Office of the City Manager
City of Greensboro

GREENSBORO

March 23, 2012

IFYI HIGHLIGHTS

- Contact Center Feedback
- Council Small Group Meetings
- 2012 Property Revaluation
- Economic Development Agenda
- Solid Waste Summary
- Noise Ordinance
- Carolina Field of Honor

TO: Mayor and Members of Council

FROM: Denise T. Roth, Interim City Manager DTR

SUBJECT: Items for Your Information

Contact Center Feedback
Attached is the weekly report generated by our Contact Center for the week of March 12, 2012 through March 18, 2012.

Council Small Group Meetings
For the week of March 16, 2012 through March 22, 2012, there were no small group meetings between City Staff and [more than two but less than five] Councilmembers.

Follow-up from March 20, 2012 City
2012 Property Revaluation: Attached is a memorandum from Finance Director Rick Lusk, dated March 23, 2012, providing an update on the 2012 property revaluation.

March 27, 2012 Special Meeting and Work Session
Economic Development Briefing: Attached is the agenda for the economic development briefing scheduled for Tuesday, March 27, 2012, from 8am to 10am in the Plaza Level Conference Room in the Melvin Municipal Office Building.

Solid Waste Summary: Attached is a memorandum from Field Operations Director Dale Wyrick, dated March 23, 2012, providing a summary of the information that will be presented to Council at the upcoming work session on March 27, 2012, from 3pm to 6pm in the Plaza Level Conference Room in the Melvin Municipal Office Building.

April 3, 2012 City Council Meeting
Noise Ordinance: Attached is a memorandum from Police Chief Ken Miller, dated March 22, 2012, regarding the recommended changes in the noise ordinance, which will be on the April 3, 2012, agenda for Council's consideration. Also included are the revised text amendment and a comparison of other cities' noise ordinance.

Carolina Field of Honor: Attached is an updated memorandum from Assistant to the Finance Director Jerome Fletcher, whom is on assignment in the Manager's office, dated March 23, 2012, regarding the Carolina Field of Honor.

DTR/mm
Attachments

cc: Office of the City Manager
Global Media

Public Affairs
Contact Center Weekly Report
Week of 3/12 - 3/18/12

Contact Center
4196 calls answered this week

Top 5 calls by area

Water Resources	Field Operations	All others
Balance Inquiry – 810	HHW/Landfill/Transfer – 109	Police/Watch Operations – 217
New Sign up – 157	Scheduled E-Waste – 59	Courts/Sheriff – 81
General Info – 98	Repair Can/Garbage – 53	Police Records – 81
Sign-up/Owners – 93	No Service/Garbage – 49	Privilege License – 63
Cutoff Requests – 87	Dead Animal Pick-up – 37	HR/Employment – 54

Comments

We received a total of **4** comments this week:

Field Operations – 1 comment:

- Caller said "I just want to tell the trash guys that service in our neighborhood is great. They are always very polite and friendly. You can tell they care about their job."

Parks and Recreation – 1 comment:

- Good for you!! I have been very pleased to see your signs in the BOG garden indicating that you appreciate the benefits of native plant species over introduced ornamentals and are trying to control the invasive species (Good luck with that "marsh marigold" project. Whew!).

Public Affairs – 1 comment:

- Calling in to thank you for At Your Service. It's a most impressive publication and is a great way to get information out. As a tax payer, I appreciate your efforts with this!

Transportation – 1 comment:

- I am delighted to report to you that within the week I wrote to you, Signs and Markings came out and repainted the lines in question. Not only did they redo these, but we have noticed that they also improved some that were not as bad as the ones we complained about, but were not up to par either. We appreciate the prompt response from the city which has corrected a very dangerous situation. I also heard from Engineering who notified me that extra street lights had already been installed at the Cottage Place traffic circle. Since I do not go by that route every day, they had been installed after my last trip in that direction. We are so pleased with the improved lighting. When I say "we" I am indeed writing for several people. I am on the Board of the Whitehall neighborhood and these items were brought to the Board's attention by quite a few residents, so there are a number of delighted residents out here. Thank you so much.

Overall

Calls about privilege licenses and employment remained steady last week. Calls about electronic waste collection continued to increase. Call volume was busy through the end of the week.

Financial & Administrative Services
City of Greensboro

GREENSBORO

March 23, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Rick Lusk, Finance Director

SUBJECT: 2012 Property Revaluation

We have received preliminary revaluation numbers from Guilford County which show an increase in assessed valuation (AV) from an Estimated 2011 AV of $24.41 Billion to an Estimated 2012 AV ranging from $24.55 to $24.65 Billion. We expect to receive updated numbers from the County mid-April including revisions to categories 2 and 4 below and following their receipt of property valuation appeals. The City's property values are established within four categories:

(1) Real Property (residential, commercial & industrial)
(2) Personal Property (comprised mostly of business equipment but also including farm equipment, boats & unlicensed motor vehicles)
(3) Public Service Companies (all property owned by telecommunication, electric, natural gas, pipeline, railroad and motor freight carrier companies; values are assessed by the NC Department of Revenue)
(4) Registered Motor Vehicles (licensed vehicles)

Change from 2011 to 2012

Real Property – increased by 1.7%	$20.22 Billion
Personal Property (no change pending April update)	2.32 "
Public Service Companies – no change	0.51 "
Registered Motor Vehicles (no change pending April update)	1.70 "
Potential range of valuation adjustment from property value appeals	($100 - $200) Million
Total Estimated 2012 AV	$24.55 - 24.65 Billion

Based on the Estimated 2012 AV and potential adjustment from property value appeals, ranging from $200 million to $100 million, the 2012 AV is projected to increase in a range from 0.57% to 0.98% over the 2011 AV. Once we receive updated AV estimates from the County, we will calculate a Revenue Neutral Tax Rate (RNTR). We expect the RNTR to be close to the current tax rate of 63.25 cents.

As noted above, we expect to receive revised numbers from the County mid-April including an update on expected property valuation appeals. Appeals are made to the Guilford County Tax Office by filing the Informal Appeal Form provided with the 2012 Notice of Valuation (notices were mailed to property owners earlier this month.) The appeal form must be filed within 30 days of the notice date. The informal appeal process is expected to take several months to complete. Property owners may appeal the findings of the informal review to the Guilford County Board of Equalization and Review.

RL

GREENSBORO

GREENSBORO CITY COUNCIL SPECIAL MEETING
AGENDA
March 28, 2012
8am – 10am
Plaza Level Conference Room
Economic Development Briefing

1. ***Presentation by Jonathan L. Sangster, Senior Managing Director, CBRE Consulting***
   Mr. Sangster is a Senior Managing Director with CBRE Consulting based in Atlanta, Georgia. He leads a team that focuses on business location decisions. He is a recognized national business location and site selection consultant. Mr. Sangster will discuss the site selection process, factors that drive site selection decisions and the role played by state and local government incentives in the site selection decision.

2. ***Presentation of the Highlights of the Greensboro Partnership Strategic Plan, Dan Lynch, President, Greensboro Economic Development Alliance***

3. ***Economic Development Plan – Next Steps***
   Staff will present a proposal to Council and other stakeholders over the next two (2) months to prepare a strategic work plan for the City's economic development initiative for the next eighteen (18) months.

Field Operations Department
City of Greensboro

GREENSBORO

March 23, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Dale Wyrick, P.E., Director of Field Operations

SUBJECT: Summary of Request for Proposals for Recycling Processing and MSW Hauling and Disposal Services

Per your request, I have prepared a summary of the information that will be presented to City Council at the March 27, 2012 Work Session related to the content and scheduling of requests for proposals for the City's Recycling Processing and Municipal Solid Waste Hauling & Disposal contracts. As you know, we have retained the services of HDR Engineering, Inc. of the Carolinas to develop both RFP's, analyze the proposals received, and ultimately present findings to Council for a decision to contract these services.

On the following pages, you will find summaries for both the Recycling Processing and MSW Hauling & Disposal RFP's. Each summary includes a proposed schedule, items for Council consideration, and a draft price form for proposers to complete. These items are subject to change depending on the direction of Council.

We have established aggressive schedules for completing both RFP processes. However, I believe that emphasis should be placed on the Solid Waste Hauling & Disposal RFP due to the June 30, 2012, deadline for the City's current contracted services. The attached summary for that RFP includes a schedule that reflects a contract initiation date of July 1, 2012.

The recycling processing RFP schedule is somewhat different. The expiration date for that contract is March 31, 2013. Based on the contract terms, we must provide ReCommunity with 120 days of written notice in order to terminate the contract early. Additionally, the contract requires that payments be made to ReCommunity for equipment investments minus depreciation costs. Early termination costs have yet to be determined. The attached summary of that RFP includes a schedule that represents a contract initiation date of August 1, 2012.

I believe these schedules and the items that follow will serve as the significant points for Council discussion at next week's work session. Please know that we are prepared to move forward in the direction provided, or modify that direction based on further input from the City Council or the City Manager's Office.

DDW
Attachments: MSW HAULING & DISPOSAL REQUESTS FOR PROPOSALS SUMMARY
RECYCLING PROCESSING REQUESTS FOR PROPOSALS SUMMARY

MSW HAULING & DISPOSAL REQUESTS FOR PROPOSALS SUMMARY
(Current Hauling Contract with Hilco Transport expires 6/19/2012, with options to extend)
(Current Solid Waste Disposal Contract with Republic Services expires 6/30/2012)

I. DRAFT SCHEDULE

▪ Issuance of RFP	Wed 4/11/2012
▪ Contractors Deadline to Submit Questions	Wed 4/25/2012
▪ City Issuance of Written Response to Questions	Wed 5/02/2012
▪ Proposal Submission Deadline	Thu 5/10/2012
▪ Preliminary Report to Council	Tue 5/15/2012
▪ Council Meeting to Select Vendor	Tue 6/05/2012
▪ Contract Negotiations Completed	Fri 6/22/2012
▪ Contract Initiation	Sun 7/01/2012

II. TOPICS FOR COUNCIL CONSIDERATION

1. Proposed Term of Contract (5, 10, 15 years, or other)

2. Operate, Transport, and Dispose Task Combination

3. New Technology Clause, something to the effect of *"if a new, viable disposal technology becomes available during the term of this contract, the contractor will work with the city to implement that technology."*

III. DRAFT RFP PRICE FORM

See attached Price Form 1 for Transportation and/or Disposal Services

PRICE FORM 1

SERVICE FEE

Following are six individual and bundled price forms for the proposed services. Contractor to complete all that apply.

Option 1: Operate Only – Proposed Prices for Operations of City's Transfer Station Only:
Contractor to complete the following based on a price per ton for transfer station operations only. Costs shall include consideration of lease terms as referenced in Section 6.2.2.

Option 1 – 2012 Prices for Operation of the City's Transfer Station Only			
Annual Tonnage Range	Base Price (2012 $/ton)		
Contract term	5 year	10 year	15 year
From 60,000 to 100,000 tons:			
From 100,001 to 150,000 tons:			
From 150,001 to 200,000 tons:			
From 200,001 to 250,000 tons:			

Option 2: Transport Only – Proposed Prices for MSW Transportation Services Only:

The City desires a price proposal based on a **per mile (round trip mile)** fee for tons of waste actually made available to the contractor. The contractor must be able to haul a minimum of 1,200 tons per day of waste having an average transport bulk density of 350 to 425 pounds per cubic yard. Contractors must use trailers having a minimum usable container capacity of 90 cubic yards. The unit prices submitted will be in 2012 dollars. The unit prices will be adjusted annually, based on an accepted price index.

The contractor shall submit unit prices based on ranges of annual tonnage received and round-trip distances. The contractor's price ranges must cover an annual range of tonnages from 60,000 tons up to 250,000 tons and round trip distances of 50 to 200 miles. Contractors should use the form provided on the following page for the submittal of proposed prices and must indicate the usable trailer capacity that the proposed prices are based upon.

Option 2 – Proposed Price - Transportation of MSW[1] 2012 $/Mile (Round-Trip Mile)									
Annual Tonnage	50 - 100 miles			101 - 150 miles			151 - 200 miles		
Contract term	5 year	10 year	15 year	5 year	10 year	15 year	5 year	10 year	15 year
60,000 - 100,000									
100,001 - 150,000									
150,001 - 200,000									
200,001 - 250,000									

[1]Requested prices are for truck miles (round-trip miles). Contractor must be able to provide transportation services for a minimum of 1,200 tons per day of waste having an average bulk density of 350 to 425 pounds per cubic yard.

Contractors proposed price is based on a usable trailer capacity of _____ cubic yards.

Option 3: Operate & Transport – Proposed Prices for Operations of the City's Transfer Station and MSW Transportation Service Package

Contractor to complete the following based on a price per ton for Transfer Station operation and transportation of MSW.

Option 3A – 2012 Prices for Operation of the City's Transfer Station			
Annual Tonnage Range	Base Price (2012 $/ton)		
Contract term	5 year	10 year	15 year
From 60,000 to 100,000 tons:			
From 100,001 to 150,000 tons:			
From 150,001 to 200,000 tons:			
From 200,001 to 250,000 tons:			

Option 3B – Proposed Price - Transportation of MSW[1] 2012 $/Mile (Round-Trip Mile)									
Annual Tonnage	50 - 100 miles			101 - 150 miles			151 - 200 miles		
Contract term	5 year	10 year	15 year	5 year	10 year	15 year	5 year	10 year	15 year
60,000 - 100,000									
100,001 - 150,000									
150,001 - 200,000									
200,001 - 250,000									

[1]Requested prices are for truck miles (round-trip miles). Contractor must be able to provide transportation services for a minimum of 1,200 tons per day of waste having an average bulk density of 350 to 425 pounds per cubic yard.

Option 4: Dispose Only – Proposed Prices for MSW Disposal Services Only:
Contractor to complete the following based on a price per ton for waste disposal only.

Option 4 – 2012 Prices for Disposal of Municipal Solid Waste			
Annual Tonnage Range	Base Price (2012 $/ton)		
Contract term	5 year	10 year	15 year
From 60,000 to 100,000 tons:			
From 100,001 to 150,000 tons:			
From 150,001 to 200,000 tons:			
From 200,001 to 250,000 tons:			

Option 5: Transport and Dispose – Proposed Prices for MSW Transportation and Disposal Service Package:
Contractor to complete the following based on a price per ton for both waste transportation and disposal. Contractors proposing to provide both transportation and disposal services must complete and include all forms from Section 4.0 (except Form 4-3) and Section 5 of this RFP.

Option 5 – 2012 Prices for Disposal and Transportation of MSW			
Annual Tonnage Range	Base Price (2012 $/ton)		
Contract term	5 year	10 year	15 year
From 60,000 to 100,000 tons:			
From 100,001 to 150,000 tons:			
From 150,001 to 200,000 tons:			
From 200,001 to 250,000 tons:			

Option 6: Operate, Transport & Dispose – Proposed Prices for Operation of the City's Transfer Station, Including Transportation, and Disposal of MSW:

Contractor to complete the following based on a price per ton for complete services including operation of the City's transfer station, transportation of the waste to a Subtitle D landfill, and disposal of MSW in that landfill. Contractor must include information on forms from both Sections 4 and 5 of this RFP in its proposal.

Option 6 – 2012 Prices for Operation of the City's Transfer Station, Transportation, and Disposal of MSW			
Annual Tonnage Range	Base Price (2012 $/ton)		
Contract term	5 year	10 year	15 year
From 60,000 to 100,000 tons:			
From 100,001 to 150,000 tons:			
From 150,001 to 200,000 tons:			
From 200,001 to 250,000 tons:			

RECYCLING PROCESSING REQUESTS FOR PROPOSALS SUMMARY
(Current Recycling Processing Contract with ReCommunity expires March 31, 2013)

I. DRAFT SCHEDULE

▪ Issuance of RFP	Wed 4/25/2012
▪ Contractors Deadline to Submit Questions	Wed 5/09/2012
▪ City Issuance of Written Response to Questions	Fri 5/18/2012
▪ Proposal Submission Deadline	Tue 5/29/2012
▪ Preliminary Report to Council	Tue 6/05/2012
▪ Council Meeting to Select Vendor	Tue 6/19/2012
▪ Contract Negotiations Completed	Fri 7/20/2012
▪ Contract Initiation	Wed 8/01/2012**

**The contract initiation date represents the earliest possible transition to a new contract. If the selected vendor has to construct a facility to take the City's recyclables, this date could be as late as the ReCommunity contract expiration date of March 31, 2013. The RFP will require each proposer to identify their proposed timeline to begin processing the City's recyclables.

II. TOPICS FOR COUNCIL CONSIDERATION

1. Materials to be Accepted (current vs. proposed)
2. Educational/Promotional Efforts
3. Processing Fee/Credit explanation; City to receive revenue share
4. Revenue Sharing: Market-based or Fixed Flat Rate (advantages/disadvantages)
5. Proposed Term of Contract (5, 10 years, or longer?)
6. Date of Contract Initiation: Contract Expires 3/31/13; early termination clause in current amendment with value to be determined; may prefer to implement earlier maximize benefit of savings to the city.
7. New Technology Clause, something to the effect of *"if a new, viable recycling technology becomes available during the term of this contract, the contractor will work with the city to implement that technology."*

III. DRAFT RFP PRICE FORM

See attached Price Form 1 for Recovered Recyclables Services

PRICE FORM 1

SERVICE FEE

Section 1: Processing Fee or Credit

The Contractor may choose to offer either a processing fee, a processing credit, or neither of the two. A processing fee is the amount per ton that *the City will pay to the Contractor* for every City-ton delivered to the materials recovery facility. A processing credit is the amount per ton that *the Contractor will pay to the City* for every City-ton delivered to the materials recovery facility.

Please specify the Processing Fee or Credit in the table below. If the Contractor does not wish to offer a Processing Fee or Credit, please leave the table blank:

Please specify if the Contractor will offer a Processing Fee or Processing Credit: _____
Write either "Processing Fee" or "Processing Credit" here

Monthly Tonnage Range	per Ton Delivered to the Materials Recovery Facility
1,200 up to 2,200 Tons	$_____ per Ton
2,201 up to 2,600 Tons	$_____ per Ton
2,601 up to 3,000 Tons	$_____ per Ton
3,001 up to 3,400 Tons	$_____ per Ton

Please specify the Contractor's preferred adjustment method for processing fee.

- Frequency_____
- Index_____
- Percentage of Preferred Index_____

Section 2: Other Charges to be Paid by the City

Please describe any other charges the City will pay the Contractor. These other charges would be in addition to any Processing Fee or Credit described in Section 1 above.

Other Charges description:

_____

_____

_____

_____

_____

If additional space is required to describe other charges, please attach an additional page to this form.

Section 3: Other Payments to be Paid by the Contractor to the City

Please describe any other payments to the City by the Contractor. These other payments would be in addition to any payments described above and could include revenue sharing, host fee or other incentive(s) offered by the Contractor.

Other Payments description:

_____

_____

_____

_____

_____

If additional space is required to describe other charges, please attach an additional page to this form.

Section 4: Sample Payment/Revenue Calculation

Using the pricing structure offered above, calculate below the value of a monthly invoice to the City. For purposes of this calculation below, assume that the City-delivered tonnage for the month is 2,400 tons.

Greensboro Police Department
City of Greensboro

GREENSBORO

March 21, 2012

TO: Denise Roth, Interim City Manager

FROM: Ken Miller, Chief of Police

Subject: Revisions to Greensboro's Noise Ordinance

Over the course of more than a decade, Greensboro experienced significant growth in mixed use development in its center city. To mitigate the conflicts associated with high-volume amplified sound near residential housing, police department staff and City Council sought to amend the current ordinance and better tailor it to our community needs. Our current noise ordinance provides a number of regulatory provisions that are useful in maintaining peace. However, it requires improvement for more effective enforcement, definitive measurement and overall fairness to our varied communities of interest. At the request of City Council, police staff reviewed many similar ordinances, both in-state and out-of-state including Charlotte, Raleigh, Wilmington and Greenville, South Carolina. All of these city ordinances are tailored in some ways to meet local needs. Among other details, our research showed:

- A range of 40-60 decibels is a common as a limit for residential areas
- Ordinances usually use property boundaries as measurement points
- Most cities use civil penalties in enforcement of the ordinance

Staff held three meetings with City Council members and many business, entertainment and residential stakeholders. Staff then conducted a Center City Park "sound check" meeting and a series of three nighttime walking tours to evaluate a variety of sound levels. After seeing and hearing the results of the walking tours and listening to many citizen views, the following are core recommendations:

- Banning amplified voice after 11pm –a specific factor of numerous complaints
- Measuring outdoor sound from commercial establishments at 25 feet from the sound source or outside wall of the establishment, and raising the decibel level to 70dB(A) between 11pm – 2am
- Banning all amplified sound between 2am and 7am
- Adding civil penalties to enhance enforceability

While divisions will always exist in regulating amplified sound, staff believes this amendment to be a responsible compromise with a balance of concerns from all citizen groups. In addition, we submit a reference table that compares and contrasts provisions of both the current and proposed Greensboro ordinance with provisions from key cities whose regulations contributed to our draft.

KM
Attachments

AMENDING CHAPTER 18

AN ORDINANCE AMENDING CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO OFFENSES AND MISCELLANEOUS PROVISIONS

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

Section 1. That Article IV of Chapter 18 of the Greensboro Code of Ordinances is hereby amended by revising Section 18-48 to read as follows:

Sec. 18-48. – Intent.

The provisions hereinafter contained are enacted for the purpose of preventing noise disturbances or unreasonably loud noise, and are enacted pursuant to the authority granted in N.C.G.S. § 160A-184. Above certain levels or durations and during specific times of day unreasonably loud noise, or noise disturbance, is detrimental to health, safety and welfare of the citizenry and the individual's right to peaceful and quite enjoyment. It is the policy of the City to prohibit noise disturbances or unreasonably loud noise from all sources, subject to its police power, in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Greensboro. Nothing in this article is intended to deter individuals from lawfully exercising the individual right of freedom of speech and commerce, or any other freedom guaranteed under the Constitutions of the United States of America or of the State of North Carolina, and nothing in this article is intended to unreasonably limit or restrain commercial or industrial enterprise.

Section 2. That Article IV of Chapter 18 of the Greensboro Code of Ordinances is hereby amended by adding the following Section 18-50.1 as follows:

Sec. 18-50.1 – Unlawful noise producing activities – commercial establishments with outside sound-producing activities.

(a) Without limiting the applicability of any other prohibitions provided in this article, no commercial establishment shall play, operate, or cause to be played or operated, any amplified or non-amplified musical instrument or sound reproduction device in a manner that causes a noise disturbance on any neighboring premises or public area. The musical instrument or sound reproduction device operated or played in violation of this article may be located on either the interior or exterior of the building or structure where the commercial establishment operates or does business. For the purposes of this section, a noise disturbance shall be presumed to exist where the sound or noise caused by any activity described herein exceeds 70 dB(A) at a distance of 25 feet from any part of the exterior of the building or structure from which the noise is emanating, or the exterior face of any building or structure adjacent to the structure from which the noise disturbance is emanating, whichever shall be the closest distance. The presumption shall be effective each day from 11:00 p.m. to 2:00 a.m.

(b) Except as otherwise permitted under this article, it shall be unlawful between the hours of 11:00 p.m. and 7:00 a.m. of the following day for any person outside any building or structure to use an amplification device including but not limited to microphones attached to amplified speakers, megaphones or other amplified sound-producing devices for the purposes of producing live voice sounds which includes but is not limited to disc jockeys, masters of ceremony, advertising announcements or other speech.

(c) Except as otherwise permitted under this article, it shall be unlawful between the hours of 2:00 a.m. and 7:00 a.m., for any commercial establishment to use any amplification device, or play or cause to be played any amplified or non-amplified musical instrument, which creates or reproduces audible sound outside any building or structure.

Section 3. That Article IV of Chapter 18 of the Greensboro Code of Ordinances is hereby amended by revising Section 18-51 to read as follows:

Sec. 18-51. - Sounds impacting residential life.

It is unlawful for anyone within the city limits to cause, or allow, the emission of sound from any source or sources which impact dwellings and other residential property. A noise disturbance shall be presumed to exist where the sound or noise caused by any activity exceeds the maximum lawful decibel limits specified in the Residential Decibel Limits Table herein at a property boundary of the structure within the Zoning Districts shown below which is used, wholly or in part, as a residential dwelling. To the extent the decibel limits in this section may conflict with any other section of this article, the decibel limits in this section shall supersede such other limits.

Residential Decibel Limits Table

Zoning Districts	Daytime (7:00 a.m. to 11:00 p.m.)	Nighttime (11:00 p.m. to 7:00 a.m.)
All Residential, TN	75	65
Mixed Use, PUD	85	70

Section 4. That Article IV of Chapter 18 of the Greensboro Code of Ordinances is hereby amended by revising Section 18-52 to read as follows:

Sec. 18-52. - Measurement of sound and enforcement factors.

(a) Measurement of sound. For the purpose of determining db(A)'s as referred to in this Code, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI). An A-weighted sound level meter means an instrument which includes an omni-directional microphone, an amplifier, an output meter, internal datalogger, and frequency weighting network for the measurement of sound. ANSI Standards S1.43-1997. Type 2.

(b) Measurement techniques. Measurement of sound shall be made according to these standards:

(1) Sound measurements shall be conducted at that time of day or night when the suspect noise source is emitting sound.

(2) The sound level measurement shall be determined as follows:

a. Set the sound level meter on the "A" weighted network at slow response.

b. Where possible the measurement should be made with clear view to the source of the sound.

c. All measurements shall be taken at or within the nearest residential property line occupied by the complainant, unless otherwise stated in the Code. For multifamily structures including apartments, condominiums, or other residential arrangements where boundary lines cannot readily be determined, or do not exist, measurements shall be taken from any point abutting the exterior of the complainant's residential unit.

(3) Measurements recorded shall be taken so as to provide a proper representative of the noise being measured. The microphone shall be positioned facing the noise source and so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. Using a settings A Weighting; Range 50-120 d(B); and Response Switch, slow (one (1) second time constant); the operator takes four (4) consecutive readings of thirty (30) seconds each. A maximum dB of any of these readings which exceeds the allowed decibel limits is a violation of the ordinance.

(c) Training of personnel. The operator of a sound level meter, but not persons assisting the operator with non-technical aspects of sound level measurement, must have received special training in sound measurement from an expert, or experts, in sound measurement and must have received training in the use of the sound level meter used. The chief of police of the city shall prescribe minimum training standards for such operators.

(d) In the enforcement of this division, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such determinations, the enforcement officer may consider the following and other relevant factors:

(1) The volume of the noise.

(2) **The intensity of the noise.**

(3) **Whether the nature of the noise is usual or unusual.**

(4) **Whether the origin of the noise is natural or unnatural.**

(5) **The type and intensity of ambient noise, if any.**

(6) **The nature and zoning of the area in which the noise is heard.**

Section 5. That Article IV of Chapter 18 of the Greensboro Code of Ordinances is hereby amended by revising Section 18-58 to read as follows:

Sec. 18-58. - Penalties.

(a) **Penalties. Any person in violation of this article shall be subject to a $200.00 civil penalty for the first violation, $350.00 for a second violation and $500.00 for a third violation and any further violation thereafter. In lieu of a civil penalty, the Noise Enforcement Officer may charge any person causing three or more violations of this article, or any person causing two violations of this article within one year's time, with a Class 3 Misdemeanor. Any person charged under this sub-section shall be subject to a fine of $500.00 and any other punishment authorized by law for a Class 3 Misdemeanor. The City may also seek injunctive relief or abatement.**

(b) **Two or more violations in one twenty-four (24) hour period. If any commercial establishment shall receive notice of two or more violations of this article within any one twenty-four (24) hour period of time, the Noise Enforcement Officer is authorized to order any commercial establishment with outside sound-producing activities to immediately cease all outside sound-producing activities. The Noise Enforcement Officer is further authorized and empowered to order and direct the closure of any commercial establishment which fails to comply with said order for a twenty-four (24) hour period.**

(c) **Warnings. Any person responsible for producing noise violating sections 18-50 or 18-50.1 of this article, who had the source of the noise pre-tested by the city's noise enforcement officer or his designee, within twenty-four (24) hours of the noise producing activity, and the noise as pre-tested was within the appropriate limit as established in sections 18-50 or 18-50.1, shall first be issued a warning with another opportunity to comply, before a citation is issued. This warning provision shall not apply if the enforcement officer has substantial reason to believe that the source of the noise has been altered, intentionally increased, or tampered with since the pre-testing, or if the person does not take immediate steps to lower the noise to within the appropriate limit as established in sections 18-50 or 18-50.1.**

Section 6. That Article IV of Chapter 18 of the Greensboro Code of Ordinances is hereby amended by revising Section 18-58.1 to read as follows:

Sec. 18-58.1. - Owner and occupant responsibility for noise violations.

(a) **Any person responsible for causing a violation of this article on or at any commercial establishment shall be liable for any civil or criminal remedy which may be imposed by this article. Any person in charge of, and physically present, at any commercial establishment shall also be liable for any civil or criminal remedy which may be imposed by this article. It is no defense to either civil or criminal liability of the person in charge of a commercial establishment that a violation of this article was caused by a tenant, guest, invitee, permittee or licensee.**

(b) **The owner of any commercial establishment causing a violation of this article who is not present at the time the violation occurred shall be liable only for such civil remedy which may be imposed by this article which shall include any order issued by the Noise Enforcement Officer to cease all outside sound-producing activities, or cease operation of the commercial establishment for a twenty-four (24) hour period.**

(c) **The owner of any commercial establishment causing two or more violations of this article within a twenty-four (24) hour period of time shall be liable for any civil or criminal remedy which may be imposed by this article, without regard to whether the owner of the commercial establishment was physically present at the commercial establishment when the violation occurred, provided that the owner had received prior notice of each preceding violation.**

Section 7. 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 8. That this ordinance shall become effective immediately upon its adoption.

GREENSBORO NOISE ORDINANCE

How the proposed Text Amendment would change the current Noise Ordinance, and a comparison to other ordinances

Ordinance Provision	*GSO Current Ordinance*	*Proposed Ordinance*	*Charlotte*	*Raleigh*	*Wilmington*	*Greenville SC*
Protection against unreasonably loud or disturbing noise	Violation to create an unreasonably loud or disturbing noise within city limits	Same	Same	Same.	Sets maximum limits for areas and times: • 65dB(A) in residential areas from 11pm-7am (midnight on Fri-Sat) • 75dB(A) in commercial areas from 11pm-7am (midnight on Fri-Sat) • 70dB(A) in downtown from midnight to 2am on Fri-Sat • Measurements taken at source boundary	Same
Unlawful noise producing activities	Prohibits a variety of noise producing activities, including: Horns, radios, car stereos, whistles, building operations, etc.	Same, and limits commercial establishments with outside sound producing activities to:: • 70dB(A) between 11pm-2am each day • Bans all outdoor amplified voice between 11pm-7am each day • Bans all outdoor amplified sound between 2am-7am each day • Measured 25 feet from source or outside wall of source establishment	• Fewer prohibited activities • Limits outside amplified sound: o 85dB(A) Sun-Thur 8am-9pm o 60dB(A) Sun-Thur 9pm-2am o 85dB(A) Fri- Sat 8am-11pm o 60dB(A) Fri-Sat 11pm-2am • Total amplified ban 2am-8am • Measured at property line of source establishment	• Prohibits similar noise producing activities including sound magnification on streets limited to 55dB(A), with ban from sunset to 9am. • Mixed use areas 60dB(A) 7am-11pm, 55dB(A) 11pm-7am • Commercial and industrial areas 70dB(A) 7am-11pm, 65dB(A) 11pm-7am • Measurements at source boundary	• Prohibits similar noise producing activities which cause disturbances, regardless of noise level. • Amplified sound is limited to "plainly audible" *66 feet from the property line of the source of the noise* o In effect from 11pm-7am Mon-Fri and 1am-7am Sat-Sun for non-residential areas	• Prohibits similar noise producing activities. • Sets city-wide noise limits at: o 60dB(A) 7am-10pm o 55dB(A) 10pm-7am • Sets central business district limits at: o 80dB(A) 7am-10pm o 75dB(A) 10pm-7am • Measurements at 25 feet from source of noise

Ordinance Provision	*GSO Current Ordinance*	*Proposed Ordinance*	*Charlotte*	*Raleigh*	*Wilmington*	*Greenville SC*
Sounds impacting residential life	Affects all zoning districts: • 70dB(A) from 7am-10pm each day • 65dB(A) from 10pm-7am each day • All measurements taken from residential boundary	• Addresses separate zoning districts differently: ○ Residential districts: ▪ 75dB(A) between 7am-11pm each day ▪ 65dB(A) between 11pm- 7am each day ○ Multi-use districts: ▪ 85dB(A) between 7am- 11pm ▪ 70dB(A) between 11pm-7am • Measurements taken from the residential boundary unless sound source is a commercial establishment, where sound may be measured 25 feet from the source or outside wall of the source establishment	• Limits outside amplified sound to dwellings measured at dwelling boundary: ○ 55dB(A), Sun-Thur 8am-9pm, ○ 50dB(A), Sun-Thur 9pm-2am ○ 55dB(A) Fri-Sat 8am-11pm, ○ 50 dB(A) Fri-Sat 11pm-2am	• Residential districts: ○ 55 dB(A) between 7am-11pm ○ 45 dB(A) between 11pm-7am	• Amplified sound is limited to "plainly audible" *66 feet from the property line of the source of the noise* ○ In effect 24 hours for residential areas,	• Sets city-wide noise limits at: ○ 60dB(A) from 7am-10pm ○ 55dB(A) 10pm-7am
Penalties	Misdemeanor criminal charge with increasing fines on conviction. • 1st conviction up to $200 fine/court costs • 2nd conviction up to $400 fine/court costs • 3+ convictions up to $500 fine/court costs Possible, yet unlikely, jail sentence	• Civil citations with escalating penalties ○ $200 for 1st violation ○ $350 for 2nd violation ○ $500 for 3rd violation • Misdemeanor charge for 3+ violations, or 2 violations in 1 year. • Injunctive relief and abatement per NC General Statutes • Order to cease outside sound for 2+citations in 24 hrs • 24-hour closure of location for violation of cease order	• Civil citation for $100, and/or • Criminal charge with $100 fine • Injunction or abatement • $200 civil penalty for illegal equipment use • $1000 civil penalty for chronic amplified noise • Ban amplified sound for continued chronic violations	• Civil citations with escalating penalties • $100 for 1st violation • $300 for 2 or more violations in one year • Misdemeanor charge with $500 fine • Injunctive relief and abatement	• Civil citations with escalating penalties • $250 for 1st violation • $500 for 2 or more violations • Misdemeanor charge with $500 fine • Injunctive relief and abatement	• No charge if violator voluntarily reduces noise • Criminal charge with $50 fine and no more than 30 days jail for 2 violations in 24 hour period, or 2 or more violations at same location within 30 day period
Owner and occupant responsibility	• Owners on-site liable same as occupant • Civil penalty only for absent owner	• On-site owners/occupants equally liable • Absent owner liable same as occupant for 2nd violation if knew of 1st violation • Civil penalty only for absent owner	No provision	No provision	• Owners on-site liable same as occupant for 2+violations if on notice of 1st violation • Civil penalty only for absent owner	No provision

Office of the City Manager
City of Greensboro

GREENSBORO

March 23, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Jerome Fletcher, Assistant to the Finance Director (On Assignment in the CMO)

SUBJECT: Carolina Field of Honor

The Carolina Field of Honor will be a symbol of historical fact that our community shows the highest respect and honor to past, present, and future Veterans. The 2000 Census statistics show that there are more than 150,000 veterans in the Triad, the largest concentration of Veterans in the State. Forsyth and Guilford counties have made land available for a memorial to be built, which will bring a sound foundation to the history, education and pride of the Triad.

Carolina Field of Honor will be located in Triad Park between Colfax and Kernersville and accessible to traffic that travels I-40 and I-85. In addition to a memorial plaza, there will be a parade deck and amphitheatre that can hold special events. The park will be used as both a recreational retreat and the facilities for ceremonies and events honoring those that serve. The park will promote community development, economical development, education and travel, and tourism.

The Carolina Field of Honor has an estimated construction cost of $3.5 million and fundraising efforts are currently underway. Former Greensboro Mayor William H. Knight is on the Board of Directors of the non-profit organization, The War Memorial Foundation, which is responsible for the fundraising efforts of this project. The sole mission of the Foundation is raising funds to preserve the history of the Veterans that have served this great Nation and work with the community in preserving the past, present and future of the armed forces legacy. The funds will go to the building or renovations of the War Memorial parks, monuments and facilities.

Attached is the proposed resolution from Councilmember Zack Matheny for a $5,000 cash donation for sponsorship of the project from the City of Greensboro. Former Greensboro Mayor William H. Knight will make a presentation on the Carolina Field of Honor to City Council at their next meeting on Tuesday, April 3, 2012.

AJF
Attachment