



City of Wilmington 2011 Federal Legislative Agenda

Jobs and Infrastructure

By investing in municipalities our federal partners are investing in our citizens' recovery. Because local governments are responsible for constructing and maintaining significant portions of infrastructure, direct funding to municipalities serves both the critical near-term need of job creation and the long-term need for infrastructure improvements. Targeted changes concerning local government financing will maximize these investments and further encourage private sector growth.

Requests:

The City of Wilmington supports enhanced funding of the following programs: Department of Commerce Economic Development Administration Public Works and Infrastructure grants and Economic Adjustment Assistance grants, Housing and Urban Development's Community Development Block Grant (CDBG), Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Act grants, and Department of Justice COPS Hiring grants. The City also endorses legislative means to foster local job creation. In addition, the City requests extension of the authorization of the Build America Bonds to supplement opportunities and markets for municipal bonds. The City also supports repeal, or continued delay of the effective date, of Section 511 of the *Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222)*, which requires local governments to withhold three percent of payments to vendors for goods and services, because of the negative impact implementation could have on our vendor partners.

Transportation

A safe and efficient multi-modal transportation network is vital to the resilience of the economy, the viability of business, and sustaining our quality of life. Current economic conditions underscore the importance of this resource, yet the nation's transportation infrastructure remains inadequate and aging and the Highway Trust Fund continues to fall severely short of demand.

Requests:

The City requests the expeditious authorization of a new transportation funding program of strategically established goals, funding priorities, and project criteria that support an interconnected, multi-modal transportation system; promoting economic growth, protection of natural resources, and safety should be primary goals. The City supports aggressive exploration of alternative sustainable funding sources for transportation needs, including a National Infrastructure Bank. The City also supports the Partnership for Sustainable Communities, a joint effort of the Department of Transportation, Housing and Urban Development, and the Environmental Protection Agency that provides funding for regional planning and projects that integrate transportation and land use. The City endorses the recommendations outlined in the National Multi-Modal Transportation Steering Committee's report "A Strategic Way Forward."

Sustainability and Economic Development

The City encourages energy efficiency and conservation, promotes the use of renewable resources, and protection of the natural environment. It also seeks to leverage public and private



investments to create the vibrant local economy essential to the well-being of citizens, businesses, cultural organizations, and public and private institutions.

Requests:

The City requests extended funding for the Energy Efficiency and Conservation Block Grant (EECBG) program to continue innovations, such as the preliminary energy efficiency upgrades to our historic City Hall, financed by the original appropriation. The City also supports legislation that would codify the Sustainable Communities Initiative and provide a permanent framework for its administration.

Affordable Housing, Historic Preservation, and Economic Development

We believe that clean, safe, attractive, and diverse neighborhoods—with a mix of uses—make a flourishing community. Investment in the nation’s neighborhoods, especially its historic ones, is a critical component of the overall economic health of our cities.

Requests:

The City requests opportunities to expand affordable housing efforts. The City endorses legislation to encourage banks to finance affordable housing and other needed community development projects. The City also supports historic preservation legislation that facilitates investment in small businesses, promotes on-going maintenance of historic structures, and encourages energy efficient renovation.

Public Safety

State and local governments’ public safety programs funded through federal programs have not only provided local results but needed national improvements as well. Enhanced local public safety efforts have contributed materially to the overall reduction in crime and augmented first responders’ capabilities have resulted in improved national security. It is critical that funding support is restored to these highly effective programs. An area of concern for the City is the determinations concerning collective bargaining that have historically been the purview of state and local governments, now the subject of pending federal legislation.

Requests:

The City asks for funding of the highly effective COPS program and public safety block grant programs that support local public safety programs and first responders. The City opposes any federal legislation that supplants local governments’ right to determine whether the terms and conditions of employment of any of its employees shall be subject to collective bargaining.



City of Wilmington State Legislative Agenda 2011 Session of 2011 General Assembly

City of Wilmington Legislative Issues

Maintenance of Existing Local Funding Sources

As growth continues to lag behind the end of the recession, government at all levels faces increasing challenges. State and local elected representatives share the difficulty of meeting citizens' needs and balancing budgets during these difficult economic conditions. There have, however, been some suggestions during previous sessions that would alter existing local funding arrangements with the State to the detriment of local governments. More than ever local governments depend on each of these statutorily-guaranteed funding sources: local sales tax, privilege license fees, utility franchise tax, beer and wine tax, video programming tax, piped natural gas excise tax, telecommunications service tax, Powell Bill funds, supplemental Public, Educational, and Government (PEG) channel support, solid waste disposal tax, State property fire protection reimbursement, and ABC revenues.

Requests: The State should identify appropriate resources to address its needs. Honor existing local funding agreements.

Transportation and Infrastructure Financing

A well-maintained, multi-modal transportation system is essential to our citizens. Currently, the State's transportation infrastructure needs exceed its resources by \$44 billion; the revenue sources available are simply inadequate to meet the maintenance and construction needs. The City supports development of additional dedicated State funding and local option revenue sources. Newly-created State funding sources should incorporate the needs of communities throughout the State and have clearly-defined criteria.

Requests: The City requests assistance in identifying an appropriate source of revenue to address the gap in funding needed to finance the Cape Fear Skyway, the region's primary transportation and infrastructure need, and obtaining any enabling legislation that may be required to secure it. The City also seeks opportunities to collaborate in the identification of projects and allocation of resources in the Mobility Fund. The City supports a provision for a local option sales tax for transportation and/or infrastructure projects that are project specific with a sunset provision. Any additional transportation funding should not supplant any NCDOT Transportation Improvement Program funding available to the County.

Partnerships for Job Creation and Regional Economic Development

In the first half of 2010, unemployment in the City of Wilmington remained above 9%, with some demographics and some sectors hit harder. Job creation and economic development continue to be of unprecedented importance as the City seeks tools to assist our citizens in their economic recovery. With two-thirds of new jobs anticipated to be created in small businesses, the City is considering a small business development package and welcomes legislative efforts that would further support them. The City also supports the State's efforts to attract larger employers, particularly those businesses that provide jobs while also engaging in other activities, including affordable housing, historic preservation, and sustainability and energy efficiency,



which are important to the City. The City also remains dedicated to our film industry and working to ensure that it is competitive in an exceptionally aggressive market.

Requests: The City requests assistance in developing partnerships and legislative strategies to promote regional economic development and job creation in both small businesses and larger employers. The City supports continued funding of the Department of Commerce Job Development Investment Grant (JDIG) program and One North Carolina Small Business Program. The City also requests removal of the cap on the amount of a highly-compensated individual's salary that is eligible as a qualifying expense for a production company to receive as partial credit against applicable State taxes.

Historic Preservation

Wilmington's Central Business District (CBD) is the City's vital economic hub; it is also home to hundreds of unique and significant historic buildings that have been designated as National Register Contributing Structures. These diverse buildings are an essential component of Downtown Wilmington's appealing character, but because some of them are located outside the City's historic district they lack important protections. The City is developing a set of policies and incentives to protect and encourage appropriate redevelopment of these structures. In conjunction with these efforts, it is also critical to ensure that owners entrusted with these unique properties maintain them.

Request: The City requests assistance in obtaining the authority to apply its existing Demolition by Neglect ordinance to Contributing Structures in the Central Business District.

Wilmington Civil Service Act Update

The provisions related to the Civil Service Act found in the City Charter are in need of updating. Technical corrections are needed to update internal references and the membership of the Commission lacks a permanent solution. Passage of *S.L. 2010-73 Wilmington Civil Service Amendments* provided temporary relief by filling the vacancy created by the dissolution of the Wilmington Ministerial Association, the appointing authority for the Commission's fifth member. The act, however, sunsets on August 1, 2011 and a means for establishing a fully-functional Commission for the City's public safety employees needs to be resolved.

Request: The City requests assistance and support for its efforts to revise the City's Civil Service Act to ensure a modern and fully-functional Civil Service Commission for its public safety employees.

Link Unpaid Civil Motor Vehicle Fines to Motor Vehicle Renewal

The City's code provides for the use of civil penalties when individuals violate sections pertaining to motor vehicle use. The City, for example, engages in a Downtown parking program to ensure adequate on-street parking for customers, to prevent traffic congestion, and to foster appropriate use of its parking decks; fines are issued for parking infractions. In those rare cases when an extreme offender refuses to pay relevant fines, the City may enter a judgment against the vehicle owner.



Request: The City requests authority to stop motor vehicle registration when a judgment is pending; registration would be allowed upon presentation of certification of payment of fines.

Re-Establishment of Wilmington’s Extra-Territorial Jurisdiction

Typically, cities within the State have the authority to exercise land-use regulatory oversight over areas extending up to three miles from the city limits. This authority provides for appropriate planning and development of those areas within the urban context. Development that does not meet urban needs can result in additional costs to city residents, such as the more than \$27 million in stormwater solutions needed to address drainage issues in previously unincorporated areas; city residents have shouldered the cost of similar street and sidewalk fixes. The City of Wilmington has not been successful in obtaining this planning authority from New Hanover County.

Request: Re-establish the authority of the Wilmington City Council to exercise Extra-Territorial Jurisdiction.

Statewide Legislative Issues

Protection of City’s Rights to Annex

Annexation has proven to be an essential tool to promote the growth of cities and their surrounding regions, as well as the State’s economy. City-initiated annexation permits long-term planning to occur in an orderly way. It is also essential to the integrity of the annexation process that cities be prepared to provide all urban services to a newly-annexed area in a timely fashion. Any changes to the annexation laws should include updating antiquated sales tax distribution options that penalize cities for job creation and efforts to expand the local tax base.

Request: Protect the City’s rights to annex and grow the tax base.

Local Involvement in Decisions of ABC Commission

Decisions made by the ABC Commission regarding whether a facility receives a license or an upgrade to an existing permit directly impact the surrounding neighborhood and the allocation of local public resources. Local governments should have input concerning these decisions because of their immediate impact on the quality of life in the community and the cost in public safety and public health services. The current ABC-permitting system provides an opportunity for limited local government input concerning these important decisions with little definition of the appropriate process to be used. In addition, local public safety departments, facing the additional demands of policing establishments serving alcohol, lack appropriate resources and statutory authority.

Requests: The City requests cross-training and licensure of select Wilmington Police Department officers with their colleagues in ALE and the authority to charge additional fees to businesses serving alcohol to offset additional public safety costs incurred around such establishments. The City also seeks the authority to implement a system of tiered licenses, and corresponding fees, for establishments that serve alcohol based on hours of operation. In addition, the City requests support of its continuing efforts to improve the system for providing local government input into ABC-permitting and oversight decisions.

Municipal Broadband Service

Broadband service has become an essential component of infrastructure in urban areas, critical for growth and economic development. Despite the evident need, implementation continues to lag. In some portions of the state, private providers are unable or unwilling to provide the necessary infrastructure and access and local governments have filled the void. During the most recent legislative session, efforts were made to place prohibitive restrictions on cities and towns seeking to provide these needed communications services to local residents, businesses, hospitals, educational institutions, and public facilities.

Requests: Protect the rights of unserved or underserved municipal residents to high-speed broadband access, from municipally-provided services if needed, by refusing to enact legislation that creates impediments to the provision of the needed infrastructure. Support efforts to foster public-private partnerships

Gang Activity as a Public Nuisance and Other Enhancements of Gang Suppression Act

The North Carolina Gang Suppression Act declared property used by street gangs to be a public nuisance and, therefore, subject to abatement. Last session, the City worked on legislation to enhance the efficacy of these existing statutes in addressing gang issues. The legislation applies the same liability and abatement concepts associated with other public nuisances to gang activity. The bill proposes that any person who regularly associates with others in gang activity may be made a defendant in a nuisance abatement suit. Finally, the legislation provides that if a court finds a nuisance exists, it may order the defendant enjoined from engaging in gang activities and may impose “reasonable requirements” to prevent future gang activity. The bill received serious discussion in House committees this session but was not heard on the floor.

Requests: Support complementary changes to nuisance abatement laws to provide other means for addressing intractable gang activity. Consider other statutory and funding options to provide additional tools.

Repeat Offenders’ Impact on the Community

The City of Wilmington has made significant strides in reducing its incidence of major crimes, but difficulties persist largely because of the issue of repeat offenders. These habitual offenders are responsible for inflating the number of burglaries and larcenies committed in the City; this trend is exacerbated by the lack of appropriate sentencing for property crimes in the current judiciary system. Without an appropriate support network for their return, the impact of these individuals on the community is just as problematic following their incarceration. The recidivism rate within three years is 61% and there are, at any given time, approximately 5,000 individuals in New Hanover and Pender Counties on parole or probation. There is currently no fully-funded, functional mechanism to assist these individuals transition from the structure of incarceration to financial independence and social integration.

Requests: Support changes to sentencing for property crimes as recommended by the NC Metropolitan Police Chiefs’ Association. Oppose any legislation reducing sentencing associated with property crimes. Maintain current levels of criminal justice funding.

Authorization for Public Financing Program for Municipal Elections

The cost of running for local office is becoming unattainable to everyday citizens in many North Carolina communities and public financing programs that encourage small donations, voter participation, and voluntary spending limits are present at the federal and state level, including in North Carolina statewide judicial and executive branch elections. However, a North Carolina city or town could not implement such a program unless State law is changed to give local governments the authority to pursue this option.

Request: Enact legislation that gives larger towns the authority to sponsor a public financing program for their local elections, if they so choose, using local resources, with technical assistance from the State Board of Elections.

State Watch Issues

Water Allocation

Last session included efforts to implement recommendations of the 2008 Water Allocation Study. State policies should preserve existing water supply and protect adequate allocations for future growth in the Cape Fear region within the context of a more equitable, coherent approach to managing the State's water resources.

Unfunded Mandates and Hold Harmless Provisions

Any State-directed mandates should come with a revenue stream to cover the costs of implementation. Similarly, any State-approved changes to existing local revenue streams or programs should protect the City from any loss in revenues.

Support for Affiliate Organizations' Agendas

Support NCLM Legislative Agenda

The City supports the North Carolina League of Municipalities Legislative Agenda.

Support the NC Metropolitan Mayors Coalition Legislative Agenda

The City supports the North Carolina Metropolitan Mayors Coalition Legislative Agenda.