



City of Greensboro

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

Meeting Minutes - Final City Council

Tuesday, March 21, 2017

5:30 PM

Council Chamber

Call to Order

This City Council meeting of the City of Greensboro was called to order at 4:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present: 8 - Mayor Pro-Tem Yvonne J. Johnson, Councilmember Mike Barber, Councilmember Marikay Abuzuaiter, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Justin Outling and Councilmember Tony Wilkins

Absent: 1 - Mayor Nancy Vaughan

Moved by Councilmember Outling, seconded by Councilmember Wilkins to go into closed session to preserve the attorney-client privilege between the City Attorney and Council; to consult with the City Attorney and the attorney retained by the City concerning pending litigation in the matter of David Wray vs. City of Greensboro, et al; William Thomas Fox and Scott Everett Sanders vs. The City of Greensboro, et al; Woods and BNT Ad Agency LLC vs. City of Greensboro, et al, and to give instructions to legal counsel concerning the handling or settlement of a claim or mediation pursuant to N.C.G.S. 143-318.11 (a)(3), and to consider the qualifications, competence, performance, character and fitness of public officer or an employee pursuant to N.C.G.S. Sections 143-318.11(a) (6). The motion carried by voice vote.

Council recessed to closed session at 4:02 p.m.

Council reconvened into open session at 5:36 p.m. with all members in attendance except Mayor Nancy Vaughan.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Hightower to return to open session. The motion carried by voice vote.

Moved by Councilmember Fox, seconded by Councilmember Outling to excuse Mayor Vaughan from the meeting. The motion carried by voice vote.

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

Mayor Pro-Tem Johnson recognized Assistant City Manager Barbara Harris to lead the Pledge of Allegiance to the Flag.

Recognition of Courier

City Manager Jim Westmoreland recognized Charles McLaughlin of the Engineering and Inspections Department who served as Courier for the meeting.

Council Procedure for Conduct of the Meeting

Mayor Pro-Tem Johnson explained the Council procedure for conduct of the meeting.

21. [ID 17-0147](#) Ordinance Rezoning Property Located at 507 North Church Street

Mayor Pro-Tem Johnson stated the request had been withdrawn by the applicant; and asked for a motion to withdraw the item from the agenda.

Moved by Councilmember Outling, seconded by Councilmember Wilkins to withdraw item #21 from the agenda. The motion carried by voice vote.

28. [ID 17-0159](#) Resolution Awarding Service Contract to Transdev Services, Inc. for the Management and Operations of Transit Services Provided by the Greensboro Transit Authority

Mayor Pro-Tem Johnson stated Council had been requested to postpone the item to the April 4th meeting of Council.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to postpone the item to the April 4th meeting of Council. The motion carried by voice vote.

I. CEREMONIAL AND/OR PRESENTATION ITEMS**1. [ID 17-0109](#) Resolution Honoring the Memory of the Late Art Davis**

Mayor Pro-Tem Johnson and Councilmember Hightower read the resolution into the record.

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

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

Absent, 1 - Nancy Vaughan

Councilmember Hightower stated the resolution would be received on behalf of the family by Laura Blackstock; invited Ms. Blackstock and other representatives forward; and along with Mayor Pro-Tem Johnson, presented the resolution to Ms. Blackstock.

Mayor Pro-Tem Johnson spoke to memories; and to Mr. Davis being a positive light in the community.

Ms. Blackstock voiced appreciation for the resolution; stated Mr. Davis loved the City; and that Mr. Davis' son Parrish Davis had requested she personally thank Council for the resolution.

Ben Brown representing the management of the Hayes Taylor YMCA stated Mr. Davis was a fixture and key person to the YMCA ; spoke to Mr. Davis' time in the City; and voiced appreciation for the resolution.

James Mays representing North Carolina A & T State University voiced appreciation on behalf of the faculty and staff; spoke to Mr. Davis' encouragement of students; and stated Mr. Davis had inspired many.

Dr. Goldie Wells spoke on behalf of the North East organizations that Mr. Davis had been involved in; to the turnout for the service; and thanked Council for the recognition at the City level.

Antoine Jones representing the National Forum For Black Public Administrators (NFBPA) thanked Council for the resolution; stated Mr. Davis was a legend; and spoke to a class led by Mr. Davis for professional development.

Susan Taft and Linda Bennett spoke on behalf of the Greensboro Neighborhood Congress; to the contributions by Mr. Davis; and thanked Council for the recognition.

Council discussed the impact Mr. Davis had on the community; and to the legacy he had left.

Moved by Councilmember Hightower, seconded by Councilmember Fox to rename the 3rd floor Planning Conference room to the Art Davis Planning Conference Room. The motion carried by voice vote.

Councilmember Hightower requested the NFBPA place a plaque in the conference room.

51-17 RESOLUTION HONORING THE MEMORY OF THE LATE ARTHUR 'ART' DAVIS, III

WHEREAS, on February 1, 2017 this community lost one of its outstanding community leaders with the passing of the late Arthur 'Art' Davis, III;

WHEREAS, Mr. Davis, a native of Fayetteville, North Carolina, achieved Scouting's Eagle Award before graduating from E.E Smith High School. Mr. Davis graduated from Morehouse College in 1965; went on to receive an EEO Fellowship to Carnegie Mellon University in Pittsburgh where he earned a diploma in Urban Community Development; and, in 1966, was the recipient of a Jesse B. Noyes Fellowship to the University of Pittsburgh where he received his Master's Degree in Public Administration with a concentration in Urban Politics;

WHEREAS, upon graduation, Mr. Davis began his career as a lecturer/instructor at North Carolina A&T State University and Guilford College;

WHEREAS, Mr. Davis began his 37 year public service career with the City of Greensboro Planning Department in 1969;

WHEREAS, Mr. Davis was the recipient of numerous awards and citations including but not limited to the City of Greensboro, Greensboro Metropolitan YMCA, Hayes Taylor YMCA, Greensboro Chapter NAACP, Greensboro Human Relations Commission, Greensboro Neighborhood Congress, US Census Bureau, and the Nat Green Sertoma Club;

WHEREAS, other accolades and community volunteer positions include the Hayes-Taylor Man of the Year, Old North State Council Silver Beaver, Co-Chair Award – Greensboro Neighborhood Congress, Co-host of the Bottom Line Radio Show-WNAA 90.1, Vice-Chair of Community Housing Solutions, GTCC-Greensboro Campus Advisory Board, Guilford County Unity Effort and District 1 representative/liaison for the Greensboro Neighborhood Congress and Greensboro Community Sustainability Council;

WHEREAS, as an active member in the community Mr. Davis was a member of the following organizations: Hayes Taylor YMCA (Life Member, Sustaining Campaign co-chair, Heritage Society, Long Range Planning Building Committee Awards Board Chair), Community Housing Solutions (Vice-Chairman), Greensboro Voter Alliance, Partnership Homes, Building Strong Neighborhood Grants Committee, Nat Greene Sertoma Club, Concerned Citizens for Economic and Environmental Justice, Piedmont Together-Housing Work Group, Old North State Council, Eagle Council, Community Outreach Committee, Guilford County Board of Equalization and Review, Eastside Community Center Board; a member of the local Greensboro Chapter of the NAACP; and a founding member of the North Carolina Triad Chapter of the National Forum for Black Public Administrators (NFBPA) since its inception and charter in 1990;

WHEREAS, Mr. Davis attended Kingdom Global Ministries in Fayetteville, North Carolina, and Wells Memorial Church of God in Christ in Greensboro, North Carolina;

WHEREAS, the City Council wishes to express its sense of loss and sincere appreciation and gratitude for the many years of dedicated public service rendered by Art Davis the outstanding contributions he has made to the community, and the legacy he leaves.

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

1. That the City Council wishes to express its condolences, and offer its sincere appreciation and gratitude for Arthur 'Art' Davis', III many years of dedicated public service. His legacy will be remembered by the outstanding contributions he has made to the community.
2. That a copy of this resolution shall be delivered to the family of the late Arthur 'Art' Davis, III as a symbol of the

gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Marikay Abuzuaite

2. [ID 17-0049](#) Resolution Recognizing the Guilford County Chapter of Top Teens of America

Councilmembers Abuzuaite and Hightower read the resolution into the record; and presented the resolution to Chapter Advisor, Vickie Henry Hughes.

Ms. Hughes highlighted efforts within the school systems; recognized students that were in attendance; and thanked Council for the resolution.

Jacqueline King, Assistant Top Teen Advisor, thanked Councilmembers Abuzuaite and Hightower; spoke to students keeping grades up; and to their community involvement.

Madison Dart, a Top Teen referenced leadership skills; spoke to experiences in nursing homes; to honoring elders; and to fellowship with other teens.

Cynthia Thompson, President of Top Ladies of Distinction spoke to mentoring in the Chapter; recognized organizations the teens were involved in; and spoke to noteworthy accomplishment for the Top Teens.

Mayor Pro-Tem Johnson commended the teens.

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

Ayes, 8 - Yvonne J. Johnson, Mike Barber, Marikay Abuzuaite, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

Absent, 1 - Nancy Vaughan

52-17 RESOLUTION RECOGNIZING THE GUILFORD COUNTY CHAPTER OF TOP TEENS OF AMERICA

WHEREAS, in 1969 the first national meeting of Top Teens of America (TTA) took place in Houston, Texas under the guidance of the National Director for TTA, Lady Willie Lee Glass, with over three hundred teens in attendance;

WHEREAS, Top Teens Chapters are located in the United States and Jamaica coinciding with the locations of the Top Ladies of Distinction, Inc. (TLD) Chapters to provide an opportunity for Top Ladies to work with youth at the local and national levels;

WHEREAS, the objective of the TTD was to alleviate the moral and social problems of youth through youth groups;

WHEREAS, membership in TTA is open to teenagers from ages 13 to 19 who possess an interest in the organization and exhibit growth potential through TTA activities;

WHEREAS, local and national scholarships are made available to deserving teens by the Lady Franchell Boswell Endowment Fund;

WHEREAS, the local chapter of TTA assists the senior citizens at Maple Grove Nursing through activities that include playing bingo, decorating the facility on special occasions, giving cards and toiletries to residents, and meeting with senior citizens for three hours once a month;

WHEREAS, other activities of TTA include Adopt-A-Street, Kids Voting, supporting annually and attending plays at North Carolina A&T State University, annual Crop Walk, annual Domestic Violence (Bullying) Symposium at Glenwood Recreation Center, tutoring and reading to elementary students, and supporting and serving the

Homeless Veterans (Servant Center) to name a few;

WHEREAS, the City Council is being requested to recognize the Guilford County Chapter of TTA for the work and the service they provide to citizens throughout the community.

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

That it hereby recognizes and commends the Guilford County Chapter of Top Teens of America for their many contributions to the citizens of the City of Greensboro.

(Signed) Marikay Abuzuaiter

II. PUBLIC COMMENT PERIOD

Brian Watkins, 1903 Taylor Street; voiced concerns with the Police Department; spoke to Figueroa case; to the Citizens Review Board; and stated he was anti-police violence.

Charles French, President of Workers Union thanked supporters in attendance; the City Manager for an update to the personnel policy; spoke to payroll deductions; the need for bulletin boards; distribution of educational information; and requested Council to pass resolution in support of Workers Union.

Mayor Pro-Tem thanked Mr. French for attending the meeting; and requested staff to follow-up with Council on City Worker Union requests at the April 4th meeting of Council.

Discussion took place regarding the number of paying members; how dues were currently being paid; the process used for other associations; and limitations under the Collective Bargaining Act.

Victor Vincent, 9 Grassy Knoll Circle spoke to additional points for the Union; to his employment history with the City; competition with other municipalities; and the need for employees to have a voice.

Bryce Carter, 9 Grassy Knoll Circle stated he worked in Field Operations; voiced support for the Union; requested Council to read information provided; spoke to organizational structure and pay increases; on-call pay; health and safety; quality healthcare; and to the sick leave donation bank.

Ann Cahill, 2809 Sherwood Street spoke to active steps for a safe City; immigrant policies; referenced statements regarding Greensboro being a welcoming City; the benefits of the immigrant community; voiced concerns with immigrant deportation; and requested policies regarding enforcement of immigration laws.

Discussion took place regarding the Police Department policies for immigration.

Adele Holland, 915 Omaha Street voiced support of the Union Workers; thanked Council for the increased wages resolution; spoke to a target rate; referenced minimum wages in other municipalities; spoke to non-management positions; living expenses; valuable employees; and requested a merit increase for all employees.

Tamara Figueroa, 4228 Yanceyville Road voiced concerns regarding the incident involving the police and her minor child; spoke to the review of the body worn camera footage; outlined the process of the Police Community Review Board (PCRB); voiced concerns regarding the District Attorney; and requested Council to take action.

Mayor Pro-Tem Johnson requested City Attorney Carruthers to speak to the concerns; and inquired about a new law.

City Attorney Carruthers voiced appreciation for Ms. Figueroa's concerns; outlined the PCRB process; clarified Council actions at the last meeting of Council as consistent with past cases; stated there were no court interpretations of the new laws; spoke to the release pursuant to the statute; and to the minor child's court action.

Discussion ensued regarding the Council's influence with the District Attorney; the motion made by Councilmember Hightower at the March 7th meeting of Council to review the video after the process had been completed by the PCRB; similar situations; pending Court matters; litigation concerns; and the timeline for review

of the footage.

Ms. Figueroa reiterated her concerns regarding the plea bargain; voiced concerns regarding the injuries to her minor child; and requested Council to watch the body worn camera footage.

William Hurd, 5214 Skylark Drive spoke to legal restrictions on Council; voiced the need to have the incident resolved; to communicate with the District Attorney; spoke to conversations regarding transparency; voiced concern with the process of reviewing the video; spoke to police accountability; and to the need to restore public confidence.

Kiera Hereford, 589 Hugh Patrick Court referenced the Yourse case; spoke to transparency; a motion to review the footage; to the district the alleged victim lived in; voiced concerns with Greensboro being called the Welcoming City; spoke to an increase in police patrols; and to the process.

Dr. Goldie Wells, 4203 Belfield Drive voiced appreciation for support of the Renaissance Co-Op; extended an invitation to everyone to attend an event on Thursday night at 2517 Phillips Avenue; provided examples of food that would be available; and to the support of local growers.

Lewis Pitts 129 Tate Street referenced a letter sent to Council via email; spoke to the incident involving a minor child; voiced concerns regarding the District Attorney; spoke to evidence in the case; the review of the footage by the PCRB; and to the delay in the process.

Councilmember Outling spoke to the desires of the community; and to restraints of the law.

Councilmember Hightower inquired about the next step.

City Attorney Carruthers spoke to Ms. Figueroa's legal representation; the process to follow the law; to adhering to Council direction; and stated the City actions were consistent and in accordance with the law.

III. CONSENT AGENDA (One Vote)

Mayor Pro-Tem Johnson asked if anyone wished to remove any items from the Consent Agenda.

Councilmember Hightower requested Item #5 be removed for discussion.

Moved by Councilmember Barber, seconded by Councilmember Abuzuaiter, to adopt the consent agenda as amended. The motion carried by voice vote.

3. [ID 17-0148](#) Resolution Authorizing Amended Agreement with the North Carolina Department of Transportation for General Sidewalk Improvements Project U-5532 D

53-17 RESOLUTION AUTHORIZING AMENDED AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR GENERAL SIDEWALK IMPROVEMENTS PROJECT U-5532 D

WHEREAS, the Greensboro Urban Area Metropolitan Planning Organization Transportation Advisory Committee, in cooperation with NCDOT, established STP-DA funding for the General Sidewalk Improvements Project in 2016; and,

WHEREAS, the project scope, budget and source of Federal funds has been revised; and,

WHEREAS, the City of Greensboro and the North Carolina Department of Transportation have re-established an agreement to change the project funding source from STP-DA to TAP-DA funds to optimize cash flow management for the General Sidewalk Improvements Project in 2017; and,

WHEREAS, TAP funds of \$320,000 secured with \$80,000 in local funds are needed for construction of the project; and,

WHEREAS, total funding for this project is being reduced by \$163,800 due to the reduced scope of the project; and,

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

That the amended agreement with NCDOT is hereby formally approved by the City Council of the City of Greensboro for General Sidewalk Improvements Project U-5532 D.

(Signed) Mike Barber

4. [ID 17-0155](#) Ordinance Amending Street and Sidewalk Capital Project Fund Budget for General Sidewalk Improvements Project U-5532 D

17-20 ORDINANCE AMENDING THE STREET AND SIDEWALK CAPITAL PROJECT FUND BUDGET FOR PROJECT U-5532 D: GENERAL SIDEWALK PROJECTS

Section 1

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

That the Street and Sidewalk Capital Project Fund Budget of the City of Greensboro be reduced as follows for the Project U-5532 D: General Sidewalk Projects:

Account	Description	Amount
401-4569-01.6015	Sidewalk Construction	(\$163,800)
Total		(\$163,800)

And, that this appropriation be decreased by reducing the following accounts:

Account	Description	Amount
401-4569-01.7110	State Grant	(\$131,040)
401-4569-01.9471	Local Matching Funds	(\$32,760)
Total		(\$163,800)

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Mike Barber

6. [ID 17-0116](#) Resolution Authorizing the Purchase of Property Located at 5440 Millstream Road for the Stewart Mill Force Main Sewer Line Project

54-17 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY LOCATED 5440 MILLSTREAM ROAD FOR THE STEWART MILL FORCE MAIN SEWER LINE PROJECT

WHEREAS, in connection with the Stewart Mill Force Main Sewer Line Project, a portion of the property owned by CCC Development Partners, LLC, Parcel 0084845 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$74,744 but the property owner has agreed to settle for the price of \$89,000, 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 \$89,000 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. 507-7012-01.6012, Activity A13088.

(Signed) Mike Barber

7. [ID 17-0139](#) Resolution Authorizing the Mayor to Execute a Street Closing Petition for Terrapin Ridge Road, Terrapin Ridge Court and Brackish Drive

55-17 RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A STREET CLOSING PETITION ALONG CITY OF GREENSBORO PROPERTY FOR TERRAPIN RIDGE ROAD, TERRAPIN RIDGE COURT AND BRACKISH DRIVE

WHEREAS, Terrapin Ridge Road, Terrapin Ridge Court, and Brackish Drive were dedicated as public right-of-way on February 6, 2008, by the recording of the Terrapin Ridge, Phase 1, plat in the Guilford County Register of Deeds in Plat Book 173 on Pages 70 and 71;

WHEREAS, the Terrapin Ridge Subdivision was annexed into the City of Greensboro on June 30, 2008;

WHEREAS, on September 28, 2011, the City of Greensboro became owners of the Terrapin Ridge Subdivision as per the deed recorded in Deed Book 7276 on Page 2034 in the Guilford County Register of Deeds;

WHEREAS, the subdivision no longer serves a residential purpose and will be the location of the Stewart Mill Pump Station to better serve the eastern portion of the City's sewer service territory which will allow for current and future growth along the I-40 East location;

WHEREAS, North Carolina General Statute 160A-299 and Section 6.61 of the City Charter allow street right-of-way to be closed by petition and findings if said petition is signed by a majority of the property owners with frontage on the right-of-way.

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

Section 1 - That the Greensboro City Council does hereby authorize the Mayor to execute a street closing petition as the property owner along Terrapin Ridge Road, Terrapin Ridge Court, and Brackish Drive as dedicated as part of the Terrapin Ridge Subdivision in the Guilford County Register of Deeds in Plat Book 173 on Pages 70 and 71.

Section 2 - That this Resolution shall become effective immediately upon adoption.

(Signed) Mike Barber

8. [ID 17-0174](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Branch Westridge Associates, LP Located at 3391 Battleground Avenue in Connection with the Battleground Westridge Intersection Improvement Project

56-17 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF BRANCH WESTRIDGE ASSOCIATES, LP, IN CONNECTION WITH THE BATTLEGROUND WESTRIDGE INTERSECTION IMPROVEMENT PROJECT

WHEREAS, Branch Westridge Associates, LP are the owners of certain property located at 3391 Battleground Avenue, designated as Parcel #0060267 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Battleground Westridge Intersection Improvement Project;

WHEREAS, negotiations with the owner at the appraised value of \$460,000.00 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 \$460,000.00.

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 \$460,000.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 220-4588-01.6012 Activity #A12084.

(Signed) Mike Barber

9. [ID 17-0175](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Diering Properties, LLC Located at 3225 Battleground Avenue in Connection with the Battleground Westridge Intersection Improvement Project

57-17 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF DIERING PROPERTIES, LLC, IN CONNECTION WITH THE BATTLEGROUND WESTRIDGE INTERSECTION IMPROVEMENT PROJECT

WHEREAS, Diering Properties, is the owner of certain property located at 3225 Battleground Avenue, designated as Parcel #0036449 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Battleground Westridge Intersection Improvement Project;

WHEREAS, negotiations with the owner at the appraised value of \$12,300.00 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 \$12,300.00.

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 \$12,300.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 220-4588-01.6012 Activity #A12084.

(Signed) Mike Barber

10. [ID 17-0176](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Luther L. Slate, Jr. and Dianne R. Slate, Located at 1902, 1904 and 1906 Westridge Road in Connection with the Battleground Westridge Intersection Improvement Project

58-17 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF LUTHER L. SLATE, JR AND DIANNE R. SLATE, IN CONNECTION WITH THE BATTLEGROUND WESTRIDGE ROADWAY IMPROVEMENT PROJECT

WHEREAS, Luther L. Slate, Jr and Dianne R. Slate, are the owners of certain properties located at 1902 near,

1904 and 1906 Westridge Road designated as Parcels #0036338, 0036493, and 0036492 said properties being as shown on the attached map;

WHEREAS, a portion of said properties is required by the City in connection with the Battleground Westridge Roadway Improvement Project;

WHEREAS, negotiations with the owner at the appraised value of \$14,000.00 have been unsuccessful and said portion of the properties 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 properties 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 \$14,000.00.

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 properties, and the Director of Finance is hereby authorized to issue a draft in the amount of \$14,000.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 220-4588-01.6012 Activity #A12084.

(Signed) Mike Barber

11. [ID 17-0171](#) Resolution Authorizing Match Grant Application for 2017 Lead Based Paint Hazard Control Grant Application to the US Department of Housing and Urban Development

59-17 RESOLUTION AUTHORIZING APPLICATION FOR 2017 LEAD BASED PAINT HAZARD CONTROL GRANT APPLICATION TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the Neighborhood Development Department is responsible for operating programs that provide opportunities for low income residents to obtain housing repairs through various grant and loan programs; and

WHEREAS, the Department will apply to the US Department of Housing and Urban Development (HUD) for its fifth Lead Based Paint Hazard Control [LBPHC] Grant; and

WHEREAS, the LBPHC Grant is a match grant and requires Council approval; and

WHEREAS, the focus of our community's lead based paint remediation program is to eliminate childhood lead poisoning as a major public health problem and incorporate an expanded healthy homes evaluation component in the households we serve; and

WHEREAS, the City has received four HUD lead remediation grants over the past 14 years and will apply for a fifth grant to HUD in March; and

WHEREAS, the LBPHC program goal is to remediate lead based paint hazards in housing that predates 1978; and

WHEREAS, the program funding priority targets households with children under six years old; and

WHEREAS, the three-year grant application total is \$2,900,000; the \$390,000 match will be provided through the Department's Community Development Block Grant funds.

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

That application for the 2017 Lead Based Paint Hazard Control Grant Application to the US Department of Housing and Urban Development is hereby approved.

(Signed) Mike Barber

12. [ID 17-0085](#) Ordinance to Annex Territory to the Downtown Business Improvement District - SECOND VOTE

The item was brought back for a SECOND READING from the March 7, 2017 Council meeting. The ordinance was received on the SECOND READING by voice vote.

17-19 AN ORDINANCE ANNEXING TERRITORY TO THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT – A MUNICIPAL SERVICE DISTRICT - SECOND VOTE

Section 1. Pursuant to N.C.G.S. 160A-358, the hereinafter described territory is hereby annexed to City of Greensboro's Downtown Business Improvement District, a municipal service district:

513 Federal Place – Parcel #0000515
515 Federal Place – Parcel #0000520
516 Federal Place – Parcel #0001460
300 W. Gate City Boulevard – Parcel #0001474
302 W. Gate City Boulevard – Parcel #0001462
600 Battleground Avenue – Parcel #0001890
433 Spring Garden Street – Parcel #0001430
437-441 Spring Garden Street – Parcel #0001419
Portion of South Edgeworth Street Closing – Resolution 0316-14
124 E. Gate City Boulevard – Parcel #0001146
125 W. Gate City Boulevard – Parcel #0000499
123 W. Gate City Boulevard – Parcel #0000510
121 W. Gate City Boulevard – Parcel #0000509
725 S. Elm Street – Parcel #0001155
727 S. Elm Street – Parcel #0001154
728 S. Elm Street – Parcel #0000501
730 S. Elm Street – Parcel #0000504
734 S. Elm Street – Parcel #0000505
508 Arlington Street – Parcel #0001147
518 Arlington Street – Parcel #0001148
100 E. Gate City Boulevard – Parcel #0001145
700 S. Elm Street – Parcel #0000500
702-704 S. Elm Street – Parcel #0000502
724 S. Elm Street – Parcel #0000503

Section 2. The owners of the above referenced parcels agrees to pay to the City of Greensboro a business improvement district tax effective in the fiscal year beginning July 1, 2017. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the Downtown Business Improvement District within the corporate limits of the City of Greensboro.

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

(Signed) Mike Barber

13. [ID 17-0119](#) Ordinance Amending the GTA Grant Fund Budget for the FY 2015 Section 5310 Enhanced Mobility for Seniors and Individuals With Disabilities Grant

17-21 ORDINANCE AMENDING THE GTA GRANT FUND BUDGET FOR THE FY 2015 SECTION 5310 ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES GRANT

Section 1

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

That the GTA Grant Fund Budget be amended as follows for the FY 2015 Section 5310 Enhance Mobility for Seniors and Individuals with Disabilities Grant as follows for expanded GTA services:

Account	Description	Amount
567-4510-01.5423	Contracted Transportation	\$163,314
567-4510-01.5928	In-Kind Services	\$40,829
Total		\$204,143

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

Account	Description	Amount
567-4510-01.7100	Federal Grant	\$163,314
567-4510-01.8695	Local In-Kind Services	\$40,829
Total		\$204,143

Section 2:

That the GTA Grant Fund Budget be amended as follows for the FY 2015 Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Grant as follows for expanded TAMS services:

Account	Description	Amount
567-4510-02.5429	Other Contracted Services	\$48,690
567-4510-02.5928	In-Kind Services	\$48,690
Total		\$97,380

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

Account	Description	Amount
567-4510-02.7100	Federal Grant	\$48,690
567-4510-02.8695	Local In-Kind Services	\$48,690
Total		\$97,380

Section 3:

That the GTA Grant Fund Budget be amended as follows for the FY 2015 Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Grant as follows to be used administration expenses associated with this program:

Account	Description	Amount
567-4510-03.4110	Salaries and Wages	\$23,956

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

Account	Description	Amount
567-4510-03.7100	Federal Grant	\$23,956

Section 4

And, that this ordinance should become effective upon adoption.

(Signed) Mike Barber

14. [ID 17-0151](#) Ordinance in the Amount of \$90,768 Amending the South Elm Redevelopment Fund and Transferring its Prior Year Funding to the Community Development Block Grant Fund Budget

17-22 ORDINANCE AMENDING THE SOUTH ELM REDEVELOPMENT FUND AND TRANSFERRING ITS PRIOR YEARS FUNDING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND BUDGET

Section 1

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

That the appropriations be increased, as follows:

Account	Description	Amount
217-2101-01.6212	Transfer to Community Development Block Grant	\$90,768

And, that this increase is financed by the following revenue:

Account	Description	Amount
217-0000-00.7801	Rent – Real Estate	\$6,374
217-0000-00.7804	Rent - Equipment	\$84,005
217-0000-00.8500	Interest Earned - Other	\$148
217-0000-00.8511	Gain/Loss on Mkt Value of Investment	\$241
Total		\$90,768

Section 2

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

That the appropriations be increased, as follows:

Account	Description	Amount
212-2214-17.5285	South Elm St. – Disposition Expense	\$90,768

And, that this increase is financed by the following revenue:

Account	Description	Amount
212-0000-00.9217	Transfer from South Elm Redevelopment Fund	\$90,768

Section 3

And, that this ordinance should become effective upon adoption.

(Signed) Mike Barber

15. [ID 17-0149](#) Resolution Listing Loans and Grants for City Council Approval

60-17 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) Mike Barber

16. [ID 17-0169](#) Budget Adjustments Approved by Budget Officer 2/28/17-3/13/17

Motion to accept the report of budget adjustments of February 28 through March 13, 2017, 2015 was adopted.

(A copy of the Report is filed in Exhibit Drawer Z, Exhibit No. 10 which is hereby referred to and made a part of these minutes)

17. [ID 17-0165](#) Motion to Approve the Minutes of the Annual Priority Setting Session Meeting of February 14, 2017

Motion to approve the minutes of the Annual Priority Setting Session meeting of February 14, 2017 was adopted.

18. [ID 17-0154](#) Motion to Approve the Minutes of the Regular Meeting of February 21, 2017

Motion to approve the minutes of the Regular meeting of February 21, 2017 was adopted.

5. [ID 17-0134](#) Resolution Approving Bid in the Amount of \$195,000 and Authorizing Contract with Golder Associates NC, Inc. for the Water Quality Compliance Monitoring at the White Street Landfill

Councilmember Hightower asked for clarification on the item.

Assistant City Manager David Parrish outlined companies that had responded and were interviewed; project qualifications; and spoke to the time limit of the project.

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

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

Absent, 1 - Nancy Vaughan

61-17 RESOLUTION APPROVING BID AND CONTRACT AWARD TO GOLDER ASSOCIATES NC, INC. FOR THE WATER QUALITY COMPLIANCE MONITORING AT THE WHITE STREET LANDFILL

WHEREAS, the proposal from the firm was reviewed and agreed to with the participation of the Field Operations Department, Water Resources Department, and the M/WBE Office;

WHEREAS, Golder Associates NC, Inc. was selected to develop an assessment strategy for the ongoing groundwater monitoring related to the subject property's solid waste permits. The selection was based on their environmental consulting experience, their local presence, and experience managing groundwater compliance programs on similar landfills;

WHEREAS, funding for the contract in the amount of \$195,000 is available in the Solid Waste Management Fund in account number 551-4306-04.5918 and in the Solid Waste Capital Improvement Fund in account number 554-6509-01.5918.

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

That the award of the air quality compliance monitoring to Golder Associates, NC, Inc. is hereby authorized with funding in the amount of \$195,000 to come from account numbers 551-4306-04.5918 and 554-6509-01.5918.

(Signed) Justin Outling

Councilmember Wilkins left the meeting at 7:03 p.m. and returned at 7:04 p.m.

IV. PUBLIC HEARING AGENDA

**19. [ID 17-0080](#) Ordinance Annexing Territory Into to the Corporate Limits - Property
Located at 1302 Young's Mill Road - .98-Acres**

Moved by Councilmember Wilkins, seconded by Mayor Pro-Tem Johnson to close the public hearing.

Councilmember Hightower asked for clarification on the item.

Planning Manager Mike Kirkman confirmed the request was for access to water.

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

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

Absent, 1 - Nancy Vaughan

17-23 AN ORDINANCE ANNEXING TERRITORY INTO THE CORPORATE LIMITS (PROPERTY LOCATED AT 1302 YOUNG'S MILL ROAD – .98 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro corporate limits (as of December 31, 2016), said point being the southwest corner of that property shown on City of Greensboro Annexation Drawing D-2761; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 08° 31' 45" W 47 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a westerly direction, crossing Young's Mill Road, approximately 60 feet to an existing concrete monument at the northeast corner of Jesse C. and Laura M. Chambers, as recorded at Deed Book 3059, Page 879 in the Office of the Register of Deeds (this property is shown on Drawing G-552C, which is filed with the City of Greensboro's Engineering and Inspections Department, Records Section); thence with the north line of Chambers S 81° 04' 35" W 155.35 feet to a point; thence continuing with said line S 81° 06' 45"W 44.69 feet to the northwest corner of Chambers; thence with the west line of Chambers S 08° 55' 50" E 200.05 feet to an existing concrete monument at the southwest corner of Chambers; thence with the south line of Chambers N 81° 02' 06" E 199.92 feet to the southeast corner of Chambers; thence with the east line of Chambers N 08° 53' 38" W 153 feet to a point; thence in an easterly direction, crossing Young's Mill Road, approximately 60 feet to the point and place of BEGINNING, containing approximately 0.98 acres, of which approximately 0.92 acres is outside street right-of-way.

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 March 21, 2017, the liability for municipal taxes for the 2016-2017 fiscal year shall be prorated on the basis of 3/12 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, 2017. Municipal ad valorem taxes for the 2017-2018

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.

(Signed) Jamal Fox

20. [ID 17-0144](#) Ordinance Establishing Original Zoning for Property Located at 1302 Youngs Mill Road

Mayor Pro-Tem Johnson stated there was a speaker signed up for the item.

Laura Chambers, 1302 Youngs Mill Road voiced support of the item.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaite, that the Greensboro City Council believed that its action to approve the zoning amendment for the property located at 1302 Youngs Mill Road from County RS-40 (Residential Single-Family) to City R-3 (Residential Single-Family) to be consistent with the adopted Connections 2025 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Housing and Neighborhood goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods; and the request is consistent with the Growth at the Fringe goal to promote sound and sustainable patterns of land use.

Ayes, 8 - Yvonne J. Johnson, Mike Barber, Marikay Abuzuaite, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

Absent, 1 - Nancy Vaughan

17-24 AMENDING OFFICIAL ZONING MAP

1302 YOUNGS MILL ROAD, GENERLALY DESCRIBED AS WEST OF YOUNGS MILL AND SOUTH OF INTERSTATE 40

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

Section 1. The Official Zoning Map is hereby amended by original zoning from County RS-40 (Residential Single Family) to City R-3 (Residential Single Family).

The area is described as follows:

"Beginning at a point in the existing Greensboro corporate limits (as of December 31, 2016), said point being the southwest corner of that property shown on City of Greensboro Annexation Drawing D-2761; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 08° 31' 45" W 47 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a westerly direction, crossing Young's Mill Road, approximately 60 feet to an existing concrete monument at the northeast corner of Jesse C. and Laura M. Chambers, as recorded at Deed Book 3059, Page 879 in the Office of the Register of Deeds (this property is shown on Drawing G-552C, which is filed with the City of Greensboro's Engineering and Inspections Department, Records Section); thence with the north line of Chambers S 81° 04' 35" W 155.35 feet to a point; thence continuing with said line S 81° 06' 45"W 44.69 feet to the northwest corner of Chambers; thence with the west line of Chambers S 08° 55' 50" E 200.05 feet to an existing concrete monument at the southwest corner of Chambers; thence with the south line of Chambers N 81° 02' 06" E 199.92 feet to the southeast corner of Chambers; thence with the east line of Chambers N 08° 53' 38" W 153 feet to a point; thence in an easterly direction, crossing Young's Mill Road, approximately 60 feet to the point and place of BEGINNING, containing approximately 0.98 acres, of which approximately 0.92 acres is outside street right-of-way."

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the R-3 (Residential Single Family) zoning district unless subsequently changed or amended as

provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

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

Section 4. This ordinance shall be effective on March 21, 2017.

(Signed) Sharon Hightower

Councilmember Barber left the meeting at 7:05 p.m. and returned to the meeting at 7:07 p.m.

22. [ID 17-0117](#) Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) With Respect To Zoning, Planning and Development - Parking Ratio for Small Townhomes

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

Councilmember Hightower requested the staff presentation.

Mr. Kirkman provided the history of the item; outlined minimum parking requirements; spoke to small scale units; clarified there would be less occupants, therefore less parking needs; and provided an approximate square footage of the units.

Discussion took place regarding the uniqueness of the item; the style and layout of the homes; the lack of an ordinance for a tiny house/small townhomes; and the requirements for water, sewer, and electrical hookups.

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

Ayes, 7 - Yvonne J. Johnson, Mike Barber, Marikay Abuzuaiteer, Jamal T. Fox, Nancy Hoffmann, Justin Outling and Tony Wilkins

Nays, 1 - Sharon M. Hightower

Absent, 1 - Nancy Vaughan

17-25 AMENDING CHAPTER 30 (LDO) AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

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

Section 1. That the "Townhouses" row ("Household Living" Use Category) of Table 11-1 within Section 30-11-5, Parking Ratios, is hereby amended and a Footnote #5 added to read as follows:

Table 11-1: Minimum Parking Ratios

Use Category	Specific Use	Minimum Number of Parking Spaces Required
Household Living	All, except as noted below	2 per dwelling unit
Townhouses	2.1 per dwelling unit (5)	
Multi-family Dwellings	1.25 per 0–1 bedroom unit; 1.5 per 2 bedroom unit; 2 per 3+ bedroom unit (1)	
Multi-family (Elderly)	1 per 2 dwelling units or rooming units	
Family Care Homes	1 per 4 beds	
Upper Story Residential	Same as Multi-family Dwellings	

Notes:

(1) For uses directly accessible to an existing or planned greenway (as shown on the adopted BiPed Plan) via a

connecting path, parking ratios shall be 1 per 0-1 bedroom unit, 1.25 per 2 bedroom unit; 1.75 per 3+ bedroom unit. Any outdoor seating areas associated with these uses will not be counted in the total square footage used to calculate minimum parking. No additional reductions for transit or bicycle facilities will be granted and bicycle parking equivalent to 1 bicycle space per every 10 spaces in reduced vehicle parking shall be provided.

(2) For uses directly accessible to an existing or planned greenway (as shown on the adopted BiPed Plan) via a connecting path, parking ratio shall be 1 per 500 square feet. Any outdoor seating areas associated with these uses will not be counted in the total square footage used to calculate minimum parking. No additional reductions for transit or bicycle facilities will be granted and bicycle parking equivalent to 1 bicycle space per every 10 spaces in reduced vehicle parking shall be provided.

(3) For uses directly accessible to an existing or planned greenway (as shown on the adopted BiPed Plan) via a connecting path, parking ratio shall be 1 per 200 square feet. Any outdoor seating areas associated with these uses will not be counted in the total square footage used to calculate minimum parking. No additional reductions for transit or bicycle facilities will be granted and bicycle parking equivalent to 1 bicycle space per every 10 spaces in reduced vehicle parking shall be provided.

(4) For uses directly accessible to an existing or planned greenway (as shown on the adopted BiPed Plan) via a connecting path, parking ratio shall be 1 per 500 square feet. Any outdoor seating areas associated with these uses will not be counted in the total square footage used to calculate minimum parking. No additional reductions for transit or bicycle facilities will be granted and bicycle parking equivalent to 1 bicycle space per every 10 spaces in reduced vehicle parking shall be provided.

(5) For townhouses that contain 400 square feet or less of gross floor area, the parking ratio shall be 1 per development plus 1 per dwelling unit.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Nancy Hoffmann

23. [ID 17-0118](#) Resolution Closing a Portion of Bain Street

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

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

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

Absent, 1 - Nancy Vaughan

62-17 RESOLUTION CLOSING BAIN STREET FROM ITS WESTERN TERMINUS EASTWARD A DISTANCE OF APPROXIMATELY 155 FEET

WHEREAS, the owners of a portion of the property abutting both sides of Bain Street have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, March 21, 2017 at 5:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

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

1. That the City Council hereby finds as a fact that the owners of a portion of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
3. That the lots currently located adjacent to this portion of Bain Street be combined with the lots that have frontage and direct vehicular access to an existing public street.
4. That the City of Greensboro shall retain 20-foot utility easements over existing utility lines until such time as the lines are no longer needed for public use.
5. That a 20-foot public access and emergency vehicle turn-around easement shall be dedicated to the City of Greensboro within the area to be closed.
6. That the following portion of street is hereby permanently closed and abandoned as a public street:

BAIN STREET FROM ITS WESTERN TERMINUS EASTWARD A DISTANCE OF APPROXIMATELY 155 FEET.

(Signed) Jamal Fox

V. GENERAL BUSINESS AGENDA

24. [ID 17-0177](#) Boards and Commissions Listing for March 21, 2017

Moved by Councilmember Barber, seconded by Councilmember Wilkins to appoint Marc Bush and Gary Baldwin to the Bryan Park Commission. The motion carried by voice vote.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaiter to appoint Paula Lipscomb to the Status of Women Commission. The motion carried by voice vote.

Moved by Councilmember Outling, seconded by Mayor Pro-Tem Johnson to appoint Chantale Lamin to the Cultural Arts Council. The motion carried by voice vote.

Councilmember Wilkins requested Council to allow him to address an item of concern following the business agenda portion of the meeting.

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to appoint Madeline Sandra Reed to the Library Board replacing Penny Smith. The motion carried by voice vote. Councilmember Hightower requested Council to waive rules for placement into the databank in order to make an appointment. Councilmember Hightower spoke to appointing Fanta Dorley to the Participatory Budget (PB) Steering Committee; and inquired about the status of the PB Steering Committee members.

City Clerk, Betsey Richardson stated she would contact Budget and Evaluation, Karen Kix-Miller to confirm the status of the members of the PB Steering Committee.

Councilmember Hightower stated if there was an opening, she would like to appoint Ms. Dorley to the position; and requested staff to confirm the status of Franklin Matthews and Amena Tahirou on the PB Steering Committee.

Councilmember Outling requested staff to research the procedure and policies for making appointments to the Boards and Commissions.

Councilmember Wilkins left the meeting at 7:19 p.m. and returned to the meeting at 7:21 p.m.

Discussion took place regarding the intent of placing names into the databank; and constitutes knowing and being a part of the process.

City Manager Westmoreland stated staff would review the history; and report to Council.

25. [ID 17-0058](#) Resolution Authorizing the Conveyance of Surplus Foreclosure Property Located at 1322 Bothwell Street

Councilmember Hightower requested the item to be continued to the allow discussions with the potential buyer of the property.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to postpone the item to the April 18th meeting of Council. The motion carried by voice vote.

26. [ID 17-0150](#) Resolution Authorizing Purchase of Property Located at 2305 Soabar Street for Water Resources Operational Construction Yard Expansion

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

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

Absent, 1 - Nancy Vaughan

63-17 RESOLUTION AUTHORIZING PURCHASE OF ENTIRE PROPERTY LOCATED AT 2305 SOABAR STREET

WHEREAS, the entire property located at 2305 Soabar Street, Parcel 0029104 is required by the City for the expansion of the Water Resources Operational construction yard, said property being shown on the attached map;

WHEREAS, the property, after further inspection, was found to be in need of urgent and expensive roof restoration. Five (5) of the roofs needed to be replaced while the remaining two (2) roofs needed repairs. The City contacted the roofing company that was used when the facility was in operation and obtained an estimate for the needed work;

WHEREAS, the required property has been appraised at a value of \$2,875,000 however the property owner has agreed to settle for the negotiated price of \$2,500,000 to share in the cost of the roof restoration, 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 \$2,500,000 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. 503-7026-01.6011, Activity A17031. A budget adjustment is necessary to use this account.

(Signed) Marikay Abuzuaiter

27. [ID 17-0138](#) Resolution Authorizing Contract in the Amount of \$6,485,693.98 to Blythe Construction, Inc. for Contract 2017-01 (Resurfacing of Streets).

Mayor Pro-Tem Johnson stated there was one speaker.

David Hampsten, 2403 Golden Gate Drive voiced support for various items; spoke to community views regarding bike lane improvements; to the current budget; in support of economic development; City policies regarding

speed limits; voiced concern with the Aycock project; and to protected bike lanes.

Councilmember Fox requested staff research utilization of the best material with long lasting infrastructure for street resurfacing projects.

Assistant City Manager David Parrish spoke to continued research; standard requirements; dollar per miles; outlined process of repaving; and improvement of all streets.

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

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

Absent, 1 - Nancy Vaughan

64-17 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2017-01 WITH BLYTHE CONSTRUCTION, INC. FOR RESURFACING OF STREETS

WHEREAS, after due notice, bids have been received for the resurfacing of streets project;

WHEREAS, Blythe Construction, Inc. a responsible bidder, has submitted the low base and alternate bid in the total amount of \$6,485,693.98 as general contractor for Contract No. 2017-01 which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

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

That the bid hereinabove mentioned submitted by Blythe Construction, Inc. is hereby accepted, and the City is authorized to enter into a contract with Blythe Construction, Inc. for the resurfacing of streets project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$6,485,693.98 from Account Nos.:

\$ 539,451.00	Account #: 503-7026-07.5611	Water Resources Capital Improvement Fund
\$ 787,202.23	Account #: 402-4307-01.5611	State Highway Allocation Capital Project Fund
\$ 947,623.00	Account #: 402-4309-01.5611	State Highway Allocation Capital Project Fund
\$ 1,521,417.75	Account #: 471-4502-09.5611	Street Improvements Bond Fund
\$ 2,690,000.00	Account #: 401-4302-01.5611	Street & Sidewalk Capital Project Fund

(Signed) Justin Outling

29. [ID 17-0160](#) Ordinance in the Amount of \$2,700,000 Amending the Street and Sidewalk Capital Project Fund

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

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

Absent, 1 - Nancy Vaughan

17-26 ORDINANCE AMENDING THE STREET AND SIDEWALK CAPITAL PROJECT AND STATE HIGHWAY CAPITAL PROJECT FUNDS

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

Section 1

That the Street & Sidewalk Capital Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased as follows:

Account	Description	Amount
401-4302-01.5611	Street Resurfacing	\$2,700,000

and, that the following revenue finance these appropriations:

Account	Description	Amount
401-4302-01.7210	Motor Vehicle License Fee	\$2,700,000

Section 2

That the State Highway Capital Project Fund Budget of the City of Greensboro is hereby amended as follows:

And, that the following appropriations are decreased:

Account	Description	Amount
402-4309-01.5611	Street Resurfacing	\$3,885,000

and, that the following revenue is decreased:

Account	Description	Amount
402-4309-01.9202	Transfer from State Highway Fund	\$3,885,000

Section 3

And, that this ordinance should become effective upon adoption.

(Signed) Nancy Hoffmann

Mayor Pro-Tem Johnson declared a recess at 7:32 p.m. Council reconvened at 7:55 p.m. with all members in attendance except Mayor Vaughan.

30. [ID 17-0132](#) Ordinance Amending Chapter 28 of the Greensboro Code of Ordinances With Respect to Taxicabs and Buses

City Manager Westmoreland highlighted the efforts by Councilmember Abuzuaiter and staff on the item.

Councilmember Abuzuaiter spoke to the work with the taxi cab drivers; stated the original ordinance had been done in 1961; and commended the collaborative effort.

Greensboro Police Deputy Chief Mike Richey recognized Officer Tim Tepedino and Assistant City Attorney Jennifer Schneier for work on the item; outlined changes that had been made to the process; and spoke to bringing the community together.

Councilmember Barber voiced concerns regarding the monitoring of taxi cabs; and the lack of monitoring of UBER's.

Deputy Chief Richey spoke to House Bill 541; and to limitations on UBER regulations.

Councilmember Hightower inquired about a citizen concern; and spoke to criminal history regulations.

Assistant City Manager Parrish confirmed he had reached out to the citizen; and spoke to compliancy.

Discussion took place regarding monitoring of records; and the process to reapply.

Councilmember Abuzuaiter expressed the appreciation from the cab drivers; and spoke to inspection regulations.

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

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

Absent, 1 - Nancy Vaughan

17-27 ORDINANCE AMENDING CHAPTER 28 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO TAXICABS AND BUSES

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

Section 1. That Chapter 28 Article II Sections 28-31 through 28-103 of the Greensboro Code of Ordinances is hereby enacted to read as follows:

Chapter 28 - TAXICABS AND BUSES[1]

ARTICLE II. - TAXICABS[2]

Cross reference— Privilege license on taxicabs, § 13-113.

State Law reference— Taxicab regulations authorized, G.S. § 160A-304.

DIVISION 1. - GENERALLY

Sec. 28-16. - Definitions.

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

Driver or operator means any person who actually drives or operates a cab or taxicab on the streets of the city for hire. No person shall drive or operate a taxicab unless licensed by the City of Greensboro.

Firm means an owner engaged in the operation of taxicabs under a tradename.

Meter means a time and/or distance measuring device used for the purpose of calculating fares. A meter may be a taximeter, or other device typically used as an industry standard that keeps an accurate calculation of the fare to be charged.

Owner means any person engaged in a taxicab service and holding legal right to possession and management, to one (1) or more vehicles being operated as a taxicab. No person shall operate as an owner unless licensed by the City of Greensboro.

Certificate of Public Convenience and Necessity means a certificate issued by the City of Greensboro allowing the holder of the certificate to operate a taxicab or a taxicab service. Each person engaged in the business of operating a taxicab service shall make an application to the City of Greensboro for a certificate. There must be a vehicle registered to each certificate. The titled owner of each vehicle must be the same person whose name is listed on the certificate. A certificate is a license to operate a taxicab service and is non-transferable. A certificate must be surrendered to the City of Greensboro upon demand by the City. Once an applicant receives a certificate, the certificate must be renewed one (1) time per year. Certificates must be displayed in a location visible to passengers.

Taxicab means a passenger motor vehicle plying for hire for which public patronage is solicited and which is so designed as to seat comfortably not more than nine (9) persons.

Taximeter means a mechanical device which is installed in a taxicab for the purpose of computing the fare for a trip upon the basis of distance traveled, waiting time, or both.

(Code 1961, § 20-1)

Secs. 28-17—28-30. - Reserved.

DIVISION 2. - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 28-32. - Application.

(a) Any person desiring a certificate of convenience and necessity for the operation of a taxicab shall file with the chief of police, or his designee, a sworn application therefor, in duplicate, on forms provided by the chief of police. Every application for a certificate of convenience and necessity shall be accompanied by the sum of one hundred dollars (\$100.00) to defray the cost of the investigation to be made of the applicant. Every application must be renewed one (1) time per year on or before the date the application was issued. There shall be no charge for the annual renewal. There must be a certificate of convenience and necessity for each taxicab operated within the City of Greensboro. An application must be activated by placing a vehicle into service within 90 days of the

application date.

(b) The application will contain the following information:

(1) The name and address of the person, partnership, business, firm or corporation, or proposed partnership, business, firm or corporation. The name and address of the person or persons who own, operate, or manage the business, and in the event that the applicant be an existing corporation, a copy of the articles of incorporation, and a copy of the corporate filing from the North Carolina Secretary of State.

(2) The number of vehicles actually owned and the number of vehicles actually operated by such applicant on the date of such application, if any, or anticipated number of same to be readily available for service.

(4) Whether there are any unpaid or unbonded judgments or records against such applicant, and if so, the title of all actions and the amount of all judgments unpaid or unbonded.

(5) The make, type, year of manufacture, and passenger capacity of the taxicab for which this application for a certificate of public convenience and necessity is made.

(6) Court record of applicant. If applicant is a person, partnership, business firm or corporation or proposed person, partnership, business, firm or corporation, the court record of any owners, operators, managers, officers, directors, and supervising employees thereof, including general manager, if any. The city council shall not issue a certificate of convenience if court records do not comply with the requirements of section 28-70, paragraphs (a)(2) and (a)(3).

(7) An accurate description of the proposed or actual taxicab operation, including size and description of building to be utilized; off-street storage facilities; color scheme of taxicabs; use of radio transmitters and receivers for both base and mobile units; use of cell phones; use of internet applications; maintenance of vehicles; use and location of call boxes, availability and source of employees and drivers; recording and office equipment; and any other information necessary in order for the council to evaluate the applicant's ability to provide and maintain taxicab service as required under this article.

(8) Such other information as the council may, in its discretion, require.

(c) Any fees or costs incurred by the city in the investigation of the applicant shall be borne by the applicant.

(Code 1961, § 20-4; Ord. No. 90-54, § 1, 4-12-90; Ord. No. 00-155, § 1, 6-6-00)

Sec. 28-34. - Issuance standards and procedures.

(a) In determining whether public convenience and necessity require the operation of a taxicab or taxicabs and in issuing certificates for which applications are made, the council shall consider in addition to the information set forth in the applications:

(1) Whether the demand of the public requires additional taxicab service.

(2) The adequacy of existing mass transportation, and taxicab service.

(3) The financial responsibility, experience and quality of service being rendered, if any, by each applicant.

(4) The total number of certificates held by each applicant.

(5) The ability to provide continuity of service regarding certificates surrendered by associates of applicant.

(6) The ability of each applicant to earn a fair return on the capital invested.

(7) The number, kind and type of equipment.

(8) The ability of each applicant to provide an efficient level of service.

(9) The survey and recommendation of the chief of police.

(10) Any other considerations as in the opinion of the council will tend to improve taxicab service in the city and which will assist in determining whether public necessity and convenience require the operation of additional taxicabs.

(b) The council shall not issue a certificate of convenience and necessity to any applicant unless the council is satisfied that the applicant is qualified pursuant to the provisions of this chapter, and shall conform to and comply with the provisions, terms and conditions of this article, including section 28-70, paragraphs (a)(2), (3), and the applicant has been determined to meet the following requirements:

(1) The applicant is at least eighteen (18) years of age or is otherwise legally emancipated.

(2) The applicant has not entered a plea of guilty or no contest to nor has been convicted of:

a. A violation of any federal or state statute relating to prostitution or gambling laws, or the use, possession, or sale of a controlled substance within five (5) years preceding the application;

b. A violation of any federal or state statute relating to transporting or selling or possessing intoxicating liquors within five (5) years preceding the application;

c. A felony within five (5) years preceding the application;

d. Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North

Carolina General Statutes, relating to offenses against public morality and decency and crimes related to prostitution within five (5) years preceding the application.

e. A violation of any state statute relating to operating an automobile while under the influence of alcohol or drugs, or when the amount of alcohol in the blood meets or exceeds a specifically prohibited level, or when the operation of a vehicle has been directly and visibly affected by the operator's consumption of alcoholic beverages within five (5) years preceding the application.

(3) The applicant is not an habitual user of drugs or intoxicating liquors.

(4) There are no unpaid and unbonded judgments of record against the applicant; or, if unpaid and unbonded judgments of record exist, the applicant has established and maintained regular periodic payments in discharge of the liability, which payments are designed to discharge the liability within a reasonable period of time considering the amount of the liability.

(5) The applicant has demonstrated the ability to purchase insurance as required by this chapter.

(6) The applicant has demonstrated the ability to place in service within ninety (90) days of the issuance of the certificate a vehicle adequate to provide and maintain the quality of service required by this chapter and meeting all of the requirements of this chapter for a taxicab.

(7) The applicant has demonstrated the ability to establish within ninety (90) days of the issuance of the certificate, a depot, terminal, or other base of operation for receiving of requests for taxicab service and the dispatching of taxicabs in response to requests for service adequate to provide and maintain the quality of service required by this chapter, and has demonstrated the ability to obtain within ninety (90) days of the issuance of the certificate the necessary recording and office equipment and other necessary equipment and things adequate to provide and maintain the quality of service required by this chapter and sufficient to comply with all of the provisions of this chapter including all the record keeping and reporting provisions.

(8) The applicant has registered properly with the state the correct and true owner's name of any vehicle intended to be operated pursuant to the certificate.

(9) There has not been a revocation of any certificate of convenience and necessity previously issued to the applicant within the twelve (12) months preceding application.

(10) Issuance of the certificate to the applicant will not result in the applicant holding such number of certificates or such percentage of all issued certificates that a pernicious effect on competition will result or that the quality of service to the public sought and required by the provisions of this chapter will be impaired.

The applicant shall provide to the council or its designee any and all facts, evidence, information or documents within the possession or control of the applicant or available to the applicant that shall be reasonably related to the determination of the qualifications of the applicant and as the council or its designee shall request. Further, the submission of the application shall constitute a waiver of all applicant's privileges and rights of privacy with respect to any document in existence reasonably related to the determination of the applicant's qualifications and shall serve as an authorization to the council or its designee to make inquiry of any person or entity, and to receive any oral or written reports from any person or entity, regarding any facts, evidence or information reasonably related to the determination of the applicant's qualifications. The applicant shall sign any separate written authorization that any person or entity shall require prior to the release of any documents or information concerning the applicant.

(c) The issuance of new certificates of convenience and necessity shall be done semiannually. All of those persons interested in obtaining a certificate of convenience and necessity shall submit an application under section 28-32 the first ten (10) days in January and the first ten (10) days in July. Council or its designee shall review the applicants to determine whether or not the applicants meet the requirements of this chapter by the first council meeting in the month of February and the first council meeting in the month of August. If the council determines an applicant meets the requirements of this chapter, the applicant will be placed on a list in chronological order.

(d) If the council or its designee finds that one (1) is more qualified than the other applicants after considering the requirements of this chapter, then the applicant who is more qualified shall be awarded the certificate of convenience and necessity. However, if after reviewing the applications the council or its designee feels that some of the applicants are equally qualified, a list of the equally qualified applicants shall be maintained in prioritized order based upon the date and time of application, and each certificate will be awarded according to the sequence of a certificate of convenience and necessity available semiannually, at the first council meeting in the month of February and the first council meeting in the month of August, respectively. Any certificate of convenience and necessity available shall be awarded according to the priority of the applicant on the list, when council finds the applicants to be equally qualified.

(e) If any person shall refuse the offer of a certificate of convenience and necessity from the council or fails, refuses, or neglects to furnish such additional service within ninety (90) days after the certificate is offered him,

the council or its designee shall withdraw the certificate of convenience and necessity.

(f) Certificate of convenience and necessity, when granted, shall be issued in the name of the city by the city manager or his designee.

(Code 1961, §§ 20-2, 20-4.1; Ord. No. 88-122, § 1, 9-1-88; Ord. No. 90-54, §§ 2—4, 4-12-90; Ord. No. 00-155, §§ 2, 3, 7-31-00)

Sec. 28-35. - Term.

An existing certificate of convenience shall be renewed 1 time per year, such renewal shall occur on or before the date of the prior year's renewal. There shall be no charge for the annual renewal. Taxicab certificates of convenience and necessity shall not be transferable from one (1) vehicle to another, but upon the acquisition of a replacement vehicle, the certificate for the original vehicle shall be surrendered to the chief of police or designated assistant, and a new certificate shall be issued for the newly acquired vehicle after the vehicle complies with all the requirements of section 20-8.

(Code 1961, § 20-2)

Sec. 28-36. - Revocation.

(a) The chief of police or his designee shall have the right to revoke any certificate of convenience and necessity issued by him upon a finding, after notice, that the owner of such certificate of convenience and necessity is not rendering the public generally regular and proper service, as defined herein, or has violated any of the provisions of this article, or has so conducted himself or his taxicab business that a certificate of convenience and necessity would not have been issued to him pursuant to section 28-32.

(b) In determining whether the owner of a certificate of convenience and necessity is rendering the public generally regular and proper service, the chief of police or his designee shall consider the following factors: Information provided by the trip sheet records for the taxicab; the odometer mileage of the taxicab; the regularity of taxicab inspection over a period of six (6) consecutive months; compliance in providing the information on a quarterly basis as required by section 28-92; and any other information relevant to the quality of taxicab service being provided by the holder of such certificate.

(c) In the event the owner/operator is out due to sickness or injury, the six-month period referred to above may be extended until such time as the owner/operator is able to return to work.

(d) The holder of such revoked certificate of convenience and necessity shall have the right of appeal to the city council; such appeal shall be in the nature of certiorari. Such notice of appeal must be made within ten (10) days from the decision of the chief of police or his designee.

(e) Vehicle resembling a taxicab. It shall be unlawful for any person to operate a vehicle, which is not a licensed taxicab, with painting or markings that would cause a reasonable person to believe that such vehicle is a taxicab. A city taxicab that ceases to be authorized as a taxicab shall have its colors and markings removed, changed, or altered so as not to resemble a taxicab before any operation in the city and may not be visible from any public way, until such removal, change, or alteration, is completed.

(Code 1961, § 20-4.2)

DIVISION 3. - VEHICLE PERMIT ISSUED BY CITY OF GREENSBORO PRIVILEGE LICENSE OFFICE

Sec. 28-51. - Required.

It shall be unlawful for any holder of a certificate of convenience and necessity to operate or permit to be operated any taxicab upon the streets of the city without first having applied for and received a taxicab vehicle permit from the City of Greensboro Privilege License Office for the operation of each vehicle engaged as such.

(Code 1961, § 20-6)

Sec. 28-52. - Application.

Separate applications must be made for each taxicab vehicle permit on a form approved by the chief of police and requiring substantially the following information:

(1) The full name and address of owner.

(2) Full description of the vehicle, make, type, year of manufacture, engine number, color scheme, lettering and marks, and its seating capacity exclusive of the driver.

(3) The name and address of the firm, if any, from which operated and a statement to the effect that public liability and property damage insurance, as required by this chapter, has been filed with the police chief or his designee.

(Code 1961, § 20-7; Ord. No. 88-122, § 2, 9-1-88)

Sec. 28-55. - Same—Certificate of inspection; issuance; posting.

If, upon examination of the vehicle for which an application for a taxicab vehicle permit has been made, it is found by the chief of police or his designated assistant to be in proper condition, he shall issue and cause to be

affixed to the windshield of the vehicle a certificate of inspection of the sticker type in the form approved by the chief of police. The sticker shall be effective for two (2) months of the calendar year. Before the expiration of such certificate, every taxicab owner shall be sent written notice from the chief of police, or his designated assistant, of the requirements to submit all vehicles operated by the (owner) for reinspection at a designated time and place as provided in section 28-54 and a new inspection certificate shall be issued in accordance with the provisions of this section. No taxicab shall be operated on the streets of the city without displaying an effective certificate of inspection.

(Code 1961, § 20-9)

Secs. 28-56—28-65. - Reserved.

DIVISION 4. - DRIVERS' PERMIT

Sec. 28-66. - Required.

No person shall drive or operate any taxicab carrying passengers for hire from place to place within the corporate limits, or to points within a radius of five (5) miles thereof, unless that person shall have first applied to the chief of police or his designee and secured the approval of a driver permit to operate a taxicab.

(Code 1961, § 20-33)

State Law reference— Authority to require drivers' permit, G.S. § 160A-304(a).

Sec. 28-70. - Issuance standards; hearing, etc., or denial.

(a) The chief of police or his designee shall approve the application for the permit required by this division unless he finds:

(1) The applicant has not reached the age of eighteen (18) years or older, or is otherwise not legally emancipated.

(2) The applicant had an order entered continuing prayer for judgment, has entered a plea of guilty or no contest, or been convicted of:

a. A violation of any federal or state statute relating to prostitution or gambling laws, or the use, possession, or sale of a controlled substance within five (5) years preceding the application;

b. A violation of any federal or state statute relating to transporting or selling or possessing intoxicating liquors within five (5) years preceding the application;

c. A felony within five (5) years preceding his application;

d. Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North Carolina General Statutes, relating to offenses against public morality and decency and crimes related to prostitution within five (5) years preceding the application.

e. A violation of any state statute relating to operating an automobile while under the influence of alcohol or drugs, or when the amount of alcohol in the blood meets or exceeds a specifically prohibited level, or when the operation of a vehicle has been directly and visibly affected by the operator's consumption of alcoholic beverages within five (5) years preceding the application.

(3) The applicant is an habitual user of drugs or intoxicating liquors.

(4) The applicant is physically or mentally incapable of operating a taxicab or has been treated for any mental disorder, heart attack, epilepsy, or diabetes in a six-month period prior to filing his application; provided, any applicant who has been treated for any mental disorder, heart attack, epilepsy, or diabetes shall have a written opinion from a physician or psychiatrist, or both, stating that the applicant is physically capable and mentally competent to operate a taxicab, and that the applicant has been free from such recurrence for the past six (6) months. Such medical statement shall accompany said application.

(5) The applicant has made a material false statement in the application for a permit knowing it to be false; or has knowingly omitted required information; the applicant shall not be allowed to submit another application for a permit to drive a taxicab for a period of ninety (90) days.

(b) Upon denial or failure to approve the application, the applicant shall be entitled to a hearing by the city manager or other designated official if within ten (10) days the applicant files a written request for a hearing with the city manager. The hearing shall be held and a decision thereon shall be made within fifteen (15) days after the request, and notice of the decision shall be served upon the applicant in person or by registered mail.

(Code 1961, § 20-36; Ord. No. 90-54, § 5, 4-12-90)

Sec. 28-71. - Temporary driver permit.

The chief of police or his designee may issue a nonrenewable, temporary driver permit to any applicant whose court record, as compiled in the county for the year preceding his application, meets the requirements of section 28-71 of this chapter. This temporary driver permit shall be valid for a maximum of forty-five (45) days

from issue or until his driver permit has been issued or denied pursuant to section 28-71, whichever period first expires.

(Code 1961, § 20-35.1)

Sec. 28-72. - Expiration and renewal.

Taxicab driver's permits shall expire on March 1 of each year. Any persons desiring to renew a driver's permit shall file a new application at least thirty (30) days prior to the expiration date.

(Code 1961, § 20-34)

State Law reference— Authority to require display, G.S. § 160A-304(a).

Sec. 28-74. - Suspension.

(a) Except for those violations for which revocation is authorized, the chief of police, or his designee, shall suspend the permit of any person to drive a taxicab upon finding that the permittee has been convicted of, or has entered a plea of guilty or nolo contendere to, a violation of the motor vehicle laws of the state or chapter 16, or violated any of the provisions of this article.

(b) Upon the first conviction or plea of guilty or nolo contendere, the holder of the permit shall be notified in writing by the taxicab inspector that the same is a matter of permanent record on file in the office of the clerk of court. Upon a second conviction or plea of guilty or nolo contendere within any twelve-month period, the permit shall be suspended for ten (10) days. Upon a third conviction or plea of guilty or nolo contendere within any twelve-month period, the permit shall be suspended for thirty (30) days. For the fourth offense within the same calendar year, the permit shall be revoked.

(c) Upon suspension, a notice thereof shall be served by registered letter upon the permittee. The permittee shall have to surrender the permit immediately but shall have ten (10) days from the receipt of such notice to request in writing that he have a hearing to determine the basis for the suspension. It shall be unlawful for the person to whom the permit was issued to fail to return the permit to the chief of police. If no hearing is requested, the suspension shall be effective for the period previously designated by the chief of police or his designee. If a hearing is requested, the city manager or his designee shall hold such hearing and a decision thereon shall be made within ten (10) days thereafter. Notice of the decision shall be served upon the permittee. Upon the effective date of any suspension, the permittee shall immediately return the permit to the taxicab inspector. No hearing shall be held by the city manager or his designee or other designated officials unless within ten (10) days from the time of service of the notice of suspension (exclusive of Saturdays, Sundays, and holidays) the permittee files a written request with the city manager. If a request is filed, the hearing shall be held and decision thereon shall be made within ten (10) days thereafter, and notice of the decision shall be served upon the permittee. At the expiration of the suspension period, the permit shall be returned to the permittee, who shall be entitled to the immediate use thereof.

(Code 1961, §§ 20-38, 20-39)

Sec. 28-75. - Revocation.

(a) At any time after the issuance of a permit to any person to drive a taxicab, the chief of police or his designee shall revoke the permit:

(1) If he finds that the person holding the permit has made a material, false statement in the application for the permit, knowing it to be false.

(2) If he finds that the person holding the permit is physically or mentally incapable of operating a taxicab in a safe manner; provided, if the person holding the permit has been treated for any mental disorder, heart attack, epilepsy, or diabetes, such person shall submit to the city manager a written opinion from a physician or psychiatrist, or both, stating that the person holding the permit is physically and mentally competent to operate a taxicab and has been free from such recurrence for a period of six (6) months.

(3) If he finds that the person holding the permit has been convicted of or has entered a plea of guilty or a plea of nolo contendere to:

a. A felony.

b. A violation of any federal or state statute relating to the possession or sale of intoxicating liquors.

c. A violation of any federal or state statute relating to the use, possession, or sale of controlled substances.

d. A violation of any state statute relating to operating an automobile while under the influence of alcohol or drugs, or when the amount of alcohol in the blood meets or exceeds a specifically prohibited level, or when the operation of a vehicle has been directly and visibly affected by the operator's consumption of alcoholic beverages.

e. A violation of any state or federal statute relating to prostitution or gambling.

f. Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals, or of a sexual perversion as to justify the conclusion that the applicant is not of good moral

character, including but not limited to those offenses listed in North Carolina General Statutes articles 26 and 27 [G.S. §§ 14-177 et seq., 14-203 et seq.].

g. A fourth violation, within any period of twelve (12) months, of the motor vehicle laws of the state, or the traffic ordinances of the city, or any of the provisions of this article.

(b) When grounds for revocation exist, the taxicab inspector shall by registered letter give notice to the holder of such permit that the permit is revoked and must be immediately surrendered. It shall be unlawful for the person to whom the permit was issued to fail to return same to the chief of police. The holder of such permit will have ten (10) days from the receipt of such notice to request in writing a hearing with the city manager or his designee, but such permit is revoked pending such appeal. If no hearing is requested within the allotted time, any appeal is considered waived at the expiration of the ten-day period. If such hearing is requested and the revocation is affirmed following the hearing, the holder of such permit has ten (10) days from the termination of the hearing to give written notice of appeal to the city council, but such permit shall be in revocation pending such hearing.

(c) The council hearing of any appeal shall be in the form of certiorari. If council finds that revocation is justified, holder may not reapply for a taxicab permit for a minimum of six (6) months.

(Code 1961, §§ 20-37, 20-39)

State Law reference— Grounds for permit revocation, G.S. § 160A-304(a).

DIVISION 5. - OPERATIONAL RULES AND REGULATIONS

Sec. 28-93. - Shared taxicab service.

(a) In this section "shared taxicab service" means the type of taxicab service which can be used by two (2) or more unassociated passengers at a time and who have either a different origin or a different destination or both and which service is provided at a rate which is less than the rate which would normally be charged to each such person for his individual travel distance. Each passenger shall have his own fare recorded on a shared taxicab meter at the start of his individual trip.

(b) Shared taxicab service shall only be conducted as provided in this section.

(c) Any holder of a certificate of convenience and necessity may apply to the chief of police or his designee for a special permit which will authorize said holder to operate a shared taxicab service. Only a holder of such special permit may operate taxicab service pursuant to a shared-ride program. No driver of a taxicab shall carry any other person than the passenger first employing such taxicab without the consent of the passenger.

(d) Any person making application for the special permit shall present to the chief of police or his designee a detailed program for providing shared taxicab service which shall outline:

(1) The fare to be charged each passenger calculated on a schedule of distance traveled.

(2) The method for providing notice to each passenger that the rate of travel is at the reduced rate of shared taxicab service.

(3) A description of the method for transporting each passenger by the shortest route possible considering different origins and/or destinations.

(e) The chief of police or his designee shall not issue such special permit unless he finds that the applicant has devised a shared taxicab service program which will result in a passenger being charged a lesser fare than he would have been charged without the shared taxicab service rate.

(f) Permits issued pursuant to this section shall be valid for the same period of time as the certificate of convenience and necessity.

(g) The chief of police or his designee shall have the right to revoke any special permit issued by him upon a finding, after notice, that the holder of such special permit is not rendering the public the level of service required by this section. The holder of such revoked special permit shall have the right of appeal. Such appeal shall be in the nature of certiorari. Notice of any appeal must be made within ten (10) days from the decision of the city manager.

(Code 1961, § 20-13)

State Law reference— Shared ride services allowed, G.S. § 160A-304(a).

Sec. 28-96. - Distinctive vehicle color scheme and markings required.

(a) Subject to the approval of the chief of police or his designee, each taxicab association or firm shall adopt a color scheme or identifying markings for painting or for identifying its taxicabs (distinct from that of any other association or firm) and shall file such identification, identifying design, monogram or other insignia thereof with the chief of police. All additional, new or replacement vehicles put in operation by such association or firm shall comply with the color scheme, or identification design, monogram, or other insignia selected. Whether the vehicles are replaced or not, all taxicabs of each association or firm shall conform to the color scheme, design, monogram, or other insignia chosen and filed. No color scheme, design, monogram or other insignia selected

shall be used and shall not be accepted and filed by the chief of police if it in any way infringes upon, or would be confused with the color scheme, design, monogram or insignia of another association or firm previously filed, and no vehicle covered by the terms of this article shall be licensed, nor shall a taxicab vehicle permit be issued therefore whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the city manager, conflict with, imitate, or be confused with any color scheme, identification, design, monogram or insignia on file by an association or firm already operating.

(b) A name identifying the association or firm, taxicab number and telephone number shall be painted with permanent paint or appear on a permanent decal on both sides and rear of each cab, with letters and numbers four (4) inches high or greater. The taxi cab number must be displayed on all four sides of the vehicle. The cab number on the rear shall be at a location to be designated by the taxicab inspector. There shall be painted on each side of the taxicab in letters and numbers at least three (3) inches high the basic mileage rates. The color to be used for lettering and numbers shall be of sharp contrast to color or surface paint to which this is applied, so as to be easily visible at a reasonable distance, especially at nighttime with street lights. No lettering or numbers shall be acceptable which have been painted upon a sheet of metal or other material which, in turn, can be removed or detached to conceal the identification of the company or taxicab number.

(Code 1961, § 20-19)

Sec. 28-100. - Vehicle upholstery.

It shall be unlawful for the owner or operator of any motor vehicle operating as a taxicab to operate same upon the streets of the city unless the taxicab upholstery is in good repair.

Section 2. That all sections not amended herein shall remain in full force and effect.

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

(Signed) Sharon Hightower

31. [ID 17-0152](#) Resolution Authorizing Matching Grant Application for 2017 Parks and Recreation Trust Fund (PARTF) Grant for Keeley Park Phase II Project

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

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

Absent, 1 - Nancy Vaughan

65-17 RESOLUTION AUTHORIZING GRANT APPLICATION OF 2017 PARKS AND RECREATION TRUST FUND (PARTF) GRANT FOR KEELEY PARK PHASE II PROJECT

WHEREAS, the City of Greensboro qualifies as a local government to submit a 2017 PARTF grant application by the May 1, 2017 deadline;

WHEREAS, in 2007 the City was awarded a PARTF Grant that partially funded the initial Phase I design and construction for Keeley Park supported by the public through an adopted 2006 Master Plan;

WHEREAS, the 2017 PARTF application will partially fund Phase II design and construction for Keeley Park supported by the public through an adopted 2016 Master Plan update;

WHEREAS, the project, if awarded, supports the City Council and Parks and Recreation Department's goals of maintaining infrastructure and providing sustainable growth opportunities;

WHEREAS, a dollar-for-dollar match is a grant requirement and City authorized 2008 bond dollars be used to satisfy the match requirement;

WHEREAS, the City portion of funding has been set aside for this project in the current budget and future

expenditures may be funded through Keeley Park funds;

WHEREAS, a dollar-for-dollar match is a grant requirement and 2006 bond dollars currently available and allocated for the Keeley Park Phase II development project will be used to satisfy the match requirement.

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

That the resolution authorizing a match grant application in the amount of \$250,000 for the Parks and Recreation Trust Fund (PARTF) Grant is awarded for Keeley Park for Phase II development project is hereby approved.

(Signed) Jamal Fox

32. [ID 17-0186](#) Resolution Authorizing Contract in the Amount not to Exceed \$2,000,000 with Greensboro United Soccer Association for the Bryan Park Soccer Complex Expansion Project

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to table the item to the next meeting of Council set for April 4th.

Discussion took place regarding concerns to be addressed; existing bond packages; work session discussions; priority of projects; community interests; support for lacrosse and Bryan Park; and the economic development impact.

Councilmember Fox requested staff research the reinstatement of the Council Committee structure; stated the item would have served well being vetted through the Council Committees; and spoke to the need to discuss taxes and financial impacts.

Councilmember Wilkins inquired about the timeline for the project; and asked if a delay would impact upcoming tournaments.

Parks and Recreation Director Wade Walcutt clarified the delay would not be detrimental; spoke to the addition of two fields; and to the approximate completion date being mid-fall.

Councilmember Outling spoke to a previous postponement of the item; and promises made to the community by previous and the current Council.

Councilmember Outling and Councilmember Fox requested staff to follow-up on the 2016 Bond program priorities and financing.

City Manager Westmoreland spoke to options; recommended Council discuss the item during a work session; spoke to debt service; and clarified a work session would be set for April 4th.

Councilmember Outling requested Finance Director Rick Lusk to provide guidance at the work session.

Councilmember Fox suggested the items to be postponed to the second meeting in April to allow vetting of the item.

Mayor Pro-Tem Johnson accepted the friendly amendment to postpone the items to the April 18th meeting of Council.

Councilmember Hoffmann spoke to the process of putting the bond package together; and to the clarity of a potential tax increase.

Discussion ensued regarding additional bond items on the agenda.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to postpone items # 32/ID 17-0186, #33/ID 17-0191, #34/ID 17-0190, #35/ID 17-0192, and #36/ID 17-0193 to the April 18th meeting of Council. The

motion carried on the following roll call vote:

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

Absent, 1 - Nancy Vaughan

33. [ID 17-0191](#) Ordinance in the Amount of \$34.5 Million Establishing the Parks and Recreation Bond Fund Budget
34. [ID 17-0190](#) Ordinance in the Amount of \$28 Million Establishing the 2016 Transportation Bond Fund Budget
35. [ID 17-0192](#) Ordinance in the Amount of \$25 Million Establishing the Housing Bond Fund Budget
36. [ID 17-0193](#) Ordinance in the Amount of \$38.5 Million Establishing the Community and Economic Development Bond Fund Budget

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

Councilmember Wilkins outlined to a \$10,000 Participatory Budget surplus in District 5; and to staff efforts to provide items under budget.

Assistant City Manager Chris Wilson spoke to funding that had been slated for District 5; referenced the savings; and providing the product to the community.

Discussion took place regarding the reallocation of funds saved.

Moved Councilmember Wilkins, seconded by Mayor Pro-Tem Johnson to reallocate the remaining \$10,000 to Out of the Garden project which provides food each weekend to students and families through nearly sixty elementary, middle and high schools and through City of Greensboro youth programs and operates twenty-two fresh mobile markets each month that visit under served areas to distribute food. The motion carried by voice vote.

Councilmember Hightower asked staff to research excess funding from the participatory budget program to be reallocated to the Out of the Garden program.

Discussion continued regarding getting the equipment at a lesser charge; providing for families across the City; supporting other excess funds for the Out of the Garden program; In-Kind contributions; and feeding people.

Councilmember Abuzuaiter referenced a ribbon cutting ceremony at the Science Center; spoke to attending an event for Arbor Day; highlighted a Technical Advisory Committee meeting tomorrow at 5:30 p.m.; NPO Federal certification; and spoke to a public meeting to receive input into the planning process.

Councilmember Wilkins referenced the Job Fair on March 29th from 2pm - 6pm at Griffin Park; spoke to the annual fundraiser for CrimeStoppers at West Minster Presbyterian Church on Saturday.

Mayor Pro-Tem Johnson announced to the public forum being held for affordable health care on March 28th between 6 and 8 pm at Trinity Church on Florida Street.

Councilmember Fox spoke to receiving an update from staff regarding youth, Economic Development, and public safety; and inquired about the Affordable Healthcare Act; and the impact on the City.

City Manager Westmoreland spoke to tracking the potential bill; the budget for Federal loans and grants; a proposed budget by the President; and federal spending and priorities. City Manager Westmoreland provided an

update on public safety by highlighting the Safer City Summit and community classrooms; spoke to a small scale development workshop for Economic Development (ED); and referenced partnerships.

Councilmember Hoffmann offered condolences to the family of Bob Cone; spoke to the loss within the community; and to his participation in various organizations and committees.

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.

Adjournment

Moved by Councilmember Fox, seconded by Councilmember Outling, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 8:40 P.M.

ANGELA R. LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR