

**ATTACHMENT A**

**A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE CARRBORO  
BOARD OF ALDERMEN FOR THE 2011 SESSION OF THE N.C. GENERAL ASSEMBLY  
Draft Resolution No. 54/2010-11**

WHEREAS the General Assembly of the State of North Carolina will begin its 2011 session in January of 2011, and

WHEREAS the Carrboro Board of Aldermen wish to express their legislative priorities for this session to the individuals and groups which represent their legislative interests, and

WHEREAS, those individuals include Carrboro's delegation to the General Assembly as well as the NC League of Municipalities and the Triangle J Council of Governments,

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen's legislative priorities for this session, include (not in order of importance):

**A DISCUSSION OF LEGISLATIVE ISSUES FOR 2010 SESSION OF GENERAL ASSEMBLY**

The purpose of this agenda item was to facilitate a discussion of legislative issues to present to our local delegation at the upcoming legislative breakfast scheduled for Monday, April 12, 2009 at 7:30 a.m. in Town Hall. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O'Donnell.

A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES  
FOR THE 2010 SESSION OF THE N.C. GENERAL ASSEMBLY  
Resolution No. 126/2009-10

WHEREAS the General Assembly of the State of North Carolina will begin its 2010 session in May of 2010; and

WHEREAS the Carrboro Board of Aldermen wish to express their legislative priorities for this session to the individuals and groups which represent their legislative interests; and

WHEREAS, those individuals include Carrboro's delegation to the General Assembly as well as the NC League of Municipalities and the Triangle J Council of Governments.

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen's legislative priorities for this session, include (not in order of importance):

- Budget Issues
- Home Rule
- Wage Theft
- PACE Financing
- Mental health issues

The following resolution having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of April 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

Mayor Chilton asked that the Town Attorney provide a status report on legislation requested by the town in the 2009 session of the General Assembly.

# NCLM 2011-12 Municipal Advocacy Goals

*Adopted January 20, 2011*

**T**HE LEAGUE MEMBERSHIP ADOPTED THE FOLLOWING TOP PRIORITY GOALS FOR THE 2011-2012 GENERAL ASSEMBLY. The Advocacy Goals Conference on January 20 was the final step in a deliberative, inclusive, member-driven process. The League's three standing legislative action committees will go back to work and consider recommendations to the League Board of Directors on other issues that affect our municipalities.

Municipal officials all across North Carolina and the League advocacy staff look forward to working with all members of the General Assembly to accomplish these goals. All North Carolinians have a stake in assuring that our cities and towns remain vibrant and open for business. As the League's new tag line says, it's about good government and great hometowns.

- 1** Seek legislation reforming annexation laws that ensures the ability of a city to grow in a reasonable manner, while providing quality municipal services on a timely basis.
- 2** Seek legislation to allow municipal creation or extensions of extra-territorial jurisdictions (ETJ) without county approval.
- 3** Support a system of liquor sales that maintains a local referendum about the decision to sell liquor, preserves local control over the location and density of liquor outlets, preserves the local revenue stream from liquor sales, and increases the authorized local permit fees statewide.
- 4** Support legislation to expand the sales tax base to include services.
- 5** Seek legislation to protect the privacy of municipal residents by limiting public access to lists of email addresses submitted by citizens to municipalities.
- 6** Seek legislation to strengthen the role of municipalities in the approval, renewal and revocation of ABC permits.
- 7** 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.
- 8** Seek legislation enhancing the authority of cities to own and operate broadband systems for their citizens, and providing incentives for last mile public-private partnerships. Include authority for cities that currently have operating broadband systems to continue.
- 9** Seek legislation to allow all municipalities to adopt a prepared meals and beverage tax.
- 10** Seek legislation creating a state bond program for upgrades to water and wastewater treatment systems, expansion of stormwater programs and assured water supplies.
- 11** Seek legislation ensuring significant municipal decision-making authority and respect for local ordinances in the design of transportation projects across all NCDOT Divisions, to lower congestion, enhance quality of life, improve aesthetics, improve public safety and bolster public health for city residents, regardless of the city's financial participation in a project.

MORE

- 12** Support legislation permitting 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.
- 13** Support the equal application of water quality management rules that impact cities to N.C. municipalities, counties, state agencies and private operations, require payment of city stormwater fees by all state agencies, and require maintenance of all stormwater structures by permitted entities.
- 14** Seek legislation to: 1) require that counties conduct a public hearing before approving a resolution choosing the method of sales tax distribution; 2) delay the implementation of a change in method until July 1 of the calendar year following the adoption of the change; and 3) phase in the change in method over four years.
- 15** Seek legislation to increase the \$5 municipal vehicle fee, currently available only for public transportation, to \$20 and allow it to also be used for pedestrian and bicycle projects.
- 16** Seek legislation to grant more flexible authority for local public safety officers to enforce ABC-related laws.
- 17** Seek legislation to allow all municipalities to adopt impact fees to pay for growth-related infrastructure and services.
- 18** Support legislation to increase funding for the State Mobility Fund in order to support regional congestion mitigation projects, interstate maintenance and a Powell Bill supplement; and to provide additional funding sources for State transportation projects.
- 19** Seek legislation to revise the local land transfer tax so that: 1) it can be adopted without a referendum; and 2) municipalities receive a share of the revenues.
- 20** Support legislation to reform the municipal business privilege license tax by: 1) eliminating exemptions and caps for specific categories of businesses; 2) specifying the appropriate bases for the tax; 3) requiring municipalities to adopt a rate schedule that applies to all types of businesses within a municipality; 4) limiting the amount of taxes paid by businesses that have business activity within a municipality but no business location within it; and 5) capping the amount of tax that can be imposed on any single business location.
- 21** Seek legislation to allow municipalities to establish vacant housing receivership programs for the purpose of rehabilitating structures not meeting minimum housing standards and transferring them to responsible ownership.
- 22** Support legislation establishing a water permitting system that protects existing municipal withdrawals, allows for future growth, includes all withdrawers and accounts for all downstream users.
- 23** Support legislation providing municipalities with the authority to impose a fee to recover the costs of vehicle accident and fire response from at-fault drivers and parties responsible for fires, up to a statutory maximum amount.
- 24** Support legislative and regulatory efforts for efficiencies in water, wastewater and stormwater permitting processes.
- 25** Seek legislation to classify reclaimed water as a resource water, and study the injection of treated water into aquifers.

# 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 preservation and enhancement of the existing tax and revenue structure.*

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.

MORE

## 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 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.

MORE

## 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 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 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. The state and federal governments should fully analyze costs associated with environmental requirements before adopting them.

*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.*



**MEMORANDUM**

February 2, 2011

To: Steven E. Stewart, Town Manager  
From: Arche L. McAdoo, Finance Director  
Subject: Legislative Agenda - Beer and Wine Permits

The purpose of this memorandum is to provide an update on the legislative agenda item to increase beer and wine permit fees as advocated by City of Durham.

The current maximum fee municipalities may charge businesses that want to sell beer and wine is as follows:

|                     |          |
|---------------------|----------|
| Beer (on premises)  | \$ 15.00 |
| Beer (off premises) | \$ 5.00  |
| Wine (on premises)  | \$ 15.00 |
| Wine (off premises) | \$ 10.00 |

These permit fees are different than the alcohol beverage taxes distributed by the State to localities, and are in addition to any privilege license tax. Because the Town does not account for these permit revenues separately from the general privilege license revenues, we do not know how much revenue the Town has received from these permits in the past.

The City of Durham believes that these permit fees are too low and is seeking to have the state statute changed to allow local governments to charge a higher permit fee. The North Carolina League of Municipalities has included the increased beer and wine fee, along with other liquor sales issues, as #3 of their legislative agenda for 2011-2012. A specific dollar amount of the proposed increases has not been established at this point. The NCLM has also included the following as their #6 legislative priority:

*“Seek legislation to strengthen the role of municipalities in the approval, renewal, and revocation of ABC permits.”*

I will continue to follow up with Durham staff and NCLM, as appropriate, on this matter. If you have specific questions or need additional information, please let me know.