AGENDA

Meeting Type:	SPECIAL
Date:	01/14/1997
	Legislative Breakfast

City of Charlotte, City Clerk's Office

SUMMARY
PROPOSED LOCAL INITIATIVES

CDOT Submittals

- Hold towed vehicles for payment of parking penalties at time of pick-up
- Authorize the City of Charlotte to consider a parking violation for each hour that the violation occurs
- Change the City's municipal city-wide speed limit from 35 MPH to 25 MPH
- Allow video or photographic image as prima facie evidence of a traffic violation Recommend a $25 penalty on the owner of a motor vehicle which is photographed or video taped making a violation
- Allow left turns on red after stop from a one-way street to another

Fire Department Submittal

- Provide authority for authorized fire personnel to issue parking citations for fire lane violations and for parking too close to a fire station entrance

Police Submittals

- Amend state statute to allow law enforcement personnel to share communicable disease information on need to know basis
- Amend state statute to allow local police officers to inspect ABC licensed premises

City Clerk Submittal

- Change the Charlotte City Charter to make the attached technical corrections to clarify and accommodate House Bill 1414, Chapter 623 of the 1996 Session Laws Ratified on June 21, 1996

Additional Priorities

- Annexation Preservation
- Reauthorization of Drug Court Funding and Funding for Additional Assistant District Attorneys
- Transit Funding Increases and Approval of the Governor's 2001 Committee Report

CHARLOTTE
DEPARTMENT OF TRANSPORTATION
REQUESTS

CHARLOTTE DEPARTMENT OF TRANSPORTATION

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Department of Transportation

Legislative Request Authorize the City of Charlotte to cite a parking violation for each hour over the specified time limit

Description: The current availability of onstreet parking spaces in Uptown is very limited The City is currently developing a parking program which will create both metered and nonmetered short-term onstreet parking spaces in Uptown This program was initiated in response to requests for short-term parking from City Council, the Charlotte Chamber and other Uptown business and cultural interests Short-term onstreet parking will promote Uptown's economic vitality and make Uptown retail and service businesses more accessible to visitors Also, the use of parking meters to control onstreet parking spaces will help decrease the amount of parking signage needed The City is seeking a qualified management company to oversee this parking program CDOT will be presenting a management contract for Council approval in February

To assist with the enforcement of this program, the CDOT is recommending passage of a bill to authorize the City to cite a motorist for each hour after the initial parking time limit expires For example, if a vehicle was parked in a two-hour parking zone for four hours, the City would be authorized to issue two tickets, one for each one hour period that the vehicle was in violation of the two-hour time limit As the parking policy is now written, a violator parking illegally all day in a two-hour parking space would only receive one $10 parking citation This $10 ticket can be less expensive than parking in a offstreet facility, therefore, is not a sufficient deterrent to violators

Justification of Need Motorists are sometimes willing to take a single $10 ticket as a cost of doing business Multi-ticketing is needed to provide the City with a means to deter parking violations and encourage the turn-over that Uptown business and cultural interests are trying to achieve with the onstreet short-term parking

Raleigh and Greensboro already have the authority to issue multiple tickets for a single violation

Council Policies Impacted Parking Ordinance

Other Agencies Impacted None
Has the request been made before? No

What are the consequences if not approved? CDOT would recommend that parking citation penalties be increased to $25, or towing may need to be more aggressive Both are not customer friendly

Has proposed legislation been drafted? Yes, see following attachment

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

CHAPTER ____
HOUSE BILL _____

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY TO CLASSIFY EACH ADDITIONAL HOUR THAT A VEHICLE REMAINS PARKED BEYOND THE LEGAL TIME LIMIT AS A SEPARATE OFFENSE

The General Assembly of North Carolina enacts

Section 1. Section 6 of the Charlotte City Charter, Chapter __ of the Session Laws of ____, is amended by adding a new subdivision to read

"(6 25) That the City of Charlotte shall have the authority to classify each additional hour that a vehicle remains parked beyond the legal time limit for the parking area where said vehicle is parked as a separate offense "

Section 2. This act is effective upon ratification

City of Charlotte's 1997 North Carolina Legislative Agenda

Department: Department of Transportation

Legislative Request Holding Vehicles for Payment of Parking Penalties after towing

Description: The CDOT currently tows vehicles obstructing traffic on streets that are required to be cleared for peak rush hours or special events Also, a vehicle will be towed if it is in a no-parking zone or causing a safety hazard Authorization from a police officer or an authorized agent of the City is required before a vehicle can be towed

In conjunction with the implementation of the new Onstreet Parking Program discussed in the previous legislative request, the City is reviewing its current parking policies CDOT does not intend to tow for overtime parking violations unless they come under the conditions stated above

Currently, if a vehicle is towed for a parking violation, the vehicle owner does not have to pay the City's parking penalty fee to reclaim their vehicle The vehicle is reclaimed by paying the towing company's fee (about $45) The City is requesting legislation for the authority to hold a violator's vehicle, after it has been towed, until the owner pays the parking penalty charged by the City for the towing violation ($25-$50), as well as any outstanding penalties

Justification of Need Allowing violators to reclaim their vehicles without paying their parking citations has created a situation where a substantial amount of outstanding tickets is owed to the City It is very difficult and costly to collect these fines Some of those owing the City live out-of-state but commute daily and receive frequent parking tickets with little deterrence This legislation, along with another legislative item, multi-ticketing, is part of the effort to bring onstreet parking back to Charlotte and provide for sufficient deterrents and enforcement to ensure the success of this program

Council Policies Impacted Parking Ordinance

Other Agencies Impacted Finance Department, Budget Department - Collections will be improved

Has the request been made before? No

What are the consequences if not approved? It will be more difficult to expand onstreet parking

Has proposed legislation been drafted? Yes, see following attachment

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

CHAPTER ____
HOUSE BILL _____

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW TO ALLOW THE CITY TO HOLD ANY VEHICLE TOWED BY THE CITY UNTIL PAYMENT OF PARKING PENALTIES HAS BEEN MADE

The General Assembly of North Carolina enacts

Section 1. Section 6 of the Charlotte City Charter, Chapter __ of the Session Laws of ____, is amended by adding a new subdivision to read

"(6 24) That the City of Charlotte shall have the authority to hold any vehicle towed by the City for parking violations under this article, and the said vehicle shall not be released until the penalties for all outstanding citations, plus any additional penalties and interest, are paid in full, or a bond is posted in the amount of the penalties outstanding, pending a hearing to be scheduled "

Section 2. This act is effective upon ratification

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Department of Transportation

Legislative Request To authorize the City to lower the City's municipal city-wide speed limit from 35 MPH to as low as 25 MPH This could either be a local or a statewide bill

Description: Unless otherwise posted, the speed limit on all streets within the City of Charlotte is 35 MPH This law applies to State roads as well However, for neighborhood streets, 35 MPH is often too fast At the request of neighborhoods, the City regularly lowers residential street speed limits to 25 MPH Since 1983, the City has lowered the speed limit on 600 streets, about 10% of the City's streets This is a trend the CDOT expects to continue

Under this legislation, thoroughfares, including State streets, will continue to be signed for 35 MPH and above Thoroughfares are designed for higher speeds The law mainly affects the neighborhoods of Charlotte whose street speed limits will automatically be lowered

Justification of Need: The process to have a street's speed limit decreased to 25 MPH requires a written request by the citizen(s), a petition of 75% of the residents on the street, and Council approval Appearing before Council for each 25 MPH speed limit request is time-consuming for both Council, CDOT and the citizens Passage of the city-wide 25 MPH speed limit would create significant savings from signage costs, free up more of the Council's time, and most importantly provide Charlotte's neighborhoods with slower moving traffic that may improve street safety

Council Policies Impacted Neighborhood Traffic Program

Other Agencies Impacted None

Has the request been made before? Yes

What are the consequences if not approved? Staff will continue to use extra time and resources to implement the lowered speed limit on a piece-meal basis

Has proposed legislation been drafted? Yes, see following attachment

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

CHAPTER ____
HOUSE BILL _____

AN ACT TO GIVE LOCAL GOVERNMENTS THE AUTHORIZATION TO LOWER THE CITY-WIDE MUNICIPAL SPEED LIMIT TO AS LOW AS 25 MPH

The General Assembly of North Carolina enacts

Section 1 G S 20-141 is amended to read

"(b)(1) That local governments are authorized to set their city-wide municipal speed between 25 MPH and 35 MPH In the absence of an official action of the municipality, the city-wide municipal speed limit shall be 35 MPH "

Section 2 This act applies only to municipalities with populations over 400,000

Section 3 This act is effective upon ratification

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Department of Transportation

Legislative Request Authorize the use of video or photographic images as prima facie evidence of a traffic violation Recommend authorizing the City Council to set the penalty fee charged to the owner of a motor vehicle which is photographed or videotaped making a violation

Description: An example of how the City intends to use this legislative authority is with the monitoring of red-light running Red light running is when a motorist deliberately enters an intersection after the traffic signal has turned red In 1995, approximately 25% of Charlotte's total traffic accidents occurred at signalized intersections A majority of those accidents may have occurred from illegal red-light running

A red light monitoring system consists of a camera and vehicle sensors connected to a traffic signal As a vehicle passes into the intersection after the traffic signal has turned red, the system's camera automatically takes two photographs of the vehicle's rear license plate The photographic images show the car entering the intersection with a red indication and include the time and date of the violation After these photographs are reviewed by a trained technician, a citation is sent to the owner of the vehicle caught in violation Citations issued under this and similar programs would be cited as a noncriminal violation, similar to a parking ticket, and therefore, would not add points to the driver's record or affect insurance rates No picture is taken of the driver.

Other uses for video or photographic imaging are to monitor speeds in school zones, and monitor the illegal passing of railroad crossing gates when they are down The objective of monitoring programs such as these is to change the driving habits of local motorists and provide a deterrent to possible violators The safety of Charlotte residents would be greatly enhanced

Each intersection or school zone being monitored would be signed to alert citizens to the camera monitoring Out of the total 11,000 intersections in Charlotte, the City has identified approximately 100 intersections that are considered high accident locations based on the amount and severity of traffic accidents at that intersection When there is an improvement in safety, the camera can be moved to another location

Justification of Need: Currently, the Charlotte-Mecklenburg Police Department stations man-patrolled cars at high-accident intersections and school zones when personnel are available Using cameras to monitor these violations would free up police officers to dedicate their time to other priorities The Police Department has limited resources to enforce traffic regulations, and yet the impact of unsafe driving, i e , accidents, is as great as the impact of criminal acts **The CMPD strongly supports this legislation.**

New York, Florida, Virginia, Texas, Michigan and California are implementing red-light safety programs using video or photographic monitoring New York City has 18 cameras installed at intersections throughout the city and has seen a 20% decrease in violations at monitored intersections New York City's citations are set at $50 and 80% of violators are paying their fines

CDOT has determined that a red light violation monitoring program, such as New York City's, would generate enough revenue to be self-sufficient and require no additional funding from Council

Council Policies Impacted Public Safety Program

Other Agencies Impacted Police Department

Has the request been made before? No

What are the consequences if not approved? Enforcement of traffic violations will continue to be less than is needed to improve public safety

Has proposed legislation been drafted? Yes, see following attachment

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

CHAPTER ____
HOUSE BILL _____

AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION

The General Assembly of North Carolina enacts

Section 1 [*Short Title*] This act may be cited as the Highway and Street Intersection Safety Act

Section 2.[*Traffic Control Photographic Systems*]

(a)A traffic control photographic system is defined as an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control

(b) Any traffic control photographic system as defined in subsection (a) of this section or device which is a part thereof deployed on the state streets and highways shall meet requirements established by the North Carolina Department of Transportation Any traffic control system deployed on municipal streets shall meet standards established by the municipality and shall be consistent with any standards set by the State

(c) Each county and municipality is authorized to adopt an ordinance providing for the enforcement of G S 20-141, 20-141 1, 20-143, 20-158 by means of a traffic control photographic system as defined in subsection (a) of this section Such an ordinance shall provide for the following

(1)The owner of a vehicle shall be responsible for a violation under this section unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person In such instances, the owner of the vehicle shall, within twenty-one (21) days after notification of the violation, furnish the officials or agents of the municipality or county who issued the ticket, the

name and address of the person or company who leased, rented, or other-
wise had the care, custody, or control of the vehicle The owner of the ve-
hicle shall not be responsible for the violation if the vehicle involved was, at
the time, stolen or in the are, custody, or control of some person who did
not have permission of the owner to use the vehicle

(2) The violation of this section detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty (50) dollars shall be assessed and violation for which no points shall be assigned to the owner or driver of the vehicle

(3) The owner of the vehicle shall be issued a ticket and shall comply with the directions on the ticket The ticket shall be processed by officials
or agents of the municipality or county and shall be forwarded by first class
mail to the address given on the motor vehicle registration Personal ser-
vice on the owner of the vehicle shall not be required In the event that payment of the civil penalty is not received or a response to the ticket is not
made within the time period specified thereon, the owner shall be deemed to have waived his right to pay the civil penalty and the officials or agents
making the original mailing of the ticket shall submit a copy of the ticket to
the District Attorney for submission to the District Court The Court shall find that failing to make payment of the civil penalty the owner shall be deemed to have been convicted of a violation under this section and shall be subject to a fine of not to exceed one hundred (100) dollars, and the Court shall take appropriate measures to enforce collection of the fine A municipality or county may substitute a non-judicial administrative hearing for the process of submittal to the District Attorney and the Court The owner of the vehicle issued the ticket under this section shall have right of appeal from the administrative hearing to District Court

(4) Any person who elects to appear before a District Court to present
evidence shall be deemed to have waived his right to pay the civil penalty
A certificate sworn to or affirmed by a technician employed by or under contract to the municipality or the county where the violation occurred,

or
a facsimile thereof, based upon inspection of photographs or other recorded
images produced by a traffic control signal photographic system shall be prima facia evidence of the facts contained therein The Court, after a hearing, shall make a determination as to whether a violation of this section has been committed and, if a violation is determined, shall impose a fine not to exceed one hundred (100) dollars plus court costs If the fine and court costs have not been paid within the time specified by the Court, the Court shall take appropriate measures to enforce collection

Section 3 This act is effective upon ratification

City of Charlotte's 1997 North Carolina Legislative Agenda

Department: Department of Transportation

Legislative Request: Allow left turns on red at the intersections of two one-way streets

Description: One-way streets intersecting other one-way streets are predominately located in towns and larger urban areas Nationwide, North Carolina is one of the last states to approve legislation that authorizes left turns on red from a one-way street onto another one-way street

Justification of Need Many new residents and out-of-town visitors are unaware of the City's prohibition of these left turns onto one-way streets The City is recommending this legislation in order to move toward more uniformity with other states and help to move traffic more efficiently

Council Policies Impacted None

Other Agencies Impacted None

Has the request been made before? Yes

What are the consequences if not approved? Many visitors to our City can be seen making this illegal move, since it is legal in most states If not approved, they would continue to violate the law and may be ticketed Also, traffic will continue to be moved less efficiently

Has proposed legislation been drafted? Yes, see following attachment

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

CHAPTER ____
HOUSE BILL _____

AN ACT TO ALLOW LEFT TURNS ON RED FROM ONE ONE-WAY STREET TO ANOTHER ONE-WAY STREET

The General Assembly of North Carolina enacts

Section 1 Amend G S 20-158 by deleting section 20-158(b)(2) and replacing it with

"(2)Vehicles facing a red light from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light, provided that except where prohibited by an appropriate sign, vehicular traffic facing the red light, after coming to a complete stop at the intersection, may

i May enter the intersection to make a right turn

ii May enter the intersection to make a left turn from a one-way street onto another one-way street

Such vehicle shall yield to pedestrians and other traffic at the intersection When the stoplight is emitting a steady yellow light, vehicles facing the yellow light are warned that a red light will be immediately forthcoming When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law "

Section 2 This act is effective upon ratification

FIRE DEPARTMENT REQUESTS

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Fire Department

Legislative Request: Local Act for authority to adopt an ordinance to authorize fire department personnel to regulate and enforce, whether on public or private property, parking in a fire lane, within 15 feet of a fire hydrant, and within 20 feet of a fire station driveway. Enforcement through issuance of citations only.

Description: The City of Charlotte currently has thirty fire stations, eighty-two designated fire lanes, and over 8,000 fire hydrants located within its corporate limits Unlawful motor vehicular parking is a persistent problem whenever routine or emergency fire department response is required State law currently limits enforcement of these types of parking violations to police officers Fire department personnel frequently encounter these types of violations and have to request police assistance in order to address them This requires time to wait on police who are busy addressing other law enforcement matters Sworn fire department officers and fire inspectors currently issue citations for violation of the City and State fire codes These citations range in amount from fifty to five hundred dollars, depending on the type of violation Fire department personnel are capable of enforcing parking violations which have a direct impact on their ability to effectively respond to the fire and life safety emergencies of its citizens Such enforcement will allow police officers to address other law enforcement concerns Fire department enforcement will include issuance of citations only, and not towing of vehicles

Justification of Need: There is currently an inadequate number of law enforcement officers to enforce infractions for parking in fire lanes, within 15 feet of a fire hydrant, and within 20 feet of a fire station driveway The Fire Department personnel are aware of the potential damage that can result from these infractions, and are in the field inspecting for fire hazards on a daily basis This legislation would allow the City to expand the number of people who can enforce the parking rules, and will allow those in daily contact with the violations to issue citations

Council Policies Impacted: This year, City Council adopted an ordinance allowing the Police Chief to empower the Fire Department to issue citations as enforcement of existing local ordinances for parking near a fire hydrant or a fire station driveway There is no local ordinance regarding parking in a fire lane If the Local Act is adopted, then Council would need to consider adopting an ordinance which sets forth the various parking violations and that the Fire Department could enforce the regulations by issuing citations

Other Agencies Impacted: The Police Department would be affected by the adoption of an ordinance which allowed the Fire Department to issue citations for these parking violations by virtue of the fact that only the police can currently issue the citations However, in light of the recent empowerment by the Police Chief to the Fire Department to issue citations, it does not appear that there will be any substantive change in roles, except it may relieve the police officers of some of the workload Note that the Fire Department is not requesting exclusive rights of

enforcement, rather, it wants joint rights of enforcement along with the police department

Has the request been made before? This request has not been made before

Consequences if request is not approved: The fire department will be limited to issuing citations for parking near a fire hydrant and near a fire station driveway. This ability will remain linked to the police department's empowerment. Fire department personnel will not be able to issue citations for parking in a fire lane, and the police department does not have the ability to empower the fire department to issue citations for that type of violation.

Has proposed legislation been drafted? Yes.

AN ACT AMENDING THE CHARLOTTE CITY CHARTER REGARDING FIRE SAFETY PARKING REGULATIONS

The General Assembly of North Carolina enacts

Section 1 Section 9 22 of the Charter of the City of Charlotte, being Chapter 713 of the Session Laws of 1965, as amended by Chapter 216 of the Session Laws of 1967, Chapter 92 of the Session Laws of 1983 and Chapter 343 of the Session Laws of 1985, is rewritten to read

"Section 6 24 Fire Safety Parking Regulations

Notwithstanding any provision of public or local law to the contrary, including, but not limited to, Chapter 20 of the General Statutes, the City Council may adopt an ordinance prohibiting parking or standing of a motor vehicle within 15 feet in either direction of a fire hydrant or entrance to a fire station, or within any area designated as a fire lane The provisions of an ordinance adopted under this act may be enforced by authorized municipal authorities, including, but not limited to, personnel of the Charlotte Fire Department, within their respective jurisdictions whether on public or private property in the same manner as is used to enforce other parking laws and ordinances "

Section 2 This act is effective upon ratification

POLICE DEPARTMENT REQUESTS

City of Charlotte's 1997 North Carolina Legislative Agenda

This proposed legislation would add a law enforcement exception to the confidentiality requirement in G S 130A-143 regarding communicable disease information

Department: Police

Legislative Request An amendment to a state statute to allow law enforcement personnel to share communicable disease information on a need to know basis

Description G S 130A-143 sets forth a strict confidentiality requirement with respect to information regarding communicable diseases (AIDS, HIV, Hepatitis B, etc) There are several exceptions to the confidentiality requirement in the statute However, not included is an exception for communication by and between law enforcement and emergency services personnel, who often encounter individuals infected with various diseases The proposed legislation would provide such an exception so that this important information can be shared on a need to know basis

Justifiaction: Prevent life-threatening exposure to communicable diseases to public safety officers

Council Policies Impacted by the Request None

Individuals/agencies Outside the KBU That May Be Impacted the Request: None

Has the Request Been Made Before? No

What Are the Consequences If the Request Is Not Granted? Law enforcement personnel will continue to be precluded from sharing important communicable disease information when confronted with at risk situations

Has the Proposed Legislation Been Drafted? Yes See page following

PROPOSED AMENDMENT TO N.C.G.S. 130A-143

130A-143. Confidentiality of records.

All information and records, whether publicly or privately maintained, that identify a person who has AIDS virus infection or who has or may have a disease or condition required to be reported pursuant to the provisions of this Article shall be strictly confidential This information shall not be released or made public except under the following circumstances

. . . . . .

(12) Release is made to or by personnel of a law enforcement agency acting in the discharge of their official duties and is made for the purpose of preventing or controlling the spread of a communicable disease or communicable condition Law enforcement personnel shall communicate such information only to other law enforcement or emergency services personnel Notwithstanding the provisions of any other general statutes, any such information is strictly confidential and shall not be considered a public record

City of Charlotte's 1997 North Carolina Legislative Agenda

Department: Police Department

Legislative Request: Amends N C G S 18b-501(f) to allow local police officers to inspect ABC licensed premises

Description: In the past, the North Carolina General Statutes allowed local police officers to inspect licensed premises to insure they were in compliance with the administrative rules adopted by the ABC Commission as well as the enforcement of the relevant General Statutes The statute was amended about 15 years ago to delete the authority for entry and inspections of ABC licensed premises by local law enforcement officers

Justification It would greatly enhance the ability of community police officers to control crime in neighborhoods if they were able to enter and inspect the private clubs and bars within their patrol areas without having to rely on the availability of a state officer with inspection authority

Council policies impacted: Strengthens the Council's commitment to community policing

Other individuals/agencies that may be impacted: May provide assistance to the City tax office A business with an ABC permit must maintain the required state and local revenue licenses Providing additional law enforcement officers for administrative inspections will increase the number of businesses examined for permit violations including whether they are maintaining a current local business license

History of Request: The City of Charlotte has proposed similar changes to the statute in the past but not as a local bill applicable only for Mecklenburg County

The City of Greensboro has similar language in a local bill ratified by the North Carolina General Assembly on July 3, 1986

Consequences if the request is not granted: If the request is not granted the local police will have to continue to relying on State ABC or ALE officers for administrative inspections With the number of alcohol establishments increasing in Charlotte more officers are needed to assist with inspections

A draft of the proposed legislation is on following page.

AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES

The General Assembly of North Carolina enacts·

Section 1 G S 18B-501(f) is rewritten to read

"(f) Contracts with Other Agencies. Instead of, or in addition to, hiring local ABC officers, a local board may contract ~~to pay its enforcement funds to a~~ with a sheriff's department, city police department, or other local law enforcement agency for enforcement of the ABC laws within the law enforcement agency's territorial jurisdiction Enforcement agreements may be made with more than one agency at the same time. When such a contract for enforcement exists, the officers of the contracting law-enforcement agency shall have the same authority to inspect under G S 18B-502 that an ABC officer employed by that local board would have If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from sale of alcoholic beverages."

Sec. 2. This act shall apply only to the Mecklenburg County Alcoholic Beverage Control Board.

Sec 3 This act is effective upon ratification

CITY CLERK'S REQUESTS

CHARLOTTE CITY CLERK

City of Charlotte's 1997 North Carolina Legislative Agenda

Department: City Clerk

Legislative Request: Change the Charlotte City Charter to make the attached technical corrections to clarify and accommodate House Bill 1414, Chapter 623 of the 1996 Session Laws Ratified on June 21, 1996

Description: On June 21, 1996, House Bill 1414, in Chapter 623 of the 1996 Session Laws was Ratified This Bill added two alternates to the Charlotte Civil Service Board

In **Subchapter D. Civil Service, Sec. 4.61[Board]** two short phrases regarding the alternates was omitted, and we simply want that added The first sentence of the bill states there is a board and it consists of five members **and two alternates** Although the two alternates are not full members they are still part of the consistency of the Board The other phrase is referring to vacancies on the board and the alternates are held to the same attendance requirements as the regular board members, they simply will not always be needed for hearings or votes on business items

Sec. 4.61[Board], Subsection 7(c) The changes to this paragraph are necessary to state the number of members and/or alternates it will take to hold a suspension or termination hearing for Civil Service covered police or fire employees

Justification of Need: These changes are necessary to clarify the language as the attendance and participation of alternates, and how many members or alternates will be needed for suspension and/or termination hearings

Council Policies Impacted: None

Other Agencies Impacted: None

Has this request been made before? Yes (Approved in 1996 without the above clarifications)

Has proposed legislation been drafted? Yes See attachment

Proposed Corrections:

SUBCHAPTER D. CIVIL SERVICE
Sec. 4.61. [Board]

There is hereby continued a Civil Service Board for the City of Charlotte, to consist of five members **and two alternates;** three members and one alternate to be appointed by the City Council and two members and one alternate to be appointed by the Mayor. Each member shall serve a term of three (3) years In case of a vacancy on the Board, the City Council or the Mayor, as the case may be, shall fill such vacancy for the unexpired term of said member. For the purposes of establishing a quorum of the Board, any combination of Board members and alternates totaling three shall constitute a quorum. All Board members and alternates shall attend regular meetings for the purposes of meeting attendance policy and familiarity with Board business and procedure. Alternates shall attend hearings when needed due to scheduling conflicts of regular Board members and shall vote only when serving in the absence of a regular Board member. Attendance of meetings and continued service on the Board shall be governed by the attendance policies established by the City Council. Vacancies resulting from a member's **or alternate's** failure to attend the required number of meetings or hearings shall be filled as provided herein.

Sec. 4.61[Board]
Subsection 7(c)

Appeal hearings. Upon receipt of a citation **for termination** from either Chief or upon receipt of notice of appeal **for a suspension** from any **Civil Service covered police** officer or **firefighter**, the Board shall hold a hearing not less than fifteen (15) days nor more than thirty (30) days from the date the notice of appeal, or the citation is received by the Board, and shall promptly notify the officer of the hearing date. **Termination hearings shall be held with a panel of five (5) made up of any combination of available members or alternates, and suspension hearings shall be held with a panel of three (3) made up of any combination of available members or alternates.**

(UNDERLINE INDICATES NEW LANGUAGE.)