



CITY OF CONCORD 2011 STATE LEGISLATIVE PRIORITIES

1. Water – Late at night during the waning days of both the 2009 and 2010 sessions of the General Assembly, the NC Senate amended environmental bills to try to make it almost impossible for Concord and Kannapolis to use its 10 MGD Interbasin Transfer (IBT) of water from the Catawba River. Once again, a few in the General Assembly tried to retroactively change the rules of the game after our two cities diligently followed the Interbasin Transfer statute in obtaining permission for the transfer from the NC Environmental Management Commission. This occurred even though all the parties involved in the contested case related to the Catawba IBT signed a settlement agreement to resolve the issue in early 2010. These bills failed to pass due to the efforts of our local delegation and other legislators familiar with the history of the Concord/Kannapolis IBT process.

The City of Concord is opposed to any legislation impacting any facet of the IBT as granted Concord and Kannapolis by the Environmental Management Commission. This issue has now been settled and any such legislation will not be supported by the local governments that made up the Protect the Catawba River Coalition or the Catawba River Keeper.

2. Annexation - During the 2009 session, North Carolina cities agreed to support a compromise bill, HB 524, which made strong changes to service requirements, density standards, and other provisions for areas to be considered for annexation. These changes would clearly make annexation more difficult and were designed to also address the issues raised by annexation opponents. The Cabarrus Regional Chamber of Commerce helped lobby for such a compromise by visiting the local delegation and other key legislators. However, the addition of a referendum provision in this bill later killed the chances for a compromise of this nature

Cities and towns continue to be the economic engines of the state and must be permitted to grow in an orderly and reasonable fashion. Strong and healthy cities benefit all North Carolina citizens. Look at the plight of cities in states that do not have this authority and struggle to prevent urban decay.

Concord is committed to working to build understanding and support of Senate and House members regarding appropriate reform without a referendum and opposes legislation with a referendum provision.

3. Transportation - It is clear that the current methods of paying for transportation improvements in North Carolina are inadequate as revenues are declining due to the structure of the gas tax while the needs are increasing. However, it is important that proposed changes in legislation be monitored, local government input be solicited and considered and that parties work to improve the relationship between the N.C. Department of Transportation and local government.

For example, some legislators have discussed shifting more of that responsibility to funding State roads within cities to the respective municipalities. The fear is this responsibility would be shifted without adequate funding, as the State is already underfunding the maintenance of roads within Cabarrus County and the rest of North Carolina. Concord is opposed to this as this would put an undue burden by forcing localities to increase property taxes to take over this responsibility.

Instead, Concord supports adding more revenues to the Mobility Fund and set asides for expanding Powell Bill with a new allocation based on lane miles and a set aside for Interstate Maintenance.

Concord supports continuing efforts to reform the processes NCDOT uses to do its work. As a part of this endeavor, Concord urges the North Carolina Department of Transportation and the General Assembly to also include a reevaluation and modification of the transportation equity formula so that congestion and traffic issues are providing a higher priority for funding.

4. Local Government Revenues - With the current economic conditions, there will be significant pressure for the North Carolina General Assembly to keep revenues the State collects on behalf of local governments and use this money to help balance the State budget. Concord will oppose efforts to balance the State budget using any funds due to local governments. Counties and municipalities are facing the same financial challenges and cannot afford for the State to impact local services by balancing the budget on the backs of local government.

Several cities and counties have revenue options that are not available to all. Concord supports the introduction of legislation that is designed to provide all local governments with the same authority to enact any or all of the several revenue options that have already been authorized for any other local government in North Carolina.

Finally, Concord will oppose any legislation imposing mandated requirements on municipalities unless full funding or adequate new revenue sources are provided for implementation.

5. Collective Bargaining – The City of Concord opposes any effort to change existing laws impacting public employee collective bargaining in North Carolina.

6. ABC Structure – The City of Concord supports efforts to address the financial and ethical issues plaguing a very few local ABC systems and supports proposals to grant greater local authority to enforce the ABC laws. Concord opposes limitations on local ABC system autonomy, including: 1) granting the ABC Commission the power to mandate changes in governance or operation of a solvent ABC system; 2) limiting the power of voters to choose whether liquor stores should operate in their community; and 3) diverting local ABC store revenues for use by the State.

7. Municipal Broadband – The City of Concord opposes efforts to restrict the ability of municipal governments to operate and finance broadband systems. While the City has no immediate plans to implement a system, this legislation sets a bad precedent by preempting municipal authority and further eroding control over local infrastructure needs.

8. Lists of Subscribers to Electronic Mail – In 2010 Session Law 2010-83 was enacted to provide that Chapter 132 of the General Statutes does not require that the specified local governments must provide a copy of electronic mail lists of individual subscribers if requested. It does require that such lists be available for public inspection. Since lists could be used for spam or other uses that subscribers do not want, the City of Concord requests to be added to the local governments covered by this law so that our users of electronic mail have the same protections.

9. Notice of Foreclosures - When lenders foreclose on houses in the community local governments often do not know which houses or neighborhoods are targeted and have little chance to recoup their taxes or correct code violations. In addition the local governments often do not know who is responsible for code enforcement problems post foreclosure. The proposed solution is to require creditors foreclosing notes and deeds of trust under NCGS Chap. 45 to file a notice of the action with local governments. The City or Town Clerk would be the most reasonable person to receive notice. The notice should include street address, lot and block number of the property, full name and contact information of any individual located in North Carolina who is authorized to accept service of complaints on behalf of the creditor. The notice should be given to the Clerk within ten (10) days of filing the summons and complaint with a Clerk of Court. The local governments would then be in a much better position to prevent further deterioration of the foreclosed properties, which leads to blight in neighborhoods subject to multiple foreclosure actions.

10. Hallstead Subdivision Annexation - On August 17, 2004 the City of Concord signed a settlement agreement in Superior Court litigation with the owners of what became the Hallstead Subdivision developed by Crosland. As a part of this settlement agreement and judgment, the owners promised to petition the City for annexation at the time of application to Cabarrus County for final plat approval. At first Crosland submitted petitions for annexation but after a change in personnel Crosland stopped submitting petitions for annexation. Now some of the subdivision is in the City limits and some out. The City cannot annex the subdivision because it is not contiguous to Concord's main municipal limits and does not conform to the development standards of NCGS §160A-48. Crosland is unwilling or unable to comply with the settlement agreement and provide the City with an annexation petition probably because it has sold many of the properties in the second phase of the Hallstead Subdivision. Some of the citizens are now asking for City services. The citizens do not understand why a portion of Hallstead receives City services and another portion does not. The only remaining way for the balance of the subdivision to become a part of the City of Concord is to request the General Assembly to annex the balance of the subdivision.

11. US CUSTOMS at Concord Regional Airport – In response to existing airport users needs and to support economic development and job creation in Concord area, The City has requested that Charlotte Customs Port clear general aviation aircraft directly at the Concord Regional Airport on a per request, advance notice basis. This request was denied by the Charlotte Port Director Patricia Fitzpatrick on July 15, 2010. The Port Director wrote, “One parameter that was discussed was the port limits of the Port of Entry Charlotte (proper) and it was decided that according to Treasury Decision 56079 and the *geographic limits included as the territory of Charlotte as described in Section 1, Chapter 114, of the 1959 Session Laws of the State of North Carolina that the Concord Regional Airport was outside of the port limits.*” [Emphasis added.]

The City of Concord requests support from its legislators in making customs services available to general aviation aircraft at the Concord Regional Airport. In addition, the City of Concord requests amending the existing legislation to include the geographic area of the Concord Regional Airport into the Charlotte customs port service area.

12. 2011 NCLM and Metro Mayors Legislative Agendas – In addition the Concord City Council supports those items listed on the agendas of the North Carolina League of Municipalities and the Metro Mayors not covered in the items above. These include but are not limited to:

- Support the needs of the Justice System
- Support efforts to reduce gang violence
- Support efforts to advance North Carolina's biotech industry and grow related jobs