Council-Manager Memo #23
Friday, April 1, 2011

CHARLOTTE.

WHAT'S INSIDE:

Page

Calendar Details 2

Agenda Note:
Request for Council Action – No High Speed Rail Money from Federal Government (HB 422 – Killian) 2

Information:
The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Survey – Response Requested 2
City of Charlotte Wellness Program 3
Charlotte Streetcar Project 4
Breed Specific Legislation 4-5
LED Street Lighting and Performance Contracting 5-6
April 1, 2011 State Legislative Update 6

Attachment:
Policy Calendar: April 2011 – June 2011 6

WEEK IN REVIEW:

Mon (Apr 4)	Tues (Apr 5)	Wed (Apr 6)	Thurs (Apr 7)	Fri (Apr 8)
5:00 PM Council Workshop, Room 267 7:30 PM Citizens' Forum, Room 267		12:00 PM Housing and Neighborhood Development Committee, Room 280		

CALENDAR DETAILS:

Monday, April 4

5:00 pm Council Workshop, Room 267

7:30 pm Citizens' Forum, Room 267

Wednesday, April 6

12:00 pm Housing & Neighborhood Development Committee, Room 280
AGENDA: Neighborhood Symposium update; FY12 Annual Action Plan draft; Quality of Life Report update and proposed enhancements review; Housing Trust Fund allocations; Inclusionary housing policies including incentives

April and May calendars are ATTACHED (SEE TABLE OF CONTENTS ON LEFT).

AGENDA NOTE:

Request for Council Action - No High Speed Rail Money from Federal Government (HB 422)
Staff Resource: Dana Fenton, City Manager's Office, 704.336.2009, dfenton@charlottenc.gov

The City Manager is adding an agenda item to Council's April 4 Workshop. Council is requested to approve the **ATTACHED (SEE TABLE OF CONTENTS ON LEFT)** resolution that would oppose legislation prohibiting NCDOT from applying for, accepting or expending any federal high speed rail funds unless specifically authorized by the General Assembly. The item is added to the April 4 agenda following the two Beatties Ford Road agenda items.

INFORMATION:

The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Survey – Response Requested
Staff Resource: Pamela Wideman, N&BS, 704-336-3488, pwideman@charlottenc.gov

On May 20, 2009 the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act was amended by Congress. The HEARTH Act reauthorizes the McKinney-Vento Homeless Assistance Act with the following substantial changes:

- A consolidation of HUD's competitive grant programs;
- The creation of a Rural Housing Stability Program;
- A change in HUD's definition of homelessness and chronic homelessness;
- A simplified match requirement;
- An increase in prevention resources;
- An increase in the emphasis on performance.

Background
In May, representatives from Charlotte-Mecklenburg (C-M) will attend the HEARTH Implementation clinic in Raleigh. C-M representatives include non-profit service providers, City and County staff and members of the Charlotte-Mecklenburg Coalition for Housing (CMCH).

This required training, is designed to help communities meet the expectations of the HEARTH Act. The following tasks will be completed as part of the clinic:

- Performance Evaluation
- System Assessment
- Goal Setting
- Planning & Implementation

Prior to attending the clinic, participants are required to complete a qualitative assessment tool that is designed to help communities assess the quality of homelessness assistance. The tool consists of surveys for three key stakeholders; Consumers, Community Leaders & Executive Directors, and Direct Service Provider staff. A survey analysis tool will also be provided to interpret the results.

The Research and Evaluation committee of the CMCH has been charged with administering this survey and is asking the Mayor and City Council to complete the survey with one of two options.

1. Mayor and Council can access the survey on line at http://www.surveymonkey.com/s/JLRB8GW
2. Mayor and Council can complete the attached hard copy and return it to Tracy Swett.

Reponses are due by Wednesday, **April 6, 2011**. N&BS staff appreciates Mayor and Council's immediate attention to this important initiative.

City of Charlotte Wellness Program
Staff Resource: Ron Kimble, City Manager's Office, 704-336-4169, rkimble@charlottenc.gov

Yesterday, the City of Charlotte received fourth place recognition in the Extra Large Business Category in the Healthiest Employers of Greater Charlotte sponsored by the *Charlotte Business Journal*. There were 17 nominees in this largest employer category. This recognition is a testimony to the support of our Wellness Program by the Mayor and City Council, the City Manager, and all of the employees of the City of Charlotte. Special appreciation goes to Christina Fath, the City's very talented Wellness Manager, who leads a strong team of Wellness Ambassadors in carrying out the City's broad based program. And, special thanks to Cheryl Brown, Anna Ellis, and the rest of the Human Resources staff who shepherd the program as well. Congratulations to all! A complete write-up of all winners is in today's *Business Journal*.

Charlotte Streetcar Project

Staff Resource: John Mrzygod, E&PM, 704-336-2245, jmrzygod@charlottenc.gov

As an update to the February 24 Council-Manager Memo, amendments to the 2035 Long Range Transportation Program (LRTP) and the 2009-2015 Transportation Improvement Program (TIP) as required for award of the Urban Circulator Grant for the streetcar project were approved by the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) on March 16, 2011. The final step in the LRTP/TIP/STIP amendment process will be the decision made by the State Board of Transportation on April 7, 2011.

Within 10 days, City Council and other state and local elected officials will be receiving notification of the public review and comment period for the Charlotte Streetcar Project Environmental Assessment (EA). This is one step in the following National Environmental Policy Act process:

- Conduct an EA and produce a document that describes the comprehensive assessment of the environmental impacts of the project
- Provide an opportunity for a public review and comment period
- Incorporate comments into the EA

Approval of the EA allows a project (or segment of the project) to move into Final Design. In the case of the Streetcar Project, receiving an approved EA will allow the City to start Final Design on the initial 1.5 mile Streetcar Starter Project from the Charlotte Transportation Center to Presbyterian Hospital.

Breed Specific Legislation

Staff Resource: Eric D. Campbell, City Manager's Office, 704-336-5158, ecampbell@charlottenc.gov

Breed Specific Legislation, commonly known as BSL, is the banning or restriction of specific breeds of dogs considered "dangerous" breeds such as pit bull terriers. BSL is often enacted in response to a particularly violent attack or attacks involving a specific breed of dog and is often used as an "answer" to dog attacks. Recently, there have been discussions of this legislation in Mint Hill and Waxhaw as a result of a child being fatally mauled by a pit bull in Waxhaw.

Last week the City Manager's Office was informed of an e-mail that implied that members of the Charlotte City Council and the City Attorney were discussing breed specific legislation. The e-mail was generated by Madeline Colbert who indicated she was a local attorney and claimed that she had contacted the City Attorney's Office regarding BSL. She states she was told "It's not official yet but is on the horizon." Ms. Colbert sent this information to animal advocates in the region and encouraged them to post the information. She also encouraged them to voice their opposition to the City Council and included contact information for Council members. Mark Balestra, Animal Care and Control Director, received several calls regarding the issue. Mr. Balestra confirmed that neither Council's Community Safety Committee or the City Attorney's Office have been in any discussions of BSL and shared this feedback with callers in an attempt to dispel the rumors.

Neither the City Attorney or the Animal Care and Control Division support breed specific legislation and feel that Charlotte already has the needed ordinances to address dangerous animals that compromise community safety. Laws enacted in 1988, after a dog attack fatality in 1985, empower Animal Care and Control to impose confinement measures on animals. The Dangerous Dog Ordinance permits Animal Care and Control to take swift action on any breed of dog that meets the ordinance definition:

> "Section 3-3: Dangerous means any animal whose behavior, temperament, size, or any combination thereof, when considered under the totality of the circumstances, including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal's biting or attacking or attempting to attack a human or another animal. However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined in this section, upon the animal owner's premises."

Research indicates that four reputable and national animal welfare organizations do not support breed specific legislation. A number of cities have repealed breed specific legislation after research showed it was not an effective solution to aggressive dog issues.

Additional information is available in a report prepared by Senior City Attorney John Joye in 1994. The report is available upon request.

LED Street Lighting and Performance Contracting

Staff Resource: Doreen Szymanski, CDOT, 704-336-7527, dszymanski@charlottenc.gov
Julie Burch, City Manager's Office, 704-336-3187, jburch@charlottenc.gov

Several City Council members received information from Don Reid regarding LED street lights and performance contracting.

Performance contracting is a tool available to local governments in which an energy service company designs and implements energy improvements to a building or facility and guarantees savings will be realized from reduced energy costs. The building or facility owner pays the company for the improvements over time using revenue made available from the savings.

In discussing the Environment Focus Area Plan, the Council Environment Committee requested and received a presentation on this funding mechanism from Engineering and Property Management staff on February 28. Staff shared that the City has an excellent building energy performance track record as a result of systematic building energy audits and implementing a number of improvements over the past several years. The changes have been self-funded through the City's annual budget and capital program. In this way, the City benefits from all of the energy savings accrued. Other cities have used performance contracting, i.e. use of an energy service company, because they have been unable to fund energy improvements using

other means.

Street lights in the City of Charlotte are owned and maintained by Duke Energy. In return, the City pays a monthly charge per light fixture. This charge generally covers the cost of installation, ongoing maintenance and electricity for high pressure sodium lights. The street lights are not metered. Because of the ownership arrangement, performance contracting is not a feasible option for further consideration

Asheville, North Carolina was cited as an example of a city converting to LED street lights. It has the same lighting arrangement with Progress Energy that the City has with Duke Energy, i.e. Progress Energy owns the lights. Recently, however, the City of Asheville decided to buy 900 existing lights from Progress Energy at a cost of $290,000 in Energy Efficiency and Conservation Block Grant (EECBG) funds to initiate a pilot LED street lighting project. Asheville has entered into an arrangement with Progress Energy to provide electricity and maintenance for conversion of the high pressure sodium and mercury vapor lights to LED. According to City of Asheville staff, if the results are positive, the Asheville City Council will be asked to approve purchase of the 8,000 remaining lights currently owned by Progress Energy to convert the entire system.

CDOT is exploring the economic and environmental benefits that LED technology can provide. Although performance contracting cannot be considered under the current arrangement with Duke, CDOT is exploring other means to integrate LED technology into the street lighting system. LED street lighting technology has improved significantly over the past 12-24 months and staff anticipates it will continue to evolve.

The City already is benefiting from the technology as a result of converting many traffic signal lights to LED. In addition, CATS will be testing LED lighting at the I-485 parking deck using EECBG funds.

Duke Energy is willing to test LED street lighting in a location of the City's choosing. CDOT is investigating current LED technology and the associated costs to the City for such a project, and will be considering various test locations. Staff will keep Council updated as this exploration progresses.

April 1, 2011 State Legislative Update
Staff Resource: Dana Fenton, City Manager's Office, 704.336.2009, dfenton@charlottenc.gov

ATTACHED (SEE TABLE OF CONTENTS ON LEFT) is the April 1 State Legislative Update. Changes from last week's update are denoted in **bold face** type.

ATTACHMENTS (SEE TABLE OF CONTENTS ON LEFT):

Policy Calendar: April 2011 – June 2011