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MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING: 15 DECEMBER 1998

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy Mincello, Robert V. Perkins and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Jesse L. Warren, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Warlena Lane, employee in the Human Relations Department, who served as courier for the meeting.

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Mayor Allen reviewed the Council Procedure for Conduct of the Meeting.

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Chief District Court Judge Lawrence McSwain provided an update on the State of the Judiciary. He spoke to the operation of the court system, reviewed various factors which impact the operation of the courts, spoke to the under-staffed court system, reviewed the positive financial impact on Guilford County by the courts that would benefit the school system, etc. Speaking to the frustration of citizens and judges with respect to the timeframe involved in processing various cases, Judge McSwain requested Council's assistance in conveying to state legislators support of efforts to secure more judges for our court system to meet the ever-increasing demands. Judge McSwain stated that he would provide a more detailed report at an appropriate future time.

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Mayor Allen stated at this time an update with respect to Greensboro's water situation would be provided.

The City Manager expressed appreciation to citizens and businesses for individual efforts to reduce water consumption and to City staff for extraordinary efforts in dealing with the water crisis. He advised staff would report on the following: current status of Greensboro's lakes, City efforts to better inform the community of the water crisis and conservation measures, address questions about drilling/reactivating wells in the community and efforts by the Emergency Management staff to be pro-active in preparing for an extreme emergency situation. The Manager added that an update would be provided with regard to efforts to obtain alternate water sources for the community; i.e., emergency basis, mid-range and long term; he added that he would review changes to the ordinance Council would be asked to consider.

Allan Williams, Water Resources Department Director, reviewed the current status of Greensboro's lakes. Noting that Greensboro relied on rainfall to maintain its water supply, he reported that recent rain had added to the lakes and provided approximately sixteen days' additional water supply. Mr. Williams cautioned Greensboro was still in the critical stage and needed eight to ten inches of rainfall over a short period of time to fill Greensboro's lakes.

In response to inquiries, Mr. Williams stated that it was cost prohibitive to increase the depth of the lakes to provide a relatively small increase in capacity; he detailed the problems with removal of solids from the lakes, permitting process involved, etc.

Council discussed with Mr. Williams the cost to purchase water from other municipalities, past City actions to address future water needs, etc.

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William Harrell, Assistant City Manager, stated that public information and education was critical in addressing the current water situation. Speaking to the success of efforts to reduce water consumption, he reviewed the manner by which the City would enhance the campaign to distribute accurate and timely information to all Greensboro water users and further promote water conservation efforts; Mr. Harrell advised professional services had been retained to assist in designing a program to provide this information to the public. He reviewed outreach efforts to all aspects of the community to promote awareness and solicit participation in this effort; i.e., an extensive letter-writing campaign to invite citizens to various meetings, regular press conferences to provide current information, advertisements via television and newspaper, efforts to involve the school system, encouraging the use of water saving hardware made easily available at recreation centers and other municipal facilities, etc. Mr. Harrell reiterated that water awareness and conservation would continue to be necessary after the Randleman Dam was operational. He also expressed appreciation to the citizens and staff for their efforts.

Steve Kennedy, Engineering and Inspections Department Director, spoke to citizens' inquiries about drilling new wells or re-activating old wells in the City. Mr. Kennedy spoke to staff's study of this issue and meetings with Guilford County Environmental Health representatives to discuss this issue and offer recommendations. Mr. Kennedy advised this agency was the responsible body for the regulation of wells in Guilford County, including those inside Greensboro. He emphasized that strict regulations, including permitting requirements, were in place to satisfy environmental health requirements and ensure no connection to or contamination of any municipal systems. Speaking to the potential for public health risk, he stated that well water was only allowed for irrigation or outside water use and would not be considered as a means by which citizens would be permitted to disconnect from the City water system.

Council discussed with Mr. Kennedy and other staff various opinions and concerns with respect to the potential for the use of well water by various businesses, the current process used by the City to flush water lines under construction to ensure the provision of safe drinking water, safety measures that must be implemented when considering the use of well water, the potential public health risk in densely populated areas, problems with bacteria that could be involved with transporting water from other areas, etc. Additional discussion was held with regard to the City's responsibility to ensure the safety of Greensboro's citizens. Mr. Kennedy advised if the water situation in Greensboro should worsen, additional options might be considered.

Mona Edwards, Assistant City Manager, spoke to the responsibility of the Emergency Management Agency to assist Greensboro and Guilford County in preparing for all emergency situations which might occur. She spoke to the Agency's efforts to develop a contingency plan should severe drought conditions occur; i.e., obtaining bottled water, the manner in which public safety functions could continue during a severe water shortage, the need to determine what city services would be necessary, etc. Responding to recent media reports which spoke to the possible evacuation of citizens, Ms. Edwards advised this statement was taken out of context and was only mentioned as a portion of the overall planning for the most severe drought conditions. Ms. Edwards also encouraged citizens to conserve and use Greensboro water wisely. Emphasizing there were no plans to evacuate the City, Ms. Edwards discussed with Council various concerns and opinions with respect to the negative feedback media reports had triggered in the community.

The Manager reviewed alternate water sources being used by or considered for use byGreensboro; i.e., short term water from High Point and Winston-Salem; pursuit of an agreement with Burlington for emergency, short term water supply; and a proposed long-term agreement with Reidsville which could be used after Randleman Dam was on line. Council discussed with the Manager various details regarding these alternate sources; cost and timeframe involved with agreements with Burlington and Reidsville, amount and type of water to be provided, funding of the various projects through water rate

increases, etc. The Manager also provided an update with respect to another review of the permit for the Randleman Dam after which the project could move forward. He encouraged citizens to contact state officials to voice support of the project encourage legislative action this project as quickly as possible.

The Manager reviewed a number of proposed changes in various stages of the water conservation ordinance offered for Council's consideration, including a number of technical amendments. He also stated that in Stage III users would not be permitted to water golf greens, could only water lawns, flowers, etc. with a three-gallon container using used wash water, vehicles could not be washed except as required by law for health reasons, and commercial car washes could operate 24 hours per week. He advised these amendments would be effective upon adoption. The Manager stated that the proposed ordinance included graduated mandatory cutbacks in Stage IV and V for non-residential water use and suggested cutbacks for residential users, graduated penalty rates in Stages IV and V for excessive water use, and no water service connections except for schools, hospitals, fire, police.

The Manager advised staff would research the feasibility of changing to monthly billing for residential customers to provide a better way to monitor water use during critical periods, to enable easier payment by citizens with lower incomes and to place on the bill for easier understanding the actual number of gallons used. He advised information with regard to cost of that process and staff recommendations would be presented to Council.

Council briefly discussed the proposed changes and expressed concern that jobs would be affected in some stages of the ordinance.

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The Mayor declared a recess at 8:24 p.m.

The Council re-convened at 8:36 p.m. with all members present.

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Advising she had received a request to continue Item # 10, an ordinance rezoning from General Office Moderate Intensity to Conditional Use-Light Industrial for certain specific uses for property located at the northeast intersection of South Benbow Road and Perkins Street, to the January 5, 1999, meeting of Council, Councilmember Burroughs-White moved that the item be continued to that date without further advertising. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

After brief discussion regarding the desire to change the time of the January 5, 1999 Council meeting to enable Council to attend the Chamber of Commerce dinner, Councilmember Vaughan moved adoption of an Ordinance Amending Chapter 2 of the Greensboro Code of Ordinances with respect to Council Meetings to change the time of that meeting from 6:00 p.m. to 4:00 p.m. The motion was seconded by Councilmember Perkins and adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-195 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing the regular meeting time of the City Council meeting of 5 January 1998 to 4:00 p.m. in lieu of 6:00 p.m.

Section 2. That all laws and clauses of laws in conflict of the provision of this Ordinance are hereby repealed to the extent of such conflict

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Donald R. Vaughan

After Mr. Martin advised an item had been advertised for 6:00 p.m. on that date, Council advised that item would be considered promptly at 6:00 p.m.

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The following speakers represented various businesses related to the car wash industry:

Marcus Short, 201 West Market Street, Suite 405, expressed concern that this industry had been singled out without sufficient research. Stating that the personnel at these facilities were experts at the efficient use of water and had implemented voluntary reduction in water use, Mr. Short requested that the car wash facilities be allowed to continue operation with reduced water use.

Ted Winchester, residing at 3612 Tattershall Drive, spoke to his experience in all aspects of this industry, detailed the amount of water used by this business in comparison to residential car washing. Using slides for illustrative purposes, he reviewed voluntary steps taken by the industry to reduce water consumption and requested these businesses be permitted to continue operation with increased voluntary water use reductions during various stages outlined in the ordinance.

Chuck Howard, residing at 201 South Independence Boulevard, Charlotte, NC, spoke to his experience in the industry, advised industry personnel were experts at water conservation, reviewed voluntary reductions the businesses would make, and detailed the adverse financial impact the cutback in the number of hours of business operation would have on employees. He requested that these facilities be allowed to continue to operate using voluntary restrictions.

Jim Hall, residing at 6784 Brookbank Road, spoke to his business operation, stated that the reduction in hours of operation would negatively impact his employees and could result in more water being used, advised industry personnel were experts at water conservation, reviewed voluntary reductions to be implemented by the industry, and requested these businesses be permitted to operate using voluntary restrictions. He requested that members of this industry be permitted to participate in determining a solution to the water crisis.

Mac Williams, residing at 4211 Queen Victoria Place, spoke to the operation of a car wash facility and cited the recycling of wash water and the capturing of rinse water which was directed to the sewer system. He also requested that industry representatives participate in solving this water problem.

Mark Reynolds, residing at 307 Tower Lane, detailed the operation of his car wash facility, stated the cutback in hours of operation would negatively impact his business and advised of their water conservation efforts.

Bob Skenes, residing at 404 Beverly Place, stated the proposed reduction in hours of operation would jeopardize this industry and its employees. He spoke to the small amount of water used in these businesses and requested Council to make logical decisions.

Brian Spain, residing at 4435 Hamburgmill Road, representing employees in this industry, spoke to the hardship the reduction to 24 hours per week would have on this industry and its employees.

Bill Smith, residing at 377 Grantham, St. Catharines, Ontario, Canada, lobbyist for the car wash industry, stated that members of this industry were experts at water conservation and were willing to cooperate in reducing the amount of water used at their facilities.

A large number of citizens were present in the Chamber to express opposition to the reduction of hours of operation of car wash facilities.

Charles Liebert, residing at 5 Great Castle Court, expressed concern about the current water situation. He offered his perception with respect to the capacity of City lakes, poor planning, irrational growth, the Randleman Dam project, and the Council's leadership. Mr. Jones discussed with Mr. Liebert his thoughts on the Randleman Dam, alternatives to the crisis, etc.

Michael J. Slane, residing at 3507 Cherry Hill Drive, questioned why Council had approved the extension of water to serve the proposed Fed Ex facility at the airport; he requested Council to rescind the endorsement of that facility in favor of people and drinking water. He expressed concern with the serious water situation and the cost to Greensboro citizens to purchase water from other municipalities.

Bill Payne, residing at 7501 Strawberry Road, Chairperson of Greensboro Beautiful, commended staff for plans to conserve water and spoke to the need to educate citizens with respect to current and long-term responsibilities in water conservation; he stated that Greensboro Beautiful was dedicated to education and was willing to assist the City in addressing the water crisis.

Janice Nicholson, residing at 3707 NC 150 East, owner of a landscape business, spoke to her confusion with some of the water use restrictions, spoke to the collection of rainwater for use in watering plants, and expressed appreciation for the amendment to permit watering with gray water of property under warranty. Ms. Nicholson stated that she could help educate clients in efficient water use and believed they would participate in voluntary conservation efforts. She offered her assistance to the City in educating other Greensboro water users.

Gloria Turlington, residing at 204 Kensington Place, spoke in support of community cooperation to implement water conservation, stated that newly-planted trees should be protected for the future, spoke to the need to educate school children in water conservation measures, and requested Council to grant elderly citizens some exception to the provisions contained in the ordinance. In response to her inquiry regarding the use of collected rainwater, the Manager advised the ordinance did not restrict the use of this water.

Preston McNeil, residing at 3808 Crosstimbers Drive, representing the auto detail business, spoke to the minimal amount of water used in his business and reviewed his conservation efforts; he requested Council to be mindful of this business operation when adopting additional restrictions.

Council discussed various opinions and concerns with respect to the proposed restriction of hours of operation of car wash facilities; i.e., the negative impact this would have on employees, the amount of water used by this industry, the desire to treat all businesses fairly, the more efficient use of water by car wash facilities than by washing vehicles at residences, the voluntary efforts implemented by the members of the industry, etc.

The Manager advised the most frequent citizens' concerns had involved the watering of golf course greens and allowing commercial car wash facilities to operate during this water shortage. He stated that he hoped the information presented at this meeting would change the public perception with respect to this industry. He reviewed the proposed restrictions which would apply to car wash facilities. Council also discussed with the City Attorney the fines charged for violations to the ordinance and the intent to enforce those violations.

After Councilmember Mincello expressed concern that Guilford County had lifted the ban on outside burning and requested her desire that this ban be reinstated, the Manager advised that Mr. Kennedy would forward that request to appropriate Guilford County staff.

Some Council members offered thoughts and opinions with respect to the current situation, the frustrating process involved with the Randleman Dam project, existing laws with regard to inter-basin water transfer and the need to change to those laws to protect water use and citizens.

Councilmember Carmany moved adoption of the ordinance amending Chapter 29A of the Greensboro Code of Ordinances with respect to emergency water conservation and restriction plan as offered by staff. The motion was seconded by Councilmember Vaughan.

Councilmember Perkins offered a motion to amend the proposed ordinance with regard to car wash operations to require voluntary reductions in Stage III, mandate a fifty percent (50%) cutback in water consumption in Stage IV, and in Stage V prohibit the operation of a commercial car wash facility. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council. Councilmember Carmany moved adoption of the ordinance, as amended. The motion was seconded by Councilmember Vaughan; the ordinance, as amended, was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins and Vaughan. Noes: None.

98-194

AMENDING CHAPTER 29A

AN ORDINANCE AMENDING CHAPTER 29A OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN.

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Sec. 29A-4 be amended by deleting the word "four (4)" in the first line thereof and adding the word "five (5)."

Section 2. That the paragraph of Section 29A-5 be numbered 29A-5(a) and that two (2) new paragraphs numbered 29A-5(b) and (c) be added to read as follows:

"(b) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.

(c) Each hospital, nursing home or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage."

STAGE II

Section 3. That Sec. 29A-6(b)(2) be amended to add the words ", or top off," after the word "refill" and to delete all after the word "pools." That Sec. 29A-6(b)(4) be amended by deleting the words "any person regularly engaged in the business of washing motor vehicles and."

STAGE III

Section 4. That Sec. 29A-6(c)(1) be amended to add, after the word "flowers" the following words: "except from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure."

Section 5. That Sec. 29A-6(c)(1) be amended to delete after the word "irrigation" in the second sentence the words: ", and golf courses may water greens by hand-held hose."

Section 6. That the paragraph after Sec. 29A-6(c)(3) is amended to read:

"All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least fifty percent (50%) as compared with their usage during the corresponding billing period for the most recent twelve (12) month period ending June 30, in which no stage of this ordinance was in effect; provided, this goal shall not apply to those customers which wash parts of vehicles where such washing is required by Federal, state, or local laws."

STAGE IV

Section 7. That Sec. 29A-6(d) be deleted and the following language inserted:

(d) Stage IV Water Shortage Emergency. In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the Water Resources Director, using those criteria set out in Sec. 29A-5(a), determines that there are 75, or less, days' supply of water available to the City water system, the Water Resources Director shall so notify the City Manager in writing. Upon such notification, the City Manager shall declare a Stage IV Water Shortage Emergency to exist. Upon such declaration, the City shall be deemed to be in a state of emergency with respect to its water supply and residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty-five percent (25%) of their average usage. After complying with those Notice provisions contained in Sec. 29A-4, in addition to the restrictions heretofore imposed in Stages II and III, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

(1) Use water outside a structure for any use other than emergency use involving fire or as needed by the Water Resources Department to maintain the system, except that flowers, plants, and shrubs may be watered from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.

(2) Operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.

(3) Wash any vehicle for any purpose, whether inside or outside a structure, except that commercial car washes may do so as provided in subsection (4) hereof; and provided that parts of vehicles may be washed where required by Federal, state, or local laws for health reasons;

(4) Exceed the following water usage mandate: All non-residential customers shall reduce their water usage by twenty-five percent (25%) except commercial car washes which shall reduce such usage by fifty percent (50%), as compared with their usage during the corresponding billing period for the most recent twelve (12) month period, ending June 30, in which no Stage of this Ordinance was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the Water Resources Department. Non-residential customers include governmental, commercial, industrial, institutional, public, social, and all other such users.

(a) It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or

days, if necessary.

(b) Each customer shall provide access to City personnel for the purposes of meter reading and monitoring of compliance with this Ordinance.

(c) If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the Water Resources Director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the Superior Court as provided by law.

(d) Any non-residential customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.

(i) "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five times the normal rate; except that commercial car washes shall be computed at ten (10) times the normal rate for excess use.

(ii) Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(iii) Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

(5) Make any water service connections except as herein provided. Connections to the City water system shall be allowed, but not required, in the following cases if all other requirements of law pertaining to such connections have been met:

(a) Lots, upon which construction has been authorized pursuant to a valid building permit issued prior to the effective date of the Stage IV Water Shortage Emergency; provided, that this exemption shall apply for only so long as such building permit remains in effect.

(b) Public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.

STAGE V

Section 8. Section 29-6(e) shall be added to read as follows:

(e) Stage V Critical Water Shortage Emergency. In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the Water Resources Director, using those criteria set out in Sec. 29A-5(a), determines that there are 50, or less, days' supply of water available to the City water system, the Water Resources Director shall so notify the City Manager in writing. Upon such notification the City Manager shall declare a Stage V Critical Water Shortage

Emergency to exist and residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty percent (40%) of their average usage. After complying with those Notice provisions contained in Section 29A-4, in addition to the restrictions heretofore imposed under Stages II, III and IV, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

(1) Serve food or beverages in restaurants, cafeterias and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths.

(2) Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by Federal, state, or local laws.

(3) Exceed the following water usage mandate. All non-residential customers shall reduce their water usage by fifty percent (50%) as compared with their usage during the corresponding billing period for the most recent 12-month period, ending June 30, in which no Stage of this Ordinance was in effect. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the Water Resources Department.

(a) It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days if necessary.

(b) Each customer shall provide access to City personnel for the purpose of reading and monitoring of compliance with this Ordinance.

. (c) If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the Water Resources Director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the Superior Court as provided by law.

(d) Any water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.

(i) “Excess-use water rates” will be collected based on the amount by which a customer’s monthly use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at ten (10) times the normal rate.

(ii) Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(iii) Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

(4) Make any new service connections to the City water system except for public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals and emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.

Section 9. Amend Sec.29A-10 by deleting from the first and last sentences thereof the words "or Stage IV" and adding the words “Stage IV or Stage V"

Section 10. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 11. That this ordinance shall become effective immediately upon adoption.

(Signed) Sandy Carmany

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Mayor Allen stated that this was the time and place set for a public hearing to consider an Ordinance annexing 3.58 acres of territory to the corporate limits located on the west side of Battleground Avenue and the north side of Horse Pen Creek Road. She thereupon introduced so that these matters could be discussed together an Ordinance establishing Original Zoning classification from County Zoning Highway Business to City Zoning Highway Business for property located at the northwest quadrant of Battleground Avenue (U.S. 220 North) and Horse Pen Creek Road and an Ordinance establishing Original Zoning classification from County Zoning Conditional Use-Limited Office to City Zoning Limited Office for property located west of Battleground Avenue (U.S. 220 North) and north of Horse Pen Creek Road. The Mayor noted that these matters were continued from the 3 November and 1 December 1998 meeting of Council.

C. Thomas Martin, Planning Department Director, advised these items were recommended by the Planning Board and the Zoning Commission; he explained that the annexation complied with the City’s water policy guidelines and was in the watershed critical area. Mr. Martin used slides to illustrate the property and surrounding area.

Donald G. Sparrow, residing at 615 Chancery Place, spoke in favor of the annexation and zoning items; he requested Council to adopt the items.

Mr. Martin provided the following staff recommendation:

The Planning Department recommends that these original zoning requests be approved. The proposal in Item 7 is to establish City Zoning Highway Business which is the same classification that the County currently has on the property. Whereas the property in Item 8 is conditionally zoned by the County, City Zoning Limited Office is consistent with the established pattern since the only condition relates to a Type A planting yard along the northern property boundary which does not pertain to the subject property.

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Councilmember Johnson left the Chamber at 10:15 p.m.

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Councilmember Vaughan moved to close the public hearing on these three items. The motion was seconded by Councilmember Jones and adopted unanimously. Councilmember Vaughan thereupon moved adoption of the ordinance

annexing 3.58 acres of territory to the corporate limits located on the west side of Battleground Avenue and the north side of Horse Pen Creek Road. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

98-187 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF BATTLEGROUND AVENUE AND THE NORTH SIDE OF HORSE PEN CREEK ROAD -- 3.58 ACRES)

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

BEGINNING at a point, said point being in the northern boundary of Horse Pen Creek Road, and also being the southwest corner of Lot 2, and the southeast corner of Lot 1, of the Gaines Corporation Subdivision as recorded in Plat Book 76, page 109 in the Office of the Register of Deeds of Guilford County, North Carolina; thence with the eastern boundary of Lot 1, North 00º41' East, a distance of 160.00 feet to the northeast corner of Lot 1; thence with the northern boundary of Lot 1, North 89º19' West, a distance of 100.84 feet to the northwest corner of Lot 1, said corner also being in the eastern boundary of the Henry L. Maiden property; thence with the eastern boundary of the Maiden property North 24º57'30" East, a distance of 217.16 feet to the northwest corner of Lot 2, said corner also being in the southern boundary of the Rachel Combs property; thence with the southern boundary of the Combs property North 86º38' West, a distance of 203.40 feet, to the southwest corner of the Combs property; thence with the western boundary of the Combs property, North 12º27' West, a distance of 130 feet to the northwest corner of the Combs property; thence with the northern boundary of the Combs property, South 86º39' East, a distance of 265 feet to the northeast corner of the Combs property; thence with the eastern boundary of the Combs property, South 12º27' East, a distance of 130 feet to the southeast corner of the Combs property, said corner also being the southwest corner of the Pearl Roach heirs property, and also being in the northern boundary of Lot 2 of the Gaines Corporation subdivision; thence with the southern boundary of the Pearl Roach heirs property, South 86º41'30" East, a distance of 154.43 feet, to a point in the western boundary of U.S. Highway 220, said point also being the southeastern corner of the Pearl Roach heirs property, and the northeast corner of Lot 2; thence with the western boundary of U.S. Highway 220, South 16º55' East, a distance of 148.63 feet to a point; thence continuing with the western boundary of U.S. Highway 220, South 17º24' East, a distance of 177.52 feet to a point; thence with the extended western boundary of U.S. Highway 220, across the Horse Pen Creek Road right-of-way, South 17º24' East, a distance of approximately 104 feet, to the intersection of the extended western boundary of U.S. Highway 220, with the extended southern boundary of Horse Pen Creek Road; thence with the southern boundary of Horse Pen Creek Road, North 89º19' West, a distance of approximately 339 feet to a point; thence across the
Horse Pen Creek Road right-of-way, North 00º41' East, a distance of approximately 60 feet to the point of BEGINNING.

THE ABOVE DESCRIBED ANNEXATION REQUEST INCLUDES:

The remaining portion of Lot 2 of the Gaines Corporation subdivision, subsequent to the sale of additional highway right-of-way to the NCDOT, which contains approximately 2.27 acres; and

The Rachel Combs property which contains approximately 0.77 acres; and

The portion of the Horse Pen Creek Road right-of-way between the extension of the boundary between Lot 1 and Lot 2 of the Gaines Corporation subdivision, South 00º41' West, eastward to the U.S. 220 right-of-way, which contains approximately 0.54 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars ($200.00) per acre for water service and two hundred dollars ($200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' 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 28, 1999, the liability for municipal taxes for the 1998-99 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, 1999. Municipal ad valorem taxes for the 1999-2000 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 on and after February 28, 1999.

(Signed) Donald R. Vaughan

.....

Councilmember Jones moved adoption of an ordinance establishing Original Zoning classification from County Zoning Highway Business to City Zoning Highway Business for property located at the northwest quadrant of Battleground Avenue (U.S. 200 North) and Horse Pen Creek Road. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

98-190 AMENDING OFFICIAL ZONING MAP

NORTHWEST INTERSECTION OF BATTLEGROUND AVENUE (U.S. 220 NORTH) AND HORSE PEN CREEK ROAD

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

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Highway Business to City Zoning Highway Business uses for the area described as follows:

BEGINNING at a point, said point being in the northern boundary of Horse Pen Creek Road, and also being the southwest corner of Lot #2, and the southeast corner of Lot #1 of the Gaines Corporation Subdivision as recorded in Plat Book 76, Page 109 in the Office of the Register of Deeds of Guilford County, North Carolina; thence with the eastern boundary of Lot #1 N00°41’E 160.00 feet to the northeast corner of Lot #1; thence with the northern boundary of Lot #1 N89°19’W 100.84 feet to the northwest corner of Lot #1, said corner also being in the eastern boundary of the Henry L. Maiden Property; thence with the eastern boundary of the Maiden property N24°57’30”E 217.16 feet to the northwest corner of Lot #2, said corner also being in the southern boundary of the Rachel Combs property; thence with the southern boundary of the Rachel P. Combs and the Pearl Roach heirs property S86°41’30”E 216.03 feet to a point in the western boundary of U.S. Highway 220, said point also being the southeastern corner of the Pearl Roach heirs property and the northeast corner of Lot #2; thence with the western boundary of U.S. Highway 220 S16°55’E 148.63 feet to a point; thence continuing with the western boundary of U.S. Highway 220 S17°24’E 177.52 feet to a point; thence with the extended western boundary of U.S. Highway 220 across Horse Pen Creek Road right-of-way S17°24’E 104.00 feet to the intersection of the extended boundary of U.S. Highway 220 with the extended southern boundary of Horse Pen Creek Road; thence with the southern boundary of Horse Pen Creek Road N89°19’W 339.00 feet to a point; thence across the Horse Pen Creek Road right-of-way N00°41’E 60.00 feet to the point of BEGINNING, including the remaining portion of Lot #2 of the Gaines Corporation Subdivision subsequent to the sale of additional highway right-of-way to the NCDOT which contains approximately 2.27 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Earl Jones

…….

Councilmember Vaughan moved adoption of the ordinance establishing Original Zoning classification from County Zoning Conditional Use-Limited Office to City Zoning Limited Office for property located west of Battleground Avenue (U.S. 220 North) and north of Horse Pen Creek Road. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

98-191 AMENDING OFFICIAL ZONING MAP

WEST OF BATTLEGROUND AVENUE (U.S. 220 NORTH) AND NORTH OF HORSE PEN CREEK ROAD

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

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – Limited Office to City Zoning Limited Office uses for the area described as follows:

BEGINNING at an iron pipe in the southern line of Lot #3 and the northern line of Lot #4 of the Fannie C. Roach Estate, said iron pipe being a distance of 198.10 feet from a point in the center of U.S. Highway 220 to Summerfield marking the northeast corner of Lot #4 and running thence along the northern line of Lot #4 N86°15'W 265.00 feet to the original northwest corner of Lot #4; thence with the western line of Lot #4 S12°27'E 130 feet to an iron stake; thence S86°15'E 265.00 feet to an iron pipe, thence N12°27'W 130.00 feet to the point of BEGINNING as recorded in Deed Book 3293, Page 579 in the Office of the Register of Deeds of Guilford County, North Carolina, and being an area of 0.759 acres, more or less.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

…….

Mayor Allen stated that this was the time and place set for a public hearing to consider an Ordinance annexing 8.630 acres of territory to the corporate limits located north of Grand Resort Circle Acres. Mayor Allen asked if anyone wished to be heard.

Mr. Martin explained that water and sewer lines were already in service at this property. He also advised this was one of a number of petitions for a portion of the Koury Corporation Development and that the hotel site was located on this property.

Councilmember Perkins moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council. Councilmember Jones thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

98-192 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED NORTH OF GRAND RESORT CIRCLE ACRES – 8.630 ACRES)

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

BEGINNING AT A POINT, said point being in Grand Resort Circle (Private Street) at the northwest entrance as shown on Grandover Plat 14, Gold Clubhouse/Hotel Phase I, Section 8 – 1 and recorded in Plat Book 125 Page 93, Guilford County Register of Deeds; THENCE North 60 degrees 00 minutes 30 seconds West for a distance of 35.12 feet to a point; THENCE along a curve to the right having a radius of 200.61 feet and an arc length of 133.24 feet, being subtended by a chord of North 31 degrees 48 minutes 59 seconds West for a distance of 130.81 feet to a point; THENCE North 12 degrees 47 minutes 18 seconds West for a distance of 217.60 feet to a point; THENCE along a curve to the right having a radius of 869.99 feet and an arc length of 360.38 feet, being subtended by a chord of North 35 degrees 32 minutes 47 seconds East for a distance of 357.81 feet to a point; THENCE North 47 degrees 24 minutes 48 seconds East for a distance of 129.58 feet to a point; THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 366.02 feet to a point; THENCE North 72 degrees 05 minutes 53 seconds East for a distance of 181.08 feet to a point; THENCE South 76 degrees 18 minutes 25 seconds East for a distance of 197.10 feet to a point; THENCE South 00 degrees 00 minutes 00 seconds West for a distance of 213.13 feet to a point; THENCE North 90 degrees00 minutes 00 seconds West for a distance of 165.28 feet to a point; THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 19.77 feet to a point; THENCE North 90 degrees 00 minutes 00 seconds West for a distance of 171.73 feet to a point; THENCE South 46 degrees 18 minutes 22 seconds West for a distance of 52.95 feet to a point; THENCE South 00 degrees 24 minutes 20 seconds West for a distance of 75.96 feet to a point; THENCE along a curve to the right having a radius of 118.68 feet and an arc length of 110.71 feet, being subtended by a chord of South 23 degrees 46 minutes 17 seconds West for a distance of 106.74 feet to a point; THENCE South 45 degrees 00 minutes 00 seconds West for a distance of 43.81 feet to a point; THENCE North 45 degrees 00 minutes 00 seconds West for a distance of 145.63 feet to a point; THENCE South 45 degrees 00 minutes 00 seconds West for a distance of 63.16 feet to a point; THENCE along a curve to the left having a radius of 491.12 feet and an arc length of 351.07 feet, being subtended by a chord of South 24 degrees 31 minutes 22 seconds West for a distance of 343.64 feet to a point; THENCE along a curve to the left having a radius of 131.00 feet and an arc length of 160.88 feet, being subtended by a chord of South 74 degrees 41 minutes 45 seconds West for a distance of 150.96 feet to the POINT OF BEGINNING. Said property contains 8.630 acres more or less.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars ($200.00) per acre for water service and two hundred dollars ($200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

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

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

Section 5. From and after January 31, 1999, the liability for municipal taxes for the 1998-99 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, 1999. Municipal ad valorem taxes for the 1999-2000 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 on and after January 31, 1999.

(Signed) Earl Jones

…….

The Mayor stated that the ordinance rezoning from General Office Moderate Intensity to Conditional Use-Light Industrial for certain specific uses for property located at the northeast intersection of South Benbow Road and Perkins Street had been continued earlier in the meeting to the January 5, 1999 meeting of Council.

…….

Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution authorizing on basis of petition paving, curb, gutter, water and sewer improvements on Savoy Lane from Guilford College Road to dead end. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Holliday moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

S-225 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

SAVOY LANE FROM GUILFORD COLLEGE ROAD TO DEAD END

WHEREAS, due notice has been given that on the 15th day of December, 1998 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

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

A. That the petition for the local improvements hereinafter described is hereby found to be sufficient in all respects.

B. That the local improvements to be made on the street or streets set out above are as follows:

Roadway Paving Improvements. The street or streets hereinabove named within the limits defined to be paved a maximum of 26 feet in width with stone base asphaltic concrete surface, the paving to include grading, construction of storm sewers, and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the paving.

Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

Sanitary Sewer Improvements. A sanitary sewer main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the sewer main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution to be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Keith A. Holliday

…….

The Mayor stated that this was the time and place set for a public hearing to consider a resolution confirming on basis of petition paving, curb and gutter improvements on Broadacres Drive from Groometown Road to the end of Broadacres Drive. Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

B-313 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

BROADACRES DRIVE FROM GROOMETOWN ROAD TO THE END OF BROADACRES DRIVE

WHEREAS, on the 19th day of August, 1991, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Roadway Paving Improvements. That the street or streets hereinabove named within the limits defined be paved a maximum of 30 feet in width with stone base asphaltic concrete surface, the paving to include grading, construction of storm sewers, necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the paving.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be
prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

BROADACRES DRIVE

Groometown Road to the End of Broadacres Drive

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

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.

2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.

3. That the general plan map is hereby confirmed at 6:00 p.m., on the 15th day of December, 1998, and is hereby made the final assessment roll for the improvements.

4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.

5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.

6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Sandy Carmany

…….

The Mayor introduced a resolution approving bid and authorizing purchase of a knuckle-boom trash loader for the City of Greensboro; she advised this matter had been continued from the 1 December 1998 meeting of Council.

After Councilmember Vaughan stated that his concerns with respect to the purchase of this equipment had been addressed by staff, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

231-98 RESOLUTION APPROVING BID AND AUTHORIZING PURCHASE OF A KNUCKLE-BOOM TRASH LOADER FOR THE CITY OF GREENSBORO

WHEREAS, on September 8, 1998 bids were open for the purchase of a Knuckle-Boom Trash Loader by the City of Bennettsville, SC;

WHEREAS, Public Work Equipment and Supply Company, the lowest responsible bidder, has agreed to extend to the City of Greensboro the price and terms set forth in its contract with the City of Bennettsville, SC;

WHEREAS, pursuant to N.C.G.S. 143-129(g), it is deemed in the best interest of the City to waive the bidding procedure for the purchase of the above mentioned equipment and has called a public hearing thereon.

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

That, the purchase of the Knuckle-Boom Trash Loader, in the amount of $74,008.00 from Public Work Equipment and Supply Company is hereby approved and the City Manager is hereby authorized to execute contract of purchase in connection therewith.

(Signed) Robert V. Perkins

…….

Councilmember Johnson re-entered the Chamber at 10:20 p.m.

…….

Mayor Allen introduced a resolution calling a public hearing for January 5, 1999 on the annexation of territory to the corporate limits located on the east side of North Elm Street, north of Pisgah Church Road—5.09 acres.

After brief discussion, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

232-98 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 5, 1999 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE EAST SIDE OF NORTH ELM STREET, NORTH OF PISGAH CHURCH ROAD—4.608 ACRES

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

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

WHEREAS, at a regular meeting of the City Council on the 15th day of December, 1998 the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF NORTH ELM STREET, NORTH OF PISGAH CHURCH ROAD – 4.608 ACRES)

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

A parcel of land being part of Lot 8, property of Edward M. Duncan and Lois D. Duncan as recorded in Plat Book 117 at page 125 of the records for Guilford County, North Carolina, said parcel located in Center Grove Township, Guilford County, North Carolina being more particularly described as follows:

Beginning at an existing iron pipe at the northeast corner of Lot 7 and the southeast corner of said Lot 8, property of Edward M. and Lois D. Duncan, said corner located on the west boundary line of Earl R. Miller as described in Deed Book 1745 at page 372; thence N 85º49'19" W along the north boundary line of said Lot 7 a distance of 199.42 feet to a point, the City limits line of the City of Greensboro; thence N 04º17'11" E along said City limits line a distance of 1,010.74 feet to the point of intersection with the north boundary line of said Lot 8; thence S 86º00'19" E along said north boundary line a distance of 197.57 feet to the northeast corner of said Lot 8; thence S 04º10'46" W along the east boundary line of said Lot 8 a distance of 1,011.37 feet to the Point of Beginning, containing 4.608 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars ($200.00) per acre for water service and two hundred dollars ($200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

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

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

Section 5. From and after March 31, 1999, the liability for municipal taxes for the 1998-99 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 1999. Municipal ad valorem taxes for the 1999-2000 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 on and after March 31, 1999.

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

That January 5, 1998 at 4:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 24, 1998.

(Signed) Robert V. Perkins

…….

The Mayor introduced a resolution authorizing the granting of a sanitary sewer easement to William T. and Dorothy S. Freeman across a portion of Greensboro Country Park property to serve the property located at 3915 Lawndale Place.

After brief discussion, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

233-98 RESOLUTION AUTHORIZING THE GRANTING OF A SANITARY SEWER EASEMENT TO WILLIAM T. AND DOROTHY S. FREEMAN

WHEREAS, due to a failing septic system, William T. and Dorothy S. Freeman have approached the City for a sanitary sewer easement to run across a portion of Greensboro Country Park to serve their property and tie into the J.C. Park Outfall;

WHEREAS, the site is a 15' x 296' parcel located on Greensboro County Park property;

WHEREAS, the granting of said easement will not interfere with the property use by the city and there is no other public need which would be in conflict with the easement to be granted or the use thereof, but is subject to certain provisions including that it be used only for the installation and maintenance of one residential sewer lateral.

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

That, pursuant to Section 4.128(b) of the City Charter, the granting of a right-of-way easement through the above mentioned property to William T. and Dorothy S. Freeman is hereby authorized, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, a proper deed of conveyance to carry the proposal into effect.

(Signed) Earl Jones

…….

Mayor Allen introduced a resolution authorizing the City Manager to transfer plan assets from the City Employees' Deferred Compensation Program to a Trust, Custodial Account or Annuity for the exclusive benefit of its participants and their beneficiaries, effective January 1, 1999, as required under the 1996 Amendments to the Small Business Job Protection Act.

After brief remarks by the Manager stating that this action would bring Greensboro in compliance with changes in federal laws governing these programs, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

234-98 RESOLUTION AUTHORIZING THE CITY MANAGER TO TRANSFER PLAN ASSETS FROM THE CITY EMPLOYEES' DEFERRED COMPENSATION PROGRAM TO A TRUST, CUSTODIAL ACCOUNT OR ANNUITY FOR THE EXCLUSIVE BENEFIT OF ITS PARTICIPANTS AND THEIR BENEFICIARIES, EFFECTIVE JANUARY 1, 1999, AS REUQIRED UNDER THE 1996 AMENDMENTS TO THE SMALL BUSINESS JOB PROTECTION ACT

WHEREAS, since 1976, the City has offered its employees a deferred compensation plan under the guidelines established by the Internal Revenue Code, Section 457 in which the employee is permitted to defer a portion of their salary for future years, along with the City's contribution thereto;

WHEREAS, these funds were previously held as assets of the City;

WHEREAS, 1996 Amendments to the Small Business Job Protection Act requires funds under this section to be changed to a Trust, Custodial Account or Annuity;

WHEREAS, since this is a new regulation, financial programs are just being established and changed to reflect the new law;

WHEREAS, at this time, it is legally advisable and deemed in the best interest of the employees of the City of Greensboro and the City to place the deferred compensation assets into a Trust until such time it becomes necessary to better serve said employees with a plan that offers preferred financial opportunities and legal protection for the employees of the City.

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

1. That the City Council authorize the City Manager to establish an Internal Revenue Code 457 Trust for the benefit of City employees with the City Manager, Finance Director and Personnel Director acting as Trustees.

2. That the Trustees be directed to investigate other available financial plans which may develop and be authorized to transfer the assets to the program which offers the best program, financial opportunities and legal protection for said employees and the City.

(Signed) Yvonne J. Johnson

…….

Mayor Allen introduced a resolution authorizing in the amount of $5,892 additional grant funds to Gideon's Army for restorative rehabilitation to 614 Douglas Street.

After Councilmember Holliday advised his bank had been involved with this matter, the Deputy City Attorney agreed he should abstain from voting on this matter.

Andy Scott, Housing and Community Development Department Director, spoke to the renovation of this and other houses in the Ole Asheboro Neighborhood. In response to Council inquiries, Mr. Scott advised that the rehabilitation plan did not require that the house be restored to its original status; however, it was believed the porch would be an enhancement.

After some Council members expressed concern with the cost of the rehab in relation to the appraised market value of the house after completion, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was **DEFEATED** on the following roll call vote: Ayes: Jones. Noes: Allen, Burroughs-White, Carmany, Johnson, Mincello, Perkins and Vaughan, with Councilmember Holliday abstaining due to conflict of interest.

(A copy of the resolution as introduced and **DEFEATED** is filed in Exhibit Drawer M, Exhibit Number 10, which is hereby referred to and made a part of these minutes.)

…….

The Mayor declared a recess at 10:30 p.m.

The Council re-convened at 10:39 p.m. with all members present.

…….

The Mayor introduced a resolution amending resolution of March 3, 1998, authorizing the forgiveness of an additional $65,000 in principal payments and $25,000 in closing costs to sixteen GEHM families.

After Mr. Scott requested that the resolution be amended to remove the $25,000 in closing costs and increase the amount of the second mortgages from $320,000 to $385,000 to enable closing on the houses, Councilmember Vaughan moved the resolution be amended as requested. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote. Mr. Scott added that the closing would conclude by January 16, 1999 enabling seventy-five percent (75%) of the original families to purchase the homes.

Councilmember Johnson moved adoption of the resolution, as amended. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

249-98 RESOLUTION AMENDING THE RESOLUTION OF MARCH 3, 1998 AUTHORIZING MODIFICATION OF THE NOTES AND DEEDS OF TRUST ON CERTAIN SECOND MORTGAGE LOANS ON 67 HOMES UNDER THE AFFORDABLE HOUSING PROGRAM

WHEREAS, the City Council of the City of Greensboro authorized the modification of the notes and deeds of trust on 67 homes under the affordable housing program on March 3, 1997 to provide for a maximum credit of $320,000 for the purpose of assisting families who had participated in the Greensboro Episcopal housing ministry in purchasing their homes;

WHEREAS, Project Homestead through Project Adopt has been able to assist many more of these families than had been expected to purchase their homes;

WHEREAS, it is necessary for the City of Greensboro to further modify the notes and deeds of trust on the second mortgages by reducing the principal an additional $65,000 bringing the total forgiveness to $385,000.

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

That the original resolution of March 3, 1998 (46-98) be amend to increase the maximum credit on the principal amount of the second mortgages from $320,000 to $385,000 for the purpose of assisting the families in purchasing their homes.

(Signed) Yvonne J. Johnson

…….

Mayor Allen introduced an ordinance amending in the amount of $287,000 the Public Improvements Bond Fund with respect to Memorial Stadium Tennis Courts renovation.

Councilmember Johnson noted that no water would be connected until the current crisis had passed.

After brief comments by the City Manager regarding the cost, funding source and timeframe for this renovation, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-193 ORDINANCE AMENDING THE PUBLIC IMPROVEMENTS BOND FUND

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

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

The appropriation for the Parks and Recreation Memorial Stadium Tennis Courts projects shall be increased as follows:

Account	Description	Amount
431-5095-10.6019(021)	Other Improvements	$287,000

This increase shall be financed by a transfer from the General Fund budgeted capital reserve account as follows:

Account	Description	Amount
431-5095-10.9101	Transfer from the General Fund	$287,000

(Signed) Yvonne J. Johnson

…….

Councilmember Vaughan moved approval of the minutes of regular meeting of 1 December 1998. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

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Noting there were two Addendum items for Council's consideration, Mayor Allen introduced a resolution approving appraisal and authorizing the sale of land to Edward P. Tewkesbury, Trustee for Kotis Properties, an adjoining property owner, in the amount of $120,000.

After brief comments by the Manager, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

248-98 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE SALE OF LAND TO EDWARD P. TEWKESBURY, TRUSTEE FOR KOTIS PROPERTIES, AN ADJOINING PROPERTY OWNER

WHEREAS, the City of Greensboro owns residual property located at Tax Map Nos. 44-11-6, 7, 8, 9, 10, 11 and 12 and along North Church Street, as shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Edward P. Tewkesbury, Trustee for Kotis Properties, an adjoining property owner has offered to purchase said property at the appraised value of $120,000.00, which appraisal, in the opinion of the City Council is fair and reasonable.

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

That, pursuant to Section 4.122 of the City Charter, the appraisal of the above mentioned residual property in the amount of $120,000.00 is hereby approved and the sale of the land to Edward P. Tewkesbury, Trustee for Kotis Properties in accordance with the appraisal is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Earl Jones

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Mayor Allen advised staff had requested Council to adopt a motion to waive the City's requirement to secure deferred loans made in support of home ownership by second mortgages and to allow the loans to be secured by third mortgages in the subject properties in the Garden of Prayer (Brookes Court) Development.

Mr. Scott stated that staff received this information after the agenda had been prepared. He explained that Project Homestead had received support from the North Carolina Housing Finance Agency and the Federal Home Loan Bank of Atlanta and that, while the additional support would reduce the amount of the City's loans, the City would be required to take a third mortgage. He stated that Project Homestead had advised that the sale prices of these homes were on an average less than the appraised value; Mr. Scott added that this would provide an additional level of protection to the City's investment.

After brief discussion, Councilmember Burroughs-White moved that Council waive the City's requirement as stated by the Mayor. The motion was seconded by Councilmember Jones and adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

(A copy of information provided is filed in Exhibit Drawer M, Exhibit Number 10, which is hereby referred to and made a part of these minutes.)

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The Mayor stated that a number of speakers had indicated a desire to speak to the Howerton case. She stated the City Attorney had advised Council could not speak to this issue. Deputy City Attorney Miles cautioned that because the matter was being appealed, the Council could listen to comments but should not address the issue. The Mayor urged the speakers to be mindful of the length and content of their presentations and provide new information.

Mazie Ferguson, residing at 1000 Ross Avenue, read the Pulpit Forum's letter supporting Brenda Howerton's appeal; i.e., her request for additional law enforcement officers' training in dealing with mentally ill citizens and an independent police review board. The letter also stated the City had a moral duty to compensate Ms. Howerton in a reasonable manner.

Councilmember Johnson advised that Council had directed the Police Chief to enhance the Department's training process with respect to the handling of issues involving mentally disturbed citizens and people in crisis. The Manager stated the Police Chief had responded to this issue.

Nelson Johnson, residing at 2115 Murray Hill Road and representing the Pulpit Forum, encouraged the Council to compensate Ms. Howerton.

An unidentified woman addressed her comments to specific Members of Council with respect to her thoughts and concerns about young Black males in Greensboro.

Robert White, Greensboro Police Chief, reviewed his discussions with Guilford County Health Department representatives to discuss the manner by which to offer additional training for Greensboro Police officers with respect to dealing with mentally ill citizens. Some members of Council offered suggestions as to other resources which might be available to assist with this training.

John Shaw, Human Relations Department Director, advised the matter of a review board was being explored by the Human Relations Commission's Complaint Review Board using input from various Greensboro organizations and groups; he advised a report would be forthcoming within 30-60 days. Councilmember Jones requested that the report identify various types of citizens review boards; i.e. level of enforcement, etc.; he suggested that input from the community could be solicited with respect to these boards.

Ervin Brisbon, 21-G Covey Lane, spoke at length to his perception of racism in Greensboro. He expressed concern with the unwillingness of Black leaders to discuss the Howerton case and stated he believed the Mayor's response to

questions about racism, the recent military operation in Greensboro, police attendance at a meeting at N. C. A&T State University, etc., had been inadequate.

Angela Lawrence, residing at 911 Baron Walk, spoke to the work and makeup of the Daryl Howerton Justice Committee and expressed concern with lack of support from Black Council members.

Clarence Todman, N. C. A&T State University, expressed concern with the Mayor's response to earlier questions, reiterated complaints expressed at an earlier Council meeting with respect to racism, the recent military operation, the attendance at an A&T students' meeting by police officers, the treatment of A&T students by police personnel at Four Seasons Mall, etc.

Sarah Vandermast, 17080 Founders, 5800 West Friendly Avenue, offered her thoughts concerning racism in Greensboro and spoke to the distribution to local students of Four Seasons code of conduct cards.

Brian Kirkpatrick, residing at 21 Grove Street, offered his perception of racism in Greensboro.

Tim Hopkins, residing at 402 East Lake Drive, a member of the Howerton Justice Committee, offered his personal thoughts about the recent military exercise; he requested detailed information about police and local government policy/relationship to this type of activity.

Ralph Brown spoke to the mall situation, the concerns of parents of N. C. A&T students and the community comments about racism.

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At 12:06 a.m., the Mayor announced that Closed Captioning services would be suspended for the remainder of the meeting.

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Discussion was held with regard to the concerns expressed by the citizens about racism, police presence at a meeting on the N.C. A&T campus, and actions by the Four Seasons Mall personnel; Council also discussed the appropriate manner in which these issues could be addressed.

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Councilmember Burroughs-White added the name of Sam Pass to the boards and commissions data bank for possible future service.

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The Manager advised Matt Brown, Greensboro Coliseum Director, had announced that Greensboro had been awarded the Atlantic Coast Conference Women's Tournament for the years 2000-2002.

The Manager advised a Council Briefing would be held on Tuesday, December 28, 1998, at a time to be announced.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 12:14 A.M.

JUANITA F. COOPER
CITY CLERK

CAROLYN S. ALLEN
MAYOR

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