



City of Greensboro

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

Meeting Minutes - Final City Council

Tuesday, September 1, 2015

5:30 PM

Council Chamber

Call to Order

This City Council meeting of the City of Greensboro was called to order at 5:30 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 Abuzuaite, Councilmember Mike Barber, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Justin Outling and Councilmember Tony Wilkins

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, and City Clerk Elizabeth H. Richardson.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Barber to adjourn to closed session to preserve the attorney-client privilege between the City Attorney and Council pursuant to N.C.G.S. 143-318.11 (a) (3); and to discuss matters relating to the location or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations pursuant to N.C.G.S. 143-318.11 (a)(4). The motion carried by voice vote.

City Council recessed to closed session at 5:12 p.m. City Council reconvened at 5:43 p.m. with all members in attendance.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaite to return to open session. The motion carried by voice vote.

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

Mayor Vaughan recognized Junior Courier Tejas Santanam to lead the Pledge of Allegiance to the Flag.

Recognition of Courier

City Manager Jim Westmoreland recognized Tejas Santanam as Junior Courier who is a Sophomore at Early College at Guilford; and provided an overview of Mr. Santanam's community involvement and accomplishments.

Councilmember Hightower thanked Mr. Santanam for his involvement of the Junior Courier program.

City Manager Westmoreland recognized Curtis Gwynn of the Field Operations Department who served as Courier for the meeting.

Council Procedure for Conduct of the Meeting

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

I. CEREMONIAL AND/OR PRESENTATION ITEMS

1. [ID 15-0721](#) Resolution Recognizing the Month of September as Sickle Cell Awareness Month

Mayor Vaughan recognized Senator Gladys Robinson in the audience; and asked Mayor Pro-Tem Johnson to read the resolution into the record.

Mayor Pro-Tem Johnson presented the resolution to Senator Robinson.

Senator Robinson thanked Council for the resolution; introduced the Sickle Cell Poster Child Shannon Summers; asked him to say a few words; stated she had left a brochure for Council; spoke to the local organization; and invited the City Managers to the summer camp.

Mr. Summers thanked Council for their support of Sickle Cell Awareness Month.

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 Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

0265-15 RESOLUTION RECOGNIZING THE MONTH OF SEPTEMBER AS SICKLE CELL AWARENESS MONTH

WHEREAS, Sickle-cell disease is an inherited condition that affects the red blood cells causing pain, infection, disability, economic strain and even death;

WHEREAS, the disease affects 90,000 to 100,000 people of many racial and ethnic groups in the United States and millions are affected globally;

WHEREAS, Sickle Cell Disease is most common among persons with ancestry from Africa, South or Central America, Caribbean Islands, India, Saudi Arabia and Mediterranean countries such as Turkey, Greece, and Italy and more than 2 million people carry the sickle cell gene;

WHEREAS, Sickle Cell disease occurs among 1 out of every 500 Black or African-American births and among about 1 out of every 36,000 Hispanic-American births;

WHEREAS, diagnostic procedures have been improved as well as the ability to combat life-threatening complications;

WHEREAS, since 1970, Piedmont Health Services and Sickle Cell Agency has provided education, counseling, testing, case management, Summer Camp and other support services for people living with sickle cell disease and their families.

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

That it hereby recognizes the month of September, 2015 as Sickle Cell Awareness Month.

(Signed) Sharon Hightower

2. [ID 15-0731](#) Resolution Declaring the Month of September as Hunger Action Month

Councilmember Fox read the resolution into the record; presented the resolution to Peggy Robinson with Second Harvest Food Bank of Northwest North Carolina; and spoke to local events which addressed hunger.

Ms. Robinson spoke to partners in Guilford County which addressed citizen's needs with regard to hunger; provided statistics for hunger in Guilford County; voiced appreciation for the resolution; and provided postcards to be handed out to help raise awareness about hunger.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Fox, to

adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

0266-15 RESOLUTION DECLARING THE MONTH OF SEPTEMBER AS HUNGER ACTION MONTH

WHEREAS, hunger and poverty are public health issues of critical concern in the United States, the State of North Carolina and the City of Greensboro; and

WHEREAS, September has been declared Hunger Action Month by Feeding America, the nation's largest domestic hunger-relief organization; and

WHEREAS, Second Harvest Food Bank of Northwest North Carolina is the Feeding America affiliate serving the community and, with its partner programs in Greensboro, is committed to engaging community members and organizations in addressing the problem of hunger and providing resources to meet the needs of our residents; and

WHEREAS, inadequate nutrition diminishes the capacity of children to learn, exacerbates health conditions among seniors and others and saps the strength of working families; and

WHEREAS, one in six residents of Northwest North Carolina is food insecure and the problem of hunger is even more significant among our children; and

WHEREAS, the City of Greensboro recognizes the critical role of Second Harvest Food Bank of Northwest North Carolina and its partner programs in helping to meet the nutritional needs of many in our community and wishes to encourage citizen involvement in and support of their work.

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

That it hereby declares the month of September, as Hunger Action Month in the City of Greensboro.

(Signed) Marikay Abuzuaite

3. [ID 15-0750](#) Resolution Proclaiming the Week of September 20th Minority Business and Women Enterprises (M/WBE) Week

Councilmember Hightower stated she was honored to have Senator Robinson in attendance this evening; read the resolution into the record; asked Tiffany Jones and the MED (Minority Enterprise Development) Committee to come forward; presented the resolution to the group; and thanked the committee for their work and efforts.

Ms. Jones thanked Council for the resolution; spoke to the makeup and work of the committee; outlined the goals of the committee; encouraged the community to learn about M/WBE; and provided an overview of the events that would take place during MED Week.

Moved by Mayor Pro-Tem Johnson, 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, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

0267-15 RESOLUTION RECOGNIZING THE WEEK OF SEPTEMBER 20th AS MINORITY ENTERPRISE DEVELOPMENT (MED) WEEK

WHEREAS, the Minority Business Development Agency was established by Executive Order 11458 on March 5, 1969;

WHEREAS, the first National Minority Enterprise Development (MED) Week was held in 1983;

WHEREAS, the Minority Business Development Agency was created specifically to serve and foster the growth of minority and women entrepreneurs;

WHEREAS, minority and women businesses employ an estimated 5,800,000 people and generate approximately \$1 trillion to the economy of the United States;

WHEREAS, minority and women businesses are supporting the global competitiveness of the United States by utilizing the most effective export capabilities of any segment of the United States;

WHEREAS, the long-term strategic direction of the Minority Business Development Agency is to achieve entrepreneurial parity so that the number of businesses owned by minority and women is proportional to the minority and women population;

WHEREAS, the City Council wishes to recognize the Minority Business Development Agency for its achievements in fostering the establishment and growth of minority and women businesses; and encourages the Minority Business Development Agency to continue its efforts to assist minority and women businesses as minority and women businesses continue to strengthen communities, create jobs, and contribute to the health of the economy of the Greensboro.

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

That it recognizes the week of September 20th as Minority Enterprise Development (MED) Week.

(Signed) Yvonne Johnson

Mayor Vaughan recognized Police Chief Wayne Scott to come forward to address the shooting that occurred over the weekend.

Police Chief Scott provided a summary of the weekend events as well as actions the Police Department had taken regarding Downtown. Police Chief Scott stated some charges had been made in the shooting late Saturday evening; voiced that some details could not be shared at this time due to pending prosecution; provided an outline of what had taking place leading up to the shooting; provided the number and location of officers in the area; spoke to the challenges with violent crimes taking place in large crowds; and voiced that the Department had analyzed the situation. Police Chief Scott explained the issues the department had addressed Downtown over the past six months which included light replacement throughout Downtown; emphasized that increased visibility would increase safety; outlined the steps taken for the camera plan; use of a mobile camera trailer during the upcoming Folk Festival; referenced work that Interim Police Chief Anita Holder had done; spoke to practicing Neighborhood Oriented Policing; and building communication pathways to connect the community.

Discussion took place regarding if gang activity had been involved in the incident Saturday evening; if the weapon had physically been in the club; the need for something to be done; and appreciation for Police Chief Scott's update.

II. PUBLIC COMMENT PERIOD

Sal Leone, 3324 Van Allen Circle thanked the City for the work of Katherine Carter with regard to public records requests; voiced concern with funding the Participatory Budgeting process; spoke to the debt of the City; other issues that needed to be addressed; referenced crime within the City; and stated he was running for Mayor.

Luther Falls, Jr., 1603 Lansdown Avenue thanked Council for attending the Annual Warnersville Celebration; voiced appreciation for the MED Week resolution; commended Parks and Recreation staff; spoke to the importance for building relationships between the community and police; thanked Councilmember Hightower for speaking to his fraternity; and announced an upcoming cancer event at Kealy Park on September 12.

Wasif Qureshi, 5117 Hannah Dawn Drive invited Council to attend the first annual Peace Festival on September 19th at the Civil Rights Museum; provided an overview of the event; spoke to a letter he had received regarding

Muslims; to why the festival would be at the Civil Rights Museum; and stated they had planned to make this an annual event.

Councilmember Abuzuaiter thanked Mr. Qureshi for attending; and asked him to send the flyer via email to councilmembers.

Richard Kohn, 5855 Old Oak Ridge Road spoke to the \$15.00 an hour minimum wage proposal for City workers; the level of perspective employees that would apply for a \$15.00 hour minimum salary job; reminded Council that this equaled \$31,000 a year; stated many unemployed talented people may apply for competitive City jobs; and commended the public safety entities throughout the City and County.

Thesa Pickett, 503 South Benbow Street challenged City Council to increase the minimum wage to \$15 within the next year rather than wait five years; emphasized that employees needed a fair wage immediately; voiced importance in valuing employees; suggested Council add it to next year's budget; requested clarification as to when speakers could campaign from the podium; and asked if the video from the last meeting would be corrected.

City Attorney Carruthers clarified when speakers could speak to campaign issues; verified that speakers to business and public hearing items needed to limit comments to the actual item; stated that the speakers from the floor rules were mandated by state law; added that free speech was appropriate; and confirmed that the video was not edited as Ms. Pickett was speaking to a business item at that point in the meeting.

III. CONSENT AGENDA (One Vote)

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

4. [ID 15-0730](#) Resolution Authorizing Execution of a Multi-Year Contract with ADP (Automatic Data Processing) for the Event Payroll Services at the Greensboro Coliseum Complex

0268-15 RESOLUTION AUTHORIZING EXECUTION OF A MULTI-YEAR CONTRACT WITH ADP (AUTOMATIC DATA PROCESSING) FOR THE EVENT PAYROLL SERVICES AT THE GREENSBORO COLISEUM COMPLEX

WHEREAS, ADP (Automatic Data Processing) is one of the world's largest providers of business outsourcing and human capital management solutions which provides basic payroll services for the event staff at the Greensboro Coliseum Complex including time clock services and payroll reporting;

WHEREAS, a proposed three-year term contract with ADP in the estimated amount of \$50,174.97 per year from July 2015 through June 2018 with no price increase for all current listed codes per the agreement, and any future codes that may be added during this period is being requested.

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

That the City is authorized to enter into a three-year term contract with ADP 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 \$50,174.97 from Account No. 521-7510-01.5419.

(Signed) Yvonne Johnson

5. [ID 15-0244](#) Resolution Authorizing the City Manager or His Designee to Enter into Annual Maintenance Agreement with Century Telephone Company, NC/

DBA Centurylink for Annual 911 Phone System Maintenance Services
Until Such Time as the Parties Terminate the Current Equipment Lease
Agreement

15-0269 RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO ANNUAL MAINTENANCE AGREEMENT WITH CENTURY TELEPHONE COMPANY, NC DBA/CENTURYLINK FOR ANNUAL 911 PHONE SYSTEM MAINTENANCE SERVICES UNTIL SUCH TIME AS THE PARTIES TERMINATE THE CURRENT EQUIPMENT LEASE AGREEMENT

WHEREAS, Guilford Metro 911 leases electronic CenturyLink phone system equipment which requires annual maintenance to keep the system up to date and operational;

WHEREAS, the ongoing monthly maintenance includes Sentry monitoring, software protection and remote technical support;

WHEREAS, annual costs range are estimated to be between \$145,000 and \$225,000 depending on the current system configuration and periodic additions of features such as upgrades and back-up systems;

WHEREAS, funding for the contracted maintenance services is available in the current annual budget 911 surcharge account.

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

That it authorizes the City Manager or his designee to enter into an annual maintenance agreement with Century Telephone Company, NC DBA CenturyLink for annual 911 phone system maintenance services until such time as the parties terminate the current equipment lease agreement, payment to be made from the 911 Surcharge Account No. 281-3903-01.5621.

(Signed) Yvonne Johnson

6. [ID 15-0736](#) Resolution Authorizing Contract with Guilford County and the Piedmont Triad Regional Council for the Management of County HOME Consortium Funds for Homeowner Rehabilitations

0270-15 RESOLUTION AUTHORIZING CONTRACT WITH GUILFORD COUNTY AND THE PIEDMONT TRIAD REGIONAL COUNCIL FOR THE MANAGEMENT OF COUNTY HOME CONSORTIUM FUNDS FOR HOMEOWNER REHABILITATION

WHEREAS, the City of Greensboro serves as the lead agency of the Greensboro HOME Consortium that also includes Guilford County, the City of Burlington and Alamance County;

WHEREAS, Guilford County and the Piedmont Triad Regional Council (PTRC) entered into a HOME Program Subrecipient Agreement dated June 19, 2014, for the purpose of completing single family housing rehabilitations in Guilford County outside of the entitlement cities of Greensboro and High Point;

WHEREAS, the PTRC will be responsible for program functions including application processing and eligibility determinations, work write-ups, bid notices and analysis, work inspections, requisitions for partial payments to contractors based on work performed, and obtaining and submitting the federal Housing and Urban Development (HUD) required accomplishment data to the City of Greensboro;

WHEREAS, as the lead HOME Consortium agency, the City of Greensboro has the authority to disperse HUD granted HOME funds among the Consortium members;

WHEREAS, Guilford County, PTRC, and the City of Greensboro intend to amend the Subrecipient Agreement to allow the City to verify that rehabilitation work is completed to City of Greensboro standards, reimburse the PTRC, hold and service the ten-year forgivable homeowner loans, and report accomplishments directly to HUD on behalf of Guilford County;

WHEREAS, Guilford County has approved the use of HOME funds for a homeowner rehabilitation program and will approve the payment process and scope of services outlined above in September 2015;

WHEREAS, no new funds will be necessary for this contract as \$380,000 of Guilford HOME Consortium funds is already budgeted in a City of Greensboro account.

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

That it hereby authorizes the City Manager to execute an amended contract with Guilford County and the Piedmont Triad Regional Council for the management of County HOME Consortium funds for homeowner rehabilitation.

(Signed) Yvonne Johnson

7. [ID 15-0711](#) Resolution Authorizing Acquisition of Property Located at 2782 Horse Pen Creek Road for the Horse Pen Creek Road Widening Project

0271-15 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 2782 HORSE PEN CREEK ROAD FOR THE HORSE PEN CREEK ROAD WIDENING PROJECT

WHEREAS, in connection with the Horse Pen Creek Road Widening project, the property owned by Cynthia and Jacob Jeffers, Jr., Parcel 0096108 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required portion of the property which includes the home, garage and land required for the project has been appraised at a value of \$134,081 but the property owner has agreed to settle for the price of \$155,000 after negotiations, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

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

That the agreed price of the above mentioned portion of property in the amount of \$155,000 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 471-4502-08.6012 Activity A14074.

(Signed) Yvonne Johnson

8. [ID 15-0712](#) Resolution Authorizing Execution of Contract No. 2016-10341 in the Amount of \$630,000 With Delta Dental For Third Party Dental Plan Administration Services

0272-15 RESOLUTION AUTHORIZING EXECUTION OF CONTRACT 2016-10341 WITH DELTA DENTAL FOR THIRD PARTY DENTAL PLAN ADMINISTRATION SERVICES

WHEREAS, after due notice, proposals have been received for the to provide third party dental plan administration service;

WHEREAS, Delta Dental was one of two firms that submitted for the work and was selected to provide the administration services which provide the best value for the City, in the estimated amount of \$630,000 (\$157,000 annually) over a four year period.

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

That the package submitted by Delta Dental is hereby accepted, and the City is authorized to enter into a contract

with Delta Dental for third party dental plan administration services 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 \$630,000 over the four year period which funding is subject to future City Council appropriations.

(Signed) Yvonne Johnson

9. [ID 15-0720](#) Resolution Authorizing Change Order for Workforce Development Youth Services Contract with Paxen LLC in the Amount of \$105,693

0273-15 RESOLUTION AUTHORIZING CHANGE ORDER FOR WORKFORCE DEVELOPMENT YOUTH SERVICES CONTRACT WITH PAXEN LLC

WHEREAS, the Office of Workforce Development within the Executive Department serves as the administrative entity for the Guilford Workforce Development Board (WDB) to provide services under the Workforce Innovation and Opportunity Act (WIOA);

WHEREAS, the Office of Workforce Development has an existing contract (2014-5077) with Paxen LLC to provide WIOA services for eligible youth;

WHEREAS, the current contract had an end date of June 30, 2015 but was extended, at no additional cost, until September 30, 2015 for the purpose of service continuity while a Request for Proposals for WIOA Youth Services was prepared and released to procure a 2015-16 service provider;

WHEREAS, at the time of the no-cost extension, the amount of additional funds that might be needed to adequately provide services through the extension date was not known, but has now been negotiated and agreed upon;

WHEREAS, funds have been budgeted in the Office of Workforce Development WIOA Fund in an additional amount of \$105,693 for completion of services authorized through September 30;

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

That the City is authorized to negotiate final contract modification terms and prepare a contract modification with Paxen LLC in the amount of \$105,693 to provide FY 2015-16 Workforce Innovation and Opportunity Act Youth services through September 30, 2015. The City Manager is hereby authorized to execute on behalf of the City of Greensboro a proper contract modification to Contract #2014-5077.

(Signed) Yvonne Johnson

10. [ID 15-0728](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Kotis Properties, Inc. (f/k/a Commercial Investments of Greensboro, Inc., f/k/a Real, Inc.), Located at 2909-2999 Horse Pen Creek Road in Connection with the Horse Pen Creek Road Widening Project.

0274-15 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF KOTIS PROPERTIES, INC. (F/K/A COMMERCIAL INVESTMENTS OF GREENSBORO, INC., F/K/A REAL, INC.) IN CONNECTION WITH THE HORSE PEN CREEK ROAD WIDENING PROJECT.

WHEREAS, Kotis Properties, Inc. (f/k/a Commercial Investments of Greensboro, Inc., f/k/a Real, Inc.), is the owner(s) of that certain property located at 2909-2999 Horse Pen Creek Road, designated as Parcel # 0096068 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Horse Pen Creek Road Project;

WHEREAS, negotiations with the owner at the appraised value of \$112,033.00 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 \$112,033.00.

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 \$112,033.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 471-4502-08.6012, Activity #A14074.

(Signed) Yvonne Johnson

11. [ID 15-0735](#) Resolution Authorizing the Creation of and the City's Membership in the Haw River Nutrient Compliance Association

0275-15 RESOLUTION AUTHORIZING THE CREATION OF AND THE CITY'S MEMBERSHIP IN THE HAW RIVER NUTRIENT COMPLIANCE ASSOCIATION

WHEREAS, since 2010 both of the National Pollutant Discharge Elimination System (NPDES) permits for the City of Greensboro Water Reclamation Facilities have contained annual mass-based total phosphorus limits which are based on the State of North Carolina Division of Water Resources calculations from the Jordan Lake Rules for the Haw River Arm of Jordan Lake;

WHEREAS, the cities of Burlington, Graham, Greensboro, Mebane and Reidsville ultimately discharge to the Haw River Arm of the Jordan Lake watershed and have expressed an interest in forming a Haw River Nutrient Compliance Association (Association) which will serve as a non-profit corporation with a separate state-issued permit for total phosphorus;

WHEREAS, the total phosphorus limit in the Association's NPDES permit would be the sum total of the annual mass limits for all five cities;

WHEREAS, the Association would serve as a "safety net" for dischargers, in case at the end of a calendar year one of the members had experienced an operation problem and failed to meet their individual limit;

WHEREAS, the Association would initially be formed to only address total phosphorus limits, total nitrogen mass limits will be effective for the City of Greensboro and most of the other four Haw River dischargers in 2021, and the by-laws would include a provision to allow the members to vote to incorporate and implement the same approach for total nitrogen annual mass limits;

WHEREAS, the fees to create the Association are estimated at \$10,000 which is a potential cost savings due to avoided fines for non-compliance as the result of the creation of the Association.

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

That the creation of and the City's membership in the Haw River Nutrient Compliance Association is hereby authorized.

(Signed) Yvonne Johnson

12. [ID 15-0465](#) Resolution Calling a Public Hearing for September 15, 2015 on the Annexation of Territory into the Corporate Limits for Property Located at 4016 South Elm-Eugene Street - 2.5-Acres

0276-15 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 15, 2015 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 4016 SOUTH ELM-EUGENE STREET --2.5 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 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 1st day of September, 2015, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4016 SOUTH ELM-EUGENE STREET --2.5 ACRES)

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

BEGINNING at a point in the existing Greensboro city limit line (as of June 30, 2015), said point being in the centerline of South Elm Street (S. Elm-Eugene Street) as shown on Property of Mrs. Clara Brown (Plat Book 39, Page 89, Guilford County Registry), said point also being at the intersection of said centerline and the eastward projection of the northern line of Lot 2 of said plat; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 89° 11' 36" W approximately 50 feet to the northeast corner of said Lot 2; thence N 89° 11' 36" W 295.73 feet with the northern line of said Lot 2 to an existing iron pipe, said pipe being the northwest corner of said Lot 2; thence running with western line of said Lot 2 S 07° 03' 01" W 290.79 feet to a existing iron pipe on the northern margin of Wolfetrail Road; thence in a southwesterly direction approximately 35 feet to a point in the centerline of Wolfetrail Road as shown on said plat; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 86° 14' 52" E along said centerline approximately 350 feet to the southeast corner of said plat; thence with the centerline of South Elm Street (S. Elm-Eugene Street) as shown on said plat N 09° 22' 10" E approximately 320 feet to the point and place of beginning, and containing approximately 2.5 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. 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 September 15, 2015, the liability for municipal taxes for the 2015-16 fiscal year shall be prorated on the basis of 9/12 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, 2016. Municipal ad valorem taxes for the 2016 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, September 15, 2015 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 September 5, 2015.

(Signed) Yvonne Johnson

13. [ID 15-0715](#) Resolution Listing Loans and Grant for City Council Approval

0277-15 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

14. [ID 15-0734](#) Budget Adjustments Requiring Council Approval 8/11/15-8/24/15

Motion to approve the budget adjustments of 8/11 through 8/24, 2015 over the amount of \$50,000 was adopted.

15. [ID 15-0733](#) Budget Adjustments Approved by Budget Officer 8/11/15-8/24/15

Motion to accept the report of budget adjustments of 8/11 through 8/24, 2015 was adopted.

16. [ID 15-0708](#) Motion to Approve the Minutes of the Regular Meeting of August 3, 2015

Motion to approve the minutes of the Regular meeting of August 3, 2015 was adopted.

IV. PUBLIC HEARING AGENDA

17. [ID 15-0689](#) Ordinance Amending Chapter 11 of the Greensboro Code of Ordinances with Respect to Minimum Housing

Mayor Vaughan introduced Items #17 and #18 together; and stated Council would hear from speakers first.

Brett Byerly, 122 North Elm Street spoke on behalf of the Greensboro Housing Coalition; and voiced support of the proposed ordinance changes.

Ellen Sheridan, 100 A South Park Drive stated she was the Chair of the Minimum Housing Standards Commission; outlined the process for handling housing cases; spoke to issues with property owners in maintaining structures; outlined the types of cases that came before the commission; commended the work of housing inspectors; and voiced concerns to the impact on neighborhoods as a result of dilapidated structures.

Howard Taylor, 1700 Twain Road spoke on behalf of the Greensboro Neighborhood Congress; spoke to data used to support the changes; and emphasized that the Congress supported the proposed amendments.

Beth McKee Huger, 408 Woodlawn Avenue thanked Council for their dedication to housing; stated the proposed changes would strengthen the City's requirements; that this would be a win-win as owners had the incentive to repair prior to the order expiring; spoke to working with Code Compliance Manager Beth Benton for a plan for interpreters to assist the housing inspectors; voiced that she supported the proposed ordinance changes, and appreciation for the City's commitment to enforcement.

Marlene Sanford, 115 South Westgate Drive spoke on behalf of TREBIC; referenced changes made to the ordinance in 2008; stated she appreciated the staff's work; spoke to the process in making said changes; and thanked Council for consideration of the issue.

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

Neighborhood Development Director Barbara Harris made a PowerPoint Presentation which outlined the purpose of Chapter 11; Post RUCO work done in 2013; current civil penalty structure; the proposed changes to the ordinance; and confirmed that proposed changes would become effective immediately.

City Attorney Tom Carruthers outlined the requirements of North Carolina General Statute 160A-449; and provided Council with the information regarding the restorative fine process.

Councilmember Barber thanked the Department for their work on the issue; requested the guidelines be included in the ordinance; asked if chronic violations had been defined; voiced concern with people interpreting things differently; and spoke to language he thought needed to be included in the ordinance.

Discussion took place regarding having the guidelines published; waiver approval; revisiting the ordinance in six months; role of inspectors in setting fines; language being parallel to language in Chapter 30 of the Land Development Ordinance; notice provisions; definition of fresh or green hides; and the encouragement of natural areas in the City.

Councilmember Outling voiced that the Housing Commission was doing a good job of moving the ball forward; spoke to the reduction of cases; substantial changes that had been made; addressed the fine structure; the City's ability to recoup money it spent on enforcement; stated the inclusion of the guidelines in the ordinance would provide certainty; and voiced support of the item.

Councilmember Hightower stated she understood Councilmember Barber's concerns, spoke to the fines owed by property owners; demolition costs to the City; voiced the need to move forward to increase the housing stock; commended Assistant City Attorney Terri Jones and Code Compliance Manager Beth Benton for their work on the issue; spoke to demolition of structures at the City's costs; voiced concern for the impact to neighborhoods as a result of dilapidated structures; and support for the ordinance.

Councilmember Abuzuaiter requested clarification on when an owner would need to pay a re-inspection fee; and for clarification on non-residential and residential structures.

Ms. Harris outlined the process for when re-inspection fees would apply.

City Attorney Carruthers verified that non-residential structures would include out buildings; and that the ordinance would apply to abandoned commercial structures.

Councilmember Hoffmann referenced the work of the Post RUCO Committee; commended staff for the time they had spent on readdressing the housing issues; voiced that she preferred the ordinance language be as streamlined as possible; that the guidelines be available to the public; and thanked the staff and the Minimum Housing Standards Commission.

Councilmember Outling thanked Councilmember Hightower for her work on the issue; referenced being a member of Minimum Housing Standards Commission; and addressed the notice provisions of the ordinance.

Mayor Pro-Tem Johnson voiced appreciation for those who had worked on the issue; and stated that safe and affordable housing had been on her priority list.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

15-0110 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES CHAPTER 11 HOUSING CODE.

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

Section 1. That Chapter 11 of the Greensboro Code of Ordinances is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 11-1. - How chapter known and cited.

This chapter shall be known as the "Minimum Housing Code," may be cited as such, and will be referred to herein as "this chapter."

(Code 1961, § 10-1; Ord. No. 00-215, § 1, 12-5-00)

Sec. 11-2. - Definitions.

Certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this chapter. Terms, words, phrases, and their derivatives used but not specifically defined in this chapter shall have the meaning specifically defined in the building code, and any terms, words, phrases, and their derivatives used but not specifically defined in either this chapter or the building code shall have the meaning specifically defined in chapter 30.

Alter, repair, bring into compliance or similar words shall mean that the work is workmanlike and performed in a workmanlike manner.

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other in dwelling units.

Area, as applied to the dimensions of a building, means the maximum horizontal prospected area of the building at grade.

Area, as applied to the dimensions of a room, shall mean the total square footage of floor area between finished walls.

Basement means a story with forty (40) percent or more of its cubical contents below finished yard grade.

Building means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "building" shall be construed as if followed by the words "or part thereof."

Ceiling height means the clear vertical distance from the finished floor to the finished ceiling.

Common elements means all areas which were conveyed to a home-owners' association in a townhouse development, condominium, cooperative or planned unit development.

Demolish means the demolition and removal of the entire building leaving the property free and clear of any debris and without holes or pockets which may retain water.

Dwelling means any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation including living, sleeping, cooking, and eating or any combination thereof and includes accessory structures intended for human habitation.

Dwelling unit means any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

Exit means a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

Family means any of the following:

(1) An individual or two (2) or more persons related by blood, marriage, or adoption, and may, in addition include not more than two (2) unrelated persons, living together in a dwelling unit.

(2) A group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit.

A family includes five (5) or fewer foster children placed in a foster home licensed by the state. "Family" does not include fraternities, sororities, rooming houses or boardinghouses, tourist homes, or family care homes.

Garbage means the animal and vegetable refuse resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessarily incidental thereto.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets, or storage spaces.

Household means all persons who occupy a dwelling unit, (a person living alone or any group of persons sharing a dwelling unit is a household).

Housing means any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, including any outhouses and appurtenances belonging thereto or usually associated therewith.

Infestation means the presence, within or around a dwelling, of any harmful insects, rodents or other pests.

Inspection means all inspections, examinations, investigations, and similar activities.

Inspection office means the office of the Director of the Department of Neighborhood Development of the city.

Inspector means any employee of the city who is designated a minimum housing code compliance officer or employees of the city who are designated to enforce the provisions of this chapter or the building code.

Non-residential building or structure means any building or structure which is used or designed for any purpose other than residential occupancy, including accessory structures.

Occupant means any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling or rooming unit or any person having possession of a space within a building.

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and any who are in possession or control thereof—as agent of the owner, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

Pier means a masonry support of at least eight (8) inches by twelve (12) inches of solid masonry extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the North Carolina Residential Building Code.

Plumbing means the water supply system, the sanitary and storm drainage system, the vent system, the fixtures and traps and shall include their respective connections, devices, appliances and appurtenances within the property lines of the premises.

Public authority means any public authority for housing or any officer who is in charge of any department or branch of the government of the city, the county, or state relating to health, fire, building regulations, or other activities concerning dwellings or buildings in the city.

Public space shall mean that space within any multifamily housing which is open to common use by the occupants and others visiting the premises except in townhouse developments.

Residential building means any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation including living, sleeping, cooking, and eating or any combination thereof.

Roominghouse or boardinghouse means the keeping of persons by a family as an incidental home occupation provided that the capacity (total number of roomers or boarders) shall not exceed one (1) person per seventy-five (75) square feet of the permissible area for said incidental home occupation.

Rooming unit means any room for let within a rooming house.

Rubbish means combustible and noncombustible waste materials except garbage, including but not limited to ashes, wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery, dust and dirt.

Sagging means the amount of deflection occurring over a span between two (2) supports. A deflection of 1/240 shall be deemed as a structural defect.

Seriously means that the amount of damage occurring shall be sufficient to decrease the designed strength of the structural member.

Story means that part of a building comprised between a floor and the floor or roof next above.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

Substandard residential building means any building, including any dwelling unit, guest room, or suite of rooms or the premises on which the same is located, or portion thereof, which do not meet the minimum requirements of this chapter.

Tenant means any person who alone or jointly or severally with others occupies a residential building under a lease or holds a legal tenancy in a building.

Unfit for human habitation means any of those certain conditions that exist in any dwelling or building as set forth under sections 11-8 (Owner's responsibility for safety of occupants), 11-10 (Conditions rendering residential

buildings unfit for human habitation etc.) 11-37 (Determination that structures are unfit or substandard), 11-41 (Emergency cases) and any other conditions stated in Chapter 11.

Verified violation means a violation becomes a verified violation only when the violation, as stated in the order to repair, is not corrected/repared within the timeframe allowed by the inspector or the Director.

Violation means when a building or structure fails to meet standards established by this Chapter 11.

Workmanlike manner means repairs and alterations shall be performed in accordance with accepted standards of each trade using quality materials and craftsmanship.

(Code 1961, § 10-5; Ord. No. 03-250, § 1, 11-18-03; Ord. No. 05-122, § 1, 6-7-05)

Cross reference— Building code, § 6-21 et seq.

Sec. 11-3. - Findings of fact.

The city council hereby finds and declares that there exist within the city limits residential buildings and accessory structures which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such buildings unsafe or unsanitary, or dangerous, or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents within the city, and that public necessity exists to exercise the police powers of the city to cause the repair and rehabilitation, closing or demolishing of such buildings and structures in the manner provided in this chapter.

The city council further finds that there exists within the city limits abandoned structures that constitute a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities.

The U.S. Census Bureau has forecast that North Carolina's population will increase by more than four million people between 2000 and 2030 so the city council finds that housing preservation initiatives are warranted rather than relying only on a demolition program.

(Code 1961, § 10-2; Ord. No. 05-122, § 2, 6-7-05)

Sec. 11-4. - Purpose.

The purpose of this chapter is to arrest, remedy, and prevent the decay and deterioration of places of habitation and to eliminate blighted neighborhoods by providing minimum requirements for places of habitation for the protection of the life, health, welfare, safety, and property of the general public and the owners and occupants of places of habitation.

(Code 1961, § 10-3; Ord. No. 05-122, § 3, 6-7-05)

Sec. 11-5. -Scope.

The provisions of this chapter are applicable to all residential buildings and accessory structures within the city limits, as now or hereafter fixed. Demountable buildings or structures, when used for or intended for the use of human habitation, shall be subject to the applicable provisions of this chapter.

(Code 1961, § 10-4; Ord. No. 05-122, § 4, 6-7-05)

Sec. 11-6. - Chapter supplemental.

The powers conferred upon the inspector by the provisions of this chapter shall be in addition and supplemental to the powers conferred upon the inspector. Nothing in this chapter shall be construed to impair or limit in any way the power of the inspector to use other lawful remedies for violation of any of the provisions of this chapter. The measures and procedures herein provided for do not supersede or repeal any other measures or procedures which are provided by ordinance or state law for the elimination, repair, or correction of the conditions referred to in section 11-3, but the measures and procedures herein provided for shall be in addition to the same.

(Code 1961, § 10-27(a))

Sec. 11-7. - General owner responsibilities.

An owner remains liable for violations of duties imposed upon him by this chapter even though:

(1) An obligation is also imposed on the occupants.

(2) The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this chapter.

An owner shall not be responsible for penalties, financial and nonfinancial as set out in §11-40 and §11-42, imposed under this Chapter for violations caused solely by the acts of tenants, tenants' guests or invitees. Owner shall be responsible for ensuring that the building/dwelling unit is brought into compliance with this Code.

(Code 1961, § 10-14(a))

Sec. 11-8. - Owner's responsibility for safety of occupants.

(a) In order to protect the health and safety of occupants of a building the owner shall, within forty-eight (48) hours after being notified in writing, repair any broken, burst, frozen or inoperable plumbing pipe or fixtures, including the restoration of water service when the service account is in the name of the owner. (See section 11-

9(a)7 for tenant/occupant requirements)

(b) In order to protect the life and safety of occupants of a building the owner shall, within forty-eight (48) hours after being notified in writing, repair any exposed or unsafe wiring.

(c) In order to protect the life and safety of occupants of a building, the owner shall, within forty-eight (48) hours after being notified in writing, repair or replace any unsafe and/or dangerous cooking or heating equipment provided by the owner, including the restoration of necessary utilities for operation of equipment when the utilities accounts are in the name of owner. (See section 11-9(a)8 for tenant/occupant requirements)

(d) In order to protect the life and safety of occupants of a building, the owner shall, within forty-eight (48) hours after being notified in writing, repair or replace fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

(Code 1961, § 10-16)

Sec. 11-9. - General duties of occupants.

(a) Every occupant of a dwelling unit or an apartment shall:

(1) Keep that part of a dwelling unit or an apartment which he occupies and controls in a clean and sanitary condition.

(2) Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.

(3) Be responsible for the extermination of any insects, rodents, or other pests whenever said dwelling unit or apartment is the only one in the residential building infested and the owner has provided a reasonably insect-proof and adequate rodent-proof building.

(4) Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.

(5) Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such building; not place in storage or on the premises any furniture, auto parts, junk, equipment, or material which harbors insects, rodents, or other pests.

(6) Maintain fuel storage tanks and their supports which are furnished by the occupant in a safe and nonhazardous condition; not alter, change or cause damage to existing fuel storage tanks or their supports so as to make the same unsafe or dangerous.

(7) Not occupy any dwelling unit unless running water is provided to the required plumbing fixtures, including the restoration of water and sewer service when the service account is in the name of occupant.

(8) Not place within any structure for use therein any oil-or gas-fired portable or nonvented cook-stove or heater.

(9) Not place on the premises for the use thereon any heating or cooking unit which constitutes a serious fire hazard.

(10) Cause such damage to the dwelling unit or apartment let to him as to make the same unfit for human habitation.

(11) Maintain necessary utilities for operation of equipment when the utility accounts are in the name of occupant.

(b) Upon discovering a violation of subsection (a), the inspector shall, based upon the standards set forth under section 11-10, have the power to order the correction of any such violations within forty-eight (48) hours from date of notice thereof. In the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of section 11-39(a) and thereafter may again order the correction of any such violations within forty-eight (48) hours from date of service of the order upon the occupant. In the event that the occupant still fails to make such corrections, then the inspector may order the building to be vacated within a reasonable time. The inspector may pursue any other civil action as he deems reasonably necessary in order to effectuate the purposes of this chapter.

(Code 1961, §§ 10-13, 10-15)

Sec. 11-10. - Conditions rendering residential buildings unfit for human habitation.

(a) The inspector shall determine that a residential building is unfit for human habitation if he finds that any of the following conditions exist in such building:

(1) Interior walls or vertical studs which seriously list, lean, or buckle to such an extent as to render the building unsafe.

(2) Supporting members or members which show thirty-three (33) percent or more of damage or deterioration, or nonsupporting members, enclosing or outside walls or covering which show fifty (50) percent or more of damage or deterioration.

(3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.

(4) Such damage by fire, wind, or other causes as to render the building unsafe.

(5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people in the city.

(6) Inadequate facilities for egress in case of fire or panic.

(7) Defects significantly increasing the hazards of fire, accident, or other calamities.

(8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the city.

(9) Lack of proper electrical, heating or plumbing facilities required by this chapter which constitutes a health or a definite safety hazard.

(b) Irrespective of the above, a residential dwelling unit shall be construed by the inspector to be unfit for human habitation, and he shall so find if such dwelling unit contains more than five (5) separate types of violations of any of the minimum standards set forth in this chapter.

(Code 1961, § 10-21; Ord. No. 05-122. § 5, 6-7-05)

Sec. 11-11. - Damaging or removal of permanent fixtures.

No person shall damage, mutilate, or remove, nor shall any person suffer, permit, or cause to be damaged, mutilated, or removed any permanent fixtures from any dwelling unit.

(Code 1961, § 10-25(c))

Sec. 11-12. - Unlawful to rent or occupy property after expiration of time limits of any orders issued in accordance with Chapter 11.

(a) If any order issued and served in accordance with this chapter is not complied with within the time specified therein, it shall be unlawful for any person that had knowledge of the issuance of the order to occupy any portion of the building under order for any purpose. Each day is a separate offense. A placard placed on the building shall have the same effect as a written order delivered to owner or agent.

(b) When the inspector finds that a building is unfit for human habitation within the meaning of this chapter and has notified the owner to such effect and the time limit set by the inspector for the correction of defects and vacating same has expired, it shall be unlawful for any person (including but not limited to Owner or Owner's agent) to receive rentals, offer for rent, to occupy or to allow others to occupy said building/dwelling unit for any purpose.

(Code 1961, §§ 10-24(a), 10-25(b))

Sec. 11-13. - Unauthorized removal of orders or notices.

No person, without the written consent of the inspector, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this chapter.

(Code 1961, § 10-25(a))

Secs. 11-14—11-30. - Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – RESIDENTIAL DWELLINGS

Sec. 11-31. - Enforcement agency generally.

(a) The Director of the Department of Neighborhood Development is hereby designated the public officer to exercise, by and through his duly appointed agents, the powers prescribed by this chapter.

(b) The inspector shall have such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including (without limiting the generality of the foregoing) the following powers in addition to others herein granted:

(1) To investigate residential building conditions in the city in order to determine which buildings therein are unfit for human habitation, being guided in such examinations of buildings by the requirements set forth in this chapter.

(2) To administer oaths, affirmations, and to examine witnesses and receive evidence.

(3) To enter upon and within premises, dwellings, and buildings for the purpose of making examinations and investigations; provided that such entries shall be made in such lawful manner as to cause the least possible inconvenience to the persons in possession. However, no entrance shall be made into the premises without the permission of the person in legal possession thereof, or absent permission without first obtaining an administrative search warrant.

State law reference— Administrative search and inspection warrants, G.S. § 15-27.2.

(4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter.

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

(Code 1961, §§ 10-6, 10-23; Ord. No. 03-180, §§ 1, 2, 8-4-03)

State law reference— Enforcement officer generally, G.S. §§ 160A-443, 160A-448.

Sec. 11-32. - Consulting agencies, enforcement coordination, etc.

(a) The inspector shall have authority to request advice and assistance of the city planning board, county planning board, Housing Authority of Greensboro, Redevelopment Commission of Greensboro, fire department, police department, county health department, county fire marshal, and any other public authority he may deem appropriate, in order to determine those areas of the city in which substandard housing may be prevalent, and shall designate and schedule such areas for comprehensive inspection under this chapter.

(b) The employees of the fire department and police department shall make a report to the inspector of all buildings or structures which are, may be, or are suspected of being unfit for human habitation or a dangerous accessory structure.

(c) It shall be the duty of the city manager to coordinate and set up proper departmental enforcement procedures to carry out the provisions of this chapter and written reports with respect thereto shall be made to the city council within thirty (30) days after the close of each calendar quarter of the fiscal year of the city. The report should contain the following-(i) the number of active cases at the end of each quarter, (ii) the number of cases brought into compliance during the quarter; (iii) data on cases granted extensions by the Director of Neighborhood Development (beyond the 90 days granted by the inspector); (iv) the number of cases heard by the Minimum Housing Commission during the quarter and a summary of the actions taken by the Commission; (v) the number of outstanding demolition orders pending at the end of the quarter, (vi) the number of houses demolished by the City during the quarter, and, (vii) any other items requested by Council.

(Code 1961, §§ 10-7, 10-26(c), 10-27(b))

Sec. 11-33. - Appeals.

An appeal to the housing commission may be taken from any decision or order of the inspector by any person aggrieved thereby or by any officer, board, or commission of the city. Any appeal from the inspector to the commission shall be taken within a reasonable time as prescribed by the rules of the housing commission, and shall be taken by filing with the inspector and with the secretary of the commission a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of notice of appeal, the inspector shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made.

(Code 1961, § 10-20)

Charter reference— Appeals, § 5.74.

Cross reference— Boards and Commissions, § 2-136 et seq.

State law reference— Similar provisions, G.S. § 160A-446.

Sec. 11-34. - Civil liability.

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent, or employee of the municipality charged with the enforcement of this chapter shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes, or assists in the prosecution of, a criminal proceeding under this chapter shall be liable to damages hereunder unless he acted with malice and without reasonable grounds for believing that the person accused was guilty of an unlawful act or omission.

(Code 1961, § 10-9)

Sec. 11-35. - Service of complaints and orders.

(a) Complaints or orders issued under this chapter by a public officer pursuant to Parts 5 (Building Inspection) or 6 (Minimum Housing Standards) of Article 19 (Planning and Regulation of Development) of Chapter 160A (Cities and Towns) of the General Statutes shall be served upon persons either personally or by registered or certified mail, and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing, service shall be deemed sufficient. The person mailing such complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be deemed conclusive in the absence of fraud. (This section was authorized by Chapter 578 of the 1993 Session of the General Assembly of North Carolina.)

(a1) Each owner of rental property located within the city shall authorize a person residing in Guilford County to serve as his or her agent for the purpose of accepting service of process pursuant to this chapter. The owner shall provide, on a form supplied by the inspection division, local ordinance section, the authorized agent's name, address and phone number. The owner shall notify the local ordinance enforcement division of any changes in the information provided not less than ten (10) days after such changes have occurred. Service on the owner's designated agent shall be sufficient as service on the owner. Nothing in this section shall be interpreted to require an owner to designate an agent to accept service of process where the owner of the rental property resides within the city.

(b) Upon the issuance of a complaint and notice of hearing or an order related to the complaint or hearing, a

separate notice of the pending action, along with a copy of the complaint, notice of hearing or order, may be filed in the office of the Clerk of Superior Court in Guilford County. The separate notice shall be in the form of a notice of lis pendens and shall contain the name of the tribunal or forum where the complaint or order is pending, the names of the parties to the action, the nature and purpose of the action, and a description of the property to be affected. After the notice of lis pendens is filed and the clerk of court has indexed the complaint and notice of hearing or an order, successors and assigns of the owners and all parties with an interest in the affected property shall be bound by the complaint and notice of hearing or order.

(c) The filed notice of lis pendens shall remain in full force and effect until cancelled, which cancellation shall not occur until all violations of this chapter have been cured with respect to the affected property and the owner has reimbursed the city for any reimbursable costs or the owner has demolished the affected property or has reimbursed the city for all demolition costs incurred by it.

(Code 1961, § 10-22; Ord. No. 94-73, § 1, 8-15-94; Ord. No. 95-83, § 1, 7-19-95; Ord. No. 97-188, § 1, 11-18-97; Ord. No. 07-28, § 1, 2-20-07)

State law reference— Similar provisions, G.S. § 160A-445.

Sec. 11-36. - Notice to transferee, mortgagee, etc., of notices, etc., effect of notices, etc., on same.

It shall be unlawful for the owner of any building upon whom a notice, complaint, or order has been served to sell, transfer, mortgage, lease, or otherwise dispose thereof until the provisions of the notice, complaint, or order have been complied with, or until such owner shall first furnish to the transferee, lessee, or mortgagee prior to such transfer, lease, or mortgage a true copy of any notice, complaint, or order issued by the inspector and at the same time give written notice to the inspector of the intent to transfer, lease, or mortgage and to whom the transfer, lease, or mortgage is proposed. A transferee, lessee, or mortgagee who had received actual or constructive notice of the existence of a notice, complaint, or order shall be bound by such notice, complaint, or order as of the date of such transfer, lease, or mortgage without service of further notice upon him.

(Code 1961, § 10-25(d))

Sec. 11-37. - Determination that structures are unfit or substandard.

The inspector shall determine that residential buildings and accessory structures are substandard and unfit for human habitation if he finds, on the basis of the standards and requirements of fitness set forth in this chapter, that conditions exist in such buildings or accessory structures which are dangerous or injurious to the health, safety or morals of the occupants of such buildings, the occupants of neighboring buildings or other residents of the city; such conditions include (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

(Code 1961, § 10-8)

State law reference— Standards required, G.S. § 160A-444.

Sec. 11-38. - Inspections.

(a) It shall be the duty of the inspector diligently to examine buildings, dwellings, units, and accessory structures located in the city especially in those portions of the city where the conditions described in section 11-3 exist for the purpose of locating and taking action with respect to such buildings, dwellings, units, and structures as appear to be unfit for human habitation. Reasonable cause to inspect means any of the following:

- (1) There has been a complaint that substandard conditions exist within the building or dwelling unit;
- (2) There has been a request that the building or dwelling unit be inspected;
- (3) The inspection department has actual knowledge of an unsafe condition within the building and/or dwelling unit;
- (4) Violations of the local ordinances or codes are visible from the outside of the property; and
- (5) The owner has a history of more than two uncured verified violations of the housing ordinances or codes within a 12 month period.

(Code 1961, §§ 10-14(b), 10-17; Ord. No. 89-58, § 1, 4-27-89; Ord. No. 05-122, § 6, 6-7-05)

Sec. 11-39. - Procedures.

(a) Whenever a petition is filed with the inspector by a public authority or by at least five (5) residents of the city charging that any building or accessory structure is unfit for human habitation or whenever it appears to the inspector (on his own motion) that any such building or accessory structure is unfit for human habitation, the inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner or any parties in interest in such building, a complaint stating the charges and containing a notice that a hearing will be held before the inspector (or his designated agent) at a place therein fixed within the city, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; the owners and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; notice of such hearing shall also be given to at least one

(1) of the persons signing any petition relating to such building; any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(b) If, after such notice and hearing, the inspector determines that the building under consideration is unfit for human habitation in accordance with the standards herein set forth, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order. In addition, the inspector shall cause notice of the order to repair the building or otherwise demolish to be mailed by first class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. Such orders shall be mailed at least forty-five (45) days before the inspector may cause such building to be demolished, in order to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The inspector or city clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the inspector to wait forty-five (45) days before causing removal or demolition. The order shall require the owner, within a reasonable time fixed by the inspector, but not less than thirty (30) days nor more than ninety (90) days, to make such repairs, alterations or improvements necessary to correct existing violations of the minimum standards and requirements set forth in this chapter; provided that the order shall further state that if the owner does not make the necessary repairs to correct existing violations as specified in the order, the owner shall, within the same reasonable time period, either:

(1) Repair, alter or improve the building, if the repair, alteration or improvement ordered would cost less than fifty (50) percent of the present value of the building; or,

(2) Demolish the building if the repair, alteration or improvement ordered would cost an amount equal to or in excess of fifty (50) percent of the present value of the building.

However, whenever a dwelling is located in a designated historic district of the city and the historic district commission in a public hearing has determined that the dwelling

is of a particular significance or value toward maintaining the character of the district, and the dwelling has not been declared as unsafe, the inspector or minimum housing standards commission may issue an order that the dwelling be vacated and closed consistent with North Carolina General Statutes Section 160A-400.14(a).

If, within the time fixed by the inspector for repairing, altering or improving such building, the inspector finds there has been substantial compliance with the provisions of the order or that the owner has filed with the inspector a written request for additional time to make repairs and provides written documentation for the need of additional time, the inspector may extend the time for compliance with the provisions for the order for an additional period of time; however the total time given by an inspector, including all extensions, shall not exceed 90 days. Requests for additional time to comply under the order may be granted if a written request stating the reasons for the extension, including any written supporting documentation, is made to the Director of the Department of Neighborhood Development or his/her designee during the initial period or any extension period granted by the inspector. The grant of any extensions, either by an inspector or by the Director of the Department of Neighborhood Development or his/her designee shall be in writing and must state the cause and conditions of the extension and the amount of time allowed by the extension.

Exception: The requirement to submit a written request for an extension of time to the Department Director will be waived if the property owner has submitted an application for assistance for any of the housing rehabilitation programs administered by the Neighborhood Development Department's Division of Housing Services or other approved housing rehabilitation programs and is waiting for either approval of the application or the required repairs to be completed.

(c) If the owner of a building fails to comply with order to repair, alter or improve the building, the inspector may cause such building to be repaired, altered or improved, or to be demolished; provided, that after the building has become vacant, the inspector may cause the water service to said building to be discontinued until such time as there is compliance with the order. The inspector shall cause to be posted on the main entrance of any building so closed a placard with the following words:

"This building is unfit for human habitation; the use of occupancy of this building for human habitation is prohibited and unlawful."

(d) If the owner fails to comply with an order to repair or, upon his failure to do so, otherwise demolish the building, the inspector may cause such building to be demolished; provided, that the duties of the inspector with respect to causing the repair, alteration, improvement or demolition set forth in subsections (c) and (d) shall not be exercised until the minimum housing standards commission shall by ordinance or other decree order the inspector to proceed to effectuate the purposes of this chapter concerning the particular property or properties

which the inspector shall have found to be unfit for human habitation or dangerous, and which property or properties shall be described in the ordinance or other decree. Such decree shall be recorded in the office of the register of deeds of Guilford County. Unless an appeal is filed with the housing commission in accordance with applicable provisions of law, the inspector shall proceed to vacate and close any such building and cause the discontinuance of water service to the vacant building without further action by the minimum housing standards commission.

(e) The amount of the cost of such repairs, alterations, improvements, and demolition by the inspector shall be a lien against the real property upon which such cost was incurred; said lien shall be filed, have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments for local improvements. The property owner shall have the option of paying for the cost of demolition either in cash or in five (5) equal annual installments with such installments bearing interest at the rate of six (6) percent per annum from the date of the filing of the lien. If any cost is not paid in cash, the first installment, with interest, shall become due and payable thirty (30) days after the date of the filing of the lien, and one (1) subsequent installment and interest shall be due and payable on the same day of the month in each successive year until the cost is paid in full. If any installment with interest is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid assessments, in addition to the interest herein provided for, and, in addition, all of the installments remaining unpaid shall at once become due and payable and the property may be sold in the same manner as now prescribed by law for the sale of land for unpaid taxes. The whole cost of the demolition may be paid at the time of paying any installment by payment of the principal and all interest accrued to that date. All payments received under this section shall be used by the City for implementation of this chapter, including future repairs, alterations, improvements and demolition of other properties.

If the building is demolished by the inspector, he shall sell the materials of such building and any personal property, fixtures or appurtenances found in or attached to the dwelling and shall credit the proceeds of such sale against the cost of demolition, and any balance shall be deposited in the superior court of the county by the inspector, to be secured in such manner as may be directed by such court and disbursed by the court to the persons found to be entitled thereto by final order or decree by such court. If the City contracts for demolition, the contractor shall verify by affidavit that the proceeds from the sale of any salvaged materials, including personal property, fixtures or appurtenances, have been credited against the cost of demolition.

(f) Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice, or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

(g) For the purposes of fixing the value of dwellings, when a building containing multifamily residential structures is inspected pursuant to this chapter, the inspector shall fix a reasonable value of the total building rather than individual dwelling units contained within any such building. The value of the total building shall be used in determining whether the building should be repaired, altered or improved, or demolished and removed. The inspector may fix a reasonable value of any building for the purpose of this section and such value shall be binding, unless the owner protests such value in writing to the inspector within ten (10) days after receipt of an order.

(h) Whenever the minimum housing standards commission shall have adopted an ordinance or other decree or the inspector shall have commenced proceedings under the housing code regarding a dwelling to be repaired or demolished, and the owner has failed to cause such dwelling to be repaired or demolished; provided, the minimum housing standards commission shall first find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its (dilapidated) status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state. All ordinances or decrees shall be in compliance with all applicable state and federal laws.

In such circumstances, the minimum housing standards commission may enact an ordinance or other decree and serve such order upon the owner, requiring that the owner either:

- (1) Repair the dwelling within ninety (90) days, if the repair necessary to render the dwelling fit for human habitation would cost less than fifty (50) percent of the present value of the dwelling; or,
- (2) Demolish and remove the dwelling within ninety (90) days if the repair necessary to render the dwelling fit for human habitation would cost an amount in excess of fifty (50) percent of the present value of the dwelling.

Such order shall be recorded in the office of the register of deeds of Guilford County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the order of the Greensboro

minimum housing standards commission within the time fixed by such order, then the inspector may effectuate the purpose of the ordinance by causing such dwelling to be demolished and removed. The cost of such demolition and removal shall be a lien against the real property upon which such cost was incurred.

The inspector in proceeding to effectuate the purposes of this section shall follow the requirements of section 11-39(e). The inspector shall not proceed to repair or demolish property or properties in accordance with this section until the minimum housing standards commission shall by ordinance or other decree order the inspector to proceed to effectuate the purposes of this section concerning a particular property or properties.

(i) The complaint and notice issued pursuant to subsection (a) or the orders issued pursuant to subsection (b) and (h) may be filed in the notice of lis pendens in the office of the clerk of superior court of the county, or the office of the clerk of superior court where the property is otherwise located. From the time and date of recording of such complaint and notice or order, it shall be notice to and binding upon the successors in interest or assigns of the owner of the building or accessory structure. At such time as the residential building or accessory structure affected by the complaint or order is either demolished or brought into compliance with the then existing effective ordinances the inspector may cancel the notice of lis pendens.

(j) Nothing in this chapter shall be construed to impair or limit the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

(Code 1961, § 10-18(a)—(g); Ord. No. 89-160, §§ 1—3, 11-30-89; Ord. No. 91-137, §§ 1, 2, 11-14-91; Ord. No. 95-83, § 2, 7-19-95; Ord. No. 96-92, § 1, 7-23-96; Ord. No. 97-39, § 1, 3-18-97; Ord. No. 03-238, §§ 1—5, 10-21-03; Ord. No. 04-167, § 1, 9-7-04; Ord. No. 05-122, § 7, 6-7-05)

Cross reference— Unsafe building, § 17-26 et seq.

State law reference— Similar provisions, G.S. § 160A-443.

Sec. 11-39.1. - Requirements for closing and securing substandard buildings.

(a) Every building required to be closed by order of the inspector or minimum housing standards commission pursuant to section 11-39 or 17-29 of this Code shall be closed in accordance with the standards and requirements for closing buildings as stated in the International Property Maintenance Code, Appendix A. Any deviation from the standards stated in Appendix A must be approved by the Director of the Department of Neighborhood Development or the designee.

(b) Any building closed pursuant to an order of the inspector or minimum housing standards commission must be maintained closed and secure by the owner. If the order of the inspector or minimum housing standards commission to close and secure a building is complied with by the owner thereof, and thereafter the building is unlawfully opened, the inspector shall serve the owner with an order to reclose and secure the building within thirty (30) days after service of the order. Any owner who fails to comply with an order to reclose and secure a building within the time required under the order shall be subject to civil penalties prescribed by this chapter.

(Ord. No. 91-137, § 3, 11-14-91)

Sec. 11-40. - Periodic inspections of residential rental dwelling units.

(a) The inspection department may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential rental buildings and/or rental dwelling units within its territorial jurisdiction. The inspection department may make periodic inspections of residential buildings and dwelling units only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in residential rental buildings or dwelling units. For purposes of this section, the term "reasonable cause" means any of the following: (i) there has been a complaint that substandard conditions exist within the building or dwelling unit (ii) or there has been a request that the building or dwelling unit be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; (iv) violations of the local ordinances or codes are visible from the outside of the property; and (v) the owner has a history of more than two uncured verified violations of the housing ordinances or codes within a 12 month period. Owners with rental dwelling units and residential rental buildings found to be in violation of the housing code shall be given the opportunity to cure the violation. Owners of rental dwelling units and residential rental buildings in which all of the violations are cured within the time frame stated in the violation notice or in any extension periods granted by City shall not be deemed to have an uncured verified violation for purposes of this ordinance; however, where all of the violations are not cured within the time frame stated in the violation notice, (including any extensions granted by City) the owner is deemed to have an uncured verified violation, (e.g., a property with six violations and the owner cures all six (6) within the time given by the inspector does not become an uncured verified violation, whereas a property with six (6) violations and the owner only cures five (5), within the time frame including any extension given by the inspector, becomes an uncured verified violation). Requests for additional time for repairing violations may be granted by the City Director of the Department of Neighborhood Development or his/her designee. Approval will be granted at the discretion of the Director or the designee. The request must be made during the timeframe for making all repairs as stated in the original violation notice including any

inspector granted extensions. The request must be made in writing, must state the reasons for the extension and must include any appropriate written documentation to support the request. The grant of any extensions, either by an inspector or by the Director of the Department of Neighborhood Development or his/her designee shall be in writing and must state the cause and conditions of the extension and the amount of time allowed by the extension. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) The City of Greensboro may levy a fee for residential rental properly registration under this section for those rental dwelling units which have been found with more than five (5) verified violations of local ordinances within the previous 12 months. The fee shall be set by the Director of Neighborhood Development in an amount that covers the cost of operating a residential registration program and shall not be used to supplant revenue in other areas.

(c) The provisions of this section shall not apply to: (i) transient occupancy in hotel, motel, apartments or similar lodging subject to regulation by the Commission for Public Health or other governmental agency, or (ii) rentals less than 30 days.

Sec. 11-41. - Emergency cases.

(a) In emergency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property, unless a dwelling unit unfit for human habitation or a dangerous accessory structure is immediately repaired or demolished, the inspector shall order the structure vacated and cause the immediate repair or demolition of the structure and the cost of such repair or demolition shall be recovered and collected as is provided in section 11-39, subsection (e).

(b) In emergency cases, the inspector shall have the power immediately to cause to be posted on the main entrance of any building or dwelling unit a placard with words which, in effect, provide notice that the building or dwelling unit has been declared as unsafe and that occupancy for human habitation is prohibited, and further setting forth the reasons therefore.

(Code 1961, §10-26(a),(b))

Sec. 11-42. - Fines, fees and penalties for violation of the housing code.

(a) Violations of this chapter shall not be punishable as a misdemeanor or infraction and Section 14-4 of the North Carolina General Statutes shall not apply to violations of this chapter. This section shall apply to all civil penalties assessed on or after January 1, 2014.

(b) Any person who violates any provision of this chapter shall also be subject to a civil penalty of two hundred dollars (\$200.00) for the first violation. For each day the violation is not corrected, a penalty of ten dollars (\$10.00) per day may be imposed. Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct. The inspector shall not assess a civil penalty until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, by personal service, or other means reasonably calculated to give actual notice. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due after the date of the filing of a prior proceeding.

After a unit has been brought into compliance, the total amount of civil penalties issued may be waived or reduced by the Director of Neighborhood Development Department or designee or by the City Attorney in accordance with a civil penalty waiver or reduction policy to be adopted by the Department of Neighborhood Development. Modification of penalties by the Director, the designee, or the City Attorney may be appealed to the Commission in accordance with Section 11-49.

(c) Re-inspection fees required by this Ordinance are charged in accordance with the City's Schedule of Fees and Services established by the Greensboro City Council. The City of Greensboro shall not charge a fee for re-inspection authorized by Section 11-42 of the Greensboro Code of Ordinances for any initial inspection of a dwelling unit or for any re-inspection during the applicable cure period, including any extension, in the enforcement of this ordinance. If the necessary repairs are not made within the applicable cure period, including any extension, the re-inspection fees authorized by Section 11-42 shall be charged.

(d) All civil penalties and inspection fees collected under this chapter shall be used for implementation of this chapter, including future repairs, alterations, improvements and demolition of other properties.

(e) Owners shall not be charged for any violations attributed to tenants cited in section 11-9 of this chapter of the Greensboro Code of Ordinances.

(Ord. No. 88-138, § 1, 9-29-88; Ord. No. 95-141, § 1, 11-20-95; Ord. No. 96-92, § 2, 7-23-96; Ord. No. 00-215, § 4, 12-5-00; Ord. No. 04-167, § 7, 9-7-04; Ord. No. 04-244, §§ 1, 2, 12-7-04; Ord. No. 09-180, § 3, 11-10-09)

DIVISION 2. – NON-RESIDENTIAL BUILDINGS AND STRUCTURES

Secs. 11-43. – Enforcement and abatement procedure.

(a) As authorized by Part 5 of Article 19 of Chapter 160A of the North Carolina General Statutes, the provisions of this section shall apply to all non-residential buildings and structures within the city limits as now or hereinafter fixed.

(b) Unless otherwise provided herein, all procedural requirements and violation provisions of Article II Division 1 of this ordinance shall also apply to non-residential buildings and structures. Notice provided under one division shall constitute notice required under any division of this chapter.

(c) The purpose of this section is to arrest, remedy, and prevent the decay and deterioration of non-residential buildings and structures for the protection of life, health, welfare, safety and property of the general public and the owners and occupants of non-residential buildings and structures.

(d) It shall be the duty of the inspector diligently to examine non-residential buildings and structures located in the city where the conditions described in subsection (e) exist for the purpose of locating and taking action with respect to such non-residential buildings and structures as appear to be unsafe.

(e) An inspector may declare a non-residential building or structure to be unsafe if it appears to the inspector that the building or structure is especially dangerous to life because of its liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress or other causes.

(f) After an inspector declares a non-residential building or structure unsafe in accordance with subsection (e), the inspector must affix a notice of the unsafe character of the non-residential building or structure in a conspicuous place upon the exterior of the building or structure. If any person shall remove any notice that has been affixed to any building or structure by the inspector, that person shall be guilty of a Class 1 misdemeanor. If the owner of the non-residential building or structure that has been declared to be unsafe pursuant to this chapter shall fail to take prompt corrective action, the inspector shall give the owner written notice, by certified or registered mail to his last known address or by personal service that:

(1) The non-residential building or structure is in a condition that appears to meet one of the following conditions:

- a. Constitutes a fire or safety hazard;
- b. Is dangerous to life, health, or other property;
- c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children;

d. Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

(2) That a hearing will be held before the inspector at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or through counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate within a period not less than sixty (60) days from the date of the order. However where the inspector finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period of time as may be feasible.

(g) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one (1) week prior to the hearing.

(h) Any owner who has received an order under this chapter may appeal from the order to the minimum housing standards commission by giving written notice to the inspector and to the commission within ten (10) days following the issuance of the order. In the absence of an appeal the order of the inspector shall be final.

(i) If an owner shall fail to comply with an order issued pursuant to subsection 11-43(f) from which no appeal has been taken, or fails to comply with an order from the housing commission following an appeal, the city may, in addition to any other remedy provided by law or equity, take action causing the non-residential building or structure to be removed or demolished. The amounts incurred in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments. All payments received under this section shall be used for the implementation of this chapter, including future repairs, alterations, improvements and demolition of other properties.

If the building or structure is removed or demolished by the city, the city shall sell usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building and credit the proceeds

of such sales against the costs of removal or demolition. Any balance remaining, if any, shall be deposited with the Guilford County Clerk of Superior Court and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court. If the City contracts for demolition, the contractor shall verify by affidavit that the proceeds from the sale of any salvaged materials, including personal property, fixtures or appurtenances, have been credited against the cost of demolition.

(j) Nothing in this chapter shall be construed to impair or limit the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

Secs. 11-44—11-45. - Reserved.

DIVISION 3. - MINIMUM HOUSING STANDARDS COMMISSION

Sec. 11-46. - Created.

There is hereby created a commission to be known as the Greensboro Minimum Housing Standards Commission.

(Code 1961, § 2-104; Ord. No. 93-141, § 1, 11-15-93)

Sec. 11-47. - Membership.

The minimum housing standards commission shall be composed of seven (7) members. Members shall be appointed by the council for terms to expire on August 15.

(Code 1961, § 2-105; Ord. No. 93-141, § 2, 11-15-93)

Sec. 11-48. - Powers and duties.

(a) The duties of the minimum housing standards commission shall be as follows:

- (1) Study rental rates, the need for reconditioning or condemnation, and other housing conditions within the city, and to make recommendations to the council concerning such matter.
- (2) Perform such other duties as may be assigned it from time to time by the council.
- (3) Hear and determine appeals from decisions of the inspector upon any provision of chapter 11 or articles I and II of chapter 17.

(b) The commission may inspect houses and living quarters in the city, and shall have the right to enter with the inspector for that purpose in accordance with applicable law.

(Code 1961, § 2-104; Ord. No. 93-141, § 2, 11-15-93)

Sec. 11-49. - Appeals.

(a) An appeal to the minimum housing standards commission may be taken from any decision or order issued pursuant to this chapter by any person aggrieved thereby or by any officer, board, or commission of the city. Any appeal to the commission shall be filed with the secretary of the commission within 10 days of the decision or order by filing a written notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of notice of appeal, the inspector shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made.

(b) When an appeal is from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, the decision of the inspector shall remain in force until modified or reversed by the commission.

(c) When an appeal is from a decision of the inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the inspector until the hearing thereon by the commission; unless the inspector certifies to the commission, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the applicant), a suspension of his requirement would, in his opinion, cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted, for due cause shown and upon not less than one (1) day's written notice to the inspector, by the commission or by any judge of the superior court authorized by law to grant restraining orders.

(d) The commission shall fix a reasonable time for the hearing of all appeals and shall render its decisions within a reasonable time. The commission shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. For all continuances, the commission shall state the reasons and conditions for the continuance.

(e) Upon the hearing of any appeal any party may appear in person or by agent or attorney.

(Code 1961, § 2-113; Ord. No. 93-141, § 2, 11-15-93)

Sec. 11-50. - Vote required to reverse inspector.

The concurring vote of four (4) members of the minimum housing standards commission shall be necessary to reverse or modify any decision of the inspector.

Sec. 11-51. Additional time may be granted to structures of historical significance.

(a) If a structure located within an historic district or other area of the city has historical significance as defined

below, the minimum housing standards commission may authorize the time table below to allow the owner or other interested party the opportunity of repairing or securing a buyer for the property. Before the commission grants the additional time, the commission shall find the following:

(1) That the structure is included on the city's inventory of historic architecture, or is determined to be more than fifty (50) years old and of equivalent architectural or historical significance as determined by the Greensboro Historic Preservation Commission; and

(2) That the owner or other individual or agency has indicated interest in actively pursuing the preservation of the structure; and

(3) That in the case of a vacant structure, it has been properly boarded up and made secure and does not pose an unsafe or hazardous condition, as determined by the inspector.

(b) The commission may grant additional time for the purpose of bringing the property into full compliance as follows:

(1) Up to eighteen (18) months from the date of determination by the commission may be granted to complete the renovation or restoration of the property.

(2) If, at the end of the time granted by the commission, active efforts are being made to complete the work and at least fifty (50) percent of the work is completed, the commission can grant up to twelve (12) months additional time.

(3) Progress reports will be made to the commission within the time period prescribed by the commission. Failure of the property owner to make these reports or to complete the work according to the schedule set by the commission will constitute a violation of this special provision, and all other provisions of the housing code shall apply.

(c) The commission may require periodic progress reports from the owner or contractor.

(Ord. No. 89-21, § 1, 2-16-89; Ord. No. 93-141, § 2, 11-15-93; Ord. No. 00-215, § 3, 12-5-00)

Secs. 11-52—11-55. - Reserved.

ARTICLE III. - MINIMUM STANDARDS

Sec. 11-56. - International Property Maintenance Code.

The following chapters and index of the International Property Maintenance Code, as copyrighted by the International Code Council, Inc. shall be applicable to those buildings and structures, residential and non-residential, as if fully set forth in this article, with any additions, insertions, deletions and changes, if any, prescribed in this article.

Chapter 1 Administration

Chapter 2 Definitions, except that terms defined in section 11-2 shall take precedence over any conflicting definitions in Chapter 2 of the IPMC

Chapter 3 General Requirements

Chapter 4 Light, Ventilation and Occupancy Limitations

Chapter 5 Plumbing Facilities and Fixture Requirements

Chapter 6 Mechanical and Electrical Requirements

Chapter 7 Fire Safety Requirements

Chapter 8 Referenced Standards

Appendix A

Index

Amendments to the International Property Maintenance Code (IPMC) which are adopted and published by the International Code Council, Inc., from time to time, shall be effective as to this Chapter 11 on the effective date prescribed by the International Code Council, Inc.

(Ord. No. 03-112, § 1, 5-20-03; Ord. No. 04-167, § 8, 9-7-04)

Sec. 11-57. - Same—Amendments.

(a) The following sections of the IPMC are hereby revised:

Section 302.4, Amend the section by deleting the entire section;

Section 304.14, Amend the section by deleting the phrase, "During the period from _____ to _____" and begin the section with the word "Every";

Section 602.3 Amend the section by deleting the phrase, "during the period from _____ to _____" from line 5; and

Section 602.4 Amend the section by deleting the phrase, "during the period from _____ to _____" from lines 2 and 3.

(b) The following amendments are made to Chapter 8 of the IPMC

The following paragraph is added to the chapter:

"All structures currently in compliance with all existing codes shall not be subject to the provisions of this Code

until such time as they are found to be in violation of existing codes or are remodeled, up-fitted or renovated."

(Ord. No. 03-112, §§ 2, 3, 5-20-03)

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Sharon Hightower

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer X, Exhibit No. 25 which is hereby referred to and made a part of these minutes)

18. [ID 15-0690](#) Ordinance Amending Chapter 17 of the Greensboro Code of Ordinances with Respect to Nuisances

City Attorney Carruthers commended Assistant City Attorney Terri Jones and Code Compliance Manager Beth Benton for the work they had done on the two items.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

15-0113 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES CHAPTER 17 NUISANCES

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

Section 1. That Chapter 17 of the Greensboro Code of Ordinances is hereby amended as follows:

ARTICLE I. - NUISANCES

Sec. 17-1. - Nuisances prohibited; enumeration.

(a) The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. The natural conditions on lands dedicated to and/or accepted by the city as natural stream corridors, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting networks along floodways, streams and creeks are deemed and declared as exceptions for the purpose of enforcement of this article.

(1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.

(2) Any place of dense growth of grass, weeds or other noxious vegetation over twelve (12) inches in height, except for ornamental grasses chosen for features like color and form, such as switch grass, pampas grass, fountain grass, and bamboo, and with the following provisions:

a. A parcel consisting of adjacent vacant lots, under the same ownership, will be considered as one lot.

b. Exceptions for lots exceeding one acre in size, or a parcel with combined adjacent vacant lots exceeding one acre in total size, or lots covered with trees:

1. These lots shall be maintained to a depth of 20 feet from the improved road surface for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft is less than one inch in thickness.

2. If and only if the adjacent property is occupied by a dwelling or other structure, lots exceeding one acre, vacant undeveloped lots, or lots covered with trees shall be maintained to a depth of 20 feet from the side and rear property lines for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft of vegetation is less than one inch in thickness.

c. Natural landscape areas and wooded lots shall be allowed under the following conditions:

1. Natural landscape areas and wooded lots shall be maintained and shall not harbor, create nor allow to exist any condition defined as a nuisance or determined by the code enforcement officer to be a condition which poses a health hazard for the general welfare of the public;
 2. Natural landscape vegetation shall not overhang into the public right-of-way nor into adjoining properties; and
 3. Natural landscape areas shall utilize borders to define the areas. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood, timber, or stone or woodchips.
 - (3) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
 - (4) An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.
 - (5) Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.
 - (6) Any furniture, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
 - (7) Any condition which blocks, hinders, or obstructs in any way the natural flow of water in swales, streams, creeks, surface waters, ditches, or drains, to the extent that standing water is created on the premises.
 - (8) Structures, remains of structures or lots with a condition that is detrimental, dangerous, or hazardous to the public safety, health and welfare. For purposes of the enforcement of this subsection, this shall be a condition, which consists of one (1), or more, of the following:
 - a. Glass, metal, or other sharp objects in accessible areas;
 - b. Unstable structures or trees which may fall or collapse;
 - c. Holes, excavations, surviving foundations or walls that may collapse or create heights in excess of three (3) feet in areas where they may be scaled;
 - d. Any substance which is hazardous or harmful to humans or pets; and
 - e. Any open or accessible utility lines such as natural gas, water, sewer, or electrical.
 - f. Structures and remains of structures open to the elements, which are a danger to children, or tend to attract vagrants, or persons intent on criminal activities or other activities that would constitute a public nuisance.
 - g. Structures ordered closed by a code compliance officer, the Minimum Housing Commission or other quasi-judicial authority which are reopened without cause or justification.Any owner of property, which is in non-compliance with this subsection, may enclose the portions of their property in violation with a secure fence of five (5) feet in height, which prevents the entry of humans until such time as the property is repaired to Code standards or completely demolished and is no longer in a detrimental, dangerous or hazardous state. Such enclosure shall be deemed in compliance with this subsection provided the enclosed nuisance condition does not and will not reach beyond the perimeter of the property.
 - (9) Obstructions or vegetation in the public right-of-way which pose a danger to the general public.
 - (10) Appliances, which are designed for indoor use, stored outside, however, these appliances may be kept inside the primary structure or in accessory structures, designed to withstand the elements and having a roof, wall, and door(s).
 - (11) Household furniture, which is not designed to withstand the elements, stored outside or placed on porches, decks or landings, or in accessory structures, or in yards or any other area which provides a location where insects, rodents, or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the use of household furniture in a totally enclosed porch, designed to withstand the elements and having a roof, walls, screens, or glass windows.
 - (b) For the purpose of enforcement of this article, an open place is defined as an area of property or portion thereof that is open, including building openings of residential dwelling units that are open to the exterior, such as attached carports, or porches, and any other exterior portions of properties ordinarily exposed to public view.
- (Ord. No. 13-115, § 1, 8-20-13)

Sec. 17-2. - Notice to abate; emergency abatement by city.

- (a) If any person shall violate the provisions of section 17-1, it shall be the duty of the director of neighborhood development or their designated representative to give notice to the owner or to any person in possession of the subject property, as provided by section 17-3, directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the director of neighborhood development or their designated representative, the unlawful condition is such that it is of imminent danger or peril to the public, then any authorized representative may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property as is provided in section 17-5.
- (b) The Director of Neighborhood Development or their designated representative may enter upon the premises

for the purpose of abating the nuisance and may summarily remove, abate, or remedy any condition in the City limits that is a prohibited nuisance under section 17-1.

(Ord. No. 13-115, § 1, 8-20-13)

Sec. 17-3. - Service of notice.

(a) The owner of subject property shall be notified of violation of section 17-1 by personal delivery of said notice or by posting in a conspicuous place on the premises affected and by regular and registered or certified mail, return receipt requested. If such registered or certified notice is refused or is returned unclaimed, but the regular mail is not returned by the post office within ten (10) days after the mailing, the service shall be deemed sufficient. The person mailing such order by regular mail shall certify that fact and the date thereof and such certificate shall be deemed conclusive in the absence of fraud. If the name of the owner cannot be ascertained, then the notice shall be served on any person in possession of the subject property.

(b) Any such notice may be served by any code enforcement officer or by any police officer of the city when so authorized through the neighborhood development department.

(c) A city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance.

(Ord. No. 13-115, § 1, 8-20-13)

Sec. 17-4. - Defect in notice not to affect lien.

Any defect in the method of giving, the notice required by section 17-2, or in the form thereof, or the giving of such notice to an improper person, shall not prevent the city, in any case where the work of abating an unlawful condition upon any property is caused by the city, from collecting the cost thereof from the owner, nor shall it affect the validity of the lien on the property for such cost.

(Ord. No. 13-115, § 1, 8-20-13)

Sec. 17-5. - Abatement by city where owner fails to abate.

(a) Upon the failure of the owner or person in possession of any premises to abate any unlawful condition existing thereupon within the time prescribed by section 17-2, it shall be the duty of an authorized neighborhood development representative to cause the removal and abatement of such unlawful condition therefrom. This representative may enter upon the premises involved for the purpose of abating the nuisance found to exist under this article.

(b) Upon completion of such removal and abatement, the neighborhood development director or their designated representative shall deliver to the city tax collector a statement showing the actual costs of the abatement of the unlawful condition plus an additional fee of ten (10) percent of the total cleanup costs with a minimum of one hundred dollars (\$100.00) to cover the cost of notice and costs of collection as a civil penalty. Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs. The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the general assembly to regulate the proscribed conduct. Violations of this article shall not be punishable as a misdemeanor or infraction and section 14-4 of the North Carolina General Statutes shall not apply to violations of this chapter. The city tax collector shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon the property, and if not paid within thirty (30) days shall be collected as in the manner provided for the collection of delinquent taxes.

(c) Any city employee charged with enforcements and collection of abatement costs or civil penalties may, in consultation with the appropriate director and City Attorney, reduce the penalties or costs assessed, based on criteria set forth in departmental guidelines. Modification of penalties by the Director, the designee, or the City Attorney may be appealed to the Minimum Housing Standards Commission in accordance with section 11-49 of the Code.

(Ord. No. 13-115, § 1, 8-20-13)

Sec. 17-6. - Appeals.

Within the ten-day period mentioned in section 17-2 hereof, the owner of the property where the nuisance exists may appeal the findings of the director of neighborhood development or their designated representative to the Minimum Housing Standards Commission by giving written notice of appeal to the director of neighborhood development or their designated representative. An appeal stays the abatement of the nuisances until a final determination by the Commission. In the event no appeal is taken, the director of neighborhood development or their designated representative department may proceed to abate the nuisance.

(Ord. No. 13-115, § 1, 8-20-13)

Sec. 17-7. - County health officer may exercise current authority.

It is the intention of this article that any authorized representative of the director of neighborhood development or their designated representative shall be primarily responsible for the enforcement of the provisions of this article; but the county health officer shall, in any case where he deems it advisable to act, have all the authority conferred by this article, and any notice served for the purpose of this article, by, or by authority of the county health officer and any charge made by the county health officer in accordance with the provisions of section 17-5, subsection (b), shall be as valid as if made by the director of neighborhood development or their designated representative.

(Ord. No. 13-115, § 1, 8-20-13)

Secs. 17-8—17-25. - Reserved.

Sec. 17-26. - Declaration and findings.

The city council finds and declares that there exists in the city certain occupied and vacant buildings and other nonresidential structures that constitute a health or safety hazard or both to the citizens of the city as a result of conditions creating a fire hazard, bad condition of walls, over-loaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, dangerous conditions creating a threat to children, frequent use by vagrants as living quarters, or the attractions of insects or rodents. In order to alleviate these unsafe and dangerous conditions for the health, safety, and welfare of the citizens of the city, a public necessity exists for the repair, closing or demolishing of such buildings and other nonresidential structures.

(Code 1961, § 8-28(a))

Sec. 17-27. - Correction of defects.

If the building inspector finds that the conditions of a building or other nonresidential structure constitutes a fire or safety hazard or is dangerous to life, health or other property and he has notified the owner of these conditions and has also posted the building or nonresidential structure, the owner shall take the necessary measures to correct the unsafe or hazardous conditions found by the building inspector.

(Code 1961, § 10-28(b))

Sec. 17-28. - Appeal.

Any owner who has received an order pursuant to this article may appeal from the order to the housing commission by giving notice of appeal in writing to the inspector within ten (10) days following issuance of the order. In the absence of an appeal, the order of the inspector shall be final. The housing commission shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(Code 1961, § 10-28(c))

Cross reference— Housing commission, § 11-46 et seq.

Sec. 17-29. - Abatement by city—Generally.

(a) If the owner fails to comply with the order of the building inspector to repair, improve, vacate, demolish or close and secure a building or other nonresidential structure after the building inspector has followed the procedures as prescribed by North Carolina General Statutes sections 160A-425 through 160A-430, then the building inspector may cause the building or other nonresidential structure to be closed and made secure. The determination by the building inspector to close and secure the building or other nonresidential structure upon failure of the owner to comply with the order to repair, improve, vacate, close or demolish, shall not be exercised until the housing commission shall, by resolution, order the building inspector to proceed to cause the building or other nonresidential structure to be closed and secured and the resolution shall describe the location of the property.

(b) If the inspector finds a building or structure that is in such a state of disrepair and dilapidation that unless such structure or building is immediately repaired or demolished it would continue to constitute a health or safety hazard and will continue to be dangerous to life, health or other property based upon the standards set forth in

subsection (c), he shall order the owner thereof to demolish the structure or to immediately repair it in such a manner that it meets the minimum requirements of the building code. The owner of the building or structure may appeal the order to repair or demolish by appealing to the housing commission as provided in section 17-28. If the owner fails to repair or demolish the structure as required in the order of the building inspector after the inspector has followed the procedures as prescribed by North Carolina General Statutes sections 160A-425 through 160A-430, then the building inspector may cause the structure to be demolished.

(c) Hazardous conditions requiring immediate repair or demolition shall be met if the building inspector finds all of the following:

(1) The condition of the walls, floor and roof is in such a state of decay or disrepair that they constitute a serious safety hazard.

(2) The cost of repair to bring the building or structure into compliance with the minimum building code of the city would be sixty-five (65) percent or more of the value of the building or structure as it stands at the time of the inspection. The building inspector may use his own opinion to find that the cost of repair of the building or structure would be sixty-five (65) percent of the value of the structure.

(d) No building or structure shall be caused to be demolished by the building inspector until the minimum housing standards commission shall, by ordinance or other decree, order the building inspector to proceed to cause the building or structure to be demolished and the ordinance or other decree shall describe the location of the property.

(Code 1961, § 10-28(d); Ord. No. 97-45, § 1, 4-15-97; Ord. No. 00-219, § 6, 12-5-00)

Sec. 17-30. - Demolition lien.

If a building is caused to be demolished by the building inspector pursuant to this article, the amount of the cost for such demolition shall be a lien against the real property upon which such cost was incurred. The lien shall be filed; have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments for local improvements. With respect to the payment and credit of proceeds from sale of materials, the provisions contained in section 11-39, subsection (e) shall be applicable.

(Code 1961, § 10-28(d), (e))

Sec. 17-31. - Failure to receive notice.

Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice, or order provided for in this article shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

(Code 1961, § 10-28)

Secs. 17-32—17-49. - Reserved.

Sec. 17-50. - Authority.

The City of Greensboro hereby finds that regulation of abandoned and junked vehicles is necessary and desirable to protect the health and safety of the residents of the city and to promote and enhance community, neighborhood and city appearance.

(Ord. No. 13-125, § 1, 9-17-13)

Sec. 17-51. - 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:

Abandoned motor vehicle means any vehicle:

- (1) Left upon a street or highway in violation of the law or ordinance regulating or prohibiting parking; or
- (2) Left on property owned or operated by the city for a period of not less than twenty-four (24) hours; or
- (3) Left on any street or highway for longer than seven (7) days or is determined by law enforcement to be a hazard to the motoring public; or
- (4) Left on private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours.

Junked motor vehicle means a vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).

Motor vehicle is defined to include all machines designed or intended to travel over land or water by

self-propulsion or while attached to any self-propelled vehicle. Use of the term vehicle or trailer in this article shall mean motor vehicle. For purposes of this article, an electric personal assistive mobility device as defined in G.S. § 20-4.01(7a) is not a motor vehicle.

(Ord. No. 13-125, § 1, 9-17-13)

State Law reference— Similar provisions, G.S. § 160A-303(b), G.S. § 20-4.01(23) and (49).

Sec. 17-52. - Exemptions.

This article does not apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. No motor vehicle used on a regular basis for business or personal use shall be removed or disposed of pursuant to this article.

(Ord. No. 13-125, § 1, 9-17-13)

State Law reference— Similar provisions, G.S. § 160A-303(g) and G.S. § 160A-303.2(b).

Sec. 17-53. - Civil, etc., liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen vehicle for disposing of such vehicle as provided in this article.

(Ord. No. 13-125, § 1, 9-17-13)

State Law reference— Similar provisions, G.S. § 160A-303(f).

Sec. 17-54. - Abandonment prohibited.

It shall be unlawful for the registered owner or person entitled to the possession of the vehicle to allow any abandoned motor vehicle or junked motor vehicle to remain on any public street, public property or private property in violation of this article.

(Ord. No. 13-125, § 1, 9-17-13)

State Law reference— Authority to so provide, G.S. 160A-303(a).

Sec. 17-55. - Removal generally.

(a) Removal from public streets or public grounds. Any abandoned or junked motor vehicle on the public streets or public grounds may be removed to a city-authorized storage garage or area by or under the direction of a law enforcement officer or a code enforcement officer. Notice of each removal shall be given to the owner of the vehicle as promptly as possible in accordance with the procedure below. The owner of such vehicle, before obtaining possession thereof, shall pay to the city all reasonable costs incidental to the removal, storage and locating the owner of the vehicle.

(b) Removal from private property. Any abandoned or junked motor vehicle on private property may be removed to a city-authorized storage garage or area by or under the direction of a law enforcement officer or a code enforcement officer upon the written request of the owner, lessee, or occupant of the premises.

Any junked motor vehicle upon privately-owned property may be removed to a city-authorized storage garage or area by or under the direction of a law enforcement officer or a code enforcement officer without the written request of the owner, lessee, or occupant of the premises when:

(1) The code enforcement officer declares in writing the vehicle to be a health, safety or fire hazard; or
(2) The code enforcement officer makes a finding, in writing, that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

- a. Protection of property values;
- b. Promotion of tourism and other economic development opportunities;
- c. Indirect protection of public health and safety;
- d. Preservation of the character and integrity of the community; and
- e. Promotion of the comfort, happiness, and emotional stability of area residents.

(c) In determining whether there is a health, safety or fire hazard, the code enforcement officer may take into consideration that the vehicle is found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation over twelve (12) inches in height; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials; or

- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc; or
 - (6) So situated or located that there is a danger of it falling or turning over; or
 - (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
 - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - (9) A condition or circumstance which exposes the general public to safety, health or fire hazards.
- (d) It shall be unlawful for the registered owner or person entitled to the possession of an abandoned vehicle or junked motor vehicle, or for the owner, lessee or occupant of the real property upon which an abandoned vehicle or junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (e) When a junked motor vehicle is removed from privately-owned property, the person who has requested such vehicle to be removed may be required to pay or otherwise indemnify the city for any expenses incurred by reason of its removal, storage or sale thereof.

(Ord. No. 13-125, § 1, 9-17-13)

State Law reference— Removal authorized, G.S. § 160A-303(c).

Sec. 17-55.1. - Penalties for violations.

Any person who violates any provision of this article shall be subject to assessment of a civil penalty in the amount of twenty-five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation, one hundred dollars (\$100.00) for the third violation, and two hundred dollars (\$200.00) for the fourth and each succeeding violation. The enforcement of civil penalties levied hereunder shall be in accordance with the procedures set out in section 30-5-5, assessment of civil penalties, of the Greensboro Land Development Ordinance. Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs. Violations of this article shall not be punishable as a misdemeanor or infraction and section 14-4 of the North Carolina General Statutes shall not apply to violations of this chapter.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the general assembly to regulate the proscribed conduct.

(Ord. No. 13-125, § 1, 9-17-13)

Sec. 17-56. - Pre-tow notice.

(a) Any junked or abandoned vehicle in violation of this article may be removed to a city-authorized storage garage or area by or under the direction of a law enforcement officer or a code enforcement officer. Such motor vehicle shall be towed after notice is provided by posting a warning notice on the vehicle. Such notice shall be affixed to the windshield or some other conspicuous place on the vehicle. That notice shall state that the vehicle will be removed on a specified date, no sooner than seven (7) days after the notice is affixed to the vehicle, unless the vehicle is brought into compliance by the owner or legal possessor prior to that time. The notice shall also state the procedure the owner must follow to request a probable cause hearing before the towing.

(b) The requirement that notice be affixed to any vehicle at least seven (7) days prior to removal may be omitted in those circumstances where the vehicle impedes the flow of traffic or otherwise to maintain or protect the public safety and welfare.

(Ord. No. 13-125, § 1, 9-17-13)

Sec. 17-56.1. - Post-tow notice.

(a) Whenever a vehicle with a valid registration plate or vehicle identification number is towed hereunder, the authorizing person shall notify the last known address of the following:

- (1) A description of the vehicle.
- (2) The place from which the vehicle may be released.
- (3) The violation.
- (4) The procedure the owner must follow to have the vehicle returned to him.
- (5) The procedure the owner must follow to request a probable cause hearing on the towing.
- (b) If the vehicle has a state registration plate or registration, notice shall be given to the owner within twenty-four (24) hours; if the vehicle is not registered in this state, notice shall be given to the owner within seventy-two (72) hours. This notice shall, if feasible, be given by telephone. Whether or not the owner is reached by telephone, notice shall be mailed to his last known address unless he or his agent waives this notice in writing.
- (c) Whenever a vehicle with neither a valid registration plate nor vehicle identification number is towed as

provided in hereunder, the authorizing person shall make reasonable effort to determine the last-known registered owner of the vehicle and to notify him of the information listed in subsection (b). Reasonable efforts shall be presumed if the requirements of section 17-56 or 17-56.1 have been followed.

(Ord. No. 13-125, § 1, 9-17-13)

State Law reference— Similar provisions, G.S. §§ 160A-303(c), 20-219.11(a), (b).

Sec. 17-57. - Hearing.

(a) The owner or any other person entitled to claim possession of the vehicle towed pursuant to this article may request a hearing either before towing or after towing of the motor vehicle. The only issue at this hearing is whether or not the city can demonstrate probable cause to tow the motor vehicle. The request shall be filed with the code enforcement officer, and he shall set the hearing within seventy-two (72) hours of receiving the request. The owner or any other person entitled to claim possession of the vehicle shall be notified of the time and place of the hearing, the specific grounds for the classification of the vehicle as an abandoned vehicle or a junked vehicle, and the reason for removal of the vehicle. The director of neighborhood development or their designee shall be the hearing officer.

(b) The owner and any other interested parties may present evidence at the hearing and may cross-examine all parties.

(c) If the hearing is pre-tow and the hearing officer finds that the city has probable cause, the motor vehicle will be removed and the cost for removal will become a lien on the motor vehicle. If the hearing officer finds that probable cause does not exist, the city will not tow the vehicle and no costs shall be charged.

(d) If the hearing is post-tow and the hearing officer finds that the city had probable cause, the lien for cost of removal shall remain. If the hearing officer finds that probable cause did not exist, the lien shall be extinguished.

(e) The hearing officer shall prepare a written report within five (5) days of the hearing stating his conclusion concerning whether the vehicle was in violation of this article and the reasons and evidence upon which the conclusion has been based. The owner or any other person entitled to claim possession of the vehicle shall be notified of this decision by regular mail.

(f) Any aggrieved party may appeal the hearing officer's decision to board of adjustment by filing an appeal in writing within fifteen (15) calendar days after the date of the report of the hearing officer, but not thereafter.

(g) At any stage in the proceedings, including before the probable cause hearing, the owner or other person entitled to possession may obtain possession of the vehicle by:

(1) Paying the towing fee and costs incident to such fee; or

(2) Posting a bond for double the amount of the towing fee.

(Ord. No. 13-125, § 1, 9-17-13; Ord. No. 14-43, § 1, 4-1-14)

State Law reference— Hearing required, G.S. § 160A-303(d) and G.S. § 160A-303.2(d)

Sec. 17-57.1. - Administrative search and inspection warrants.

The code enforcement officer is authorized to secure an administrative search and inspection warrant, as provided by G.S. 15-27.2, in order to conduct any necessary inspection of the premises on which an abandoned motor vehicle or junked motor vehicle may be located and to obtain evidence to determine whether there is any violation of any provisions of this article.

(Ord. No. 13-125, § 1, 9-17-13)

Sec. 17-58. - Sales, etc., of impounded vehicles.

(a) Should the owner of a motor vehicle or any other person entitled to claim possession of the vehicle impounded under this article fail or refuse to pay the costs provided for in section 17-55 or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made by a law enforcement officer or the code enforcement officer, and after notice as described herein to him at last-known address and to the holder of any lien of record in the office of the division of motor vehicles, the code enforcement officer or a designated law enforcement officer may after holding the vehicle thirty (30) days, dispose of the same by public sale after proper notice.

(b) Notice of public sale, whenever required in this section, shall include:

(1) The name and address of the person having legal title and of any lienholder to the vehicle.

(2) The name of the person with whom the city has dealt, if different.

(3) A description of the vehicle.

(4) The amount due.

(5) The place, date and time of the sale.

(c) The notice shall, not less than twenty (20) days prior to sale, be:

- (1) Sent to the division of motor vehicles.
 - (2) Mailed to the person having legal title and to the person with whom the city dealt, if different, and to each lienholder.
 - (3) Posted at the courthouse in the county where the sale is to be held.
 - (4) Published once a week for two (2) consecutive weeks in a newspaper of general circulation with the date of the last publication being not less than five (5) days prior to sale. The notice of sale need not be published if the vehicle has a market value of less than three thousand five hundred dollars (\$3,500.00), as determined by the schedule of values adopted by the commissioner of motor vehicles under G.S. 105-187.3.
 - (d) Failure of the person having legal title to, or a lien on, the vehicle to request a hearing as provided in this article or to appear at any sale as provided in this section, shall be deemed to have waived any objection to the sale.
 - (e) The proceeds of the sale shall be applied as follows:
 - (1) Payment of reasonable expenses incurred by the City and its towing contractor prior to and in connection with the sale. Expenses of sale include but are not limited to reasonable storage and boarding expenses after giving notice of sale. Provided the total sales price exceeds \$500.00, ten percent (10%) of the sales price shall be submitted to or retained by the City as payment for administrative expenses of the sale.
 - (2) Payment of the obligation secured by the lien.
 - (3) Any surplus, after payment of reasonable sale expenses and the obligation secured by the lien, shall be paid to the person entitled thereto; but when such person cannot be found, the surplus shall be paid to the clerk of superior court of the county in which the sale took place, to be held by the clerk for the person entitled thereto.
 - (f) Whenever any abandoned motor vehicle or abandoned junk motor vehicle is removed from public or private property as provided in this article in order to defray the costs of towing, storage, publication and administrative services, the owner of the vehicle shall pay a fee of one hundred seventy-five dollars (\$175.00) if such owner claims the vehicle prior to advertising for public auction; a fee of two hundred dollars (\$200.00) shall be paid for release of the vehicle if it has already been advertised for public auction.
 - (g) Whenever any such vehicle shall remain unsold for a period of thirty (30) days from and including the day when the same shall have been delivered under the direction of any municipal officer charged with the keeping or sale of the same, any such vehicle may be destroyed, removed or otherwise disposed of by such municipal officer.
- (Ord. No. 13-125, § 1, 9-17-13)
State Law reference— Sale, etc., G.S. § 160A-304(d).

Sec. 17-59. - Disposition of junk vehicles with owner's consent.

A law enforcement officer or code enforcement officer may, with the consent of the owner of a vehicle, remove and dispose of any motor vehicle as a junk motor vehicle regardless of the value, condition or age of such vehicle and without compliance with the notice, hearing or sale procedures in this article.

(Ord. No. 13-125, § 1, 9-17-13)

ARTICLE IV. - UNSAFE OCCUPANCY

Sec. 17-60. - Purpose.

The city council finds and declares that repeated violations of the posted maximum lawful occupancy limits established under the terms of the fire prevention code constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city resulting in hazardous conditions for the occupants of the building, including overloaded floors, inadequate means of egress and hindrance of access by public safety personnel in times of danger. Repeated overcrowded conditions are hereby found, deemed and declared to be the public nuisance of unsafe occupancy wherever the same may exist. The creation, maintenance, or failure to abate such nuisance is hereby declared unlawful.

(Ord. No. 14-0299, § 1, 8-19-14)

Sec. 17-61. - 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:]

- (a) "Owner" means and refers to any person or entity which owns, leases, uses or otherwise occupies a space for any non-residential purpose.
- (b) "Subtenant" means and refers to any person or entity which subleases or uses a space from an owner, which shall specifically include event promoters, agents or other persons or entities who assert a right of use of a space.
- (c) "Space" means and refers to any building, or portion of a building, which is or may be posted with a maximum

lawful occupancy limit pursuant to the fire prevention code.

(d) "Overcrowding" means and refers to any condition in which the number of persons in a space exceeds the maximum number of persons who may lawfully occupy the space.

(Ord. No. 14-0299, § 1, 8-19-14)

Sec. 17-62. - Violations.

(a) It is a violation of this article for an owner and/or subtenant to permit three (3) or more occurrences of overcrowding by at least ten (10) percent or more persons within any three-hundred-sixty-five-day period.

(b) It is a violation of this article for an owner and/or subtenant to permit two (2) or more occurrences of overcrowding by at least ten (10) percent or more persons within any three-hundred-sixty-five-day period, where each such occurrence also included a violation of the fire prevention code for defective fire prevention equipment, or locked or obstructed means of egress from the space.

(c) It is a violation of this article for an owner and/or subtenant to permit two (2) or more occurrences of overcrowding by at least twenty-five (25) percent or more persons within any three-hundred-sixty-five-day period.

(d) It is a violation of this article for an owner and/or subtenant to permit one (1) or more occurrences of overcrowding by at least fifty (50) percent or more persons within any three-hundred-sixty-five-day period.

(Ord. No. 14-0299, § 1, 8-19-14)

Sec. 17-63. - Abatement.

(a) The city shall enforce this article by seeking abatement and other equitable remedies which may be imposed by a court of competent jurisdiction as allowed in G.S. § 160A-175. The terms of such order of abatement sought by the city may include:

(1) The right of the city to order the cessation of all business at the location where the nuisance occurs for a minimum period of twenty-four (24) hours to a maximum period of ten (10) days upon the discovery of any subsequent overcrowding condition at the location, without further judicial notice, hearing or action;

(2) That such order may remain in effect for at least a twelve-month period; and

(3) That such order shall be enforced by any law enforcement officer having jurisdiction to enforce state and local laws within the City of Greensboro.

This subsection does not preclude the city from seeking other terms of abatement or injunctive relief which may be appropriate under the circumstances.

(Ord. No. 14-0299, § 1, 8-19-14)

Section 2. That all laws and clauses in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Sharon Hightower

Mayor Vaughan declared a recess at 7:27 p.m. Council reconvened at 7:52 p.m. with all members of attendance.

V. GENERAL BUSINESS AGENDA

19. [ID 15-0732](#) Boards and Commissions Listing for September 1, 2015

Discussion took place regarding orientation dates and times for the Participatory Budgeting Committee (PB); impact to the members who worked; speaking with people prior to putting them on the committee; verification that the orientation meetings would be dinner meetings; number of applications received; and notification to various community groups.

Moved by Councilmember Hoffmann, seconded by Councilmember Barber to re-appoint Ted Oliver to the War Memorial Commission. The motion carried by voice vote. Moved by Councilmember Hoffmann, seconded by Mayor Pro-Tem Johnson to appoint Wayne Abraham and Anita Cafiero to the PB Committee. The motion carried by voice vote.

Moved by Councilmember Barber, seconded by Councilmember Hoffmann to appoint Kenneth Klase and Andrew Egbert to the PB Committee. The motion carried by voice vote.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaiter to appoint Vanessa Martin and Lisa

Tonkins to the PB Committee. The motion carried by voice vote.

Moved by Councilmember Outling, seconded by Councilmember Wilkins to appoint Erin Pearsall and Ann Stringfield to the PB Committee. The motion carried by voice vote. Moved by Councilmember Outling, seconded by Councilmember Hightower to reappoint Cindy Hayworth to the Board of Adjustment. The motion carried by voice vote. Moved by Councilmember Outling, seconded by Councilmember Abuzuaiter to appoint Dana Madison Lowe to the Commission on the Status of Women to replace Mary Wessling; and to appoint Mary Espinola to the Library Board of Trustees to replace Loy Newby. The motion carried by voice vote.

Moved by Councilmember Wilkins, seconded by Councilmember Barber to appoint Lawrence Mann and Kathleen Sullivan to the PB Committee. The motion carried by voice vote.

Moved by Councilmember Abuzuaiter, seconded by Mayor Pro-Tem Johnson to appoint Esther Idsassi and David Reed to the PB Committee. The motion carried by voice vote.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to appoint Dhruv Pathak and Dorian Thompson to the PB Committee. The motion carried by voice vote. Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to reappoint Andrena Coleman to the War Memorial Commission. The motion carried by voice vote.

Moved by Councilmember Fox, seconded by Councilmember Barber to appoint Laura Blackstock to the Board of Adjustment to replace Jeff Nimmer and give a permanent slot to the District 2 representative. The motion carried by voice vote. Moved by Councilmember Fox, seconded by Councilmember Barber to appoint Kevin Williams and David Horth to the PB Committee. The motion carried by voice vote. Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to appoint Samuel Hawkins to the Human Relations Commission to replace Kevin Williams. The motion carried by voice vote. Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to appoint Howard Taylor to the Community Sustainability Council to replace Maurice Allen. The motion carried by voice vote.

Discussion ensued regarding the Council subcommittee to review the boards and commissions; and equal distribution of districts on the PB Committee.

20. [ID 15-0543](#) Ordinance to Approve the Franchise Agreement between the City of Greensboro and Level 3 Communications, LLC: SECOND READING

City Attorney Carruthers verified that Councilmember Outling did not have a conflict of interest with the item.

Moved by Councilmember Wilkins, seconded by Councilmember Hoffmann, to adopt the ordinance. The ordinance received nine affirmative votes on the SECOND READING. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

15-0114 ORDINANCE TO APPROVE THE FRANCHISE AGREEMENT BETWEEN THE CITY OF GREENSBORO AND LEVEL 3 COMMUNICATIONS, LLC: SECOND READING
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:
Section 1.

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

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; and

WHEREAS, the franchise agreement received its first approval by ordinance at the August 3, 2016 City Council meeting; and

WHEREAS, this is the second regular meeting of the City Council at which the franchise agreement may be

approved; and

WHEREAS, the franchise agreement begins July 1, 2015 for a term of ten (10) years with an option for Level 3 to renew for an additional five (5) year period by notifying the City in writing; and

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

That the franchise agreement between Level 3 and the City of Greensboro is hereby adopted by ordinance and that this is the second and final of the two ordinance approvals required by statute.

Section 2.

That this ordinance shall become effective upon adoption.

(Signed) Tony Wilkins

- 21. [ID 15-0709](#)** Resolution Approving Utility Reimbursement Agreement R-2413A in the Amount of \$2,610,192.79 Between the North Carolina Department of Transportation (NCDOT) and the City of Greensboro to Support Construction of a 16-Inch and 12-Inch Water Line Betterment to be Installed With NCDOT Project I-5110

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

0278-15 RESOLUTION APPROVING UTILITY REIMBURSEMENT AGREEMENT R-2413A BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND THE CITY OF GREENSBORO TO SUPPORT CONSTRUCTION OF A 16-INCH AND 12-INCH WATER LINE BETTERMENT TO BE INSTALLED WITH NCDOT PROJECT I-5110

WHEREAS, the North Carolina Department of Transportation is constructing a roadway project that will run from the existing Joseph M. Bryan Boulevard/Airport Parkway interchange near Piedmont Triad International Airport to NC 68;

WHEREAS, a Utility Reimbursement Agreement is being requested to support construction activities related to water quality assurance including construction of a 16-inch water line along NC 68 from Pleasant Ridge Road to Leabourne Road and construction of a 12-inch water line along Pleasant Ridge Road from Brigham Road to NC 68;

WHEREAS, said Department of Transportation and the City of Greensboro propose to enter into an Agreement for the above-captioned project for the construction of said water utility infrastructure;

WHEREAS, the lines and associated adjustments have been included in the construction contract with an estimated cost to the City of Greensboro of \$2,610,192.79.

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

That Project I-5110 is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of the City are hereby empowered to sign and execute Utility Reimbursement Agreement R-2413A with the North Carolina Department of Transportation.

That a budget adjustment in the amount of \$2,610,192.79 will be charged to Account No. 503-7025-01.6016, Activity A16034.

(Signed) Jamal Fox

22. [ID 15-0722](#) Resolution Authorizing Extension of Workforce Development Adult/Dislocated Worker Services Contract With Arbor E&T, LLC, d/b/a ResCare Workforce Services in an Amount Not to Exceed \$1,900,000 for Fiscal Year 2015-16

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

0279-15 RESOLUTION AUTHORIZING EXTENSION OF WORKFORCE DEVELOPMENT ADULT/DISLOCATED WORKER SERVICES CONTRACT WITH ARBOR E&T, LLC, d/b/a RESCARE WORKFORCE SERVICES CORPORATION IN AN AMOUNT NOT TO EXCEED \$1,900,000 FOR FISCAL YEAR 2015-16

WHEREAS, the Office of Workforce Development within the Executive Department serves as the administrative entity for the Greensboro/High Point/Guilford County Workforce Development Board (WDB) to provide services under the Workforce Innovation and Opportunity Act (WIOA);

WHEREAS, the Office of Workforce Development has an existing contract (2014-5402) with Arbor E&T, LLC, d/b/a ResCare Workforce Services to provide WIOA services to adults and dislocated workers that will expire on September 30, 2015;

WHEREAS, the Workforce Development Board voted on August 14, 2015 to extend the existing contract through June 30, 2016 at an additional cost not to exceed \$1,900,000 for the period of October 1, 2015 through June 30, 2016;

WHEREAS, funds have been budgeted in the Office of Workforce Development WIOA Fund in an additional amount of \$1,900,000 for extension of services through this contractor;

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

That the City is authorized to negotiate final contract modification terms and prepare a contract modification with Arbor E&T, LLC, d/b/a ResCare Workforce Services in an amount not to exceed \$1,900,000 to provide FY 2015-16 WIOA Adult and Dislocated Worker services. The City Manager is hereby authorized to execute on behalf of the City of Greensboro a proper contract modification to Contract #2014-5402.

(Signed) Yvonne Johnson

23. [ID 15-0723](#) Resolution Authorizing Execution of Workforce Development Youth Services Contract With Arbor E&T, LLC, d/b/a ResCare Workforce Services in an Amount Not to Exceed \$1,400,000 for Fiscal Year 2015-16

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

0280-15 RESOLUTION AUTHORIZING EXECUTION OF WORKFORCE DEVELOPMENT CONTRACT FOR WIOA YOUTH SERVICES WITH ARBOR E&T, LLC, D/B/A RESCARE WORKFORCE SERVICES IN AN AMOUNT NOT TO EXCEED \$1,400,000 FOR FISCAL YEAR 2015-16

WHEREAS, the Office of Workforce Development within the Executive Department serves as the administrative entity for the Greensboro/High Point/Guilford County Workforce Development Board (WDB) to provide services under the Workforce Innovation and Opportunity Act (WIOA);

WHEREAS, the Workforce Development Board released a Request for Proposals for a provider for WIOA Youth Services for FY 2015-16, and as a result of that that competitive procurement process, voted on August 14, 2015 to select the proposal submitted by Arbor E&T, LLC, d/b/a ResCare Workforce Services as its service provider;

WHEREAS, funds have been budgeted in the Office of Workforce Development WIOA Fund in an amount not to exceed \$1,400,000 to fund this contract;

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

That the City is authorized to negotiate final Contract terms and enter into a Contract with Arbor E&T, LLC, d/b/a ResCare Workforce Services in an amount not to exceed \$1,400,000 to provide FY 2015-16 Workforce Innovation and Opportunity Act Youth Services. The City Manager is hereby authorized to execute, on behalf of the City of Greensboro, a proper Contract to carry the proposal into effect.

(Signed) Yvonne Johnson

24. [ID 15-0707](#) Resolution Authorizing Extension 2 of Contract 2012-095 with KRG Utility, Inc. for the Water and Sewer Rehabilitation Project "L" Project

Councilmember Hightower stated she probably would not support the item; voiced concern with the M/WBE portion of the contract; granting extensions without reviewing the M/WBE participation; monetary amount of the extension; requested that staff review M/WBE participation on contracts prior to granting extensions going forward; and reiterated she was not comfortable supporting the item.

Assistant City Manager Parrish explained the process for the extensions; verified that there was limited subcontracting on the required sliplining work; stated that some of the work had been subcontracted out; and that staff was concerned with the time sensitivity of the item.

City Attorney Carruthers suggested that the contract not be extended but rebid in the future.

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Nancy Hoffmann, Justin Outling and Tony Wilkins

Nays, 1 - Sharon M. Hightower

0281-15 RESOLUTION APPROVING CONTRACT EXTENSION FOR CONTRACT NO. 2012-095 WITH KRG UTILITY, INC. FOR THE WATER AND SEWER REHABILITATION PROJECT "L" PROJECT

WHEREAS, Contract No. 2012-095 with KRG Utility, Inc. provides for the rehabilitation of water and sewer lines by slip-lining, pipe bursting and cured-in-place pipe in various locations around the city;

WHEREAS, Water Resources has identified additional utility lines in the Westerwood and Lindley Park neighborhoods, and other various locations throughout the city that it would like to rehabilitate using this contract;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a contract extension in the amount of \$7,228,000 to provide for additional rehabilitation.

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

That a contract extension in the above-mentioned contract with KRG, Inc. for the additional rehabilitation of water and sewer lines is hereby authorized at a total cost of \$7,228,000 with payment to be made from the following

accounts: 503-7025-02.6017 Activity A16040 in the amount of \$5,692,000 and 503-7025-01.6016 Activity A16036 in the amount of \$1,536,000.

(Signed) Nancy Hoffmann

VI. SUPPLEMENTAL AGENDA

Matters to be discussed by the Mayor and Members of the Council

Moved by Councilmember Barber, seconded by Councilmember Fox to adjourn.

Discussion took place regarding if the motion was debateable, following Roberts Rules of Order; and concerns with Council rushing to adjourn.

Councilmember Barber withdrew the motion to adjourn.

Councilmember Hightower stated that the Warnersville Community had a three day celebration recognizing their 150 year anniversary; reminded Council it was the first settled African American community; and spoke to the events that took place.

Councilmember Abuzuaiter echoed Councilmember Hightower's comments regarding Warnersville; congratulated Libby James and Anita Holder on their retirements; and stated she attended the City Arts event on Saturday.

Councilmember Wilkins recognized retiring Firefighters Assistant Chief Skip Nicks and Captain Tim Gibbs; and spoke to their characters. Councilmember Wilkins inquired about the amount of the bill for the litigation of SB 36 from the Brooks Pierce law firm; asked if the bill was current; and voiced that he wanted the public to know what had been estimated for legal fees as discussed in closed session.

City Attorney Carruthers responded with the breakdown of the lobbying and litigation costs.

Council discussed the cause of the litigation; amount of estimated fees; and closed session information that could be discussed in open session.

Councilmember Wilkins verified that he could state the estimated amount discussed in closed session without any legal recourse. City Attorney Carruthers responded in the affirmative.

Councilmember Wilkins stated the estimate was between a quarter and a half million; and asked if that estimate would be considered low.

City Attorney Carruthers spoke to the events that had recently taken place regarding an adverse party; and clarified it was too soon to say.

Mayor Pro-Tem Johnson wished Ms. Willie Williams a happy 90th birthday; and stated Ms. Williams worked out at the Hayes Taylor YMCA three days a week.

Councilmember Barber reminded Council of the public hearing that took place in July where citizens came and requested Council defend the lawsuit against the legislature; stated that the costs would be public record; and reiterated that the money spent was the result of action taken at the legislative level.

Discussion took place regarding persons coming before and addressing City Council; and courtesy between Councilmembers.

Councilmember Fox commended the Warnersville Community festivities; thanked Allen Middle School for having him out to speak; and thanked staff for their work with the community and Council.

Matters to be presented by the City Manager

There were no items for discussion by the City Manager.

Matters to be presented by the City Attorney

There were no items for discussion by the City Attorney.

VII. ATTACHMENTS FOR COUNCIL'S INFORMATION:

Adjournment

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

THE CITY COUNCIL ADJOURNED AT 8:35 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR