Office of the City Manager
City of Greensboro

GREENSBORO

March 30, 2012

IFYI HIGHLIGHTS

- Contact Center Feedback
- Council Small Group Meeting
- Property Prices
- Clarifying Revision in Noise Ordinance
- Shovel Ready Sites Proposals
- Greensboro Performing Arts Center Update
- Annexation Petitions Unconstitutional

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 19, 2012 through March 25, 2012.

Council Small Group Meetings
For the week of March 23, 2012 through March 29, 2012, there were no small group meetings between City Staff and [more than two but less than five] Councilmembers.

Follow-up to City Council Meetings
Property Prices: As a follow-up to a question from Councilmember Wade at the March 20, 2012, City Council meeting, attached is a memorandum from City Engineer Ted Partrick, dated March 28, 2012, regarding the difference in City's property purchase price compared to the sale price.

Clarifying Revision in Noise Ordinance
Attached is a memorandum from Interim City Attorney Jamiah Waterman, dated March 29, 2012, regarding a revision that was necessary to clarify the proposed noise ordinance. This item will be on the agenda for the April 3, 2012, Council meeting.

Shovel Ready Sites Proposals
Attached is a memorandum from Assistant City Manager Andy Scott, dated March 30, 2012, regarding the three proposals for assistance in developing shovel ready industrial sites. Council is requested to call a public hearing at the April 3, 2012, Council meeting.

Greensboro Performing Arts Center
Attached is an update on the Greensboro Performing Arts Center Task Force from Sarah Healy.

Annexation Petitions Unconstitutional
Attached is a memorandum from Assistant City Attorney Thomas Carruthers, dated March 30, 2012, regarding the Wake Superior Court decision that ruled annexation petitions to be unconstitutional.

DTR/mm
Attachments

cc: Office of the City Manager
Global Media

Public Affairs
Contact Center Weekly Report
Week of 3/19/12 - 3/25/12

Contact Center

4172 calls answered this week

Top 5 calls by area

Water Resources	Field Operations	All others
Balance Inquiry – 647	Bulk Guidelines – 128	Police/Watch Operations – 308
New Sign up – 190	HHW/Landfill/Transfer – 126	Police Records – 72
General Info – 107	Scheduled E-Waste – 52	Courts – 44
Cutoff Requests – 92	Repair Can/Garbage – 50	Privilege License – 42
Sign up/Owners – 86	No Service/Garbage – 44	Tax Department – 39

Comments

We received a total of **1** comment this week:

Field Operations – 1 comment:

- Property manager lines up cans for Solid Waste truck. The customer is disabled and on oxygen. Each week she has to move the trash cans to leave her parking space. Today, the Solid Waste driver emptied the cans, set them down, and using the truck, placed the cans where they were supposed to be in order to allow her to move her car. The fact that he noticed was phenomenal and to take the time to move them was phenomenal. The caller is very impressed with his actions.

Overall

Calls for the Guilford County Tax Department increased last week. Calls about electronic waste collection remained steady. Call volume was busy through the end of the week.

Engineering & Inspections
City of Greensboro

GREENSBORO

March 28, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Ted Partrick, City Engineer

SUBJECT: Property Prices: Differences in Sale and Purchase Prices

A question was raised in the City Council meeting of March 20 concerning the prices paid for those properties purchased by the City and those sold by the City. There are many different circumstances that involve purchases and sales, but there are a few critical conditions that dictate the prices paid or received. These conditions are reflected in the difference between appraised values and selling price.

Purchase Prices

The City purchases many properties for a specific purpose and with a specific schedule for the purchase. Hundreds of easements and pieces of property are purchased annually for roadway, sidewalk, water-resource utilities and other purposes. The Property Management policy for the purchase of properties is to offer the fair market value of the property as determined by independent appraisals. This policy has the merit that the City is offering its residents just compensation to the best of its knowledge. It also prepares the City for condemnation if negotiations fail, because condemnation requires the City to pay "just compensation", which is normally based on the appraised value.

When the City is buying property, the property owner is normally not interested in selling and has no incentive to reduce the price below the offer from the City. The property owner has a substantial advantage in these transactions. Many owners accept the appraised value, but the City has paid more on other occasions when the cost of condemnation is excessive or other factors are not included in the appraisal (impact on a business owner during construction, for example).

Sales Prices

Most properties sold by the City are vacant land or lots with vacant houses that the City has no use for and does not want to maintain. Foreclosures for tax assessments and nuisance abatement costs (cleanup of lots and demolition of houses, primarily) add many of these properties to the City's assets. The Property Management section has an active program of selling unused and unneeded properties, especially lots that are large enough to build upon. These sales reduce the management and maintenance burden on the City.

When the City offers a property for sale, it obtains an appraisal to provide to the City Council and management. The appraisal is also used to establish an initial asking price. Unless the property can be sold to an adjacent owner without advertising (ordinance Sec. 4.124), the Property Management section advertises it and sells it by the advertisement for bid process in the City ordinance Sec. 4.122. The advertising and bidding process is designed to allow the sale at the highest price the market determines. The bidding is public with all bids published in a local paper with general circulation.

The prices of recent properties sold by the City have been lower than appraised values in many cases. In the case of sales, the City's interest is to dispose of the property at the lowest cost and to get the most return. The value of the sale to the City is a combination of the sale price, the elimination of maintenance and management costs, and the addition of the property to the tax base. Another benefit is to provide opportunities to builders to develop properties that are otherwise vacant and potential liabilities to neighborhoods.

The current market for unused City property, primarily lots and houses, in single family neighborhoods remains difficult. The demand for these properties, in the judgment of the licensed real estate agents of the Property Management section, may not be accurately reflected in the appraisals of the properties. On a few recent appraisals that appeared to be too high, second appraisals were ordered. The policy on appraisals will continue to be to get one appraisal unless there is a reason to question their validity.

Summary

Most purchases of property are made where the City needs a specific property and cannot shop around, especially for right-of-way and easements. The City is not in a position to negotiate for prices below appraised value. To treat the public fairly, the City uses appraised value to set the offer price on each property.

Most sales of property are made where the City has an interest in prompt sale, even if the sale is below appraised value. These sales reduce City maintenance and management costs, return properties to the tax rolls, and allow redevelopment by private owners. The recent appraised values are below the bids being submitted in the public sales of many City properties.

THP

cc: Butch Simmons, Engineering & Inspections
James Dickens, Legal Department
Rocky Jones, Property Management

Office of the Interim City Attorney
City of Greensboro

GREENSBORO

March 29, 2012

TO: Mayor and Members of Council

FROM: Jamiah Waterman, Associate General Counsel

SUBJECT: Additional Change to the Proposed Revisions of the Noise Ordinance

Sec. 18-58(b) of the noise ordinance, as initially proposed, provided:

> 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.

N.C.G.S. § 160A-193 gives cities the right to unilaterally remedy or abate violations without going to court. However, this extraordinary power may only be exercised when there is imminent danger to public health or safety[1]. Therefore, I have revised Sec. 18-58(b) to now read:

> Violations constituting an imminent danger to the public health or safety. Pursuant to G.S. § 160A-193, if any commercial establishment shall cause a violation of this article which causes an imminent danger to the public health or safety, 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.

Feel free to contact me if you should have any questions or concerns about this change.

cc: Denise Turner Roth, Interim City Manager
Ken Miller, Chief of Police
Jim Clark, Police Attorney

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[1] Monroe v. City of New Bern, 158 N.C. App. 275, 279, 580 S.E.2d 372, 375 (2003)

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.**

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 a 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.

(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) Violations constituting an imminent danger to the public health or safety. Pursuant to G.S. § 160A-193, if any commercial establishment shall cause a violation of this article which causes an imminent danger to the public health or safety, 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.

Office of the City Manager
City of Greensboro

GREENSBORO

March 30, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Andy Scott, Assistant City Manager

SUBJECT: Shovel Ready Site Proposals

We have received three proposals for assistance in developing shovel ready industrial sites. Council will call a public hearing at its meeting on April 3, 2012. The sites will be considered and an award made at the April 16, 2012, Council meeting.

The three proposals are:

1. Birch Creek Business Park: The request is for a grant to create three shovel ready sites in the Birch Creek Business Park, which is located at Kivett Dairy Road and Knox Road in unincorporated Guilford County (Sites can be annexed). The proposal was submitted by The Carroll Company.

Lot Number	Lot Size
Lot 1	40.15 AC
Lot 2	37.04 AC
Lot 3	26.7 AC
Total AC	104.25 AC

Work Estimates	Amount (Applicants Estimate)
Grading & Storm Water	$3,495,371
Water & Sewer	986,295
Roadway	879,100
Total Site Work	$5,360,766

2. Rock Creek Center: The request is for a loan to create two shovel ready sites in the Rock Creek Center located in Eastern Guilford County (annexation is problematic). The proposal was submitted by Simpson Schulman & Beard.

Lot Number	Lot Size
Lot 1	39.33 AC
Lot 2	22.63 AC
Total	61.96 AC

Work Estimate	Amount (Applicants Estimate)
Grading & Storm Water	$1,550,000
Sewer Relocation	65,000
Total	$1,615,000

3. Triad Business Park: The request for a grant of $2.5 million to build a bridge in an existing Business Park in western Guilford County (Property is in Kernersville). The sponsors have agreed to pass through approximately $1.2 million in incentives from Kernersville to Greensboro. The bridge will provide access to an additional 140 acres in the Business Park as well as additional developable land in Greensboro. The proposal was submitted by Samet Corporation on behalf of Triad Business Park.

Over the next three weeks, City staff will evaluate the proposals based on feasibility and potential economic impact on Greensboro.

AS/js

MEMORANDUM

TO: DENISE TURNER ROTH

FROM: SARAH HEALY

SUBJECT: GREENSBORO PERFORMING ARTS CENTER TASK FORCE

DATE: 3/30/2012

CC: ROSS HARRIS

UPDATE ON GPAC TASK FORCE

Economic Impact Committee

- AMS Planning and Research was hired in early March to serve as consultants to the Task Force in determining the economic impact that a performing arts center would have on downtown. AMS is a nationally and internationally known firm that specializes in these types of studies for cities exploring these types of facilities.
- Task Force member Lewis Cheek gave a presentation on the Durham Performing Arts Center at the committee's meeting on 3/13/12. Mr. Cheek served on the Durham City Council when the facility was being developed and also served on the Durham County Commissioners. He gave an overview of the planning process around GPAC, how it is managed, the economic impact DPAC had has on downtown Durham's economy, and the benefits to other arts organizations.
- Mr. Cheek will also present to the Task Force members on 4/5/12
- The committee will meet again on 4/3/12 to discuss the recent deliverables from the consultants
- Site visits will take place in Durham, NC (April 13) and Dayton, Ohio (April 16)

Arts and Culture Subcommittee

- This committee is charged with working with local arts groups to determine what their needs would be in a new downtown performing arts center.
- A survey of all of the arts groups in Greensboro was sent out to 41 different local groups. Results from the surveys will be reviewed by AMS. An additional survey will be fielded in Raleigh, Durham and Chapel Hill to gather information on the impact on their local arts groups from DPAC.
- The committee met twice this month and invited representatives from local arts organizations to its meeting on 3/21/12.

Citizen Engagement

- This committee is charged with engaging Greensboro citizens in the work of the Task Force and listening to their comments around the performing arts center project.
- The dates/locations of the Community Forums have been set:
    - March 29: Regency Room, 11:30am-1:00pm and 6:00pm –7:30pm
    - April 21: Holy Trinity Episcopal Church (Haywood Duke Room), Noon-1:30pm and 3:30pm-5:00pm
    - May 24: Regency Room, 7:30am-9:00am, Noon-1:30pm, and 6:00pm-7:00pm
- Forums in City Council districts are also planned.
- In addition, the committee is developing speaker's bureau comprised of Task Force members to speak at local clubs/organizations about the project.
- Members of this committee have also been active in promoting the community forums and encouraging participation.

Development/Marketing Committee

- This committee is charged with developing the case for private financial support of the performing arts center project. The first meeting was held on 3/12/12, and members reviewed FAQ's regarding the project for the website, and made additional changes and improvements.
- The committee added members with marketing backgrounds and created a sub-committee to draft a marketing plan.
- Committee will draft a case statement for use once the AMS economic impact study is complete.
- The next meeting will be held on 4/9/12 at The Community Foundation of Greater Greensboro.

Advisory Committee

- This committee provides oversight for the project as well as community leadership.
- The committee meets monthly. In the March meeting, Project manager Ross Harris gave a report on the AMS consultants which had just been hired. Each committee chair gave a report on its committee's progress.

Key Dates for April

April 2 – Advisory Committee meeting, 8:00am at CFGG
April 3, 10, 17, and 24 – Economic Impact Committee meeting, 7:30am at CFGG
April 4 and 18 – Arts and Culture Subcommittee, 8:30am-10:00am at Green Hill Center
April 5 – Task Force meeting, 8:00am-10:00am at Huggins Performance Center, Odell Building, GSO College
April 13 – Site Visit to DPAC, Durham, NC
April 16 – Site Visit to Dayton, Ohio
April 18 – Citizen Engagement Committee meeting, 5:00pm-6:30pm
April 19 – Media Briefing, 9:30am-11:00am at CFGG
April 21 – Community Forums: Holy Trinity Episcopal Church (Haywood Duke Room), Noon-1:30pm and 3:30pm-5:00pm

City Attorney's Office
City of Greensboro

March 30, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Thomas D. Carruthers, Assistant City Attorney

SUBJECT: Wake Superior Court Rules Annexation Petitions Unconstitutional

The City of Goldsboro and the City of Rocky Mount have filed suit in Wake County Superior Court challenging the Constitutionality of certain provisions of the new annexation laws adopted by the General Assembly last session. Session Laws 2011-173 and 177 suspended pending involuntary annexations of Rocky Mount, Kinston, Southport, Wilmington, Asheville and Marvin. The Assembly allowed the property owners, in the proposed annexation areas to petition and prevents the annexation, if the owners of 60 percent of the individual parcels, oppose the pending annexation.

Session Law 2011- 177 reopened the competed annexation by the City of Goldsboro and allowed these property owners the same right of petition. The Assembly also enacted 2011-396, An Act to Reform the Involuntary Annexation Laws of North Carolina. This statewide legislation applied the 60 percent petition right to all new involuntary annexations by municipalities in the future.

Both Goldsboro and Rocky Mount alleged in pretrial arguments that the 60 percent petition right of the new laws was unconstitutional. Judge Shannon R. Joseph granted the Cities' request for a judgment on the pleadings. This ruling found Session Laws 2011-173 and 177 and N.C.G.S. 160A-58.55(i) as contained in Session Law 2011-396 unconstitutional. This has the effect of striking down the 60 percent petition right enacted by the General Assembly. Wilmington and Southport have also filed separate actions alleging that these provisions to be unconstitutional. This ruling will impact these cases as well.

It can be assumed this ruling will be appealed by the State of North Carolina and could be addressed by the General Assembly during the upcoming short session that begins in May of 2012.

TDC

cc: Jamiah Waterman, Interim City Attorney