## <u>AGENDA</u>

Meeting Type:	S
Date:	01-13-1993
SUBJECT	LEGISLATIVE BREAKFAST MEETING

City of Charlotte, City Clerk's Office

## CITY OF CHARLOTTE

# 1993 LEGISLATIVE PROGRAM

JANUARY 13, 1993

# 1993 Proposed Legislative Package City of Charlotte October 29, 1993

#### I. Police Department

- Marrantless arrests on school grounds. Currently officers must investigate reported misdemeanors that occur on school grounds outside the officers' presence and then obtain arrest warrants from a Magistrate before they can take the suspect into custody. This has created numerous problems with the public schools and with resource officers. It appears that justice is not well served and is certainly slower than what we would prefer. This item was requested of the Mecklenburg Delegation during the last short session, but was unable to be approved during the abbreviated session.
- B. Exempt search warrant affidavit and application from the Public Information Act for a limited period of time (48 hours). Currently, once an officer has received a search warrant from a Magistrate, the application for the search warrant is public record and available to the media and others. In some cases, the press has actually alerted the subject of the search warrant prior to officers arriving at the subject's residence. The Police Department is requesting that this information not be made available to the public for 48 hours, therefore eliminating the potential for the destruction of evidence necessary for building criminal cases against individuals under investigation.

#### II. Community Development

- Requirement for licensed contractor increased from \$30,000 Α. to \$45,000 for Community Development projects. Recently the legislature decreased the project cost which requires a licensed contractor from \$45,000 to \$30,000. This has caused undue problems with the Community Development Department since at least 50% of their rehabilitation projects are between \$30,000 and \$40,000. Furthermore, many MWBE firms and small businesses are excluded from doing work for Community Development because of the licensing requirement. The Community Development Department has inspectors supervising the work for these contractors and does not give the contractors advances but rather pays according to the amount of satisfactorily completed work. For these reasons, we believe the \$45,000 limit for licensed contractors should be reinstated.
- B. Authorize the Housing Appeals Board to approve In Rem demolitions and repairs instead of submitting each case to City Council. This is a measure which some Councilmembers and City staff have suggested as a means for speeding up the

- In Rem process. The Council would still be the final appeal for individuals contesting the Housing Appeals Board Ruling.
- real estate from \$10,000 to \$50,000. This authority should facilitate the acquisition and disposition of property for affordable housing. A summary of all transactions will be forwarded to Council for their information.

### III. Purchasing Changes

- A. Increase the sealed bid limit from \$30,000 to \$50,000.

  Mecklenburg County currently has a \$50,000 limit for bidding informal contracts. Making Charlotte's limit the same as Mecklenburg's will create a uniform purchasing process and reduce the workload on the Purchasing Department.
- B. Exempt the purchase of telecommunications, data processing and data communications equipment, supplies and services from formal bid requirements. The Request for Proposals (RFP) process is the most practical way to acquire complicated and technically advanced equipment such as the LAN computer system, electronic telephone, and the 800 megahertz (MHz) trunk systems. This proposed legislation would exempt the purchase of such equipment from the formal bid requirements of the purchasing statutes and allow the City to procure the equipment through an RFP process. This legislation is similar to existing legislation that exempts the purchase of data processing and communications equipment for the General Assembly from State purchasing statutes.
- C. Bid Deposits. The State requirement for a 5% bid deposit on all bids in excess of \$100,000 is restrictive for MWBE's and small businesses. This bill would authorize the City Manager or his designee to waive the bid deposit whenever, in his judgement, the bidder is qualified and does not have any past experience of nonperformance. The bids are also cheaper since the cost of the bid bond is passed along to the City.
- D. Raise the limit for disposal of property through private negotiations from \$5,000 to \$20,000.
- IV. Exempt the City's sludge compost facility from the formal bid requirements by allowing the City to negotiate through a Request for Proposals (RFP) process for the construction and/or management of the proposed facility. Existing legislation allows cities to construct solid waste facilities through an RFP process. We are proposing to amend this legislation to include sludge composting facilities. This will allow the City to contract with the private sector for sludge disposal.

V. Limit the sale of fortified wines within Mecklenburg County (alcoholic content over 17% but less than 24%) to State ABC outlets within Mecklenburg.

## A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF LAW ENFORCEMENT OFFICERS TO ARREST WITHOUT A WARRANT FOR CERTAIN MISDEMEANORS

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-401(b) reads as rewritten:

- "(b) Arrest by Officer Without a Warrant
  - (1) Offense in Presence of Officer. An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.
  - (2) Offense Out of Presence of Officer. An officer may arrest without a warrant any person who the officer has probable cause to believe.
    - a. Has committed a felony, or
    - b Has committed a misdemeanor, and
      - l. Will not be apprehended unless immediately arrested, or
      - 2. May cause physical injury to himself or others, or damage to property unless immediately arrested; or
    - c. Has committed a misdemeanor under G S. <u>14-72 lor</u> <del>C.S. 14-134,3; or</del> <u>14-72.1, G.S. 14-134.3 or G.S.</u> 14-269.2; or
    - d. Has committed a misdemeanor under G.S. 14-33(a), G.S. 14-33(b)(1), or G.S. 14-33(b)(2) when the offense was committed by a person who is the spouse or former spouse of the alleged victim or by a person with whom the alleged victim is living or has lived as if martied. married, or the offense was committed at any public or private educational institution or on the grounds of such an institution."

Section 2. This act shall become effective upon ratification

#### A BILL TO BE ENTITLED

AN ACT TO LIMIT THE DISCLOSURE OF SEARCH WARRANT APPLICATIONS AND SEARCH WARRANTS PENDING THE RETURN OF THE WARRANT

The General Assembly of North Carolina enacts

Section 1. Article 11 of Chapter 15A of the General Statutes is amended by rewriting G S 15A-245 to read as follows

"(c) Notwithstanding the provisions of Chapter 132 of the General Statutes, the search warrant application and the search warrant, and the contents thereof, shall not be disclosed by the issuing official, the clerk, or any other party, except in connection with service of the warrant as provided in G.S. 15A-252, until the search warrant has been returned in accordance with G S 15A-257."

Section 2 This act shall become effective upon ratification

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FRAI DEPARTMENT

AN ACT TO EXEMPT CONTRACTORS ON CHARLOTTE HOUSING REHABILITATION PROJECTS FROM LICENSING REQUIREMENTS.

The General Assembly of North Carolina enacts:

Chapter IX of the Charter of the City of Charlotte, 1965 Session Laws, Chapter 713, \$1, as amended, shall be amended by the addition thereto of a new subchapter I, to read as follows:

"Subchapter I. Housing Rehabilitation Projects.

"Section 9.131 Contractors not required to be licensed.

Any person, firm, or corporation contracting to furnish labor, materials, supervision, or management in connection with a housing rehabilitation project funded, in whole or in part, by the City of Charlotte shall not be subject to the licensing requirements, with respect only to such housing rehabilitation project, of Chapter 87 of the General Statutes or of any superseding legislation."

Section 2. This Act is effective upon ratification.

In the General Assembly read three times and ratified this the \_\_\_\_ day of \_\_\_\_\_, 1993.

AN ACT TO PERMIT THE CHARLOTTE HOUSING APPEALS BOARD TO ORDER THE REPAIR OR DEMOLITION OF SUBSTANDARD DWELLINGS AND ABANDONED STRUCTURES.

The General Assembly of North Carolina enacts:

Section 1. Chapter VI, Subchapter A, of the Charter of the City of Charlotte, 1965 Session Laws, Chapter 713, §1, as amended, shall be amended by the addition thereto of a new Article X, to read:

"Article X. Demolition of Buildings and Abandoned structures.

"Sec. 6.171. Authority of Housing Appeals Board.

Notwithstanding the provisions of G.S. \$160A-443(4) and (5) or of any superseding statute, the City Council may by ordinance authorize the City's Housing Appeals Board to issue orders directing the official who is responsible for enforcing the City's housing code to exercise the authority granted by G.S. \$\$160A-441 and 160A-443, or any superseding legislation, to cause abandoned structures and substandard dwellings to be repaired, altered, improved, vacated and closed, removed, or demolished. Any such order issued by the Housing Appeals Board shall be recorded in the Office of the Register of Deeds in the County in which the property is located, indexed in the name of the property owner in the grantor index, and shall be subject to an appeal to the City Council by any person or agency aggrieved thereby, pursuant to procedures prescribed in the ordinance."

Section 2. This Act is effective upon ratification.

In the General Assembly read three times and ratified this

the	day of	, 1993.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO AUTHORIZE THE CITY MANAGER TO APPROVE THE ACQUISITION OR SALE OF REAL PROPERTY HAVING A VALUE OF \$50,000 00 OR LESS

The General Assembly of North Carolina enacts

Section 1 Section 4 25 of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended, reads as rewritten.

"The City Manager may

- (1) Approve the acquisition or sale by the City of real property having a value of ten-theusand-dellars (\$10,000 00) fifty thousand dollars (\$50,000 00) or less
- (2) Approve certain contracts as provided in Section 9 82 of the Charter
- (3) Approve agreements permitting encroachments into setbacks and rights-of-way
- (4) Accept dedicated streets for City maintenance "
  - Section 2 This act applies to the City of Charlotte only
- Section 3 This act is effective upon ratification

	In	the	General	Assembly	read	three	tımes	and	ratified	this	
day	o.f				1993						

BILL NO.	*					
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AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO AUTHORIZE THE CITY TO RAISE THE THRESHOLD ABOVE WHICH THE CITY OF CHARLOTTE MUST SEEK FORMAL BIDS FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS OR EQUIPMENT AND TO WAIVE THE REQUIREMENT FOR A BID BOND.

The General Assembly of North Carolina enacts:

Section 1. Sub-chapter E of Chapter IX of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended is hereby further amended by adding a new section, Section 9.83 which reads as follows:

"Sec. 9.83. Public Contracts. The statutory threshold amount contained in G.S. 143-129, as amended by Chapter 89 of the Session Laws of 1981, above which the City of Charlotte must seek formal bids for the purchase of apparatus, supplies, materials or equipment, is hereby amended by increasing such amount to Fifty Thousand Dollars (\$50,000.00). As amended, the City of Charlotte, in awarding public contracts for the purchase of apparatus, supplies, materials or equipment is subject to the provisions of G.S. 143-129, as amended, only when such purchase requires an estimated expenditure of public funds in an amount equal to or more than Fifty Thousand Dollars (\$50,000.00).

The provisions of G.S. 143-129 are further amended to provide that the City Manager or his designee is authorized to waive the requirement for a bid bond or deposit for the purchase of apparatus, supplies, materials or equipment where the successful bidder does not have any past experience of non-performance with the City. The City Council may consider a bid for the purchase of apparatus, supplies, materials or equipment and award a contract on such bid notwithstanding the fact that the proposal is not accompanied by a bid deposit with said board or governing body."

Section 2. This act is effective upon ratification.

	In	the	General	Assembly	read	three	times	and	ratified,	this
the _		_day	7 of		, 199_					

President of the Senate

Speaker of the House of Representatives

BILL NO.:

N ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO AUTHORIZING OF TELECOMMUNICATIONS, DATA PROBESSING AND DATA COMMUNICATIONS EQUIPMENT, SUPPLIES AND SERVICES ROM THE FORMAL BID REQUIREMENTS OF G.S. 143-129.
The General Assembly of North Carolina enacts:
Section 1. Subchapter E, Chapter IX of the Charter of the ity of Charlotte, being Chapter 713, Session Laws of 1969, as mended is hereby further amended by adding a new section, Section 9.85, which reads as follows:
"Sec.9.85. Exemption From Certain Purchasing Requireents. The provisions of G.S. 143-129, et. seq., pertaining the formal bid requirements shall not apply to purchases by
he City of Charlotte of telecommunications, data processing and ata communications equipment, supplies and services, regardless the amount of such purchases. The City may vary this exemption according to the type or amount of purchase, and may vary as
whether the exemption is from some or all of the statutory rovisions."
Section 2. This act is effective upon ratification.  In the General Assembly read three times and ratified, this he day of, 19
President of the Senate
Speaker of the House of Representatives

BILL NO	) . :	

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO AUTHORIZE THE CITY TO DISPOSE OF PERSONAL PROPERTY VALUED AT TWENTY THOU-SAND DOLLARS (\$20,000.00) OR LESS THROUGH PRIVATE NEGOTIATION AND SALE.

The General Assembly of North Carolina enacts:

Section 1. Subchapter E. of Chapter IX of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended is hereby further amended by adding a new section, Section 9.84, which reads as follows:

"Sec. 9.84. Private Negotiation and Sale of Property.

The statutory amounts contained in G.S. 160A-266(b) pertaining to the authority of a city to dispose of real or personal property belonging to the city by private negotiation and sale, with respect to personal property, is increased from \$10,000 to \$20,000. Therefore, the City of Charlotte in disposing of personal property belonging to the City may dispose of such property through private negotiation and sale provided such personal property is valued at less than Twenty Thousand Dollars (\$20,000.00) for any one item or group of similar items."

The remaining statutory references to \$10,000 for personal property in G.S. 160A-266(b) also are amended from \$10,000 to \$20,000. As amended, personal property valued at \$20,000 or more for any one item or group of similar items may be exchanged as permitted by G.S. 160A-271, or may be sold by any method permitted in said Article other than private negotiation and sale, except as permitted in G.S. 160A-277 and 160A-279.

Also, as amended, the City may dispose of personal property valued at \$20,000 or more for any one item or group of similar items by private negotiation and sale where (i) said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and (iii) where a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the city to the nonprofit corporation or trust. Said nonprofit corporation or

trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access."

The statutory amounts contained in G.S. 160A-266(c) authorizing the City Council to adopt regulations prescribing procedures for disposing of personal property for any one item or group of similar items are hereby increased from Five Hundred Dollars (\$500.00) to Five Thousand Dollars (\$5,000.00).

	Section 2. This act is	effective upon ratification.
inc	In the General Assembly day of	read three times and ratified, thi
		President of the Senate
		Speaker of the House of Representatives

#### HEHORANDUH

DATE: January 5, 1993

TO: Mayor Richard Vinroot

Members of the City Council

Charlotte Delegation to the State Legislature

FROM: The Undersigned Contractors

SUBJECT: Proposed Legislation concerning licensing requirements for

contractors bidding on City of Charlotte housing

rehabilitation contracts

We, the undersigned contractors, are writing in support of a proposal contained in the City's proposed Legislative Package that would exempt contractors bidding on Community Development Department housing rehabilitation contracts from the requirement that they be licensed general contractors for contracts of \$30,000 or more. We support this proposal for the following reasons:

- While licensing would still be required for contracts of \$45,000 or more, the licensing requirement for jobs in the \$30,000 to \$45,000 range effectively eliminates most small contractors from the program, many of whom are MWBEs. We understand that the Community Development Department provided rehabilitation loans of \$1.3 million last year, of which 84% went to MWBEs. This is a track record of which to be proud. The City's progress toward meeting its overall MWBE participation goals therefore depends partly on the State's passage of this legislative proposal which promotes opportunities for MWBEs in Charlotte. Promoting opportunities for MWBEs means creating both skilled and unskilled jobs for low-income and minority people in this community.
- o Eliminating the licensing requirement will make the City's money go further and make the rehabilitated housing more affordable to low-income families, since it will permit the City to hire less expensive but highly skilled unlicensed contractors. The use of a licensed general contractor can increase the cost of rehabilitation by up to 20 percent. This increase can be attributed to the fact that larger, licensed contractors have higher overhead costs which they tend to pass on to the homeowner. In this case the homeowner is a low-income family who should not be required to bear unnecessarily higher housing costs.

The City's state-certified rehabilitation inspectors monitor all City-funded rehabilitation work very closely to ensure quality and reduce risk to the City. The inspectors determine the work that is to be done, oversee all phases of the construction process, and approve the work prior to any payment being made. In addition to these internal controls, many jobs over \$30,000 require heating, plumbing and electrical work that must be contracted out to a licensed tradesperson anyway.

All of these factors make the requirement that general contractors be licensed unnecessary at best, and not worth the cost, either to the low-income families who benefit from the City's program or to the smaller contractors who need the work and can perform it as well or better at a lower cost.

Thank you for allowing us this opportunity to voice our strong support for the proposed legislation you have recommended to the State. We will also be voicing this concern to members of Charlotte's delegation to Raleigh.

Signed:

Willie J. C. L. Burness

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CC: Boyd Cauble, City Manager's Office Luther Moore, Chamber of Commerce

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Ceulle ------ Adjourned - 9/30