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Richardson, Vierling honored

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Statement of Ownership

Cover Story: From Ambassador for Elkin to Ambassador for All Municipalities
Lestine Hutchens’s spirit and experience made for a great year of League leadership

CityVision 2016: Accelerate!
Lots will be new at this year’s annual conference in Raleigh

Conference Host City Raleigh Brimming with Change
Downtown and elsewhere, the capital city is on the move

Rep Ed Hanes: The Equalizer
The Winston-Salem legislator has been bridging gaps his entire life

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WRITERS THIS ISSUE

Scott Mooneyham
Director of Public Affairs

Ben Brown
Advocacy Communication Associate
When I first ran for mayor of Elkin, my mentor and former Elkin Mayor Tom Gwyn made clear to me that I should be prepared to not only represent the interests of all town residents while considering town business there, but also be prepared to represent Elkin in Raleigh. Tom was president of the League in 2001, and he understood that policy passed in Raleigh can have a big effect on towns and cities, big and small, all across North Carolina. That representation in the state capital, he understood, was best accomplished by being involved in League policy committees, on the League’s Board of Directors and through other League lobbying efforts.

As I look back on my past year as League president, I am more aware than ever that Tom was right. It has been an honor and privilege to have served in this role, and the time since I was sworn in as president last October has seemed to fly by. What I have seen over this year while serving in this role has simply reiterated what I learned since first serving on a Legislative Policy Committee years ago: I learned that the League is a networking group as well as an educational group. You can ask a colleague how they handled a problem and find options to use in your own hometown. League members always are eager to help.

But it is also our responsibility to serve our town or our city by paying close attention to the General Assembly and making sure that we know how legislation could affect any part of our municipalities’ life. Over the past year, and over the past few years, I believe the League has developed new energy. New leadership on the staff and on the board has brought new ideas and new solutions to our issues. A big part of that energy is reaching out to involve more leaders in all parts of state. We must have all involved to make a difference and to stand up for municipal authority so that locally-elected officials can make the decisions that best address the unique needs of our residents.

We are a diverse and large state. Allowing each municipality and its residents to pursue their unique vision for their communities is the way we keep the state economically strong. As I prepare to leave this position, I want each of my fellow board members and all of you to know what a great pleasure it has been to work with you. Getting to know other board members and working on difficult issues with them to find resolutions has been one of the most enjoyable aspects of serving as League president. It’s a good feeling to see the light at the end of the tunnel and know it’s not the train. And one thing that I have learned is that hard-working, caring municipal officials are making a difference every day, whether collectively through an organization like the League or individually in their own communities.

I am excited about the future of this organization and know that I leave it in good hands as League members and staff continue looking ahead at looming challenges. We all know that there are many. But I am also confident that cities and towns have rarely been better poised to meet those challenges. As my term as NCLM president comes to an end, so too will my time as Elkin mayor soon be ending. I am not running for re-election. I will, though, watch for the continued success of the League and feel good about its direction moving forward.
Greensboro City Clerk Betsey Richardson was recently named 2016 Clerk of the Year by the N.C. Association of Municipal Clerks. Richardson was presented with the honor at the association’s annual summer conference and academy held in Asheville. As usual, the award was kept under wraps until it was announced, with Richardson only growing suspicious when seeing other Greensboro officials attending just before she was recognized.

Greensboro City Manager Jim Westmoreland and Mayor Nancy Vaughan nominated Richardson because of her efforts to introduce new computer software systems to make the distribution of City Council documents and meeting agendas more efficient and paperless.

Richardson has worked for the City of Greensboro for over 21 years. She began her career there in 1994 as a real estate paralegal with the legal department. Richardson was promoted to legal services supervisor, a role whose duties included compiling the legal portion of Greensboro City Council agendas, as well as drafting resolutions and ordinances. It was that experience which helped form the ideas that led to the innovations cited in her award.

In 2008, she was named city clerk, but remained a certified paralegal. She received her IIMC Certified Municipal Clerk certification in 2011 and N.C. Certified Municipal Clerk certification in 2012.

Just days before Richardson was named Clerk of the Year, another North Carolina city clerk received a top honor. Longtime High Point City Clerk Lisa Vierling was presented the Order of the Long Leaf Pine, given to those with a proven record of service to the State of North Carolina or in recognition of special achievement. Rep. John Faircloth presented the award to Vierling during a High Point City Council meeting in early August.

Vierling has served as city clerk in High Point for 15 years and is a past-president of the N.C. Association of Municipal Clerks. She is currently a member of the International Institute of Municipal Clerks Board of Directors.

By Scott Mooneyham, NCLM Director of Public Affairs

Lestine Hutchens lives amid art. And she’ll point it right out, proudly.

For outsiders strolling alongside of her in Elkin, a Yadkin River town she’s served for decades in elected office and for the past eight years as mayor, Hutchens is the convivial ambassador for the nobly aged local architecture, the public sculptures, the historic facades, the paint schemes, the brick-wall murals, the decorated drain covers, the tasteful restorations, the bright parkland, and lush nature trails where locals walk ankle-deep through kaleidoscopes of butterflies. To make a brief list.

“I just love these signs on the farmer’s market,” she said at the start of what would be a (gleefully) lengthy tour through town, pointing to colorful, stylized renderings of fresh produce affixed to the market shelter, fashioned similarly to other signs found around downtown. She showed a Southern City writer the best angle to photograph them.

Her enthusiasm could be lost on no one, which anyone might guess is, at least in part, why the Elkin locals – several of whom stopped to say hello to her along the stroll – have kept her in office for so long.

But for Hutchens, a native of the town, it’s time to kick back. It’s her last year as mayor – her choice, obviously – giving her more opportunity to enjoy what she’s helped to build over her 24 years in town office.

“She is the best,” one local, a dentist named Perry Jernigan, told Southern City for the record after stopping to greet Hutchens with a hug. “We are going to miss her so much.”

So will municipalities across North Carolina. Hutchens for 2016 has served warmly as president of the North Carolina League of Municipalities, following other officer and committee roles she’s held with the organization in the past – not surprisingly, given her long tenure.

“We’ve worked all our lives and I’m ready to play,” Hutchens told the Mt. Airy News of her then-potential retirement in a 2015 article about her election to League presidency.

Born and educated in Elkin, Hutchens worked for 40 years with a
locally organized bank that, during her time there, mushroomed from nine employees to 300. Hard work is her brand, coming from parents who both worked in a woolen mill there, in an industry that employed much of the populace back in the day.

The town today is quite the mixture: art shops, nature walks, food, a large medical presence, antiques dealers and, throughout the greater Yadkin Valley, vineyards. Hutchens listed off each of them on the approach to a more recent point of pride, a restored tobacco warehouse called The Liberty, which bookends the old cruising strip of East Main Street downtown.

“This is one of our success stories,” Hutchens said of The Liberty, revitalized into a wine shop, restaurant, meeting space and banquet hall. To make it so, Elkin directly invested and administratively supported grant applications totaling $1.5 million, efforts that ended up quadrupling the site’s tax value. It’s in steady demand, with the banquet hall seeing booking rates doubling year over year, certainly to do with its interior beauty. When a Southern City writer singled out the impressively preserved double-doors inside, Hutchens dutifully corrected: “The whole place.” And right she was. She pointed out how the developers reverently maintained the space’s original character, including the wide pine-plank floors, exposed original brick and enormous wooden trusses overhead. Roughly 80 percent of the bookings come from parties based outside of Elkin.

On the other side of downtown, on
West Main Street, Hutchens pointed to a stone facade of a demolished building set to transform into Elkin's new “linear park” (an urban space that is longer than is wide).

"There's going to be a second-level on it," she said, walking up to renderings on display of the development. "It's going to have some really pretty shade, and a playground, and bathrooms," the last piece of which will better accommodate street events downtown.

But it wasn't just the public or public-related projects on her show-and-tell list. She made sure to talk about each local business along the strip, whether they were mainstays, recently opened or yet-to-come. Reeves Theater, for one, when opened will be a rejuvenation of a grand, old performance hall in downtown Elkin. "The inside will look like it did back in the '20s, when it was built," Hutchens said with a glow.

"She's a great cheerleader for Elkin,"
said Cicely McCulloch, an Elkin town commissioner who’s served alongside Hutchens for years. McCulloch said Hutchens as a female inspired her and others into public service circles. “I think it’s been great for women,” she said.

In another example to follow, she said Hutchens “made sure Elkin was remembered in every different aspect” when it came to regional or economic development conversations. McCulloch said one of Hutchens’ biggest successes was landing a Surry Community College location in Elkin for workforce development.

That, of course, was a stop on the tour. “This is my most proud moment, that we have a piece of the community college here in our town, so our people who needed training (could access it),” Hutchens said, walking up to the Elkin Center, a converted grocery store building where classes are geared toward the need of existing employers, like the large local hospital or in law enforcement. The training helps people get right to work.

She’s looking after the community’s present and future needs, which might be a hard act to break.

Zebulon Mayor Bob Matheny, the League’s 1st vice president, said he’s known Hutchens for years and has always seen her as a dedicated servant. “I appreciate Lestine’s friendship and always know that she has the good of the League in her heart working to enhance the League and the role of municipal government in North Carolina,” said Matheny.

But if she can manage to kick back in retirement, it’ll likely include many days with what is arguably the most scenic and relaxing feature of town – its carefully developed trail system.

“You don’t feel like you’re close to town, either,” she said, navigating the forested Elkin & Allegheny Railroad Nature & History Trail – following an old railroad bed – with a friend, Joe Hicks of the town-backed Elkin Valley Trails Association. Both remarked at the swarms of colorful butterflies – hundreds at every glance – packing onto trailside milkweeds, though they also acknowledged it wasn’t an unordinary sight.

It’s nature that completes the art of the town. This trail in particular, aided by the town’s and partners’ knack for securing grants, winds within Elkin’s limits but also connects with Stone Mountain’s complex for hiking and horse-riding that could become part of the Mountains to Sea trail system.

“I only have one more place to show you,” Hutchens said after a half-hour along the trail, a statement not entirely true as more and more sights – from sculptures to standout plants to pedestrian bridges to installations and shelters built by volunteers – kept coming into view.

Ever the cheerleader, she made sure the experience didn’t wear thin. She proved Elkin could produce. “That’s where I grew up, on that piece of property over there,” she said on the way back to Town Hall, adding with a laugh, “It doesn’t have a sign on it.”

Hutchens doesn’t see her good-natured approach to leadership and local character as anomalous or individual. Rather, she sees herself as part of a series of caring public officials who together make up a pretty remarkable resource for the entire state.

“I am a people person, and getting to know the (League) staff and the Board of Directors and see their many talents has given me a better perspective on the future of cities towns,” she said. “I see a bright future because of the energy shown by these leaders…. It builds a network of knowledge and power to change. It educates and gives many resources to towns that would be difficult to replicate on an individual basis.”

The Elkin & Allegheny Railroad Nature & History Trail feels pleasantly distant from civilization. Photo credit: Ben Brown
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W hen I joined the League in April of 1990, I came hoping that I would one day retire from the organization. That hope will be realized on October 31st. This will be a bittersweet day, as I say goodbye to so many friends and colleagues.

The League motto when I joined the staff read, “In unity there is strength.” As I have had the privilege to work with the three insurance programs, I have found this to be a powerful maxim. These programs exist because the members came together to solve their insurance problems. Through “unity,” these programs have thrived over the years, such that today these programs provide unparalleled risk management services specific to municipal needs. Examples include police driver training, innovative weight loss programs, and expert claims service in areas such as land use and policing. Additionally, the programs’ financial strength will enable rate stability for many years to come. Through unity, much has been accomplished!

As I exit the organization, there are many people that I would like to thank: the RMS trustees that serve our insurance programs and over the years have supported, encouraged and challenged me and the staff; a team of amazingly talented co-workers who have worked together to meet our many challenges and celebrate many victories; and of course the individuals who gave me the opportunity to serve the membership here – our original RMS Director, Harvey Mathias, who hired me way back in 1990, and the late David E. Reynolds, who promoted me to the role of RMS Director in 1996.

My greatest pleasure has been getting to know so many municipal officials over the years and forming lasting friendships that I will carry with me. I have utmost respect for the elected and appointed officials who serve their communities so well. I am proud to have had the opportunity to work with each of you and can say with confidence that North Carolina is a better place because of the sacrifices our public servants make day in and day out.

As Bob leaves behind an impressive career at the League, we thought it would be appropriate to conclude his last column with comments from others who have known him and worked with him. Bob has done great work building and guiding these programs over a long period of time. Under his leadership, our insurance services have been transformed from mostly outsourced services, into professionally managed, core programs of the League. His national reputation among pool administrators is strong, and his impact on the risk pooling movement is tangible. As you all are aware, Bob has been a staple of the League staff, and is well known by city and town officials all across North Carolina. His focus on minimizing risk, limiting liability, and making Risk Management Services truly “More than Insurance” has been a huge benefit to members. I know we are all extremely grateful for his efforts over a distinguished career. – Paul Meyer, Executive Director, N.C. League of Municipalities

Bob is a man of character whom people always remember. His integrity, work ethic and dedication to the job are exemplary. All of us remember someone who has influenced our lives. Bob is one of those people whom others want to pattern their life after. Some character traits that make you feel that way are: his engaging smile, his excellent listening skills, his quick wit, his personality, his honesty … Some of us have dealt with personal tragedy over the last 20 years. Bob was always there offering strength and prayer and counseling … His leadership and friendship will be missed by all of us. – Steve Lee, RMS Director of Claims, N.C. League of Municipalities

When I started in Risk Management, I had no background other than having attended a NCPRIMA Conference. Bob continued on page 39
It is safe to say that, in the previous two years, the League’s annual conference has had plenty of energy and focus. In part, that is the result of conferences centered on a strategic visioning process intended to help cities and towns prepare for the future, and specifically to try to position them where municipalities collectively want and need to be by 2030. Look for more of that energy and focus at CityVision 2016: Accelerate! to be held in Raleigh on October 23-25.

“Accelerate” is appropriate label for this year’s annual conference, as the programming shifts to begin looking at how to implement strategies to achieve those goals that grew out of the Vision 2030 strategic visioning process. But the programming is not the only thing that will be new. The format, in several key ways, will utilize a fresh approach as well. There will be no single keynote speaker for the primary general sessions. Instead, six expert speakers in their fields – many nationally renowned – will provide some big-picture ideas in brief “Town Talks,” either Ted Talk-style discussions or question-and-answer sessions, during general sessions held on Monday. These intro sessions are designed to create a more intimate and casual atmosphere to better connect with the audience. In pairs, after each of those talks, the speakers will separate into concurrent sessions where they will drill down into practical, how-to looks at their various topics.

Renowned Speaker Dan Burden, an expert on redesigning towns to make them more people-friendly, will be among the conference’s speakers.

Photo credit: Blue Zones
And the topics? They will be directly related to themes that came from Vision 2030: learning how to demonstrate the value that your hometown provides to its residents through citizen engagement, measuring that value and promoting success stories; responding to demographic and cultural changes, and turning them into an advantage; discovering meaningful ways to bring new business and economic development opportunities to your municipality.

The speakers will include Dan Burden, Director of Innovation and Implementation at Blue Zones, a planning expert whose work focuses on ways that municipalities can respond to demographic and societal changes by making their communities more livable and healthy; Jack Ryan, co-director of the Legal and Liability Risk Management Institute, a practicing attorney and former police captain who specializes in model police policy; Hilary Greenberg, principal of Greenberg Development Services, whose firm works with local governments and business associations involved in commercial redevelopment and revitalization; and Harris Vaughan, partner and co-founder of Eckel & Vaughan, the public relations firm which helped the League develop its Here We Grow campaign promoting municipal investments that generate economic development.

That change in the speaker and programming format will be accompanied by another big shift: incorporating the Advocacy Goals Conference, which will take place on Sunday, into the events of the annual conference. Looking to build on the momentum from the 2016 legislative session and Town Hall Day, the Advocacy Goals Conference is where League members vote to determine legislative and regulatory goals and priorities for 2017. "We hope that by creating this two-for-one event, more League members will be able to participate in the goal-setting process and that this will save members money by making a single trip instead of two," said Executive Director Paul Meyer.

As the weekend begins, the 16th annual NCLM golf tournament will be held Saturday at Eagle Ridge Golf Course, with a reception, dinner and awards to follow. On Sunday, as the Advocacy Goals Conference takes place, the Exhibit Hall will open, and it will have a look that might seem a bit familiar. "League-opoly" will allow attendees to navigate a life-sized game board, collecting League dollars as they visit vendors with the chance to purchase prizes at the Door Prize Center. On Sunday evening, join the City of Raleigh
for the Host City Event at the Duke Energy Performing Arts Center. There will be music, food and fun, with the performance of the Broadway Musical “Pump Boys and Dinettes.” This high-octane run through Grand Ole Opry country even includes performances with … wait for it … kitchen utensils.

After Monday’s Town Talks and concurrent session comes the President’s Reception, Dinner and Gala, always a great celebration of North Carolina cities and towns. After some good food, the swearing-in of new officers and remarks from outgoing President Lestine Hutchens and incoming President Bob Matheny, the high-energy of Night Shift, a six-piece band that has been performing for more than a decade, will cap off the night.

Tuesday will be all about professional development and affiliate meetings, with a Local Elected Leadership Academy class for elected officials focused on public-private partnerships for revitalization projects. There will also be an ethics training class and other offerings.

Throughout the conference, receptions will take place providing attendees a great opportunity to network. And the programming is all about getting members ready for a future where their cities and towns continue to play key roles in their citizens’ lives. So come, learn, grow, connect, and have a ton of fun. CityVision 2016: Accelerate! awaits.

SC
WE’VE CHANGED THE NAME OF OUR ANNUAL CONFERENCE!

NLC’s City Summit (formerly Congress of Cities) is coming to Pittsburgh, Pennsylvania, November 16-19, 2016. See how this once-industrial town has transformed into a beautiful and vibrant city. Its architecture, food, artists, museums, and universities are attracting young professionals and creating a place where people love to live. Don’t miss the opportunity to experience the new Pittsburgh by attending the new NLC City Summit.

citysummit.nlc.org
This one raised the bar.

It’s just about unanimous – this is an exciting time to be in Raleigh.

Not the city it was 10 or even five years ago, the capital is flocking with growth that has followed intentional efforts on the part of local government and private buy-in to create a fun, cultural and technologically dreamy hub where the possibilities haven’t found end.

In fact, it’s brought local leaders and planners to a new level of transition: growing pains – which really just means they’re working on the next level.

The results, most expect, will elevate the City of Oaks to the status of larger U.S. peers.

That growth and the cultural and technological offerings of an evolving city will be on display in October as Raleigh hosts the League’s annual conference, CityVision 2016: Accelerate!“Years ago, we spent a lot of money and time trying to get folks to come downtown for a social experience, or a show,” said Damien Graham, the city’s communications director. “Now, we have issues of parking downtown.

How do we handle zoning regarding all of the restaurants that have opened?” He continued to tick off the challenges, and then added: “These are nice problems to have....”

Raleigh has always been one of the “big” cities of North Carolina, while of course serving the state as its capital. But its reputation for so long has been governmental, rather than home to a robust private sector (Charlotte), arts (Greensboro), or lifestyle tourism.
(Wilmington) – which, really, were pulsing in Raleigh all along.

“What we found is we have a strong arts presence,” for one, said Graham. “We have a fabulous design school right down the street. Why not try to highlight that in a significant way?”

It’s not arts for arts’ sake. The focus on culture and color has helped to drive the spirit of the city along with attitudes toward development and business.

Arguably, the biggest city-run effort in that category is transforming a 300-plus-acre acquisition from the state – the comely Dorothea Dix Campus – into a nationally regarded and aesthetically triumphant destination park. The city in July held a public welcome event on site with live music, food and other fun to get the locals imagining everything the site could become.

“The hope is that we’ll have a lot of public participation in crafting it,” Graham said. He noted that respecting the park vision means spending careful time developing it.

Taste is central to the city’s planning, which meshes perfectly with the sensibilities of local businesses – from small startups to breweries to fine dining to the larger corporate residents – who are quite comfortable thickening their roots in the Oak City.

Officials point for instance to activity around the development of Union Station, Raleigh’s multi-modal transit
center in the works. A city/state project, it’s anchoring a farther flung part of downtown, bringing the area new attention and investments. While the Contemporary Art Museum is right next door, developments underway in the same spot include a new 20-story building. Citrix, a significant tech employer, is also right there, having recognized its employees’ desire for easy transit access, whether by bus or train, which Union Station will provide.

“So the investment, I think, will ultimately have a huge impact going forward for us,” said Graham.

Transit is a huge component of the city's planning right now.

This fall, voters in the area will see a referendum at the polls that would authorize a half-cent sales tax specifically for transit funding in Wake County, with a substantial portion addressing needs in Raleigh. Most of it would go toward bus improvements and could lead to a doubling of the city’s bus service within the next decade.

Other recent developments include the city’s investment in a “bikeshare” or bike-rental program to encourage health and a driving alternative (which may give participants a more intimate commute through town). Miles and miles of new bike lanes are already in place. And, meanwhile, residents are increasingly enjoying the city’s greenway circuit, another way to get from place to place, promote walkability and enjoy the outdoors.

By providing so many mobility options with eyes on the future, the city believes it is well positioned for the expectations of newcomers, the growth of businesses and the retention of longtime residents.

In another successful showcase, Raleigh government is now broadcasting live music performances of talented local acts in an effort to expand awareness, inside and outside of the city. Music can play big into local economies and tourism, which Oak City Sessions, as the show is called, is going after in a
highly professional way. The monthly show – produced as well as anything you'll see on TV – airs locally on one of the government access channels and worldwide via the Internet, as highlighted recently on Municipal Equation, the League's own podcast.

Graham noted that the project has helped to humanize government by connecting with the people in a new, accessible way.

As the arts tie in with business and spirit, things are pretty much wide-open for Raleigh's future.

"We're a rarity in that," Graham said. "Charlotte has a banking core. We don't really have Fortune 500 companies that are headquartered here. We would like to. But if and when that happens, they won't be the sole game in town. We're very diversified in the number of companies and opportunities that exist."

That's kind of the city's banner right now: that just about anything works in the Oak City. It's anything residents and newcomers want it to be.

Leaders in the city, which is closing in on the half-million population mark, don't take that lightly.

"I always like to remind folks that the decisions we make in the next five years will shape the next 40 or 50," Graham said. "We're sort of at that threshold, where you can exist and operate up to a certain point, and that point is to us, around the 500,000 (population) mark. And you can't operate like a little city anymore. We'll have different kinds of problems, and different kinds of opportunities. So that's what makes this a really exciting time to be working in municipal government."

The city's efforts toward walkability and aesthetics are paying off in Raleigh, today a populous scene for commerce, arts and events. Photo credit: City of Raleigh

The city’s efforts toward walkability and aesthetics are paying off in Raleigh, today a populous scene for commerce, arts and events. Photo credit: City of Raleigh

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Some years ago, I ran into a friend in a convenience store who, when I said hello, had an interesting reply that I have not forgotten. “Don’t mind me. I’m just a dirty infill developer,” he said. His words had been prompted by a recent newspaper story in which some residents spoke pretty disparagingly of those involved in his chosen profession, that of tearing down old homes and building new ones in established neighborhoods.

In the roughly two-and-half years that I have been with the League, I have thought about his comments on a few occasions as the organization has been at odds with homebuilders over various pieces of proposed legislation. The League has lost plenty of those battles, but during this past legislative session our lobbyists’ efforts were critical in beating back a version of a bill that would have made wide-ranging changes to land-use regulatory statutes.

Among other things, HB 483 Land-Use Regulatory Changes would have undermined infrastructure performance guarantees designed to protect both new property owners and local taxpayers in the event that infrastructure fails and the developer walks away from the project. As the bill wound through the Senate, League staff and members were able to convey to legislators that the concerns about such scenarios are not hypothetical. These infrastructure failures have happened numerous times.

It’s not always the developer’s fault. A sharp dip in the economy, like the one that occurred in 2008, can put developers, with their need for capital, in some tough circumstances. Nonetheless, municipal taxpayers in general or those who buy in new subdivisions should not bear the costs of the business risk. That’s the point of performance guarantees.

The bill, though, didn’t stop there. It would have incentivized land-use litigation in a number of ways, and again, likely at taxpayer expense. Increased litigation and litigation costs would result because the measure would have allowed individuals to skip a Board of Adjustment appeal and take cases directly to Superior Court for a new and full review; protections for neighboring property owners would be weakened by a number of provisions, including by eliminating an existing legal rule that discourages continuing development during an appeal.

Although a version of the bill passed — and that version itself may create some problems for multi-phased developments – the worst parts of the bill were dropped.

Nonetheless, those onerous provisions may show up again in bills filed in 2017.

That possibility brings me back to my long-ago encounter with my friend. Understandably, he didn’t like being characterized the way that those interviewed in the news account portrayed members of his profession. The development community is politically powerful, but like any industry or public interest, it still needs public support.

Even if the bulk of home developers would avoid the worst problems anticipated by the requirements for performance guarantees, it’s worth reminding them that the broader public won’t remember those developers. They will remember the ones who left behind the problems. And a political gain today may turn into a public relations disaster tomorrow.

Convincing homebuilders on their home turf that this risk is real may be the best approach to keeping bad policy ideas like this at bay.

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A Political Gain Today; a PR Problem Tomorrow?

By Scott Mooneyham, NCLM Director of Public Affairs

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SC
The Equalizer

Rep. Ed Hanes Finds Common Ground With Any Walk of Life

By Ben Brown, NCLM Advocacy Communication Associate

The conversation about diversity, in understanding our differences and recognizing our common denominators, is clearly as alive as ever. In the newspaper. On television. In schools. In law enforcement. At the dinner table.

But Ed Hanes has an uncommon angle on it.

The legislator from Winston-Salem, son of two school administrators, grew up on the northeast side of town but attended public middle school on the west side, where the student body mix was mostly white and of wealth, while many of the black students were from hardened poverty. And that meant Hanes, a black student whose family was well provided for, stuck out – meaning it took a lot of thought to find those common denominators with anyone around him.

“So it was kind of an intense dynamic to be a part of, to find yourself in class with your economic peers but separated from your peers’ culture and heritage all day long, which led to a lot of conflict,” Hanes said during a recent interview in his legislative office. “And it kind of kept me in a position of feeling the need to prove myself and fit in with my cultural-heritage peers, with black kids."

He found a way to prove himself, and to rise to the challenge of leadership, well before his election to the General Assembly in 2012. But he says those lessons and experiences remain huge for his style of service today.

With many of your black peers having a different background, how did they view you? And how did you find a bond?

I was different. I was white. I was much more like my peers of economic standing than (the black students), as far as this group was concerned. And I tell people all the time: basketball saved me. In middle school, I grew into the game, and I got to be very good at it. And it allowed me to interact in a different way with the kids, with my cultural-heritage peers, with black kids. And it allowed me to gain acceptance and approval, which allowed me an easier transition in middle school than even my sisters had. And so sports was the great equalizer for me there.

Did that change or carry into high school?

I left the middle school and went back to my neighborhood high school, Carver High School, which was also a pretty diverse school. Probably 60 percent white kids at that point, in the middle of a black neighborhood. We were still doing forced integration at that point. I had a fantastic, fantastic high school experience, which also really molded the way I thought about things because I was going to school with middle-class and working-class black kids who were predominantly in better financial situations than white students who went to Carver High School – which, frankly, in the United States, we just don’t see very often. Which also led to a very strange dynamic. It was a situation where things were reversed. If you were
a white student at Carver High School, and you were running for student body president, you better have a number of black friends. You better know how to talk across the aisle. There was always this kind of underlying racial tension. If the homecoming queen was white, Ms. Carver was black, and vice versa. In 1991 this was going on in Winston-Salem. I was student body president my senior year. So I can tell you right now, it happened. This was going on.

So these relationships in public schools really did have a dramatic impact on who I am, what I’ve become and how I kind of approach the legislative process. I’ve always lived in diverse environments. I’m very comfortable in that regard. I swim with the sharks, and I’m not concerned with it. I’ve always been comfortable getting in the water, seeing what could happen.

**So that’s a guiding principle for you as a Democratic legislator, in the minority party.**

Yeah, absolutely. And that angers some people, and some people in my caucus. They’ll say, ”That guy, you can’t trust that dude. He’ll talk with the Republicans. And not only will he talk to the Republicans, he’ll stand up in the room and give them credit for something they helped him with.” Well, you know, look, I think when you’re 27 seats on the wrong side of it, you’d better figure out how to talk to people. You better figure out where common ground is. You better figure out the environment that you’re living in and learn to work the edges. And I’m extremely proud that in this stratified environment, I was able to get with (Rep.) Kelly Alexander, who’s a former state chair of the NAACP, and get with (Rep.) Jason Saine, and (former Rep.) Charlie Jeter, and go to the House speaker’s office and say, ”This is paramount. We need $10 million for body cameras. What can we do? How can we work together? We know this is not going to happen without the approval of your office. What can we do to make this happen?” And they gave us some guidelines. And they weren’t guidelines that meant we had to compromise who we were, what we
stood for, for our constituents. And we were able to do it.
( Editor’s note: Hanes is referring to grant funding that he and fellow legislators secured in the last biennium to help local law enforcement agencies adopt body-worn cameras.)

It’s something that I believe in. It’s something that has guided my life. It makes some people uncomfortable, but I think it’s exactly where we need to go as a state and where we need to go as a country. We need to have leaders who kind of abide by that principle and do things that are in the best interest of the people. It doesn’t mean I’m a perfect politician. I’m not. I think it probably means (laughter) that my time as a politician is going to be limited in this environment.

You’re rounding out your second term in the House now. How has this one differed from your freshman term?

I’ve just matured a whole lot. I was determined my first term to show people how fast I could run, to show people that I could play the game and I was prepared to get in here and run legislation and it didn’t matter who was in charge and, you know, that I could swim, basically. I proved that I could swim, no doubt about it. But sometimes, when you’re a bull, you don’t necessarily have to show that you’re a bull. They recognize the bulls. I was convinced that I had to be the bull in the china shop that didn’t break the china and show that I was dexterous enough to not break the china.... But looking back on it now, I think the difference ... (pause) ... my father died right before the second session started, and I wasn’t even sure I was coming back. They say when your mother dies, you lose your number-one cheerleader. And when your father dies, he takes your childhood with him. And so all of a sudden, you’re married, you have two kids, and everybody’s gone. It gives you second thoughts about what you’re doing. And so probably that had more of a profound impact on my legislating than anything else. It made me pound my brakes and think about what I was doing and who I wanted to be. I’ve done a lot more listening during the second session. I did a lot more observing. I did a lot more of policy thinking than policy acting. We got the body cam legislation done because of it, which I thought was a tremendous accomplishment.

Your district is almost completely inside a municipality, in Winston-Salem. How does that dynamic affect your style as a legislator?

It’s nearly a 50-50 racial difference (in my district), which is again phenomenal

“ So these relationships in public schools really did have a dramatic impact on who I am, what I’ve become and how I kind of approach the legislative process. I’ve always lived in diverse environments. I’m very comfortable in that regard. ”

Rep. Ed Hanes
and stakes right back to when I told you about my schooling and being raised in this intensely diverse environment. I have some of the richest people in the state of North Carolina. I have the working-class neighborhood that I grew up in. And I have some of the poorest people in the state of North Carolina. And so for me, it is living the trajectory of my life – every single day. From the ‘hood, to homes behind gates. So it’s been interesting in that way. I find myself dealing with a lot of Republican businessmen, and stay-at-home Democratic moms, and then dealing with working-class families. And having to balance those realities. And what I find is everybody’s got the same problems. People just have different priorities. And that’s been interesting.... It’s helped me. It’s been painful in some regards, but it’s helped me tremendously in terms of giving me an outlook on what society ought to look like and what the possibilities are and understanding the pain of the single black mother and the concerns of the wealthy white businessman. While not the same, they can coincide and meet at some point on the life trajectory, then trying to convince these folks, hey, you eventually will run in to this person. And what happens when that arises? That’s kind of the reality of living and legislating in my district.

What about your communication with local government?

It’s growing. It’s blossoming. And I think it’s because we’re all very young.... I’m 42 and I’m going into my third term.... The relationships have had to grow and we’ve had to get used to each other’s rhythm. Some has been good. Some has been bad. I tend to be a little more introspective in terms of what I do and how I do it. And I think that can be misinterpreted sometimes as being a little aloof. And I get that. But it’s got to grow. We’re learning each other. And we’re all friendly.... But we have to know that the city council folks are absolutely our shields against things that could go really bad for us quickly with our local constituents. And I think there’s been acknowledgement and growth. There’s a lot of stuff that could go sideways in my district if I didn’t have (good relationships with city council members). It would be tough. We have to keep an open eye and open ear and have respect for one another.

**Regardless of your style or approach, legislators’ days are always busy, hectic. Early mornings, late nights. How do you step back and relax?**

I don’t. I tell my people that I’m probably in the worst health that I’ve been in my life. Seriously. Having said that, you know, the session days, that’s where it’s fun. The session days are great. But what I’ve kind of discovered is that when you become known as someone who wants to work, that’s when the days get difficult, because you’re on interim (legislative) committees and you feel that you need to be there, and you start to see how one committee connects to another, and because you’re always around, you start to see how the dots connect. And then all of a sudden you’re going to committees you’re not even a member on.... So now, you’re in the interim (between legislative sessions), but you’re still here days out of the week. And so that’s what gets difficult. And because I’m someone who wants to be successful, and I am kind of a go-getter, I am a competitor, these are positions that become dangerous for guys like me (laughter). Because I could do this every day.  

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On August 19, the North Carolina Supreme Court ruled in the case of Quality Built Homes v. Town of Carthage, and the decision has broad repercussions for municipalities that assess water and sewer impact fees. The Supreme Court held that the town’s impact fees went beyond the statutory authority granted in the public enterprises statutes and were therefore invalid.

As described in the opinion, the town’s ordinances provided that a final subdivision plat approval triggered immediate charges for future water and sewer system expansion, regardless of whether the system was ever expanded or the property owner ever connected to it. The impact fees ranged from $1,000 to $30,000 for each water or sewer connection, depending on meter size. The fees were in addition to the regular water and sewer tap fees and were due upon final plat approval from new subdivisions or upon application for building permits, whichever occurred first.

Unanimously reversing both the trial court and the N.C. Court of Appeals, the Supreme Court held that the public enterprises statutes do not give municipalities the prospective charging power necessary to assess impact fees. “While the enabling statutes allow Carthage to charge for the contemporaneous use of its water and sewer systems, the plain language of the Public Enterprise Statutes clearly fails to empower the Town to impose impact fees for future services,” the ruling said. “These enabling statutes clearly and unambiguously empower Carthage to charge for the contemporaneous use of water and sewer services – not to collect fees for future discretionary spending.”

The court emphasized that the town has the authority to charge tap fees and to establish water and sewer rates to fund necessary improvements and maintain services to its inhabitants, which are “sufficient to address its expansion needs.” While the statutes allowed the town to charge for contemporaneous use of water and sewer systems, they “clearly and unambiguously” failed to provide “the essential prospective charging power necessary to assess impact fees.”

The justices pointed out that the General Assembly has given some jurisdictions specific impact fee authority in local acts and opined that municipalities “routinely seek and obtain” such enabling legislation. (While a few local governments did obtain impact fee authorization by local act during the period between 1985 and 1993, no such local legislation has been enacted since. Those municipalities with local acts in place are not affected by the decision.)

Upon reversing the earlier rulings, the Supreme Court sent the case back to the Court of Appeals to address unresolved issues. Likely at the forefront of those issues will be the calculation of the amount of refund owed, which ultimately will depend on the total length of time upon which a claim can be made (that is, the statute of limitations). The parties obviously disagree as to which statute of limitations is applicable, and the range of that disagreement initially appears to span from three years to at least 10 years.

Ordinances and fee terminologies differ, so municipalities are urged to review their fee structures to determine if any water or sewer charges are impact fees as described in the case. Some developers are already signaling their intention to seek refunds of past fees. In this interim phase before issuance of the Court of Appeals opinion, if your municipality is presented with a demand for a refund, please present that letter to your town attorney for careful review and analysis.

The Supreme Court’s opinion may be accessed at https://appellate.nccourts.org/opinions/?c=1&pdf=34625.
This is an honorable profession.”

At a special forum of local-level law enforcement leaders contemplating the array of modern challenges in policing, Davidson Police Chief Jeanne Miller said it firmly. And then again, so no one was forgetting.

“This is an honorable profession,” she repeated, driving her fingertip into a tabletop as a packed conference room of police peers and policymakers – including a row of General Assembly members – nodded along.

The refrain was meant to set the context around which many problems orbit these days. Due to officer-involved shootings and other individual incidents, often video-recorded and replayed on TV and computer screens across the country, the public eye has been brightly focused on law enforcement agencies over the past few years.

For League members, legislators and officers across North Carolina, the time has come to re-start the conversation on police interaction with the public, best-practices and how to create lasting trust.

“We have bad doctors. We have bad lawyers. We have bad politicians,” Chief Miller said. “We can be better. And I would like to see more of this kind of conversation.”

The chief was one of four panelists at a League-organized event on Aug. 16 in Raleigh held at the request of the N.C. Legislative Black Caucus.

“Seeing all of you here today, we know that local law enforcement agencies across the state are open to and welcome discussion about how to strengthen trust between law enforcement and the community that they serve,” said Legislative Black Caucus Chairman Rep. Garland Pierce of Wagram. “So it’s important to have this type of dialogue, but also to see if we can arrive at some tangible proposals that we might take back to the legislature, to our districts, and those whom we are sworn to serve.”

Moderated by League 2nd Vice President and Mayor Pro Tem of Jacksonville Michael Lazzara, the questions were tough and the answers frank, starting with a focus on police training and department certification.

Chief Miller said the current system of training and updating is strong in terms of uniformity, but it’s not nimble. It can take a long time to integrate new, important concepts, like introducing verbal de-escalation training at the basic law enforcement training (BLET) level.

Another panelist, Hoke County Sheriff Hubert Peterkin, said he appreciates the array of training opportunities available, including the League’s risk-reduction
training, and he’d like to see it all evolve in step with modern policing challenges.

Garner Police Chief Brandon Zuidema agreed it’s important to expand or modernize training, but he said that summons the question of whether and what to shave from the current slate.

“We’re at 616 (training hours per officer) at Wake Tech BLET,” he said. “We know they’re talking about wanting fair and impartial policing ... we’re wanting other things added into it. But either what do we give up, or at what point can we find a balance there?”

Jon Gregory, Wake Tech’s BLET director and a panelist at the forum, said he thinks it’s important to add more training hours to police work.

“When you actually put an individual into a training environment, you are actually seeing the way they will react,” Gregory said. “The more we will be able to put a student into a situation, we as an instructor or an evaluator can determine whether or not what type of remediation training needs to take place.”

There’s more to consider, too, Chief Miller said. Although plans to expand in-service training are well-intentioned, they can pose challenges to small police departments with limited human resources. Around 75 to 80 percent of law enforcement agencies have 25 or fewer full-time employees, she said, “and that puts a real burden on an agency when it’s trying to get its people trained in.”

Remarks like this may necessitate new thinking and exploration on methods and efficiencies with officer training. But, in the meantime, it’s important that departments seize on what’s currently available, said Sheriff Peterkin.

“It’s probably some of the best money my county commissioners have ever spent on my county when it comes down to national accreditation,” the sheriff said. “But I know that everybody can’t do it. So when you see the League and when you see the Sheriffs’ Association doing things and putting things in place to, in addition, ensure that you’re doing the right thing ... you’ve really got a plus.”

Panelists through the roughly two-hour program touched on challenges with funding and other resources before arriving at greater society’s most discussed law-enforcement issue – recent, tragic encounters with civilians.

“What can actually be changed with public policy?” Mayor Pro Tem Lazzara asked the panelists.

Chief Miller, citing a report from the U.S. Department of Justice, said she found it interesting that around the time of the internationally reported shooting in Ferguson, Mo., that town’s department and all others in the St. Louis region had emphasized traffic enforcement for revenue. She added that the traffic issues they were cracking down on could be relatively simple, like out-of-date inspections.

While needed revenue might have been the goal of the flexed enforcement, potential unintended consequences could include more tension between the public and police. “It is an issue that I think that we need to talk about when we start to talk about public policy,” Chief Miller said. “We need to be looking at consequences ... and what does that mean for us.”
Sheriff Peterkin said there needs to be more emphasis on leaders leading. "Right now, for us, it's all about accountability," he said. "...if you as a leader do not set the example that you are going to be kind, or you are going to follow the rules and regulations and policies and procedures, if you don't set that example, then your deputies are not going to do it, the police officers are not going to do it, in the field."

Reiterating those points, Chief Zuidema said law enforcement agencies must be transparent and do a better job letting the public know not just what they are doing, but why. Still, he noted that, in an age of diminished personal communication skills, that this is not "a law-enforcement-only issue."

“We have to build that trust back, or continue to build on what we have with our communities;” he said.

Chief Zuidema said the applicant pool for sworn officers is often low for minorities and females. An expanded, diverse applicant pool could bring about a lot of change, he suggested. One solution is working harder to spread positive stories from the police beat, the chief continued. There are numerous stories of goodwill and heroism that get lost between the bold headlines of tragedy.

The discussion also examined "community policing," a philosophy that typically includes more neighborhood focus and spirit, with foot patrols and smiles to reverse any feeling of intimidation in sensitive communities.

"Community policing is – in some places – it's a catch phrase;" Chief Zuidema said. "But in some places it's exactly what we need to do. And it's just that simple. It's interact with your community, whether you're doing that with coffee with a cop or doing that through a police athletic activities league, or just holding community forums. But there's a lot that we can do, again, to share our message... So I think if we continue to look at that sort of thing, we can be effective.”

Chief Miller echoed that. "I think that where we can, we need to get out of the cruisers. ... we need to get out of the car."

A number of state officials and legislators attended the forum to hear the law enforcement perspective. Sen. Floyd McKissick of Durham said he thinks improvement needs to be on a "two-way street," where the public too can improve

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Keeping Officers Safe:
Davidson PD Shows Value of New League Risk Assessment

Ben Brown, NCLM Advocacy Communication Associate

The people of Davidson have a saying, according to Police Chief Jeanne Miller: "Every place should be like Davidson."

In one sense, that applies to recent work that Chief Miller’s department conducted with the League to ensure its police training and practices are the gold standard for reducing risk to officers and the public.

A key way that they have reached that standard is the Davidson Police Department’s pilot participation in the League’s recently launched Law Enforcement Risk Management Review, of which many law enforcement agencies in North Carolina are now taking advantage.

According to Chief Miller, whom the League recently presented a plaque for being the first to complete the review, the process “makes us reach for the highest standards and strive to meet best practices in our profession.” That’s even as the department had already obtained national certification from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Reducing risk, on its face, is an obvious, never-ending goal. But it’s especially huge for police departments, said Bryan Leaird, the League’s director of risk management field services, an originator of the review.

“To a pool standpoint, these measures are put in place to reduce costs, to lower expenses for everybody in the pool,” Leaird said. “If you can bring down costs in one area, it makes the pool a more healthy insurance pool. That’s from the business perspective. But I would say that an even more important aspect, from the League perspective, is about the safety of our officers and the citizens that they serve. And that ultimately is what this is about. The added benefit is we reduce cost.”

The idea for the comprehensive risk management review sprouted in 2013 when Leaird examined impacts on the League’s insurance pool and saw law enforcement areas in need of attention. An advisory committee of police chiefs formed to talk about it, review claims and discuss ideas to reduce injuries, accidents and future liability claims.

The chiefs determined that they could use a new tool that would allow their departments to inventory their current practices and policies – on police pursuits, use of force, stop-and-frisk and other risk areas – and weigh them against the potential risks.

The resulting risk-management review, endorsed by the N.C. Association of Chiefs of Police, is “a well thought-out product that is designed to address the areas where we were seeing problems,” said Leaird.

He and League Public Safety Risk Management Consultant Tom Anderson recently visited the Davidson City Council to highlight Chief Miller’s involvement with the assessment.

“We’re very proud to say that the Davidson Police Department met and exceeded most of those (best-practices)
categories,” Anderson told the council. He added: “The things that we’ve done here in Davidson, the lessons learned here in Davidson, I will take forth across the state, and great things will be happening for North Carolina law enforcement.”

Shortly after, Anderson and Leaird met with the Havelock Police Department, one of several others now involved with the review, which is meant to be a living tool that grows with new top-standards and measures in areas not previously covered. In one update from the original version, the review now includes best-practices with the deployment of spike strips, devices placed in the roadway to stop fleeing motorists. Deployment of the devices has led to officer injuries and deaths.

Beyond reducing insurance costs and protecting officers’ lives, Leaird said a third plus of the review is to show the public how hard local police agencies are working toward efficiency. “Success to me is ... giving the departments the means to be able to say to their managers, say to their councils, ‘My policies and my practices are within the industry’s best standards for these high liability areas,’” he said.

This is just one of many League offerings to local law enforcement agencies, which include onsite consulting, risk online training classes and soft body armor grants. To learn more, visit rms.nclm.org. SC
Hopefully by now, you are familiar with the Local Elected Leaders Academy, or LELA. LELA is a one of a kind partnership between the NC League of Municipalities, the NC Association of County Commissioners and the UNC School of Government to provide education and training to municipal and county elected officials. To my knowledge, no other program like this exists in the United States, with three statewide organizations having made a commitment to voluntarily collaborate with each other to provide a wide range of educational and training opportunities for local elected officials. The LELA program is largely guided by two underlying principles: elected officials do not govern alone; and, elected officials must be ready to lead strategically, think creatively, and act collaboratively in order to deal with today’s challenging issues.

As an individual elected municipal official, one must work with others on the governing body, with municipal staff and with members of the community to get things done. Likewise, elected municipal officials often work with other elected officials such as county commissioners, as well as state and federal officials, on issues of regional, statewide and national importance. Additionally, elected officials must look for new strategies and creative ways to work collaboratively with one another to address the needs of their communities and to plan for the future.

The training and education offered through LELA provides opportunities to bring municipal and county elected officials together throughout the year. Doing so, these sessions encourage and promote new strategic, creative and collaborative opportunities to address the challenges that many local elected officials face today and will face in the future.

For quite some time, it has been the intent of the LELA program to develop an ongoing curriculum and to publish, in advance, a calendar of education and training opportunities that will better enable elected officials to plan and budget for upcoming LELA programs. It gives me great pleasure to announce that this has been accomplished and that the LELA education and training curriculum is now scheduled out as far as June 2017. The goal is for this calendar to provide information on training and educational opportunities at least one year in advance.

Some highlights are as follows: “Public-Private Partnerships for Revitalization in North Carolina Communities,” which will be offered during the NCLM CityVision 2016 annual conference held in October in Raleigh; “Group Decision Traps and How to Avoid Them,” offered in November; and, “People and Jobs on the Move: Implications for North Carolina’s Competitiveness,” led by Dr. James Johnson with the UNC Kenan-Flagler Business School and to be held in four different locations across the state during January and February 2017. Many other topics – ranging from strategic planning for elected officials to manager evaluations and board assessments to crisis communications – will be covered.

The LELA program also recognizes elected officials commitment to life-long learning by awarding certificates to those who complete specified courses and attend prerequisite hours of training for each certification level. Each year during the months of October and November, the League provides individual reports and certificates to the elected officials who have participated in the LELA workshops.

For information about the LELA program, links to the LELA calendar, and information about the certificate recognition program, please go to http://www.nclm.org/meetings-training/Pages/training.aspx or search “Local Elected Leaders Academy” on the NCLM website. Or, you may contact Rob Shepherd, Assistant Director of Business & Member Development Services at rshepherd@nclm.or or 919-715-9767.
The laundry list of North Carolina laws preempting or otherwise whacking a stick over the collective heads of local government is, by now, pretty well known to those who operate in the arena of local government. Annexation restrictions, environmental and safety permitting limits, a prohibition on local hydraulic fracturing bans, undoing local business privilege license taxes – not to mention specific bills aimed at redrawing local election districts and wresting control of the water system from Asheville and airport from Charlotte – are some notable measures making the list, even if a few of them remain in limbo amid court challenges. Of course, House Bill 2, the so-called bathroom bill, put the national spotlight on the issue of local preemption. That legislation, passed during a March special legislative session, went beyond preempting a Charlotte local ordinance addressing transgender individuals’ access to public restrooms to more broadly prohibit local ordinances affecting discrimination and business employment practices, even those of local government contractors.

The national attention focused on North Carolina because of the Charlotte ordinance and the state-level response was nearly impossible to miss by anyone living here. What may be less apparent to North Carolinians is that a trend of more and more preemption of local governments is happening all across the United States.
Last year, after Birmingham, Ala., passed an ordinance that would have incrementally raised the minimum wage in that city to $10.10 an hour, the Alabama legislature and governor stepped in to block it or any similar moves by other cities to impose local minimum wage requirements. St. Louis and other cities in Missouri saw the passage of the same kind of law to block local minimum wage ordinances as well as local efforts to ban plastic bags. Nineteen states now have put in place wage preemption laws. While some cities and towns across the United States have chaffed at those laws, they at least have avoided the fate of municipalities in Arizona. There, a law passed earlier this year requires the state treasurer to withhold revenue-sharing dollars from municipalities and counties should the state attorney general conclude that local laws or policies are contrary to state statutes. Arizona mayors called the bill “heavy-handed” and “intrusive,” and said that it “minimizes the important role of local elected officials.” Not surprisingly, they urged Arizona Gov. Doug Ducey to veto the bill, but it was likely a lost cause by then. Just a couple of months earlier, in his State of the State address, Ducey had said, “If these political subdivisions don’t stop, they’ll drive our economy off a cliff. These efforts are based on the trendy, feel-good policies that are stifling opportunity across the nation.” Note that he referred to that state’s municipalities not as “cities and towns,” but as “political subdivisions.”

In North Carolina, the state Senate passed a similar bill this year focused solely on any local policies that violated a 2015 state ban on immigrant sanctuary city policies. That more narrow legislation threatened Powell Bill transportation dollars for cities and towns, and school funding for counties. The bill, though, did not pass the House.

To some degree, preemption of local government is old hat, particularly in the Old North State. Longtime journalist and legislative observer Barry Yeoman, writing recently about HB 2 for the Triangle-based publication IndyWeek, pointed out that former Durham Democratic Rep. George Miller introduced a bill in 1987 making it harder to remove billboards considered nuisances just as the City of Raleigh was trying to do so. Yeoman also delved into the tobacco industry’s pioneering use of preemption in the 1980s to undo local indoor-smoking regulations in states across the country. Still, if preemption isn’t new, there is plenty of evidence that it has grown in recent years.

According to Grassroots Change, a health and environmental-related advocacy organization formed to combat preemption, the largest number of local preemption bills ever were filed in state legislatures in 2016. The group found that such bills had been filed in 29 states, with more than one local preemption bill filed in 17 states.

So, what’s going on here? Why this trend of state legislatures’ blocking and tackling the decisions of locally-elected decision-makers? The answer depends on who you ask.

Partisan politics certainly can’t be ignored. Since the 2010 election, Republicans have had control of two-thirds of U.S. state legislatures. Democratic mayors, meanwhile, lead 22 of the 25 largest cities in the country. In North Carolina and elsewhere, a growing number of Democratic legislators represent urban areas while rural areas are overwhelmingly represented by Republican legislators.

Republican governors and legislators, though, say they are responding to a trend of interest groups seeking to
bypass GOP legislatures by approaching more receptive local governments with policy proposals. In the aftermath of the passage of HB 2, Gov. Pat McCrory made clear that he viewed the Charlotte measure and the national response to HB 2 in that way, although the proposed ordinance had been an issue in last fall’s race that led to the election of Mayor Jennifer Roberts.

Another line of thought is that state legislatures have increasingly become the place where the country’s real policy battles are being waged amid continuing gridlock in Washington. Lobbyist registrations back up that theory. According to the Center for Public Integrity, the number of entities hiring lobbyists at the state level has grown by 10 percent since 2010. In roughly that same period, from 2010 to 2014, the number of companies and organizations with registered federal lobbyists declined by 25 percent. In that atmosphere, it is not shocking that an organization like the pro-business American Legislative Exchange Council – with its uniform, model bills passed from state to state – would become a major player in state policy formation. Often, that uniform legislation comes at the expense of local ordinances tailored to pursue a unique community vision. Proponents say those bills are intended to avoid a patchwork of local regulation that hinders business. Lately, that word “patchwork” has come up a lot in statehouses around the country.

Lucy Allen, the longtime mayor of Louisburg, a former NCLM president and member of the N.C. House from 2003-2010, sees explanations a little closer to home than grand partisan battles or strategic maneuvering by competing interest groups. “Legislators who are promoting this type of legislation hear from people who have an axe to grind,” Allen said. “How often do you hear a candidate or elected official say, ‘I represent the people?’ Well, which people? They are talking about the people they listen to.” But helping one or even a few businesses while damaging the engine that is driving the overall economic success of a region is no way to create widely-shared prosperity, she said.

No doubt, the proponents of preemptive bills, particularly those focused on regulatory issues, see

*continued on page 39*
What does it mean to truly feel at home in your city or town? Have you moved from place to place, town to town, in search of that feeling? And what might a municipality do to provide it?

“I think there are a lot of ramifications for municipal government,” says Melody Warnick, a freelance journalist whose latest book, “This is Where You Belong: The Art and Science of Loving the Place You Live,” lays out extensive facts, figures and ideas about why people choose to settle in or abandon certain locales.

Warnick appeared on a recent episode of Municipal Equation – the League’s podcast on the challenges, successes and new concepts orbiting municipalities – to talk about the science of “place attachment.” She’s no stranger to that search for home, for the right city. Her trajectory has covered five states in 13 years, with each move for good reason – school, family, jobs – but never creating any strong local connection.

Warnick said her family “always had the sense of there’s something better out there for us, that there’s a better town around the corner, and if we can just find that place, that perfect Shangri-La for our family, that things will be better in our lives.”

But her expectations were disappointed again upon Warnick’s move to another city in Virginia four years ago, creating a “breaking point” that brought her to research how she – or anyone – can be happy and locally loyal wherever they are, right now.

It was a terribly under-studied topic, she found, even as Americans average 12 moves in a lifetime. “I couldn’t find a book in the library that was about moving or about finding the right place for you or anything like that,” she said. Churning through troves of scientific studies on residential habits, Warnick began to build a profile of transient America.

With so much buy-in of local government – as also documented in a public opinion poll that the League released in 2015, finding 75 percent voter approval of municipal government performance – municipalities have great opportunity related to how “malleable” cities really are with more citizen involvement, Warnick suggests. She sees interest and investments in downtown revitalization and the accommodation of residents’ growing interest in non-vehicular mobility among important steps in allure.
Municipalities across North Carolina are pursuing, if they haven’t already achieved, these improvements with revitalized downtowns made possible by strong local government interest, tax credits like those offered for historic rehabilitation projects, and private backing that comes with such intentionality.

Warnick says these values are hardening into modern city-hall mentalities. “One of the things that we’re seeing is increased interest in urban design and placemaking,” she observed. “City governments are rethinking how they prioritize and plan and budget.”

The goal from there is better citizen engagement, so residents can truly help to shape the town’s appearance and services, she says. Impress upon residents the relative ease with which that can be accomplished is key, and that key requires some understanding of what people value at “home.”

Citing a 2010 Knight Foundation study, “Soul of the Community,“ conducted over several years in 26 communities across the U.S., Warnick reported that enduring connections between residents and cities – beyond how residents perceive public safety, leadership and services – often require aesthetics, social offerings and openness.

“I would love to see people become caretakers of their place. I think people who work for municipal governments are already doing this. But I think there are ways to engage residents to give them some freedom over making their places better,” Warnick said. “And as people start doing that, as they start cherishing where they live, they not only become more content in their towns, but they make their towns better places to live.”

She added: “I think if you work for city government, focusing on those things – social offerings, aesthetics, and openness – can really change the way the city works and how well people like it. And when your residents are happy to live in a place, they become ambassadors for it. They talk it up. And they’re proud of their place. And that draws new residents and new businesses and that becomes a very happy cycle.”

More information about Warnick and her research is at melodywarnick.com.

Find an audio interview with Warnick on the Municipal Equation podcast at nclm.org or at soundcloud.com/municipalequation. SC

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A street-corner jam session – next to a mural depicting the same – in downtown West Jefferson showcases the locale’s mountain-music identity. Photo credit: Brantley Price

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**Statement of Ownership, Management and Circulation**

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From the Trust Perspective

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being the infinitely patient person that he is became my “tutor” in Risk Management, and so helped me to provide those services to the City of Washington. The years have gone by, but on occasion I still call on him when I have a risk that I am unsure about, and his advice is as good today as it was in the past. I appreciate all that he has done for me over the years and wish him all the best in his retirement.
– Bill Lurvey, Risk Manager, City of Washington

When I think of “public servant,” Bob Haynes face comes up in front of me. Professionally competent. Dedicated. Steward of the public trust. Honest as the day is long. Ethical. He is golden. His service to the League has made lives better. We will never be able to thank him for all that he has accomplished.
– Roger Stancil, Manager, Town of Chapel Hill

Bob was always a pleasure to work with. He was very professional and, at the same time, just a good, caring person, such a gentleman. I don’t think he ever forgot a face or a name. I am sure the League team will miss him as will all the League members that had the good fortune to know and work with Bob Haynes.
– Debbie Diaz, Manger, Town of Kill Devil Hills

Rebuilding Trust
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its understanding and relationship with police. He suggested that a little bit of public education – even in just knowing how to best interact with officers during routine traffic stops – could go a long way.


For one, said Chief Zuidema, legislators can continue to attend forums like this one. That would give better context to the law enforcement community’s requests for funding and resources.

Sheriff Peterkin said he appreciated lawmakers’ willingness to listen and maintain open-door policies, and hoped legislators’ would trust their perspective.

Mayor Pro Tem Lazzara said it’s got to be tough being in a profession that is constantly eyed by the public and media. “I don’t think many professions have that responsibility,” he said. “And I just ... want to tell you that you are appreciated.”

Pass Interference
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themselves as promoting business and economic growth. But a growing number of businesses look for unique cultural fits for their business models and workforces. Barring localities from pursuing their own visions of what their towns or cities should be about could mean fewer of those fits, and economic development opportunities lost. Bruce Katz, a Brookings Institution scholar who focuses on urbanization, recently told Governing Magazine that focusing on the progressive policies that surround many of these state-local battles ignores the larger issue of state government preventing cities from reaching their full economic potential. “In many ways, the mismatch between state political power and city market power has never been more dramatic,” Katz said. SC

League Legislative Counsel Erin Wynia contributed research for this article

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Troy Receives Main Street Communities Designation

The Town of Troy recently joined the ranks of ‘North Carolina Main Street Communities,’ a designation municipalities earn by demonstrating a series of commitments to restore economic vitality to historic downtown districts. The designation was announced by the North Carolina Main Street & Rural Planning Center, a unit of the North Carolina Department of Commerce.

“Downtown districts are vital engines of economic growth, especially in our smaller and midsize towns,” said North Carolina Commerce Secretary John E. Skvarla, III. “We congratulate the community leaders in Troy who have made this important commitment to improve the economic well-being of its citizens.”

Troy, which previously participated in a Main Street development program for smaller towns now joins 63 active and full-fledged Main Street communities in North Carolina. Among other commitments, the flagship Main Street communities must employ a full-time paid professional dedicated to downtown economic development, establish an active board of directors, develop a work plan for downtown development and follow the Main Street Four-Point Approach, a methodology established by the National Main Street Center, a subsidiary of the National Trust for Historic Preservation.

“Troy’s new status as a Main Street community brings new opportunities for growth,” said Liz Parham, director of the North Carolina Main Street & Rural Planning Center. “Town leaders now have access to one of the largest networks of downtown revitalization professionals in the United States.”

Since 1980, The North Carolina Main Street program has generated $2.3 billion in private and public investment. In 2015, North Carolina Main Street downtown districts generated 228 net new businesses and 358 net new jobs.

More information about the North Carolina Main Street Center and its programs is available online at nccommerce.com/MainStreet.

Cary Opens New Parks, Names One for Longtime Councilman

The town of Cary has recently opened two new parks that will include different features to attract and entertain residents. Jack Smith Park is home to Cary’s first sprayground. The park includes a children’s play area, climbing rock, picnic shelters, dog park, paved and unpaved trails and that sprayground. The park was named after Jack Smith, a current town council member, in 2014 when construction began. At that time, Smith had served 25 years on the Cary Council. The project cost about $4.5 million. Most of the money was approved by Cary voters in 2012 as part of the Community Investment Bonds referendum.

The 50-acre Jack Smith Park was once home to the Bartley family farm, which inspired a couple of public art pieces on site. Artist Vollis Simpson has designed a towering whirligig from machine parts and farm equipment. It sits near the play area. Artist William Moore, who created the Katal Dragon at Marla Dorrel Park, created a group of sheep sculptures (which kids are welcome to climb on).

“Cary’s incredible park system is known throughout the nation, and it was certainly a draw for me and my
family when we were thinking about relocating from Illinois,” said Cary’s new Town Manager Sean Stegall. “Jack Smith Park is a great addition to our community, and I want to personally encourage folks to come be part of the celebration honoring Councilman Smith’s devotion to Cary.”

Carpenter Park, meanwhile, opened on a 16-acre parcel and will include a community garden, trails and memorial to the victims of two area airplane crashes in 1980s and 1990s. The park also includes pickleball courts and a children’s play area.

Mount Airy Greenway Ties Town to Nature

Much attention has been paid to revitalizing downtowns in North Carolina by adding storefronts and parking garages. But one town has learned that they can build up their community with the natural landscape that was there to begin with. Since 2002, the town of Mount Airy has worked with Resource Institute to develop the Ararat Greenway and Stream Restoration project, which loops around downtown Mount Airy for seven miles.

Catrina Alexander, director of the town’s Parks and Recreation department, said the activity generated by the trail is contagious. “We’ve always had a lot of pride for feeling like that small slice of Americana and we’ve just been very fortunate to have a very vibrant downtown with energy,” Alexander said.

A study by the Piedmont Triad Council of Government and the University of North Carolina at Greensboro Tourism Program estimated the Ararat River Restoration and Green Way Project generates $500,000 annually for the community in the form of increased business. The project was partially made possible by support from Resource Institute, which connects communities with available funds for restoration projects.

According to Alexander, in addition to creating economic activity, the trail also has increased physical activity for everyone. “It’s also taken away the socio-economic factors as it relates to access,” she said. “So regardless of a person’s economic situation, they now have access to resources that keep them healthier, get them into nature and really connect them with the community.”

By managing the water running through Mount Airy’s downtown, the greenway also protects the city’s infrastructure, including sewer lines, roads and bridges. Resource Institute provides assistance in funding projects across the country. The organization currently has 45 projects in North Carolina.
Village Manager – Clemmons – Clemmons is a premiere place to call home and frequently recognized for its quality of life. The Village of Clemmons is seeking applicants for the position of Village Manager. Clemmons is a thriving and energetic community on the move. Ten minutes from downtown Winston-Salem and easy access to Interstate 40 make Clemmons a place of small town charm but with all the advantages of urban life. Don't miss this opportunity to be a part of great community and join a fantastic team of professionals and committed public servants. Take closer look at Clemmons at www.clemmons.org and also visit www.discoverclemmons.com for more insights into the Village. The Village Council is forward-thinking with an eye for sustainable growth balanced with careful attention to good stewardship of resources. By charter the Village of Clemmons has a tax rate cap of 15 cents per $100 ad valorem. The current tax levy is 11.5 rate. High quality services are delivered through a combination of a small professional staff and contracted providers. The Council's expectation is the Village Manager will be responsive to the citizens and ensure that Clemmons continues to deliver a high level of quality services. In 1986, the Village adopted the Council-Manager form of government. Since then there have only been five managers. The basic desired qualifications include a bachelor degree in finance, business, or public administration. A candidate may distinguish themselves with a master degree. The Village seeks an experienced public administrator with five (5) years of management experience, preferably in NC municipal administration. Seeking demonstrated skills in leadership, administration, budgeting, and capital projects management. Many of the Village's services are delivered by contracted providers, therefore, negotiating service agreements, contracts and oversight of vendor performance is an important aspect of the Village Manager's work. The successful candidate will have the ability to communicate and effectively represent the Village publicly while positively engaging citizens. The Village places an emphasis on the Manager being a member of the International City Management Association (ICMA) and the North Carolina City and County Management Association (NCCMA). The Council supports and encourages the Manager to be or become an ICMA credentialed manager within a reasonable period of being employed. With appealing and inviting neighborhoods, full service amenities, and convenience, Clemmons is the perfect place to call home. Residency is a job requirement and the new manager will need to establish residency within 12 months of appointment. Please submit a letter of interest, resume, AND a completed Village of Clemmons employment application. The salary for this position is negotiable based upon the candidate’s qualifications and experience and is supplemented by an excellent benefit package. The Village Council anticipates a hiring salary of $92,000 to $122,000 depending on the candidate’s experience, qualifications, and salary history. More information about the Village of Clemmons and the Village’s employment application is available at www.clemmons.org.

Utilities
Public Utilities Director – Goldsboro – Public Utilities Director Performs difficult professional and managerial work planning, organizing and directing the operations, maintenance, and laboratory analysis of wastewater treatment plant, water treatment plant, compost plant, and related facilities. Essential Functions: Work involves responsibility for division staffing, budget development and administration, assistance with and advising management and the Council on long range planning for facilities and system capacity and technical compliance needs, establishing and maintaining records and reports necessary for full compliance with all regulations and for effective management decision-making, and insuring effective productivity of assigned personnel. Work also involves innovation and research to comply with constantly changing environmental laws and regulations. Work involves considerable public contact, initiative and judgment. Knowledge and Abilities: Thorough knowledge of the principles and practices of water and wastewater treatment, pumping stations, metering, and other utility systems appurtenances. Thorough knowledge of the local, state, and federal laws and regulations relating to water and wastewater treatment. Considerable knowledge of the processes, methods, regulations, and practices in the production of compost from biosolids. Education and Experience: Bachelor’s Degree and 10 or more Years’ Experience; or Master’s Degree and more than 5 Years’ Experience. Requires Grade IV certification for wastewater treatment and/or Grade A for surface water treatment by the State of North Carolina or the ability to obtain within four years. Registration as a Professional Engineer.

Send application materials as noted above to Clemmons Village Manager Search, ATTN: Lynette O’Neal, Piedmont Triad Regional Council, 1398 Carollton Crossing Drive, Kernersville, NC 27284 or email hrspecialist@ptrc.org. Position open until filled with review of candidates to begin October 31st. The Village of Clemmons is an equal opportunity employer.  SC
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Visit lela.unc.edu for an up-to-date calendar of educational programs offered through the Local Elected Leaders Academy. To learn more, contact Donna Warner at 919.962.1575 or warner@sog.unc.edu.
For a 21st Century Economy, High-speed Broadband is a Necessity

By Paul Meyer
NCLM Executive Director

In August, a U.S. appellate court issued a ruling that is almost certain to damage small cities and towns and their residents. The U.S. 6th Circuit Court of Appeals pretty much recognized that fact, but found that the Federal Communications Commission did not have the authority to preempt state laws that limited the expansion of municipal broadband systems. "We do not question the public benefits that the FCC identifies in permitting municipalities to expand Gigabit Internet coverage," the ruling concluded.

This federal court case came in response to an FCC ruling on behalf of the City of Wilson and the City of Chattanooga, Tenn., which both operate high-speed municipal broadband systems, preempting state laws. Both North Carolina and Tennessee sued to challenge that ruling. In the aftermath of the court decision, the FCC announced that it would not appeal the case to the U.S. Supreme Court. So, it would appear that North Carolina municipalities are back to where they were prior to the FCC ruling, with the 2011 law passed by the General Assembly which severely restricted the expansion of community broadband back in force.

The League, of course, opposed that law, and had beaten back similar bills for four straight years until the measure finally passed. It was disappointing to see the federal appeals court undo the FCC ruling, which we had supported with public comments filed with the federal agency. But if the issue has been settled before the courts, there is no reason that has to be the case with the General Assembly.

As I said when the FCC issued its decision in February 2016, the discussion prompted by the case provides an opportunity for the General Assembly to re-evaluate its 2011 decision. In doing so, cities and the state can find some middle ground. After all, while the League will always support individual municipalities having the tools and decision-making authority required to address their vastly different challenges, the larger issue here is not who owns what. The larger issue – which has become crystal clear as the FCC considered the Wilson petition, approved it, and the case then made its way before the courts – is that smaller cities and towns and rural areas of North Carolina will be left further behind economically without high-speed broadband, and market forces alone are unlikely to bring about a solution anytime soon. In many respects, the issue here is no different than the electrification of rural America in the 1930s and 1940s. The creation of the electric cooperatives that provided that electricity came about only because of a policy decision reached by Franklin Delano Roosevelt and Congress with the passage of the Rural Electrification Act of 1936.

High-speed Internet service is the equivalent today of electric service in 1930s and 1940s America. It is a utility service that is crucial if small towns and cities are to thrive and prosper economically. The 6th Circuit court decision noted that Wilson’s top seven employers are all customers of its Greenlight broadband network. The New York Times recently pointed to Wilson’s ability to attract a movie visual effects company, Exodus FX, which has worked on movies like “Captain America” and “Black Swan,” because of its Greenlight service.

North Carolina legislators are right to be concerned about the solvency of municipalities and the protection of taxpayers – two factors that supporters of the 2011 law cited regarding that support. But those concerns won’t matter much if rural communities cannot access high-speed Internet service and, as a result, are left in the dust of an accelerating 21st century economy. SC
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