

CITY OF MONROE
CITY COUNCIL STRATEGIC PLANNING MEETING
300 WEST CROWELL STREET
MONROE, NORTH CAROLINA 28112
JULY 21, 2020 – 4:00 P.M.
AGENDA
www.monroenc.org

1. Obama Foundation’s “My Brother’s Keeper Alliance” Pledge and City of Monroe’s Diversity and Inclusion Programs/Departmental Community Services Discussion
2. Legislative Prayer (*Tabled from May 5, 2020*)
3. Critical Intersection Analysis for Sutherland Avenue and Walkup Avenue Intersection
4. Water and Sewer Extension Policy Amendment

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- **Agenda** is tentative and is subject to change up to and including the time of the meeting.
 - At the discretion of City Council, **Agenda Items** listed above that are not discussed at the Strategic Planning Meeting or moved at the request of Council, may be carried forward to the City Council Regular Meeting at 6:00 p.m. to be considered.



STAFF REPORT

TO: City Council

VIA: E.L. Faison, City Manager

DATE: July 21, 2020

FROM: J. Bryan Gilliard, Chief of Police
Debra Chestnut Reed, Director of Human Resources

PREPARED BY: Angie Rangolan

SUBJECT: City of Monroe Diversity and Inclusion Programs/Departments Community Services and Obama Foundation's "My Brother's Keeper Alliance" Pledge

SUMMARY STATEMENT

The Police Department and Human Resources Department will offer information related to the City's Diversity and Outreach programs and progress towards fulfilling the Obama Foundation: "My Brother's Keeper Alliance" Pledge

REVIEW

The Police Department and Human Resources will offer presentations on:

Police Department's progress with fulfilling the Obama Foundation's: "My Brother's Keeper Alliance" Pledge and their response to goals set forth in the "8 Can't Wait" campaign. The material will describe Police Department's review and refinement of their policies, ongoing community engagement activities and feedback, and the relevancy of Accreditation through CALEA as an entity that offers external oversight and evaluation of LEO policies and practices.

Human Resources will offer material summarizing the City's programs concerning diversity and inclusion, to include:

- Diversity Advisory Committee & Roundtable
- Citizens Academy
- Internship programs
- Employee Diversity Awareness Forum and Training
- EO/EEO and Discrimination Claims
- Employee Demographics
- Developmental Training
- Overview of outreach programs across City Departments

RECOMMENDATION

This material is provided for information purposes to the City Council.

Response to “8 Can’t Wait”

Request	Current MPD Policy	MPD Response
Require De-Escalation Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force		TRAINING IMPLEMENTED 2005 WRITTEN INTO POLICY June 16, 2020
Ban Chokeholds & Strangleholds Do not allow officers to choke or strangle civilians, in many cases where less lethal force could be used instead, resulting in the unnecessary death or serious injury of civilians		POLICY IMPLEMENTED April 25, 2008
Duty to Intervene Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor		POLICY REVISED June 16, 2020
Ban Shooting at moving vehicles Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.		POLICY IMPLEMENTED April 25, 2008
Require Use of Force Continuum Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance		POLICY IMPLEMENTED April 25, 2008
Requires Exhaust of all Alternatives before Shooting Require officers to exhaust all other reasonable means before resorting to deadly force.		POLICY IMPLEMENTED April 25, 2008
Require Warning Before Shooting Require officers to give a verbal warning, when possible, before shooting at a civilian.		POLICY IMPLEMENTED April 25, 2008
Require Comprehensive Reporting Require officers to report each time they use force or threaten to use force against civilians.		POLICY IMPLEMENTED April 25, 2008

Reference to the City Manager's email:

A. PD's plan to fulfill the Obama Foundation: My Brother's Keeper Alliance Pledge:

Mayors and other City Council officials are uniquely positioned to introduce common-sense limits on police use of force. That's why the My Brother's Keeper Alliance is calling on mayors to commit to the following actions:

1. REVIEW your police use of force policies.

Our Use of Force Policy is reviewed on an annual, and as needed basis. Any adjustments or needed revisions that are identified are placed into draft form. This draft policy is placed in a "workflow" within PowerDMS. Command Staff and Subject Matter Experts are included in the workflow. Once a final draft is agreed upon, the final draft is submitted to the Chief of Police for approval.

*CALEA Standard 4.2.4 Analyze Reports from Use of Force:

Annually, the agency conducts an analysis of its use of force activities, policies and practices. The analysis should identify:

- a. date and time of incidents;*
- b. types of encounters resulting in use of force;*
- c. trends or patterns related to race, age and gender of subjects involved;*
- d. trends or patterns resulting in injury to any person including employees; and*
- e. impact of findings on policies, practices, equipment, and training.*

Our Use of Force Policy was revised on June 16, 2020 to include specific language for an officers' duty to intervene when observing excessive force. Language was also added to address de-escalation as a precursor to the use of force.

- Officers currently review and sign the departments Use of Force policy two times per year.
- All officers are also required to complete de-escalation and crisis intervention training.

2. ENGAGE your communities by including a diverse range of input, experiences, and stories in your review.

I recommend that any community input be gathered and discussed within the annual analysis.

*CALEA Standard 45.2.2 Citizen Survey:

A documented survey of citizen attitudes and opinions is conducted at least once every two years with respect to:

- a. overall agency performance;*
- b. overall competency of agency employees;*
- c. citizens' perception of officers' attitudes and behavior;*
- d. community concern over safety and security within the agency's service area;*
- e. citizens' recommendations and suggestions for improvements; and*
- f. results are compiled, with a written summary provided to the agency's chief executive officer.*

Our last Citizen Survey was conducted February 4, 2019. I recommend adding questions that engage the community for input related to Use of Force.

Current examples of Community Engagement

School Resource Officers Programs in the Schools and Community

Coffee with a Cop - brings police officers and the community members they serve together over coffee to discuss issues and learn more about each other.

G.R.E.A.T. – Gang Resistance Education and Training – 6th graders– we take a group of middle school students as well as mentors from our high schools and take the students on all day trips.

Eddie Eagle Gun Safety – teaches children in Pre-K through third grade four important steps to take if they find a gun. Its taught to all of our city elementary schools third-grade students.

Reading Buddies – Elementary Schools - Reading Buddies – a partnership with Union County Public School where the officers are assigned to a student and the officer goes to the school and read with that student.

P.A.S.S. – Police Advocating for student success is a mentoring program for students at the middle school level. The principal pair the officers up with a group of 5 students, and that officer meets with his group twice a month for about 45 minutes.

Ball with a Cop - brings law enforcement and the community together by playing a sport against each other such as basketball, soccer, and golf.

Bridge Builder Youth Camp – a group of kids from age 8 to 14 years old, we educate them with dialogue, hands-on activities, and practicals of who/what law enforcement does.

GREAT Camp - – we take a group of middle school students and mentors from our high schools and take the students on all day trips.

Home Visit & Parent meeting – when the school resource officers go to the student’s house to speak to the parent or the parent comes to the school to meet with the officer about a safety concern, behavior, or something positive. Building a relationship with that family.

Heart 4 Monroe Men and Women in the Making – is a partnership with Heart for Monroe and UCPS. The curriculum focuses on discovering and developing character confidence in young men and women.

Lunch with a Cop – students who are on good behavior at school can request to have lunch with their school resource officer.

Kids Café – it's a partnership with Second Harvest food bank we get the food from there and divide it amongst the school resource officers to keep in their office at school if a student needs something to eat. If we know of a kid that needs food, we will take them food.

Partnership with City of Monroe Parks and Recreation Centers when school is out for teacher workday and summer break, the SROs goes to the local recreation centers to interact with the kids in the community.

Coaching - Officers are coaches for our middle school soccer team and city soccer team.

Blood Drive – Battle of the Badges at Monroe Middle, where police officers and firefighters donate blood.

Community Services

Partnership with Monroe House Authority – they provide quality affordable housing to Monroe and Union County residents in North Carolina, and we assist them in keeping their neighborhoods safe.

Code Enforcement – enforce the city's established code requirements, ordinances, and zoning laws.

Community Event/Cookouts – is a way to build the relationship between law enforcement and community together by playing games, handing out safety material, and grilling hot dogs and hamburgers.

Business safety Checks – meet with a business and go over a checklist to ensure that their business is safe from being broken into or robbed.

Community Safety Talks – go out into the community and talk to people about safety tips such as personal, internet, fraud.

Police Department Tours - take different groups of students on a tour of the department and talk about what a police officer's job is. Show them a police car.

Senior Citizens Safety awareness – go to the senior citizens' facility and speak to them about different safety awareness tips.

Neighborhood Walks – partner with other departments with the City of Monroe, walk the neighborhoods, see what issues are in that neighborhood, and address them.

Career fairs are an event in which employers, recruiters, and schools give potential employees information.

Community Health fairs – is an educational and interactive event designed for outreach to provide basic preventive service to people in the community.

Neighborhood Watch - is a group of people living in the same area who want to make their neighborhood safer by working together and in conjunction with local law enforcement to reduce crime and improve their quality of life.

Coffee with a Cop – brings police officers and the community members they serve together over coffee to discuss issues and learn more about each other.

Monroe Night Out – is an annual community-building campaign that promotes police and community partnerships and neighborhood camaraderie to make our neighborhoods safer.

Rapid Response Food – this is a partnership with Heart for Monroe please can drop food off at the police department to give out to families in need. We hand out food to the seniors at Serenity Hills and Cotton Street Commons.

Officer community projects

As part of the promotional process, officers in the Monroe Police Department are required to submit their current or completed community project, these projects are completed on their own time, are required to be within Union County, improve quality of life and or assist with community relations.

Some of the examples of projects include gathering and donating supplies to local outreach programs, mentoring at risk teens, assisting with gathering expired or no longer used medication for destruction, coaching youth sports teams, passing out valentines to those in assisted living facilities, collecting presents-food and gift cards during the holidays for those in need, giving those with special needs great experiences through bowling leagues and Easter egg hunts, educating seniors about fraud and assisting them with safeguarding themselves, distributing flyers on how to deter crime throughout their communities.

3. REPORT the findings of your review to your community and seek feedback.

Will need to look at the analysis document to be sure, but suggest adding this to the webpage. Could place it along side of the Complaint Analysis. We will need to change our citizen survey to every year to ensure that we are receiving feedback from the citizens that we serve.

4. REFORM your community's police use of force policies.

Reformation already occurs whenever a gap, problem, or issue is identified.

**CALEA Explanation – Our most recent completed cycle (2016-2020) followed Version 5.23 of the Law Enforcement Standards Manual. We are currently transitioning into Version 6.9 of the Law Enforcement Manual, beginning March 6, 2020. Participating Agencies are allowed 12 calendar months to comply with any changes within a standards language.*

B. Develop messaging that can be placed prominently on our home page that describes:

1. I suggest making a statement on our/City's webpage to state that PD policy is available for public review at the police department.
2. Already there...<https://www.monroenc.org/Departments/Police/Accreditation>

Accreditation

National Accreditation



The Monroe Police Department voluntarily elected to enter the accreditation process. This process requires an extensive commitment by all department personnel to the pursuit of excellence as recognized by the Commission on Accreditation for Law Enforcement Agencies Incorporated (CALEA). CALEA is an independent, nonprofit organization established in 1979 to develop a set of law enforcement standards that would improve the delivery of law enforcement services from coast to coast. Four major law enforcement associations – the International Association of Chiefs of Police (IACP), the National Sheriff's Association (NSA), the National Organization of Black Law Enforcement Executives (NOBLE), and the Police Executive Research Forum (PERF) – combined efforts to develop and review these standards. The standards are designed to:

- Increase the law enforcement agency's ability to prevent and control crime
- Increase agency effectiveness and efficiency in delivering law enforcement services
- Increase cooperation and coordination with other law enforcement agencies and with other agencies of the criminal justice system
- Increase citizen and employee confidence in the goals, objectives, policies, and practices of the agency

The accreditation process requires the police department to comply with applicable standards and to document this compliance for a final on-site review by a CALEA assessment team. The assessment team report is then reviewed at one of several regional CALEA meetings. Accreditation standards are strict. On July 28, 2007, the Monroe Police Department was awarded its first accreditation award and has been re-accredited three times, receiving Advanced Accreditation in 2013 and 2016.

To learn more, visit www.CALEA.org.

3. The pledge is a commitment from Mayor and Council to citizens. Prior to recent events we already complied with 90% of this.

City of Monroe
Diversity and Inclusion Programs &
Department Community Services
Activities

Promoting Equality and Diversity
July 21, 2020

Agenda

- Diversity Advisory Committee
- Diversity Roundtable
- Citizens Academy
- Employee Diversity Training
- Internship Students
- Vision of Developmental Training for Placement of the disadvantage
- Equal Employment Opportunity and Discrimination Claims
- City of Monroe's Annual Employee Demographics

Diversity Advisory Committee

- Created in 2000, supports HR and Manager, in a proactive effort for organizational transformation to achieve community representation.
- Strategies: incorporates interaction, education, and communication with both the organization and the community.
- Program scope: Diversity Roundtable, Citizens Academy, and Diversity Training.
- Objective: City organization mirrors the community.
- Representation: employees selected from the various City Departments.

Diversity Roundtable

- Created in 2005, to embrace and celebrate diversity and provide opportunities for a diverse group of individuals to come together and become involved in the City's organization and the community.
- A luncheon is held in September by invitation to discuss the City's operation, current issues, and its involvement in the community.
- Participants consist of Community Leaders, Clergy, Citizens Academy Graduates, and other citizens, the City's Diversity Advisory Committee, City Manager, Police, Fire and other departments as needed.

Citizens Academy

- Created in 2009, the first graduating class was September 2009.
- 8 week program that provides information to better understand and gain insight into various City Departments, their roles, and methods of service delivery.
- Participants include Citizens and City Employees.
- Graduates have been appointed to City Committees and served as City Councilmembers.
- Academy fosters other City diversity initiatives and builds relationships across the community.

Employee Diversity Awareness and Training

- Created in 2005, as a mandatory training program for all City Employees, that is conducted biannually.
- Program objectives:
 - ✓ inform and educate employees on diversity, inclusion, bias, improving their sensitivity for one another and our citizens.
 - ✓ increase awareness and understanding of diversity in the workplace, develop skills that will enhance productivity, communication, and community service among City Employees.
- We need to be mindful that training alone cannot resolve other diversity-related issues or challenges that exist; however, training does play a vital part in the success or failure of our overall diversity initiatives.

Internship Programs

- Fosters development of career-related work during a student's college years.
- Interns are currently placed based on the university's guideline, which determine paid salary or credit hours.
- Student placement is on a small scale due to funding constraints:
 - Student are from Wingate, North Carolina A & T, UNC-Charlotte, etc.
 - Additional funding fosters retaining larger numbers as future employees and residents.
- Other programs:
 - Cooperative Education: schedule - 3 months to 6 months as full-time.
 - Internships: schedule - 20 to 28 hours per week as part-time.
- As an employer the benefits allow us to train potential career employees, and makes a unique contribution to the educational institution.

Developmental Training: Placement of Disadvantage Groups

(Example of National ~ Industry Program Trend)

- Vision: connecting the City to a diverse population, disadvantaged in some respect.
- Program design:
 - ✓balanced across the community;
 - ✓Participates: Afro Americans, Asians, Caucasians, and Women; concentration of one category avoided.
 - ✓Partnership with an educational institution to be successful.
 - ✓Funding of participant's base salary, and participant's programing costs.
 - ✓Paid training to allow participants to maintain a balanced life style while developing skills and experience.

Equal Opportunity/Equal Employment Opportunity Commission

- City's Human Resources Policies and Procedures are applied citywide on a consistent basis as required by Equal Employment Opportunity Commission (EEOC).
- 2004 to Present: Claims filed with EEOC were not substantiated.
- City has adopted EEOC guidelines for employment practices.
- Title VII of the Civil Rights Act of 1964 (as amended) states that it is an unlawful employment practice:

To limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee because of such individual's race, sex, national origin, color, or religion.

Equal Opportunity/Equal Employment Opportunity

(...continued)

- The Age Discrimination in Employment Act establishes essentially the same prohibitions as mentioned above under Title VII, but for individuals age 40 years and above.
- The Americans with Disabilities Act also requires non-discrimination and includes prohibitions as outlined above in Title VII, but for qualified individuals with disabilities.

Employee Demographics December 2019

<u>Total Employees</u>	<u>1046</u>	
• Total Minority Males	106	10.13%
• Total Non-Minority Males	509	48.47%
• Total Minority Females	86	8.22%
• Total Non-Minority Females	345	32.98%
• Total Minority Males and Females	192	18.36%
• Total Non-Minority Males and Females	854	81.64%

Number of Diversity and Inclusion Programs/Department Community Services

<u>Department</u>	<u>Total Programs</u>	<u>Youth Programs</u> Pre-K to 12 th <u>Grade</u>	<u>Adults</u>	<u>All Ages</u>
• Parks and Recreation	37	23	2	12
• Police	27	10	10	7
• Fire	18	7	7	4
• Other City Dept's	39	3	23	13

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
Airport	Educational Tours (Scheduled)	City and Union County residents, through churches, schools, and civic groups can see the airport and learn how it functions. The tour is given up-close access to a typical general aviation aircraft, and the tour typically concludes with an up-close tour of Tinker Belle. Tours are scheduled during the weekdays, and are conducted based on weather conditions since a majority is conducted outside. The tour group is limited in size to 25 individual total.
	Speakers's Bureau	Can speak to any organization on the airport and the aviation industry. Again, it is scheduled through irport Manager, and depending on the day, time, and location, can typically honor any request.
Communication/Tourism	Youth Leadership	Comprised of roughly 30 high school students from various schools.Rough make up is 40 percent white, 35 percent black, 20 percent Latino, and 5 percent other. Roughly a dozen or so projects and activities a year.
	Warbirds Over Monroe	In 2005 Warriors and Warbirds started as a dream of several local pilots. With help from the City of Monroe, the Veterans Council of Union County, local businesses, and the hard work of volunteers, the Warbirds Over Monroe Air Show has grown into one of the area’s largest aviation events honoring those who have served. Partner with various local Veteran Nonprofit groups, local Boy Scouts, Civil Air Patrol and Civitan Club during the event. Open to all residents inside and outside of the city limits.

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Monroe Science Center	A hands-on science and learning-themed facility will not only be an asset for city and county residents, but it will also serve to attract residents from surrounding counties and provide additional family opportunities for individuals staying in Monroe.
	Dowd Center Theatre	The mission of the Dowd Center Theatre is to explore the boundaries of community, culture, and education by providing unique and diverse entertainment opportunities and experiences for the citizens of Monroe, Union County, and the region.
	C46 - Tinker Belle	Tinker Belle is a 1944 C-46 Commando proudly owned by the City of Monroe, NC. She is the only military painted C-46 currently flying in the US. We do anywhere from 5-10 tours each year for various school and civic groups.

Downtown Monroe

Cruise-Ins	Takes place on the 2nd Friday of every month from April to October. People bring their cars downtown to showcase with other car enthusiasts. Anyone within and outside the city limits can be a part of the event
Music on Main	Takes place on the 4th Thursday of every month from April to October. A diverse band lineup is created to reach various demographics within the city. Anyone can come to the concert series including non-Monroe citizens
Art Walks	2nd Friday in April and October. Showcase local/regional artist talent. Anyone can attend. Anyone can attend; will need to RSVP in advance

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Easter Eggstravaganza	Occurs during the month of Easter at the Parks Williams Athletic Complex. All children are invited to attend inside and outside of the city.
	Pops on the Park	Occurs in May. Union Symphony and Youth Orchester perform. Anyone can come to the concert series including non-Monroe citizens
	July 4th Celebration	Occurs in July with a festival in Belk Tonawanda Park and fireworks.
	Halloween Happenings	Normally the 3rd Saturday in October in Downtown Monroe. Participating merchants hand out candy along with other vendors and participants.
	Love Your Downtown Forum	Forum to address current event topics affecting downtown. Occurs once a year. All children are invited to attend inside and outside of the city.
	Christmas Tree Lighting	Occurs the 1st Saturday in December. Vendors and Downtown merchants participate. Anyone can come including non-Monroe citizens

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
Energy Services	Electric Department	
	Rebates to customers: <u>Electric:</u>	1. \$150 Water Heater rebate - For City electric residential or commercial customers that install a new electric or replace an old water heater with a new electric water heater. Must be 30-gallons or larger and must be inspected. 2. \$400 High Efficiency Heat Pump Rebate – For City electric residential customers that install a new or replace an old heat pump with a high efficiency heat pump. Must be between 1-5 tons and have a minimum SEER Rating of 15. 3. \$500 Energy Star Home Rebate – For residential builders or customers that build within the City’ electric service territory and achieve Energy Star Certification. One rebate per house. 4. Helping Hands – Money is contributed annually to assist people in need paying their electric utility bills. DHHS determines who qualifies and distributes the funds. <u>Gas:</u> 1. \$200 Water Heater rebate – For City gas residential or commercial customers who install a new or replace an old water heater with natural gas water heater. Must be 30-gallons or larger. Tank-less water heaters excluded. 2. \$200 Natural Gas Conversion rebate – For City gas residential or commercial customers who convert from propane or heating oil to natural gas heat. Must be a vented system with a minimum of 40,000 BTU/hour. 3. Helping Hands – Money is contributed annually to assist people in need paying their gas bills. DHHS determines who qualifies and distributes the funds.

Engineering

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Stormwater Services Public Educations Program	Works to inform the community about stormwater pollution and provide prevention measures citizens and businesses can take to protect our local water quality. Presentations to local groups, clubs, organizations and schools, as well as booths at community festivals and demonstrations at community centers are ways we interact with the community. Stormwater Services also provide digital outreach through informative Facebook posts and distribution of handouts that explain Best Management Practices as they pertain to stormwater runoff.
	Stormwater Services Public Involvement Program	Offers volunteering options where education and action go hand-in-hand to bring the importance of protecting our environment to the forefront. Volunteering offerings include Water Quality Monitoring, Storm Drain Marking and Adopt-A-Stream projects.
	Solid Waste/Recycling Public Education Program	Teaches residents about what recyclables are accepted in our curbside recycling program, which is integral to reducing contamination in our recycling stream. We also aim to reduce solid waste overall by publicizing possibilities for items that don't belong in your cart, but can be recycled elsewhere. Presentations about the 3Rs (Reduce, Reuse & Recycle) at schools, community centers and to local groups, clubs and organizations, as well as tabling at community festivals informs residents about what happens to solid waste when it leaves your curb, and why conservation of resources and conscious consumerism are essential pieces of the solid waste management puzzle. Adopt-A-Street is a volunteer program that builds environmental stewardship through litter clean ups in the community.
Fire Department	After Fire Community Safety Messaging	In the event of a big impact fire, fire safety community messaging is shared with door flyers.

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Bilingual Parenting with a Purpose	Partnership with Union County Schools Latino Outreach, teaches fire, home, child passenger safety.
	Child Passenger Seat Installs	Car seat checks and community events providing information of child passenger seats.
	Community Youth Workshops (Parks/Rec. Beyond the Bell program)	Focuses on Fire and Life Safety topics with the community centers and gives department interaction with participants
	Dusty the Dragon	Fire prevention training focusing on smoke alarms and fire escape planning using a puppet dragon.
	Fire Camp 1872	Summer camp for youth ages 11-14 conducted during the summer once school is out.
	Fire Explorer Program	Fire service career exploration for youth ages 14-20.
	Fire Extinguisher Training	Provides fire extinguisher training to local businesses.
	Fire Safety for Third Graders	Fire safety program that is delivered to third grade studuents at local schools.
	Freddie the Fire Truck	Remote control fire truck that interacts with the public at community events.
	Job Fairs/Career Days	Attends job fairs and career days upon request.

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Remembering When with Council on Aging	Shares information of fire and fall safety topics with the older population.
	Smoke Alarm Canvass	Targets high risk community, the department installs needed smoke alarms at no charge.
	Smoke Alarm/Carbon Monoxide Alarm Installation Program	Citizens can submit request for free alarm checks and installation by online request form or by phone.
	Sparky's Fire Prevention Party	This community event is conducted at Monroe Crossing during Fire Prevention Week in October.
	Start Safe Preschool Program	Program that focuses on burn prevention for preschool age children.
	Station Tours	Tours at the fire stations. Can also be requested during birthday parties when citizens are utilizing the Community Room at Fire Station 4.
	Union County Burned Children's Fund (Can trailers)	Recycling can trailers are located at Fire Station 2 and 3 with proceeds from the recycled cans going to help burn survivors in the community.

Human Resources

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
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Department	Program Name	Description
	Citizens Academy	Created in 2009 with first class being held in September 2009. This is an 8 week program that serves as a source of information for the community to better understand the City of Monroe and the various opportunities that are available within the City of Monroe by interacting, educating and communicating with the communities . This is a city employee only committee.
	Diversity Roundtable	Started in 2005, the Citizens Roundtable is a way to create an open dialog between community leaders and the City with regards to increasing diversity in the City of Monroe. It also provides an opportunity for the Community Leaders to share and discuss issues of concerns in their communities. Community leaders are invited to attend this luncheon each year.
	Diversity Training	Started prior to 2005. In 2005 this training became mandatory for all City of Monroe employees which is conducted every 2 years.
		Current job postings are faxed/email to Community Leaders that have requested these posting. Sent to the following: Elizabeth Baptist Church – Rev. Gardin, Employment Security Commission, Friendship Baptist Church – Rev. Leake, Community Development Corp. – Ms. Clarice Autry, Vocational Rehabilitation Services - Terri Parker, and WDEX Radio – Rev. Hood Newspaper advertisements: The Enquirer Journal, Charlotte Observer, La Notica, and Charlotte Post. Website postings: City of Monroe via NeoGov which also places it on Governmentjobs.com and Careerbuilders, Charlotte Observer online which also places it on MaxRecruiter, Indeed, Glassdoor, ZipRecruiter and Careerbuilder and Enquirer Journal online when requested.

Employment Opportunities

Parks and Recreation:

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	<u>Community Happenings</u>	
	Christmas Around the World	Community event that exposes participants to the different practices of cultures around the world during the Holiday season. Participants rotate through different countries and taste food and participate in holiday activities of those particular cultures.
	Taste of Black History	Community event that provides participants the opportunity to learn about black history and African culture while sampling indigenous foods.
	Dr. Martin Luther King, Jr. Celebration (All Centers)	Community event celebrating the life of Dr. Martin Luther King, Jr. Participants are able to participate in cultural dances, as well as, watch several dance demonstrations. Food and fellowship are at the center of this event. Speakers and demonstrations are offered that focus on diversity.
	Cinco de Mayo Celebration	Community event celebrating Latino heritage. Cultural foods and educational sessions are offered to the community to provide insight on Latino history.
	Family First Thursday Nights	Weekly community events that invite community families together to play games and are provided with activities that create friendly competition between families in the community. Each Thursday night also focuses on a topic for discussion that Center Supervisors lead. Those topics include but are not limited to diversity and how to manage negative experiences. Other topics include money management, decision making and more.

**Obama Foundation's "My Brother's Keeper Alliance" Pledge
City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Boy's Night Out	Monthly community event where young male participants are invited for physical activity that includes basketball tournaments, video games, arts and crafts, movies and much more. Sessions are also provided to allow the opportunity for the male participants to discuss issues that are bothering them with their peers and with our staff. These issues include growth and maturity, racism, bullying, diversity and much more. The open dialogue in a comfortable environment among peers allows for honest conversation.
	Girl's Night Out	Monthly community event where young female participants are invited for physical activity that includes sports tournaments, video games, arts and crafts, movies and much more. Sessions are also provided to allow the opportunity for the female participants to discuss issues that are bothering them with their peers and with our staff. These issues include growth and maturity, racism, bullying, diversity and much more. The open dialogue in a comfortable environment among peers allows for honest conversation.
	Ball With A Cop	This event is offered in partnership with the Monroe Police Department. This program is designed to promote a positive relationship with the local police department. The police department and the local community kids play pick up basketball games at each center. The police then use that positive environment to help foster a positive relationship with that community's youth.
	Multi-Cultural Festival	Community event that celebrates the diversity of Monroe. Cultural food, games, arts and crafts and more are shared by community members in an effort to help the community celebrate inclusion and diversity.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Community Clean Up (All Centers)	A community event encouraging community members to work together to keep their immediate community clean. This event is centered around a cook out at each facility.
	Free Market Clothing Give Away	In partnership with Delta Sigma sorority, participants enjoy a fun filled event and are able to take advantage of donated clothes.
	Back2School Bash	In partnership with Volunteer2ServeandGive, community centers collaborate to provide the community with free back to school supplies. Participants can fill backpacks with school supplies all while enjoying games, activities and more!
	Healthy Together	Healthy lifestyles are easier when we work together and support each other. Join your friends and family for a heart healthy day. Begin your journey to good health with your community. Take advantage of tips from professionals, health screenings, exercise demonstrations, healthy snacks and more. Presented in partnership with Alpha Kappa Alpha sorority.
	Aging Well, Living Well	The Ellen Fitzgerald Senior Center was built by the City of Monroe. This Parks and Recreation facility provides a community focal point where seniors 55 and better can come together for services and activities which enhance their dignity, support their independence and encourage their involvement in the community.
	<u>Camps</u>	

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City of Monroe Diversity and Inclusion Programs/Departments Community Services

Department	Program Name	Description
	Camp 1872 Fire Safety Camp	This camp is offered in partnership with the Monroe Fire Department. This camp exposes participants to local firefighters in an effort to teach kids what it takes to be a part of the fire department, as well as, promotes a positive relationship between the department and the participants. The camp also includes tips on fire safety and promotes hands on activities.
	Bridge Builders Police Camp	This camp is offered in partnership with the Monroe Police Department. This camp exposes participants to local police officers in an effort to teach kids what it takes to be a part of the police department, as well as, promotes a positive relationship between the department and the participants. This camp also promotes hands on activities
	Beyond Basketball Camp	This camp is offered by department staff. The camp incorporates basketball into sessions focusing on topics including bullying, how to manage stress, diversity, gang avoidance and more. Police officers and other community leaders are invited to speak on personal experiences during the camp.
	G3 Girls Basketball Camp	This camp is offered to pre teen girls only and focuses on topics related to challenges that girls navigate through their lives. The camp is in partnership with several female high school players. Department staff is on site to support the camp directors.
	African Dance Class Series	This class provides mothers and daughters the opportunity to learn about cultural African dance. This promotes a more positive family dynamic and introduces a new hobby to a family.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services

Department	Program Name	Description
	Empowerment Art Series	This program allows individuals to express themselves through art. They are encouraged to express their frustrations and their successes through canvas and sculpture art. Staff is on hand to assist participants in working through their emotions and providing them with positive outlets to deal with stresses.
	Camp Champ Sports Challenge	This program brings participants from all community centers together for an interleague sports program. Participants travel to each community center and compete against kids that typically utilize that center. After the two community centers compete, the participants are then combined as one group and create new teams so that each kid can play with kids from different communities. This program provides opportunities for kids to meet others from differing communities in an effort to erase the stigma of competing neighborhoods and to promote a sense of community.
	Believe and Achieve	Believe and Achieve is an eight week program that focuses on life readiness. Participants will be exposed to opportunities to help them prepare for the future and deal with the present. This is an important time in a teenager's life. Let us provide you with resources to help influence your ability to make decisions and navigate your life. Offered in partnership with Transforming Youth Movement, this program helps teens develop supportive relationships and will assist teens with emotional and social growth.
	Teens for Tomorrow	<i>Teens for Tomorrow</i> program focuses on college and career readiness, as well as, prepares teens for social issues that they may face regularly. Participants will be exposed to opportunities to help them prepare for the future after high school. This program will help provide the skills needed to become future leaders.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
		Sutton Park - Community Youth Leaders Winchester - Teens with Purpose J. Ray Shute - Teens in the Lead Old Armory - Empowered Teens
	Leaders In Training (LIT)	The L.I.T. program is designed for teens by teens. We know teens have options, we have put together an awesome series of events and activities with teens in mind. The L.I.T. program provides fun opportunities for teens to enjoy their community and interact with their peers. All programs have been created for and will be organized by teens!
	<u>Programs:</u>	
	Summer Night Lights	This program is an extension of our normally scheduled open gym. The gym is opened to teens from 8p – 11p on certain nights during the summer. Our staff provides basketball tournaments, food, games, computer usage and more to promote a safe social environment for teens during the summer. This event is held in partnership with the Monroe Police Department. Police officers play basketball and other games with the participants and provide opportunities for mentorship and an open dialogue on issues that teens deal with daily.
	The Power of You	Participants will be involved in a variety of scenarios that will require using tools for critical thinking, feeling like one belongs, having confidence, and setting reasonable expectations for oneself.
	Confidence Construction	Youth will learn the concept and consequences of bullying others and being bullied. They will learn expressive and safe ways to deal with and avoid bullying.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services

Department	Program Name	Description
	Living Your Best Life	In partnership with the Monroe Police Department, participants will consider how their decisions affect their lives. Teens will learn appropriate ways to find positive influences in their life and how to avoid gangs and gang activity. This program is designed to assist teens in recognizing negative influences and assists them in making confident and positive decisions.
	Future is Now!	This program will dive into the challenges that prevent participants from staying on task and how to prepare yourself for a new career. Staying goal oriented, removing external distractions, and using time wisely will provide every opportunity to reach your goals.
	T.N.T. (Teens Networking Together)	This program is designed to bring community teens together on a daily basis to participate in team building games and more. This program is a socially engaging program in place to provide teens an opportunity to mingle with their peers.
	Successful Amazing Women (S.A.W.)	This program is designed to expose young girls to female community leaders in an effort to teach them the importance of self-esteem, pride, and respect and how those characteristics help mold amazing and successful women.
	Real Amazing Men (R.A.M.)	Young men will be able to learn from guest speakers and activities promoting the importance of self esteem, respect, empowerment, and self motivation. Young men will be able to discuss issues with which they are faced with men who can help guide them towards their goals.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Entering Manhood Summit	New and exciting challenges and opportunities await every young man. Let us help you learn how to take advantage of these opportunities through real life experiences. Topics include healthy relationships, leadership skills, decision making, and more. Guest speakers, games, food and activities will be provided.
	Entering Womanhood Summit	Becoming a woman is an exciting journey. This summit will provide guidance and support when it comes to issues that teenage girls may face on a daily basis. Topics include establishing healthy relationships, leadership skills, decision making skills and more. Guest speakers, games, food and activities will be provided.
	<u>Beyond the Bell Programs</u>	Winchester, J. Ray Shute and Sutton Park Recreation Centers
	Access to Success	Participants are exposed to cultural activities through community partnerships in a fun and safe environment. Activities include, theatre groups, arts and crafts, gym activities, mentorships, food service and much more.
	Common Ground Study Assistance	Participants will be exposed to creative ways to study and deal with life issues through cumulative lesson plans led by staff.
	Monroe Night Out	Event partnership with Monroe Police Department held each year at the recreation centers to enhances the relationship between communities and law enforcement while bringing back a true sense of community. It provides a great opportunity to bring police and neighbors together under positive circumstances.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services

Department	Program Name	Description
	Census Outreach	We chair the Union County Monroe Complete Count Committee which includes the distribution of posters, conducting meetings, sponsoring workshops, and meeting individually to ensure education and everyone is counted. A special outreach to special needs, underserved population, and language barriers is included. We use email, social media, government television, websites.
	Community Development Block Grant Outreach	Mailings, Public Meetings, Neighborhood Outreach, Fair Housing Education, Environmental Education, Economic Vitality, Revitalization. The areas served are primarily low to moderate income households as approved by HUD. The focus is on revitalization and community place. In addition, to the abovementioned tools for outreach we also use government television, newspaper, website, email, and social media.
	Community Development Stakeholder Committee	This is a group of diverse members of 25 representative stakeholder's from the community, we meet several times a year. The members represent faith based organizations, community based organizations, government organizations, housing providers, economic development (including the Chamber of Commerce, Board of Realtors, Union County Contractors Association, Banks, Business Representatives), Neighborhood Groups. This committee results in subcommittees of additional members regarding projects. The focus is revitalization, community place, and to benefit low to moderate income households. Outreach is conducted through meetings, email, website, and/or social media, government television, public announcements.
	Down Payment Assistance Program	Literature and education, including sponsorship and referral for Housing Counseling, Credit Counseling and down payment assistance. The target audience is low to moderate income that includes a work force housing model. This also includes Fair Housing Outreach.

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Department	Program Name	Description
	Economic Vitality Educational Outreach	Through collaboration sponsor needed workshops that include environmental issues, fair housing, tax credits, economic development topics, community planning, workforce housing, and other sustainable issues. The outreach is to the general public or a target audience and we utilize social media, website, government television, public television. And partners may choose to mail.
	Fair Housing Outreach	Literature, mailings, and referrals to individuals regarding their fair housing rights, this is an all inclusive program. Outreach includes government television, website, and email.
	Housing Repair and Community Assistance Partnership Building Outreach	Meetings are held in groups and/or with individual corporate representatives regarding public private partnership and housing repair. The beneficiaries are low to moderate income households. The outreach includes education on fair housing, environmental, inclusion, and sustainable communities. Outreach includes meetings, email, social media, website, government television, public announcements.
	Housing Repair Program	Outreach is through mailing, email, website, government television, public announcement, and social media. The target population is low to moderate income households and may include disabled, senior citizens, and households with dependent children.

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Department	Program Name	Description
	Neighborhood Groups, Education, Non Profits, Organizational Outreach	Community Development attends and is invited to present for various meetings including neighborhood groups, community groups, non profit organizations, faith based organizations, business, government organizations, educational organizations to discuss programs, revitalization and/or community place. This may include fair housing, emergency planning, and other sustainable practices that encourage an all inclusive community. These groups may be conducted as information gathering to receive feedback from underserved community partners.

Police Department:

School Resource Officers Programs in the Schools and Community

Coffee with a Cop	Brings police officers and the community members they serve together over coffee to discuss issues and learn more about each other.
Gang Resistance Education, Training and Camp (G.R.E.A.T.)	We take a group of 6th grader middle school students as well as mentors from our high schools and take them on all day trips.
Eddie Eagle Gun Safety	Teaches children in Pre-K through third grade four important steps to take if they find a gun. Its taught to all of our city elementary schools third-grade students.
Reading Buddies – Elementary Schools	Partnership with Union County Public School where the officers are assigned to a student and the officer goes to the school and read with that student.
Police Advocating for Student Success (P.A.S.S.)	Mentoring program for students at the middle school level. The principal pair the officers up with a group of 5 students, and that officer meets with his group twice a month for about 45 minutes.

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Department	Program Name	Description
	Ball with a Cop	Brings law enforcement and the community together by playing a sport against each other such as basketball, soccer, and golf.
	Bridge Builder Youth Camp	Group of kids from age 8 to 14 years old, we educate them with dialogue, hands-on activities, and practical5 of who/what law enforcement does
	Home Visit & Parent meeting	When the school resource officers go to the student's house to speak to the parent or the parent comes to the school to meet with the officer about a safety concern, behavior, or something positive. Building a relationship with that family.
	Heart 4 Monroe Men and Women in the Making	Partnership with Heart for Monroe and UCPS. The curriculum focuses on discovering and developing character confidence in young men and women.
	Lunch with a Cop	Students who are on good behavior at school can request to have lunch with their school resource officer.
	Kids Café	Partnership with Second Harvest food bank where we get the food from there and divide it among the school resource officers to keep in their office at school if a student needs something to eat. If we know of a kid that needs food, we will take them food.
	Partnership with City of Monroe Parks and Recreation Centers	When school is out for teacher workday and summer break, the SROs goes to the local recreation centers to interact with the kids in the community.
	Coaching	Officers are coaches for our middle school soccer team and city soccer team.

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Department	Program Name	Description
	Blood Drive	Battle of the Badges at Monroe Middle, where police officers and firefighters donate blood.
	<u>Community Services</u>	
	Partnership with Monroe House Authority	They provide quality affordable housing to Monroe and Union County residents in North Carolina, and we assist them in keeping their neighborhoods safe.
	Code Enforcement	Enforce the city's established code requirements, ordinances, and zoning laws.
	Community Event/ Cookouts	A way to build the relationship between law enforcement and community together by playing games, handing out safety material, and grilling hot dogs and hamburgers.
	Business safety Checks	Meet with a business and go over a checklist to ensure that their business is safe from being broken into or robbed.
	Community Safety Talks	Go out into the community and talk to people about safety tips such as personal, internet, fraud.
	Police Department Tours	Take different groups of students on a tour of the department and talk about what a police officer's job is. Show them a police car.
	Senior Citizens Safety awareness	Go to the senior citizens' facility and speak to them about different safety awareness tips.
	Neighborhood Walks	Partner with other departments with the City of Monroe, walk the neighborhoods, see what issues are in that neighborhood, and address them.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services**

Department	Program Name	Description
	Career Fairs	Event in which employers, recruiters, and schools give potential employees information.
	Community Health Fairs	An educational and interactive event designed for outreach to provide basic preventive service to people in the community.
	Neighborhood Watch	A group of people living in the same area who want to make their neighborhood safer by working together and in conjunction with local law enforcement to reduce crime and improve their quality of life.
	Monroe Night Out	An annual community-building campaign that promotes police and community partnerships and neighborhood camaraderie to make our neighborhoods safer.
	Rapid Response Food	This is a partnership with Heart for Monroe please can drop food off at the police department to give out to families in need. We hand out food to the seniors at Serenity Hills and Cotton Street Commons.
<u>RESPONSE TO "8 CAN'T WAIT"</u>		
	Require De-Escalation	Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force. Policy Implemented April 25, 2008.

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City of Monroe Diversity and Inclusion Programs/Departments Community Services

Department	Program Name	Description
	Ban Chokeholds & Strangleholds	Do not allow officers to choke or strangle civilians, in many cases where less lethal force could be used instead, resulting in the unnecessary death or serious injury of civilians. Policy Implemented April 25, 2008.
	Duty to Intervene	Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor. Policy Implemented April 25, 2008.
	Ban Shooting at moving vehicles	Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic. Policy Implemented April 25, 2008.
	Require Use of Force Continuum	Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance. Policy Implemented April 25, 2008.
	Requires Exhaust of all Alternatives before Shooting	Require officers to exhaust all other reasonable means before resorting to deadly force. Policy Implemented April 25, 2008.
	Require Warning Before Shooting	Require officers to give a verbal warning, when possible, before shooting at a civilian. Policy Implemented April 25, 2008.
	Require Comprehensive Reporting	Require officers to report each time they use force or threaten to use force against civilians. Policy Implemented April 25, 2008.



STAFF REPORT

TO: City Council
VIA: E.L. Faison, City Manager
DATE: July 21, 2020
FROM: S. Mujeeb Shah-Khan, City Attorney
PREPARED BY: S. Mujeeb Shah-Khan, City Attorney
SUBJECT: Legislative Prayer at Council Meetings

SUMMARY STATEMENT

Council is asked to discuss legislative prayer before a City Council meeting.

REVIEW

Prior to the start of the April 21, 2020 Special City Council Meeting, members present at the meeting discussed the possibility of beginning the meeting with a prayer. At that time, I asked those members present in the City Hall Conference Room to not begin the meeting with a prayer so that the item could be discussed by the full Council at the May 5, 2020 Strategic Meeting. The members agreed. At the May 5 Strategic Meeting, after a brief discussion, the Council agreed to table the item to the July 21, 2020 Strategic Meeting to enable additional information to be gathered.

The issues involved when a public body considers a prayer before a meeting, can be significant given First Amendment challenges made in the past. A legislative body like the City Council must ensure that if it wished to offer a prayer, that the prayer does not mean the Council is violating the First Amendment's Establishment clause.

Enclosed with the Staff Report is a memorandum discussing issues involved with Council prayer.

RECOMMENDATION

Staff requests that Council consider and provide input on legislative prayer.

Attachment: Memorandum from City Attorney on Council Prayer



MEMORANDUM

TO: Mayor and City Council
FROM: S. Mujeeb Shah-Khan, City Attorney
SUBJECT: Council Prayer
DATE: July 21, 2020

Prior to the start of the April 21, 2020 Special City Council Meeting, members of Council raised the possibility of starting the meeting with a prayer. After some discussion, it was agreed that no prayer would take place, and that the issue of prayer at a Council meeting would be discussed at the May 5, 2020 Strategic Meeting. At the May 5 Strategic Meeting, Council agreed to table the discussion until the July 21 Strategic Meeting. In preparation for that discussion, and as a follow up to questions from the May meeting, I wanted to provide you with this memorandum discussing the state of the law on legislative prayer, what happened in Rowan County and how it was liable for \$285,000.00, what the Union County Board of County Commissioners does, and options for your consideration.

Overview of Supreme Court Cases

The First Amendment to the United States Constitution provides that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." While Congress is expressly mentioned, the obligation extends to all levels of government, at the state and local level. Under the Establishment Clause of the First Amendment, a City must be careful to not engage in activities that link it to a particular faith or suggest that it holds one religion, or any religion above all others.

In 1983, in the case of *Marsh v. Chambers*, 463 U.S. 783 (1983), the Supreme Court determined that a prayer delivered in Nebraska's state legislature by a state-funded Chaplin was permitted under the First Amendment. However, the Supreme Court made it clear that any permitted prayer "was [one] not 'exploited to proselytize or advance any one, or to disparage any other, faith or belief.'"

In 2014, the Supreme Court considered prayers offered at a town council meeting. The case of *Town of Greece, v. Galloway*, 572 U.S. 565 (2014), involved a New York town that offered a prayer at the start of their meetings, from local unpaid volunteer clergymen. Typically,

the prayer was a Christian prayer (on occasion, a Jewish layperson, the local Baha'i temple chairman, and a Wiccan priestess offered prayers). Two citizens filed suit, alleging that Greece violated "the First Amendment's Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers, such as those given 'in Jesus' name.'"¹ Ultimately, the United States Supreme Court agreed to hear the case.

In a 5-4 decision, the Supreme Court decided that Greece's method of prayer was not in violation of the First Amendment. What is important is that the *Greece* case offered guidance on what and what is not permitted in a legislative prayer:

- Legislative prayer should be assumed constitutional so long as it:
 - Is given at the session opening to lend gravity to the occasion;
 - Reflects the values of the nation;
 - Is given in a solemn and respectful tone;
 - Invites lawmakers to reflect on shared ideals and common ends;
 - Is non-discriminatory among faiths; and
 - Is non-coercive.
- Legislative prayer will most likely not be constitutionally permissible if there is a pattern of:
 - Denigrating/disparaging any religion;
 - Threatening damnation;
 - Preaching conversion;
 - Proselytizing or advancing any faith or belief; or
 - Coercion.

Lund v. Rowan County – The Fourth Circuit Finds the Rowan County Commission's Prayers Unconstitutional

Before the Supreme Court decided the *Greece* case, there was a case pending out of Rowan County (Salisbury) over the prayers provided by County Commissioners. Unlike the *Greece* case, the prayers were led by the Commission members themselves. In the words of the Fourth Circuit Court of Appeals (the appeals court that includes North Carolina), "The prayers referenced one and only one faith and veered from time to time into overt proselytization. Before each invocation, attendees were requested to rise and often asked to pray with the commissioners."

The Fourth Circuit, in a 10-5 decision, found that Rowan County's Commissioner-led prayer violated the First Amendment. In its decision, the Court of Appeals expressed concerns that the prayers were led by the County Commissioners only. That fact alone did not make the prayers unconstitutional. What made the prayers unconstitutional was how the prayers took

¹ Instead of asking for the prayers to be ended, the Plaintiffs asked that Greece be limited to offering "'inclusive and ecumenical' prayers that referred only to a 'generic God' and would not associate the government with any one faith or belief."

place. By having only the Commissioners lead prayer, the prayers were limited to one faith, Christianity, and the prayers suggested its superiority to other faiths. Further, by inviting the audience to join in the prayer before the start of business at the meeting, the Court saw that as coercive to all requiring participation to the point where anyone leaving or not participating would be seen negatively. The Rowan County Board of Commissioners, in losing, was prevented from using their type of prayer practice (led by Commissioners only, and direct audience members to pray with them) at their meetings.

The United States Supreme Court chose to not hear the case, making sure that the Fourth Circuit's decision is the law in North Carolina.

As the losing party in the case, Rowan County was required to pay the Plaintiffs' attorneys' fees. Before a judge could decide on the appropriate fees, Rowan County and the Plaintiffs agreed that Rowan County would pay \$285,000.00 in attorneys' fees to the Plaintiffs. Rowan County's Commission unanimously voted to pay the fees out of public funds.

UNION COUNTY BOARD OF COMMISSIONERS INVOCATION/PRAYER

At the May meeting, Councilmember James asked about the Union County Board of County Commissioners' practice of opening their meeting with an invocation. At that time, I noted that I had not had an opportunity to review the County Commission's practice but that I would. I have since reviewed the video of the County Commission's Regular Meetings from June 2, 2019 to June 15, 2020. In all but two of the meetings, the invocations were led by the County Commission members. The two exceptions featured guest clergy providing Christian prayers. And in the circumstances where Commission members offered prayers, all prayers were Christian prayers. As noted with the discussion on Rowan County, the issue here is that a Commissioner-led prayer carries a higher degree of legal risk, especially as a Commissioner-led prayer may be seen as coercive. Accordingly, Union County's invocation/prayer may be susceptible to a legal challenge if one is pursued.

OPTIONS

As the Council considers whether or not it wishes to have prayer at its meetings, it is worth considering various options. I would note that Council has the following options available to it, and note the level of risk associated with each one:

- Maintain current practice (no prayer and meeting starts once Mayor calls meeting to order) (**NO RISK**);
- Offer a moment of silence at the start of the meeting, with no comment (**NO RISK**);
- Offer a prayer led by religious officials (Ministers, Priests, Rabbis, Imams, or others) with a diverse group of religious officials or third parties not on Council (**ELEVATED RISK**); and
- Offer a prayer led by Councilmembers (**HIGHEST RISK**).

If Council wishes to offer a prayer (again which elevates the legal risk to the City), I would remind Council that for any prayer to be constitutional it must meet the standards in the *Greece* case. As a reminder, that would mean the prayer:

- Is given at the session opening to lend gravity to the occasion;
- Reflects the values of the nation;
- Is given in a solemn and respectful tone;
- Invites lawmakers to reflect on shared ideals and common ends;
- Is non-discriminatory among faiths; and
- Is non-coercive.

And in order to prevent any further concerns, the prayer should be led by a third party, not a member of Council.

If you have any questions on this issue, please contact me at your convenience.

SMS/ms

cc: E. L. Faison/City Manager
Bridgette Robinson/City Clerk
Brian Borne/Assistant City Manager
J. Ashley Duncan Britt, Esq./Assistant City Attorney



STAFF REPORT

TO: City Council

VIA: E.L. Faison, City Manager

DATE: July 21, 2020

FROM: James N. Loyd, Jr., P.E., Engineering Director

PREPARED BY: Sarah McAllister, P.E., Land Development & Infrastructure Engineer

SUBJECT: Critical Intersection Analysis – Sutherland Avenue and Walkup Avenue

SUMMARY STATEMENT

City Council is provided information regarding an update to the 2019 Union County Critical Intersection Analysis and is requested to consider two alternative design concepts for the intersection of Walkup Avenue and Sutherland Avenue. The final report for the 2019 Union County Critical Intersection Analysis will identify the alternative preferred by the City of Monroe.

REVIEW

Engineering Staff has been working with Bjorn Hansen, Transportation Planner with Union County, along with representatives from the North Carolina Department of Transportation (NC DOT) and staff from other municipalities within Union County on the 2019 Union County Critical Intersection Analysis. The intent was to identify locations throughout the county that have experienced congestion and safety issues, provide a further evaluation based on existing data and narrow the list to those that would be most competitive for funding through the NC DOT and/or the Charlotte Regional Transportation Planning Organization (CRTPO).

As previously presented at the June 18, 2019 and July 16, 2019 Public Enterprise Committee Meetings, the County applied for and received planning funds through CRTPO for six intersections late in 2019 that were identified through the critical intersection analysis process. The intersection of Sutherland Avenue, a municipal street, and Walkup Avenue, a State secondary roadway (SR 1751), was one of the six intersections selected for further study. Union County has since entered into a contract with RS&H to provide an analysis of each intersection. The City Council entered into an Interlocal Agreement with Union County and approved Resolution R-2020-20 endorsing

the Interlocal Agreement at their March 3, 2020 Council meeting which included the City's \$2,500 participation towards the \$30,000 match required for the \$150,000 grant received through CRTPO.

RS&H has developed two alternative conceptual designs for the intersection of Walkup Avenue and Sutherland Avenue. One alternative would convert the intersection to a single-lane roundabout. The other alternative design adds left-turn lanes on both approaches of Sutherland Avenue. Sidewalk is included within the limits of both design alternatives. Please see the attached handouts provided during the public comment period in March 2020 which illustrates both designs and provides a comparison. The roundabout (\$2,100,000) is more expensive than the turn lane improvements (\$1,450,000) but provides a greater reduction in total crashes and average vehicle delay. The roundabout also provides a greater emissions reduction for the intersection. However, the turn lane improvements intersection design has a lesser overall footprint as opposed to the roundabout design. Turn lanes were not included on Walkup Avenue since the left turn volumes on both approaches of Sutherland Avenue exceeded that of Walkup Avenue and the majority of the accidents were on Sutherland Avenue. Six total responses were received for this intersection during the public comment period held during the month of March 2020 and are attached. It is noted that the first commenter references Matthews and Forest Lawn and thus comments made may not be valid for this location. Forest Lawn and Potter Road in the Town of Weddington is another intersection included in the analysis. Excluding the first commenter, two preferred the roundabout, two preferred the turn lane improvements, and one selected neither of the proposed alternatives for this location.

The recommendation on which design alternative is preferred by the City of Monroe is solicited from City Council. Staff recommends the roundabout design since it provides for decreased delays, increased safety, and greater emissions reduction. The roundabout design addresses the left turn movements on Walkup Avenue which may warrant turn lane improvements at a future date. The inclusion of left turn lanes on Walkup Avenue would increase the overall impact to the project area as well as exceed that of the roundabout design. Therefore, to decrease delays, increase safety and provide for all left turn movements with lesser impact, Staff recommends the roundabout as the better design option. Once selected, the recommendation would be included in the final report issued for the 2019 Critical Intersection Analysis. The recommended design could be submitted to CRTPO to compete for funding during a future call for discretionary projects. At an upcoming meeting of the Public Enterprise Committee, Staff will bring forward all projects identified in Monroe as part of the County's Critical Intersection Analysis to obtain direction and guidance on priorities for Monroe. A listing of projects identified to date is provided in the attached.

The June 16, 2020 meeting of the Public Enterprise meeting was cancelled. This item is moving forward to the City Council's Strategic Planning Meeting without a Committee recommendation as authorized by the Public Enterprise Committee Chairperson Councilman McGee and City Manager Faison.

RECOMMENDATION

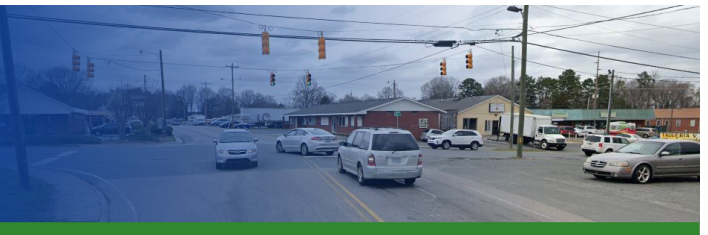
Staff will be prepared to discuss the proposed alternative designs at the meeting on July 21, 2020. The design alternative selected by City Council will be included in the final report for the 2019 Union County Critical Intersection Analysis.

Attachments: Public Involvement Handout
Public Comments Received
Listing of Critical Intersection Analysis Identified Projects
Emissions Analysis



North Sutherland Avenue and Walkup Avenue

Union County Critical Intersection Analysis
Public Involvement | March 2020



North Sutherland Avenue and Walkup Avenue intersect north of US 74 in the City of Monroe in a primarily commercial area with several retail businesses and restaurants in close proximity. This intersection was identified for this study due to issues associated with traffic operations and access management for adjacent businesses. A high number of crashes have also been recorded at this location, with 43 crashes over the past five years, and pedestrian safety is a concern.

Two alternative design concepts have been developed to help improve traffic flow and reduce crashes at this intersection. One alternative converts the intersection to a single lane roundabout and another alternative design adds left-turn lanes on both approaches of North Sutherland Avenue. Both improvements also include driveway access management and pedestrian accommodations.



Comparison of Alternatives	
Alternative 1 Roundabout	Alternative 2 Turn Lane Improvements
Potentially reduce total crashes by 48%	Potentially reduce total crashes by 25%
Average vehicle delay of 16 seconds in 2035	Average vehicle delay of 35 seconds in 2035
Controlled driveway access near intersection to reduce driver confusion and improve safety	
Addition of sidewalk along North Sutherland Avenue and Walkup Avenue and crosswalks at the intersection to improve pedestrian safety and walkability	
Approximate Project Cost: \$2,100,000	Approximate Project Cost: \$1,450,000

SCHEDULE

March 2020

Solicit public/stakeholder feedback on proposed alternatives

April 2020

Incorporate feedback and select preferred alternative

May 2020

Finalize design concept and present to city board for approval

June 2020

Finalize intersection recommendations

CONTACT

For more information about this project contact:

Bjorn Hansen

Union County Planning Dept.
bjorn.hansen@unioncountync.gov
704-283-3690

Sarah McAllister

City of Monroe
smcallister@monroenc.org
704-282-4532

ADDITIONAL INFORMATION

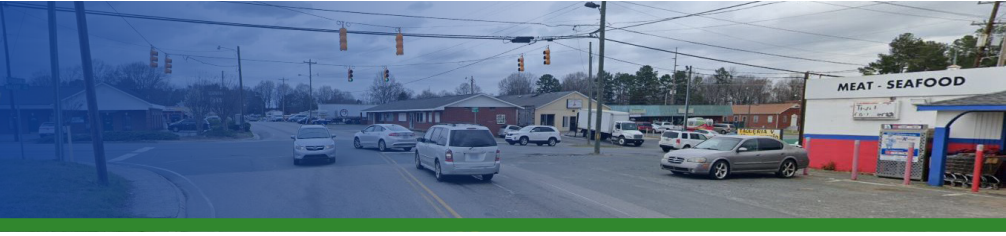
Hover over the QR code below for 2-3 seconds with your smartphone camera to access online project information and submit comments.





North Sutherland Avenue and Walkup Avenue

Union County Critical Intersection Analysis
Public Involvement | March 2020



Alternative 1: Roundabout



Alternative 2: Turn Lane Improvements



Union County Critical Intersection Analysis Public Comment Summary, March 5 - 27, 2020
North Sutherland Avenue and Walkup Avenue, Monroe

Comment Date	Where do you live?	Please select your age group.	How long have you lived in Union County?	Please select your preferred alternative.	What do you like about Alternative 1 (Roundabout)?	What do you dislike about Alternative 1 (Roundabout)?	What do you like about Alternative 2 (Turn Lane Improvements)?	What do you dislike about Alternative 2 (Turn Lane Improvements)?	Do you have any additional comments or concerns regarding this intersection?
3/6/2020	Monroe	less_than_29	less_than_5_years	Alternative 1	Roundabouts seem to move traffic more efficiently and safer. I greatly prefer roundabouts over lights with turn lanes at smaller intersections (compared to something like Hwy. 74) I also like that it cleans up the driveway access points into businesses.	It would be nice if there could be a straight-through lane for north west-bound (towards Matthews) traffic that needed to continue without being interefered with traffic merging from Forest Lawn			
3/6/2020	Monroe	30_to_39	11_to_20_years	Neither	Reduce traffic	Area is way too busy for a roundabout	Turn lanes on Sutherland are a good idea	No turn lanes on Walkup	Walkup should be two lanes from Morgan Mill Rd (traffic at Walkup and US74 is HORRIBLE) all the way to Alda Dr.
3/6/2020	Unionville	60+	more_than_20_years	Alternative 1	This would be the best solution as it would put an end to vehicles trying to make turns after the light has turned red. The timing of the light is too short for left hand turns to be made when there is a line of traffic going straight.				The driveways of the businesses at the corner should move their driveways further away from the intersection.
3/6/2020	Wingate	less_than_29	more_than_20_years	Alternative 2					
3/9/2020	Waxhaw	30_to_39	5_to_10_years	Alternative 2	Nothing	Access to nearby business will be impacted	Predictable traffic patterns. Save access.	nothing	I work in the area and wanted to weigh in on this one too.
3/10/2020	Monroe	60+	5_to_10_years	Alternative 1	My choice would be the roundabout. My concern is that the culture of people that would use most may have a difficult time learning to use it properly. Pedestrian walkways would be a wonderful addition in this area				

Listing of Critical Intersection Analysis Identified Projects

- **Old Charlotte Highway (SR 1009) and Carrol Street (City)**
- **Old Charlotte Highway (SR 1009) and John Moore Road (City)**
- **Old Charlotte Highway (SR 1009) and Williams Road (City)**
- **Sutherland Avenue (City) and Walkup Avenue (SR 1751)**

Note: Projects on Old Charlotte Highway were identified and evaluated by Union County Critical Intersection Analysis June 2016. The Sutherland Avenue and Walkup Avenue project was identified by the 2019 update.

Emissions Calculations and Assumptions - 2019 - Walkup Avenue at Sutherland Avenue (Alt 1)

Reductions

NOx	0.089375 grams/minute
VOC	0.267125 grams/minute
CO	1.448750 grams/minute
PM2.5	0.065300 grams/mile

Source / Assumptions

NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 MOVES for Urban unrestricted with speed <2.5mph

<u>2019 Peak Hour Delay</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
No-Build	21.4	26.5	24.0	sec/veh
Build	9.6	12.3	11.0	sec/veh
Reduction	11.8	14.2	13.0	sec/veh

<u>2019 Peak Hour Volume</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
Intersection	1,284	1,524	1,404	veh/hr

<u>Intersection Leg</u>	<u>2018 AADT</u>	<u>2019 AADT</u>	<u>1.0%</u>	<u>Growth rate from Traffic Analysis Memo</u>
North - Sutherland Ave	8,600	8,686		AADT not available; Assumed K-factor of 8% applied to PM peak hour volume
East - Walkup Ave	11,000	11,110		2018 AADT from NCDOT AADT Web Map
South - Sutherland Ave	6,500	6,565		2018 AADT from NCDOT AADT Web Map
West - Walkup Ave	14,000	14,140		2018 AADT from NCDOT AADT Web Map

2019 Intersection Enter AADT Volume	20,251	veh/day	Sum of 2019 AADT divided by 2
2019 Calculated K-factor	6.9%		Average peak hour volume divided by daily volume for intersection

	<u>No-Build</u>	<u>Build</u>		
Daily Delay	345.4	157.9	hours	AM/PM Peak Hour Average Delay divided by Calculated K-factor

2019 Daily Emissions

<u>Pollutant</u>	<u>Before</u>	<u>After</u>	<u>Reduction</u>	
NOx	1.85	0.85	1.01 kg	Daily delay reduction * NOx Reduction Factor
VOC	5.54	2.53	3.01 kg	Daily delay reduction * VOC Reduction Factor
CO	30.03	13.73	16.30 kg	Daily delay reduction * CO Reduction Factor
PM2.5	0.06	0.03	0.03 kg	Daily delay reduction * PM2.5 Reduction Factor * Idle Speed
			54%	Percent Reduction in Pollutants
Annual NOx Reduction	367.01 kg			
Annual PM2.5 Reduction	11.17 kg			
Life of Project	10 years			
Lifetime Emissions Reduction	3,698.07 kg			(Yearly NOx Reduction + 25% * Yearly PM2.5 Reductions) x Life of Project

Emissions Calculations and Assumptions - 2019 - Walkup Avenue at Sutherland Avenue (Alt 2)

Reductions

NOx	0.089375 grams/minute
VOC	0.267125 grams/minute
CO	1.448750 grams/minute
PM2.5	0.065300 grams/mile

Source / Assumptions

NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 MOVES for Urban unrestricted with speed <2.5mph

<u>2019 Peak Hour Delay</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
No-Build	21.4	26.5	24.0	sec/veh
Build	16.5	20.4	18.5	sec/veh
Reduction	4.9	6.1	5.5	sec/veh

<u>2019 Peak Hour Volume</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
Intersection	1,284	1,524	1,404	veh/hr

<u>Intersection Leg</u>	<u>2018 AADT</u>	<u>2019 AADT</u>	<u>1.0%</u>	<u>Growth rate from Traffic Analysis Memo</u>
North - Sutherland Ave	8,600	8,686		AADT not available; Assumed K-factor of 8% applied to PM peak hour volume
East - Walkup Ave	11,000	11,110		2018 AADT from NCDOT AADT Web Map
South - Sutherland Ave	6,500	6,565		2018 AADT from NCDOT AADT Web Map
West - Walkup Ave	14,000	14,140		2018 AADT from NCDOT AADT Web Map

2019 Intersection Enter AADT Volume	20,251	veh/day	Sum of 2019 AADT divided by 2
2019 Calculated K-factor	6.9%		Average peak hour volume divided by daily volume for intersection

	<u>No-Build</u>	<u>Build</u>		
Daily Delay	345.4	266.1	hours	AM/PM Peak Hour Average Delay divided by Calculated K-factor

2019 Daily Emissions

<u>Pollutant</u>	<u>Before</u>	<u>After</u>	<u>Reduction</u>	
NOx	1.85	1.43	0.43 kg	Daily delay reduction * NOx Reduction Factor
VOC	5.54	4.27	1.27 kg	Daily delay reduction * VOC Reduction Factor
CO	30.03	23.13	6.90 kg	Daily delay reduction * CO Reduction Factor
PM2.5	0.06	0.04	0.01 kg	Daily delay reduction * PM2.5 Reduction Factor * Idle Speed
			23%	Percent Reduction in Pollutants
Annual NOx Reduction	155.28 kg			
Annual PM2.5 Reduction	4.73 kg			
Life of Project	10 years			
Lifetime Emissions Reduction	1,564.57 kg			(Yearly NOx Reduction + 25% * Yearly PM2.5 Reductions) x Life of Project

Emissions Calculations and Assumptions - 2035 - Walkup Avenue at Sutherland Avenue (Alt 1)

Reductions

NOx	0.089375 grams/minute
VOC	0.267125 grams/minute
CO	1.448750 grams/minute
PM2.5	0.065300 grams/mile

Source / Assumptions

NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 MOVES for Urban unrestricted with speed <2.5mph

<u>2035 Peak Hour Delay</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
No-Build	27.8	42.0	34.9	sec/veh
Build	12.9	17.9	15.4	sec/veh
Reduction	14.9	24.1	19.5	sec/veh

<u>2035 Peak Hour Volume</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
Intersection	1,490	1,768	1,629	veh/hr

<u>Intersection Leg</u>	<u>2018 AADT</u>	<u>2035 AADT</u>	<u>1.0%</u>	<u>Growth rate from Traffic Analysis Memo</u>
North - Sutherland Ave	8,600	10,062		AADT not available; Assumed K-factor of 8% applied to PM peak hour volume
East - Walkup Ave	11,000	12,870		2018 AADT from NCDOT AADT Web Map
South - Sutherland Ave	6,500	7,605		2018 AADT from NCDOT AADT Web Map
West - Walkup Ave	14,000	16,380		2018 AADT from NCDOT AADT Web Map

2035 Intersection Enter AADT Volume	23,459	veh/day	Sum of 2035 AADT divided by 2
2035 Calculated K-factor	6.9%		Average peak hour volume divided by daily volume for intersection

	<u>No-Build</u>	<u>Build</u>		
Daily Delay	502.6	221.8	hours	AM/PM Peak Hour Average Delay divided by Calculated K-factor

2035 Daily Emissions

<u>Pollutant</u>	<u>Before</u>	<u>After</u>	<u>Reduction</u>	
NOx	2.70	1.19	1.51 kg	Daily delay reduction * NOx Reduction Factor
VOC	8.06	3.55	4.50 kg	Daily delay reduction * VOC Reduction Factor
CO	43.69	19.28	24.41 kg	Daily delay reduction * CO Reduction Factor
PM2.5	0.08	0.04	0.05 kg	Daily delay reduction * PM2.5 Reduction Factor * Idle Speed
			56%	Percent Reduction in Pollutants
Annual NOx Reduction	549.65 kg			
Annual PM2.5 Reduction	16.73 kg			
Life of Project	10 years			
Lifetime Emissions Reduction	5,538.29 kg			(Yearly NOx Reduction + 25% * Yearly PM2.5 Reductions) x Life of Project

Emissions Calculations and Assumptions - 2035 - Walkup Avenue at Sutherland Avenue (Alt 2)

Reductions

NOx	0.089375 grams/minute
VOC	0.267125 grams/minute
CO	1.448750 grams/minute
PM2.5	0.065300 grams/mile

Source / Assumptions

NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 NCDOT Spreadsheets based on rural county and 2.5mph idle speed
 MOVES for Urban unrestricted with speed <2.5mph

<u>2035 Peak Hour Delay</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
No-Build	27.8	42.0	34.9	sec/veh
Build	18.3	25.2	21.8	sec/veh
Reduction	9.5	16.8	13.2	sec/veh

<u>2035 Peak Hour Volume</u>	<u>AM</u>	<u>PM</u>	<u>Average</u>	<u>Traffic Analysis Memo</u>
Intersection	1,490	1,768	1,629	veh/hr

<u>Intersection Leg</u>	<u>2018 AADT</u>	<u>2035 AADT</u>	<u>1.0%</u>	<u>Growth rate from Traffic Analysis Memo</u>
North - Sutherland Ave	8,600	10,062		AADT not available; Assumed K-factor of 8% applied to PM peak hour volume
East - Walkup Ave	11,000	12,870		2018 AADT from NCDOT AADT Web Map
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West - Walkup Ave	14,000	16,380		2018 AADT from NCDOT AADT Web Map

2035 Intersection Enter AADT Volume	23,459	veh/day	Sum of 2035 AADT divided by 2
2035 Calculated K-factor	6.9%		Average peak hour volume divided by daily volume for intersection

	<u>No-Build</u>	<u>Build</u>		
Daily Delay	502.6	313.2	hours	AM/PM Peak Hour Average Delay divided by Calculated K-factor

2035 Daily Emissions

<u>Pollutant</u>	<u>Before</u>	<u>After</u>	<u>Reduction</u>	
NOx	2.70	1.68	1.02 kg	Daily delay reduction * NOx Reduction Factor
VOC	8.06	5.02	3.04 kg	Daily delay reduction * VOC Reduction Factor
CO	43.69	27.23	16.46 kg	Daily delay reduction * CO Reduction Factor
PM2.5	0.08	0.05	0.03 kg	Daily delay reduction * PM2.5 Reduction Factor * Idle Speed
			38%	Percent Reduction in Pollutants
Annual NOx Reduction	370.66 kg			
Annual PM2.5 Reduction	11.28 kg			
Life of Project	10 years			
Lifetime Emissions Reduction	3,734.80 kg			(Yearly NOx Reduction + 25% * Yearly PM2.5 Reductions) x Life of Project



STAFF REPORT

TO: City Council

VIA: E.L. Faison, City Manager

DATE: July 21, 2020

FROM: Russell Colbath, Water Resources Director

SUBJECT: Water and Sewer Extension Policy Amendments

SUMMARY STATEMENT

This matter is for information purposes only.

REVIEW

The City's Water and Sewer Extension Policy provides for the orderly extension and installation of water and sewer mains and system facilities (infrastructure) to serve the needs of the City and future economic development. It coordinates the master planning of water and sewer infrastructure with development interests and proposals. It also defines financing responsibility for installing water and sewer infrastructure.

Staff has identified some needed changes to the policy. The proposed changes are highlighted in red on the attached Policy. A summary of changes are as follow:

- Update all reference from NCDENR to NCDEQ
- Remove the restriction that low pressure grinder pump systems can only be used for lake front developments. There are occasions when low pressure grinder pump systems, in combination with gravity sewer systems, can be used to effectively serve non-lake front developments. Most recent example is the Stallings Brook subdivision approved by City Council. Also requires developer's engineer to demonstrate the need for low pressure systems in lieu of gravity systems.
- Updates references to types of utility contractor licensing needed to install city water and sewer infrastructure.
- Refines the requirements for developer oversizing of water and or sewer infrastructure to comply with recent changes in North Carolina General Statutes and defines the city's cost obligation for the differential cost to oversize any given water or sewer facility. Staff believes this change will have little cost impact to the Water and Sewer Fund since oversizing infrastructure is rare. When assets are oversized, it is to serve a broader economic development potential in the area being developed and is very much in the

City's interest. Examples of successful application of oversizing are the Glendalough development area and the recent Apprentice Academy site on Weddington Highway.

RECOMMENDATION

This matter was for informational purposes only.

	Policy: Water and Sewer Extensions	Effective Date: November 5, 1985
		Revision Effective Date: July 21, 2020; December 12, 2006; January 21, 2003
	Policy Number: WR-09	Page 1 of 10
	E.L. Faison, City Manager	<u>Water Resources</u> Responsible Party

Recommended Changes Shown in Red

I. Purpose of Policy and Definitions

The City of Monroe desires to provide an equitable means of financing the orderly extension and installation of water and sewer mains and system facilities (infrastructure) to serve the growing needs and orderly development of the community. The purpose of this policy is to provide the methods to accomplish this objective.

Except as the context specifically indicates otherwise, the following terms and phrases, as used in this policy, shall have the meanings hereinafter designated:

“Small subdivision” shall mean a subdivision of property in which the average size of each lot in the subdivision is one acre or less.

II. Financing and Responsibility for Extensions of Water and/or Sewer Infrastructure.

Extensions of water and/or sewer infrastructure to the City of Monroe systems may be made as follows:

- A. Private Financing and Responsibility – Included are extensions for which a private property owner or developer is responsible for all financing, engineering, permitting, construction, record drawings, and warranty as required to complete the extensions. For property outside the City limits, such requests are subject to the approval of City Council and such approval may be denied or subject to further conditions. Extension may be allowed under the following:
1. By a property owner or developer who desires to serve one or more lots of an existing subdivision and/or undivided tract(s) of land greater than one acre in size.
 2. In accordance with the City of Monroe Unified Development Ordinance for extensions within proposed new subdivisions or developments.
 3. By a contract approved by the City of Monroe between two or more owners and/or developers who desire to serve two or more lots of a new or existing subdivision and/or undivided tracts greater than one acre in size, with the contract clearly delineating the shared responsibilities between the parties for financing, engineering, permitting, construction, record drawings, and warranty as required to complete the extensions. The City's approval of the contract is as to appropriate legal form and compliance with all provisions of this policy, and is not intended to dictate the

financial sharing of costs and responsibilities reasonably negotiated and agreed between the owners or developers.

- B. City Financing and Responsibility – Included are extensions for which the City of Monroe is responsible for all financing, engineering, permitting, construction, record drawings, and warranty as required to complete the extensions.
1. By the City of Monroe as outlined in Section III of this policy.
 2. Within the corporate limits of the City, by written petition of a minimum of 25% of the property owners owning a minimum of 25% of the front footage as measured along both sides along a public street in an approved developed or developing small subdivision when the requests are by owners who have purchased individual lots in the subdivision and not the developer of the subdivision or the developer's successors. As part of the request, each petitioning Owner shall commit in writing to pay all fees required by the City's Fee Schedule in advance of the design and construction of the extensions (except when financing is permitted under Section IX of this policy). The City's commitment to install water and sewer mains under this paragraph may be limited annually based on funding appropriated, and may be limited to subdivisions where the respective existing water and/or sewer main is adjacent to or within 400 feet of the outer boundary of the particular subdivision. The City's commitment shall also be limited to qualified (25% of owners and frontage as defined above) sections with a minimum length of 1000 feet along the public street, except where the street length from the existing main to the end of the subdivision or end of a cul-de-sac is less than 1000 feet, or in the case of sewer, if topographic or geographic conditions limit extensions of a single main along the public street to less than 1000 feet from the existing main. If a subdivision crosses the same public street in two or more separate locations with a gap between which is outside the subdivision and measures greater than 400 feet in length along the street, the City is not obligated to extend a main across this area outside the subdivision to serve the further sections of the subdivision until such time as the further sections come within 400 feet of the existing main as measured along the street. In some cases, as determined by the Director of Water Resources, where lots in an approved small subdivision are lower than the public street, a sewer collector main may be installed in a dedicated easement along the rear of the lots instead of within the street, and are considered the same as mains in a public street for the purposes of this policy provided that they serve the same purpose. Owners of lots outside the City limits are not eligible to petition for water or sewer mains under this provision.

3. By declaration of the City Council that an extension of water and/or sewer is in the overall best interest of the City and the public, as defined in Section VI of this policy.

III. Extensions and Facilities provided by the City of Monroe

The City of Monroe will provide the basic facilities for the water and sewer system necessary to provide service within the corporate limits of the City of Monroe. These basic facilities may include water and wastewater treatment plants, elevated and ground water storage tanks, high service and water booster pump stations, water transmission mains, water facilities needed for fire protection in accordance with the City's water system design standards, sewer interceptors and outfalls which are necessary to connect sewer collector mains serving adjoining property from public streets (or in an easement along the rear lot lines which serve the same purpose as service from the public street) to the major trunk sewer lines transporting wastewater to a treatment plant, including wastewater lift stations and force mains which serve the same purpose as an interceptor or outfall. The City of Monroe will finance and install these basic facilities as provided in City's Water and Sewer Master Plans and Capital Improvement Plans, consistent with budgeted resources and legal requirements.

IV. Extensions Initiated by Property Owner or Developer

- A. Property owners or their agents may request approval from the City's Director of Water Resources to install water and/or sewer infrastructure to serve existing development, a proposed new development, or a proposed new subdivision. Such requests shall be in the form of a written letter and shall include property maps of sufficient detail to identify the service location(s) for the extensions. Requests to serve property outside the City limits may be subject to approval by the City Council and the City Council reserves the right to refuse approval when deemed not in the best interest of the City to serve.
- B. For extensions under Section II A of this policy, the owner/developer shall provide for all engineering, surveying, preparation of permit applications, right-of-way acquisition, construction with a one-year warranty, testing, engineering certification of completed construction in substantial compliance with approved plans, and record drawings. Engineering plans shall be approved by the City's Director of Water Resources and shall be permitted under regulations of the State of North Carolina prior to beginning construction. All engineering design and construction shall conform to the City's design standards and technical specifications. All other applicable permits or right-of-way agreements required for construction, including but not limited to sediment and erosion control permits, Section 401 water quality certification and Section 404 Nationwide Permit, NCDOT and/or CSX Transportation Encroachments, encroachments in City of Monroe streets from the City Engineer, and utility easements from adjoining property owners, shall be obtained before construction affected by the governing requirement begins.

Any request to install a wastewater lift station as part of a new development or sewer main extension shall be subject to review and approval of the Director. If a future lift station is identified in the City's Capital Improvement Plan, at or near the same location, the Director may authorize the pump station but require it be sized to meet the City's long term needs, subject to sizing consistent with section VII. If the proposed pump station would not be necessary for future service to the developing property with the addition of gravity interceptors or outfalls, the Director may reject the request for the pump station or may condition approval upon the following: (1) the Applicant shall finance 100% of the cost of the pump station and force main; (2) the Director shall determine the discharge point for the force main after concluding that the additional wastewater flow from the proposed pump station will not adversely impact either the short-term or long-term capacity of the downstream sewer to serve the development of property within the drainage basin it was designed to serve; (3) the Director shall determine that septic conditions will not result from the operation of the proposed pump station and force main; and (4) the Applicant agrees to pay a one-time fee to the City at time of City acceptance of the lift station and force main, calculated by the Director based on the present worth of the cost for the City to operate and maintain, rehabilitate, and repair the pump station and force main in perpetuity under industry standards for reasonable care.

C. To the maximum extent practical, new water and sewer extensions shall be in public street rights-of-way. However, when not feasible as reviewed and agreed by the City, extensions may be provided in utility easements assigned to the City of Monroe. Water and sewer main extensions shall be completed to the developing parcel as needed to serve all areas of the development. General public utility easements shall be dedicated as part of the recorded plat of all developing parcels as required to facilitate potential future main extensions to other properties. Water and sewer main extensions shall be sized in accordance with the City of Monroe Master Plans, Capital Improvement Plans, Standard Specifications and Details, and as outlined in Section VII.

D. The City of Monroe Water Resources Department will consider the installation of a low-pressure grinder pump system provided the following criteria are met.

1. Administrative and Design Requirements:

- a. Developer shall contract the services of a North Carolina Professional Engineer to evaluate the proposed subdivision and submit plans, specifications and a hydraulic model demonstrating the designed low pressure grinder pump system is in accordance with **NCDEQ** design criteria. Design shall include all necessary gravity sewer mains; pump stations and force mains required for the conveyance of the sanitary sewer to an existing City owned gravity sewer main or pump station.

- b. ~~30% or greater of the lots in the proposed or existing subdivision, as measured by individual lot count, shall have lake frontage to a City-owned Lake.~~
- c. ~~It shall be demonstrated by the Developer's Engineer that proposed gravity sewer to serve all lots in the subdivision is not feasible due either to depth of sewer main installation or inadequate topographic slope to serve all subdivision lots with gravity sewer connections.~~ If gravity sewer is installed within the subdivision it shall be capable of providing all homes with a conventional 4-inch gravity service lateral connection to the lot property line.
- d. If the subdivision is outside existing ~~city~~ limits, voluntary annexation of the development shall be required per the City's Planning Department requirements.
- e. Developer shall grant additional easement sites for pump stations and gravity sewer mains and force mains within the subdivision when determined by the City to be necessary for future collection system infrastructure consistent with the collection of sanitary sewer for the larger drainage basin area containing the proposed subdivision.
- f. The Developer shall be responsible for the cost of extending gravity sewer mains and force mains to the subdivision other than the low pressure system that are integral to the City plans to provide sewer service to the subdivision and the larger drainage basin area.

2. Construction Requirements:

- a. Developer shall hire ~~a licensed North Carolina Utility Contractor~~ and shall be responsible for all construction and testing costs to install the low pressure force mains, designated shut off valves and check valves, service line connections and the minimum number of grinder pump units required to meet scour velocities in accordance with the ~~NCDEQ~~ regulations.
- b. Contractor shall install the Pressure Grinder Pump Systems in accordance with written City of Monroe Specifications covering this type of collection system. Specification shall limit the type of manufacturer of the grinder pumps to a specific brand and model (or approved equal).
- c. Contractor shall construct of all convention gravity sewer, pump

stations and force mains necessary for the conveyance of the sanitary sewer to an existing City owned gravity sewer main or pump station.

- d. Grinder pumps and service lines not installed by the Contractor, shall be the responsibility of the Home Builders to install per the City of Monroe Specifications.
- e. Contractor or Home Builder shall be responsible for all testing costs of grinder pump and service in accordance with City of Monroe Specifications.

3. Maintenance:

- a. City of Monroe Water Resources Department shall be responsible for the maintenance and operation of the low-pressure force mains within the subdivision and service lines up to the right-of-way and property line of each lot where a shut off valve and check valve shall be installed. Maintenance of the shut off valve and check valve shall be the Water Resources Department's responsibility. Maintenance of the individual grinder pump and service to the end of the property and the right-of-way shall be the responsibility of the subdivision homeowner.
- b. Subdivision homeowners shall be required to sign a Users Agreement with the City of Monroe outlining their responsibilities pertaining to the grinder pumps. Agreement shall grant the City right-of-entry on the property to correct any all situations with the operation of the grinder pump that effect operations and maintenance of the City Water Reservoirs and/or danger to the Public Health.
- c. Subdivisions Home Owners, at their expense, shall be required to sign a ~~5-year~~ service agreement with a service company actively engaged in the maintenance of grinder pump systems. The Maintenance Service Company shall be selected from an approved list provided by the City of Monroe. City of Monroe shall review the maintenance service agreement and grant approval prior to its execution. An executed service agreement and maintenance agreement shall be required before a certificate of occupancy is released on the building permit of each home with the subdivision. The maintenance agreement shall have an annual roll over clause, whereby every year the contract is extended an additional year. Homeowner shall have the right to terminate the maintenance agreement contract; however, a new agreement with another company from the City approved list must be signed prior to

termination. Maintenance agreement shall include the initial testing of the grinder pump unit and service line prior to acceptance by the City.

- d. Subdivision homeowners shall be responsible for notification of the yearly roll over of the maintenance service agreement. Notification shall be sent to the Water Resources Department for verification. Failure to renew the maintenance service agreement by the established and specified date will result in the disruption of water service until such time as the service agreement is renewed.
- e. Subdivision homeowner shall be responsible for the replacement of a grinder pump that has been damaged due to negligence, natural disaster, or age and all such other causes not specifically listed.

V. Commercial and Industrial Development Economic Infrastructure Grants

- A. Cost participation by the City for commercial and industrial development projects shall be consistent with the City's Economic Development Infrastructure Grant Program.

VI. Extensions Directed by City Council in the Public Interest

- A. In special circumstances where it is necessary to serve the overall public interest, as determined by the City Council, water and sewer infrastructure may be funded in whole or in part by the City of Monroe. Such circumstances shall be specifically defined in a resolution adopted by the City Council, including the public interest issues, which are satisfied. Such issues may include, but are not limited to the following: (1) remedy for a public health emergency; (2) substantial development which will spur significant growth in the local economy, job market, or both; or (3) when the service of water and sewer to a property provides substantial or strategic overall benefit to the City, such as by substantial or strategic growth of other City utility services or by strategic annexation. The City Council shall designate in the adopted resolution as part of this approval the source of funding for the City's contribution to the cost of these extensions.
- B. If determined to be in the best interest of the City of Monroe, the City Council may authorize the purchase of part of or all of another water and/or sewer utility system, whether publicly or privately owned, and authorize the necessary extensions by the City of Monroe to connect such purchased systems to the City's system. Prior to such approval, the City shall investigate the integrity of such system(s) and appraise the appropriate value of such system(s) in order to determine a fair price.

VII. Sizing of Water and Sewer Infrastructure and Infrastructure Agreements

- A. During the City's review of engineering plans for developing properties, the Director of Water Resources shall determine the appropriate size of water and sewer infrastructure to be installed consistent with the City's Master Plans, Capital Improvement Plans, and Standard Specifications and Details. The required water and sewer infrastructure sizing shall be installed by the developer pursuant to Section II A. **Where water or sewer infrastructure is sized at a capacity/size greater than the minimum size required to serve a proposed development, the City will participate in the oversizing cost consistent with North Carolina General Statutes, using capacity fee credits or other compensation equivalent to or greater than the required credits. The developer will submit documentation of competitive bids showing the cost for the minimum required size and the added cost for oversizing. The cost will be broken down on unit cost basis for all infrastructure considered for oversizing payments. The oversizing will be subject to available budgeted funding or approved appropriation of City Council. No payments will be made until the water and/or sewer infrastructure is installed and the required engineer certification submitted and approved.**

Where water and sewer infrastructure installed by the developing property has the potential to provide future service benefits to other surrounding properties, the City will consider executing an infrastructure agreement with the developing property's owner(s). Said agreement will allow possible recapture of a prorated share of the capital costs associated with the water and sewer infrastructure components installed by the developing property (**less any oversizing cost paid by the city**), that provide benefit to other properties. The determination of which, if any, surrounding properties may benefit from the developer installed infrastructure will be at the sole discretion of the Director of Water Resources, after considering engineering and regulatory requirements, topographic basins, property acreage, frontage, offsets, and future development potential. Monetary payments made by benefiting properties under an infrastructure agreement shall be due only upon voluntary connection by the benefiting properties to the infrastructure installed by the developing property. The infrastructure agreement shall clearly define the method of prorated cost allocation, financial terms and conditions, benefiting parcel numbers, exemptions, and the term of the agreement. All infrastructure agreements shall be subject to City Council approval.

VIII. Petitioning for Connection to City System for the Purpose of Extending a Private Water and Sewer System

- A. A property owner or owner's agent may petition for a connection to the City's water and sewer system for the purpose of extending private water and sewer system if permitted, operated, and maintained in compliance with all State regulations, provided that such proposed extension is exempt from all of the criteria stated in Paragraph VIII.B. The private system shall be confined to a single tract of property and development and may not extend beyond the boundaries of the single tract, nor may connections to serve adjoining property be made. The City shall install a "master meter" at the connection to the public

system and the owner of the private system shall be solely responsible to the City of Monroe for the payment of all fixed and usage charges for both water and sewer based upon metered usage at the "master meter". The City of Monroe is never under any obligation to accept as public in the future any private system, and the City may be permitted to accept private systems only after such systems are upgraded to meet all City water and sewer design standards in effect at the time of such request and new water meters are appropriately installed at the total expense of the private owner.

- B. Water and sewer extensions which meet any of the criteria stated below shall be designed and constructed for dedication to the City as an extension to the City's public system:
 - 1. Extensions in public streets or in public rights-of-way;
 - 2. Extensions which cross property lines, or may serve connections to more than one property;
 - 3. Extensions which may be further extended in the future to adjoining property and thereby extend City service to such property; and
 - 4. Extensions that may be further extended in the future to provide a system benefit, such as the "looping" of a water main.

IX. Water and Sewer Extensions to Areas Annexed into the City Limits

- A. Extensions to property annexed into the City of Monroe by voluntary petitions, including both contiguous and satellite annexations, shall be in accordance with Section II.A of this policy, except to the extent conditions of Section V and /or VII of this policy apply or when City Council deems that City financial participation is in the public interest as defined in Section VI of this policy. The specific interpretation of these conditions for the particular site shall be specifically defined in the terms of the annexation on which the City Council acts to approve the annexation.
- B. When the City of Monroe involuntarily annexes new territory into the corporate limits, the City of Monroe shall extend the basic facilities to serve the annexed area as defined in paragraph III.A. of this policy or as otherwise specifically defined by the requirements of North Carolina Annexation law. These basic facilities shall be specifically defined in the written Annexation Plan and approved by City Council. Extensions beyond the requirements of Paragraph III.A shall be in accordance with applicable provisions of Section II and other applicable sections of this policy. The City Council may establish financing plans for the payment of connection fees.

X. Water Pressure Zone Service Policy

- A. It shall be the City's policy to serve all properties with a land elevation of 640 feet or below from the City's "lower" water distribution system pressure zone. This is

synonymous with the 763-foot reservoir overflow gradient. Any property above the 640-foot ground elevation contour desiring service from the lower pressure zone shall obtain the approval of the Water Resources Director only after demonstration of adequate fire flow capacity and meeting minimum State requirements. These properties shall also have recorded on their final plat and any building permits a condition requiring the owner or developer to install pressure boosting equipment on each customer water service if they desire water pressure higher than supplied from the City system.