  
5           adhere to the instructions given to them by law enforcement officials.
- 6           (4)   Educates members of the neighborhood crime watch program about  
7           discriminatory profiling, as defined in G.S. 15A-306, and develops effective  
8           methods for ensuring that members of the neighborhood crime watch  
9           program perform their duties without engaging in discriminatory profiling."

10           **SECTION 12.** Section 1 of this act is effective when this act becomes law. The  
11 remainder of this act is effective December 1, 2015, and applies to any misconduct committed  
12 on or after that date.



CHARLOTTE™

City Council  
Follow-Up Report

December 17, 2014

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**November 24, 2014 – City Council Business Meeting**

**Residential Traffic Calming Policy**

Staff Resource: Doreen Szymanski, CDOT, 704-336-7527, [dszymanski@charlottenc.gov](mailto:dszymanski@charlottenc.gov)

During the Citizens' Forum, Mr. Eric Burgess spoke and expressed concerns about the City's Residential Traffic Calming Policy.

The City of Charlotte has used some form of traffic calming since the mid 1980's. At that time, multi-way stops were introduced, and continue to be used today. Over the years, other traffic calming measures have been added to the program, and the City has been open to trying new calming treatments if desired by neighborhoods. The Traffic Calming policy has been amended three times to match needs and practices, and the last update approved by City Council occurred in 2006. The policy is attached.



Traffic Calming.pdf

Mr. Burgess is requesting the addition of a multi-way stop on Harris Road at Tanglewood Lane; however, the road does not meet the 2500 vehicles a day required for a street with speed humps to also have multi-way stop locations. The current policy in place takes into account speeds and traffic volumes to help determine need. Staff takes into account placement of the treatments to maximize effectiveness. In Mr. Burgess's neighborhood, the street condition does not meet the City Council approved policy, and there is a speed hump within 110 ft. of the multi-way stop being requested.

To adequately respond to and assess Mr. Burgess's request, the Council's Transportation and Planning Committee has been asked to review the current Residential Traffic Calming policy and to determine if any changes are needed. Staff will delay taking final action on this request until after this review.

The Department offers traffic calming options to neighborhoods to help minimize speeding and cut-through traffic. The City Council has approved a variety of methods including speed limit reductions, speed humps, multiway stops, and roundabouts.

### **Speed Limit Reductions**

Most residential streets have speed limit reduction as a traffic calming option. This is usually a requirement for other traffic calming measures including speed humps and multi-way stops.

An internal evaluation is conducted. If such a measure is deemed appropriate (street must be residential and must not be designed to be reasonably traveled in excess of 35mph) then a petition or HOA package can be released for handling through the neighborhood.

### **Speed Humps**

Speed humps are raised sections of the roadway constructed to reduce vehicular speeds. Speed humps can be comfortably crossed at 20-25 mph. Road humps are generally placed between 400 and 600 ft apart but may vary by location at the department's discretion. All requests are evaluated and placed on a waiting list if they meet qualifications. Due to limited funding, the City Council has asked the Department to prioritize all qualifying requests based on speed levels and the amount of pedestrian and vehicular traffic. At the end of the year, those who qualify for the next year's funding are sent a petition or worked through an active HOA.

**NOTE: CDOT funding of this program is currently unavailable (effective 9/11/13).**

Requirements:

1. Street must be classified as a two-lane, local residential street
2. Street width must be less than or equal to 40ft
3. Traffic volume must be at least 1,000 cars per day
4. The speed of 15% of the vehicles should be equal to or greater than 5 miles over the posted speed limit
5. Current speed limit should be posted as 25mph
6. Street should not be primary emergency services route

### **Multi-Way Stop Signs**

These are designed to reduce the impact of speeding.

Requirements:

1. Intersections cannot include thoroughfare streets and can be three-way or four way
2. "Through" streets must have a minimum volume of 600 vehicles per day
3. The speed of 15% of the vehicles should be equal to or greater than 5 miles over the posted speed limit
4. The "through" street must be posted at 25 or 30 mph

Speed Study Note: A 50 car sample is required. Speed samples between 30 and 30.9 require a second study to be done at a different time of day. Radar gun or tube data may be used for speed collections.

**Combinations:**

Streets carrying 2500 or more vehicles per day may have both multiway stop signs and speed humps. Streets carrying between 1000 and 2500 vehicles per day with existing multiway stop signs may have speed humps installed between intersections if a speeding problem is shown to still exist. Multiway stop signs cannot be installed on streets after speed humps are present without being shown to carry 2500 or more vehicles per day.

To be approved for speed humps, multiway stop installations, neighborhood approval is required, and can be obtained by one of two methods:

- 1) A letter of endorsement from the neighborhood association after a required mailing and discussion period. The neighborhood association will be required to notify property owners within the impact area (as defined by CDOT) of the impending traffic calming measure, and no petition will be required, or
- 2) Petition. Petitions require signatures of 60% of all property owners within the impact area. If a petition is requested, the CDOT will define the impact area, and issue the petition. Any existing HOA or Neighborhood Association must be notified of potential installation by petitioner. The impact area for new speed humps on a street with no existing speed humps is defined as all of the parcels abutting the subject street. The impact area for new speed humps on a street with existing speed humps (fill-in) is defined as all of the parcels abutting the subject street within a distance of 400 to 700 ft of the proposed unit or other area as deemed necessary by the department. The impact area for multi-way stops is defined as all parcels within a 1200 ft. radius abutting the intersecting streets.

CDOT reserves the right to require a petition.

**Appeal Process**

Any owner or tenant of property abutting a street within the defined impact area, or any other person reasonably affected by the change may appeal traffic calming by filing a written notice of appeal with CDOT. Written appeals must be received within 30 days of implementation.

Appeals will be heard through a quasi-judicial proceeding before the Department of Transportation Director or Deputy Director, or a hearing officer designated by the Department of Transportation Director or Deputy Director.

The only issues that may be raised on appeal are:

- (1) Whether there is a public justification for the change (Public justification is defined as meeting the department's volume and speeding criteria.) and,
- (2) Whether the method chosen (petition or HOA) to gauge neighborhood consensus was properly completed as required by CDOT.

A decision on appeal shall be subject to review by proceedings in the nature of certiorari instituted in the Superior Court of Mecklenburg County within thirty days. A certiorari appeal shall not automatically stay implementation of any proposed treatments.

**Roundabouts/Traffic Circles**

The Department will evaluate all requests for roundabouts. Other traffic calming devices may be more effective in reducing neighborhood traffic problems. As roundabouts are considerably more expensive, extensive evaluation is required before a location can be approved for this treatment.

**Removal of Neighborhood Traffic Calming**

Any time after six months of initial installation, neighborhood-elected traffic calming can be requested for removal.

The process for removal of traffic calming installed through CDOT's Neighborhood Traffic Calming program is exactly as the process for installation. The word "remove" shall be substituted for the word "install" on all correspondence or petitions. As for installations, either process (HOA or petition) may be used although CDOT reserves the right to require a petition. All mailings, impact areas and appeal procedures should mirror the installation process. The CDOT may require any cost for removals to be borne by the neighborhood, particularly in the case of road humps.

**DATA COLLECTION:** Traffic volume data is collected via road tube and a 24 hour average weekday total volume is calculated. Speed studies are conducted via radar gun or tube data collection. A fifty car sample is required. If a speed sample determines street speeds to be between 30mph and 30.9mph on a posted 25mph street, a second study is performed at a different time of day.

