



City of Greensboro

Melvin Municipal Building
300 W. Washington Street
Greensboro, NC 27401

Meeting Minutes - Final City Council

Tuesday, April 24, 2018

5:30 PM

Council Chamber

ITEMS THAT WERE SCHEDULED FOR THE APRIL 17, 2018 MEETING OF COUNCIL HAVE BEEN MOVED TO THIS AGENDA

Call to Order

This City Council meeting of the City of Greensboro was called to order at 5:40 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present: 9 - Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaier, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Michelle Kennedy, Councilmember Justin Outling, Councilmember Tammi Thurm and Councilmember Goldie F. Wells

Also present were City Manager Jim Westmoreland, Interim City Manager David Parrish, City Attorney Tom Carruthers, and Deputy City Clerk Angela R. Lord.

Moment of Silence

Mayor Vaughan requested prayers for East Greensboro; spoke to the tornado damage; and to rebuilding efforts.

Pledge of Allegiance to the Flag

Mayor Vaughan recognized Councilmember Wells to lead the Pledge of Allegiance to the Flag.

Recognition of Courier

City Manager Jim Westmoreland recognized Natalie Woods of the Neighborhood Development Department who served as Courier for the meeting.

Mayor Vaughan recognized and presented a gift to retiring City Manager Westmoreland.

City Manager Westmoreland voiced appreciation for the recognition; spoke to his community service; commended the work being done with the recent tornado; expressed appreciation for support to the employees, the community and his family.

Mayor Pro-Tem Johnson recognized a resident to speak to the recent tornado relief efforts.

Brenda Bishop, 1504 Larchmont Drive spoke to the efforts of volunteers and workers since the tornado; to the challenges of starting over; to the ongoing needs; and expressed gratitude to everyone that had helped and to the City of Greensboro.

Councilmember Hightower referenced the press conferences regarding the storm; spoke to the devastation; impacted lives; making a difference; voiced appreciation for the efforts and donations; and spoke to a Greensboro Strong community.

Mayor Pro-Tem Johnson thanked the faith communities for their contributions; commended the City; and spoke to the number of volunteers.

Councilmember Abuzuaiter explained people had been on the ground working from day one; emphasized the City was Greensboro Strong; commended Guilford Metro 911, first responders, police, fire and the community; spoke to donations; to the involvement of youth; and stated she was proud of Greensboro.

Councilmember Wells spoke to the devastation; the outpouring of love and compassion; to being true neighbors; recognized people from other areas that assisted; expressed the need for financial support for housing; provided avenues to submit contributions; and voiced the need to be aware of donating to proper organizations.

Councilmember Kennedy reiterated the outpouring of support that had been received; spoke to the tornado victims efforts prior to others arriving; to east Greensboro as a valuable community; to the magnitude of donations received; referenced working in District 2; and commended the efforts of those affected by the tornado.

Mayor Vaughan reiterated the outpouring of support; and spoke to people going door to door to help residents.

Councilmember Kennedy left the meeting at 6:07 p.m. and returned at 6:09 p.m.

Mayor Vaughan highlighted the life saving efforts; the opportunity to walk the neighborhoods; spoke to visit with residents; expressed concern for the loss of life; appreciation for people answering the call for tarps; voiced the need for continued help; explained the potential for State and Federal partnerships; reiterated the need for financial donations for housing; expressed a need for food and gas gift cards; cautioned residents to rebuild with local contractors; requested the use of Minority & Women Business Enterprise (M/WBE) firms; stated electrical permit fees had been waived; commended staff for being responsive; and spoke to a stronger and better East Greensboro.

Interim City Manager David Parrish explained that electrical permit fees had been waived for an additional 90 days.

Discussion took place regarding the Disaster Relief Center; hours of operation and services provided; and the free services provided by the Association of Black Lawyers for assistance with insurance claims.

Council Procedure for Conduct of the Meeting

Mayor Vaughan explained the Council procedure for conduct of the meeting.

29. [ID 18-0210](#) Ordinance Rezoning Property Located at 604 E Gate City Boulevard and 701 & 703 Martin Street - (Shehzad Quamar representing S&S Holdings of Greensboro, LLC)

Mayor Vaughan stated Council was being asked to postpone the item to the May 1, 2018 meeting of Council without further advertising.

City Manager Westmoreland clarified the parties were ready to move forward with the item tonight.

I. CONSENT AGENDA (One Vote)

Councilmember Abuzuaiter requested the addendum item for Panhandling to be moved up on the agenda.

City Attorney Tom Carruthers stated the item could be placed as the first business item.

It was the consensus of Council to move the Panhandling item up to the first business item.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Wells, to adopt the consent agenda. The motion carried by voice vote.

1. [ID 18-0143](#) Ordinance to Approve the Franchise Agreement Between the City of Greensboro and Alltel Communications of North Carolina Limited Partnership: SECOND APPROVAL

The item was brought back for a SECOND READING from the March 20, 2018 Council meeting. The ordinance was received on the SECOND READING with a unanimous voice vote.

18-035 ORDINANCE TO APPROVE THE FRANCHISE AGREEMENT BETWEEN THE CITY OF GREENSBORO AND ALLTEL COMMUNICATIONS OF NORTH CAROLINA LIMITED PARTNERSHIP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

WHEREAS, North Carolina General Statute §160A-76 requires that all franchise grants, renewals, extensions, or amendments be made by ordinance;

WHEREAS, North Carolina General Statute §160A-76 further requires that an ordinance making a grant, renewal, extension, or amendment of any franchise be passed at two regular meetings of the City Council;

WHEREAS, the franchise agreement begins April 17th, 2018 for a term of ten (10) years with an option for ALLTEL COMMUNICATIONS OF NORTH CAROLINA LIMITED PARTNERSHIP to renew for two additional five (5) year periods by notifying the City in writing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

The Franchise Agreement between ALLTEL COMMUNICATIONS OF NORTH CAROLINA LIMITED PARTNERSHIP and the City of Greensboro is hereby adopted by ordinance.

That this ordinance shall become effective upon second adoption.

(Signed) Yvonne Johnson

2. [ID 18-0224](#) Resolution Purchasing a 10 Year Temporary Construction Easement Located at 429 431 North Cedar Street from A&M Enterprises of Guilford, LLC for the Downtown Greenway

064-18 RESOLUTION AUTHORIZING PURCHASE OF A TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 429 431 NORTH CEDAR STREET FROM A&M ENTERPRISES OF GUILFORD, LLC FOR THE DOWNTOWN GREENWAY

WHEREAS, in connection with the Downtown Greenway Phase 3C, a temporary construction easement located at 429 431 N. Cedar Street, parcel 0001831 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, The Downtown Greenway requires closure of the exit ramp from Cedar Street onto Smith Street. As a result of the street closing, a turnaround for fire trucks is necessary and an existing home must be demolished;

WHEREAS, A & M Enterprises has agreed to a 10 year temporary construction easement at \$1000 a month for a maximum cost of \$120,000. The easement will consist of approximately 8,608 square feet;

WHEREAS, if the owner decides to develop the property after the Greenway is constructed, but during the 10 year period, this agreement will become null and void;

WHEREAS, payments for Year 1 of this contract will be made from the 2008 Transportation Bond Fund Account No. 471-4502-18.6012, Activity A15130 and future year payments will come from available bond funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the purchase of the above mentioned temporary construction easement in the amount of \$ 1,000 over a span of

10 years is hereby approved and the purchase of said easement is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to purchase said property.

(Signed) Yvonne Johnson

3. [ID 18-0176](#) Resolution Authorizing a Water and Sewer Billing Adjustment in the Amount of \$71,065.39 in the Name of Four Seasons Industrial Service, LLC at 519 Patton Ave

065-18 RESOLUTION AUTHORIZING A WATER AND SEWER BILLING ADJUSTMENT IN THE AMOUNT OF \$71,065.39 IN THE NAME OF FOUR SEASONS INDUSTRIAL SERVICE, LLC AT 519 PATTON AVE

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Department is occasionally required to make adjustments to customer bills;

WHEREAS, Four Seasons Industrial Service, LLC operated a sewer discharge at the property located at 519 Patton Avenue where there was a sewer meter;

WHEREAS, a final bill was generated in the amount of \$71,065.39 for sewer discharged at 519 Patton Avenue by Four Seasons Industrial Service, LLC for service from September 16th to October 23rd in 2002 on account number 420-0168.300;

WHEREAS, the sewer discharge meter was found to be malfunctioning and giving erroneous readings;

WHEREAS, Article IV Section 2-103 (Refunds, rebates by director of finance to correct errors) of the City Code of Ordinances, City Council approval is required for billing refunds that exceed \$20,000;

WHEREAS, Water Resources is requesting that a credit of 71,065.39 be given on the account to remove the lien from the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the adjustment of this water bill is hereby approved and the Water Resources Department is hereby authorized to reduce the bill for account number 420-0168.300 in the name of Four Seasons Industrial Service, LLC in the amount of \$71,065.39.

(Signed) Yvonne Johnson

4. [ID 18-0195](#) Resolution Approving Change Order in the Amount of \$55,000 to Contract 2015-0790 with Arcadis G&M of North Carolina, Inc. for Mitchell Water Treatment Plant (WTP) Major Electrical Improvements

066-18 RESOLUTION AUTHORIZING CHANGE ORDER IN THE AMOUNT OF \$55,000 TO CONTRACT NO. 2015-0790 WITH ARCADIS G&M OF NORTH CAROLINA, INC. FOR MITCHELL WATER TREATMENT PLANT MAJOR ELECTRICAL IMPROVEMENTS DESIGN SERVICES

WHEREAS, The City authorized professional services contract 2015-0790 with Arcadis G&M Of North Carolina, Inc. in the amount of \$1,170,000 on October 20, 2015 to provide design services for Mitchell WTP Electrical Improvement;

WHEREAS, Change Order No. 1 approved by City Council on February 21, 2017 included additional efforts and engineering design work associated with the major electrical improvements and the high service pumping improvements;

WHEREAS, The scope of work was expanded by the need of further analysis and evaluation of auxiliary power

options for the plant, efforts associated with developing resilience requirements to strengthen the ability of the city to provide service under catastrophic circumstances and Hydraulic and Physical modeling for the high service pumping improvements;

WHEREAS, Change Order No. 2 includes bidding phase efforts and the incorporation and coordination of the Filter Backwash Pumps replacement project within the Major Electrical Improvements project contract documents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Arcadis G&M of North Carolina, Inc. for the Mitchell WTP Major Electrical Improvements Contract 2015-0790 in the amount of \$55,000 and additional work subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$55,000 from Account 503-7027-04.5410 and associated budget adjustment.

(Signed) Yvonne Johnson

5. [ID 18-0177](#) Resolution Approving Sewer Connection to Serve Hagan-Stone Park at 5920 Hagan-Stone Park Road

067-18 RESOLUTION APPROVING SEWER CONNECTION TO SERVE HAGAN-STONE PARK AT 5920 HAGAN-STONE PARK ROAD

WHEREAS, the City of Greensboro Policy for Water and Sewer Services "Outside the Corporate Limits" was adopted with amendments by City Council on May 20, 2014;

WHEREAS, the Water Resources Department received a request from Guilford County's Hagan-Stone Park requesting consideration of a connection to the sewer main fronting 5920 Hagan-Stone Park Road;

WHEREAS, the property is outside the City's Water Sewer Service Area (WSSA) and the Water and Sewer Services "Outside the Corporate Limits" policy does not administratively allow approval of this type of request, so the connection requires the approval of City Council;

WHEREAS, this connection has been reviewed for capacity availability and a new 4-inch sewer connection is acceptable to the Water Resources Department;

WHEREAS, a "Utility and Development Agreement and Petition for Annexation" signed by the current property owner will be delivered to the City of Greensboro in consideration of the sewer connection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That City Council authorizes a sewer connection to serve 5920 Hagan Stone Park Road in accordance with the City of Greensboro Policy for Water and Sewer Services "Outside the Corporate Limits."

(Signed) Yvonne Johnson

6. [ID 18-0203](#) Resolution Approving Bid in the Amount of \$874,896.75 and Authorizing Execution of Contract 2017-052 with Yates Construction Company for Stormwater Improvements

068-18 RESOLUTION APPROVING BID IN THE AMOUNT OF \$874,896.75 AND AUTHORIZING EXECUTION OF CONTRACT 2017-052 WITH YATES CONSTRUCTION COMPANY FOR STORMWATER IMPROVEMENTS

WHEREAS, after due notice, bids have been received for the Stormwater Improvements projects;

WHEREAS, Yates Construction Company a responsible bidder, has submitted the low base and alternate bid in the total amount of \$874,896.75 as general contractor for Contract No. 2017-052, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Yates Construction Company is hereby accepted, and the City is authorized to enter into a contract with Yates Construction Company for the Stormwater Improvements projects subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$874,896.75 from account 506-7017-01.6018 A18029 and the associated budget adjustment.

(Signed) Yvonne Johnson

7. [ID 18-0204](#) Ordinance Amending the Stormwater Capital Improvement Fund Budget for the Four Chandler Oaks Retention Ponds Project

18-036 ORDINANCE AMENDING THE STORMWATER CAPITAL IMPROVEMENT FUND BUDGET FOR THE FOUR CHANDLER OAKS RETENTION PONDS PROJECT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Stormwater Capital Improvement Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Stormwater Capital Improvement Fund be increased as follows:

Account	Description	Amount
506-7099-01.6025	Construction-Non City Owned	\$6,000
506-7099-02.6025	Construction-Non City Owned	\$8,136
506-7099-03.6025	Construction-Non City Owned	\$8,400
506-7099-04.6025	Construction-Non City Owned	\$6,000
Total		\$28,536

And, that this increase be financed by increasing the following Stormwater Capital Improvement Fund accounts:

Account	Description	Amount
506-7099-01.8647	Private Development Defaults	\$6,000
506-7099-02.8647	Private Development Defaults	\$8,136
506-7099-03.8647	Private Development Defaults	\$8,400
506-7099-04.8647	Private Development Defaults	\$6,000
Total		\$28,536

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

8. [ID 18-0167](#) Ordinance in the Amount of \$158,058 Amending State, Federal and Other Grants Fund Budget for a Federal Forfeiture Grant for GPD's Service Side Arm Grant

18-037 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR A FEDERAL

FORFEITURE GRANT FOR GPD'S SERVICE SIDE ARM GRANT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

Account name- Service Side Arm Grant

Account	Description	Amount	
220-3573-01.5235	Small Tools & Equipment	\$ 158,058	
Total			\$ 158,058

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

Account	Description	Amount
220-3573-01.7104	Federal Forfeiture Funds	(\$ 72,559)
220-3573-01.8600	Sale of Materials	\$ 230,617
Total		\$ 158,058

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

9. [ID 18-0174](#) Ordinance in the Amount of \$280,449 Amending the FY 17-18 Workforce Innovation and Opportunity Act Fund Budgets

18-038 ORDINANCE AMENDING THE FY 2017-18 WORKFORCE INNOVATION AND OPPORTUNITY ACT FUND BUDGETS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the Workforce Innovation and Opportunity Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Innovation and Opportunity Act Fund Budget for Guilford WDB DW Rapid Response Fund be increased as follows:

Account	Description	Amount
216-0265-50.5429	Contracted Services	\$ 150,000
216-0265-50.4110	Salaries	\$ 50,000
Total		\$ 200,000

and, that this increase be financed by increasing the following Workforce Innovation and Opportunity Act Fund accounts:

Account	Description	Amount
216-0265-50.7100	Federal Grant	\$ 200,000

Total \$ 200,000

Section 2

That the Workforce Innovation and Opportunity Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Innovation and Opportunity Act Fund Budget for Guilford WDB Marketing Fund be increased as follows:

Account	Description	Amount
216-0266-60.5221	Advertising	\$ 5,851
Total		\$ 5,851

and, that this increase be financed by increasing the following Workforce Innovation and Opportunity Act Fund accounts:

Account	Description	Amount
216-0266-60.7100	Federal Grant	\$ 5,851
Total		\$ 5,851

Section 3

That the Workforce Innovation and Opportunity Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Innovation and Opportunity Act Fund Budget for Guilford WDB Cost-Sharing Fund be increased as follows:

Account	Description	Amount
216-0267-70.5255	Rent	\$ 44,598
Total		\$ 44,598

and, that this increase be financed by increasing the following Workforce Innovation and Opportunity Act Fund accounts:

Account	Description	Amount
216-0267-70.7100	Federal Grant	\$ 44,598
Total		\$ 44,598

Section 4

That the Workforce Innovation and Opportunity Act Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Innovation and Opportunity Act Fund Budget for Guilford WDB Program Enhancement Fund be increased as follows:

Account	Description	Amount
216-0268-80.5429	Contracted Services	\$ 25,000
216-0268-80.5221	Advertising	\$ 1,500
216-0268-80.5213	Office Supplies	\$ 2,000
216-0268-80.4110	Salaries	\$ 1,500
Total		\$ 30,000

and, that this increase be financed by increasing the following Workforce Innovation and Opportunity Act Fund accounts:

Account	Description	Amount
216-0268-80.7100	Federal Grant	\$ 30,000
Total		\$ 30,000

Section 5

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

10. [ID 18-0179](#) Ordinance in the Amount of \$119,280 Establishing FY2017 FTA Section 5307 Security and Routine Capital Assistance Program

18-039 ORDINANCE AMENDING GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2017 SECTION 5307 TRANSIT SECURITY AND ROUTINE CAPITAL ASSISTANCE GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the GTA Grant Fund Budget be amended as follows for the FY 2017 FTA Section 5307 Transit Security and Routine Capital Assistance Grant for capital equipment:

Account	Description	Amount
567-4520-01.6059	Other Capital Equipment	\$ 65,000
Total		\$65,000

And, that this increase be financed by increasing the following revenues:

Account	Description	Amount
567-4520-01.7100	Federal Grant	\$52,000
567-4520-01.9564	Transfer from Transit Fund	\$13,000
Total		\$65,000

Section 2

That the GTA Grant Fund Budget be amended as follows for the FY 2017 FTA Section 5307 Transit Security and Routine Capital Assistance Grant for software:

Account	Description	Amount
567-4520-02.5212	Computer Software	\$ 54,280
Total		\$ 54,280

And, that this increase be financed by increasing the following revenues:

Account	Description	Amount
567-4520-02.7100	Federal Grant	\$43,424
567-4520-02.9564	Transfer from Transit Fund	\$10,856
Total		\$54,280

Section 3

And, that this budget ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

11. [ID 18-0188](#) Ordinance in the Amount of \$547,673 Establishing FY2017 FTA Section 5339 Bus and Bus Facilities Grant for the Purchase of Eight Paratransit Vehicles

18-040 ORDINANCE AMENDING GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2017 FTA SECTION 5339 BUS AND BUS FACILITIES GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the GTA Grant Fund Budget be amended as follows for the FY 2017 FTA Section 5339 Bus and Bus Facilities Grant:

Account	Description	Amount
567-4522-01.5917	Licenses, Fees & Other	\$ 16,000
567-4522-01.5919	Other Taxes/Assessments	\$ 48
567-4522-01.6051	Licensed Vehicles	\$ 531,625
T	o t a l	
\$547,673		

And, that this increase be financed by increasing the following revenues:

Account	Description	Amount
567-4522-01.7100	Federal Grant	\$465,522
567-4522-01.9481	Transfer from 2016 Bond Funds	\$ 82,151
T	o t a l	
\$547,673		

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

12. [ID 18-0191](#) Resolution Authorizing Execution of Municipal Agreement with North Carolina Department of Transportation for Meadowview Road Sidewalk and Bike Lanes Project (EB-5878)

069-18 RESOLUTION AUTHORIZING EXECUTION OF MUNICIPAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR MEADOWVIEW ROAD SIDEWALK AND BIKE LANES PROJECT (EB-5878)

WHEREAS, the Greensboro Urban Area Metropolitan Planning Organization submitted the Meadowview Road Sidewalks and Bike Lanes Project for funding consideration by NCDOT under the Prioritization 4.0 Process;

WHEREAS, North Carolina Department of Transportation added the project to the Transportation Improvement Program and agreed to reimburse the City for 80% of design, right-of-way, and construction costs up to \$455,000;

WHEREAS, the City of Greensboro will develop and implement the project and provide the necessary local match amount of \$114,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FO THE CITY OF GREENSBORO:

That said project is hereby formally approved by the City Council of the City of Greensboro and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the North Carolina Department of Transportation for Project EB-5878.

(Signed) Yvonne Johnson

13. [ID 18-0192](#) Ordinance in the Amount of \$569,000 Establishing the Budget for Municipal Agreement with North Carolina Department of Transportation for Meadowview Road Sidewalk and Bike Lanes Project (EB-5878)

18-041 ORDINANCE AMENDING STREET AND SIDEWALK CAPITAL PROJECT FUND TO ESTABLISH THE BUDGET FOR MEADOWVIEW ROAD SIDEWALK AND BIKE LANES PROJECT (EB-5878)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the appropriation for the Project EB-5878: Meadowview Road Sidewalks and Bike Lanes Project Budget be established as follows:

Account	Description	Amount
401-4573-01.6012	Right-of-Way	\$60,000
401-4573-01.6015	Sidewalk Construction	\$509,000
Total		\$569,000

And, that this appropriation be financed by establishing the following revenue accounts:

Account	Description	Amount
401-4573-01.7100	Federal Grant	\$455,000
401-4573-01.9471	Transfer from Bond Funds	\$114,000
Total		\$569,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

14. [ID 18-0182](#) Resolution Calling a Public Hearing for May 15, 2018 on the Annexation of Territory into the Corporate Limits for the Property Located at 4207 Rear Crane Avenue - .06-Acres (Grandover Community Association, Inc.)

070-18 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 15, 2018 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 4207 REAR CRANE AVENUE – .06 ACRES

WHEREAS, the owner of all the hereinafter-described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 (contiguous) of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the

city;

WHEREAS, at a regular meeting of the City Council on the 15th day of May, 2018, the following ordinance will be introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4207 REAR CRANE AVENUE – .06 ACRES)

Section 1. Pursuant to G.S. 160A-31(contiguous), the hereinafter-described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite city limits (as of January 31, 2018), said point being the northeast corner of that annexation shown on City of Greensboro Annexation Drawing D-2743; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 83° 38' 32" W approximately 239 feet to a corner in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 06° 21' 28" W 16.05 feet to a point; thence N 83° 38' 32" E 171.70 feet to a point; thence N 85° 00' 30" E 72.58 feet to the point and place of BEGINNING, and containing approximately 0.06 acres.

Section 2. Any utility line assessments, which may have been levied by the County, shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after May 15, 2018, the liability for municipal taxes for the 2017-2018 fiscal year shall be prorated on the basis of 1/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2018. Municipal ad valorem taxes for the 2018-2019 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, May 15, 2018 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than May 5, 2018.

(Signed) Yvonne Johnson

15. [ID 18-0185](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Setsuya Kotani and Ruth Katzenstein Located at 4242 McConnell Road in Connection With the Youngs Mill Outfall Project

071-18 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF SETSUYA KOTANI AND RUTH KATZENSTEIN IN CONNECTION WITH THE YOUNGS MILL ROAD OUTFALL PROJECT

WHEREAS, Setsuya Kotani and Ruth Katzenstein are the owners of certain property located at 4242 McConnell

Road, designated as Parcel # 0116907 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Youngs Mill Road Outfall Project;

WHEREAS, negotiations with the owner at the appraised value of \$784.20 have been unsuccessful and said portion of the property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of the property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner(s) in the amount of \$784.20.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$784.20 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 507-7012-03.6012 Activity #A13092.

(Signed) Yvonne Johnson

16. [ID 18-0190](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of David E. Purvis Located at 5200 Millstream Road in Connection With the Youngs Mill Road Outfall Project

072-18 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF DAVID E. PURVIS IN CONNECTION WITH THE YOUNGS MILL ROAD OUTFALL PROJECT

WHEREAS, David E. Purvis is the owner of certain property located at 5200 Millstream Road, designated as Parcel # 0116824 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Youngs Mill Road Outfall Project;

WHEREAS, negotiations with the owner at the appraised value of \$8,428.39 have been unsuccessful and said portion of the property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of the property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner(s) in the amount of \$8,428.39.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$8,428.39 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 507-7012-03.6012 Activity #A13092.

(Signed) Yvonne Johnson

17. [ID 18-0184](#) Resolution Approving the Encroachment Agreement Between the City of Greensboro and Southeastern Foundries Corporation for Encroachment Into City Right-Of-Way Across Hiatt Street Between 1115 Park Terrace

and 1201 Park Terrace

073-18 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT BETWEEN THE CITY OF GREENSBORO AND SOUTHEASTERN FOUNDRIES CORPORATION FOR ENCROACHMENT INTO CITY RIGHT-OF-WAY ACROSS HIATT STREET BETWEEN 1115 PARK TERRACE and 1201 PARK TERRACE

WHEREAS, Southeastern Foundries has requested that the City permit the proposed installation of communication line above Hiatt Street to provide connectivity between the existing Belk Store at 600 Friendly Center Road and the newly constructed Belk Home Goods Store at 604 Green Valley Road;

WHEREAS, the owner has agreed to enter into an Encroachment Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur due to the communication line above said right-of-way;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said installation of communication line above Hiatt Street in accordance with the terms and conditions of an Encroachment Agreement presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate encroachment Agreement with Southeastern Foundries Corporation to permit the installation of communication line above Hiatt Street to provide connectivity between the existing Southeastern Foundries locations at 1115 Park Terrace and 1201 Park Terrace all in accordance with the terms and conditions set out therein.

(Signed) Yvonne Johnson

18. [ID 18-0189](#) Resolution Approving Bid in the Amount of \$277,120 and Authorizing Execution of Contract 2018-8902 with Clark Powell Associates for Public Safety Training Facility Technology Upgrade Project

074-18 RESOLUTION APPROVING BID IN THE AMOUNT OF \$277,120 AND AUTHORIZING EXECUTION OF CONTRACT 2018-8602 WITH CLARK POWELL ASSOCIATES FOR THE PUBLIC SAFETY TRAINING FACILITY TECHNOLOGY UPGRADE PROJECT

WHEREAS, after due notice, bids have been received for Public Safety Training Facility Technology Upgrade Project;

WHEREAS, Clark Powell Associates, a responsible bidder, has submitted the lowest bid in the total amount of \$277,120 as general contractor for Contract No. 2018-8902 which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Clark Powell Associates is hereby accepted, and the City is authorized to enter into a contract with Clark Powell Associates for the Public Safety Training Facility Technology Upgrade project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$277,120 from:

Capital Improvement Fund: 411-6018-03.5613

(Signed) Yvonne Johnson

19. [ID 18-0215](#) Resolution Authorizing the Greensboro Police Department and Guilford

County to Co-Sponsor a Study on the Applicability of the Cure Violence Initiative

075-18 RESOLUTION AUTHORIZING THE GREENSBORO POLICE DEPARTMENT AND GUILFORD COUNTY TO CO-SPONSOR A STUDY ON THE APPLICABILITY OF THE CURE VIOLENCE INITIATIVE

WHEREAS, the Greensboro Police Department and Guilford County wish to co-sponsor a study on the applicability of the Cure Violence Initiative;

WHEREAS, the Cure Violence Initiative is a public health anti-violence program, aimed to stop the spread of violence in communities by using the methods and strategies associated with disease control – detecting and interrupting conflicts, identifying and treating the highest risk individuals, and changing social norms;

WHEREAS, the program includes efforts to detect and intervene in potentially violent situations, educate and mobilize communities against violence, and connect high-risk individuals to social services. Outreach workers develop relationships with high-risk individuals and promote community norms to reject the use of violence;

WHEREAS, the Greensboro Police Department would be responsible for \$3,500 of the study costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, OF THE CITY OF GREENSBORO:

That the Greensboro Police Department is hereby authorized to co-sponsor an applicability study of the Cure Violence Health Initiative with Guilford County.

(Signed) Yvonne Johnson

20. [ID 18-0147](#) Resolution Listing Loans and Grants for City Council Approval

076-18 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at the March 1, 2005 meeting of City Council, the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 Council meeting.

(Signed) Yvonne Johnson

21. [ID 18-0084](#) Budget Adjustments Requiring Council Approval 3/13/18 - 4/11/18

Motion to approve the budget adjustments of 3/13/18 - 4/11/18 over the amount of \$50,000 was adopted.

(A copy of the Report is filed in Exhibit Drawer A, Exhibit No. 9, which is hereby referred to and made a part of these minutes.)

22. [ID 18-0201](#) Budget Adjustments Approved by Budget Officer 3/13/18 - 4/9/18

Motion to accept the report of budget adjustments of 3/13/18 - 4/9/18 was adopted.

(A copy of the Report is filed in Exhibit Drawer A, Exhibit No. 9, which is hereby referred to and made a part of these minutes.)

23. [ID 18-0172](#) Motion to Approve the Minutes of the Regular Meeting of February 6, 2018

Motion to approve the minutes of the Regular meeting of February 6, 2018 was adopted.

24. [ID 18-0159](#) Motion to Approve the Minutes of the Regular Meeting of March 6, 2018

Motion to approve the minutes of the Regular meeting of March 6, 2018 was adopted.

25. [ID 18-0194](#) Motion to Approve the Minutes of the Work Session of March 20, 2018

Motion to approve the minutes of the Work Session of March 20, 2018 was adopted.

26. [ID 18-0199](#) Motion to Approve the Minutes of the Regular Meeting of March 20, 2018

Motion to approve the minutes of the Regular meeting of March 20, 2018 was adopted.

II. PUBLIC HEARING AGENDA

27. [ID 18-0173](#) Resolution Confirming the Assessment Roll for a Lawndale Drive Sewer Line Extension of an 8-Inch Sewer Line From an Existing Pisgah Court Outfall Approximately 1,072 Lineal Feet to 3820 Lawndale Drive

Mayor Vaughan stated this was the time and place set for a public hearing to consider a Resolution Confirming the Assessment Roll for a Lawndale Drive Sewer Line Extension of an 8-Inch Sewer Line From an Existing Pisgah Court Outfall Approximately 1,072 Lineal Feet to 3820 Lawndale Drive; and that the item had been postponed from the March 20th meeting.

Attorney Don Vaughan, 612 West Friendly Avenue stated he represented the property owner affected by the assessment; requested the item to be postponed to address concerns; and recognized Karl Huffman to speak to the item.

Mr. Huffman spoke to the history of the property and the project; referenced the previous loss of property to the roadway and sidewalk; explained miscommunications regarding the sewer lines; voiced concern in regards to the receipt of an invoice for over \$6,000; and confirmed he was not opposed to the sewer line.

Mayor Pro-Tem Johnson requested staff review the concerns.

Councilmember Outling spoke to Council taking action on the item as proposed; asked for clarification of Mr. Huffman's objection to the amount of the invoice; for the postponement request; and spoke to setting a precedence.

Attorney Vaughan stated the item was unfair; and spoke to a unique property.

Mayor Vaughan stated the item had been postponed once; and asked if a connection had been made to the sewer line, in which Mr. Huffman responded he had not connected.

Interim City Manager Parrish explained the connection and payment policies for assessment rolls; limitations on modifications; and stated staff would bring recommendations back to Council.

City Attorney Carruthers clarified the voting process; spoke to staff confirming information; and to following

procedures.

Discussion ensued regarding staff issues; the fees per footage; possible lien against the property; ten year payment plans; the opposition to the cost; the completion of the project; and clarification of the property ownership.

Mr. Huffman reiterated concerns with the placement of the lines; and with the cost.

Mayor Pro-Tem Johnson emphasized the item should go back to staff to address.

Councilmember Outling voiced concern with Council versus staff functions; and reiterated the item should move forward.

City Attorney Carruthers explained Council's options to approve or postpone the item.

Councilmembers Abuzuaiter and Thurm requested clarification on the location of the lines.

Mayor Pro-Tem Johnson called the question.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to postpone the item to the May 15th meeting of Council without further advertising. The motion carried by voice vote with Councilmembers Hoffmann and Outling voting "No".

28. [ID 18-0163](#) Ordinance Rezoning Property Located at 303 Muirs Chapel and 4803 & 4809 Kenview Street - (Affordable Housing Management, Inc.)

Mayor Vaughan stated this was the time and place set for a public hearing to consider an Ordinance Rezoning Property Located at 303 Muirs Chapel and 4803 & 4809 Kenview Street - (Affordable Housing Management, Inc.); and stated the item had been postponed from the March 20th meeting without further advertising.

Councilmember Outling spoke to a conflict on interest; and requested to be recused from the item.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to recuse Councilmember Outling from the item. The motion carried by voice vote.

Planning Manager Mike Kirkman made a PowerPoint Presentation (PPP); reviewed the request, presented maps, aerial photographs and diagrams to illustrate the site and surrounding property, spoke to additional conditions to be presented by the applicant; and stated that the Zoning Commission and staff had recommended approval of the request.

Councilmember Outling left the meeting at 6:41 p.m.

Mayor Pro-Tem Johnson left the meeting at 6:41 p.m. and returned at 6:48 p.m.

Affordable Housing Management (AHM) Executive Director David Levy, 330 South Green Street requested Council consider additional zoning conditions as read into the record.

Moved by Councilmember Hoffmann, seconded by Councilmember Thurm to approve the additional zoning conditions as presented. The motion carried by voice vote 8-0 with Councilmember Outling being recused.

Speakers in Favor:

Mr. Levy recognized others in attendance; spoke to the need for the rezoning; the number of proposed units per acre; quality affordable housing; provided the history of the AHM organization; details for current and completed projects; spoke to zoning classifications; reviewed the contents of the handout; provided a rendering of proposed apartments; aerial maps of the site; reviewed the process of the rezoning requested; explained the notification to

property owners; spoke to meetings held with the community; best use of the property; compliance with City codes and Comprehensive Plan; and requested Council support on the item.

Reverend Beth McKee-Huger, 408 Woodlawn Avenue voiced support for the project; spoke to quality rental housing; the benefits for area businesses; referenced the 50th anniversary of the Fair Housing Act; and spoke to taking action.

Christine Merriman, 4927 Kenview Street voiced support for affordable housing; spoke to opportunities for the neighborhood; businesses in the area; to quality subsidized apartments; and referenced the neighborhood meetings.

Speakers in Opposition:

Peter Dunn, 306 B Muirs Chapel Road stated his business would be effected by the rezoning; recognized all in attendance that were opposed to the item; spoke to a last minute amendment; voiced concerns with communication with the neighborhood; provided site images; previous vehicular accident information; spoke to bike and public transportation; renter versus owner occupied units; a high density area; and to affordable housing.

Councilmember Kennedy left the meeting at 7:08 p.m. and returned at 7:13 p.m.

Mary Sue Shelton, 4609 Knightbridge Road expressed concern with the loss of frontage for the cemetery; spoke to the maintenance of the burial site for her son; voiced concern with people using the cemetery as a pass through; and with potential vandalism.

Mr. Dunn spoke to the Land Development Ordinance requirements regarding sidewalks in a high density area; voiced concerns with the location of headstones; and spoke to alternatives.

Deborah Barnes, 701 Beckworth Drive spoke to the recent events in East Greensboro; referenced run offs that had caused flooding; expressed support for affordable housing; and requested the housing project to be located in another area.

Mr. Dunn highlighted concerns with school over-crowding.

Five Minutes Rebuttal in Favor:

Mr. Levy outlined the correspondence with neighborhood contacts; spoke to sidewalks for the project; flood zones; to storm management requirements; and read a letter of support into the record.

Jay Clapp, Winston Salem spoke to the positive and negative offsets; to misleading photo's; and to left turn lanes.

Discussion took place regarding turn lanes and overlap between intersections.

Five Minutes Rebuttal in Opposition:

Attorney Don Vaughan, 612 West Friendly Avenue spoke to the history of the item; reviewed why the property had not been previously developed; voiced concerns with the encroachment of the cemetery; traffic; bike lanes; walkability; public transportation; recognized those in attendance in opposition to the item; and reiterated concerns regarding sidewalks.

Mr. Dunn provided turn lane images; voiced concern with the lack of community outreach; spoke to the Zoning Commission meeting; traffic issues; flooding; and requested Council protect the rights of the community.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Wells to close the public hearing. The motion carried by voice vote.

Mayor Pro-Tem Johnson asked for confirmation on traffic accident statistics; and inquired about the disturbance of the cemetery.

Transportation Director Adam Fischer outlined traffic accidents over the past three years; spoke to the collection of the information from databases; and to a planned sidewalk project.

Discussion continued regarding current zoning; planned units for the project; compliance with the Comprehensive Plan; future sidewalk and roadway improvements; public transportation; and the need for affordable housing.

City Attorney Carruthers explained proper questions for Council to consider; and spoke to best use.

Further discussion took place regarding benchmarks; controversial projects; infill investment; Market Street sidewalk concerns; a walkable community; density; the number of housing units in the area; the volume of traffic and accidents; flooding; public transportation; turn lanes; acknowledgement of concerns; the Council retreat priority sessions; future sidewalk projects; and alternative options.

Mr. Fischer spoke to the possibility of extension of the project to fill in gaps; the need for surveying the area; highlighted planned bike lanes; spoke to a long range project; to the volume of traffic; and to additional roadway projects.

Councilmember Wells requested adjustments be made to the bus routes; and spoke to the value of the project.

Mayor Vaughan requested staff research reduction of speed limits; to increase the enforcement of current traffic laws; and reiterated the need for housing.

Councilmember Hightower called the question.

Moved by Councilmember Hightower, seconded by Councilmember Kennedy, to adopt the ordinance as amended and stated that the Greensboro City Council believed that its action to approve the zoning amendment, for the property located at 303 Muirs Chapel Road and 4803 & 4809 Kenview Street from R-3 (Residential Single-Family) to CD-RM-26 (Conditional District-Residential Multifamily) to be consistent with the adopted Connections 2025 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas; the request is consistent with the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods; and the request does implement measures to protect neighborhoods from potential negative impacts. The motion carried on the following roll call vote:

Ayes, 7 - Nancy Vaughan, Yvonne J. Johnson, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Nays, 1 - Marikay Abuzuaiter

Excused, 1 - Justin Outling

18-042 AMENDING OFFICIAL ZONING MAP

303 MUIRS CHAPEL ROAD AND 4803 AND 4809 KENVIEW STREET, GENERALLY DESCRIBED AS WEST OF MUIRS CHAPEL ROAD AND SOUTHWEST OF KENVIEW STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from R-3 (Residential Single Family) to CD-RM-26 (Conditional District Office).

The area is described as follows:

“Beginning at a existing iron pipe in the recorded western margin of Kenview Street, as shown on a map entitled “Muir’s Chapel Heights” and recorded in Plat Book 17, Page 68 in the Office of the Register of Deeds of Guilford County, N.C., said iron pipe being the recorded northeastern property corner of (now or formerly) Ralph Richard Speas as described and recorded in Deed Book 4374, Page 1082 and being the recorded northeastern lot corner of Lot 102 as shown on said map recorded in said Plat Book 17, Page 68 in said Guilford County Registry, said pipe also being the recorded southeastern boundary of (now or formerly) Ruth Ellen Bradley as described and recorded in Deed Book 1293, Page 66 in said Guilford County Registry and also being the recorded southeastern corner of Lot 101 as shown on said map recorded in said Plat Book 17, Page 68 in said Guilford County Registry; thence, from said point of beginning, along said recorded western margin of Kenview Street South 00°57’49” East 75.00 feet to a computed point; thence along crossing Kenview Street and running with the recorded eastern boundary line of said Speas the following two bearing and distances: 1) South 51°22’49” East 54.64 feet to a computed point; 2) South 05°37’38” East 49.98 feet an existing iron pipe on the recorded southern margin of Kenview Street, said existing iron pipe being the recorded northwestern boundary corner of (now or formerly) Darrell D. Levan & Tammy W. Levan as described and recorded in Deed Book 5514, Page 1667 in said Guilford County Registry; thence along the recorded southern margin of Kenview Street and said Levan’s recorded northern boundary line North 89°59’15” East 289.95 feet to an existing iron pipe located at the recorded southwestern quadrant of the intersection of Kenview Street and Muir’s Chapel Road; thence along the recorded western margin of Muir’s Chapel Road South 17°44’06” East 210.36 feet to an existing bent iron pipe & nail, said existing bent iron pipe & nail is also the recorded northeastern property corner of (now or formerly) Cranford A. Jones and Allen J. Jaynsen as described and recorded in Deed Book 3657, Page 1243 and also being the northeastern lot corner of Lot 3 as shown on a map entitled “Jones Construction, Inc.” and recorded in Plat Book 70, Page 46 in said Guilford County Registry, and said existing bent iron pipe & nail also being the recorded southeastern corner of (now or formerly) Odeh Properties, LLC as described and recorded in Deed Book 7862, Page 2871 in said Guilford County Registry; thence along the recorded southern boundary line of said Odeh Properties, recorded northern boundary of said Jones & Jaynsen, recorded northern boundary of said map “Jones Construction, Inc.” and also the recorded northern boundary as shown on a map entitled “The Mitchell Subdivision” and recorded in Plat Book 10, Page 63 & rerecorded in Plat Book 10, Page 68 in said Guilford County Registry the total bearing and distance of North 87°44’38” West 628.90 feet to an existing iron pipe, said iron pipe being the recorded southwestern corner of said Odeh Properties, LLC, said recorded northeastern lot corner of Lot 19 of said Plat Book 10, Page 63 & Plat Book 10, Page 68 and also being one of the recorded northeastern property corners of (now or formerly) Charles H. Ott, IV as described and recorded in Deed Book 6003, Page 495 in said Guilford County Registry; thence along the recorded western boundary of said Odeh Properties, LLC, recorded western boundary line of said Speas, recorded eastern boundary of said Ott and the recorded eastern boundary of Lot 58 as shown on a map entitled “The Mitchell Subdivision” and recorded in Plat Book 10, Page 63 & rerecorded in Plat Book 10, Page 68 and also (now or formerly) BTBD, LLC as described and recorded in Deed Book 7422, Page 2086 in said Guilford County Registry the total bearing and distance of North 14°58’42” West 292.14 feet to an existing 2” tall bent iron pipe, said pipe being the recorded southeastern lot corner of Lot 89 as shown on said “The Mitchell Subdivision” maps, said pipe also being the recorded southeastern corner of said Bradley; thence along the recorded western line of said Speas and the recorded eastern line of said Bradley North 00°20’03” West 53.58 feet to an existing iron pipe at the edge of the pond, said corner of pond is also the recorded southwestern corner of Lot 90 as shown on said “The Mitchell Subdivision” maps; thence along the recorded northern boundary line of said Speas and the recorded southern boundary line of said Ellen South 89°43’49” East 301.35 feet to the point of beginning, containing an area of 3.798 acres, more or less.”

Section 2. That the zoning amendment from R-3 (Residential Single Family) to CD-RM-26 (Conditional District Residential Multifamily) is hereby authorized subject to the following use limitations and conditions:

1. Uses shall be limited to a maximum of 72 residential dwelling units.

2. Except for the road frontages along Kenview Street and Muirs Chapel Road, a minimum six feet tall opaque fence shall be installed along all exterior property lines where permitted.
3. A minimum of five bicycle racks shall be installed within the development.
4. Vehicular access to or from any properties abutting the western property line is prohibited.

Section 3. This property will be perpetually bound to the uses authorized and subject to the development standards of the CD-RM-26 (Conditional District Residential Multifamily) zoning district unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on April 24, 2018.

(Signed) Sharon Hightower

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer A, Exhibit No. 9 which is hereby referred to and made a part of these minutes).

Mayor Vaughan declared a recess at 8:01 p.m. Council reconvened at 8:24 p.m. with all members in attendance.

40. [ID 18-0231](#) Addendum Item As Needed

Taking the prerogative of the Chair, Mayor Vaughan moved the Panhandling addendum item up on the agenda.

City Attorney Carruthers made a PowerPoint Presentation (PPP); provided the history of the panhandling ordinance; highlighted the recommended revisions; spoke to charitable solicitations; activity regulation; free speech; aggressive behavior; outlined proposed amendments to the ordinance; the potential next steps; advised the appropriate actions under the law; and spoke to protections of the citizens.

Brennan Aberle, 118 Creas Park Drive spoke out against the panhandling ordinances; voiced concerns with people being jailed; with separation of speech; spoke to laws to protect citizens from assault; the homeless community; and referenced the American Civil Liberties Union (ACLU).

Eddie Brewer, 407 Washington Street spoke to the struggles and treatment of the homeless; commended Councilmember Kennedy and the Interactive Resource Center (IRC); referenced harassment; and the Greensboro Strong slogan.

Mitchell Fryor, 3404 Shaker Drive spoke to the Greensboro homeless community; aggressive behavior; unconstitutional laws; and to discriminatory policies.

Councilmember Kennedy inquired about Mr. Fryor's profession; and asked how long it took to qualify for assistance.

Mr. Fryor explained he was a Benefit Specialist for the IRC; and stated it could take up to three years for assistance.

Richard Vaught, 407 East Washington Street referenced the history of the ordinance; the legality of the regulation; voiced concern with issues surrounding homelessness; and stated that Council needed to hear the homeless.

Nancy Lenk, 1005 South Aycock Street representing Democracy Greensboro voiced support of repealing the ordinance; referenced those that lost homes from the tornado; emphasized the need for compassion; and spoke to laws that governed behaviors.

Hester Petty, 3402 Canterbury Street voiced opposition to the panhandling ordinance; provided an assault definition; spoke to public safety; unconstitutional ordinances; and to giving donations and scams.

Marcus Hyde, 211 South Mendenhall expressed appreciation for Council's attention to the issue; spoke to the current ordinance; the repeal of the ordinance; requested the City not rush into bad law; spoke to compelling government interests; to mass homelessness; and to low wages.

Rick Tolley, 5401 Greenough Way commended and voiced agreement with previous speakers.

Councilmember Kennedy spoke to active panhandling; the donation to the disaster relief by a person that was homeless; and requested the vote to be split to address the repeal and the revised language.

City Attorney Carruthers stated his recommendation was to repeal and replace the laws in question.

Council discussed existing laws; freedom regulations; personal safety; replacement ordinances; making decisions based on facts; enforcement of current laws; discrimination policies; the content of the proposed ordinance; changing policy; constitutional concerns; a work session update; laws that regulated citizens; and unacceptable behaviors.

Moved by Councilmember Kennedy, seconded by Mayor Pro-Tem Johnson, to separate the vote on the repeal of Chapter 13, Section 13-201 and repeal of all of Chapter 20 and the vote to amend the panhandling ordinance. The motion carried on the following roll call vote:

Ayes, 7 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy and Goldie F. Wells

Nays, 2 - Justin Outling and Tammi Thurm

Moved by Councilmember Kennedy, seconded by Councilmember Wells to repeal Chapter 13, Section 13-201 and all of Chapter 20. The motion carried by the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

18-043 ORDINANCE TO REPEAL AND REENACT CHAPTER 20 WITH RESPECT TO PEDDLERS, SOLICITORS, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 20 is hereby repealed in its entirety and re-enacted as follows:

Chapter 20 - PEDDLERS, SOLICITORS, PANHANDLERS, ITINERANT MERCHANTS, ETC.

ARTICLE I. - IN GENERAL

Sec. 20-1. Regulations of Solicitation in Public Places

(a) Intent and Purpose.

It is the intent of Council in enacting this Ordinance to recognize free speech rights for all citizens while at the same time protecting the coexistent rights for all citizens to enjoy safe and convenient travel in public spaces free from intimidating conduct, threats, and harassment that stem from certain types of abusive solicitation, or that may give rise to interference with other's activities if they occur in particular settings and contexts.

The purpose is to regulate certain conduct to preserve the public order, to protect the citizens of the City of Greensboro and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without

unconstitutionally impinging upon protected speech, expression, or conduct.

(b) Definitions.

(1) For the purpose of this section, solicit means actions that are conducted in the public place in the furtherance of the purpose of collecting money or contributions for the use of one's self or others. As used in this ordinance, the word, "solicit" and its forms shall include the following acts:

(a) Panhandling, begging, charitable or political soliciting means actions that are conducted in the furtherance of the purpose of collecting contributions for the use of one's self or others;

(b) Peddling means transporting goods from place to place and selling or exposing the goods for sale, or without traveling from place to place, selling or offering for sale any goods from any vehicle or device; provided, that any separation of the acts of sale and delivery for the purpose of evading the provisions of this article, the acts shall be defined as peddling.

(c) Commercial Soliciting means traveling from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and using or occupying any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance.

(d) Itinerant Merchandising means engaging in a temporary business of selling and delivering goods and using or occupying any premises; provided that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

(e) Street Performing means audible or visual entertainment including but not limited to reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work.

(f) Mobile Food Vending means preparing or serving food or beverages for sale to the general public from a mobile piece of equipment or vehicle.

(2) For purposes of this section, public place shall be defined as a place where a governmental entity has title, and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theater, transportation facility, vendor location, school, place of amusement, park, or playground.

(c) It shall be unlawful to solicit aggressively in public places in any of the following manner:

(1) Approaching or speaking to someone in such a manner or voice including but not limited to using profane or abusive language as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession, or otherwise be intimidated into giving money or other thing of value;

(2) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

(3) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(4) Using violent or threatening gestures toward a person solicited;

(5) Soliciting from anyone who is waiting in line for entry to a building or for another purpose without the permission of the owner or landlord or their designee;

(6) By forcing one-self upon the company of another by continuing to solicit in close proximity to the person addressed or following that person after the person to whom the request is directed has made a negative response; or blocking the passage of the person addressed; or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands;

(7) By soliciting within twenty (20) feet of an automated teller machine which is defined as a device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to cash withdrawals, account transfers, deposits, balance inquires, and mortgage payments.

(d) Violations.

Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies

authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175.
State Law reference— Regulation of begging, G.S. § 160A-179.

Section 2. That this ordinance shall become effective upon adoption.

(Signed) Michelle Kennedy

Moved by Councilmember Outling, seconded by Councilmember Thurm to adopt the modifications of Chapter 13 and Chapter 20. The motion carried by the following roll call vote:

Ayes, 6 - Nancy Vaughan, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tammi Thurm

Nays, 3 - Yvonne J. Johnson, Michelle Kennedy and Goldie F. Wells

ORDINANCE REPEALING CHAPTER 13, SECTION 13-201 WITH RESPECT TO LICENSES, TAXATION, BUSINESS PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS AND CHAPTER 20 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO PEDDLERS, SOLICITORS, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1 – Chapter 13, Section 13.201 Division 2. - Business permit for specific businesses is hereby repealed as follows:

Sec. 13-201. - Panhandlers.

Every person engaged in the business of asking or soliciting for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place by using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value shall apply for and obtain a business permit. A business permit issued in accordance with this section shall be non-transferable and shall be issued at no cost.

Section 2 – Chapter 20 of the Greensboro Code of Ordinances is hereby repealed in its entirety as follows:

ARTICLE I. - IN GENERAL

Sec. 20-1. - Begging or soliciting alms.

- (a) Permitted. It shall be lawful to beg or solicit alms except in a manner set forth in subpart (b) of this section.
- (b) Prohibited conduct while begging or soliciting alms. It shall be unlawful for any person to ask, beg, or solicit alms or contributions of money, food, or clothes, or exhibit oneself for the purpose of begging or soliciting alms or such contributions, by (i) accosting another, or (ii) forcing one-self upon the company of another.
- (c) Definitions.
 - (1) For purposes of this section, "ask, beg or solicit" shall include, without limitation, the spoken, written or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining alms or contributions of money, food, or clothing.
 - (2) For purposes of this section, "accosting" or "aggressive manner" shall be defined as:
 - a. Approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession, or otherwise be intimidated into giving money or other thing of value;
 - b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
 - c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
 - d. Using violent or threatening gestures toward a person solicited;
 - e. Following the person being solicited, with the intent of asking that person for money or other things of value;
 - f. Speaking in a volume unreasonably loud under the circumstances;
 - g. Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.
 - (3) For purposes of this section, "forcing one-self upon the company of another" shall be defined as (i) continuing to request, beg or solicit alms or contributions of money, food, or clothing in close proximity to the person addressed after the person to whom the request is directed has made a negative response; or (ii) blocking the

passage of the person addressed; or (iii) otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(4) For purposes of this section, "panhandling" shall be defined as asking or soliciting, for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place. Asking or soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value.

(5) For purposes of this section, "public place" shall be defined as a place where a governmental entity has title, and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theatre, transportation facility, vendor location, school, place of amusement, park, or playground.

(6) For purposes of this section, "financial institution" shall be defined as any banking corporation, credit union, foreign exchange office, check cashing business, or other financial business.

(7) For purposes of this section, "automated teller machine" shall be defined as a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(8) For purposes of this section, "automated teller machine facility" shall be defined as the area comprised of one (1) or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

(d) Severability. If any portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

State Law reference— Regulation of begging, G.S. § 160A-179.

Secs. 20-2—20-15. - Reserved.

ARTICLE II. - PEDDLERS, TRANSIENT VENDORS, ETC.

Sec. 20-16. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Panhandler means any person asking or soliciting for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place. Asking or soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value.

Peddler means any person who transports goods from place to place and sells or exposes the goods for sale, or who, without traveling from place to place, sells or offers for sale any goods from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed a peddler.

Solicitor means any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance.

Transient vendor means any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any premises; provided that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

Sec. 20-17. - Exemptions.

The provisions of this article shall not apply to bona fide members of charitable, religious, civic, or fraternal organizations which are exempt from the payment of business permits, and who receive no compensation of any kind for their services.

Sec. 20-18. - Registration.

(a) Any person doing business in the city as peddler, solicitor, or transient vendor shall file with the chief of police, on a form to be provided for that purpose, a statement setting forth:

- (1) The name of his company, if applicable, or his name.
- (2) The company's address or his address.
- (3) The goods to be sold or offered for sale, or the type of services to be rendered.
- (4) The period during which the business will be conducted.
- (5) The name of the supervisor, if applicable.
- (6) The address of the supervisor, if applicable.
- (7) The name of each solicitor or agent who will be in the city during the period of operation and his color, sex, height, weight, and distinguishing characteristics, if any.
- (8) The total number of persons in the crew, if applicable.
- (9) A description of each automobile or other vehicle to be used in the business, showing the make, model, body style, color and license number.
- (b) Any person begging or soliciting alms for personal gain shall file with the chief of police, on a form to be provided for that purpose, a statement setting forth:
 - (1) The person's name;
 - (2) The person's address;
 - (3) The person's date of birth and state and country of birth;
 - (4) A description of the person's automobile, including the VIN number and state of registration, make, model, body style, color and license number; and
 - (5) The person's drivers license number or NCDMV identification number.

Sec. 20-19. - Orders.

All orders taken by permitted solicitors of whom a bond is required shall be reduced to writing showing the terms of the order and the amount paid in advance, and one (1) copy of such written order shall be given to the purchaser.

(Code 1961, § 11-107(c); Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Sec. 20-20. - Prohibited conduct.

Every person who solicits or sells door to door at private residences shall only conduct this activity between sunrise and sunset. He or she shall not:

- (1) Enter into the residence without the express consent of the person at the residence;
- (2) Use profane or abusive language either during the solicitation or following a refusal;
- (3) Make any gesture or other form of communication by which a reasonable person would perceive to be a threat;
- (4) Refuse to leave the premises immediately upon the request of the person at the residence.

Secs. 20-21—20-45. - Reserved.

ARTICLE III. - CHARITABLE, ETC., SOLICITATIONS

DIVISION 1. - GENERALLY

Sec. 20-46. - Reports.

The city clerk may require from any permittee under this article any reports or information at any time and at such intervals as in the discretion of the city clerk shall be necessary for the successful administration of the provisions of this article and the protection of the health, life and property of the citizens of the city.

Sec. 20-47. - Revocation.

If, upon receipt of written information or upon investigation, the city clerk shall find that any agent or representative of a permittee under this division is misrepresenting or making untrue statements with regard to solicitation, or has made untrue statements in the application, or that in any other way the solicitation has been conducted or is being conducted in a manner inimical to the protection of the health, life and property of the citizens of the city and not in conformity with the intent and purpose of this section, or representing in any way that any permit granted hereunder is an endorsement of such solicitation, then it shall be the duty of the city clerk to revoke the permit. Before any permit is revoked, the city clerk shall give the permittee twenty-four (24) hours' notice in writing that a hearing is to be had; and that at the hearing the city clerk shall ascertain the facts and, if any reasons set forth for revoking the permit are found to exist, the permit shall be revoked. Any person denied a permit or whose permit has been revoked by the city clerk may appeal to the city council.

Secs. 20-48—20-60. - Reserved.

DIVISION 2. - PERMIT

Sec. 20-61. - Required.

(a) It shall be unlawful for any person or for any agent, member or representative thereof, directly or indirectly, to solicit property or financial assistance of any kind, to sell or offer to sell any article, tag, service emblem, publication, ticket, advertisement, subscription or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds thereof, is for a charitable, educational, patriotic or philanthropic purpose, on the streets, in any office or business building, by house to house canvass, or in any other public or private place, by telephone, personal solicitation, by mail, or in any other way, in the city unless such person shall have first duly secured a permit pursuant to this division.

(b) The provisions of subsection (a) shall not apply to any established society, association or corporation that is organized and operated exclusively for educational, philanthropic, benevolent, fraternal, charitable or reformatory purposes, not operated for pecuniary profit, where no part of the net earnings of which inure to the benefit of any person, private shareholder or individual, and where the solicitation of such organization shall be conducted solely among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation or where such solicitation may be in the form of collections or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order or fraternity or similar organizations, or of any branch thereof.

(c) Subsection (a) does not apply to:

(1) Any person who solicits charitable contributions for a religious purpose or on behalf of a person established for a religious purpose shall not be required to apply for a permit.

(2) Solicitation of charitable contributions by federal, state or local government, or any agency thereof.

Sec. 20-62. - Application.

A written application for the permit required by this division shall be sworn to and filed with the city clerk. The application shall contain the following information:

(1) Name of the organization applying for a permit to solicit and the address of its headquarters.

(2) Names and addresses of its principal officers and management.

(3) The purpose for which any receipts derived from such solicitation are to be used.

(4) The name of the person or persons by whom the receipts of such solicitation shall be disbursed.

(5) The name and address of the person or persons who will be in direct charge of conducting the solicitation.

(6) An outline of the method or methods to be used in conducting the solicitation.

(7) The time when such solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitation.

(8) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to anyone in connection with such solicitation, together with the manner in which such wages, fees, expenses, commission or emoluments are to be expended, to whom paid, and the amount thereof.

(9) A financial statement for the last preceding fiscal year of any funds collected for the purposes for which a permit is required by this division by the organization or persons seeking a permit for such solicitation. The statement shall give the amount of money so raised, together with the cost of raising it and the final determination thereof.

(10) If any permit is required under the Charitable Solicitations Act [G.S. Ch. 131C]; a copy of the permit.

(11) A full statement of the character and extent of the charitable, educational or philanthropic work being done by the applicant organization within the city.

(12) Such other information as may be required by the city clerk in order to fully determine the kind, character and worthiness of the proposed solicitation and as to whether or not such solicitation is in the interest of protecting the health, life and property of the citizens of the city and in the interest of preserving and enforcing good government and for the security of the city and its inhabitants.

Sec. 20-63. - Investigation and issuance.

Upon receipt of a completed application for the permit required by this division, the city clerk shall make or cause to be made such investigation as he shall deem necessary in regard thereto in order to determine that such proposed solicitation is, in fact, to be conducted for worthy charitable, educational, philanthropic or patriotic purpose, and that the proceeds from such solicitation shall be so used, and if the city clerk shall be satisfied that the cause for which such solicitation is to be made is, in fact, for a worthy charitable, educational, patriotic or philanthropic purpose and that the proceeds derived from such solicitation will be used for such purpose and that such solicitation is not promoted or conducted primarily for the private profit of its promoters, and that such solicitation will not be incompatible with the protection of health, life and property of the citizens of the city, then the city clerk shall approve such application and shall issue a permit to such applicant for the proper period.

Sec. 20-64. - Expiration; renewal and transfer.

(a) The city clerk shall determine from the application for the permit required by this division and from such facts as may be developed in connection with the permit application the period for which such permit shall be approved and granted. Such period shall not exceed three (3) calendar months, however upon further application, information or reports as may be deemed to safeguard the interest of the public and carry out the purposes of this section, the city clerk may renew and extend such permit for additional periods, not to exceed three (3) calendar months.

(b) Any permit issued under this division shall be nontransferable; provided, however, that a permittee may use any number of solicitors and representatives as shall be reported to the city clerk.

ARTICLE IV. - PERSONS BEGGING OR SOLICITING ALMS FOR PERSONAL GAIN

Footnotes:

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Cross reference— Begging or soliciting alms, § 20-1.

Sec. 20-65. - Intent.

The purpose of this article is to require the registration and permitting of street peddlers, beggars and charitable solicitors who attempt to solicit sales or contributions for their own personal gain from occupants of vehicles and pedestrians on certain streets and sidewalks within the City of Greensboro, and to thereby regulate and ensure the safety of vehicular and pedestrian traffic flow and to promote roadway safety and sidewalk safety. The provisions of this article shall not apply to bona fide members of charitable, religious, civic or fraternal organizations which are exempt from the payment of business permits and who receive no compensation of any kind for their services. Those persons excluded under the provisions of article III, subsections 20-61(b) and (c) are excluded from the provisions of this article.

Sec. 20-66. - Registration and business permit required.

No person shall sell, or offer for goods for sale, or solicit contributions for their own personal benefit or engage in any other form of commercial speech in the City of Greensboro unless such persons have previously registered therefore and obtained the panhandler business permit required under section 13-181 of the Greensboro Code of Ordinances.

Editor's note— Ord. No. 15-073, § 1(Exh. C), adopted June 16, 2015, changed the title of § 20-66 from "Registration and privilege license required" to "Registration and business permit required." This historical notation has been preserved for reference purposes.

Sec. 20-67. - Business permit procedures.

(a) Applications for panhandler business permits from individuals under this article shall be submitted to the office of the city manager or his designee on forms provided by the office of the city manager or his designee. The applicant shall submit an application and shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. Thereafter, any panhandler business permit issued shall be valid until the end of the fiscal year in which said permit was issued or for such other period as may be specified on the permit or until information is discovered that causes the permittee, in the opinion of the city manager or his designee, to become disqualified. In such instances of disqualification, any panhandler business permit having been issued shall be revoked by the city manager or his designee.

(b) Upon receipt of information or reports of violation of this article or other disqualifying events as set forth in section 20-71 or 20-72, the city manager or his designee may refuse to issue, refuse to renew or may revoke business permits as deemed necessary to safeguard the interest of the public and to carry out the purposes of this article, which are to promote public safety and convenience on the streets and sidewalks of the City of Greensboro.

(c) Any panhandler business permit issued under this article shall be nontransferable.

Editor's note— Ord. No. 15-073, § 1(Exh. C), adopted June 16, 2015, changed the title of § 20-67 from "Privilege license procedures" to "Business permit procedures." This historical notation has been preserved for reference purposes.

Sec. 20-68. - Time.

Any person who begs or solicits alms for his or her own personal gain after sunset or before sunrise is guilty of a misdemeanor. Any person who begs or solicits alms for his or her own personal gain in a school zone during the time of arrival of students at the beginning of the school day and/or during the time of departure of students at the end of the school day is guilty of a misdemeanor.

Sec. 20-69. - Place.

Any person who begs or solicits alms for his or her personal gain when the person is in any of the places listed below is guilty of a misdemeanor:

- (1) At any bus or train stop;
- (2) In any public transportation vehicle, facility, transit stop or taxi stand;
- (3) In any vehicle on the street; or
- (4) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property; or
- (5) Within three hundred (300) feet of or in any public or private school property, which shall include, but not be limited to, primary and secondary educational facilities, job training or continuing educational facilities, or any daycare or childcare facility.
- (6) On any sidewalk adjacent to a motion picture theatre, outdoor theatre or palladium, any valid vendor location, or where a line of patrons has formed.
- (7) Within one hundred (100) feet of the property of any financial institution, or any automated teller machine. Financial institution as used in this section means any bank, trust company, savings and loan association, credit union, check-cashing business, any other entity principally engaged in the business of lending or receiving or soliciting money on deposit; or
- (8) Within twenty (20) feet of the entrance to any commercial establishment or private residence; or
- (9) In any parking, deck, garage or surface parking lot, or within twenty (20) feet of the entrance and exits of these areas, or within twenty (20) feet of any parking meter or parking kiosk; or
- (10) Upon any street or highway which shall include the main traveled portion of such streets or highways, shoulders, curbs, medians, marked or unmarked crosswalks, and right-of-way areas adjacent to and outside of the main traveled portion of streets or highways, not including sidewalks; or
- (11) Within one thousand (1,000) feet of any off-ramp, on-ramp, exit, entrance, merging lanes or interchange for any numbered U.S. highway or interstate, including upon sidewalks, shoulders, curbs, medians, marked or unmarked crosswalks and rights-of-way.

Sec. 20-70. - Manner.

Any person who begs or solicits alms for his or her own personal gain in any of the following manners is guilty of a misdemeanor:

- (1) By coming within three (3) feet of the person being solicited, until that person has clearly indicated that he or she wants to make a donation;
- (2) By blocking the path of the person being solicited along a sidewalk or street;
- (3) By following the person being solicited after they have walked away;
- (4) By using profane or abusive language, either during the solicitation, or following a refusal;
- (5) By soliciting in a group of two (2) or more people; or
- (6) By any statement, gesture, or other form of communication by which a reasonable person in the situation of the person solicited would perceive to be a threat.
- (7) While under the impairing influence of any drug, alcohol, chemical or controlled substance; or

Sec. 20-71. - False or misleading solicitation.

(a) Any person who knowingly makes any false or misleading representation in the course of soliciting a donation or begging for alms is guilty of a misdemeanor. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (2) Stating that the donation is needed to meet a need which does not exist;
- (3) Stating the solicitor is from out of town and stranded when that is not true;
- (4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
- (5) Wearing or displaying an indication of physical or mental disability, when the solicitor does not suffer the disability indicated;
- (6) Use of any makeup or device to simulate any deformity; or
- (7) Stating that the solicitor is homeless, when he or she is not.

(b) Any person who solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of a misdemeanor.

(c) This section establishes a single offense. Evidence, which establishes that the defendant violated the section, is sufficient for conviction and need not establish which subdivision was violated.

(Ord. No. 03-81, 4-15-03)

Sec. 20-72. - Business permit required.

(a) No person shall beg or solicit alms for personal gain without first registering and obtaining a panhandler business permit issued by the tax department. A person who has registered and who has been issued a panhandler business permit shall keep it displayed on his or her chest, hanging from a lanyard or clipped to their garment, so that the name, type of permit and date of expiration is visible at all times while begging or soliciting alms for personal gain and shall show it to any law enforcement officer or the city manager or his designee immediately upon request. No person whose panhandler's business permit has been revoked shall beg or solicit alms for a period of two (2) years following the date of the revocation. Any person who violates this subsection is guilty of a misdemeanor.

(b) The city manager or his designee's office shall issue a panhandler business permit, without fee, to any eligible person (a person shall be deemed eligible once they demonstrate, to the satisfaction of the city manager or his designee, their ability to satisfy the requirements for licensure as are spelled out in this chapter) who comes to the city manager or his designee's office and presents a picture identification issued by NCDMV and one (1) other form of identification.

(c) A person is not eligible for a panhandler business permit or renewal of a panhandler business permit if:

(1) The city manager or his designee has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter within a period of five (5) years preceding the application for permit;

(2) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of two (2) or more offenses within a period of five (5) years preceding the application for permit where each offense involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence which in North Carolina is classified for sentencing purposes as a class E felony or below, including a misdemeanor, or constitutes an offense in another jurisdiction which is a substantially equivalent offense to a class E felony or below, including a misdemeanor, in North Carolina; or

(3) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses within a period of ten (10) years preceding the application for permit where the offense(s) involved an assault, communicating a threat, any sexual offense or abuse involving a minor, any offense to be determined to be a sexually violent offense, illegal use of a weapon or other act of violence or attempted violence which are classified for sentencing purposes as a class D felony or above in North Carolina or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to a class D felony or above in North Carolina; or

(4) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses of homicide under G.S. § 14-17 or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to homicide under G.S. § 14-17, within a period of twenty (20) years preceding the application for permit; or

(5) The person otherwise does not qualify for a business permit in accordance with this chapter.

(d) The panhandler business permit shall display the essential rules and regulations of this chapter. Such rules shall serve as a compliance guide for the permittee.

(e) Any person who makes any false or misleading statement while applying for a panhandler's business permit under this chapter is guilty of a misdemeanor. Upon receipt of information of such a violation, the city manager or his designee shall decline to issue a business permit to the offending applicant or shall revoke the permit of the offending permittee.

(f) If a person applies for or is issued a business permit under this chapter and the city manager or his designee receives information that the person has violated any provision of this chapter, the city manager or his designee shall decline to issue or shall revoke, respectively, that person's business permit for a period of two (2) years.

(g) If the city manager or his designee refuses to issue a business permit under this article, or revokes a business permit issued under this article, the person to whom the permit is refused or revoked may appeal the decision of the city manager or his designee following the procedures described in subsections 13-193(c) and (d).

Editor's note— Ord. No. 15-073, § 1(Exh. C), adopted June 16, 2015, changed the title of § 20-72 from "Privilege license required" to "Business permit required." This historical notation has been preserved for reference purposes.

Sec. 20-73. - Violations.

Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175. A police officer observing a violation of this article shall confiscate the panhandler business permit and return it to the tax department. The permittee may appear

before the city manager or his designee and show cause, to the satisfaction of the city manager or his designee, why the permit should not be revoked.

Sec. 20-74. - Enforcement.

Any enforcement actions taken by the city, including, but not limited to, notices of violation, revocations of privilege license, decision of the zoning administrator, or decision of the city manager or his designee, while the city was acting under the authority granted to it by the ordinances pertaining to privilege licenses, shall remain in effect and shall be enforced under the provisions of this chapter.

Section 3. – That this ordinances shall become effective upon adoption.

(Signed) Justin Outling

Discussion took place regarding repeated solicitation; court challenges; research by Duke scholars; the recommendation of staff for a replacement ordinance; restrictions to certain areas for solicitations; potential legal action by the ACLU; the level of misdemeanor and felony charges; concerns with the proposed ordinance amendment terminology; a baseline to start new policy; and the statistics for panhandling arrests.

Police Chief Wayne Scott outlined the history of criminal charges and prosecution of panhandling violators.

Discussion continued regarding the content of the proposed amendment; clarification of discrimination connections; not focusing on individual classes; and making additional amendments in the future.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer A, Exhibit No. 9 which is hereby referred to and made a part of these minutes)

The above ordinance was brought up for reconsideration at the May 15th meeting of Council, was adopted by a 5-4 vote, and A SECOND READING will be required at the June 5th meeting of Council with a vote to be taken at a future meeting of Council. Therefore the ordinance is NOT in effect at this time.

29. [ID 18-0210](#) Ordinance Rezoning Property Located at 604 E Gate City Boulevard and 701 & 703 Martin Street - (Shehzad Quamar representing S&S Holdings of Greensboro, LLC)

Mayor Vaughan stated this was the time and place set for a public hearing to consider an Ordinance Rezoning Property Located at 604 E Gate City Boulevard and 701 & 703 Martin Street - (Shehzad Quamar representing S&S Holdings of Greensboro, LLC).

Carl Brown, 907 Douglas Street spoke to the prior opposition by the neighborhood; to a Memorandum of Understanding agreement; and confirmed support for the item.

It was the consensus of Council to close the public hearing.

Moved by Councilmember Wells, seconded by Councilmember Abuzuaiter, to adopt the ordinance and stated the Greensboro City Council believed that its action to recommend approval the zoning amendment, for the property located at 604 East Gate Boulevard and 701-703 Martin Street from R-5 (Residential Single Family) to C-L (Commercial Low) to be consistent with the adopted Connections 2025 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas; and the request is consistent with the Economic Development goal to promote a healthy, diversified economy. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

18-044 AMENDING OFFICIAL ZONING MAP

604 EAST GATE CITY BOULEVARD AND 701 AND 703 MARTIN STREET, GENERALLY DESCRIBED AS THE SOUTHEAST CORNER OF EAST GATE CITY BOULEVARD AND MARTIN STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from R-5 (Residential Single Family) to C-L (Commercial Low).

The area is described as follows:

““BEGINNING at a stone at the southeast corner of East Gate City Boulevard and Martin Street; thence with Martin Street S 03° 15' W 57.3 feet to a stone; thence southwardly with the eastern margin of Martin Street 64.87 feet to a stake at the southwest corner of the 703 Martin Street property of A & S of Greensboro, LLC, as recorded at Deed Book 7999, Page 1842; thence eastwardly with the southern line of said property 180 feet to a stake at the southeast corner of said property; thence northwardly with the eastern line of said property, parallel with Martin Street, 64.87 feet to an iron pipe at the southeast corner of the 604 E. Gate City Boulevard property of A & S of Greensboro, LLC, as recorded at Deed Book 8011, Page 2241; thence northwardly parallel with Martin Street along the eastern line of said property 57.3 feet to a stake in the southern margin of E. Gate City Boulevard; thence westwardly with the southern line of E. Gate City Boulevard 100 feet to a stake; thence continuing with said line N 88° W 100 feet to the point and place of BEGINNING, containing approximately 0.52 acres. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.”

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the C-L (Commercial Low) zoning district unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 3. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 4. This ordinance shall be effective on April 24, 2018.

(Signed) Goldie Wells

30. [ID 18-0186](#) Ordinance to Change Name of South Aycock Street, North Aycock Street and a Portion of Westover Terrace between West Florida Street and West Wendover Avenue

Mayor Vaughan stated this was the time and place set for a public hearing to consider an Ordinance to Change Name of South Aycock Street, North Aycock Street and a Portion of Westover Terrace between West Florida Street and West Wendover Avenue.

Councilmember Kennedy left the meeting at 9:45 p.m. and returned at 9:49 p.m.

Lewis Brandon, III, 2308 Zornbrook Drive provided the history behind the request; commended Josephine Boyd's character; and recognized those in attendance to support the item.

Frannie Thompson, 3022 Karlingdale Drive spoke to the experiences and educational path for Ms. Boyd.

Clyde Dungee Jr., 2802 Green Crest Court spoke to segregation; to the sacrifices made by Ms. Boyd; to promoting education; and requested approval of the item.

Susan Farr, 2918 Liberty Road stated she assisted with the petition; spoke to meeting people in the neighborhoods; and stated Ms. Boyd had been a role model and an inspiration.

Richard Tolley, 5401 Greenough Way spoke to the Planning Board's recommendation; commended Ms. Boyd; read a News and Record quote; and spoke to honoring Ms. Boyd.

Rick Haose, 1412 DeSoto Place provided the history of and spoke to the sacrifice of those that died in World War 2; voiced concern with changing the name of Westover Terrace; and voiced opposition to the item.

John Johnson, 4962 Piney Grove Church Road, Siler City voiced opposition to the item; spoke to representing those that lived on Westover Terrace; referenced signatures of those in opposition; and requested Council only change the name of Aycock Street.

Cammie Ide, 643 Plainfield Road provided the history of a family owned business at Westover Apartments; spoke to compromise; inconveniences when required to change addresses; and asked Council to not change the name of Westover Terrace.

Ann Vaughan, 108 South Aycock voiced concern with the communication over the request; recommended alternatives for honoring Ms. Boyd; and requested the street name remain the same.

Ron Tuck, 1500 West Vandalia spoke to the things accomplished by Ms. Boyd; integration; provided the history of the African American community; spoke to the impact on business owners; to equality; and to the history of the Aycock name.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to close the public hearing. The motion carried by voice vote.

Discussion ensued regarding clarification on the impacted streets; recommendation by the Planning Board; the process for notifications; the effective date of a change; staff recommendations; and the contributions of Ms. Boyd.

Mr. Brandon stated the request was not to dishonor Charles Aycock.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

18-045 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective on January 2, 2019:

PRESENT NAME

South Aycock Street, North Aycock Street, and a Portion of Westover Terrace

PORTION

Between West Florida Street and West Wendover Avenue

NEW NAME

South Josephine Boyd Street and North Josephine Boyd Street

(Signed) Yvonne Johnson

31. [ID 18-0183](#) Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) With Respect To Zoning, Planning and Development - Swimming Pools and Interactive Water Features

Mayor Vaughan stated this was the time and place set for a public hearing to consider an Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) With Respect To Zoning, Planning and Development - Swimming Pools and Interactive Water Features.

It was the consensus of Council to close the public hearing.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

18-046 AMENDING CHAPTER 30 (LDO) AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Section 1. That Subsection (2) of Section 30-8-7.3(A), Typical Use Types, is hereby amended to read as follows:

(2) Batting cage, miniature golf facility, swimming pool, interactive water feature, and other similar outdoor entertainment activity.

Section 2. That Subsection (i) of Section 30-8-10.1(H) (1), Active Recreation Facilities, is hereby amended to read as follows:

(i) Active recreation facilities must comply with the following:

(i) Active recreational facilities must be set back at least 50 feet from adjacent abutting land used for single-family residential purposes.

(ii) Swimming pools and interactive water features are subject to the standards of Sec. 30-8-11.9.

Section 3. That Subsection (3) of Section 30-8-10.3(A), Amusement or Water Parks, Fairgrounds, is hereby amended to read as follows:

(3) Amusement equipment, machinery, swimming pools (including decking and equipment associated with the pool), interactive water features, and mechanical devices may not be operated within must be setback at least 200 feet of from any abutting residentially or PI zoned property.

Section 4. That Subsection (B) of Section 30-8-10.3, Recreational Uses, is hereby amended by adding a new subsection (3) to read as follows:

(3) Swimming Pools and Interactive Water Features
(see 30-8-11.9)

Section 5. That Subsection (1) of Section 30-8-10.3(C), Golf Courses, Driving Ranges, Country Clubs, is hereby amended to read as follows:

(1) Setbacks

Clubhouses, maintenance facilities, and other buildings, swimming pools (including decking and equipment

associated with the pool), interactive water features, and lighted tennis courts must be set back at least 50 feet from any abutting residentially zoned property.

Section 6. That Subsection (2) of Section 30-8-10.3(E), Parks and Open Areas, is hereby amended to read as follows:

(2) Setbacks

A minimum 50-foot setback must be maintained for all structures, picnic areas, playgrounds, swimming pools (including decking and equipment associated with the pool), interactive water features, basketball courts, and athletic fields from property lines adjacent abutting to residentially zoned or used property; however, the Planning Director may reduce setback requirements to no less than 10 feet at the time of site plan approval when conditions warrant a reduction. Possible conditions include building orientation, topography, distance to off-site improvements, physical obstructions, developability of the park site or developability of the adjacent site, or natural features.

Section 7. That Subsection (2) of Section 30-8-10.3(J), Sporting and Recreational Camps, is hereby amended to read as follows:

(2) All buildings and other structures, lighted athletic fields and courts, and swimming pools (including decking and equipment associated with the pool), and interactive water features must be set back at least 50 feet from abutting residentially zoned property.

Section 8. That Subsection (K) of Section 30-8-10.3, Recreational Uses, is hereby amended to read as follows:

(K) Swim and Tennis Clubs

(1) Setbacks

Clubhouses, maintenance facilities, and other buildings, swimming pools (including decking and equipment associated with the pool), interactive water features, and lighted tennis courts must be set back at least 50 feet from any abutting residentially zoned property.

(2) Minimum Area

The site must be at least 2 acres in area. When located in the TN district or included as part of a common area within a development, the minimum size is one acre.

(3) Fencing

Outdoor swimming pools must be protected by a fence (or equal enclosure such as a wall or continuous hedge), a minimum 4 feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. Refer to North Carolina State Building Code for fencing requirements.

Section 9. That Subsection (2) of Section 30-8-11.1(C), Interior Setbacks, is hereby amended to read as follows:

(2) Residential Districts

Accessory structures must be set back at least 3 feet from side and rear lot lines. In the R- districts, this setback must be increased to at least 10 feet for accessory structures over 15 feet tall.

Section 10. That Section 30-8-11.9, Swimming Pools and Interactive Water Features, is hereby amended to read as follows:

30-8-11.9 Swimming Pools and Interactive Water Features

(A) Swimming Pools and Interactive Water Features

(1) Easements

Swimming Pools and Interactive Water Features may not be located in an easement unless otherwise expressly stated.

(2) Proportion

Swimming pools and interactive water features must be clearly subordinate to the principal structure in all dimensional aspects.

(B) Swimming Pool Enclosures Fencing

Pools must be protected by a fence (or equal enclosure such as a wall or continuous hedge), a minimum 4 feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. Refer to North Carolina State Building Code for fencing requirements.

(C) Private Residential Swimming Pools and Interactive Water Features on Lots with Single-family Dwellings and Two-family Dwellings

(1) Private Swimming pools (as well as the decking and equipment associated with the pool) and interactive water features that are located on single-family and two-family, duplex, and multi-family lots that are less than one acre in area must be located behind the principal structure (when viewed from a road or street). On lots that are one acre or larger, the pool or interactive water feature may be located in front of the principal structure, but not in a required street setback.

(2) In no case may a swimming pool or interactive water feature (measured from the edge of water) be located closer than 5 feet to any property line.

(3) Swimming pools and interactive water features (measured from the edge of water) must be separated by at least 5 feet from any other structure, swimming pool, or interactive water feature on the lot.

Commentary: For the purposes of this section the housing types "Traditional House" and "Zero Lot Line" are considered single-family detached dwellings, the housing types "Twin Home" and "Duplex" are considered two-family dwellings, and the housing type "Townhouse" is considered multi-family.

(D) Outdoor Community Pools or Pools in Multi-family Complexes Swimming Pools and Interactive Water Features in Multi-family Developments

(1) Swimming pools (as well as decking and equipment associated with the pool) and interactive water features must be located behind the front structure line of the principal structures.

(2) In no case may a swimming pool or interactive water feature (measured from the edge of water) be located closer than 20 feet to any property line.

(3) Swimming pools (as well as decking and equipment associated with the pool) and interactive water features must be set back at least 50 feet from any principal building containing a residential use on an abutting property abutting residentially zoned property.

(4) Swimming pools (as well as decking and equipment associated with the pool) and interactive water features must be separated by at least 5 feet from any other structure, swimming pool, or interactive water feature on the lot.

(5) The Technical Review Committee is authorized to approve Type 2 Modifications of the standards of this subsection in accordance with 30-4-11.

(E) Swimming Pools and Interactive Water Features in Non-residential and Mixed Use Developments

(1) Swimming pools (as well as decking and equipment associated with the pool) and interactive water features may be located in front of the front structure line of the principal structures but are not allowed in a required setback for the zoning district.

(2) Swimming pools (as well as decking and equipment associated with the pool) and interactive water features must be set back at least 50 feet from any abutting residentially zoned property.

(3) Swimming pools (as well as decking and equipment associated with the pool) and interactive water features must be separated by at least 5 feet from any other structure, swimming pool, or interactive water feature on the lot.

(4) Any swimming pool (as well as decking and equipment associated with the pool) and interactive water feature that is integrated into a building or structure must observe the minimum setbacks and maximum height of that building or structure.

Section 11. That Section 30-15-3, Terms Beginning with "B", is hereby amended by adding a new definition for "Building Coverage" in alphabetical order and to read as follows:

Building Coverage

The total land area covered by buildings on a zone lot.

Section 12. That Section 30-15-10, Terms Beginning with "I", is hereby amended by adding a new definition for "Interactive Water Feature" in alphabetical order and to read as follows:

Interactive Water Feature

An interactive device or structure such as a water fountain, water spray, dancing water jet, waterfall, dumping bucket, or shooting water cannon through which water is directed to the user.

Section 13. That the definition for "Swimming Pool" within Section 30-15-18, Terms Beginning with "S", is hereby amended to read as follows:

Swimming Pool

A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches designed, used, and maintained for swimming and bathing. Any structure intended for swimming or recreational bathing that is designed to contain water over 24 inches deep. This includes any 100 square feet and larger in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

Section 14. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 15. This ordinance shall become effective upon date of adoption.

(Signed) Marikay Abuzuaiter

32. [ID 18-0206](#) Resolution to Revoke Resolution #322-13 Dated November 12, 2013 and Resolution #301-13 Dated October 15, 2013 to Rescind Approval for a Shovel Ready Sites Loan for Samet Corporation

Mayor Vaughan stated this was the time and place set for a public hearing to consider a Resolution to Revoke Resolution #322-13 Dated November 12, 2013 and Resolution #301-13 Dated October 15, 2013 to Rescind Approval for a Shovel Ready Sites Loan for Samet Corporation and a Resolution Authorizing a Reimbursement of up to \$624,120.00 to Samet Corporation for the Design and Construction of Public Sewer Infrastructure Improvements to Facilitate the Industrial Development of a Site Located at 2335 Campground Road.

Brian Hall, 309 Gallimore Diary Road with Samet Corporation made a PowerPoint Presentation; provided the history of the item; spoke to shovel ready sites; provided images of the site; an update on the progress of the project; highlighted challenges; spoke to state assistance with environmental clean up; and outlined the request for extension of sewer lines.

It was the consensus of Council to close the public hearing.

Mayor Vaughan voiced support for the item; and spoke to the benefits of the project.

Councilmember Hightower asked for clarification of funding.

Assistant City Manager Barbara Harris spoke to designation of the 2006 Economic Development Bond funds for sewer infrastructure.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

077-18 RESOLUTION TO REVOKE RESOLUTION # 322-13 DATED NOVEMBER 12, 2013 AND RESOLUTION #301-13 DATED OCTOBER 15, 2013 TO RESCIND APPROVAL FOR A SHOVEL READY SITES LOAN FOR SAMET CORPORATION.

WHEREAS, on October 15, 2013, the City Council adopted Resolution #301-13 which approved an economic development incentive loan not to exceed \$500,000.00 and Resolution #322-13 adopted on November 12, 2013, to increase the loan by \$100,000.00 to Samet Corporation;

WHEREAS, representatives of Samet Corporation have informed the City that the company no longer wishes to receive an economic development loan from the City;

WHEREAS, revoking the economic development loan will allow the funds to be utilized for other public purposes;

WHEREAS, the City Council of the City of Greensboro deems it to be in the best interest of the City to revoke Resolution #322-13 and Resolution #301-33 to rescind approval for a \$600,000.00 economic development loan to Samet Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. It revokes the October 15, 2013 and November 12, 2013 approval of Resolution #301-13 and #322-13 thus rescinding its approval of the economic development loan to Samet Corporation.
2. It authorizes the City Manager or his designee to unencumber the \$600,000.00 encumbered for the grant and to utilize the funds for other public purposes; and
3. This resolution is effective upon adoption.

(Signed) Sharon Hightower

- 33. [ID 18-0146](#)** Resolution Authorizing a Reimbursement of up to \$624,120.00 to Samet Corporation for the Design and Construction of Public Sewer Infrastructure Improvements to Facilitate the Industrial Development of a Site Located at 2335 Campground Road

Moved by Councilmember Hoffmann, seconded by Councilmember Abuzuaite, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

078-18 RESOLUTION AUTHORIZING A REIMBURSEMENT OF UP TO \$624,120.00 TO SAMET CORPORATION FOR THE DESIGN AND CONSTRUCTION OF PUBLIC SEWER INFRASTRUCTURE IMPROVEMENTS TO FACILITATE INDUSTRIAL DEVELOPMENT OF A SITE LOCATED AT 2335 CAMPGROUND ROAD

WHEREAS, on March 7, 2006, the City Council adopted the Urban Development Investment Guidelines to aid interested developers by providing information on what projects will be accepted for consideration of public participation by the City, what information is required to be submitted, and what criteria will be used in evaluating and recommending requests for City assistance;

WHEREAS, on August 6, 2007, the City Council adopted Urban Development Investment Guidelines - Corporate/Industrial Park Addendum whereby the City may participate financially in the development of certain private improvements to promote economic development in accordance with the Guidelines and NCGS Section 158-7.1;

WHEREAS, Samet Corporation is evaluating an investment in new industrial development at an existing site, 2335 Campground Road southeastern Guilford County;

WHEREAS, the development is expected to bring new industrial investment and jobs to an area of Greensboro that is currently underserved;

WHEREAS, the developer is seeking voluntary annexation into the city of Greensboro;

WHEREAS, but for the public participation in bringing City public sewer infrastructure and access to the site, the development is not financially feasible;

WHEREAS, it is further anticipated that the developer will invest up to a total of \$10,000,000.00 in capital to develop the industrial site and construct two buildings;

WHEREAS, the developer will invest up to \$5,000,000.00 in capital to construct a 120,000 sf speculative building with anticipated completion of December 2018;

WHEREAS, Samet Corporation will make the public sewer improvements and be reimbursed by the City in accordance with §2-91, Infrastructure Reimbursement Agreements, of the City's Code of Ordinances which includes compliance with the City's M/WBE Program for design and construction of water and sewer infrastructure;

WHEREAS, Samet Corporation will be required to repay the City of Greensboro the entire \$624,120.00 of public investment in the new sewer infrastructure if new development has not resulted in new businesses creating at least 13 new full-time equivalent jobs on the site and/or outparcels by December 31, 2020;

WHEREAS, a public hearing was held on April 17, 2018, in accordance with N.C.G.S. 158-7.1 setting out the particulars of the request and the public benefits to be derived from said improvements;

WHEREAS, on April 17, 2018, the City Council adopted Resolution No. 234-16 and found that it is deemed in the best interest of the City to enter into a participatory agreement with Samet Corporation to share the cost of the above mentioned improvements whereby the City shall reimburse the company up to a maximum of \$624,120.00 for public sewer infrastructure costs based on a portion of new anticipated taxes to be received from the new project and upon the creation of new employment. The grant shall be paid before the jobs are created and the total capital investment has been made, and after the City has confirmed that the developer has invested up to \$624,120.00 in design and construction of the proposed public sewer infrastructure improvements to City standards.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That in accordance with the City's Urban Development Investment Guidelines and pursuant to N.C.G.S. 158-7.1, a grant reimbursement and participatory agreement between the City of Greensboro and Samet Corporation not to exceed \$624,120.00 for sewer infrastructure improvements, additional new capital investment and the creation of at least 13 new full-time equivalent jobs on or before December 31, 2020, is hereby approved, and the City Manager and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement.

(Signed) Nancy Hoffmann

III. GENERAL BUSINESS AGENDA

34. [ID 18-0200](#) Boards and Commissions Listing for April 17, 2018

Moved by Councilmember Hoffmann, seconded by Mayor Pro-Tem Johnson to reappoint Chuck Truby to the Board of Adjustment. The motion carried by voice vote.

Councilmember Wells placed the name of Gerardo Roach into the databank. Moved by Councilmember Wells,

seconded by Mayor Pro-Tem Johnson to reappoint Frankie Jones to the ABC Board. The motion carried by voice vote. Discussion took place regarding other appointments for Mr. Jones.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to reappoint Daniel Lyons to the ABC Board. The motion carried by voice vote. Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to reappoint Carolyn Biggerstaff to the Minimum Housing Commission. The motion carried by voice vote. Moved by Councilmember Hightower, seconded by Councilmember Wells to reappoint Quentin Brown to the Minimum Housing Commission. The motion carried by voice vote.

35. [ID 18-0180](#) Ordinance in the Amount of \$4,534,118 Establishing FFY 2018 FTA Congestion Mitigation Air Quality Grant for the Purchase of Six Electric Buses

Moved by Councilmember Abuzuaiter, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

18-047 ORDINANCE AMENDING GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2018 FTA CONGESTION MITIGATION AIR QUALITY GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the GTA Grant Fund Budget be amended as follows for the FY 2018 FTA Congestion Mitigation Air Quality Grant:

Account	Description	Amount
567-4521-01.5917	Licenses, Fees & Other	\$ 12,000
567-4521-01.5919	Other Taxes/Assessments	\$ 36
567-4521-01.6051	Licensed Vehicles	\$4,522,082
Total		\$4,534,118

And, that this increase be financed by increasing the following revenues:

Account	Description	Amount
567-4521-01.7100	Federal Grant	\$3,854,000
567-4521-01.9481	Transfer from Bond Fund	\$ 680,118
Total		\$4,534,118

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

36. [ID 18-0216](#) Resolution Adopting the “City of Greensboro Local Preference Policy for Certain Types of City Contracts”

Mayor Pro-Tem Johnson voiced concerns expressed by citizens; and voiced the need to schedule a meeting with the M/WBE providers.

Councilmember Outling spoke to the history of the item; stated there were no conflicts with the M/WBE program;

and voiced the need for action.

Discussion ensued regarding solving problems; and communication with stakeholders.

Mayor Vaughan stated there were speakers to the item.

City Attorney Carruthers clarified that the motion to postpone would take precedence.

Discussion continued regarding M/WBE concerns; work session discussions; the Steering Committee; and clarification that there would not be a conflict with the policies and the M/WBE program.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower, to table the resolution. The motion failed on the following roll call vote:

Ayes, 3 - Yvonne J. Johnson, Sharon M. Hightower and Michelle Kennedy

Nays, 6 - Nancy Vaughan, Marikay Abuzuaiter, Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

Clarence Hunt, 2112 Pebble Drive voiced opposition to the item; concerns with the process for minority contractors; referenced the Disparity Study; and spoke to poverty.

Becky Phillips, 6 Ashton Court voiced concern with the policy; support to table the item; spoke to the need to conclude the review of the Disparity Study; to State initiatives; and voiced concern with City processes.

Earl Jones, 21 Long Circle voiced concerns with the item; spoke to the need to address the recent Disparity Study; to proposed language to be added to the item; and requested Council postpone.

Luck Davidson, 405 Battleground Avenue representing Triad Local First thanked Council for support of local businesses; spoke to the impact on purchasing decisions; and reiterated the need to continue local business support.

Jeffery Loy, 3401 Bent Creek Court voiced support for the resolution; spoke to buying local as compared to ordering from Apple; and to inclusion.

Discussion ensued regarding precedent; reasons to delay the item; miscommunication; Council's priority and goal setting session; support of Greensboro citizens; economic impact; the need to review the Disparity Study; local contractor preferences; providing a double benefit; the ten county Metropolitan Statistical Area (MSA); and financial interest of small businesses.

Councilmember Hightower voiced concerns; and stated she would not vote in support of the item.

Moved by Councilmember Outling, seconded by Councilmember Thurm, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 6 - Nancy Vaughan, Marikay Abuzuaiter, Nancy Hoffmann, Michelle Kennedy, Justin Outling and Tammi Thurm

Nays, 3 - Yvonne J. Johnson, Sharon M. Hightower and Goldie F. Wells

079-18 RESOLUTION ADOPTING THE "CITY OF GREENSBORO LOCAL PREFERENCE POLICY FOR CERTAIN TYPES OF CITY CONTRACTS"

WHEREAS, according to the Institute for Local Self-Reliance, "a growing body of research shows... that locally owned businesses create communities that are more prosperous, entrepreneurial, connected, and generally better off across a wide range of metrics";

WHEREAS, "[T]hese studies find that local businesses recirculate a greater share of every dollar in the local

economy, as they create locally owned supply chains and invest in their employees”;

WHEREAS, this recirculation creates a multiplier effect that increases the value of dollars initially spent;

WHEREAS, the “City of Greensboro Local Preference Policy for Certain Types of City Contracts” will ensure the best overall value in the procurement of goods and services while providing a preference to local businesses to support the City’s economic development;

WHEREAS, an additional benefit of this Local Preference Policy is the benefit derived by the City when goods and services are being provided by local businesses which have the opportunity to be more timely and responsive when providing goods and services.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Council adopts the “City of Greensboro Local Preference Policy for Certain Types of City Contracts”.

(Signed) Justin Outling

37. [ID 18-0197](#) Resolution to Adopt the 2018 Legislative Agenda

Moved by Councilmember Thurm, seconded by Councilmember Hoffmann, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzwaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

080-18 RESOLUTION TO ADOPT THE 2018 LEGISLATIVE AGENDA

WHEREAS, the 2018 Legislative Session of the North Carolina General Assembly begins May 16, 2018; and

WHEREAS, this will be the short session of the biennium, which typically lasts 6 to 9 weeks; and

WHEREAS, the primary purpose of the short session is to make revisions and refinements to the already adopted two-year budget. This session is also when the legislature completes work on legislation that may have only made it part-way through the process; and

WHEREAS, in the short session, legislators generally do not introduce new bills that would have general application across the state but deliberate on bills that are “eligible for consideration” because the bills were acted upon in the previous long session; and

WHEREAS, the City Council finds that the 2018 Legislative Agenda represents matters of particular importance to the City of Greensboro; and

WHEREAS, by adopting the Legislative Agenda, the City Council hopes to partner with State elected officials for the betterment of its citizens and community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO that City Council does hereby adopt the attached 2018 Legislative Agenda.

(Signed) Tammi Thurm

38. [ID 18-0181](#) Resolution Authorizing a Commitment of Funds to Elmsley Trail, LLC, Bells Summit, LP, Printworks Ventures, LLC, and Affordable Housing Management, Inc. for Multi-Family Affordable Housing Development

Projects

Mayor Vaughan introduced items #38 and item #39 together.

Councilmember Outling requested to be recused from the items due to a conflict of interest.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm to recuse Councilmember Outling from items #38 and #39. The motion carried 8-0 by voice vote.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Hoffmann, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Excused, 1 - Justin Outling

081-18 RESOLUTION AUTHORIZING A COMMITMENT OF FUNDS TO ELMSLEY TRAIL, LLC, BELLS SUMMIT, LP, PRINTWORKS VENTURES, LLC, AND AFFORDABLE HOUSING MANAGEMENT, INC., FOR MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT PROJECTS

WHEREAS, \$1,600,000 of federal HOME program funds and \$2,800,000 of City Housing Bond funds were included in a competitive Request for Proposals for Multi-family Affordable Housing Development;

WHEREAS, the Planning Board has made a recommendation for City Council consideration to award funds as follows:

Project Name	Location	Developer	Amount
Elmsley Trail	518-522 Kallamdale Rd	Elmsley Trail, LLC/M C Morgan and Associates	\$750,000
Bells Summit	2400 Summit Ave	Bells Summit, LP/Beacon Management Corp.	\$448,437
Printworks	1700 Fairview St	Printworks Ventures, LLC/Alexander Group	\$2,800,000
Total			\$3,998,437

WHEREAS, further City Council consideration is requested to award the remaining \$401,563 in Housing Bond funds to Affordable Housing Management, Inc., for the Muirs Landing project, a 72-unit family housing development located at 303 Muirs Chapel Road and 4803 & 4809 Kenview Street, provided that the property is successfully rezoned following appeal to City Council at the April 17, 2018 City Council Meeting;

WHEREAS, the Bells Summit and Muirs Landing projects require a City commitment letter prior to their final Low Income Housing Tax Credit [LIHTC] application submittals to the North Carolina Housing Finance Agency;

WHEREAS, funds are available from the following sources:

\$2,120,000.00	483-2201-03	Multi-family Affordable Housing Development Bonds
\$ 435,794.49	473-2205-01	Bond Funds – Multi-family Affordable Housing Development
\$ 244,205.51	483-2201-02	Handicapped Accessibility & Housing for Special Populations
\$ 205,043.00	213-9015-02	Affordable Housing RFP (HOME)
\$ 702,407.00	213-9016-02	Affordable Housing RFP (HOME)
\$ 692,550.00	213-9017-02	Affordable Housing RFP (HOME)
\$4,400,000.00		

WHEREAS, the recommendation is for issuance of a financing commitment for the Elmsley Trail and Printworks projects conditioned on the projects receiving all necessary financing, M/WBE compliance documentation, and availability of City funds;

WHEREAS, the recommendation is for issuance of a time-limited commitment for the Bells Summit and Muirs Landing projects conditioned on the projects receiving LIHTC awards, all necessary financing, M/WBE compliance

documentation, and availability of City funds;

WHEREAS, if Bells Summit and Muirs Landing projects are awarded tax credits from the North Carolina Housing Finance Agency, they will return to City Council for it to consider final approval of contract funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That it authorizes time-limited conditional commitment letters be issued to Bells Summit, LP, for the Bells Summit project and to Affordable Housing Management, Inc. for the Muirs Landing project, provided that the property located at 303 Muirs Chapel Road and 4803 & 4809 Kenview Street is successfully rezoned; and

That it further authorizes financing commitments including a third position City lien for Elmsley Trail, LLC for the Elmsley Trail project, and a City lien in third position during construction and second position in permanent financing for Printworks Ventures, LLC for the Printworks Lofts Project and authorizes the City Manager to execute loan closing documents for these multi-family affordable housing development projects.

(Signed) Marikay Abuzuaiter

39. [ID 18-0221](#) Resolution Providing Approval of the Financing of a Mixed Income Residential Rental Facility with Multifamily Housing Revenue Bonds in an Aggregate Amount Not to Exceed \$33,363,000

Moved by Councilmember Kennedy, seconded by Councilmember Hightower, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Excused, 1 - Justin Outling

082-18 RESOLUTION PROVIDING APPROVAL OF THE FINANCING OF A MIXED INCOME RESIDENTIAL RENTAL FACILITY WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$33,363,000

WHEREAS, the City Council of the City of Greensboro (the "City") met in Greensboro, North Carolina at 5:30 p.m. on the ___th day of _____, 2018; and

WHEREAS, the Housing Authority of the City of Greensboro (the "Authority") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$33,363,000 (the "Bonds"), for the purpose of financing the acquisition by Printworks Venture, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Company"), of the Printworks Mill and the renovating and equipping therein of a mixed income multifamily residential rental facility, consisting of approximately 217 total units, of which 143 are expected to be targeted to low and moderate income residents (the "Development"). The Development consists of one, two and three bedroom units located in a collection of interconnected buildings on an approximately 13.3 acre site at 1700 Fairview Street in the City of Greensboro, Guilford County, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Authority for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on January 25, 2018, the Authority held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or

the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Authority, or to constitute the Bonds or any of the agreements or obligations of the Authority an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. The acquisition, renovation and equipping of the Development described above in the City of Greensboro, Guilford County, North Carolina by the Borrower, and the issuance of the Authority’s multifamily housing revenue bonds to provide a portion of the cost of the financing therefor in an amount not to exceed \$33,363,000, are hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately upon its passage.

Council member _____ moved the passage of the foregoing resolution and Council member _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: Council members

Nays:

Not voting:

CERTIFICATION

I, Betsey Richardson, City Clerk of the City of Greensboro, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Greensboro, North Carolina, in regular session convened on _____, 2018, and that such proceedings of such meeting are recorded in the minutes of the City Council. Pursuant to state law, a current copy of a schedule of regular meetings of this City Council is on file in my office.

WITNESS my hand and the corporate seal of the City of Greensboro, North Carolina, this the ___ day of _____, 2018.

City Clerk
(SEAL)

(Signed) Michelle Kennedy

41. [ID 18-0235](#) Addendum Item As Needed

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A "SETTLEMENT, AND RELEASE OF ALL CLAIMS" WITH N CLUB, LLC AND GGEG, LLC

City Attorney Carruthers outlined a proposed resolution with N Club, LLC. and with Peters Holding.

Councilmember Outling spoke to a conflict of interest; and requested to be recused from the items.

Moved by Councilmember Thurm, seconded by Councilmember Kennedy to recuse Councilmember Outling from the addendum items concerning the settlements with N Club and Peters Holding. The motion carried 8-0 by voice vote.

City Attorney Carruthers explained the settlement agreements for the pending litigation; spoke to property and parking easements; assignment of parking spaces at market rates; to the dismissal of a civil lawsuit; and resolution for all property matters.

Moved by Councilmember Hoffmann, seconded by Councilmember Thurm, to adopt the resolutoin. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Excused, 1 - Justin Outling

083-18 RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A "SETTLEMENT, AND RELEASE OF ALL CLAIMS" WITH N CLUB, LLC AND GGEG, LLC.

WHEREAS, the City of Greensboro operates a Public Enterprise to provide off-street parking facilities pursuant to its authority under G.S. §§160A-301-302 and 311-312;

WHEREAS, the City of Greensboro has operated off-street parking for over 50 years pursuant to Sec. 16-156 of its Code of Ordinances and the City of Greensboro currently has nine off-street parking facilities as identified by Traffic Schedule No. 9;

WHEREAS, it is in the public interest for the City of Greensboro to operate said public enterprise;

WHEREAS, the real property located at 112 E. Market St. and known as Guilford County Parcel #0000004, ("City Property") was acquired by the City on June 28, 2017 and is an off-street surface parking lot and also the proposed sight of the 800 space off-street parking deck planned by the February One Downtown Development Project;

WHEREAS, acquisition of a portion of the easement held by N Club, LLC and described in the Guilford County Register of Deeds at Deed Book 669, Page 576, is necessary to operate an off-street parking facility on the proposed February One Downtown Development Project;

WHEREAS, termination of that Shared Parking Agreement dated July 24, 2014 with GGEG, LLC is also necessary to operate an off-street parking facility on the proposed February One Downtown Development Project;

WHEREAS, N Club, LLC and GGEG, LLC filed a civil action against the City bearing case number 18-CvS-2652 in Guilford County Superior Court;

WHEREAS, the City, N Club, LLC and GGEG, LLC desire to settle all claims related to this matter;

WHEREAS, N Club, LLC has agreed to release its interest in its easement over City Property in exchange for the granting of a certain portion of City Property, the granting of a parking easement, rights in the Shared Access Easement over City Property, installation of a powered lift in the completed February One Parking Deck, and payment to N Club, LLC in the amount of Three Hundred Twenty-Five Thousand and no/100 Dollars (\$325,000.00), and GGEG, LLC has agreed to the termination of its Shared Parking Agreement in exchange for payment to GGEG, LLC in the amount of Three Hundred Twenty-Five Thousand and no/100 Dollars (\$325,000.00) and for payment of attorneys' fees in the amount of Eighty-Five Thousand and no/100 Dollars (\$85,000.00);

WHEREAS, N Club, LLC and GGEG, LLC shall dismiss its civil suit against the City pursuant to these terms.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, City Manager is hereby authorized to enter into the "Settlement and Release of all Claims" with N Club, LLC and GGEG, LLC, and execute all necessary transactions in substantial conformity with the authority granted herein above.

(Signed) Nancy Hoffmann

41. [ID 18-0235](#) Addendum Item As Needed

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PARKING EASEMENT OF CITY PROPERTY LOCATED AT 112 EAST MARKET STREET AND RUNNING BEHIND THE BUILDING LOCATED AT 115-119 SOUTH ELM

STREET

City Attorney Carruthers explained the terms and conditions of the agreement.

Moved by Councilmember Hoffmann, seconded by Councilmember Thurm, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Excused, 1 - Justin Outling

084-18 RESOLUTION AUTHORIZING THE CONVEYANCE OF A PARKING EASEMENT OVER CITY PROPERTY LOCATED AT 112 EAST MARKET STREET AND RUNNING BEHIND THE BUILDINGS LOCATED AT 115-119 S. ELM ST.

WHEREAS, the real property located at 112 E. Market St. and known as Guilford County Parcel #0000004, ("City Property") was acquired by the City on June 28, 2017 and is an off-street surface parking lot and also the proposed site of the 800 space off-street parking deck planned by the February One Downtown Development Project;

WHEREAS, the City has reserved a portion of City Property for a non-exclusive access easement for the benefit of property owners located at 101,113,115, and 117-119 S. Elm St.;

WHEREAS, the City desires to reserve a portion of the City Property for a parking easement that is approximately eighty feet (80') long by fifteen feet (15') wide that begins at the southern edge of property located at 113 S. Elm St. and continues southward;

WHEREAS, said parking easement will not interfere with the proper use by the City of the City Property and the easement is not in conflict with the any governmental or other public need;

WHEREAS, Council has determined granting of this easement will facilitate the February One Downtown Development Project;

WHEREAS, said parking easement may be encroached upon by no more than one (1) foot along its eastern edge during construction of the February One Downtown Development Project;

WHEREAS, said parking easement is also subject to the terms contained in the attached Exhibit A to this Resolution;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, the Mayor is hereby authorized to convey a parking easement over City Property located at 112 East Market Street and running behind the buildings located at 115-119 S. Elm St., in conformity with and subject to the terms and conditions attached in Exhibit A, incorporated herein by reference.

ATTACHMENT A

N Club Recorded Parking Easement

The 80 foot long and 15 foot wide parking easement shall begin south of the southern edge of the Peters Holdings property and continue southward 80 feet in length, provided that during construction of the February One Downtown Development Project, this parking easement may be encroached on by no more than one (1) foot along its eastern edge. This parking easement will be located over the Shared Access Easement.

The owner of the parking easement shall have the exclusive right to park and rights of ingress, egress, and regress in the parking easement in connection with shows or events scheduled at 117- 119 S. Elm St. These rights may be

exercised for periods of twenty-two hours at a time, beginning at 6:00 am EST on the day of the show or event and ending at 4:00 am EST on the following day. In order for the owner of the parking easement to exercise these rights, owner (or its assigns) must give the City Manager written notice via email of each show or event for which it intends to exercise this right within a reasonable time after booking or scheduling of the show or event, and in no circumstance less than three (3) business days prior to the show or event. Owner (or its assigns) must provide in writing via email to the City Manager contact information for a point of contact for each show or event for which this parking right is exercised, which point of contact shall have immediate access to the operators of any vehicles that are parked in parking easement so that such operators can be instructed to move the vehicles in the event there is an emergency need for the parking easement to be cleared of vehicles. Owner (or its assigns) must provide the City with this point of contact information no less than twenty-four (24) hours prior to the parking right being exercised.

At all times during which this parking right is being exercised, pedestrian access, including pedestrian exit discharge paths, in the Shared Access Easement must be maintained.

(Signed) Nancy Hoffmann

41. [ID 18-0235](#) Addendum Item As Needed

RESOLUTION AUTHORIZING THE CONVEYANCE OF A SHARED, NON-EXCLUSIVE ACCESS EASEMENT OVER CITY PROPERTY LOCATED AT 112 EAST MARKET STREET AND RUNNING BEHIND THE BUILDINGS LOCATED AT 101-117 SOUTH ELM STREET OUT TO EAST MARKET STREET WITH AN APPROXIMATE WIDTH OF 14 FEET, SUBJECT TO VERIFICATION BY SURVEY AND THE CONDITIONS SET OUT HEREIN, FOR THE BENEFIT OF THE PROPERTIES LOCATED AT 101, 113, 115, AND 117-119 SOUTH ELM STREET TO REPLACE THEIR EXISTING ACCESS EASEMENT THAT WILL BE ACQUIRED BY THE CITY AND CLOSED AS PART OF THE FEBRUARY ONE DOWNTOWN DEVELOPMENT PROJECT

City Attorney Carruthers explained the terms and conditions of the agreement.

Moved by Councilmember Hoffmann, seconded by Councilmember Kennedy, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Excused, 1 - Justin Outling

085-18 RESOLUTION AUTHORIZING THE CONVEYANCE OF A SHARED, NON-EXCLUSIVE ACCESS EASEMENT OVER CITY PROPERTY LOCATED AT 112 EAST MARKET STREET AND RUNNING BEHIND THE BUILDINGS LOCATED AT 101-117 SOUTH ELM STREET OUT TO EAST MARKET STREET WITH AN APPROXIMATE WIDTH OF 14 FEET, SUBJECT TO VERIFICATION BY SURVEY AND THE CONDITIONS SET OUT HEREIN, FOR THE BENEFIT OF THE PROPERTIES LOCATED AT 101, 113, 115, AND 117-119 SOUTH ELM STREET TO REPLACE THEIR EXISTING ACCESS EASEMENT THAT WILL BE ACQUIRED BY THE CITY AND CLOSED AS PART OF THE FEBRUARY ONE DOWNTOWN DEVELOPMENT PROJECT

WHEREAS, as part of the construction of the February One Downtown Development Project, the City will acquire and close the existing ingress, egress, and regress easement located at 112 East Market Street and running to Davie Street, identified in DB 669, Page 576, DB 853 Page 198, and DB 1206 Page 424 and Page 436 that benefits the property owners located at 101, 113, 115, and 117-119 South Elm Street, and replace it with a new shared, non-exclusive easement to the affected property owners which will provide these property owners an equal or better ingress, egress, and regress easement to East Market Street;

WHEREAS, City Council resolved on January 16, 2018 to establish this new easement having a width of approximately ten feet, beginning at 112 East Market Street and running behind the buildings located at 101-117 South Elm Street out to East Market Street as more particularly described therein;

WHEREAS, City Council desires to expand the width of this new easement to approximately 14 feet, as more particularly described in the attached Exhibit A; and

WHEREAS, this easement will be subject to a temporary construction easement in favor of the City during construction planned by the February One Downtown Development, a parking license, and a permanent utility and refuse and recycling collection easement in favor of the City and/or its assigns, and a parking easement in favor of N Club, LLC.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Council authorizes the Mayor to convey a shared, non-exclusive easement over City property located at 112 East Market Street and running behind the buildings located at 101-117 South Elm Street out to East Market Street with an approximate width of 14 feet, subject to verification by survey, for the benefit of the properties located at 101, 113, 115, and 117-119 South Elm Street to replace their existing access easement that will be acquired by the City and closed as part of the February One Downtown Development Project. This shared, non-exclusive easement shall be subject to the conditions set out above.

(Signed) Nancy Hoffmann

41. [ID 18-0235](#) Addendum Item As Needed

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A "SETTLEMENT, RELEASE, AND AGREEMENT TO PURCHASE" WITH PETERS HOLDINGS, LLC TO ACQUIRE A PORTION OF ITS INTEREST IN CITY PROPERTY LOCATED AT 112 EAST MARKET STREET, MORE PARTICULARLY DESCRIBED IN THE GUILFORD COUNTY REGISTER OF DEEDS AT DEED BOOK, 1206, PAGE 436, THAT IS NECESSARY FOR THE FEBRUARY ONE DOWNTOWN DEVELOPMENT PROJECT

City Attorney Carruthers explained the terms and conditions of the agreement.

Moved by Councilmember Hoffmann, seconded by Councilmember Thurm, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Excused, 1 - Justin Outling

086-18 RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A "SETTLEMENT, RELEASE, AND AGREEMENT TO PURCHASE" WITH PETERS HOLDINGS, LLC TO ACQUIRE A PORTION OF ITS INTEREST IN CITY PROPERTY LOCATED AT 112 EAST MARKET STREET, MORE PARTICULARLY DESCRIBED IN THE GUILFORD COUNTY REGISTER OF DEEDS AT DEED BOOK 1206, PG 436, THAT IS NECESSARY FOR THE FEBRUARY ONE DOWNTOWN DEVELOPMENT PROJECT.

WHEREAS, the City of Greensboro operates a Public Enterprise to provide off-street parking facilities pursuant to its authority under G.S. §§160A-301-302 and 311-312;

WHEREAS, the City of Greensboro has operated off-street parking for over 50 years pursuant to Sec. 16-156 of its Code of Ordinances and the City of Greensboro currently has nine off-street parking facilities as identified by Traffic Schedule No. 9;

WHEREAS, it is in the public interest for the City of Greensboro to operate said public enterprise;

WHEREAS, the real property located at 112 E. Market St. and known as Guilford County Parcel #0000004, ("City Property") was acquired by the City on June 28, 2017 and is an off-street surface parking lot and also the proposed sight of the 800 space off-street parking deck planned by the February One Downtown Development Project;

WHEREAS, acquisition of a portion of the easements held by Peters Holdings, LLC and described in the Guilford County Register of Deeds at Deed Book 1206, Page 436, is necessary to operate an off-street parking facility on the proposed site of the February One Downtown Development Project;

WHEREAS, on April 3, 2018, the City Council authorized the City Manager to enter into an agreement with Peters Holdings, LLC to purchase its interest in 112. E. Market St. that is necessary to operate said off-street parking facility for the amount of One Hundred Thousand and no/Dollars (\$100,000.00) and to provide up to six assigned parking spaces in the February One Parking Deck on the first level of available parking to Peters Holdings, LLC for rent at market rate;

WHEREAS, negotiations with other property owners toward purchase of their easement interests in the City Property that are necessary to operate said off-street parking facility have been successful, which has affected the terms reached with Peters Holdings; and

WHEREAS, the City and Peters Holdings, LLC desire to resolve this matter;

WHEREAS, Peters Holdings, LLC has agreed for the City to purchase said property interest of Peters Holdings for the amount of One Hundred Fifty Thousand and no/Dollars (\$150,000.00), to provide up to six assigned parking spaces in the February One Parking Deck on the first level of available parking to Peters Holdings, LLC for rent at market rate, and to pay attorneys' fees in the amount of Thirty Five Thousand and no/Dollars (\$35,000).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, the City Manager is hereby authorized to execute the "Settlement, Release, and Agreement to Purchase" with Peters Holdings, LLC to acquire a portion of its interest in City Property located at 112 E. Market St., as more particularly described in the Guilford County Register of Deeds at Deed Book 1206, Page 436, that is necessary for the February One Downtown Development Project, in substantial conformity with the authority granted herein above.

(Signed) Nancy Hoffmann

Adjournment

Moved by Mayor Pro-Tem Johnson, seconded by Mayor Vaughan, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 11:40 P.M.

ANGELA R LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR