# <u>AGENDA</u>

Meeting Type:	WORKSHOP
Date:	03/01/1999

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory	Mayor Pro Tem Lynn Wheeler
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Rod Autrey Charles Baker Nasif Rashad Majeed

Don Reid Al Rousso Patrick Cannon Tim Sellers Malachi Greene Sara Spencer Mike Jackson

## Council Agenda

## CITY COUNCIL WORKSHOP

Monday, March 1, 1999

Dinner	Room 267
5:00 pm	Economic Development and Transportation: Transit Implementation Update
5:15 pm	Community Safety: Arrest Warrant Legislation
5:30 pm	Economic Development: Charlotte-Mecklenburg Development Corporation Federal Grant
5:45 pm	Federal Legislation Update: Presentation by the Ferguson Group
7:15 p.m.	Adjourn
7:30 p.m.	Citızens' Forum Council Chamber

TOPIC: Transit Implementation Update

COUNCIL FOCUS AREA: Economic Development and Transportation

STAFF RESOURCE: Boyd Cauble

### KEY POINTS (Issues, Cost, Change in Policy):

- City of Charlotte, Mecklenburg County and Towns have approved the Interlocal Agreement
- County and State Department of Revenue levying the tax Collections begin in April with receipt of revenue anticipated in August
- First Metropolitan Transit Commission (MTC) meeting being schedule for March and elected bodies seeking nominations for Citizens Transit Advisory Group (CTAG)
- Operational and process issues to be identified by elected officials, MTC and staff during March
- Recruitment process in place for Transit KBE

OPTIONS: None Presented

COUNCIL DECISION OR DIRECTION REQUESTED: This update is for Council information

ATTACHMENTS: None

TOPIC: Arrest Warrant Legislation

COUNCIL FOCUS AREA: Community Safety

KEY POINTS (Issues, Cost, Change in Policy): This proposed legislation is needed because the current law is unclear on whether the officer must have an original warrant in his possession when he enters private premises to make an arrest

**OPTIONS:** (1) Allowing the officer to enter private premises if he has a copy of the arrest warrant in his possession

(2) Allowing the officer to enter private premises if he has knowledge that the arrest warrant exists (such as electronic verification from a records clerk)

On February 15, the Public Safety Committee met and endorsed Option 1

COUNCIL DECISION OR DIRECTION REQUESTED: The Public Safety Committee's recommendation for Option 1 was presented to the Mecklenburg Delegation as information on February 17 The delegation supported the Committee's recommendation and agreed that this would be a statewide bill Senator Clodfelter agreed to sponsor the bill

ATTACHMENTS: Attachment One Proposed Legislation

Attachment Two Summary of Public Safety Committee Discussion

# Entry on Private Premises or Vehicle, Use of Force

Reason for Legislation The law is not clear whether an officer must have the original warrant in his or her possession Presently, the statute reads "(1) A law-enforcement officer may enter private premises or vehicle to effect an arrest when (a) The officer has in his possession a warrant or order for the arrest of a person or is authorized to arrest a person without

a warrant or order being issued,"

Below are two proposed amendments. The first proposal allows an officer to rely on a copy of the warrant. The second proposal allows an officer to obtain a copy or obtain verification that the warrant is valid.

- B Proposed Amendment: (1) A law-enforcement officer may enter private premises or vehicle to effect an arrest when
  - (a) The officer has in his possession a warrant or order or a copy of that warrant or order for the arrest of a person or (b) is authorized to arrest a person without a warrant or order being issued,"
- C Alternative Proposed Amendment: (1) A law-enforcement officer may enter private premises or vehicle to effect an arrest when.
  - (a) The officer has in his possession a warrant or order or a copy of the warrant or order for the arrest of a person; or (b) has knowledge that a warrant or order for arrest has been issued and has not been executed; or (c) is authorized to arrest a person without a warrant or order being issued,"

## Public Safety Committee Discussion of Arrest Warrant Legislation February 15, 1999

The Public Safety Committee discussed the proposed arrest warrant legislation at its February 15 meeting Councilmembers Reid, Majeed, Cannon, and Sellers were present, Councilmember Wheeler was absent

Councilmember Cannon expressed concern for officers serving arrest warrants and questioned how confrontations between the officer and the individual being served the arrest warrant could be avoided. Mark Newbold, Senior Police Attorney, replied that such confrontations could not always be avoided. He pointed out that the proposed legislation would allow officers to be more proactive in making arrests since they would not be required to have the original of a warrant in their possession.

Both Councilmembers Sellers and Majeed expressed their discomfort with the idea that the officer would merely have to have knowledge of the warrant. They both felt that a copy of the warrant was the more viable option

Councilmember Sellers made a motion to endorse the proposed wording requiring the officer to have a copy of the warrant in his possession. The motion was seconded by Councilmember Cannon and passed unanimously

TOPIC: Submission of application for \$1,250,000 Economic Development Initiative for

Wilkinson Boulevard - Charlotte-Mecklenburg Development Corporation

COUNCIL FOCUS AREA: Economic Development

STAFF RESOURCE: Stanley Watkins

## KEY POINTS (Issues, Cost, Change in Policy):

- The City must submit an application to receive the approved Economic Development Initiative (EDI) grant for special projects identified in the VA-HUD-Independent Agencies Appropriations Act of 1999 The grant includes the appropriation of \$1,250,000 for economic development in the Wilkinson Boulevard corridor
- The Charlotte Mecklenburg Development Corporation (CMDC) has been commissioned to identify economic development opportunities along Wilkinson Boulevard, specifically, construction of an industrial business park. The funding will be used for business park development, which may include property acquisition and /or infrastructure improvements.
- The City will serve as the grantee and fiscal agent CMDC will function as the subgrantee and will begin implementation of their proposed workplan
- The application must be submitted to HUD by March 25, 1999
- The City will enter into a contract with CMDC that will require CMDC to spend this money on land acquisition and infrastructure improvements for the business park. This money will not be spent on CMDC salaries or overhead. This contract will be on a future Council agenda for approval.

COUNCIL DECISION OR DIRECTION REQUESTED: No action is requested at this time City Council will be asked to approved the application submission at their March 22, 1999, meeting

ATTACHMENTS: None

TOPIC: Federal Legislation Update Presentation by the Ferguson Group

COUNCIL FOCUS AREA: All

RESOURCES: Boyd Cauble

Roger Gwinn, President, The Ferguson Group

KEY POINTS (Issues, Cost, Change in Policy):

• Major federal issues to be discussed at the National League of Cities Mid-Winter Conference in Washington, D C

• Local federal legislative program (see attached summary)

• Additions, deletions and Council discussion of federal initiatives

OPTIONS: None Presented

COUNCIL DECISION OR DIRECTION REQUESTED: This update is for Council information

ATTACHMENTS: 1999 Federal Agenda and Action Plan

# CITY OF CHARLOTTE/MECKLENBURG COUNTY, NORTH CAROLINA 1999 (FY 2000) FEDERAL AGENDA AND ACTION PLAN

## PRIORITIES

ITEM	DESCRIPTION
Transportation	<ol> <li>In the Transportation Appropriations bill, secure the following         <ul> <li>\$10 million (\$12.5 million total project cost), under "New Starts," to fund the necessary environmental studies, preliminary engineering, and right-of-way acquisition</li> <li>\$2 million under Intelligent Transportation System technology improvements to develop a Automated Vehicle Location (AVL) Transit System for the City of Charlotte to provide transit riders with real-time, up-to-date information about actual (not scheduled) bus arrival times at stops throughout the system</li> <li>\$400,000 under "Bus and Bus Facilities" to acquire 10 new shuttle buses for seniors program and Work First participants</li> </ul> </li> <li>Investigate and develop opportunities for additional funding to complete construction of the outer beltway</li> <li>Assist the City in securing federal approval of the air quality conformity determination for the long-range transportation plan and transportation improvement program</li> <li>Assist the City in securing federal approval of the City's application to participate in the Federal Transit Administration's Bus Rapid Transit (BRT) demonstration project program</li> </ol>
Economic Development	Secure \$2.5 million in the VA-HUD and Independent Agencies Appropriations Bill, under HUD, Economic Development Initiative grant program, to continue the City's economic development activities in the Wilkinson Boulevard Corridor begun, in part, with the help of \$1.25 million secured from the same account in fiscal year 1999. Funds secured in fiscal year 2000 will be used for additional land acquisition and site development in the Wilkinson Boulevard Corridor. All activities will be coordinated with the Charlotte Mecklenburg Development Corporation.
Brownfields	1) Continue to secure federal assistance for the City of Charlotte's brownfields program, including funds from the Environmental Protection Agency's (EPA) Brownfields Cleanup Revolving Loan Fund (BCRLF) program EPA's BCRLF program is designed to enable communities to safely cleanup and reuse brownfields  2) Secure additional funding for the City's brownfields activities through the Department of Housing and Urban Development's Brownfields Economic Development Initiative program
Environmental Protection	Secure \$1 million in the VA-HUD-Independent Agencies Appropriations bill, under Environmental Programs and Management, to continue work on Mecklenburg County's Surface Water Improvement and Management Program  Secure \$1 million from federal and private sources to help the Charlotte Mecklenburg Utility Department and its partners, including the Discovery Center, create a Water Explorium at the North Mecklenburg Water Treatment facility at Lake Norman to educate visitors about the importance of protecting and conserving the region's water supply

Flood Control,	1) In the Energy and Water Development Appropriations bill, secure the following
Bank Stabilization	a) \$1 4 million under the Section 206, Aquatic Ecosystem Restoration, to complete stream bank stabilization work
and Stream	along Little Sugar Creek using soil bioengineering techniques
Restoration	b) \$1,000,000 under Section 205, Small Flood Control Projects, to continue work on the structural flood control
	problems within high risk watersheds in Mecklenburg County, including Upper Little Sugar Creek, Briar Creek,
	Irwin Creek and McMullen Creek
	2) Secure approval in Water Resources Development Act of changes to Section 503 of the Water Resources Development Act
	of 1996 authorizing the Corps of Engineers to provide federal support for watershed management, restoration and
	development projects in the Catawba River watershed
Justice	1) In the Commerce-Justice-State Appropriations bill, secure the following
	a) \$2 million for the Police Athletic League program to expand the Police Athletic League's capacity to provide organized
	recreational opportunities for disadvantaged youth
	b) \$2.5 million for the County's Domestic Violence Child Observer's "Hero" Program
	c) \$1 million for the County's Criminal Justice Information System
Smart Growth	Seek "Smart Growth" grant funding, from the following sources
	1) Lands Legacy initiative (fiscal year 2000 budget request includes \$50 million in matching grants for open space planning)
	2) Federal Highway Administration's Community Preservation Program (Section 1221 of TEA-21)
	3) EPA's Sustainable Development Challenge Grant program
Land Acquisition	Support federal funding to local governments to support the acquisition of land or easements for greenways, parks, outdoor
	recreation, wetlands or wildlife habitat, particularly through the proposed Lands Legacy initiative, which seeks to provide \$150
	million in matching grants for matching grants for such purposes
Combined Sewer	Advocate passage of legislation (such as 1998's H R 4242, Combined Sewer Overflow Control and Partnership Act) authorizing
Overflow (CSO)	additional grant funding for CSO projects
Housing	Identify opportunities to increase the Charlotte Housing Authority's housing subsidy allocation under the Performance Funding
	System CHA currently receives about \$2 million less than other housing authorities in North Carolina although it is the largest
	housing authority in the state and consistently exceeds Department's performance criteria
Small Business	Identify opportunities to establish a One-Stop Capital Shop within the Charlotte Enterprise Community This initiative brings the
Development	agency's business development and capital resources together to provide better and more comprehensive services to individual who
	are interested in starting a small business. Only Empowerment Zones and Enterprise Communities are eligible
Education	In the Labor, Health and Human Services and Education Appropriations bill secure funding for Johnson C Smith University to
	improve the computer infrastructure at the technology center Funds will be used to upgrade technology capabilities and will
	improve the education and research activities at the University

## ADDITIONAL LEGISLATIVE AND REGULATORY INTERESTS

Legislative and regulatory interests are often advocated in partnership with national organizations or issue-specific coalitions

ITEM	DESCRIPTION
	Seek federal funding to support public information campaigns to improve air quality
	Advocate passage of legislation (such as 1998's HR 4242, Combined Sewer Overflow Control and Partnership Act) authorizing
	additional grant funding for CSO projects  Reinstatement of flow control by Congress for at least the period that will pay off the bonded indebtedness. Mecklenburg based the
Control	financing of its solid waste management services on revenues received under their flow control authority. Capital improvements for the system are paid for through general obligation bonds and a considerable amount of bonded indebtedness remains.
	Identify and secure federal funds to support a County proposal to create and maintain a geographical information system (GIS)
	database of groundwater quality in Mecklenburg County by the end of fiscal year 2000 (estimated total cost \$170,000)
FEMA	1) Seek federal funds from FEMA and other agencies with flood hazard mitigation programs to support the removal of structures
	within the flood plain and the restoration of important habitat
	2) Assist the County in its effort to update the floodplain maps for the entire County
Health and Human	$\frac{1}{1}$
Services	person waiting list even though the County has doubled funds dedicated to program)
	2) Assist the Mecklenburg Emergency Services Agency in its efforts to secure a more favorable reimbursement rate for
	emergency medical services under Medicare and Medicaid
	3) Investigate federal and private grant funding opportunities for local emergency medical services
	4) Support Mecklenburg EMS's efforts to seek an equity adjustment
	5) Secure funding to continue the existing ACCESS Demonstration program funded through the Department of Health and Human
	Services' Center for Mental Health Services
Housing	1) Assist the Charlotte Housing Authority (CHA) and Mecklenburg County Department of Social Services in the application
	and implementation process for the Moving-to-Work Demonstration Program CHA is currently developing its strategic
	plan for its MTW proposal
	2) Assist CHA in obtaining the \$4 million welfare-to-work voucher earmarked in the FY99 VA-HUD Appropriations bill
	Determine the feasibility of gaining early forgiveness of bonds held on the First Ward Place housing development
	Advocate increases or maintenance, at a minimum, of HUD appropriations for Community Development Block Grant and
	HOME Investment Partnerships (HOME) programs, homeless assistance (McKinney programs), and public housing
	operating subsidies, rental certificates/vouchers, and Section 8 contract renewals
Justice	1) Support congressional or administrative action to require that a percentage of Local Law Enforcement Block Grant funds are
	made available to local correctional facilities to provide additional training to correction's staff, and to provide education, job

training, and other skill development classes for adults and juveniles detained in local correctional facilities	
	2) Secure federal support for the following purposes
	a) Screening arrestees for substance abuse and assistance with treatment programs
	b) Construction of additional detention facilities
	c) Expanding domestic violence classes to detainees Current domestic violence classes supported by a North Carolina
	Crime Commission grant, which is set to expire
	d) Secure \$400,000 for the County's Youth Offender Program to deter recidivism among youthful offenders
Superfund	Support adoption of an amendment to Superfund that would exempt Publicly Owned Treatment Works (POTW's) from liability

### MAJOR NATIONAL ISSUES

The Ferguson Group shall take such steps as are necessary to help the City and County ensure that the City's and County's interests are protected as the Congress and the Administration consider major national issues that are important to the region, such as Clean Air Act air quality standards, Clean Water Act Reauthorization, Superfund, Juvenile Justice, and, Fair Housing

In general, The Ferguson Group will work with the City and County to identify the most appropriate time to advance the City's and County's federal policy priorities through the following means

- a) Testimony—The Ferguson Group will identify and seek to create opportunities for the City and County to testify on its positions on its federal policy priorities
- b) Letters —The Ferguson Group will work with the City and County to draft letters for the Board of Commissioners, the City Council and the Mayor regarding the national policy priorities
- c) Resolutions —The Ferguson Group will work with the County and City to draft resolutions regarding the City's national policy priorities
- d) Meetings/Symposiums —The Ferguson Group will work with the City and County to identify key agency and congressional officials who should be pursued for meetings on key federal policy issues or who should be invited to the City/County to participate in policy-related events

#### MONITOR AND REPORT

The Ferguson Group will monitor federal legislation and regulations continuously and report to the City and County on the status of these activities when significant. The federal lobbyist will also coordinate efforts on these issues with national associations. The City of Charlotte and Mecklenburg County have expressed a particular interest in the following issues.

Affirmative Action ADA Child Care Clean Water Act Education Housing and Public Housing Reform Internet Taxation Leaking Underground Storage Tanks Medicaid Reform/Funding Mental Health Block Grant Public Health Sanitary Sewer Overflows School Construction Telecommunications Welfare Reform Workforce Training

### GRANTS

The federal lobbyist will meet with the City of Charlotte and Mecklenburg County departments to assess level of need and thereafter research federal grant opportunities for the City and County on a regular basis. Prospects will be searched for in the Federal Register, on the Internet and in various grant publications. As grant opportunities are identified and reviewed they will be distributed to the City and County electronically when possible, or by overnight courier.

When the City or County are interested in applying for a grant the City or County will notify the federal lobbyist so that specific grant information, such as guidelines, application materials and a previously successful application (if applicable) may be forwarded. The federal lobbyist will make subsequent phone calls and meetings to discuss the grant with the appropriate federal agency. The appropriate individuals within the City or County will be given information gathered from these activities.

After the City or County has applied for a grant, the federal lobbyist will work with the City or County, the congressional delegation, and agencies to garner support for the application. Active participation in the process will continue to determine the approximate time of grant announcement and the status of the grant application, as well as to ensure the application receives the best possible consideration.

If the application is successful, the federal lobbyist will work with the federal agency to expedite allocation of the grant award. If the application is unsuccessful, the federal lobbyist will follow-up with the federal agency's grant reviewers to determine the strengths and weaknesses of the application and then work with the county to prepare for the next funding opportunity

#### BUILDING PARTNERSHIPS AND COALITIONS

The federal lobbyist will build partnerships and coalitions with national associations in which the City of Charlotte and Mecklenburg County are active members. These associations include, but are not limited to, the National Association of Counties, and its subgroup the Large Urban County Caucus, the U.S. Conference of Mayors, the National League of Cities, the American Public Transit Association and other groups in which the City or County deem of particular interest.

#### WASHINGTON VISITS

It is expected that representatives of the City of Charlotte and Mecklenburg County will travel to Washington, D C multiple times in 1999 to present and reinforce lobbying efforts for the FY 2000 Federal Agenda and Action Plan Trips will be planned after the legislative schedule for the 106<sup>th</sup> Congress is released by the congressional leadership, and at times the lobbyist in conjunction with the City and County determine to be most effective

The the offer forms Rec

Request for Council Action

Public Hearing To Close Portions of an Alleyway north of Sunnyside Avenue between Hawthorne Lane and Lamar Avenue.

Action:

A. Continue the Public Hearing to Close portions of an alleyway north of Sunnyside Avenue between Hawthorne Lane and Lamar Avenue, and

BK35 493 491

B. Adopt the Resolution to Close.

Staff Resource:

Scott Putnam

Policy

To abandon right-of-way that is no longer needed for public use

Explanation of Request

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and is requesting this Council Action in accordance with the statute

At the February 22, 1999 public hearing, the Council voted to continue the public hearing at their next meeting in order to notify the Elizabeth Community Association of the abandonment petition. The Elizabeth Community Association has been contacted and they have no issues with the petition.

Petitioner:

Donald W Powers

Right-Of-Way to be abandoned:

Portions of an alleyway north of Sunnyside Avenue between Hawthorne Lane and Lamar Avenue

Location:

From Sunnyside Avenue northwardly approximately 300 feet and ending at the alleyway running in the east/west direction between Hawthorne Lane and Lamar Avenue

Spender Jahren J

#### Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner

### Notification:

In accordance with City Policy the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City Departments for review

Adjoining property owners - No objection
Neighborhood Associations - No objection
Elizabeth Community Association
Earle Village Residents
Piedmont Court (CHA)
Charlotte Council - Garden Clubs

Private Utility Companies - No objection

Review by City Departments has identified no apparent reason this closing would

- Be contrary to the public interest, or
- Deprive any individual(s) owning property in the vicinity reasonable ingress/egress to his property as outlined in statues

#### Attachment 2

Map

