



City of Greensboro

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

Meeting Minutes - Final City Council

Tuesday, January 19, 2021

5:30 PM

VIRTUAL

Call to Order

This virtual City Council meeting of the City of Greensboro was called to order at 5:35 p.m. Mayor Vaughan took a roll call to confirm the following members were present:

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

Also present were City Manager David Parrish, City Attorney Chuck Watts, and Deputy City Clerk Tebony Rosa.

Council Procedure for Conduct of the Meeting

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

25. [ID 21-0025](#) Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at a Portion of 5281 Mackay Road - 5.76 Acres (Lea Family Limited Partnership)

Mayor Vaughan requested item #25/ID 21-0025 a Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at a Portion of 5281 Mackay Road - 5.76 Acres (Lea Family Limited Partnership); and item #26/ID 21-0044 a Public Hearing for an Ordinance for Original Zoning for a portion of 5281 Mackay Road- Will Years on behalf of the Lea Family Limited Partnership be postponed to the February 16, 2021 City Council meeting.

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

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

26. [ID 21-0044](#) Public Hearing for an Ordinance for Original Zoning for a portion of 5281 Mackay Road- Will Years on behalf of the Lea Family Limited Partnership

I. CONSENT AGENDA (One Vote)

Mayor Vaughan asked if anyone wished to remove any items from the Consent Agenda; and reminded Council that any items removed from the consent agenda, other than for a recusal or for the purpose to vote 'No' would be placed on the next business meeting agenda as a business item.

Councilmember Hightower requested Items #1/ID 21-0002, #2/ID 21-0010, and #15/ID 21-0060 be removed for the purpose of voting 'No'.

Moved by Councilmember Thurm, seconded by Councilmember Kennedy, to adopt the consent agenda as amended. The motion carried on the following roll call vote:

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

3. [ID 21-0020](#) Resolution Authorizing Agreement to Establish a Shared Micromobility Service Operator in the City of Greensboro with Blue Duck Express, Inc. or Spin (Skinny Labs, Inc.)

006-21 RESOLUTION AUTHORIZING AGREEMENT ESTABLISHING A SHARED MICROMOBILITY SERVICE OPERATOR IN THE CITY OF GREENSBORO

WHEREAS, in October 2020 the Department of Transportation issued an RFP for selection of a new shared micromobility operator within the City of Greensboro, with services to include standup electric scooters and electric assist bikes;

WHEREAS, City staff, with input from partners and UNCG and NCA&T, evaluated six responsive proposals using the criteria and process specified in the RFP;

WHEREAS, Blue Duck Express, Inc., and Spin (Skinny Labs, Inc.) had equal evaluation scores and were therefore selected as the two finalists;

WHEREAS, preference was given to Blue Duck Express, Inc. based on their proposal's strengths in approach to equity, identified service area boundaries and the results of reference checks;

WHEREAS, the Transportation Department recommends approval of an agreement with Blue Duck Express, Inc. to serve as the primary micromobility provider licensed to operate within the City of Greensboro;

WHEREAS, The Transportation Department further recommends the option to execute an agreement with Spin (Skinny Labs Inc.) if negotiations with Blue Duck Express, Inc. fail to yield an acceptable agreement; and

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

That the City Manager is authorized to enter into an agreement with either Blue Duck Express, Inc. or Spin (Skinny Labs, Inc.) to establish a shared micromobility service operator in the City of Greensboro.

(Signed) Tammi Thurm

4. [ID 21-0034](#) Resolution Authorizing a Change Order in the Amount of \$35,835.00 for Contract 2017-002 with Kimley-Horn and Associates, Inc. for Additional Professional Design Services Needed for the Downtown Greenway - Phase 4 Design

007-21 RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$35,835.00 FOR CONTRACT 2017-002 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DOWNTOWN GREENWAY - PHASE 4 DESIGN

WHEREAS, Contract No. 2017-002 with Kimley-Horn and Associates, Inc. provides for the Professional Design Services needed for the Downtown Greenway - Phase 4 Design;

WHEREAS, to provide additional design services to the Downtown Greenway - Phase 4 Design, and as these additional services are outside the original scope of work, the work requires a change order in the amount of \$35,835.00; and

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

That the City Manager is hereby authorized to execute on behalf of the City of Greensboro a change order in the above mentioned contract with Kimley-Horn and Associates, Inc.

(Signed) Tammi Thurm

5. [ID 21-0005](#) Resolution Authorizing a Change Order in the Amount of \$437,429.02 for Contract 2020-001A - Part 2 with Blythe Construction, Inc. for the 2020 Resurfacing of Streets

008-21 RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$437,429.02 FOR CONTRACT 2020-001A– PART 2 WITH BLYTHE CONSTRUCTION, INC. FOR THE 2020 RESURFACING OF STREETS PROJECT

WHEREAS, Contract 2020-001A – Part 2 with Blythe Construction, Inc. provides for the resurfacing of various City streets;

WHEREAS, due to adding two additional streets to the resurfacing contract and these additional streets are outside the original scope of work, the work requires a change order in the amount of \$437,429.02; and

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

That the City Manager is hereby authorized to execute on behalf of the City of Greensboro a change order in the above mentioned contract with Blythe Construction, Inc.

(Signed) Tammi Thurm

6. [ID 21-0037](#) Resolution Authorizing Microsoft Enterprise Agreement Renewal in the Amount of \$314,366.12 with Microsoft Solutions

009-21 RESOLUTION AUTHORIZING MICROSOFT ENTERPRISE AGREEMENT RENEWAL

WHEREAS, the Microsoft Enterprise Agreement is a volume licensing program that provides the flexibility to buy cloud services and licenses under one agreement;

WHEREAS, the current Enterprise Agreement with Microsoft allows the City of Greensboro to purchase volume licensing via SHI International Corp;

WHEREAS, the Enterprise Agreement consists of: (3455) Core Client Access Licenses with Software Assurance support, Microsoft Exchange, SharePoint, SQL Server, Microsoft Server, and Datacenter licenses;

WHEREAS, the current agreement expires on November 30, 2020. The new service agreement shall be in effect as of December 1, 2020, and will expire November 30, 2021;

WHEREAS, funds have been budgeted in the Information Technology Fund and shall not exceed \$314,366.12; and

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

That the City Manager is authorized to enter into a Contract with SHI International Corp., to purchase Microsoft Enterprise Agreement Renewal.

(Signed) Tammi Thurm

7. [ID 21-0051](#) Resolution Authorizing Acceptance of Dedication of Eleven Drainageway and Open Space Parcels from Tuscany Development, LLC; Keystone

Group, Inc., Rehoboth Point, LLC; Fairview Homes, Inc.; Carrolland Corporation, Hummingbird Development Group, LLC and Windsor Investments, LLC and Reedy Fork Ranch Owners Association, Inc.

010-21 RESOLUTION AUTHORIZING ACCEPTANCE OF DEDICATION OF ELEVEN DRAINAGEWAY AND OPEN SPACE PARCELS FROM TUSCANY DEVELOPMENT, LLC; KEYSTONE GROUP, INC; REHOBETH POINT, LLC; FAIRVIEW HOMES, INC; CARROLLAND CORPORATION; HUMMINGBIRD DEVELOPMENT GROUP, LLC; WINDSOR INVESTMENTS, LLC AND REEDY FORK RANCH OWNERS ASSOCIATION, INC.

WHEREAS, pursuant to North Carolina General Statutes Section 160A-374 (now codified as Section 160D-806), the approval of a plat does not constitute the acceptance by a city or the public of the dedication of any street or other ground or public facility shown on the plat; however, a city council may by resolution accept the dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes;

WHEREAS, Parcel #45657 was dedicated by Tuscany Development, LLC to the City of Greensboro for open space and greenway on the Final Plat for Savanna's Run recorded in Plat Book 160 Page 123 on July 22, 2005. This parcel, also known as 1801 Rear Savannas Run Drive, is approximately 0.14 acres, zoned R-5, and is located in Council District 2. The Guilford County Tax Office lists the current owner as Tuscany Development LLC;

WHEREAS, Parcel #86660 was dedicated by Keystone Group, Inc. to the City of Greensboro and the public for drainage way and open space on the Final Plat for Meadow Oaks, Phase 2, Section 1, Map 1, recorded in Plat Book 157 Page 81 on December 1, 2004. This parcel, also known as 902 Meadow Oak Drive, is approximately 0.55 acres, zoned R-5, and located in Council District 1. The Guilford County Tax Office lists the current owner as Rehobeth Pointe LLC;

WHEREAS, Parcel #86661 was dedicated by Keystone Group, Inc. to the City of Greensboro and the public for drainage way and open space on the Final Plat for Meadow Oaks, Phase 2, Section 1, Map 2, recorded in Plat Book 158 Page 66 on February 2, 2005. This parcel, also known as 920 Meadow Oak Drive, is approximately 3.61 acres, zoned CD-RM-12, and is located in Council District 1. The Guilford County Tax Office lists the current owner as Rehobeth Pointe LLC;

WHEREAS, Parcel #86249 was dedicated by Rehobeth Point, LLC to the City of Greensboro and the public for drainage way and open space on the Final Plat for Meadow Oaks, Phase 3 – Lot 76A, recorded in Plat Book 178 Page 144 on May 24, 2010. This parcel, also known as 925 Meadow Oak Drive, is approximately 1.11 acres, zoned CD-RM-12, and is located in Council District 1. The Guilford County Tax Office lists the current owner as Rehobeth Place Holdings, LLC;

WHEREAS, Parcel #40131 was dedicated by Fairview Homes, Inc. to the City of Greensboro for an open space park on the Final Plat for Fairview Homes recorded in Plat Book 28 Page 46 on October 19, 1959. This parcel, also known as 3700 Mosby Drive, is approximately 1.47 acres, zoned R-5, and is located in Council District 5;

WHEREAS, Parcel #83878 was dedicated by Carrolland Corporation to the City of Greensboro for drainage way and open space on the Final Plat, Phase two of Wynterhall, recorded on Plat Book 164 Page 21 on April 5, 2006. This parcel, also known as 3710 Marksbury Drive, is approximately 0.83 acres, zoned CD-R-7, and is located in Council District 2. The Guilford County Tax Office lists the current owner as Wynterhall Homeowners Association Inc.;

WHEREAS, Parcel #27782 was dedicated by Hummingbird Development Group, LLC to the City of Greensboro and the public for drainage way and open space on the Final Plat for The Village At Northside, Phase 4 – Section 2, recorded in Plat Book 167 Page 138 on December 15, 2006. This parcel, also known as 1614 Near Sunrise Valley Drive, is approximately 1.01 acres, zoned RM-18, and is located in Council District 2. The Guilford County Tax Office lists the current owner as Hummingbird Development Group LLC;

WHEREAS, Parcel #83778 was dedicated by Windsor Investments, LLC to the City of Greensboro and the public for drainage way and open space on the Final Plat, Phase 11 of the Briarmeade Subdivision recorded in Plat Book 155 Page 63 on July 2, 2004. This parcel, also known as 3398 YY Panarama Drive, is approximately 1.22 acres,

zoned R-3, and is located in Council District 2. The Guilford County Tax Office lists the current owner as Briarmeade Homeowners Association;

WHEREAS, Parcel #83879 was dedicated by Carrolland Corporation to the City of Greensboro and the public for drainage way and open space on the Final Plat for Phase 3A of Wynterhall recorded in Plat Book 171 Page 27 on August 31, 2007. This parcel, also known as 3535 YY Swanley Drive, is approximately 0.92 acres, zoned CD-R-7, and is located in Council District 2. The Guilford County Tax Office lists the current owner as Wynterhall Homeowners Association, Inc.;

WHEREAS, Parcel #83877 was dedicated by Carrolland Corporation to the City of Greensboro and the public for drainage way and open space on the Final Plat, Sheet One of Two for Phase One of Wynterhall recorded in Plat Book 161 Page 18 on August 18, 2005. This parcel, also known as 3541 Near Mcknight Mill Road, is approximately 5.18 acres, zoned CD-R-7, and is located in Council District 2. The Guilford County Tax Office lists the current owner as Carrolland Corp.;

WHEREAS, Parcel #219583 was dedicated by Reedy Fork Ranch to the City of Greensboro and the public for drainage way and open space on the Final Plat Sheet 2 of 2 for Reedy Fork Ranch recorded in Plat Book 183 Pages 97-98 on December 7, 2012. This parcel, also known as 4911 Reedy Fork School Road, is approximately 6.63 acres, zoned PUD, and is located in Council District 2. The Guilford County Tax Office lists the current owner as Reedy Fork Ranch Owners Association, Inc.;

WHEREAS, the indicated drainage way, greenway, and open space areas on the recorded subdivision plats have been reviewed and recommended for acceptance by the Greensboro Parks and Recreation Commission;

WHEREAS, it is deemed in the best interest of the City to formally accept the dedication of these drainage way, greenway, and open space parcels; and

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

That the City of Greensboro accepts the dedication of the drainage way, greenway, and open space parcels referenced above.

(Signed) Tammi Thurm

- 8. [ID 21-0029](#) Ordinance in the Amount of \$10,000 Amending the 2016 Land Acquisition and Park Improvement Bond for Reimbursement Funds for the Parks and Recreation Department

21-002 ORDINANCE IN THE AMOUNT OF \$10,000 AMENDING THE 2016 LAND ACQUISITION & PARK IMPROVEMENTS BOND FOR REIMBURSEMENT FUNDS FOR THE PARKS AND RECREATION DEPARTMENT

Section 1

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

That the Bond Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Bond Fund Budget be increased as follows:

Account name – 2016 Land Acquisition & Park Improvements

Account	Description	Amount
482-5001-05.6019	Other Improvements	\$10,000
Total		\$10,000

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

Account	Description	Amount
482-5001-05.8633	Reimbursements-Contract Agreements	\$10,000
Total		\$10,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Tammi Thurm

9. [ID 21-0038](#) Ordinance in the Amount of \$41,930 Amending the Greensboro Science Center Bond Fund Capital Project Budget

21-003 ORDINANCE AMENDING THE NATURAL SCIENCE CENTER BOND FUND CAPITAL PROJECT BUDGET

Section 1

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

That the Natural Science Center Bond Fund Capital Project Budget of the City of Greensboro be amended as follows:

Account No.	Description	Amount
474-9522-01.5612	Natural Science Center	\$41,930

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

Account No.	Description	Amount
474-0000-00.9002	General Obligation Bond Proceeds	\$41,930

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Tammi Thurm

10. [ID 21-0047](#) Resolution Approving a Contract in the Amount of \$380,300.00 with Hazen and Sawyer, PC for the Townsend Water Treatment Plant (WTP) Lab Upgrades Project

011-21 RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$380,300.00 WITH HAZEN AND SAWYER, PC FOR THE TOWNSEND WATER TREATMENT PLANT LAB UPGRADES PROJECT

WHEREAS, Based on a recent evaluation of the Townsend WTP Lab, it has been determined that upgrades are needed in order to create a more functional work space for current water quality lab needs;

WHEREAS, these upgrades will include desk space/workstations for lab staff, efficient workflow, spatial organization and workspace;

WHEREAS, these upgrades will also support lab analysis and research for the City in the future; and

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

That the City Manager is authorized to execute on behalf of the City of Greensboro a contract with Hazen and Sawyer, PC to provide design and bidding services for the Townsend WTP Lab Upgrades Project.

(Signed) Tammi Thurm

11. [ID 21-0049](#) Resolution Approving a Contract in the Amount of \$198,500 with CDM Smith Inc. for InfoAsset Planner Implementation Engineering Services

012-21 RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$198,500 WITH CDM SMITH INC. FOR INFOASSET PLANNER IMPLEMENTATION ENGINEERING SERVICES

WHEREAS, the Engineering Division works to prioritize and maintain infrastructure assets through water and sewer system analysis;

WHEREAS, the Engineering Division needs support to make data driven decisions about renewal and replacement of infrastructure;

WHEREAS, the vendor, CDM Smith Inc. will perform data analysis through InfoAsset Planner to establish risk based scoring for water and sewer assets and refine rehabilitation plans and develop financial predictions that align with asset life cycles and risk scores;

WHEREAS, CDM Smith Inc. has expertise and experience with the software, InfoAsset Planner and water and sewer rehabilitation and will provide these services to the City; and

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

That the City Manager is authorized to execute on behalf of the City of Greensboro a contract with CDM Smith Inc. to provide InfoAsset Planner implementation engineering services.

(Signed) Tammi Thurm

12. [ID 21-0050](#) Resolution Approving a Contract in the Amount of \$131,194.00 with CITI, LLC for 2021 I&C Resident Engineer Services for the T.Z. Osborne Water Reclamation Facility

013-21 RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$131,194.00 WITH CITI, LLC FOR 2021 I&C RESIDENT ENGINEER SERVICES FOR THE T.Z. OSBORNE WATER RECLAMATION FACILITY

WHEREAS, the Water Reclamation Division is currently in the process of changing from Cimplicity, the legacy SCADA process control system, to Ignition, the new SCADA process control system;

WHEREAS, during this change, the plant needs help with some of the support functions;

WHEREAS, through this contract with CITI, LLC, they will help support the plant by providing an I&C Engineer that will work on-site three (3) days a week to help maintain the SCADA system;

WHEREAS, the plant Electronic Techs spend most of their time working on the physical equipment and need support on maintaining the SCADA system;

WHEREAS, the I&C Engineer in this contract will spend their time maintaining the software and making minor changes to the computer system as operations makes requests;

WHEREAS, CITI has been involved in tying all of the equipment and process changes to the SCADA system for the TZO Water Reclamation Facility plant through several upgrade project; and

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

That the City Manager is authorized to enter into a contract in the amount of \$131,194.00 with CITI, LLC to provide I&C Resident Engineer Services for the T.Z. Osborne Water Reclamation Facility.

(Signed) Tammi Thurm

13. [ID 21-0052](#) Resolution Approving a Contract in the Amount of \$574,400 with Arcadis G&M of North Carolina, Inc. for Design Services of the Four Farms Road and Misc. Water Booster Station Improvements Project

014-21 RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$574,400 WITH ARCADIS G&M OF NORTH CAROLINA, INC. FOR DESIGN SERVICES OF THE FOUR FARMS ROAD AND MISC. WATER BOOSTER STATION IMPROVEMENTS PROJECT

WHEREAS, the professional services of Arcadis G&M of North Carolina, Inc. will be utilized to design a booster pump station to support the 1070 pressure zone;

WHEREAS, based on the evaluation completed a pump station with two (2) - 2 mgd pumps is sufficient to boost water from the 1010 into the 1070 water pressure zone; and

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

That the City Manager is authorized to enter into a contract in the amount of \$574,400 with Arcadis G&M of North Carolina, Inc. for the Four Farms Road and Misc. Water Booster Station Improvements Project.

(Signed) Tammi Thurm

14. [ID 21-0059](#) Resolution Approving the 2019 City of Greensboro Local Water Supply Plan

015-21 RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355(l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan;

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Greensboro, PWSID# 02-41-010, has been developed and submitted to City Council for approval;

WHEREAS, the City Council of the City of Greensboro finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the City of Greensboro, PWSID# 02-41-010, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute; and

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

That the City of Greensboro 2019 Local Water Supply Plan dated October 8, 2020, submitted to the Department of Environmental Quality, Division of Water Resources is hereby approved; and

BE IT FURTHER RESOLVED that the City Council of the City of Greensboro intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

(Signed) Tammi Thurm

16. [ID 21-0021](#) Resolution Calling a Public Hearing for February 16, 2021 on the Annexation of Territory into the Corporate Limits for the Property Located at Rear Portion of 3214 Groometown Road - .39 Acres (SECU*RE, Inc.)

016-21 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 16, 2021 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT REAR PORTION OF 3214 GROOMETOWN ROAD - .39-ACRES

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

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

WHEREAS, at a regular meeting of the City Council on the February 16, 2021, the following ordinance will be introduced; and

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT REAR PORTION OF 3214 GROOMETOWN ROAD - .39-ACRES)

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

Beginning at a point, said point being the southeast corner of Lot 6 of the King's Pond at Sedgefield Subdivision as recorded in Plat Book 89 on Page 148: thence proceeding along the eastern line of said Lot 6 N 01°04'40" W 99.95 feet to a point, said point being the southwest corner of the property of Nam Thi Nguyen as recorded in Deed Book 7022 on Page 1749; thence proceeding along said Nguyen's southern line S 87°15'22" E approximately 170 feet to a point; said point being along the existing corporate limits for the City of Greensboro as of July 1, 1957; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a southerly direction 99.95 feet to a point, said point being along the northern line of Lot 2 of said King's Ponds at Sedgefield Subdivision; THENCE DEPARTING FROM THE EXISTING CITY LIMIT along the northern line of Lots 2, 3 and 4 of said King's Pond at Sedgefield Subdivision N 87°16'03" W approximately 170 feet to the point and place of beginning, containing .39 acres more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

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

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

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

Section 5. From and after February 16, 2021 the liability for municipal taxes for the 2020-2021 fiscal year shall be prorated on the basis of 4/12 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, 2021. Municipal ad valorem taxes for the 2021-2022 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

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

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

That Tuesday, February 16, 2021 at 5:30 p.m. be fixed as the time and the meeting will be held virtually for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than February 6, 2021.

(Signed) Tammi Thurm

17. [ID 21-0063](#) Budget Adjustments Requiring Council Approval 12/22/2020 through 1/11/2021

Motion to approve the budget adjustments of 12/22/2020 through 1/11/2021 over the amount of \$50,000 was adopted.

(A copy of the report is filed in Exhibit Drawer D, Exhibit No. 2, which is hereby referred to and made a part of these minutes.)

18. [ID 21-0064](#) Budget Adjustments Approved by Budget Officer 12/22/2020 through 1/11/2021

Motion to approve the Budget Adjustments Approved by Budget Officer 12/22/2020 through 1/11/2021 was adopted.

(A copy of the report is filed in Exhibit Drawer D, Exhibit No. 2, which is hereby referred to and made a part of these minutes.)

19. [ID 21-0055](#) Motion to Approve the Minutes of the Regular Meeting of December 15, 2020

Motion to Approve the Minutes of the Regular Meeting of December 15, 2020 was adopted.

1. [ID 21-0002](#) Resolution Authorizing a Change Order in the Amount of \$20,000.00, for Contract 2009-056A (EL-5101DJ) with WithersRavenel, Inc. for Additional Professional Design Services needed for the Downtown Greenway Phase 2 / Murrow Boulevard Roadway Improvements Design

Councilmember Hightower voiced concern regarding change orders related to items #1, #2 and #15 from the consent agenda; and spoke to the Minority and Women's Business Enterprise (M/WBE) program in correlation with the North Carolina Department of Transportation (NCDOT).

City Manager David Parrish spoke to surface and structure issues; and to federally-funded projects following the mandated federal protocols.

Assistant City Manager Kim Sowell provided an overview of the federal project structure; spoke to marketplace opportunities; to goal setting; and to a database for M/WBE staff.

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

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

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

017-21 RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$20,000.00 FOR CONTRACT 2009-056A (EL-5101DJ) WITH WITHERSRAVENEL, INC. FOR THE DOWNTOWN GREENWAY PHASE 2 / MURROW BOULEVARD ROADWAY IMPROVEMENTS DESIGN

WHEREAS, Contract No. 2009-056A (EL-5101DJ) with WithersRavenel, Inc. provides for the Professional Design Services needed for the Downtown Greenway Phase 2 / Murrow Boulevard Roadway Improvements Design;

WHEREAS, to provide additional design services to the Downtown Greenway Phase 2 / Murrow Boulevard Roadway Improvements Design, and as these additional services are outside the original scope of work, the work requires a change order in the amount of \$20,000.00; and

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

That the City Manager is hereby authorized to execute on behalf of the City of Greensboro a change order in the above mentioned contract with WithersRavenel, Inc.

(Signed) Tammi Thurm

2. [ID 21-0010](#) Resolution Authorizing a Change Order in the Amount of \$76,152.20 for Contract 2014-053 (EB-5518), Latham Park Greenway Improvements Project with Atlantic Contracting Company, Inc.

Councilmember Hightower reiterated concerns regarding M/WBE goal setting in relation to prime and sub-prime contractors; and spoke to not supporting the item.

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

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

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

018-21 RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$76,152.20 FOR CONTRACT 2014-053 (EB-5518) WITH ATLANTIC CONTRACTING COMPANY, INC. FOR THE LATHAM PARK GREENWAY IMPROVEMENTS PROJECT

WHEREAS, Contract 2014-053 (EB-5518) with Atlantic Contracting Company, Inc. provides for the Latham Park Greenway Improvements Project;

WHEREAS, this change order is needed in the amount of \$76,152.20 for additional work and unforeseen costs needed to complete this project; and

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

That the City Manager is hereby authorized to execute on behalf of the City of Greensboro a change order in the above mentioned contract with Atlantic Contracting Company, Inc.

(Signed) Tammi Thurm

15. [ID 21-0060](#) Resolution Authorizing the Sale of Surplus Foreclosure Property Located at 907 Caldwell Street to Yamin Chen in the Amount of \$28,988

Councilmember Hightower expressed concern regarding the buyer's intention for the property; spoke to affordable housing; and to the Arlington Park neighborhood history.

Discussion ensued regarding the historic nature of the property; adherence to community design; the need for rehabilitated residences; and fair housing standards.

Councilmember Hightower changed her vote to 'Aye' for Item #15 after staff addressed her concerns.

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

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

019-21 RESOLUTION AUTHORIZING THE SALE OF SURPLUS FORECLOSURE PROPERTY LOCATED AT 907 CALDWELL STREET TO YAMIN CHEN IN THE AMOUNT OF \$28,988.00

WHEREAS, the City of Greensboro owns surplus foreclosure property located at 907 Caldwell Street, Parcel 0003065 said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted the highest bid from Yamin Chen in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by Lynn Ritchy, at a value of \$13,000.00, and the final highest bid of \$28,988.00 was accepted, which amount, in the opinion of the City Council is fair and reasonable; and

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

That the City Manager is authorized to enter into agreement with Yamin Chen for the aforementioned foreclosure property in the amount of \$28,988.00.

(Signed) Michelle Kennedy

II. PUBLIC HEARING AGENDA

20. [ID 21-0023](#) Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at 4490 Chickasha Drive and Kiowa Court - 6.86-Acres (Chickasha I, LLC)

Mayor Vaughan stated this was the time and place set for a public hearing to consider item #20/ID 21-0023 a Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at 4490 Chickasha Drive and Kiowa Court - 6.86-Acres (Chickasha I, LLC); item #21/ID 21-0042 a Public Hearing for an Ordinance for Original Zoning at 4490 Chickasha Drive - Tim Hash, for Chickasha I, LLC; item #22/ID 21-0043 a Public Hearing for an Ordinance for Original Zoning for all of Kiowa Drive - City of Greensboro; and recognized Planning Manager Mike Kirkman.

Mr. Kirkman made a PowerPoint Presentation (PPP); reviewed the request; presented maps; aerial photographs and diagrams to illustrate the site and surrounding property; read the conditions attached to the zoning request; and stated that the Zoning Commission and staff had recommended approval of the request for the applicant to connect to city services.

Being no speakers in opposition, Council closed the public hearing by affirmation.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer D, Exhibit No. 2, which is hereby referred to and made a part of these minutes.)

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

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

21-004 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4490 CHICKASHA DRIVE AND KIOWA COURT – 6.86-ACRES)

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

BEGINNING at a point, said point being the northwest corner of Lot 2 of the "Final Plat: Redivision of Lots 4, 5 and 6, Brown Summit Industrial Park" as recorded in Plat Book 158 on Page 122, thence proceeding with the western line of said Lot 2 S 01°19'27" W a distance of 586.95 feet to a point, said point being the southeast corner of Lot 1 of said Redivision plat, and said point being along the northern line for Lot 2 of said Redivision plat; thence proceeding along the northern line of said Lot 2 N 89°29'36" W a distance of 430.89 feet to a point, said point being along the eastern right-of-way for Kiowa Court (60-foot width); thence proceeding along the eastern right-of-way for Kiowa Court S 02°34'59" E a distance of 144.47 feet to a point, said point also being along the northern boundary of Annexation D-2521 (effective on April 30, 2000); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 89°41'21" W a distance of 60 feet to a point, said point being along the western right-of-way for Kiowa Court, said point also being along the eastern boundary of Annexation D-2520 (effective on April 30, 2000); thence proceeding with the western right-of-way for Kiowa Court N 02°02'24" W a distance of 673.80 feet to a point, said point being along the southern right-of-way line for Chickasha Drive (60-foot width); THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the southern right-of-way for Chickasha Drive N 87°25'01" E a distance of 530.26 feet to the POINT AND PLACE OF BEGINNING, containing an area of 6.86 acres, more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

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

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

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

Section 5. From and after January 19, 2021, the liability for municipal taxes for the 2020-2021 fiscal year shall be prorated on the basis of 5/12 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, 2021. Municipal ad valorem taxes for the 2021-2022 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) Michelle Kennedy

21. [ID 21-0042](#) Public Hearing for an Ordinance for Original Zoning at 4490 Chickasha Drive - Tim Hash, for Chickasha I, LLC

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaiter, to adopt the ordinance and stated that the Greensboro City Council believed that its action to recommend approval of the original zoning for the property described as 4490 Chickasha Drive from County CU-HI (Conditional Use – Heavy Industrial) to City CD-HI (Conditional District – Heavy Industrial) to be

consistent with the adopted GSO 2040 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; the requested CD-HI zoning district would permit uses that are complimentary to those existing in the surrounding area; and the request is reasonable due to the size, physical conditions, and other attributes of the area, it will benefit the property owner and surrounding community, and approval is in the public interest. The motion carried on the following roll call vote:

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

21-005 AMENDING OFFICIAL ZONING MAP

4490 CHICKASHA DRIVE, GENERALLY DESCRIBED AS SOUTH OF CHICKASHA DRIVE AND WEST OF SUMMIT AVENUE

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 CU-HI (Conditional Use Heavy Industrial) to CD-HI (Conditional District Heavy Industrial)

The area is described as follows:

BEGINNING at a point, said point being the northwest corner of Lot 2 of the "Final Plat: Redivision of Lots 4, 5 and 6, Brown Summit Industrial Park" as recorded in Plat Book 158 on Page 122, thence proceeding with the western line of said Lot 2 S 01°19'27" W a distance of 586.95 feet to a point, said point being the southeast corner of Lot 1 of said Redivision plat, and said point also being along the northern line for Lot 2 of said Redivision plat; thence proceeding along the northern line of said Lot 2 N 89°29'36" W a distance of 430.89 feet to a point, said point being along the eastern right-of-way for Kiowa Court (60-foot width); thence proceeding along the eastern right-of-way for Kiowa Court N 02°34'59" W a distance of 532.36 feet to a point, thence proceeding with a curve to the right having a radius of 30.00 feet and a chord bearing and distance of N 42° 25' 01" E 42.426 feet and an arc length of 47.124 feet to a point, said point being along the southern right-of-way line for Chickasha Drive (60-foot width); thence proceeding along the southern right-of-way for Chickasha Drive N 87°25'01" E a distance of 440.26 feet to the POINT AND PLACE OF BEGINNING, containing an area of 5.93 acres, more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

Section 2. That the zoning amendment from County CU-HI (Conditional Use Heavy Industrial) to CD-HI (Conditional District Heavy Industrial) is hereby authorized subject to the following use limitations and condition:

1. Building height shall not exceed 50 feet.

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

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

Section 5. This ordinance shall be effective on January 19, 2021.

(Signed) Yvonne Johnson

22. [ID 21-0043](#) Public Hearing for an Ordinance for Original Zoning for all of Kiowa Drive - City of Greensboro

Moved by Councilmember Thurm, seconded by Councilmember Hightower, to adopt the ordinance and stated that the Greensboro City Council believed that its action to recommend approval of the original zoning for the property described as Kiowa Drive right-of-way from County CU-HI (Conditional Use – Heavy Industrial) to City HI (Heavy Industrial) to be consistent with the adopted GSO 2040 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Comprehensive Plan’s Future Built Form Map and Future Land Use Map; the requested HI zoning district would permit uses that are complimentary to those existing in the surrounding area; and the request is reasonable due to the size, physical conditions, and other attributes of the area, it will benefit the property owner and surrounding community, and approval is in the public interest. The motion carried on the following roll call vote:

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

21-006 AMENDING OFFICIAL ZONING MAP

ALL OF KIOWA DRIVE RIGHT OF WAY, GENERALLY DESCRIBED AS SOUTH OF CHICKASHA DRIVE.

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 CU-HI (Conditional Use Heavy Industrial) to City HI (Heavy Industrial).

The area is described as follows:

BEGINNING at a point, said point being the southwest corner of Lot 1 of the “Final Plat: Redivision of Lots 4, 5 and 6, Brown Summit Industrial Park” as recorded in Plat Book 158 on Page 122, said point also being on the eastern right-of-way for Kiowa Court (60-foot width); thence proceeding along the eastern right-of-way for Kiowa Court S 02°34'59" E a distance of 144.47 feet to a point, said point also being along the northern boundary of Annexation D-2521 (effective on April 30, 2000); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 89°41'21" W a distance of 60 feet to a point, said point being along the western right-of-way for Kiowa Court, said point also being along the eastern boundary of Annexation D-2520 (effective on April 30, 2000); thence proceeding with the western right-of-way for Kiowa Court N 02°02'24" W a distance of 673.80 feet to a point, said point being along the southern right-of-way line for Chickasha Drive (60-foot width); THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the southern right-of-way for Chickasha Drive N 87°25'01" E a distance of 90 feet to a point, said point being the northwest corner of said Lot 1, and said point also being along the eastern right-of-way for Kiowa Court; thence proceeding along the eastern right-of-way for Kiowa Court with a curve to the left having a radius of 30.00 feet and a chord bearing and distance of S 42° 25' 01" W 42.426 feet and an arc length of 47.124 feet to a point, thence proceeding S 02°34'59" E a distance of 532.36 feet to the POINT AND PLACE OF BEGINNING, containing an area of .93 acres, more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the HI (Heavy Industrial) 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 January 19, 2021.

(Signed) Tammi Thurm

23. [ID 21-0024](#) Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at 3714 Desmond Drive - .64 Acres (David Lopez and Brenda Vazquez)

Mayor Vaughan stated this was the time and place set for a public hearing to consider item #23/ID 21-0024 a Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at 3714 Desmond Drive - .64 Acres (David Lopez and Brenda Vazquez); and item #24/ID 21-0039 a Public Hearing for Ordinance for Original Zoning Located at 3714 Desmond Drive - Brenda Jasso Vazquez and David Vazquez Lopez.

Mr. Kirkman made a PPP; reviewed the request; presented maps; aerial photographs and diagrams to illustrate the site and surrounding property; read the conditions attached to the zoning request; and stated that the Zoning Commission and staff had recommended approval of the request.

Being no speakers in opposition, Council closed the public hearing by affirmation.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer D, Exhibit No. 2, which is hereby referred to and made a part of these minutes.)

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

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

21-007 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 3714 DESMOND DRIVE – .64-ACRES)

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

BEGINNING at a point, said point being the northeast corner of Lot 9 of the "Victory Heights Subdivision" as recorded in Plat Book 13 on Page 72, thence proceeding along a new line crossing Lot 9 and Lot 8 of said Victory Height S 19°13'55" W a distance of 199.77 feet to a point, said point being along the northern line of Lot 7 of said Victory Heights; thence proceeding along the northern line of said Lot 7 N 56°05' W a distance of 200.24 feet to a point, said point being along the eastern right-of-way for Desmond Drive (60-foot width); said point also being along the eastern boundary of Annexation D-2737 (effective on November 30, 2004); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS and along the eastern right-of-way for Desmond Drive N 07°36' E a distance of 80.40 feet to a point, said point being the northwest corner of said Lot 8 and said point also being the southwest corner of Lot 54 of said Victory Heights; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the southern line of said Lot 54 S 89°17' E a distance of 221.38 feet to the POINT AND PLACE OF BEGINNING, containing an area of .64 acres, more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

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

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

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

Section 5. From and after January 19, 2021, the liability for municipal taxes for the 2020-2021 fiscal year shall be prorated on the basis of 5/12 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, 2021. Municipal ad valorem taxes for the 2021-2022 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) Goldie Wells

24. [ID 21-0039](#) Public Hearing for Ordinance for Original Zoning Located at 3714 Desmond Drive - Brenda Jasso Vazquez and David Vazquez Lopez

Moved by Councilmember Wells, seconded by Councilmember Abuzuaiter, to adopt the ordinance and stated that the Greensboro City Council believed that its action to recommend approval of the original zoning request for the property described as 3714 Desmond Drive from County RS-30-MH (County Residential Single-family – 30 – Manufactured Home Overlay) to City R-3 (City Residential Single-family – 3) to be consistent with the adopted GSO 2040 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; the uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses; the proposed City R-3 zoning district allows uses that fit the context of surrounding area; the request is reasonable due to the size, physical conditions, and other attributes of the area, it will benefit the property owner and surrounding community, and approval is in the public interest. The motion carried on the following roll call vote:

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

21-008 AMENDING OFFICIAL ZONING MAP

3714 DESMOND DRIVE, GENERALLY DESCRIBED AS EAST OF DESMOND DRIVE AND NORTH OF MCKNIGHT MILL ROAD

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-30-MH (Residential Single Family Manufactured Housing Overlay) to City R-3 (Residential Single Family - 3).

The area is described as follows:

BEGINNING at a point, said point being the northeast corner of Lot 9 of the "Victory Heights Subdivision" as recorded in Plat Book 13 on Page 72, thence proceeding along a new line crossing Lot 9 and Lot 8 of said Victory Height S 19°13'55" W a distance of 199.77 feet to a point, said point being along the northern line of Lot 7 of said Victory Heights; thence proceeding along the northern line of said Lot 7 N 56°05' W a distance of 200.24 feet to a

point, said point being along the eastern right-of-way for Desmond Drive (60-foot width); said point also being along the eastern boundary of Annexation D-2737 (effective on November 30, 2004); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS and along the eastern right-of-way for Desmond Drive N 07°36' E a distance of 80.40 feet to a point, said point being the northwest corner of said Lot 8 and said point also being the southwest corner of Lot 54 of said Victory Heights; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the southern line of said Lot 54 S 89°17' E a distance of 221.38 feet to the POINT AND PLACE OF BEGINNING, containing an area of .64 acres, more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the R-3 (Residential Single Family - 3) 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 January 19, 2021.

(Signed) Goldie Wells

27. [ID 21-0026](#) Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at a Portion of 112 Maxfield Road - 11.819-Acres (Dubose Properties, LLC)

Mayor Vaughan stated this was the time and place set for a public hearing to consider item #27/ID 21-0026 a Public Hearing for an Ordinance Annexing Territory into the Corporate Limits for Property Located at a Portion of 112 Maxfield Road - 11.819-Acres (Dubose Properties, LLC); and item #28/ID 21-0040 a Public Hearing for Ordinance for Original Zoning Located at 112 Maxfield Road - Dubose Properties, LLC.

Mr. Kirkman made a PPP; reviewed the request; presented maps; aerial photographs and diagrams to illustrate the site and surrounding property; read the conditions attached to the zoning request; and stated that the Zoning Commission and staff had recommended approval of the request to update operating capacity.

Councilmember Hightower voiced concern regarding environmental issues.

Speaking in favor of the rezoning:

Will Dubose, Dubose Properties, LLC, explained the business model; an above-ground storage container; highlighted self containment of chemicals; and spoke to environmental regulation adherence.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaiter, to close the public hearing. The motion carried on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer D, Exhibit No. 2, which is hereby referred to and made a part of these minutes.)

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

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

21-009 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT A PORTION OF 112 MAXFIELD ROAD – 11.819-ACRES)

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

BEGINNING at a point, said point being the southeast corner of Lot 1 of the "Exclusion Plat for the Properties of JGJ, LLC" as recorded in Plat Book 153 on Page 81, said point also being along the western right-of-way for Maxfield Road (55.15-foot width), and said point being along the existing Greensboro City Limit line as per Map #D-2817A with an effective date of September 31, 2007; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS and the western right-of-way for Maxfield Road in a southerly direction a distance of approximately 570 feet to a point, said point being the northeast corner of Lot 2 of the "Recombination Plat for Maxfield Road Industrial Park" as recorded on Plat Book 188 on Page 87; thence proceeding along the northern line of said Lot 2 S 89°50'09" W a distance of 765.03 feet to a point, said point being #4 rebar at NC Grid Coordinate NAD83(2011) of N:850,248.12' E:1,787,509.67'; thence proceeding N 00°10'31" W a distance of 571.38 feet to a point; thence proceeding N 89°55'35" W a distance of 149.14 feet to a point, said point being the southeast corner of the property of TJG Realty of Rockland, LLC as recorded in Deed Book 7913 on Page 2795; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the eastern line of said TJG Realty of Rockland N 16°33'21" E a distance of 357.06 feet to a point, said point being along the southern right-of-way for Burlington Road and said point being along the existing Greensboro City Limit line as per map #D-2676 with an effective date of June 20, 2003: THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a easterly direction a distance of 93.77 feet to a point, said point being the northeast corner of Lot 1 of said "Recombination Plat for Maxfield Road Industrial Park;" THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the eastern line of said Lot 1 S 01°20'41" W a distance of 339.50 feet to a point; thence proceeding along the north line of said Lot 1 S 89°55'35" E a distance of 125.35 feet to a point, said point being the southwest corner of the existing Greensboro City Limit line as per map #D-2572 with an effective date of June 30, 2001; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 89°55'35" E a distance of 100 feet to a point, said point being the southwest corner of Lot 1 of said "Exclusion Plat for the Properties of JGJ, LLC"; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the southern line of said Lot 1 S 87°17'50" E a distance of 500 feet to the POINT AND PLACE OF BEGINNING, containing an area of 11.819 acres, more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

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

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

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

Section 5. From and after January 19, 2021, the liability for municipal taxes for the 2020-2021 fiscal year shall be prorated on the basis of 5/12 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, 2021. Municipal ad valorem taxes for the 2021-2022 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) Yvonne Johnson

28. [ID 21-0040](#) Public Hearing for Ordinance for Original Zoning Located at 112 Maxfield Road - Dubose Properties, LLC

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson, to adopt the ordinance and stated that the Greensboro City Council believed that its action to recommend approval of the zoning requests, for the property described as 112 Maxfield Road from County HI (Heavy Industrial) and City CD-HI (Conditional District - Heavy Industrial) to City HI (Heavy Industrial) to be consistent with the adopted GSO 2040 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; the requested HI zoning district would permit uses that are complimentary to those existing in the surrounding area; and the request is reasonable due to the size, physical conditions, and other attributes of the area, it will benefit the property owner and surrounding community, and approval is in the public interest. The motion carried on the following roll call vote:

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

21-010 AMENDING OFFICIAL ZONING MAP

112 MAXFIELD ROAD, GENERALLY DESCRIBED AS WEST OF MAXFIELD ROAD AND SOUTH OF BURLINGTON ROAD

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

Section 1. The Official Zoning Map is hereby amended by original zoning and rezoning from County HI (Heavy Industrial) and CD-HI (Conditional District Heavy Industrial) to City HI (Heavy Industrial).

The area is described as follows:

BEGINNING at a point, said point being the southeast corner of Lot 1 of the "Exclusion Plat for the Properties of JGJ, LLC" as recorded in Plat Book 153 on Page 81, said point also being along the western right-of-way for Maxfield Road (55.15-foot width), and said point being along the existing Greensboro City Limit line as per Map #D-2817A with an effective date of September 31, 2007; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS and the western right-of-way for Maxfield Road in a southerly direction a distance of approximately 570 feet to a point, said point being the northeast corner of Lot 2 of the "Recombination Plat for Maxfield Road Industrial Park" as recorded on Plat Book 188 on Page 87; thence proceeding along the northern line of said Lot 2 S 89°50'09" W a distance of 765.03 feet to a point, said point being #4 rebar at NC Grid Coordinate NAD83(2011) of N:850,248.12' E:1,787,509.67'; thence continuing along the northern line of said Lot 2 S 89°50'09" W a distance of 170.83 feet to a point; thence proceeding along the eastern line of said Lot 2 the following 11 calls: 1) N 19°24'22" E a distance of 14.34 feet to a point; 2) N 07°21'15" W a distance of 29.55 feet to a point; 3) N 15°14'53" W a distance of 51.37 feet to a point; 4) N 01°30'59" E a distance of 31.49 feet to a point; 5) N 14°50'27" W a distance of 66.67 feet to a point; 6) N 30°40'04" E a distance of 49.93 feet to a point; 7) N 84°42'59" E a distance of 19.19 feet to a point; 8) N 36°04'06" E a distance of 17.31 feet to a point; 9) N 72°00'50" E a distance of 14.68 feet to a point; 10) N 11°14'28" E a distance of 36.90 feet to a point; and 11) N 00°10'31" W a distance of 284.38 feet to a point, said point being the southeast corner of the property of TJJ Realty of Rockland, LLC as recorded in Deed Book 7913 on Page 2795; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the eastern line of said TJJ Realty of Rockland N 16°33'21" E a distance of 357.06 feet to a point, said point being along the southern right-of-way for Burlington Road and said point being along the existing Greensboro City Limit line as per map #D-2676 with an effective date of June 20, 2003; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a easterly direction a distance of 93.77 feet to a point, said point being the northeast corner of Lot 1 of said "Recombination Plat for Maxfield Road Industrial Park;" THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the eastern line of said Lot 1 S 01°20'41" W a distance of 339.50 feet to a point; thence proceeding along the north line of said Lot 1 S 89°55'35" E a distance of 125.35 feet to a point, said point being the southwest corner of the existing Greensboro City Limit line as per map #D-2572 with an effective date of June 30, 2001; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S

89°55'35" E a distance of 100 feet to a point, said point being the southwest corner of Lot 1 of said "Exclusion Plat for the Properties of JGJ, LLC"; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the southern line of said Lot 1 S 87°17'50" E a distance of 500 feet to the POINT AND PLACE OF BEGINNING, containing an area of 14.102 acres, more or less. The deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the HI (Heavy Industrial) 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 January 19, 2021.

(Signed) Sharon Hightower

29. [ID 21-0027](#) Public Hearing for an Ordinance Text Amendment - Land Development Ordinance Amendment to Sections 30-12-2 (Flood Damage Prevention), 30-4-26 (Permits and Certificates), 30-13-3 (Minimum Building Area), and Article 15 (Definitions) Related to Changes Being Made to the Flood Damage Prevention Regulations

Mayor Vaughan stated this was the time and place set for a public hearing to consider item #29/ID 21-0027 a Public Hearing for an Ordinance Text Amendment - Land Development Ordinance Amendment to Sections 30-12-2 (Flood Damage Prevention), 30-4-26 (Permits and Certificates), 30-13-3 (Minimum Building Area), and Article 15 (Definitions) Related to Changes Being Made to the Flood Damage Prevention Regulations.

There being no speakers to the item, the public hearing was closed by affirmation.

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

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

21-011 AMENDING CHAPTER 30 (LDO)

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Subsection (A) of Section 30-12-2.1, Authority, is hereby amended to read as follows:

The Legislature of the State of North Carolina has in NCGS Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Section 2. That Subsection (B) of Section 30-12-2.1, Purposes, is hereby amended by adding new subsections (16) and (17) to read as follows:

(16) Make flood insurance available to the community through the National Flood Insurance Program;

(17) Maintain the natural and beneficial functions of floodplains.

Section 3. That Subsection (F) of Section 30-12-2.1, Basis for Establishing the Areas of Special Flood Hazard and Future Conditions Flood Hazard Areas, is hereby amended to read as follows:

(F) Basis for Establishing the Areas of Special Flood Hazard and Future Conditions Flood Hazard Areas

The special flood hazard areas and future conditions flood hazard areas are those identified under the Cooperating Technical state agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) and associated Digital Flood Insurance Rate Map (DFIRM) panels, including any digital data developed as part of the FIS, for Guilford County dated June 18, 2007, which are adopted by reference and declared to be a part of these regulations; and all revisions thereafter.

Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Guilford County are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 6 months.

Section 4. That Subsection (2) of Section 30-12-2.2(A), Permitted and Prohibited Structures and Activities, is hereby amended to read as follows:

(2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within 6 months upon completion of the proposed encroachment.

Section 5. That Subsection (A) of Section 30-12-2.3, General Standards, is hereby amended to read as follows:

(A) General Standards

In all areas of special flood hazard and future conditions flood hazard areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure;
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages;
- (4) All new electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located at or above Regulatory Flood Prevention Elevation (RFPE) so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches:
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (8) Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of the flood prevention regulations of this section and located totally or partially within the

floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of the flood prevention regulations of this section.

(9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in 30-4-13.6. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area or future conditions flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to 30-4-26.10.

(10) All subdivision plats and other development plans shall be consistent with the need to minimize flood damage.

(11) All subdivision plats and other development plans shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(12) All subdivision plats and other development plans shall have adequate drainage provided to reduce exposure to flood hazards.

(13) All subdivision plats and other development plans shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 prior to land disturbance.

(14) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(15) When a structure is located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the most restrictive flood hazard risk zone and the highest base flood elevation shall apply.

Section 6. That Subsection (2) of Section 30-12-2.3(B), Nonresidential Construction, is hereby amended to read as follows:

(2) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AE, AO, AH, A1-A30, and X (Future) zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with 30-12-2.3(E)2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Water Resources Director as set forth in 30-4-26.10 along with the operational, inspection and maintenance plans.

Section 7. That Subsection (5) of Section 30-12-2.3(B), Elevated Buildings, is hereby amended to read as follows:

(5) Elevated Buildings

Fully enclosed area, other than a basement, of new construction and substantially improved structures that is below the lowest floor and is subject to flooding:

(1) Shall not be designed or used for human habitation, but shall only be used for the parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and

(3) Shall include in Zones A, AO, AE, AH, A1-A30, and X (Future) flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. Designs for complying with this

requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum design criteria:

- (i) Provide a minimum of 2 flood openings on different sides of each enclosed area subject to flooding having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (iii) The bottom of all required flood openings shall be no higher than one foot above the higher of the interior or exterior adjacent grade;
- (iv) Flood openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
- (v) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings in accordance with 30-12-2.3(B)5a), 30-12-2.3(B)5b) and 30-12-2.3(B)5c).
- (vi) Shall not be temperature controlled or conditioned.

Section 8. That Subsection (g) of Section 30-12-2.3(B)(8), Accessory Structures, is hereby amended to read as follows:

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with 30-12-2.3(B)5c)

Section 9. That Subsection (B) of Section 30-12-2.3, Specific Standards, is hereby amended by adding two new subsections (9) and (10) to read as follows:

(9) Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 30-12-2.3(B)(2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations outlined in 30-12-2.2 of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations outlined in 30-12-2.2 of

this ordinance.

(c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations outlined in 30-12-2.2 of this ordinance.

(d) Commercial storage facilities are not considered "limited storage" as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

Section 10. That Subsection (c) of Section 30-12-2.3(C)(3), Standards for Floodplains without Established Base Flood Elevations, is hereby amended to read as follows:

(c) When base flood elevation data is not available from a federal, state, or other source as outlined in 30-12-2.3(C)(2)b), the reference level shall be elevated or floodproofed (nonresidential) no lower than the regulatory flood protection elevation. All non-elevation design and certification requirements of 30-12-2.3(B) shall also apply.

Section 11. That Subsection (E) of Section 30-12-2.3, Standards for Areas of Shallow Flooding (AO Zones), is hereby amended to read as follows:

(E) Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in 30-12-2.1(F) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to 30-12-2.3(A), all new construction and substantial improvement, shall meet the following requirements:

(1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet above the highest adjacent grade. If no depth number is specified, reference level shall be elevated at least 2 feet above the highest adjacent grade plus a freeboard of two feet.

(2) All new construction and substantial improvements of nonresidential structures shall:

(a) Have the reference level elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet above the highest adjacent grade. If no depth number is specified, reference level shall be elevated at least 2 feet above the highest adjacent grade plus a freeboard of two feet; or

(b) Be completely floodproofed, together with attendant utility and sanitary facilities, to or above that level required in 30-12-2.3(E)(2)a) so that the structure below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per 30-4-26.10 and 30-12-2.3(B)(2).

(3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section 12. That Subsection (F) of Section 30-12-2.3, Standards for Intermittent and Perennial Streams Without Established Special Flood Hazard Areas, is hereby amended to read as follows:

(F) Standards for Intermittent and Perennial Streams Without Established Special Flood Hazard Areas

Along intermittent and perennial streams where no special flood hazard area has been identified on the FIRM or in the FIS report, the following provisions shall apply to all development within such areas:

(1) Except for streets, bridges, and utilities, no encroachments shall be permitted in drainage maintenance and utility easements as required by the subdivision standards of Article 13 unless granted an easement release. Except for streets, bridges, and utilities, no encroachment, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 30 feet each side from the top of the stream bank or 5 times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating the impact of such encroachments on flood levels during the occurrence of the base flood discharge. The degree of such impact shall be reviewed and subject to approval by the Water Resources Director prior to the commencement of any development activities.

(2) If base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard area provisions of this section and shall have all new construction and substantial improvements of nonresidential structures shall have the lowest floor, including basement and attendant mechanical equipment, elevated or floodproofed to the base flood elevation plus two feet of freeboard. Elevation of floodproofing certification is required in accordance with 30-4-26.10 if the lowest adjacent grade to the structure is less than 5 feet above the base flood elevation. All non-elevation design and certification requirements of 30-12-2.3(B) shall also apply.

(3) When base flood elevation data is not available from a federal, state or other source, the base flood elevation by a registered professional engineer, in accordance with standard engineering practice and direction from the city. All new construction and substantial improvements within such areas shall comply with all applicable flood hazard area provisions of this section. The lowest floor, including basement and attendant mechanical equipment, shall be elevated or floodproofed to the higher of the base flood elevation plus two feet of freeboard or 2 feet above the highest adjacent grade. Prior of issuance of a certificate of occupancy, elevation or floodproofing certification is required in accordance with 30-4-26.10 if the lowest adjacent grade to the structure is less than 5 feet above the base flood elevation. All non-elevation design and certification requirements of 30-12-2.3(B) shall also apply.

Section 13. That Subsections (B) and (C) of Section 30-4-26.6, Flood Plain Development Permit, is hereby amended to read as follows:

(B) The proposed elevation of all development within a special flood hazard area or future conditions flood hazard area including but not limited to:

- (1) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
- (2) Elevation in relation to NAVD 1988 to which any nonresidential structure in Zone AE, A, AH, AO, A1-A30, or X (Future) will be flood-proofed; and
- (3) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or flood-proofed.

(C) If flood-proofing, a Flood-proofing Certificate (FEMA Form 086-0-34) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.

Section 14. That Subsection (J) of Section 30-4-26.6, Flood Plain Development Permit, is hereby amended to read as follows:

(J) The Floodplain Development Permit shall include, but not be limited to:

- (1) A description of the development to be permitted under the floodplain development permit.
- (2) The special flood hazard area or future conditions flood hazard area determination for the proposed development per available data specified in 30-12-2.1(F).
- (3) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (4) The regulatory flood protection elevation required for the protection of all public utilities.
- (5) All certification submittal requirements with timelines.
- (6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (7) The flood openings requirements.
- (8) Limitations of below BFE enclosures uses (if applicable) (i.e., parking, building access and limited storage).
- (9) A statement, that all materials below BFE/RFPE must be flood resistant materials."

Section 15. That Subsections (A) and (B) of Section 30-4-26.10, Certificate of Floor Elevation/Flood-proofing, is hereby amended to read as follows:

(A) Elevation Certificate

An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established and prior to the actual start of any new construction. Within 7 days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference

level, in relation to NAVD 1988. Any work done within the 7-day period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project. A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Occupancy.

(B) Flood-proofing Certificate

If nonresidential flood-proofing is used to meet the regulatory flood protection elevation requirements, a Flood-proofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the flood-proofed design elevation of the reference level and all attendant utilities, in relation to mean NAVD 1988. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect, who is authorized by the State of North Carolina to certify such information, and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Occupancy.

Section 16. That Section 30-13-3.3, Minimum Building Area, is hereby amended to read as follows:

30-13-3.3, Minimum Building Area

Every lot must have a contiguous buildable area of a shape sufficient to hold a principal building that is at least 2,000 square feet with a minimum dimension of at least 20 feet. This contiguous buildable area must lie at or be filled to an elevation at least two feet above the base flood elevation.

Section 17. That Subsection 30-3-13.6 of Section 30-3-13, Floodplain Administrator, is hereby amended to read as follows:

30-3-13.6 Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with 30-4-26.10(A);

Section 18. That Subsection 30-3-13.7 of Section 30-3-13, Floodplain Administrator, is hereby amended to read as follows:

30-3-13.7 Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved nonresidential structures and utilities have been flood proofed, in accordance with 30-4-26.10(B);

Section 19. That Subsection 30-3-13.8 of Section 30-3-13, Floodplain Administrator, is hereby amended to read as follows:

30-3-13.8 Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with 30-12-2.3(A)12);

Section 20. That Section 30-15-3, Terms Beginning with "B," is hereby amended by adding a definition for the terms "Base Flood" and "Building, existing (Flood Damage Prevention Regulations)" to read as follows:

Base Flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Building, existing (Flood Damage Prevention Regulations)

Any building for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated April 16, 1971. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Section 21. That Section 30-15-5, Terms Beginning with "D," is hereby amended by adding a definition for the terms "Design Flood (See Regulatory Flood Protection Elevation)," "Development Activity," and "Digital Flood Insurance Rate Map (DFIRM)" to read as follows:

Design Flood (See Regulatory Flood Protection Elevation)

Development Activity

Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Digital Flood Insurance Rate Map (DFIRM)

The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Section 22. That Section 30-15-5, Terms Beginning with "D," is hereby amended by revising the definition for the term "Development" to read as follows:

Development

Any manmade change or disturbance to improved or unimproved real estate, including but not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment or materials.

Section 23. That Section 30-15-6, Terms Beginning with "E," is hereby amended by revising the definition for the term "Encroachment" to read as follows:

Encroachment

The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain that may impede or alter the flow capacity of special flood hazard area. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Section 24. That Section 30-15-7, Terms Beginning with "F," is hereby amended by revising the definition for the terms "Flood Insurance Rate Map (FIRM)" and "Freeboard" to read as follows:

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM) [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Freeboard

The height added to the base flood elevation (BFE) or the future conditions flood elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood and the hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation". [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Section 25. That Section 30-15-7, Terms Beginning with "F," is hereby amended by adding a definition for the terms "Floodplain Development Permit" and "Flood-resistant material" to read as follows:

Floodplain Development Permit

Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Flood-resistant material

Any building product [material, component or system] capable of withstanding direct and prolonged contact with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Section 26. That Section 30-15-9, Terms Beginning with "H," is hereby amended by revising the definition for the term "Historic Structure" to read as follows:

Historic Structure

Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or 3) individually listed on a local inventory of historic landmarks or certified as contributing to the historical significance of a historic district in communities with a "Certified Local Government (CLG) program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Section 27. That Section 30-15-12, Terms Beginning with "L," is hereby amended by adding a definition for the term "Letter of Map Change (LOMC)" to read as follows:

Letter of Map Change (LOMC)

An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard

areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Section 28. That Section 30-15-12, Terms Beginning with “L,” is hereby amended by revising the definition for the term “Lowest adjacent grade (LAG)” to read as follows:

Lowest adjacent grade (LAG)

The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Section 29. That Section 30-15-13, Terms Beginning with “M,” is hereby amended by adding a definition for the term “Map Repository” to read as follows:

Map Repository

The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

Section 30. That Section 30-15-13, Terms Beginning with “M,” is hereby amended by deleting the definition for the term “Mean Sea Level” in it’s entirely.

Section 31. That Section 30-15-17, Terms Beginning with “Q” and “R,” is hereby amended by revising the definition for the terms “Recreational Vehicle” and “Regulatory Flood Protection Elevation” to read as follows:

Recreational Vehicle

A vehicle which was originally built as a recreational vehicle, on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use and is fully licensed and ready for highway use.

(Amended by Ord. 13-124 on 9/17/13)

Regulatory Flood Protection Elevation

The elevation above NAVD 1988 to which the reference level of all structures and other development located within special flood hazard areas and future conditions flood hazard areas must be protected. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade. In future conditions flood hazard areas this elevation shall be the future conditions flood elevation plus two feet of freeboard. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Section 32. That Section 30-15-18, Terms Beginning with “S,” is hereby amended by adding a definition for the term “Structure, existing (Flood Damage Prevention Regulations)” to read as follows:

Structure, existing (Flood Damage Prevention Regulations)

Any structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community, dated April 16, 1971. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Section 33. That Section 30-15-18, Terms Beginning with “S,” is hereby amended by revising the definition for the terms “Substantial Damage (Flood Damage Protection Regulations)” and “Substantial Improvement” to read as follows:

Substantial Damage (Flood Damage Protection Regulations)

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49% of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period, the cost of which equals or exceeds 49% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the Planning Director and that are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. [definition applies to Flood Damage Prevention regulations (30-12-2) only.]

Section 34. That Section 30-15-19, Terms Beginning with "T," is hereby amended by adding a definition for the terms "Technical Bulletin and Technical Fact Sheet" and "Temperature Controlled" to read as follows:

Technical Bulletin and Technical Fact Sheet

A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

Temperature Controlled

Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Section 35. That Section 30-15-21, Terms Beginning with "W" and "X," is hereby amended by adding a definition for the term "Watercourse Alteration" to read as follows:

Watercourse Alteration

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Section 36. That Section 30-15-21, Terms Beginning with "W" and "X," is hereby amended by revising the definition for the term "Water Surface Elevation (WSE)" to read as follows:

Water Surface Elevation (WSE)

The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Section 37. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 38. This ordinance shall become effective upon date of adoption.

(Signed) Sharon Hightower

III. GENERAL BUSINESS AGENDA

30. [ID 21-0001](#) Resolution Approving Bid in the Amount of \$1,154,777.25 and Authorizing Execution of Contract 2015-036 (U-5532 A) with Atlantic Contracting Company, Inc. for the Construction of the South Josephine Boyd Street Roadway and Sidewalk Improvements

Discussion took place regarding Minority and Women's Business Enterprise (M/WBE) participation; goal setting; and prime and sub-prime qualification procedures.

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

Nays, 1 - Sharon M. Hightower

020-21 RESOLUTION APPROVING BID IN THE AMOUNT OF \$1,154,777.25 AND AUTHORIZING EXECUTION OF CONTRACT 2015-036 WITH ATLANTIC CONTRACTING COMPANY, INC. FOR THE SOUTH JOSEPHINE BOYD STREET ROADWAY AND SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for Contract 2015-036 (U-5532 A) for the Construction of the South Josephine Boyd Street Roadway and Sidewalk Improvements;

WHEREAS, Atlantic Contracting Company, Inc., a responsible bidder, has submitted the low base bid in the total amount of \$1,154,777.25, as general contractor for Contract 2015-036 (U-5532 A) which bid, in the opinion of the City Council, is the best bid from the standpoint of the City; and

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

That the bid hereinabove mentioned submitted by Atlantic Contracting Company, Inc. is hereby accepted, and the City is authorized to enter into a contract with Atlantic Contracting Company, Inc. for the South Josephine Boyd Street Roadway and Sidewalk Improvements Project subject to the terms outlined above. The City Manager is hereby authorized to execute the contract on behalf of the City of Greensboro.

(Signed) Nancy Hoffmann

31. [ID 21-0009](#) Resolution Authorizing Amended Agreement in the Amount of \$3,346,800 with NC Department of Transportation for Wendover Avenue Sidewalk Project EB-5883

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

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

021-21 RESOLUTION AUTHORIZING AMENDED AGREEMENT IN THE AMOUNT OF \$3,346,800 WITH NCDOT FOR WENDOVER AVENUE SIDEWALK PROJECT EB-5883

WHEREAS, the Greensboro Urban Area Metropolitan Planning Organization submitted the Wendover Avenue Sidewalk Project for funding consideration by NCDOT under the Prioritization 4.0 Process;

WHEREAS, North Carolina Department of Transportation added the project to the Transportation Improvement

Program and agreed to reimburse the City for 80% of design, right-of-way, and construction costs;

WHEREAS, the current municipal agreement provides funding for design;

WHEREAS, at this time, the Department has provided an amended agreement to provide for reimbursement of 80% of additional design, environmental document, right-of-way and construction costs up to \$2,677,440;

WHEREAS, the City of Greensboro will oversee design of the project and provide an additional local match amount of \$669,360; and

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

That said project is hereby formally approved and the City Manager and City Clerk are authorized to sign and execute the amended agreement with the North Carolina Department of Transportation for Project EB-5883.

(Signed) Goldie Wells

32. [ID 21-0011](#) Ordinance in the Amount of \$3,346,800 Increasing the Budget for an Amended Agreement with NC Department of Transportation for Wendover Avenue Sidewalk Project EB-5883

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

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

21-012 ORDINANCE IN THE AMOUNT OF \$3,346,800 INCREASING THE BUDGET FOR AMENDED AGREEMENT WITH NCDOT FOR WENDOVER AVENUE SIDEWALK PROJECT EB-5883

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

Section 1:

That the appropriation for the Project EB-5883: Wendover Avenue Sidewalk Project Budget be increased as follows:

Account	Description	Amount
401-4571-01.5410	Professional Services-Capital Projects	\$381,250
401-4571-01.6012	Land Right-of-Way	\$296,500
401-4571-01.6015	Sidewalk Construction	\$2,669,050
Total		\$3,346,800

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

Account	Description	Amount
401-4571-01.7100	Federal Funds	\$2,677,440
401-4571-01.9471	Local Matching Funds	\$669,360
Total		\$3,346,800

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Goldie Wells

33. [ID 21-0030](#) Resolution Approving Bid in the Amount of \$3,899,055.98 and Authorizing Execution of Contract 2021-001 with Blythe Construction, Inc. for the 2021 Resurfacing of Streets

Discussion ensued regarding Minority and Women's Business Enterprise (M/WBE) participation; and to a newly-hired construction manager to review projects for goal setting.

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

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

022-21 RESOLUTION APPROVING BID IN THE AMOUNT OF \$3,899,055.98 AND AUTHORIZING EXECUTION OF CONTRACT 2021-001 WITH BLYTHE CONSTRUCTION, INC. FOR THE 2021 RESURFACING OF CITY STREETS

WHEREAS, after due notice, bids have been received for Contract 2021-001 for the 2021 Resurfacing of City Streets;

WHEREAS, Blythe Construction, Inc., a responsible bidder, has submitted the low base bid in the total amount of \$3,899,055.98, as general contractor for Contract 2021-001 which bid, in the opinion of the City Council, is the best bid from the standpoint of the City; and

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 2021 Resurfacing of City Streets subject to the terms outlined above. The City Manager is hereby authorized to execute the contract on behalf of the City of Greensboro.

(Signed) Marikay Abuzuaiter

34. [ID 21-0046](#) Resolution Authorizing to Contract for FY 2019-2020 Emergency Solutions Grant-Coronavirus (ESG-CV) Funds in the Amount of \$188,400 For Homelessness Prevention Activities (Interactive Resource Center)

Councilmember Kennedy requested to be recused due to a conflict of interest.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Wells, to recuse Councilmember Kennedy from voting on the item due to a conflict of interest. The motion carried on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm, and Goldie Wells.

Excused: Councilmember Michelle Kennedy.

Discussion took place regarding collaborative efforts; and winter shelter partnerships.

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

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

Excused, 1 - Michelle Kennedy

023-21 AUTHORIZATION TO CONTRACT FOR FY19-20 ESG-CV FUNDS IN THE AMOUNT OF \$188,400 FOR HOMELESSNESS PREVENTION ACTIVITIES (INTERACTIVE RESOURCE CENTER)

WHEREAS, the City received an additional allocation of Emergency Solutions Grant Coronavirus (ESG-CV) designated for homelessness prevention activities as authorized by the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, to address the fallout as a result of COVID-19;

WHEREAS, CARES Act funds are to be used to prevent, prepare for, and respond to the coronavirus (COVID-19) among individuals and families who are homeless or receiving homelessness assistance;

WHEREAS, CARES Act funds are to be used to support additional homeless assistance and homelessness prevention activities to mitigate the impacts of COVID-19;

WHEREAS, ESG-CV funding will be allocated in the amount of \$188,400;

WHEREAS, ESG-CV funding in the amount of \$188,400 will be allocated in Fiscal Year 2020-2021;

WHEREAS, ESG-CV funding in the amount of \$188,400 will allow the Interactive Resource center to provide homeless prevention assistance;

WHEREAS, Federal CARES Act ESG-CV funds in the amount of \$188,400 will be utilized to fund said contract; and

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

That the City Manager is hereby authorized to enter into contracts with aforementioned agencies subject to the terms outlined above.

(Signed) Goldie Wells

- 35. [ID 21-0018](#)** Resolution Adopting Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro Effective February 1, 2021 to Incorporate the Sanitary Sewer Backup Policy (SSBP)

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

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

024-21 RESOLUTION ADOPTING RULES AND REGULATIONS FOR THE OPERATION OF THE WATER AND WASTEWATER SYSTEM OF THE CITY OF GREENSBORO WITH AMENDMENTS EFFECTIVE FEBRUARY 1, 2021 TO INCORPORATE THE SANITARY SEWER BACKUP POLICY (SSBP)

WHEREAS, the City Council has approved and adopted the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments through September 19, 2017;

WHEREAS, the changes proposed in the attached copy of the Rules and Regulations with amendments are needed to provide clarification to existing procedures and include the incorporation of the Sanitary Sewer Policy;

WHEREAS, it is deemed in the best interest of the City to adopt the Rules and Regulations for the Operation of the

Water and Wastewater System of the City of Greensboro with amendments be become effective February 1, 2021;

WHEREAS, Water Resources in collaboration with Legal Department has developed a Sanitary Sewer Backup Policy (SSBP) to assist property owners / tenants who do not realize that their property is vulnerable to a sewer backup, who do not have the appropriate insurance coverage, and who have suffered a backflow caused by a sewer main blockage;

WHEREAS, this no-fault policy applies only in those circumstances in which the City is not negligent. In addition to assisting these property owners / tenants who have experienced a sewer backup, the policy will provide consistent claims management and define the claims process when a sewer backflow arises; and

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

That the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments to become effective February 1, 2021 as authorized by Section 6.81(b) of the City Charter and Section 29-6 of the Greensboro Code of Ordinances to Incorporate the Sanitary Sewer Backup Policy and which is presented herewith this day, is hereby in all respects approved, and the City Manager is directed to place an official copy thereof in the office of the City Clerk.

(Signed) Yvonne Johnson

- 36. [ID 21-0048](#)** Resolution Approving a Contract in the Amount of \$2,627,466.00 with HDR Engineering, Inc. of the Carolinas for the Mitchell Water Treatment Plant (WTP) Advanced Treatment of Emerging Contaminants Project

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

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

025-21 RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$2,627,466.00 WITH HDR ENGINEERING, INC. OF THE CAROLINAS FOR THE MITCHELL WATER TREATMENT PLANT ADVANCED TREATMENT OF EMERGING CONTAMINANTS PROJECT

WHEREAS, a Request for Proposals was issued on July 30, 2020 and of the 4 firms that submitted by the September 3, 2020 deadline, HDR Engineering, Inc. of the Carolinas was selected to perform the services;

WHEREAS, HDR Engineering, Inc. of the Carolinas will provide professional engineering services for pilot testing, as well as preliminary design of the selected advanced treatment option; and

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

That the City Manager is authorized to enter into a contract in the amount of \$2,627,466.00 with HDR Engineering, Inc. of the Carolinas to provide professional engineering services for the Mitchell Water Treatment Plant (WTP) Advanced Treatment of Emerging Contaminants Project.

(Signed) Sharon Hightower

- 37. [ID 21-0076](#)** Resolution Authorizing an Interlocal Agreement and Memorandum of Understanding between The City Of Greensboro and Guilford County Regarding Enforcement of the December 2020 Covid-19 Rule Adopted by the Guilford County Board Of Health

Mayor Vaughan commended Guilford County Commissioners on the passing of COVID-19 enforcement regulations.

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

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

026-21 RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GREENSBORO AND GUILFORD COUNTY REGARDING ENFORCEMENT OF THE DECEMBER 2020 COVID-19 RULE ADOPTED BY THE GUILFORD COUNTY BOARD OF HEALTH

WHEREAS, in an effort to protect the public health of the community by increased and more effective enforcement of the provisions of the Governor's Executive Orders, the Guilford County Board of Commissioners ("County") acting as the Guilford County Board of Health adopted a public health Rule on December 10, 2020, which made violation of any Executive Order provision designed to reduce the spread of the COVID-19 pandemic a violation of Guilford County Board of Health rules and subject to various sanctions;

WHEREAS, the City of Greensboro ("City") recognizes the importance of effective implementation, including enforcement, of Executive Orders and wishes to assist in insuring that the Rule is effectively carried out within City limits;

WHEREAS, the assistance of the City in providing resources in the form of personnel who may serve as Enforcement Officers under the Rule would be advantageous to both the City and the County, and such assistance is specifically authorized under the Rule;

WHEREAS, the City and the County each represents that it has the legal authority to enter into this agreement and to bind itself to its terms, and that its governing boards can approve or authorize entry into this Agreement as required pursuant to N.C.G.S. § 160A-461; and

NOW THEREFORE BE IT APPROVED BY THE CITY COUNCIL OF GREENSBORO

That the City Manager is authorized to execute on behalf of the City Council an Interlocal Agreement and Memorandum of Understanding, as stated herein, between the City of Greensboro and Guilford County to provide assistance in implementing and enforcing the Guilford County Public Health Rule adopted on December 10, 2020.

(Signed) Michelle Kennedy

38. [ID 21-0083](#) Resolution to Adopt the 2021 Legislative Agenda

Mayor Vaughan spoke to modifications to the 2021 Legislative Agenda; and recognized City Attorney Chuck Watts.

City Attorney Watts highlighted each agenda item to be presented to the Guilford County Delegation.

Discussion took place regarding affordable and safe housing; rental assistance; and healthcare disparities.

City Manager Parrish stated Council would present the Legislative Agenda to the Guilford County Delegation on February 2nd.

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

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

027-21 RESOLUTION TO ADOPT THE 2021 LEGISLATIVE AGENDA

WHEREAS, the 2021 Legislative Session of the North Carolina General Assembly began January 13, 2021;

WHEREAS, this will be the long session of the biennium, which typically lasts up to six months; The long session is an opportunity for the legislature to deal with the complex and continuing issues that face North Carolina;

WHEREAS, the primary purpose of the long session is for legislators introduce new bills that have general application across the state, consider local bills, introduce study bills, and adopt a two-year budget;

WHEREAS, the City Council finds that the 2021 Legislative Agenda represents matters of particular importance to the City of Greensboro;

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO that City Council does hereby adopt the attached 2021 Legislative Agenda.

(Signed) Tammi Thurm

39. [ID 21-0086](#) Motion to Support the Greensboro Chamber of Commerce Legislative Agenda

City Manager Parrish provided an overview of the Greensboro Chamber of Commerce Legislative Agenda.

A motion was made by Councilmember Thurm, seconded by Councilmember Abuzaiter, to support the Legislative Agenda. The motion carried on the following roll call vote:

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

40. [ID 21-0100](#) Resolution Reauthorizing 2015 Nondiscrimination Ordinances

Mayor Vaughan provided a historical overview of the non-discrimination provisions; spoke to employment, housing, and city services; and to Greensboro being a welcoming community.

Councilmember Outling voiced concerns regarding level of protection; and a lack of penalties for violators.

City Attorney Watts addressed amendment changes; definitions; and the Human Rights Department and the United States Equal Employment Opportunity Commission (EEOC) claim procedures.

Discussion took place regarding the expiration of protections; House Bill 2 impacts on the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community; fair housing; the Transgender Task Force; the African-American Disparity Commission; infrastructure; employment; and method of enforcing penalties.

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

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

028-21 RESOLUTION REAUTHORIZING 2015 NONDISCRIMINATION ORDINANCES

WHEREAS, the City of Greensboro welcomes all people and recognizes the importance of diversity and the need to

establish meaningful non-discrimination policies and laws to ensure that all people feel welcome here;

WHEREAS, in 2015, the City of Greensboro initiated an effort in North Carolina to contribute to the broader goal stated above by passing certain non-discrimination provisions that were later nullified by a State statute which has now sunset and is of no current legal effect;

WHEREAS, at the Greensboro City Council's January 6, 2015 meeting, three ordinance amendments were proposed to amend Greensboro Code of City Ordinances Chapters 2 on Administration, 12 on Human Rights, and 21 on Personnel;

WHEREAS, all three amendments were intended to expand protections to the LGBTQ community by "prohibit[ing] discrimination on the basis of sexual orientation, gender identity, and gender expression in addition to the already protected categories of race, sex, gender, color, ethnicity, religion disability, familial status, or political affiliation";

WHEREAS, all three of the proposed ordinance amendments were passed and the language in the Greensboro Code of City Ordinances amended to include the above language in Chapters 2 and 21;

WHEREAS, the amendment to Chapter 12 on Human Rights involved changes to code sections that addressed fair housing and, therefore, the City Council was advised that the changes could be approved by Council, submitted to the United States Department of Housing and Urban Development ("HUD") for approval, and then included in Chapter 12 of the City Code once HUD approval was granted. The ordinance amendment passed with that understanding and the City Attorney's Office was authorized to pursue HUD approval;

WHEREAS, on March 23, 2016, the North Carolina General Assembly passed and then Governor Pat McCrory signed into law what has come to be known as "House Bill 2" or "HB2" which, among other things, nullified local government ordinances around the state, including the ones described above, that would have expanded protections for the LGBTQ community; and

WHEREAS, roughly one year later, the General Assembly passed what has come to be known as the "compromise bill" or House Bill 142 which, among other things, established a sunset for the limitations placed upon local government ordinances around the state that would have expanded protections for the LGBTQ community;

WHEREAS, throughout this period the Greensboro Code of City Ordinances retained the enacted language providing the expanded protections described above in Chapters 2 and 21, however, they continued to be nullified by HB2 until the nullification provision sunset on December 1, 2020; and

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

That the language adopted in Chapters 2 and 21 on January 6, 2015 to provide expanded protections to the LGBTQ community be now fully enforced hence forth and further that the City Attorney is hereby authorized to pursue HUD approval of any amendment to language in Chapter 12 of the Greensboro Code of City Ordinances and upon such approval said language shall be included in Chapter 12 of the Greensboro Code of City Ordinances and made effective per the amendment.

(Signed) Michelle Kennedy

- 41.** [ID 21-0084](#) Ordinance to Amend the Greensboro Code of Ordinances Chapter 12 Division Iv - Discrimination to Add "Sex" to Certain Provisions, to Define Sex to Include Sexual Orientation, Gender Identity, and Gender Expression, and to Interpret "Race" and National Origin" so as to Include Discrimination Based on Hair or Hairstyles

Councilmember Thurm offered a friendly amendment, which was accepted by Councilmember Kennedy, to remove the "15 or more" designation to broaden the "employer" definition. The amendment was accepted on the following

roll call vote:

Ayes: Mayor Nancy Vaughan, Mayor Pro-Tem Johnson, Councilmembers Marikay Abuzaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Discussion took place regarding penalties; enforcement measures; and repercussions.

Councilmember Outling offered a friendly amendment, which was accepted by Councilmember Kennedy, to include a \$500 violation penalty. The amendment was accepted on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Mayor Pro-Tem Johnson, Councilmembers Marikay Abuzaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Councilmember Hightower requested City Attorney Watts research the City of Durham's discrimination legislation.

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

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

21-013 AN ORDINANCE AMENDING CHAPTER 12 THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO DISCRIMINATION

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

Section 1. That Chapter 12, ARTICLE IV, Division 1, of the Greensboro Code of Ordinances is hereby amended as follows:

Sec. 12-61. – DECLARATION OF POLICY.

(4) To encourage the elimination of discriminatory practices between and among its citizens, it is necessary to interpret the term 'sex' to explicitly include sexual orientation, gender expression, or gender identity

(5) To encourage the elimination of discriminatory practices between and among its citizens, it is necessary to interpret the terms 'race' and 'national origin' to include discrimination on the basis of hair texture and hairstyles that are commonly associated with race or national origin.

Sec. 12-62. – SEVERABILITY.

In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this article is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this article, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this article.

Secs. 12-63—12-75. - Reserved.

[Division 2. – Complaints -- to be revised to develop a procedure to provide for a civil penalty of \$500]

Section 2. That Chapter 12, ARTICLE IV, Division 3, of the Greensboro Code of Ordinances is hereby amended as follows:

Sec. 12-96 – Definition.

In this article "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation or transportation facility of any kind whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public.

In this article, the term 'sex' shall be defined to explicitly include sexual orientation, gender expression, or gender identity.

In this article, the terms 'race' and 'national origin' shall be defined to explicitly include hair texture and hairstyles that are commonly associated with race or national origin.

Sec. 19-97 – Prohibited Acts

(a) No person shall deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation because of race, color, religion, sex or national origin.

(b) No person shall print, circulate, post, mail or otherwise cause to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation will be refused, withheld from, or denied an individual because of race, color, religion, sex or national origin, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable because of race, color, religion, sex or national origin.

(c) No person shall, because of race, color, religion, sex or national origin, intimidate, threaten or coerce another individual for the purpose of interfering with or denying such individual the full and equal enjoyment of a place of public accommodation.

Section 3. That Chapter 12, ARTICLE IV, Division 4, of the Greensboro Code of Ordinances is hereby amended as follows:

Sec. 12-111 – Definitions

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

Because of sex or on the basis of sex includes pregnancy, childbirth or related medical conditions. Women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected in their ability or inability to work, and nothing in this division shall be interpreted to permit otherwise. The term 'sex' in this division shall be defined to explicitly include sexual orientation, gender expression, or gender identity.

Discriminatory practice means an act that is prohibited under this division.

Employee means an individual employed by an employer, except that the term "employee" shall not include any person elected to public office in any state or political subdivision of any state by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy-making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a state government, governmental agency or political subdivision.

Employer means a person who has and an agent of such a person.

Employment agency means a person regularly undertaking, with or without compensation, to procure employees for an employer, or to procure for employees opportunities to work for an employer, and includes an agent of such a person.

Person includes individuals, associations, corporations, joint stock companies, legal representatives, mutual companies, partnerships, receivers, trusts, trustees, trustees in bankruptcy, unincorporated organizations, any

other commercial entities, the city, county, or any governmental entities or agencies.

Race and National Origin shall be defined to explicitly include hair texture and hairstyles that are commonly associated with race or national origin.

Religion means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Section 4. That Chapter 12, ARTICLE IV, Division 5, of the Greensboro Code of Ordinances is hereby amended as follows:

Sec. 12-132. - Definitions.

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

Aggrieved person includes any person who claims to have been injured by a discriminatory housing practice; or believes that such person will be injured by a discriminatory housing practice that is about to occur.

Charge means the statement of facts issued by the City of Greensboro's Human Rights Department under this division upon which the department has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

Commission means the Human Rights Commission of the City of Greensboro.

Committee means the complaint review committee.

Complaint means a written complaint filed with the City of Greensboro's Human Rights Department in accordance with the provisions of chapter 12, article IV, division 5 of the Greensboro Code of Ordinances.

Complainant means a person(s), including the department, who has filed a complaint with the department under this division.

Conciliation means attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the respondent, and the department.

Conciliation agreement means a written statement setting forth the resolution of the issues in conciliation.

Covered multifamily dwellings means buildings comprising four (4) or more residential units if the building has one (1) or more elevators; and ground floor residential units in other buildings comprising four (4) or more residential units.

Department means the City of Greensboro's Human Rights Department.

Director means the director of the human rights department.

Director's designee means an employee of the Greensboro Human Rights Department.

Discriminatory practice means an act that is prohibited under this division.

Dormitory means a residential dwelling located on the premises of a college, business college, trade school or university for the purpose of housing students registered and attending such an institution or a private dormitory

within the meaning of chapter 30, Greensboro Code of Ordinances.

Dwelling includes any improved or unimproved real property or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one (1) or more individuals.

Familial status means one (1) or more persons who have not attained the age of eighteen (18) years being domiciled with a parent or another person having legal custody of the person or persons; or the designee of the parent or other person having custody, provided the designee has the written permission of the parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any person who has not attained the age of eighteen (18) years.

Family includes a single individual.

Handicap means with respect to a person:

- (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Hearing means a proceeding conducted to receive evidence or argument on a matter before the department.

Person includes one (1) or more individuals, political subdivisions of the state and instrumentalities thereof, including the city or any governmental entity or agency thereof, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or any other legal or commercial entity.

Race and National Origin shall be defined to explicitly include hair texture and hairstyles that are commonly associated with race or national origin.

Real estate broker or salesman means a person, whether licensed or not, who, on behalf of others, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real property, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity, or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon real property, or who is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these.

Residential real estate transaction means the sale or rental of residential dwellings or real estate.

Residential real estate-related transactions means the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling; or secured by residential real estate; or the selling, brokering or appraising of residential real property.

Real property includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.

Respondent means a person accused of a discriminatory housing practice in a complaint filed pursuant to this division.

Sex shall be defined to explicitly include sexual orientation, gender expression, or gender identity.

Section 5. This ordinance shall become effective on July 1, 2021.

(Signed) Michelle Kennedy

42. [ID 21-0054](#) Boards and Commissions Listing for January 19, 2021

Taking the prerogative of the Chair, Mayor Vaughan combined Boards and Commissions with Council Comments.

Mayor Pro-Tem Johnson left the meeting at 8:31 p.m.

Moved by Councilmember Thurm, seconded by Councilmember Hoffmann, to reappoint David Horth to the Guilford County Joint Historic Preservation Commission. The motion carried on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Absent: Mayor Pro-Tem Johnson.

Moved by Councilmember Thurm, seconded by Councilmember Hoffmann, to appoint Catherine Magid to the Zoning Commission, to replace Ray Trapp. The motion carried on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Absent: Mayor Pro-Tem Johnson.

Discussion ensued regarding the demographics of the Zoning Commission.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm, to appoint Franklin Scott to the Minimum Standard Housing Commission, to replace Janne Cannon. The motion carried on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Absent: Mayor Pro-Tem Johnson.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm, to appoint Jo Leimenstoll to the Guilford County Joint Historic Preservation Commission, to replace Ann Stringfield. The motion carried on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Absent: Mayor Pro-Tem Johnson.

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

Councilmember Wells requested staff to provide updates on the Greensboro Coliseum and Guilford County Health Department collaboration regarding large-scale vaccination efforts.

Councilmember Thurm complimented the Human Rights Commission on the Dr. Martin Luther King, Jr. (MLK) virtual breakfast.

Councilmember Outling echoed Councilmember Thurm's appreciation for the MLK, Jr. Breakfast.

Councilmember Kennedy spoke to the COVID-19 vaccine; and encouraged keeping our communities safe.

Councilmember Abuzuaiter spoke to calendaring the Work Sessions on an off week from regular Council meetings; and to the campaign season rules and regulations.

City Attorney Watts spoke to ethics issues; and to 'blackout' periods.

Discussion took place regarding campaign and personal social media platforms.

Councilmember Hightower expressed concern regarding taking breaks during meetings; spoke to vaccinations; and requested staff to provide data regarding traffic development curb cuts.

Councilmember Hoffmann spoke to legislative priorities for Greensboro.

Mayor Vaughan requested an independent panel to review Census data and redistricting maps.

Matters to be presented by the City Manager

City Manager Parrish spoke to staff participation in a University of North Carolina School of Government course regarding the 2020 Census data; and to the Greene Street Parking Deck lit in blue as part of the national remembrance to honor CV-19 victims.

Matters to be presented by the City Attorney

There were no items for discussion by the City Attorney.

Adjournment

Moved by Councilmember Hightower, seconded by Councilmember Thurm, to adjourn the meeting. The motion carried on the following roll call vote:

Ayes: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Absent: Mayor Pro-Tem Johnson.

THE CITY COUNCIL ADJOURNED AT 9:00 P.M.

TEBONY C. ROSA
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR