

## TOWN OF WAYNESVILLE, NC

### Board of Aldermen – Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date: **January 22, 2013** Time: **7:00 p.m.**

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*Town Clerk Phyllis McClure*

*(828) 452-2491*

*[townclerk@townofwaynesville.org](mailto:townclerk@townofwaynesville.org)*

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#### **A. CALL TO ORDER**

1. Welcome/Calendar/Announcements – Mayor Gavin Brown
2. Adoption of Minutes

**Motion:** *To adopt the minutes of January 8, 2013 (regular session) as presented [or as corrected].*

#### **B. PRESENTATION**

3. Haywood Waterways  
– Eric Romaniszyn, Executive Director

#### **C. NEW BUSINESS**

4. Request for Town Participation in Sewer Line Extension For Hyatt Trace Development off Hyatt Creek Road
  - Patrick Bradshaw, Civil Design Concepts, Waynesville, NC
  - Jim Yamin, Workforce Homestead, Inc., Tryon, NC
  - Charles Grant, Grant Construction & Development, Wake Forest, NC

**Motion:** *To participate with Workforce Homestead/Grant Construction & Development in extension of sewer to the Hyatt Trace Development as proposed, and to authorize the town manager to negotiate terms of participation in a principal amount not to exceed \$106,700.*

# **TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

**January 22, 2013**

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5. Parks and Recreation Trust Fund (PARTF) Grant Application for Tennis Courts Resurfacing and Construction

**Motion:** *To authorize the manager to submit a grant application in the amount of \$75,000 to the Parks and Recreation Trust Fund (PARTF) for resurfacing and construction of tennis courts at Recreation Park.*

6. Amendment to Code of Ordinances Section 30-3 Regarding Fire Inspections

**Motion:** *To adopt amendments to Chapter 30 of the Town of Waynesville Code of Ordinances as presented.*

7. Approval of Revised Records Retention and Disposition Schedule

**Motion:** *To approve the revised records retention and disposition schedule as presented.*

## **D. UNFINISHED BUSINESS**

8. Adoption/Prioritization of NCLM 2013 Municipal Advocacy Goals Program

**Motion:** *To adopt [or prioritize] the 2012 NCLM municipal advocacy goals program as presented [or as amended].*

## **E. COMMUNICATIONS FROM STAFF**

9. Mid-Year Departmental Reports-Department Directors

10. Town Manager-Marcy Onieal

- Junaluska Merger Update
- Downtown Waynesville Association Retreat
- Payments to Boards & Commissions
- Retreat Schedule

## **F. COMMUNICATIONS FROM THE MAYOR AND BOARD OF ALDERMEN**

## **G. CALL ON THE AUDIENCE**

## **H. ADJOURN**

# **BOARD OF ALDERMEN**

## **UPCOMING EVENTS**

### **Martin Luther King Holiday Weekend Events:**

**Saturday, January 19** --Pride March, 11 am, beginning at Harris Chapel AME Zion Church, Canton

**Sunday, January 20** --Commemorative Service, 3 pm, Church of God of Prophecy, Canton

**Monday, January 21** --Prayer Breakfast, 8 am, Lambuth Dining Room, Lake Junaluska

**Monday, January 21** --Town Offices Closed (no garbage pickup – will be picked up January 22)

**Tuesday, January 22** -- BoA meeting, 7 pm, Board Room

**Wed-Thur, January 23-24** – NCLM Advocacy Goals Conference – Raleigh, NC

**Saturday, January 26** -- Joint meeting of LJAPOO/MSTF, 10 am, Harrell Auditorium

**Tuesday, January 29** -- Retirement Reception for Town Clerk, Phyllis McClure, 4-6 pm, Town Hall

**Wednesday, January 30** -- Retirement Reception for Accounting Clerk, Jackie Pressley, 2-4 pm Hazelwood Office

**Saturday, February 9** -- Junaluska Municipal Task Force, 10 am Harrell Auditorium

**Tuesday, February 12** --Haywood Transit Grand Opening, Time TBA  
--BoA meeting, 7 pm, Board Room

**Wednesday, Feb 13** -- Clean Community Awards Luncheon, 12 noon, Waynesville Inn & Spa

**Friday, February 15** -- Board Retreat (tent.)

**Friday, February 22** -- Public Hearing on Junaluska Merger

**Tuesday, February 26** --BoA meeting, 7 pm, Board Room

**Saturday, March 9** --Public Art Commission Jury Selection (Minipark-Flora & Fauna of the Smokies)

### **Manager's Out-of-Office Calendar:**

Jan 18 (Chapel Hill, UNC GAA Board)

Feb 1 (Chapel Hill, UNC MPA Board)

Feb 6-8 (Durham, NCCCMA Conference)

REGULAR MEETING  
TOWN OF WAYNESVILLE  
BOARD OF ALDERMEN  
TOWN HALL – 9 SOUTH MAIN STREET  
JANUARY 8, 2013  
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, January 8, 2013. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Welcome/Calendar/Announcements – Mayor Gavin Brown

Manager Onieal informed the Board that a walking tour of the Old Hospital is scheduled with Haywood County Manager Marty Stamey and School of Government Consultants on Thursday, January 10. On Tuesday, January 15 the Haywood County Chamber of Commerce will sponsor the Elected Officials Reception at the Laurel Ridge Country Club. Town offices will be closed for the Martin Luther King Holiday on January 21. Mayor Brown plans to attend the Prayer Breakfast for this event. The Commission for a Clean County Community Awards Luncheon will be held on February 13 at the Waynesville Inn & Spa. The NCLM Advocacy Goals Conference will be held in Raleigh on January 23 and 24. Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova and Mayor Gavin Brown plan to attend.

Approval of Minutes of December 11, 2012

Mayor Brown requested that the word “implemented” be changed to “authorized” on page 4 regarding electric rates.

Alderman Caldwell moved, seconded by Alderman Greeley to approve the minutes of the December 11, 2012, as corrected. The motion carried unanimously.

Smoky Mountain Regional Multi-Jurisdictional Hazard Mitigation Plan

The Haywood County Emergency Management Office has coordinated a county-wide update to the regional All Hazards Mitigation Plan, which incorporates the five westernmost counties of the state and the Qualla Boundary of Eastern Band of Cherokee Nation. The Town of



Waynesville falls under the Haywood County portion of the plan, in which each jurisdiction has its own mitigation goals, objectives, policies and programs. Over the last year and a half town staff has worked with county staff to update the Town's portion of the plan. FEMA has determined the Smoky Mountain Regional Hazard Mitigation Plan is compliant with federal standards. Public input, as required by FEMA, was sought through surveys and a series of public meetings beginning in November of 2011 and concluding in May 2012, which is documented in the plan. In order for FEMA to issue formal approval of the plan, and for the Town to be eligible for future FEMA funding, the Town must have adopted this plan prior to any claim being filed with FEMA.

Greg Shuping, Haywood County Emergency Coordinator planned to attend the meeting to discuss the plan, but was unable to attend. Manager Marcy Onieal said that Town Staff, including Fire Chief Joey Webb and Police Chief Bill Hollingsed, has been working on this document for the last one and one half years. The content provides some demographics and creates a plan for mitigating those hazards. Public hearings have been held and the final result is this plan which consists of more than 700 pages. The plan has already been approved by FEMA and will need to be approved by the Board of Aldermen at this point. The local emergency planning committee meets monthly. It was mentioned that although issues do not arise very often, we do have vehicles carrying hazardous substances traveling through this area. The comforting thing is that we do prepare ourselves for hazards. During the last major snowstorm Waynesville received more than \$90,000 in FEMA reimbursements, which included \$50,000 for debris removal. Assistant Manager Alison Melnikova said this is a large document and Haywood County is covered broadly, but there is still a lot of planning that Waynesville will need to do on its level to have a specific plan in place.

Alderman Greeley moved, seconded by Alderman Roberson, to adopt the Smoky Mountain Regional Hazard Mitigation Plan as presented. The motion carried unanimously. (Res. No. 1-13)

#### N.C. League of Municipalities Municipal Advocacy Goals Conference 2013 – Review & Discussion of Goals/Appointment of Voting Representative

Every two years, the N. C. League of Municipalities holds a municipal advocacy goals conference to provide the opportunity for the League's member jurisdictions to thoroughly debate legislative issues important to municipalities across the state and set advocacy priorities. In preparation for the conference, NCLM legislative advocacy committees have been meeting for the past year to develop goals and legislative positions pertaining to the following general areas: Environment & Natural Resources, General Government & Public Safety, Infrastructure/Utilities/Land Use/Planning, Tax & Finance and Transportation.

A list of 57 advocacy goal proposals recommended by the NCLM Board of Directors for consideration by the membership was presented to the Board of Aldermen. This list will need to be voted on at the goals conference on January 24. These series of votes will result in 30 priority legislative goals on behalf of NC cities and towns for the next biennium (2013 long session and 2014 short session of the General Assembly).

Alderman Greeley moved, seconded by Alderman Roberson, to appoint Town Manager Marcy Onieal as voting delegate and Assistant Town Manager Alison Melnikova as Alternate Voting Delegate to the NCLM Municipal Advocacy Goals Conference on January 24, 2013. The motion carried unanimously.

Manager Onieal said Alderman Caldwell has already shared his concerns with her. Alderman Caldwell said he has concerns with funding reductions for mental health and sweepstakes issues. Mayor Brown said one of his personal concerns is that the State of NC keeps taking revenues and programs from towns that should be local decisions and managed locally. He is concerned that they could one day come in and take over the Town's water system. He feels that if Waynesville manages their systems well they should not have this worry. A good example is the State's attempt to mandate a takeover of City of Asheville's water system. In the eastern part of NC they worry about their water and rightfully so. Mayor Brown added that it is also important that Waynesville makes sure to share its water appropriately. Within the next two weeks Board Members were asked to review and let Manager Onieal know their concerns and priorities. Alderman Caldwell expressed concern with the dangers of mopeds, golf carts and wheel chairs on the roadways.

Assistant Town Manager Alison Melnikova serves on the Planning and Environmental Committee, which consists of about 30 members, including NCLM staff and elected officials and this committee has goals in that area. She said the League has listed those goals as either supporting or seeking. If chosen as seeking, the League will try to draft some legislation. Mayor Brown said there are approximately 57 goals listed by the League. Board Members may not have a strong feeling about some of those goals one way or another.

Mayor Brown said the Board's obligation is to take care of the Town of Waynesville. Manager Onieal has attended this conference several times. She said occasionally you will find a city or town that is opposed to some of the goals listed.

The Board will review the goal list and send the information to Manager Onieal.

## Lake Junaluska – Waynesville Merger Update/Call for Public Hearing

The McGill Municipal Consolidation study for Lake Junaluska & the Town of Waynesville is underway and preliminary findings should be available toward the end of January or beginning of February 2013. In the meantime, the Lake Junaluska Municipal Study Task Force (MSTF) will meet jointly with the Lake Junaluska Assembly Property Owners Organization (LJAPOO) on Saturday, January 26 at 10:00 a.m. in the Harrell Auditorium to hear a report from the UNC School of Government staff on procedures and timelines related to both incorporation and merger (annexation). It is expected that the MSTF will vote following that meeting either to pursue special legislation during the 2013 session of the General Assembly or to hold off filing a bill, in favor of additional discussion and consideration of various options. In any case, the Town should know Junaluska's intentions by late January or early February. The various governing bodies of Junaluska have been meeting and communicating regularly with Junaluska residents, property owners and the general public for nearly one year on this topic, and while the Board of Aldermen has publicly discussed the proposed merger on multiple occasions over that same period, to date there has been no formal hearing on the topic within the Town of Waynesville. It was requested that a public hearing be set for Tuesday, February 12 at the regular meeting of the Board of Aldermen. Lake Junaluska Representative Buddy Young said Planning Director Paul Benson attended and spoke at a recent Community Council Meeting. An announcement was made at the meeting that the Town of Waynesville will be calling for public hearings to receive public input.

Manager Onieal said there have been preliminary conversations with Representative Joe Sam Queen and Senator Jim Davis. Both are supportive and have agreed to submit a bill during the upcoming session. January 26 is the final joint meeting with both bodies of jurisdiction. Representatives of the School of Government will be in attendance. It is anticipated that sometime after that meeting the task force will feel that its search mode is over. The Lake Junaluska Board of Directors meet in March and this group will have some final say whether this bill is introduced. They have had several public meetings. If a public hearing is held on February 12 we should have some reasonable information from McGill by that time. Mayor Brown suggested that a public hearing be scheduled for February 12 in the evening and during the day the following week on February 22 at 11:00 a.m.

Alderman Greeley moved, seconded by Alderman Roberson, to call for public hearings to accept comment regarding the proposed consolidation of services and merger between the Lake Junaluska community and the Town of Waynesville, at the regular meeting on Tuesday, February 12 at 7:00 p.m. and a special meeting on Friday, February 22 at 11:00 a.m., or as soon thereafter as possible. The motion carried unanimously.

## Communications From Staff

Town Attorney Woodrow Griffin – had no report at this time.

### Town Manager Marcy Onieal - Sweepstakes Machine Update

Manager Onieal updated the Board on Sweepstakes Machines. All businesses inside the corporate limits with sweepstakes machines have shut down. There are machine manufacturers that have already come up with new machines that do not violate State Law. The law says that you can't have an entertaining display that also has a payout. One local group had machines and paid out with food rather than money. Waynesville will continue to accept business licenses for machines that do not have entertaining displays with a cash payout. An upcoming webinar is scheduled and a number of town staff will attend. Revenue and zoning issues still remain. Until this winds its way through the Court System no one really knows what is coming next. For many communities across the State it has become a very significant revenue stream. The amount Waynesville was receiving was equal to one cent on the tax rate. A group of people remain opposed to the machines because of moral issues and others that have no problem with gambling, but have a problem that this much revenue is being funneled through towns and not the State.

Mayor Brown feels that the sweepstakes machine industry will work back through this process. Manager Onieal said the machine manufacturers just want to place machines wherever they can. You have local businesses that have these machines. The reason these were legal is they were selling internet and telephone time. This is an interesting issue.

## Project Updates

Skate Park – Assistant Town Manager Alison Melnikova spoke with Stewart Engineering and they hope to send the project out for bid in February and award the bid in early March. It is hoped that construction will begin soon after with project completion in early June 2013. The project is coming together.

The restroom project at Parks and Recreation has been delayed in the design phase due to scheduling difficulties with the local architect. Manager Onieal expressed staff's frustration with the delay since plans were originally due in August, 2012, but said that the designer is 95% complete with the work and the Town could not start over with another architect at this point and get construction drawings any sooner. Final construction drawings should be ready by the end of January.

The North Main Street/Walnut Street corridor study should be completed at the end of January.

Work at Water Treatment Plant went very well.

Manager Onieal reported that she has been asked to serve on the GroWNC Steering Committee. The GroWNC Steering Committee is a regional planning effort bringing support to this entire region.

Town Clerk Position – Manager Onieal said more than 60 applications were received for the town clerk position. Those have now been narrowed down to about 12 and telephone interviews will be scheduled within the next week. The field of candidates will again be narrowed and on site interviews and assessments will be scheduled. Applications for this position have also been reviewed by administrative staff. Manager Onieal will be conducting preliminary telephone interviews and several assessment exercises will be scheduled before final on-site interviews for finalist(s) are conducted. The town clerk is hired by the Town Manager, however, Manager Onieal welcomed input regarding qualifications for the position from the Board. Mayor Brown said he would strongly suggest that the town manager be solely responsible for hiring the town clerk, since this is a position responsible to the town manager. He reminded the audience that the Board of Aldermen is responsible for appointing only two positions, that of the town manager and the town attorney.

Information Technology Assessment – Manager Marcy Onieal said VC3 is in the process of completing their work and should submit their report to Waynesville within one to two weeks. The report will be presented to the Board of Aldermen for their review at the second meeting in January or first meeting in February.

### Adjournment

Alderman Caldwell moved, seconded by Mayor Brown to adjourn the meeting at 7:45 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Gavin A. Brown  
Mayor

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**Subject:** Haywood Waterways presentation

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**From:** Eric Romaniszyn (romaniszyn@yahoo.com)

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**To:** townclerk@townofwaynesville.org;

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**Date:** Wednesday, January 16, 2013 12:56 PM

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Hi Phyllis,

Haywood Waterways requests addition to the agenda for the upcoming Town of Waynesville Mayor and Board of Aldermen meeting on Tuesday, January 22<sup>nd</sup> at 7:00 pm.

This will simply be an informational presentation about Haywood Waterways' recent activities, including our work on the Richland Creek Restoration Project. Some of our notable successes revolve around grant acquisition, Adopt A Stream, and streams being removed from the state list of impaired waterways.

Eric

Eric Romaniszyn  
Executive Director  
Haywood Waterways Association  
PO Box 389  
Waynesville, NC 28786  
Home/office: 828-631-2823  
Cell: 865-406-1281  
[www.haywoodwaterways.org](http://www.haywoodwaterways.org)  
Follow HWA on Facebook: <http://tinyurl.com/2e55mkc>

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 22, 2013**

**SUBJECT:** Request for Participation in Sewer Line Extension for Hyatt Trace Development off Hyatt Creek Road

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 4C  
**Department:** Administrative Services  
**Contact:** Marcy Onieal, Town Manager  
**Presenter:** Patrick Bradshaw, Civil Design Concepts, Waynesville, NC  
Jim Yamin, Workforce Homestead, Inc., Chapel Hill & Tryon, NC  
Charlie Grant, Grant Construction & Development, Wake Forest, NC

**BRIEF SUMMARY:**

Workforce Homestead Inc. and Grant Inc. are proposing to develop Hyatt Trace, a 64-unit affordable rental apartment community for working families on Hyatt Creek Road in Waynesville. The complex will contain a mix of two- and three-bedroom units in two-story buildings, and will offer rents that will be affordable to households earning no more than 60% of the county median income.

Since there is currently no sewer service down Hyatt Creek Road west of the highway, they are proposing to extend a sewer line down this road as part of overall site development efforts. Not only would it serve the proposed multifamily complex, it would also facilitate any other future development initiatives on the remainder of the tract east of this apartment site.

They are requesting that the town of Waynesville participate in the extension of the sewer line down Hyatt Creek Road. Their preference would be to finance the entire length of the off-site utility installation. They have an estimate from the civil engineer for the 1,570 foot utility improvement at a cost of \$106,700. Such assistance would be in the form of a low interest loan to the project that would be repaid over a 20-year term.

The proposed 6-acre development site is roughly 1,600 feet west of the intersection of the highway 74/23 overpass, on cleared land that had previously been used for farming and pasture. It is a subdivided section of a larger 48-acre tract, and will be bordered on the west by Freeman Road, on the north by Hyatt Creek, and on the east and south by raw land.

Hyatt Trace will be developed through a joint venture between two highly experienced developers, Grant Inc. and Workforce Homestead Inc. Together, the principals of the two companies, Charlie Grant II and Jim Yamin, have almost 50 years of experience in affordable housing development and construction, having led the development of 36 high quality rental housing communities in North and South Carolina, totaling 1,608 units.

They are using this same joint venture arrangement to develop Ellsworth Commons, a 68-unit affordable rental complex in Greenville NC for independent living seniors, scheduled to finish construction in April 2013.

Grant Inc. was organized in North Carolina in 1988 and has successfully developed raw land, built single and multifamily housing as well as light commercial projects. Since 1994, Grant, Inc. has specialized in the development and construction of affordable apartments complexes using federal housing tax credits allocated by the North Carolina Housing Finance Agency and the South Carolina Housing Finance Agency.

Grant, Inc., an Energy Star Certified Building Company, has an unlimited building license in North Carolina and South Carolina, with the corporate office located in Wake Forest, NC.

Jim Yamin formed Workforce Homestead Inc. in 2009, based in Chapel Hill, NC, after seven years with a Durham, NC law firm where he served as a consultant to other developers and subsequently initiated the expansion of the firm's activities into direct development/ownership of tax credit housing.

Prior to this experience, he worked for seven years at the North Carolina Housing Finance Agency where he rose to the position of Manager of Rental Investments. This followed four years of service as Executive Director of the Durham Community Land Trustees, Inc., a nonprofit community development organization. He relocated to North Carolina in 1991 from Boston where he worked for 5 years for nonprofit community development organizations.

**MOTION FOR CONSIDERATION:** *To participate with Workforce Homestead/Grant Construction & Development in extension of sewer to the Hyatt Trace Development as proposed, and to authorize the town manager to negotiate terms of participation in a principal amount not to exceed \$106,700.*

**FUNDING SOURCE/IMPACT:** \$106,700 from the Sewer Fund, which currently is carrying a cash balance of \$1.6 million. Funding would not need to be made available until FY14.

**ATTACHMENTS:**

- Preliminary project cost estimate
- Photo exhibits of similar projects completed by Workforce Homestead Inc.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Ordinarily, under the Town's Land Development Standards, a developer would be required to install necessary infrastructure prior to subdividing a larger tract for development. In this case however, the property owners (Swift family) undertook a family sub-division prior to initiating sale or development of the property. The subject tract is within town limits and sewer extends to the edge of the original larger tract, but not to the additional tracts created by the subdivision. While the Town of Waynesville heretofore has not granted incentives nor participated in the extension of utilities for private development, (except in the case where a project met the Town's criteria for economic incentive based on new job creation), this project will have a positive economic impact by:

- 1) Adding significant value to the property tax base
- 2) Generating 64 additional water/sewer customers
- 3) Providing much needed attractive, safe, affordable housing for low/moderate income families, close to essential services
- 4) Providing additional incentive for commercial development of the remaining tracts in an area within the urban growth boundary targeted for such development by the BoA and the LDS

The Town has previously approved economic development incentives on a case-by-case basis. The manager encourages the board to consider developing policy and criteria under which economic incentives for private development might routinely be considered and granted. In this case, however, given the deadline under which the applicant is seeking assistance from the NC Housing Finance Agency, and the fact that the developer is requesting Town participation via a low-interest loan, which would be repaid, rather than outright grant or rebate, the manager believes this is an attractive proposal worthy of the Board's consideration.





## PRELIMINARY COST ESTIMATE

ITEM #	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL AMOUNT
1	Mobilization/General Requirements	LS	1	\$2,500.00	\$2,500.00
<b>SEWER LINE</b>					
2	8" DIP Sanitary Sewer Line (Cross Country)	LF	1,570	\$50.00	\$78,500.00
3	4' Dia. Pre-cast Concrete Manhole, 6-8' Depth	EA	4	\$2,000	\$8,000.00
4	Creek Crossing and Erosion Control	LS	1	6500	\$6,500.00
5	Tie-in to Existing Manhole	EA	1	\$1,500.00	\$1,500.00
<b>SUBTOTAL</b>					<b>\$97,000.00</b>
<b>CONTINGENCY (10%)</b>					<b>\$9,700.00</b>
<b>TOTAL</b>					<b>\$106,700.00</b>
<b>NOTES:</b>					
1. Soft Costs (ie. Engineering, Surveying, Legal) are not included in the above estimate. 2. The ENGINEER maintains no control of labor costs, materials, equipment or services furnished by others, the Contractor(s)' methods for determining prices, or competitive or market conditions. The estimates herein for project and construction costs represent the ENGINEER'S best judgment, and are based on his experience and qualifications as a Professional Engineer who possesses familiarity with the construction industry. The ENGINEER does not guarantee the accuracy of the cost estimates, which may vary from bids or actual project and construction costs. These estimates do not include Engineering design fees, legal fees, or application fees that will be required to complete the project.					

**Charles Pointe**  
Florence, SC  
148 Units





## Ellsworth Commons

Greenville, NC

68 Units

(Construction started April 2012)



CLINE  
DESIGN

Ellsworth Commons  
greenville, north carolina

NCHFA final application design

may 13, 2011

ARCHITECT  
BRYAN  
IDEMAN  
AGENCY



CLINE  
DESIGN

Ellsworth Commons  
greenville, north carolina

Conceptual Site Plan  
may 13, 2011

**Eno Haven**  
Hillsborough, NC  
76 Units





**Forest Edge**  
Tabor City, NC  
48 Units





**Glen Arbor**  
Aiken, SC  
56 Units





## Poplar Crossing Commons

Concord, NC

66 Units

(Construction start January 2013)



**Poplar Crossing Commons**  
concord, north carolina

conceptual site plan

june 198 2012

**Workforce  
Homestead, Inc.**

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**Randall Place**  
Goldsboro, NC  
40 Units





**Waterbrook Apartments**

Raleigh, NC

64 Units



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 22, 2013**

**SUBJECT:** Application for North Carolina Parks and Recreation Trust Fund (PARTF) Grant for Tennis Court Resurfacing and Construction

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 5C  
**Department:** Parks and Recreation Department  
**Contact:** Rhett Langston, Parks and Recreation Director  
**Presenter:** Rhett Langston, Parks and Recreation Director

**BRIEF SUMMARY:**

The Waynesville Parks and Recreation Department would like to apply for a grant from the North Carolina Parks and Recreation Trust Fund (PARTF) in the amount of \$75,000 to help fund a project which will include resurfacing the six existing tennis courts and construction of two additional tennis courts at the old swimming pool location in Recreation Park at a total cost of \$150,000.

**MOTION FOR CONSIDERATION:** *To authorize staff to apply for a PARTF grant in the amount of \$75,000 as proposed.*

**FUNDING SOURCE/IMPACT:** Up to \$75,000 from the General Fund in FY14. Private funding will also be sought to supplement the Town's required 50% match.

**ATTACHMENTS:**

- Minutes from the January 8 meeting of the Waynesville Parks and Recreation Department Advisory Commission reflecting approval of the grant application.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Approve as presented.

**N.C. Parks and Recreation Trust Fund (PARTF)  
2011-2012 Basic Facts and Assurances**

<b>Local Government Name:</b> TOWN OF WAYNESVILLE		<b>County:</b> HAYWOOD	
<b>Federal Employer I.D. Number:</b> 56-600-13-67		<b>Local Government Manager:</b> Name: Mr./Ms. MARCY ONIEAL Title: MANAGER, TOWN OF WAYNESVILLE Address: P.O. BOX 100 City/State/Zip: WAYNESVILLE/NC/28786 Telephone: 828.452.2491 E-mail: manager@townofwaynesville.org	
<b>Local Government's Contact Person:</b> Name: (Mr./Ms.) RHETT LANGSTON Title: DIRECTOR, PARKS & RECREATION Address: 550 VANCE ST. City/State/Zip: WAYNESVILLE/NC/28786 Telephone: 828.456.2030 E-mail: recdirector@townofwaynesville.org			
<b>Chief Elected Official:</b> Name: (Mr./Ms.) GAVIN BROWN Title: MAYOR Address: P.O. BOX 100 City/State/Zip: WAYNESVILLE/NC/28786		<b>Type of project:</b> <input type="checkbox"/> Acquisition <input checked="" type="checkbox"/> Development <input type="checkbox"/> Acquisition and Development	
<b>Site Control:</b> <input checked="" type="checkbox"/> Owned by local government <input type="checkbox"/> Owned by school board <input type="checkbox"/> Leased by applicant for 25 years or more <input type="checkbox"/> Easement		<b>Costs rounded to nearest dollar:</b> PARTF funds requested: \$ 75,000. <sup>00</sup> Local government's matching funds: \$ 75,000. <sup>00</sup> Total cost of project \$ 150,000. <sup>00</sup>	
<b>Recreation Resources Service (RRS) regional consultant:</b> LUANN BRYAN			
<b>Short title of project:</b> TENNIS COURTS RESURFACE AND CONSTRUCTION			
<b>Provide a brief description of the project:</b> RESURFACE THE 6 EXISTING COURTS AND CONSTRUCT 2 NEW TENNIS COURTS.			
<p align="center"><b>Approval by local governing board:</b> (The local governing board must approve this certification.)</p> <p align="center">I hereby certify the information contained in the attached application is true and correct and the required dollar-for-dollar matching funds will be available during the project period.</p> <p>Adopted this day of (give date):</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Chief Elected Official: _____</p> <p align="center">(Signature)</p> </div> <div style="width: 45%;"> <p>_____</p> <p align="center">(Print or Type Name and Title)</p> </div> </div> <p align="center">(For applications sponsored by two or more local governments, or a local government and school administrative unit, <b>one copy of this form must be completed and signed by each applicant.</b> One of the local governments must be identified as the primary sponsor in the "Applicant" section at the top of this page.)</p>			





# ADVISORY COMMISSION MEETING

January 8, 2013  
5:30 PM

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## MINUTES

The meeting was called to order at 5:30 pm.

In attendance were: Michelle Claytor, Wallace Messer, Lee Starnes, Scotty Schulhofer, Kenny Mull, Sarah Massie and Rhett Langston. Rhonda Schandavel, Ginny Boyer and Don Frady were unable to attend.

There no minutes from the November 13, 2012, meeting due to not having a quorum.

### Old Business:

- None

### New Business:

- The monthly reports for November and December were reviewed.
- The architect plans for the new restrooms at Recreation Park are 90% complete. We are waiting on a few more items and then we can move forward and hire a contractor to begin construction.
- **A motion was made to apply for the Parks and Recreation Trust Fund Grant (PARTF) from the State of North Carolina in the amount of \$75,000. The project will consist of construction two new tennis courts and resurfacing the six existing courts. The entire project is expected to cost close to \$150,000. We will also plan to apply for grants from the Waynesville Kiwanis, North Carolina Tennis Association and the United States Tennis Association to help with the funding of the other \$75,000. We will ask the Town of Waynesville to approve the support for the other \$75,000 in case we do receive any other funding from other grants. This motion was made by Sarah Massie and second by Kenny Mull. All voted to approve the motion.**
- We should be ready to send out bids for a contractor for the Waynesville Skate Park at the end of January. We anticipate construction to begin in early March.
- We have received over 30 applications for the new program specialist position. We will begin interviewing soon.
- The new Winter Program Guide has been published. This will cover January 1—March 31. The new 2013 Annual Guide will be published on Wednesday, January 9.
- We anticipate to begin overseeing Special Olympics Haywood County. This program will fall under the responsibilities of the program specialist.
- The Town of Waynesville expects the annexation of Lake Junaluska to be complete by July 1, 2013.
- A new risk management plan has been created for the department. This will include the current Emergency Operations Plan. It has already been reviewed by the supervisors and is now being reviewed by the town manager, assistant town manager and human resources director. After this review it will be distributed to the Advisory Commission for adoption.

There being no further business, the meeting was adjourned at 6:16 pm.

Respectfully Submitted,  
Rhett Langston

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 22, 2013**

**SUBJECT:** Amendment to Chapter 30 (Sec 3, 4 & 66) of the Town of Waynesville Code of Ordinances (Fire Prevention and Protection Code)

**AGENDA INFORMATION**

**Agenda Location:** New Business  
**Item Number:** 6-C  
**Department:** Development Services Department  
Fire Department  
**Contact:** Jason Rogers, Codes Administrator  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:** State law requires that fire inspections be conducted for certain structures, including but not limited to commercial, institutional, industrial and high rise structures, on a systematic scheduled basis. Current Town of Waynesville standards for Fire Prevention Inspections do not conform to the North Carolina Fire Prevention Code.

- The Town of Waynesville Code of Ordinances dictates an inspection schedule based on hazards and building systems. The proposed amendments base the inspection schedule on occupancy and use of the building, consistent with state standards
- The current standard also directs the codes administrator and the fire chief to administer the inspections in chapter 30. The proposed changes will direct these inspections to be administered by the Development Services Department.

**MOTION FOR CONSIDERATION:** To adopt amendments to Chapter 30 of the Town of Waynesville Code of Ordinances as presented.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:**

- Proposed amendment Section 30-3 and 30-4
- Proposed amendment Section 30-66

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Although qualified fire department personnel will continue to assist with systematic fire inspections as their schedules permit, the Fire Department is not adequately staffed to accomplish the volume of inspections required by statute. In conjunction with a reorganization of staff responsibilities and following cross-training of our code enforcement and inspections personnel, the responsibility for systematic fire inspections will be transferred to the Development Services Department. Adopt as presented.

### **Sec. 30-3. Inspections for fire hazards.**

(a) It shall be the duty of the ~~fire chief~~ **Codes Administrator**, or such other person as may be designated by the ~~board of aldermen~~ **Town Manager**, to inspect or to cause to be inspected as often as may be necessary, but not less than ~~twice a year~~, all ~~specially hazardous manufacturing processes, storages, or installations of acetylene or other gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as may be necessary~~ once a year, all Hazardous, Institutional, High Rise, and Assembly structures, except as noted otherwise in this section; once a year, the interior common areas for all Residential dwelling units of multi-family occupancies in which the occupancy is greater than two families; once every two years, all Industrial and Educational structures; once every three years, all Assembly structures with maximum occupancy of less than 100, and all business, mercantile, storage, churches, synagogues, and miscellaneous Group U occupancies for the enforcement of applicable sections of this chapter, state law and town ordinances, and for the safeguarding of life and property from fire.

(b) ~~It shall also be the duty of the fire chief, or such other person as may be designated by the board of aldermen, to inspect or cause to be inspected as often as may be necessary, but not less than once a year in outlying districts and twice a year in the closely built portions of the town, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of the provisions or intent of any applicable section of this chapter, state law, or town ordinance affecting the fire hazard.~~

(c) Whenever any person shall make written complaint to the ~~fire chief~~ **Codes Administrator** that any business or premises constitutes a fire hazard, it shall be the duty of the ~~fire chief~~ **Codes Administrator** to have the business or premises inspected immediately.

(d) ~~The fire chief~~ **Codes Administrator**, and his/her designee when so directed by the **Codes Administrator**, ~~any member of the fire department when so directed by the fire chief~~, shall have the right to enter any building or premises at any reasonable hour, and upon reasonable notice with respect to residences, for the purpose of making any inspection provided for by this article.  
(Code 1987, § 95.06)

### **Sec. 30-4. Notice of fire hazard; compliance required.**

(a) Whenever the ~~fire chief, or any member of the fire department~~ **Codes Administrator**, and his/her designee when so directed by the ~~fire chief~~ **Codes Administrator**, shall find that any building or any premises constitutes a fire hazard, for any reason, he shall serve or cause to be served upon the owner or the occupant of the building a written notice specifying the condition complained of, ordering the condition to be remedied within 30 days.

## FIRE CODE

### Sec. 30-66. Adopted.

(a) ~~Volume V and in particular chapters 4 and 5 of volume V~~ North Carolina Fire Prevention Code of the North Carolina State Building Code is adopted by the board of aldermen as its fire code by reference, ~~with the exception of such portions as are deleted, modified or amended in this article, of which one copy will be filed by the town under the supervision of the town clerk;~~ and the provisions are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the incorporated limits of the town.

(b) The fire code shall be enforced by the codes administrator and the fire chief's office Development Services Department.

(c) Any person who shall violate any of the provisions of the fire code adopted in this section, fail to comply with such Code, or who shall violate or fail to comply with any orders made under such Code, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under such Code, or any certificate or permit issued under such Code, and from which no appeal had been taken, or who shall fail to comply with such an order as affirmed or modified by the codes administrator or by a court of competent jurisdiction, within the time fixed in this section, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor punishable as provided in section 1-8. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within reasonable time; and when not otherwise specified, each ten days that prohibited conditions continue shall constitute a separate offense.

(d) If any violation under the provisions of this section shall fail to have been promptly corrected, the codes administrator shall mail, by certified mail or registered mail to the violator at his last known address, or by personal service give, written notice that:

- (1) Fire hazards noted on the inspection form constitute a safety hazard or are dangerous to the life, health or welfare of the occupants;
- (2) A hearing will be held before the codes administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- (3) Following the hearing, the codes administrator may issue any order to correct the fire code discrepancies that appears appropriate.

(e) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building in question at least ten days before the day of the hearing and a notice of the hearing is published at least once, not later than one week before the hearing.

(Code 1987, § 95.05)

**State Law References:** North Carolina State Building Code applicable throughout the state, G.S. 143-138; authority to adopt technical codes by reference, G.S. 160A-76.



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 22, 2013**

**SUBJECT:** Municipal Record Retention and Disposition Schedule

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Administrative Services  
**Contact:** Marcy Onieal, Town Manager  
**Presenter:** Phyllis McClure, Town Clerk

**BRIEF SUMMARY:** The *General Statutes of North Carolina*, Chapter 132, defines public records as follows:

“Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of N. C. government or its subdivisions. Agency of N. C. government or its subdivisions shall mean and include every public office, public officer or official (State, or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

NCGS §121-5 and §132-3 only allow destruction of public records with the consent of the Department of Cultural Resources (DCR). The State Archives of N. C. is the division of DCR charged with administering a records management program. The attached Record Retention and Disposition Schedule is the primary way the State Archives of North Carolina gives its consent. Without the schedule, municipalities are obligated to obtain the State Archives of North Carolina’s permission to destroy any record, no matter how insignificant.

Each record series listed on this schedule has specific disposition instructions which will indicate how long that series must be kept. In the past, the disposition instructions for some documents were “destroy in office when administrative value ends” which is defined as, “the usefulness of records to support ancillary operations and the routine management of an organization.” Agencies must now establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of N. C. has scheduled with the disposition instructions, “destroy when administrative value ends.” This schedule meets the establishment of those minimum retention periods as required. Approval of this schedule supersedes all previous editions (last adoption was 11/10/2009), including all amendments.

**MOTION FOR CONSIDERATION:** *To approve the Municipal Records Retention and Disposition Schedule as presented.*

**FUNDING SOURCE/IMPACT:** N/A

**ATTACHMENTS:**

- Municipal Records Retention and Disposition Schedule

**MANAGER’S COMMENTS AND RECOMMENDATIONS:** Approve as presented.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date:** January 22, 2013

**SUBJECT:** NCLM Municipal Advocacy Goals Conference -2013  
Review & Discussion of Goals & Appointment of Voting Delegate

**AGENDA INFORMATION**

**Agenda Location:** Unfinished Business  
**Item Number:** 8-D  
**Department:** Administrative Services  
**Contact:** Marcy Onieal, Town Manager  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:** Every two years, the N. C. League of Municipalities holds a municipal advocacy goals conference to provide the opportunity for the League's member jurisdictions to thoroughly debate legislative issues important to municipalities across the state, and set advocacy priorities. In preparation for the conference, NCLM legislative advocacy committees have been meeting for the past year to develop goals and legislative positions pertaining to the following general areas:

**Environment & Natural Resources**  
**General Government & Public Safety**  
**Infrastructure/Utilities/Land Use/Planning**  
**Tax & Finance**  
**Transportation**

Attached is a list of 57 advocacy goal proposals recommended by the NCLM Board of Directors for consideration by the membership, which we will need to vote on at the goals conference on January 24. These series of votes will result in 30 priority legislative goals on behalf of NC cities and towns for the next biennium (2013 long session and 2014 short session of General Assembly). Board members were provided this packet three weeks ago by email for the purpose of individual review.

**MOTION FOR CONSIDERATION:** *To adopt [or prioritize] the 2012 NCLM municipal advocacy goals program as presented [or as amended].*

**FUNDING SOURCE:** N/A

**ATTACHMENTS:**

- NCLM Memo, dated November 30, 2012
- Conference Agenda
- NCLM Core Municipal Principles
- List of 57 Advocacy Goals
- Policy Development Process

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** The manager, assistant manager and mayor will be attending this conference on behalf of the Town of Waynesville. At the last board meeting, aldermen agreed to review the goal proposals and share concerns, comments and priorities individually with the Manager, who has been appointed the Town's voting delegate.



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November 30, 2012

## *Your Municipal Advocacy Goals* *Participate and Vote on January 24<sup>th</sup>*

NCLM Advocacy Goals Conference  
Raleigh Convention Center – Raleigh  
January 24, 2013, 9:30 a.m. – 5:00 p.m.

In an effort to increase the opportunity for member input into the League's advocacy goals, your League Board of Directors changed our policy development process in 2010 to provide an entire day for consideration and adoption of the Advocacy Agenda and the Core Municipal Principles. The biennial Advocacy Goals Conference provides League members with the opportunity to thoroughly debate legislative issues and be directly involved in setting advocacy priorities. The result will be the 30 priority goals for the state's cities and towns.

In preparation for this conference, the following documents are enclosed:

- (1) A list of the 57 advocacy goal proposals recommended by the Board of Directors for consideration by the membership
- (2) The proposed Core Municipal Principles
- (3) A guide to the League's policy development process
- (4) A form for submitting additional goal proposals
- (5) The agenda for the Advocacy Goals Conference

### *Voting Delegates*

The League Bylaws provide that each member municipality is entitled to one vote at the Advocacy Goals Conference. Each municipality sending delegates to the Advocacy Goals Conference may designate one voting delegate and also may designate one alternate voting delegate. This designation must be provided to League staff prior to the beginning of the Conference at 9:30 a.m. on January 24, 2013.

**MANAGERS AND CLERKS** - Municipalities that have pre-registered officials for the conference will receive a form to designate the municipality's voting and alternate voting delegate in advance. This will save time for voting delegates on January 24.

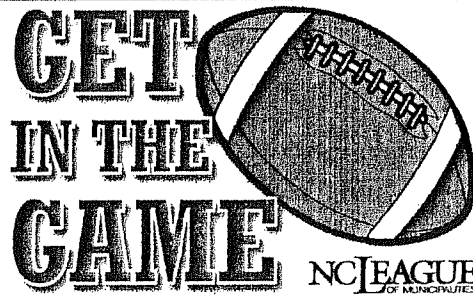
In order to facilitate vote counting over the course of the day, seating at the front of the room will be reserved for voting delegates. The room will be arranged so that other attendees from a municipality will have access to the voting delegate during the conference. Please bring a large delegation and become better informed about a range of important municipal legislative issues.

Voting delegates may pick up their voting cards at the Voting Credentials Desk located in the on-site conference registration area during registration hours from 8:00 a.m. – 11:00 a.m. on January 24, 2013.

**Marcy Onieal**

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**From:** NCLM Meeting Planners <events@nclm.org>  
**Sent:** Thursday, December 20, 2012 9:29 AM  
**To:** Marcia Onieal  
**Subject:** Reminder - Housing Deadline for Advocacy Goals Conference is January 2



### **Advocacy Goals Conference 2013**

Just a friendly reminder that the housing deadline to participate in the room block for the 2013 Advocacy Goals Conference is Wednesday, January 2. Be sure to register for both the conference and housing before the deadline for the discounted room rate. [Click here to register today!](#)

The Advocacy Goals Conference will be held on Thursday, January 24 in Raleigh. At the conference, we'll decide the legislative priorities for the 2013-2014 biennium. [Click here to review the proposed goals!](#)

Also, be sure to attend the "pre-game" networking social for municipal officials and invited guests from the General Assembly on Wednesday, January 23, 2013.

#### **DATE AND LOCATION**

January 23, 2013

##### **Networking social for municipal officials/invited guests**

DoubleTree Brownstone | 1707 Hillsborough St | Raleigh, NC 27605  
(located in the Harvest Grille Main Room/1st Floor) **6:00 pm - 7:30 pm**

January 24, 2013

##### **Advocacy Goals Conference**

Raleigh Convention Center | 500 S Salisbury St | Raleigh, NC 27601  
(located in ballroom A&B) **9:30 am - 5:00 pm**

#### **REGISTRATION COST(S)**

Combined Discounted Rate for attending both events - \$110.00

Networking Social (ONLY) - \$40.00

Advocacy Goals Conference (ONLY) - \$95.00

## Advocacy Goals Conference Agenda

**\*TENTATIVE\***

The League's Board of Directors has submitted 50 legislative goals and 7 regulatory goals for consideration by the League membership. These goals, plus any additional member-submitted goals that have been approved for consideration at the conference, will be reduced during the conference to the 25 legislative goals and 5 regulatory goals on the League's Advocacy Agenda for 2012-13. These goals will be selected through a process of debate, amendment, voting, and ranking of goals, as set forth in the following schedule:

9:30-9:40	Welcome and Introductions
9:40-11:00	Staff explanation of proposed legislative goals
11:00-11:15	Break
11:15-11:45	Goal Setting: Environment/Natural Resources
11:45-12:15	Goal Setting: General Government/Public Safety
12:15-1:15	Lunch (Key legislative leaders invited to speak)
1:15-1:45	Goal Setting: Infrastructure/Utilities/Land Use/Planning
1:45-2:15	Goal Setting: Tax & Finance
2:15-2:45	Goal Setting: Transportation
2:45-3:00	Break
3:00-3:30	Legislative goal prioritization
3:30-3:50	Staff explanation of proposed regulatory goals
3:50-4:05	Regulatory goal setting & prioritization
4:05-4:15	Adoption of Core Municipal Principles
4:15-4:30	Adoption of Municipal Advocacy Goals

### Staff Explanation of Proposed Legislative Goals (9:40-11:00)

League Staff will briefly describe each of the goals, including the additional member-submitted goals that are under consideration, and will explain the rationale for each goal. If time permits, staff will answer questions about the goals. Questions also may be asked of staff during the Goal Setting sessions.

### Legislative Goal Setting (11:15-2:45)

During the Goal Setting sessions, all attendees will be given the opportunity to express support or opposition for the proposed goals in the category. All attendees may ask questions or debate the merits of proposed goals, but only voting delegates may offer amendments to any of the goals. Additional goals may not be offered. The President will determine whether an amendment is germane to the goal that it seeks to amend or is actually a new goal. Voting delegates may make a motion and second to remove a goal from further consideration. A simple majority of those voting delegates present and voting is required to amend a goal or remove it from further consideration. If a

goal is not removed at this stage of the process, the goal moves forward to be part of the Final Goal Prioritization.

**Legislative Goal Prioritization (3:00-3:30)**

Upon completion of the Goal Setting sessions, if more than 25 legislative goals remain, the voting delegates will use an electronic voting process to narrow the remaining goals to the 25 that will ultimately be approved. Staff will finalize the results while the delegates consider regulatory goal proposals and the Core Municipal Principles.

**Regulatory Goal Setting & Prioritization (3:30-4:05)**

Following the prioritization of the legislative goal proposals, League Staff will explain the 7 regulatory goal proposals the Board submitted to the membership. Attendees will then have an opportunity to ask questions, debate the merits, or amend any of the regulatory goal proposals. Following this opportunity, voting delegates will use the same electronic voting method used during legislative goal prioritization to prioritize the 7 goal proposals. Staff will finalize the results during consideration of the Core Municipal Principles, and the 5 regulatory goals receiving the most votes will be part of the League's Municipal Advocacy Goals for 2013-14.

**Adoption of the Core Municipal Principles (4:05-4:15)**

The Core Municipal Principles represent the bedrock policy statements that will guide the overall advocacy process and decisions. They generally are statements of fundamental municipal policy that the League members believe should guide the General Assembly in making decisions that affect our municipalities. The delegates will be asked to approve the Principles in whole, as submitted by the Board. Amendments may be offered and seconded by any attendee, but only voting delegates may vote. During the adoption of the Principles, any attendee may ask questions or debate the merits of the Principles or an amendment.

**Adoption of the Advocacy Agenda (4:15-4:30)**

After staff tallies the results of the goal prioritizations, the 25 legislative goals and the 5 regulatory goals receiving the most votes will then be placed before the membership as a group for a final vote of approval by the voting delegates. No amendments will be allowed at this point in the process.

## NCLM Core Municipal Principles 2011-2012

*The following principles provide a foundation for advocacy and strategic planning to ensure excellence in municipal government as our North Carolina cities and towns serve their citizens and promote a "hometown" quality of life unique to North Carolina communities:*

### Adequate Municipal Authority

*Municipalities need a broad grant of authority and flexibility to allow elected officials to make decisions that effectively and efficiently meet the ever-expanding needs of their citizens.*

Voters elect municipal officials to decide significant issues in the public interest, which varies within the unique context of each municipality. Accordingly, the League stands opposed to legislation preempting municipal authority and to measures designed to otherwise erode local control of significant municipal issues. Municipal grants of authority should be broadly construed to include supplemental powers reasonably necessary to carry out the functions.

### Municipal Revenues

*Sound municipal government requires both the preservation and enhancement of the existing local tax structure and revenue structure streams.*

The property tax, state-collected local taxes and revenues, and various local option revenue sources are all integral components of a stable, reliable and balanced revenue stream for municipalities. State-collected revenues should be distributed reasonably and equitably, providing local elected officials autonomy to best determine their use. New revenues, including those that may be obtained through local option revenue sources, are essential to meet the future needs of municipal citizens, to provide the infrastructure necessary for vital public services, and to fairly apportion the costs of growth. It is also imperative that any lost or repealed revenues be replaced, retroactively if necessary.

### Municipal Expenditures

*Fiscal integrity and sound financial management require flexibility to borrow, invest and expend funds for public-purposes.*

Cities are challenged to use the funds entrusted to them in the most efficient and responsible manner possible. Flexibility in financing options and expansion of municipal investment authority provide basic tools to help meet that challenge. The capacity to determine the nature and amount of an expenditure, based upon the totality of factors involved within the unique context of each city, is essential to economic efficiency and management. Cities need discretion to fund investments in infrastructure and local improvements such as affordable housing, redevelopment projects, and business and economic incentives.

### Mandates

*The state and federal governments should not enact burdensome and expensive mandates without adequate local authority, flexibility and additional financial resources for implementation and continuation.*

Mandates to perform functions or activities placed upon cities by the state or federal governments, either directly or through agency or administrative action, should be accompanied by funds for their implementation and continuation. Cities should not be required to appropriate funds for particular programs or functions, or to contract with private companies for public services. Management and human resources decisions must remain in the sound discretion of the municipal governing body. The League opposes any



changes to the current law, which prohibits local governments in North Carolina from entering into collective bargaining agreements with public employees.

## Open Government and Ethical Conduct

*All levels of government should adhere to principles of responsible open government and ethical conduct.*

The League supports the principle of openness in government and endorses the concept that meetings of governmental bodies should be open to the public. There are reasonable exceptions that should permit closed sessions when such limitations are in the public interest. Public records should also be available to the public with reasonable exceptions for protection of confidentiality that are in the public interest. Elected and appointed officials should adhere to standards of conduct that promote public confidence in our system of governance. Additional requirements regarding openness, access to records, conflicts of interest and ethical conduct should not be applied to local governments only.

## Municipal Liability

*Fundamental rules pertaining to the liability of governmental entities should apply across all levels of government.*

Municipalities continually seek to provide a wide range of services to meet the needs of their citizens in furtherance of the public health, safety, and welfare. Accordingly, the League stands opposed to proposals placing burdensome liability upon municipalities, including measures that seek to erode well-established principles of immunity or other defenses, and to proposals unfairly imposing cost-shifting upon municipal taxpayers.

## Municipal Growth

*Healthy municipal centers are essential to the economic viability of the state. Municipalities must maintain the ability to ~~expand~~ grow and provide the higher level of services demanded by the citizens.*

Cities and towns are the economic engines of the state and must be permitted to grow in an orderly and reasonable manner that supports the continued economic development of the state. New growth in and around existing municipalities should utilize existing infrastructure for the most efficient use of public revenue. Annexation ensures that all those who benefit from a municipality through use of the infrastructure, municipal amenities, proximity to jobs, commerce, and cultural resources, bear a fair share of the cost of providing those services. The legislature should not permit a new incorporation whose primary purpose is to prevent a proposed annexation without evidence of its ability to provide the necessary services. Municipalities are encouraged to enter into agreements to foster inter-local cooperation and long-range planning.

## Municipal Services

*Municipalities require adequate authority and flexibility to finance, operate and manage essential services to protect public safety, promote sanitation, health and welfare, and improve the quality of life.*

In order to serve growing urban populations with water, sewer, transportation, police protection, fire protection, solid waste, stormwater, electricity, parks and recreation, public housing, and other services, municipalities need the autonomy to make appropriate management, human resources, financial, and operational decisions. With regard to enterprise services, municipalities must be free to determine appropriate rates and service areas, and free to determine when it is appropriate to enter into regional or multi-jurisdictional arrangements. State taxes or fees should not be imposed on municipal enterprise services. Furthermore, the power of eminent domain must be preserved as a means of acquiring property to provide municipal infrastructure, facilities, and services for the public benefit.

## Planning and Land Use

*Municipal planning authority must be maintained for sound growth, long-range planning and growth management.*

Long range municipal planning is an essential aspect of municipal health and economic viability. Vibrant, well-planned cities are the economic engines of the state, attracting new businesses and industries, while providing the quality of life expected by residents in and around municipalities. Public participation and private property rights are key elements of growth management. For this reason, the government closest to the people is the best venue for making land use decisions. Municipal authority must be maintained and enhanced to allow for more flexibility and options. Necessary tools for planning include the ability to zone, to review and approve buildings and new development, exercise extraterritorial jurisdiction, urban redevelopment, and economic development strategies. Municipalities must have the capability to protect and plan for infrastructure, as well as ensure that the public health, safety and welfare of the citizens are preserved.

## Environmental Protection

*For municipalities to be successful partners in environmental protection, environmental laws, practices and regulations must be science-based, feasible, and equitable, with flexibility to comply in the most cost-effective manner.*

Local governments are partners with state and federal agencies in protecting the environment and quality of life for our citizens, serving as both regulators and members of the regulated community. As such, cities and towns support sufficient state and federal agency allocation of personnel and funding to provide environmental data collection and analysis for evaluation of existing, revised, and new regulations. In turn, as regulators, municipalities need adequate authority to set standards, enforce requirements, and perform inspections. The discretion to impose more stringent requirements than the state when necessary to protect public health or the environment must not be impaired, and delegation of any state regulatory programs must be voluntary. The state should continue to provide technical assistance to local governments as well as its share of financial resources for the implementation of environmental programs. In supporting environmental programs, local governments as well as the state should maintain the ability to make reasonable, equitable, and justifiable adjustments in permitting and compliance fees to help recover the costs of regulatory programs.

As members of the regulated community, municipalities must be allowed full participation in the development of new environmental laws and regulations. Environmental laws, practices and regulations should allow localized solutions, account for compliance costs, eliminate duplicative regulations, and avoid layering with safety factors and conservative assumptions that are not based on a reasonable risk management approach. Regulatory actions should also maximize available resources by targeting the highest-priority environmental concerns, based on comparative environmental risk as well as social and economic impacts. In addition, they should be based on sound science, be technologically and economically feasible, apply equitably to all contributors of pollution, allow the flexibility to attain standards using those practices best suited to the topographical, hydrological, atmospheric, and other characteristics of the jurisdiction, and provide incentives that recognize existing environmental programs. In particular, stormwater regulations should account for the challenges posed by pre-regulation development and allow implementation flexibility, adhere to the maximum extent practicable standard, and avoid requirements exceeding applicable federal and state laws. The state and federal governments should fully analyze costs associated with environmental requirements before adopting them.

## Transportation

*State support for all modes of transportation in urban, suburban and rural areas must be enhanced to improve our economic competitiveness.*

The health of the economy of our State is dependent upon a transportation system that includes all modes of transportation, including highways, transit, aviation, ports, passenger rail, freight, bike and pedestrian. When businesses are looking to expand or relocate their operations in North Carolina, the ability of their employees to get to work and the company to distribute its products via highways, rail, and air are factors that inform their siting decisions. When cities and towns examine redevelopment of their downtowns or business corridors for the long term (50 years), the interaction of highways, transit, bike and pedestrian facilities is a critical factor in such redevelopment decisions. The State has had a long-standing partnership with cities and towns that enables municipalities to maintain their local streets and roads using State-provided Powell Bill funds. The State also provides capital and operational funding for transit, which improves air quality and removes traffic from our highways. The State has also been a leader in providing intra-State passenger rail along the NCRR-owned corridor in conjunction with AMTRAK, and in implementing public-private partnerships where local support is provided. It is vitally important that the State enhance support for a comprehensive transportation system. Such a system will be a factor that ensures our economic competitiveness in the future.

*This League endorses and supports the current National Municipal Policy and will actively support NLC efforts with respect to federal legislation and issues unless there is a clear conflict with the adopted policies of this League.*

## 2013-14 Proposed NCLM Advocacy Goals

### Infrastructure/Utilities/Land Use/Planning

- **Seek legislation authorizing Land Banks.**
  - Land banks help local governments manage vacant, foreclosed, and abandoned property that is either severely tax delinquent or has become a chronic nuisance issue due to repeated violations of health and safety codes. Set up as a public authority or a separate corporate entity from a government, land banks provide special tax and lien foreclosure tools and the ability to manage and sell or otherwise reuse problem properties or districts within a city. While not currently authorized under N.C. law, land banks are becoming a more widely-used tool in the revitalization process around the country and are often used in public-private partnerships for the development of stable neighborhoods with widespread tax delinquency and code violation issues. Funding may initially come from a city's general fund, but over time, land banks can become self-funding.
- **Support legislation that bolsters the authority of municipalities to balance the property rights of existing development with new development, protect existing property values, enhance public safety, and increase opportunities for economic development.**
  - This goal counters a priority of the state's homebuilders' association in the past legislative session. The bill was ultimately unsuccessful, but would have restricted the ability of local governments to use zoning codes to impose design and aesthetic controls on single family residential structures in zoning districts with densities of five or fewer dwelling units per acre. Among the controls it would have prevented were exterior building color; type, color, or style of exterior cladding; style or materials of roof structures, porches, and architectural ornamentation; location or style of windows and doors (including garage doors); number and types of rooms; and interior layout of rooms. These controls are often applied to proposed new developments, to ease conflict between the developer and existing neighborhoods by improving compatibility of the new development, thereby increasing support for the project with the community and city council.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Protect local authority and localities' power to regulate hydraulic fracturing and related infrastructure in their communities.**
  - Along with writing regulations for the hydraulic fracturing industry, the N.C. Mining & Energy Commission will make recommendations on the extent to which local governments can enact local regulations on the industry. Such local regulations could include zoning ordinances, setbacks, and noise and light restrictions. This goal restates an NCLM Core Municipal Principle specifically in the context of hydraulic fracturing.
- **Seek legislation to authorize a state bond to provide low-cost loans to local governments for upgrades to water and wastewater treatment systems, expansion of stormwater programs, and assured water supplies.**
  - Grants to assist with funding water, wastewater, and stormwater infrastructure improvements are very limited, which means municipalities must borrow to finance large projects. This goal proposes increasing funds by having the state borrow funds through a general obligation bond and then loan the funds to local governments. The funds would be borrowed at the interest rate available to the state under its AAA bond rating, which would be a lower rate than is available to many cities and towns. Such an approach would not require the state to spend additional money because the debt service on the bonds would be paid by local governments through their repayment of the funds loaned to them.
- **Seek legislation to provide adequate representation for extra-territorial jurisdiction (ETJ) residents on advisory boards for land use decisions affecting ETJ areas, place reasonable limitations on the creation of new ETJ boundaries, and retain existing ETJ areas to help protect orderly development and building improvements, while facilitating economic development and protecting individual property values.**
  - In anticipation of bills being introduced to remove municipal ETJ authority, this goal seeks to preserve existing ETJ boundaries while reforming existing ETJ law to address two concerns: (1) ETJ residents claim that they do not have an opportunity to vote for the council members who make decisions affecting their property; and (2) creation of new ETJ areas.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Seek legislation to reestablish authority for city-initiated annexation of “donut holes,” areas of land that are completely surrounded by municipal territory.**
  - In the 2012 annexation reform bill, legislative leaders intended to allow cities to retain the authority to annex areas completely surrounded by municipal jurisdiction without utilizing the referendum process otherwise required for city-initiated annexations. However, this authority was not preserved in the final version of the bill. Annexation of these areas allows for a continuity of municipal services within a city’s larger sphere of jurisdiction.
- **Seek legislation to correct the constitutional issue within the annexation law requiring municipal construction of/payment for water and sewer lines across private property all the way to the home or structure.**
  - Annexation reforms in the last legislative biennium require a city that undertakes city-initiated annexation to extend water and sewer infrastructure to service a home or structure. Prior to these legislative changes, city-owned water and sewer infrastructure typically ended at the meter in the city-owned right-of-way. This new requirement may violate North Carolina’s “exclusive emoluments” constitutional provision, which disallows governments from providing benefits to private individuals.
- **Seek legislation to strengthen the law regarding municipal decision-making authority of water and sewer provisions beyond municipal limits and ensure the existing water and sewer system is given deference in order to support orderly growth.**
  - This goal responds to recent attempts by members of the General Assembly to control the municipal provision of water and sewer service to areas outside municipal jurisdiction. It also addresses situations in which competing utility systems attempt to expand into areas otherwise associated with a city’s own water and sewer service.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Seek legislation to enhance the authority of cities to own and operate broadband systems serving citizens by redefining what constitutes unserved and underserved areas, in order to promote economic development opportunities for citizens and businesses.**
  - HB 129 (Level the Playing Field/Local Govt Competition) became law in 2010. The bill, promoted by the telecommunication industry, significantly restricts the ability of cities to own and operate retail broadband systems. Limited exceptions were provided for city systems which were operating by a date certain, and for areas which were “underserved and unserved.” The definitions of underserved and unserved areas were drafted very narrowly as to prevent any significant penetration of city owned systems.
- **Seek legislation to amend land use enabling statutes to specify authority for common municipal regulations such as those for signs, greenways, design controls, and others potentially threatened by the analysis in Lanvale v Cabarrus County.**
  - In Lanvale v Cabarrus County, the NC Supreme Court invalidated the use of adequate public facilities ordinances by concluding they are not authorized by general zoning statutes, and instead require express authority from the General Assembly to be effective. And in doing so, the court now threatens other local government planning activities whose authority rest on implied authority derived from the same general zoning statutes as adequate public facilities ordinances. This goal seeks to expressly authorize a host of these activities to confirm the powers that cities historically believe to be vested in general zoning statutes (N.C.G.S. 160A-381 and 160A-383).

## **2013-14 Proposed NCLM Advocacy Goals**

### **Environment/Natural Resources**

- **Support legislation to develop a holistic approach to water supply that offsets potable water supply demands and includes: opportunities for increased water storage options, reclassification of reclaimed water as a resource, and expanded uses of reclaimed water such as for recycling to surface water supplies.**
  - This goal addresses three facets of ensuring a steady public drinking water supply for cities and towns. First, the goal expresses support for legislation that increases storage options for public water supplies. The last two components of the goal address reclaimed water, which is a highly treated wastewater product. To allow more uses of this water source, state law needs to be changed to classify reclaimed water as a resource rather than a waste. Other areas of the country utilize reclaimed water in many more ways than North Carolina, including safe recycling of this water back into surface drinking water supplies for further treatment to drinking water standards.
- **Seek changes to stormwater laws to provide more flexibility for mitigation in established urban areas, including restoring the option for cities and towns to create their own mitigation banks and to access the state-run mitigation bank.**
  - Mitigation for development is a tool by which any party that disturbs land compensates for the increased stormwater runoff from their development. Mitigation may be done by installing stormwater controls or paying a fee for off-site mitigation done through a mitigation bank. Since the state's earliest stormwater laws were implemented over a dozen years ago, cities and towns have pinpointed places where the laws may provide more flexibility while still protecting waters from stormwater runoff. This goal seeks those flexibilities, in addition to allowing cities to create their own mitigation banks for developers and the city itself to use.



## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation requiring a septic tank inspection and maintenance program as the responsibility of businesses and residences that are dependent upon septic tanks for treatment of their wastewater.**
  - Owners and operators of septic tanks systems are not required by the State to have a regular inspection and maintenance program, resulting in an increasing number of septic tank systems in some stage of failure. Failing septic tanks have severe water quality environmental consequences: the discharge of partially treated or even raw sewage to ground and surface waters, and the ultimate degradation of ground and surface water supplies. The cost of treatment is then passed on to nearby municipalities who hold permits for drinking water and wastewater operations.
- **Seek legislation to increase Clean Water Management Trust Fund appropriations and restore the fund's recurring appropriation.**
  - The Clean Water Management Trust Fund receives a direct appropriation from the N.C. General Assembly to issue grants to local governments, state agencies and conservation non-profits to help finance projects that specifically address water pollution problems. In the last state budget, legislators cut the funding level and also made the funding non-recurring.
- **Seek legislation requiring that roads being built in and around municipalities be built to municipal storm water standards, rather than NCDOT storm water standards.**
  - Storm water standards for NCDOT's NPDES Phase I permit do not rise to the level of negotiated terms of the municipal NPDES Phase I/II permits.
- **Seek legislation to include municipalities and utility authorities and commissions in the permit approval process of package wastewater treatment plants to be constructed within town boundaries or within the periphery that will negatively affect the town's infrastructure.**
  - Package wastewater treatment plants have small service areas, such as a single residential development or a school or industry. Package plants serve as an alternative wastewater disposal and treatment system to a full sewer system. Currently, the state of North Carolina issues federal wastewater permits to allow package plants.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation to provide local governments with additional flexibility in the implementation of the Jordan Lake Rules.**
  - The Jordan Lake Rules are a comprehensive nutrient management strategy for the Jordan Lake watershed in the western Triangle and eastern Piedmont Triad. Legislation was passed during the 2012 Short Session to delay the new development stormwater rules portion of the Jordan Lake Rules until 2014. The rules also have other components with their own implementation deadlines, including wastewater treatment plant upgrades, existing development stormwater, riparian buffer, agriculture, fertilizer management, and nutrient trading rules. In addition, the Falls Lake Rules were modeled on the Jordan Rules and include similar provisions.

## **2013-14 Proposed NCLM Advocacy Goals**

### **General Government/Public Safety**

- **Seek legislation allowing the people to vote on an amendment to the North Carolina Constitution establishing Home Rule authority for municipal governments.**
  - North Carolina is one of six states in which the state constitution does not expressly provide “Home Rule” authority for local governments. Under current law, N.C. local governments are creatures of statute and exist at the pleasure of the NC General Assembly. Either express or implied authority must be identified in order for a local government to act, and sprinkled throughout Chapter 160A of the NC General Statutes are statements of broad authority for municipal government. Home rule potentially enables city governments to act more independently from the state.
- **Seek legislation to give municipalities the option to award contracts for goods and materials to local bidders that are not low bidders, under specified circumstances.**
  - North Carolina cities and towns do not have the authority to establish local preference programs, but must award contracts for the purchase of goods costing \$30,000 or more to the lowest responsive, responsible bidder. State government has a program under which qualified North Carolina companies whose price is within 5 percent or \$10,000 of the lowest bid, whichever is less, may be awarded a contract despite not being the low bidder. Allowing municipalities to establish local bidder preference programs could encourage the growth of local companies, but also could reduce competition for contracts and thereby increase costs.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Seek legislation authorizing cities to establish time, manner, and place restrictions on the placement of political signage in all public rights-of-way located inside a city.**
  - During the 2011 General Assembly session, legislation was introduced creating a uniform system for campaign sign regulation in the state highway rights of way, effective January 1, 2012, with an exemption for cities wishing to establish local regulations on all city streets and highways within the city limits. In the absence of a city regulatory program, the uniform state rules will apply on all roads within city limits. Given the confusion over which road is a state road and which is a local road, this has created confusion for cities and political candidates alike.
- **Support legislation to authorize city councils to relinquish easements without going through the General Statute 160A property disposal procedures.**
  - When cities and towns elect to close streets or portions of streets, their ability to retain specific easement rights is limited. G.S. 160A-299 allows municipalities to retain rights and interests in any utility improvement or easement if a street is closed, but does not allow cities to reserve rights to other types of easements or improvements. A city might determine there is no foreseeable need to construct a street on a right-of-way and might generally be agreeable to abandonment of its street improvement rights, but might nevertheless desire to retain some other, more limited and specific easement rights (such as a pedestrian access easement, a conservation easement, or a drainage easement) in all or part of the right-of-way to be abandoned.
- **Seek legislation to give municipalities the option to use electronic legal public notices in lieu of publication in a newspaper.**
  - Current law requires municipalities to use publication notice to provide public notice in many different situations. Cities and towns can supplement these state mandates through electronic notice on websites and other locations, but are not required to do so. This goal would eliminate the publication notice and authorize electronic notice as sufficient for public notice.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Seek legislation to grant more flexible authority for local public safety officers to enforce ABC-related laws.**
  - In order to bolster state ABC response, this goal seeks to provide local police more authority to enforce ABC-related laws.
- **Seek legislation to strengthen the role of municipalities in the approval, renewal, and revocation of ABC permits.**
  - Under current law, the ABC Commission solicits advisory input from local governments when an application or renewal permit application is received from an establishment. This goal would convert the advisory input to a stronger authorizing power.
- **Support legislation, if internet sweepstakes operations are legalized, that would expressly protect the land use decision-making and tax-levying authority of municipalities over said operations.**
  - In the wake of the video poker ban, video sweepstakes operations proliferated across North Carolina. Cities used zoning powers to restrict where the games could be operated, and taxed the operations and machines under privilege license tax authority. In 2008, the NC General Assembly banned "server based electronic game promotions," and in 2010 chased industry software and gaming changes by expanding the 2008 ban to machine operations which included "internet sweepstakes." In March of 2012, the NC Court of Appeals ruled that internet sweepstakes gaming was protected as free speech, and the 2010 law was found to be unconstitutional. The NC Supreme Court will be hearing this case. Additionally, cases are pending over the extent to which cities can tax these operations. We expect a decision on the tax issues to be made sometime in mid-2013.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation to authorize cities to require outdoor advertising owners to replant non-obstructive vegetation around billboard sites where a selective vegetation removal permit has been issued within the planning jurisdiction of a city.**
  - The NC General Assembly significantly reduced the authority of local governments to control vegetation removal permitting at billboards during the 2010 session. A provision designed to require replanting by billboard owners did not materialize, and rules were established allowing clear-cutting around billboard locations. A 2012 bill to dial back some of the 2010 changes died in the House of Representatives.
- **Support legislation to automatically remove records of arrest in cases where charges are dismissed, and reduce the waiting period for expungement from 15 years to 7 years in General Statute 15A-145.**
  - N.C. Gen. Stat. 15A-146 entitles a person to the expungement of charges that were either dismissed or for which there were findings of not guilty entered. The person cannot have any felony convictions on their record, either before or since the charge that the petitioner is attempting to expunge. The statute does NOT allow expungement if the person has previously been granted an expungement under 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or 15A-146. There is no filing fee assessed for filing a petition for an expungement under 15A-146.
- **Support legislation to continue to fully fund Workforce Development Programs that Support Summer Youth employment.**
  - Youth employment and summer jobs provide employment training and summer jobs to eligible youth. Most eligible youth include low-income youth with at least one of the following barriers to employment: deficient in basic literacy skills, school dropout, homeless, runaway or foster child, pregnant or parenting, ex-offender, youth with a disability, or youth who require additional assistance to complete an educational program or to secure and hold employment. In N.C. funding for these programs from the Department of Commerce totaled \$21.5 million in 2012-13.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation to fully fund the Smart Start and NC Pre-Kindergarten programs.**
  - The State's two primary early childhood development programs are Smart Start and NC Pre-Kindergarten (formerly known as "More At Four"). Smart Start partners with locally governed organizations across the state to invest in quality child care providers. NC Pre-Kindergarten attempts to increase the number of 4-year-olds in quality pre-K programs across the state. Since 2000, funding for Smart Start has been cut by \$49 million across the state.
- **Support legislation to permit a governmental entity to seek an order of abatement where a property may have some legitimate use, but is also the source of regular criminal nuisance activity.**
  - Recent case law (NC Court of Appeals: Salisbury v. Campbell) restricted the ability of city governments to utilize the nuisance abatement laws under Chapter 19, Article 1 of the NC General Statutes to abate nuisances of ancillary uses of building and structures. This goal would reinstate that authority.
- **Support legislation to restore state funding for the treatment and care of the mentally ill.**
  - A lack of state funding for treatment and facilities for the mentally ill has left many unable to receive the care that they need. The presence of mentally ill individuals, who are often homeless, places an increased burden on local public safety officers, who are not in a position to care for such individuals.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation which defends the fiscal integrity of the Local Government Employees' Retirement System and its defined benefit structure, promotes reasonable pension reforms that are prospective in nature, and meets the needs of local employees, employers, and retirees.**
  - Despite being 99.8% funded, pressure is building to convert the LGERS to a traditional 401(k) style pension system, in the wake of anti-public employee sentiment and public pension systems in other states which have not been well managed or funded. While reforms are needed, a complete overhaul is not warranted in North Carolina.



## 2013-14 Proposed NCLM Advocacy Goals

### Tax and Finance

- **Seek legislation to modernize the local tax system by:**
  - a) Giving municipalities the authority to levy a sales tax that applies within their corporate limits and is solely a municipal revenue;
  - b) Expanding the sales tax base to include more services, provided that any accompanying change in the local sales tax rate includes a perpetual hold harmless provision for individual cities and towns;
  - c) Reducing the complexity and inequity of the privilege license tax while maintaining the tax as a locally controlled source of revenue that supports services to businesses and consumers;
  - d) Allowing all municipalities to adopt occupancy taxes that are available to fund municipal service and infrastructure costs in order to support travel and tourism;
  - e) Providing all municipalities with additional local option tax revenue sources;
  - f) Requiring a one-year delay in implementation when a county changes its method of distributing sales tax revenue.
- The 2 percent local sales tax brings over \$2 billion in annual revenue to local governments in North Carolina. Even though over three-quarters of sales take place within municipalities, the current system of sales tax distribution results in municipalities receiving only 34 percent of the sales tax revenue. Also, with city-initiated annexation severely restricted by recent changes in the law, cities have very limited ability to bring nearby residents into the structure of revenue that supports the services and infrastructure needed for a prosperous urban area. Allowing cities to levy sales taxes, the revenue from which would go to the levying city, would address both of these situations.
- Expanding the North Carolina sales tax to include more services would create a general consumption tax that does not favor some types of businesses over others. Expansion of the base would provide more revenue stability, but would likely lead the General Assembly to decrease the local rate to avoid a tax windfall. It is expected that urban counties would gain more revenue from service taxation than they might lose from a rate reduction, while rural counties likely would lose revenue. As a result, it is essential that any rate reduction be accompanied by a perpetual hold harmless provision for individual cities and towns.

## **2013-14 Proposed NCLM Advocacy Goals**

- The privilege license tax is an important source of municipal revenue. It provides over \$62 million to 303 cities and towns. It is the only significant tax, other than the property tax, over which cities and towns have control of the tax rate. Unfortunately, the state law governing privilege taxes has created a structure that is difficult for cities and towns to administer and that raises concerns for taxpayers. Because of caps and exemptions in state law, some businesses pay little or no tax, while others pay thousands of dollars if the local tax is based on gross receipts. If the tax is not reformed it could easily be eliminated. Any reform must allow cities and towns to continue raising similar amounts of revenue from the tax in order to fund their services.
- Currently, 81 cities and towns are authorized to levy occupancy taxes, which generate over \$25 million in revenue each year. The authorizing legislation for these taxes generally requires that the funds go to a tourism development authority. Municipalities provide basic services, such as police and fire, to visitors. They also must spend funds on capital projects to protect natural resources that draw visitors to the community, such as beach nourishment, and on the facilities used by visitors, such as roads. The dedication of some portion of occupancy taxes to pay municipal operating and capital expenses would reduce the property tax burden on destination communities.
- In order to provide cities and towns with more flexibility in funding their services, all municipalities should be given the authority to adopt local option revenues such as, but not limited to, the prepared food and beverage tax.
- Every April, each county has the opportunity to change the method of sales tax distribution it is using. Any change takes effect on July 1 of the same calendar year. This creates an incentive for counties to change methods to solve budgetary problems and causes immediate budgetary shortfalls for their cities. A one-year delay in implementation of the change would reduce the incentive to counties and give cities and towns time to plan how to respond to a change.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Seek the temporary extension of the transitional hold harmless payments to cities and towns for a period of time that will allow the local option sales tax revenue to grow to the point where the loss of the promised payment can be absorbed by the local government.**
  - In 2002, the General Assembly eliminated over \$300 million in reimbursements to local governments and provided counties with the authority to levy a third  $\frac{1}{4}$  percent local option sales tax (Article 44) to make up the lost revenue for cities and counties. For those local governments whose estimated revenue from the sales tax was less than the value of their repealed reimbursements, the legislation included an annual Transitional Hold Harmless payment to make up the difference. It was expected that sales tax revenues would grow sufficiently by 2012 so that few local governments would still be receiving payments, and that any remaining payments would be small. Payments did fall over time as sales tax revenue grew, but the Great Recession dramatically reduced local sales tax revenues, making cities more dependent on the Transitional Hold Harmless now than was expected when the 2012 expiration for the payments was established. If the Transitional Hold Harmless is not extended, 122 municipalities will lose a total of \$10.1 million.
- **Ensure that municipalities can provide critical services by protecting state-collected municipal revenues.**
  - While state law currently prevents the Governor from withholding distributions of state-collected local revenues to balance the state budget, the General Assembly can change the law providing cities and towns with those revenues at any time. Opposition to a legislative reduction of these local revenues is covered by the Core Municipal Principles, but their protection is of sufficient importance to merit an Advocacy Goal as well.
- **Seek legislation to allow all municipalities to adopt impact fees to pay for growth-related infrastructure and services.**
  - Impact fees are one-time public charges applied to new construction that are levied by local governments to pay for the off-site costs associated with the new development. These fees are needed to ensure that developers pay for the full public costs that development imposes on communities. Several studies have shown the local public sector costs of development exceed the local tax revenues derived from the development.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Seek legislation to tighten the property tax exemption for non-profit hospitals and link it to provision of well-defined community benefits.**
  - Non-profit hospital corporations own over \$5 billion worth of tax-exempt property in North Carolina. In some cities and towns, these hospitals are among the largest employers, yet they provide no tax revenue to support the services provided to their properties. The cost of public services to hospitals can be significant, including public safety response and capital costs of public infrastructure that supports hospital facilities. Other major private employers also create such costs for cities, but do pay property taxes. The definition of a charitable hospital used to qualify for a property tax exemption is very broad, and includes no requirement that hospitals provide any level of benefit to the community. Other states are increasingly placing such requirements on their hospitals.
- **Support legislation to ensure that assessed property values more accurately reflect market values between property revaluations.**
  - North Carolina counties must conduct a countywide revaluation of all real property within the county at least every eight years, but almost half use a shorter period. The long revaluation cycle in North Carolina keeps property tax revenue steady in times when values are declining, but also keeps revenue from growing during times of rising values. A long cycle also can create “sticker shock” for property owners when the revaluation takes place. Although state law requires a new revaluation of real property in larger counties where the ratio of sales values are 15 percent higher or lower than assessed values, no counties actually have been affected by the requirement. The population threshold and wide range of variation allowed reduce the effectiveness of the trigger provision at keeping assessed values close to market values.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation to remove the sunset date on the use of film credit.**
  - The film production expense credit is designed to make North Carolina competitive with other states as a site for film and television productions. The money spent by production companies during filming is considered to be a boost to the local economy. Every \$1,000,000 of film tax credit is estimated to generate \$230,000 of local sales tax statewide. The credit sunsets as of January 1, 2015.

## **2013-14 Proposed NCLM Advocacy Goals**

### **Transportation**

- **Seek legislation to authorize municipalities to direct the Division of Motor Vehicles to block the registration of motor vehicles to which an unpaid municipal parking citation is attached.**
  - Unpaid parking tickets continue to plague cash starved cities looking to bolster parking finances, and cities only collect 70-75 percent of parking tickets issued. Like other DMV block programs, cities can expect to see parking ticket collection rates improve dramatically to upwards of 90 percent with this authority. Fourteen other states provide this authority for cities.
- **Seek legislation to provide relief for municipal governments who are forced to pay the costs of municipal utility relocation related to NCDOT projects by doing the following: requiring non-municipal units of governments to pay the costs of utility relocations; raising the existing municipal population threshold for the requirement for reimbursement; and limiting reimbursement requirements to the widening of existing rights of way by NCDOT.**
  - Like nonprofit water or sewer associations/corporations, water and sewer authorities, county rural water public enterprise systems, sanitary districts, and municipalities of greater than 5,500 population to which a water and sewer authority's system was sold/transferred, municipalities with a population of 5,500 or less are not required to pay the relocation costs of city-owned underground utilities that are required to be moved as part of an NCDOT project. However, cities with populations over 5,500 are required to pay the relocation costs for underground utilities, if needed. Towns "borrow" the costs of relocation and are given four years to pay the relocation debt interest-free. Cities are then charged interest (prime plus 1%) on the outstanding balance, and Powell Bill funds are withheld and contributed towards satisfying the debt.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation to reform the state and local transportation funding system by providing flexible local revenue options and additional authority for municipalities.**
  - In many jurisdictions, city governments are voluntarily enhancing and/or maintaining state roads within city limits with local revenue sources (property and sales tax) – what one might describe as “transfer by neglect.” This goal attempts to provide additional authority for local governments who are willing to take on additional financial responsibilities in the area of transportation maintenance and enhancements.
- **Seek legislation to increase the existing municipal vehicle fee for public transportation from \$5 to a maximum of \$20, and allow it to also be used for pedestrian and bicycle projects.**
  - All municipalities may levy a \$5 fee on each vehicle within their corporate limits. For some municipalities, local legislation has increased this amount. In addition, each municipality that operates a public transportation system may levy a \$5 fee to be used for public transportation funding. This second \$5 fee is not a funding option for towns that are too small or widely dispersed to operate a viable public transportation system. These towns still may have mobility issues that could be addressed with additional funding.
- **Seek legislation to allow Powell Bill funds to be used for sidewalks and walking paths that are adjacent to, but not located within, the right-of-way of state-maintained roads.**
  - Current law enables cities to spend Powell Bill funds for certain authorized purposes. This goal expands the list of authorized purposes to include sidewalks and walking paths adjacent to state-maintained roads.

## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation requiring owners of mopeds to maintain a minimum level of liability insurance and register their mopeds.**
  - Mopeds are currently not required to be registered or inspected but drive on the highway just like any other motor vehicle. The current law also doesn't require the operator to have a license, but they are held to the same driving regulations as other drivers. With the increasing use of mopeds and scooters for transportation, cities are experiencing issues with untrained operators, at fault moped operator created accidents, and theft.
- **Seek legislation authorizing the NCDOT to permit dining and entertainment business activities along state-owned sidewalks within municipal limits.**
  - As a number of cities are promoting downtown outdoor dining and entertainment activities on sidewalks along state roads, the NCDOT will not permit these business activities. This goal would authorize the state to do so.
- **Seek legislation to ensure significant municipal decision-making authority and respect for local ordinances in the design of transportation projects across all NCDOT divisions by requiring the NCDOT to confer with a municipality when designing or altering state transportation projects within the planning jurisdiction of a municipality, regardless of the city's financial participation in a project.**
  - This goal seeks to bolster city involvement in DOT decision-making on new projects on state roads, without requiring a city to participate financially in the project.



## **2013-14 Proposed NCLM Advocacy Goals**

- **Support legislation to study the effective interface of the ports system, rail, streets and other transportation methods used to distribute goods in North Carolina.**
  - There are efficiencies of moving people and materials that are not realized because the different types of transportation do not communicate in a way that the consumer is provided with the most effective transport product at the lowest price. Efficient ports and excellent rail and highway access to ports is increasingly important in worldwide commerce. North Carolina needs to develop this modern infrastructure to meet the shift in marine traffic that will result from an expanded Panama Canal.
- **Seek legislation requiring NCDOT to establish standards for greenway construction so that greenways are not required to be built to the same standard as roads.**
  - On paved greenway projects involving state or federal funding, the default rule is that the greenway project be built to similar standards/materials of other North Carolina roads – primarily roadbed depth, curvature, asphalt type, etc. In many situations, these requirements are not practical and result in significantly redesigned and expensive greenway projects. The NCDOT has not yet created separate requirements for these projects to provide local flexibility in designing and building greenway projects.
- **Support legislation to improve the quality and condition of the state transportation system by bolstering state transportation resources, including, but not limited to, increasing the Highway Use Tax and existing DMV fees, establishing registration fee add-ons for hybrids and electric cars, and promoting the use of tolls on interstate highways.**
  - Even before our state began experiencing reduced federal and state gas tax revenues due to tax caps and reduced consumption, increasing material and labor costs, and diminishing Highway Use Tax revenues due to declining auto sales and prices, North Carolina had a significant transportation funding deficit. Significant pressure is mounting on DOT budgets, and its ability to build and maintain an adequate transportation system for today and the future is compromised. Accordingly, DOT maintenance schedules are thinning, and the condition of transportation infrastructure is edging downward.

## **Regulatory Action Committee Proposed Advocacy Goals**

- Support solutions addressing nutrient impairment in waters that: are based on site-specific data and analysis, demonstrate use impairment, assign responsibility proportionate to the source of impairment, and include measures to equitably hold accountable all contributors to the impairment.
  - The N.C. Division of Water Quality has for years stated its intention to implement numeric nutrient criteria for all N.C. waters. Because the science behind numeric nutrient criteria is not settled, and because there are examples of many other different approaches in other states that EPA has endorsed, this goal lists other factors to consider when addressing nutrient impairment of waters on a statewide level.
- Support legislation that expands the priority accorded to public water supply among various users, protects authorized public water supply withdrawals, allows for future growth, includes all withdrawers and accounts for all downstream uses.
  - This language is based on the goal approved by the NCLM membership for inclusion in the 2011-2012 Municipal Advocacy Goals package. It addresses the topic of water allocation and prioritizes preservation of existing municipal withdrawals, while also recognizing that public water supplies need an allocation to accommodate future growth in consumption. The goal also recognizes the need to make sure there's enough water left for downstream users.
- Seek policies that provide flexibility when implementing programs guided by water quality standards adopted through the triennial review process.
  - After adoption of surface water quality standards through the federally-mandated "triennial review" process, states must then implement those standards by translating the limits into wastewater permits. The policies followed by the state when implementing these standards produce results that are extremely conservative and are outliers among southeastern states. Revisions to these policies would reduce the financial impact of the revised water quality standards, while still protecting aquatic life in the receiving streams. Revisions would also allow municipalities more flexibility in recruiting industries that may discharge pretreated wastewater into the municipal system.

- Seek updated regulatory procedures that would provide more openness, transparency, and flexibility for development of the impaired waters list and the system of rating water bodies.
  - Every water quality regulation stems from the way a water body is rated. This goal advocates for more sunshine and site-specific analysis to be brought to two regulatory actions now undertaken by the state: (1) development of the 303(d) impaired waters list, and (2) use support rating of water bodies. Both actions characterize the water quality of streams across the state, and as a result, they have the potential to greatly increase costs for both wastewater treatment and stormwater programs.
- Support legislation to create a system of water use allocation that recognizes public water supply as a riparian use.
  - This goal addresses one aspect of the water allocation debate: legal rights of water. Traditionally, North Carolina has operated under a “riparian rights” legal framework. Simply, this framework allowed every riparian owner – those who owned land touching a water body – to make reasonable use of the water. Under this framework, judges made the determinations of who had riparian rights to the use of water. Longstanding judicial precedent stated that public water supplies generally did NOT have a riparian right to water. This goal seeks to change that judicial precedent through legislation.
- Seek legislation that would implement mechanisms requiring state agencies to repeal unnecessary, unduly burdensome, or inconsistent rules.
  - The Regulatory Reform Act of 2011 requires state agencies to review existing rules and identify those that are unnecessary, unduly burdensome, or inconsistent with other rules or laws. The reform does not, however, actually require the agencies to repeal those rules. This goal would push for a legislative change to require repeal of these agency-identified rules.

- Support legislation that would limit regulation of land application of biosolids to the state and federal governments.
  - Biosolids are produced during the wastewater treatment process, and the state encourages communities to dispose of biosolids by “land applying” them to agricultural fields. Biosolids then become fertilizer for crops grown on the fields. The goal responds to a local situation in Orange and Alamance counties where the county commissioners have pursued the authority to regulate/prohibit the land application of biosolids in the county’s jurisdiction. The counties have been successful in making this goal statewide and placing it on the statewide agenda of the N.C. County Commissioners Association. If achieved, this county-supported policy goal could drastically increase the land application/biosolids disposal costs of affected wastewater systems.

# Long-Term NCLM Policy Development

(even-numbered years)

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## *Source of Ideas*

LAC/RAC Visioning  
January-October

NCLM Members  
June-August

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## *Narrow Down Ideas*

LAC/RAC vote  
September-November

- Debate
- Reject/Add
- Amend

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## *Recommend Ideas*

Board recommends advocacy goals proposals  
Mid-November

- Debate
- Reject/Add
- Amend

Member review  
November-January

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## *Finalize Ideas*

*\*\*Next Conference*  
January 24, 2013

## Advocacy Goals Conference

(January, odd-numbered years)

- Entire membership considers proposals
- Debate
- Reject/Add
- Amend

## Policy Development Process

The policy development process leading up to the 2013 Advocacy Goals Conference began in January 2012, when the League's three Legislative Action Committees and the Regulatory Action Committee met a number of times to develop policy positions for the NCLM Board of Directors and membership to consider in preparation for the 2013-2014 General Assembly Session. The policy development process ran as follows throughout the balance of 2012:

January – May	Legislative Action Committees (LACs) met to identify impediments to municipal success, receive information about possible legislative solutions, and identify goals to implement those solutions.
June – August	The League solicited member input about possible advocacy goals.
September – October	The Legislative Action Committees met four times each, and Regulatory Action Committee met twice to consider 169 goal proposals submitted by members, and 40 committee developed goals – 209 goals in all. The LACs adopted a total of 74 proposed goals, and the RAC adopted 14 goals for consideration by the Board of Directors.
November	The Board of Directors debated, amended, and reduced the advocacy goals list to 50 legislative goals, and 7 regulatory goals for submission to the membership for consideration at the Advocacy Goals Conference. At that meeting, the Board also approved the attached changes to the Core Municipal Principles for submission to the membership at the Advocacy Goals Conference.

### *Opportunity to Submit Additional Goals*

In addition to the 50 legislative goals and 7 regulatory goals submitted by the Board, member cities may submit other goals for consideration at the Advocacy Goals Conference. A form for submitting additional goals is enclosed. Proposals must be approved by the governing body of a municipality by resolution, and can be submitted by any municipal official. It is not sufficient to simply submit a copy of the municipality's goals for the 2013 session.

Proposals received in the League office by close of business on January 14, 2013 will go through a screening process in order to be considered at the Advocacy Goals Conference. At a meeting on January 18, 2013, the Goals Review Committee (NCLM Executive Committee, plus the 2012 policy committee chairs) will review the additional proposals received from the membership and determine which proposals to submit to the Conference. Once forwarded for consideration by the Goals Review Committee, goals may be approved for inclusion in the NCLM Advocacy Agenda by the same majority vote process as the original 57 goals included with this package.

## Advocacy Goal Submission Form

In addition to the 57 goals that have come through the complete policy development process, additional goals are eligible for consideration by the Goals Review Committee (NCLM Executive Committee, plus 2012 policy committee chairs), and voting delegates at the conference. A form for submitting additional goals is enclosed. Additional goals will only be accepted for consideration if they are approved by resolution by the governing body of a municipality. Resolutions must explicitly state that the governing body is proposing an additional goal for consideration at the Advocacy Goals Conference. It is not sufficient to simply submit a copy of the municipality's legislative goals for the 2013 session.

Proposals for additional goals will be presented to the Goals Review Committee, which will determine whether the goal should be considered at the Advocacy Goals Conference. If you wish to submit an additional goal for consideration at the Conference, please return this form along with a copy of the adopted resolution to the address, fax number, or email below:

Karl Knapp  
Director of Research and Policy Analysis  
NCLM  
215 N. Dawson Street  
Raleigh, NC 27603

Fax: (919) 301-1109  
Email: kknapp@nclm.org

Proposals must be received in the League office no later than close of business, January 14, 2013.

### PROPOSED GOAL

The League will seek/support\* legislation to \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### EXPLANATION

Please explain the intent of the goal and why the League should adopt it:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* Please circle either seek or support to indicate whether you wish the League to actively seek legislation to implement this goal, or merely to support legislation if it is offered by others.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_