



January 25, 2013

TO: Mayor and Members of Council  
FROM: Denise Turner Roth, City Manager  
SUBJECT: Items for Your Information

**IFYI HIGHLIGHTS**

- Housing Receivership Follow-Up
- Duke Energy Letters
- Reedy Fork Parkway / US 29 Interchange Project Update
- Mitchell Water Treatment Plant Clearwell Demolition
- Budget Retreat Agenda
- Year-End Report on Federal Lobbying Activities

**Council Follow-Up Items**

• **Housing Receivership Bill**

As a follow-up to a request from Council at the January 10, 2013 work session, attached is a memorandum from S. Mujeeb Shah-Khan, dated January 25, 2013 providing information regarding the Housing Receivership Bill.

**Duke Energy Letters**

Attached is a memorandum from Deputy City Manager Jim Westmoreland, dated January 25, 2013 providing copies of two letters received from Duke Energy on Thursday, January 24, 2013.

**Year-End Report on Federal Lobbying Activities**

Attached is the Year-End Report on Lobbying Activities for the City of Greensboro and Strategy for 2013 from Pillsbury, Winthrop, Shaw, Pittman LLP.

**Reedy Fork Parkway / US 29 Interchange Project Update**

Attached is a memorandum from Transportation Director Adam Fischer, dated January 24, 2013, providing an update on the status of the NCDOT Transportation Improvement Project R-4707, Reedy Fork Parkway/US 29 Interchange.

**Mitchell Water Treatment Plant Clearwell Demolition**

Attached is a memorandum from Water Resources Director Steven Drew, dated January 25, 2013, regarding the demolition of the Mitchell Water Treatment Plant Clearwell, which is scheduled to start early next week.

**Budget Retreat Agenda**

Attached is the draft agenda for Monday, January 28, 2013 City Council Retreat.

**Resolution in Support of Municipal Water System Independence**

Attached is a memorandum from City Attorney Mujeeb Shah-Khan, dated January 25, 2013, regarding supporting opposition to legislation to take control of Asheville's water system.

**2012-2013 Fire Prevention and Safety Grant**

Attached is a memorandum from Grants Manager Susan Crotts, dated January 23, 2013, regarding the City's applying for the 2012-2013 Fire Prevention and Safety Grant, which will require match funds of \$18,717. This will be on the February 5, 2013 Council agenda for Council's consideration.

**Contact Center Feedback**

Attached is the weekly report generated by our Contact Center for the week of January 14, 2013 through January 20, 2013.

**Small Group Meetings**

For the week of January 18, 2013 through January 24, 2013, there were no small group meetings between City Staff and [more than two but less than five] Councilmembers.

DTR/mm  
Attachments

Office of the City Attorney  
City of Greensboro



January 25, 2013

**TO:** Denise Turner Roth, City Manager  
**FROM:** S. Mujeeb Shah-Khan, City Attorney  
**SUBJECT:** Housing Receivership Bill

During the recent work session to discuss the proposed legislative agenda, the idea of allowing the City to appoint receivers for vacant houses was discussed. To that end, the attached local bill introduced in 2011 was discussed, which would have allowed Greensboro and High Point to appoint receivers for vacant houses. The receiver could be appointed where the owner failed to obey orders requiring that the owner repair, rehabilitate, demolish or remove a building. Receivers would have been allowed to rehabilitate, demolish, or sell the vacant building. If Council wishes to pursue this item for its legislative agenda, this bill may represent a starting point.

If you have any questions, please contact me at your convenience.

SMS  
Attachment

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 912

Short Title: Vacant Housing Receivership. (Local)

Sponsors: Representative Brandon (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

May 5, 2011

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF GREENSBORO AND HIGH POINT TO  
PETITION THE COURT TO APPOINT A RECEIVER TO REHABILITATE,  
DEMOLISH, OR SELL A VACANT BUILDING, STRUCTURE, OR DWELLING  
WHERE THE OWNER OF THE PROPERTY HAS FAILED TO COMPLY WITH AN  
ORDER TO DO SO AND TO CHARGE THE OWNER OF THE PROPERTY AN  
ADMINISTRATIVE FEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 5 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

**"§ 160A-439.1. Vacant building receivership.**

(a) Nuisance Per Se. – A building or structure under this Part or a dwelling under Part 6 of this Article is a nuisance per se, and a city may petition the court for appointment of a receiver to rehabilitate, demolish, or sell the vacant building, structure, or dwelling if the owner fails to do any of the following:

(1) Fails to comply with an order issued pursuant to G.S. 160A-429 from which no appeal has been taken.

(2) Fails to comply with an order of the city council issued pursuant to G.S. 160A-429 following an appeal.

(3) Fails to comply with an order to repair, alter, or improve, remove, or demolish a structure issued under G.S. 160A-443.

(b) Petition for Appointment of Receiver. – The petition for appointment of a receiver shall include all of the following: (i) a copy of the original violation notice or order issued by the city; (ii) a verified pleading which avers that the required rehabilitation or demolition has not been completed and identifies the proposed receiver and states the person's qualifications to serve; and (iii) the names of the respondents, which shall include the owner of the property, as recorded with the register of deeds, and any mortgagee with a recorded interest in the property. If the petition fails to name a respondent as required by this subsection, the proceeding may continue, but the receiver's lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling, as authorized by subsection (e) of this section, shall not have priority over the lien of that respondent.

(c) Notice of Proceeding. – Within 10 days after filing the petition, the city shall give notice of the pendency and nature of the proceeding by regular and certified mail to the last known address of all judgment creditors and lien holders with a recorded interest in the



1 property. Within 30 days of the date on which the notice was mailed, a judgment creditor or  
2 lien holder may apply to intervene in the proceeding and to be appointed as receiver. If the city  
3 fails to give notice to any judgment creditor or lien holder as required by this subsection, the  
4 proceeding may continue, but the receiver's lien for expenses incurred in rehabilitating,  
5 demolishing, or selling the vacant building, structure, or dwelling, as authorized by subsection  
6 (e) of this section, shall not have priority over the lien of that judgment creditor or lien holder.

7 (d) Appointment of Receiver. – The court shall appoint a receiver if the provisions of  
8 subsections (b) and (c) of this section have been satisfied. However, the court may, instead of  
9 appointing a receiver to rehabilitate or sell a vacant building, structure, or dwelling, permit an  
10 owner, mortgagee, or other person with an interest in the property to rehabilitate or demolish it  
11 if that person (i) demonstrates the ability to complete the rehabilitation or demolition within a  
12 reasonable time; (ii) agrees to comply with a specified schedule for rehabilitation or  
13 demolition; and (iii) posts a bond in an amount determined by the court as security for the  
14 performance of the required work in compliance with the specified schedule. If, at any time, it  
15 appears to the city the owner, a mortgagee, or other person appointed under this subsection is  
16 not proceeding with due diligence or in compliance with the court-ordered schedule, the city  
17 may apply to the court for immediate revocation of that person's appointment and for the  
18 appointment of a receiver. If the court revokes the appointment and appoints a receiver, the  
19 bond posted by the owner, mortgagee, or other person shall be applied to the receiver's  
20 expenses in rehabilitating, demolishing, or selling the vacant building, structure, or dwelling. If  
21 no qualified person with an ownership interest in the building, structure, or dwelling requests  
22 appointment to rehabilitate or demolish the property or if an appointee is dismissed, the court  
23 shall appoint a receiver for the purpose of rehabilitating and managing the property,  
24 demolishing the property, or selling the property to a qualified buyer. To be considered  
25 qualified, a person must show (i) financial ability to complete the purchase or rehabilitation of  
26 the property; (ii) knowledge of or experience in the rehabilitation of vacant real property; and  
27 (iii) the absence of any building code violations issued by the city on other real property owned  
28 by the person or any member, principal, officer, major stockholder, parent, subsidiary,  
29 predecessor, or others affiliated with the person or the person's business.

30 (e) Receiver Authority Exclusive. – Upon the appointment of a receiver under  
31 subsection (d) of this section, all other parties are divested of any authority to rehabilitate,  
32 demolish, or sell the building, structure, or dwelling subject to the receivership. Any party who  
33 actively attempts to rehabilitate, demolish, or sell the property may be held in contempt of court  
34 and shall be subject to the penalties authorized by law for that offense. Any costs or fees  
35 incurred by a receiver appointed under this section shall constitute a lien against the property,  
36 and the receiver's lien shall have priority over all other liens and encumbrances except taxes or  
37 other government assessments.

38 (f) Receiver's Authority to Rehabilitate or Demolish. – In addition to all necessary and  
39 customary powers, a receiver appointed to rehabilitate or demolish a vacant building, structure,  
40 or dwelling shall have the right of possession with authority to do all of the following:

- 41 (1) Contract for necessary labor and supplies for rehabilitation or demolition.
- 42 (2) Borrow money for rehabilitation or demolition from an approved lending  
43 institution or through a governmental agency or program, using the  
44 receiver's lien against the property as security.
- 45 (3) Manage the property after rehabilitation, with all the powers of a landlord,  
46 for a period of up to two years and apply the rent received to current  
47 operating expenses and to repayment of outstanding rehabilitation expenses.
- 48 (4) Foreclose on the receiver's lien or accept a deed in lieu of foreclosure.

49 (g) Receiver's Authority to Sell. – In addition to all necessary and customary powers, a  
50 receiver appointed to sell a vacant building, structure, or dwelling shall have the authority to do  
51 all of the following:

1           (1) Sell the property to the highest bidder at public auction, following the same  
2           presale notice provisions that apply to a mortgage foreclosure under Article  
3           2A of Chapter 45 of the General Statutes.

4           (2) Sell the property privately for fair market value if no party to the  
5           receivership objects to the amount and procedure.

6           In the notice of the public auction authorized under subdivision (1) of this subsection, it  
7           shall be sufficient to describe the property by a street address and by reference to the book and  
8           page or other location where the property deed is registered. Prior to any sale under this  
9           subsection, the applicants to bid in the public sale or the proposed buyer in the private sale shall  
10           demonstrate the ability and experience needed to rehabilitate the property within a reasonable  
11           time. After deducting the expenses of the sale, the amount of outstanding taxes and other  
12           government assessments, and the amount of the receiver's lien, the receiver shall apply any  
13           remaining proceeds of the sale first to the city's costs and expenses, including reasonable  
14           attorneys' fees, and then to the liens against the property in order of priority. Any remaining  
15           proceeds shall be remitted to the property owner.

16           (h) Receiver Forecloses on Lien. – A receiver may foreclose on the lien authorized by  
17           subsection (e) of this section by selling the property subject to the lien at a public auction,  
18           following public notice and notice to interested parties in the manner as a mortgage foreclosure  
19           under Article 2A of Chapter 45 of the General Statutes. After deducting the expenses of the  
20           sale, the receiver shall apply the proceeds of the sale to the liens against the property, in order  
21           of priority. In lieu of foreclosure, and only if the receiver has rehabilitated the property, an  
22           owner may pay the receiver's costs, fees, including attorneys' fees, and expenses or may  
23           transfer his or her ownership in the property to either the receiver or an agreed upon third party  
24           for an amount agreed to by all parties to the receivership as being the property's fair market  
25           value.

26           (i) Deed After Sale. – Following the court's ratification of the sale of the property under  
27           this section, the receiver shall sign a deed conveying title to the property to the buyer, free and  
28           clear of all encumbrances. Upon the sale of the property, the receiver shall at the same time file  
29           with the court (i) a final accounting and (ii) a motion to dismiss the action.

30           (j) Receiver's Tenure. – The tenure of a receiver appointed to rehabilitate, demolish, or  
31           sell a vacant building, structure, or dwelling shall extend no longer than two years after the  
32           rehabilitation, demolition, or sale of the property. Any time after the rehabilitation, demolition,  
33           or sale of the property, any party to the receivership may file a motion to dismiss the receiver  
34           upon the payment of the receiver's outstanding costs, fees, and expenses. Upon the expiration  
35           of the receiver's tenure, the receiver shall file a final accounting with the court that appointed  
36           the receiver.

37           (k) Administrative Fee Charged. – The city may charge the owner of the building,  
38           structure, or dwelling an administrative fee that is equal to five percent (5%) of the profits from  
39           the sale of the building, structure, or dwelling or one hundred dollars (\$100.00), whichever is  
40           less."

41           **SECTION 2.** This act applies to the Cities of Greensboro and High Point only.

42           **SECTION 3.** This act becomes effective October 1, 2011.

Executive Department  
City of Greensboro



January 25, 2014

**TO:** Denise Turner Roth, City Manager

**FROM:** Jim Westmoreland, Deputy City Manager 

**SUBJECT:** Duke Energy Letters – Update for IFYI

Attached please find two letters received by the City of Greensboro from Duke Energy on Thursday, January 24, 2013. The letters reflect Duke Energy's desire to work with the City's "work team" in crafting a revised tree ordinance and the Company's intentions to restore tree cutting maintenance along its transmission lines starting next week.

In the letter address to Mayor Perkins, Duke Energy expresses interest and support in the work team's efforts to draft a modified tree ordinance. The work team consists of representatives from the community, the City and Duke Energy, and is working to fully develop a revised ordinance for Council's consideration in late February.

Subsequently, in a letter submitted to City Attorney Mujeeb Shah-Kahn, Duke Energy states that it plans to resume its right-of-way maintenance along transmission lines beginning Monday, January 28, 2013. The transmission line maintenance involves cutting of vegetation near and along the lines connected by large steel towers that are considered critical to maintaining the company's infrastructure. These lines are different from the distribution lines that typically require maintenance in neighborhoods. Maintenance and cutting in those residential areas are not expected to resume in the short term.

In addition, in the letter addressed to the City Attorney, Duke Energy notes that it is not required to provide copies of easement agreements to homeowners who request the information prior to the company performing tree trimming on private property. Duke Energy indicates that its ability to maintain distribution lines within neighborhoods is outlined in all service agreements and approved by the North Carolina Utilities Commission.

City staff is working with the Mayor and City Council to develop a reply to Duke Energy as a follow-up to these letters. In addition, we are also seeking clarification from Duke Energy on the exact timing and details of their planned transmission line work next week.

JW

Attachment



Mailing Address:  
410 South Wilmington Street  
Raleigh, NC 27601  
919-548-2555

January 23, 2013

RECEIVED

JAN 24 2013

Legislative Department

Honorable Mayor Robert V. Perkins  
City of Greensboro  
One Governmental Plaza, P.O. Box 3136  
Greensboro, NC 27402

Dear Mayor Perkins:

Thank you for providing Duke Energy an opportunity to participate on a working team to examine issues and concerns associated with our vegetation management activity inside the City of Greensboro.

Duke Energy is committed to working with the city and its citizens, our customers, to find a solution that balances local concerns with our responsibility to provide safe, reliable, and affordable service to all customers in the region. At the December 21 meeting with you and council representatives, we agreed voluntarily and in good faith to cooperate with the spirit of the city's request by suspending our distribution and transmission system maintenance activity within the city. We did so with the understanding that the working team would develop a comprehensive set of recommendations and strategies both to address the tree trimming concerns expressed by the community and to improve future tree trimming processes. The community leaders and city representatives on the working team were engaged and committed to understanding our concerns for maintaining reliable electric service. We, in turn, learned more about their concerns and desires for improving communications among the relevant parties and maintaining the tree canopy in Greensboro. After three weeks of work, the working team developed a fair and reasonable plan of action. We were hopeful the City Council would adopt the recommendations at its January 15 meeting.

As you know, at the meeting a few of the council members expressed interest in having a modified tree ordinance established. We request that prior to reconvening with the council in February that you and the council endorse the working team to develop this requested modified tree ordinance. The working team represents the most informed individuals on the issues and is the group best positioned to make decisions. Duke Energy would like to get this matter resolved prior to the February 26 council meeting. We therefore request you uphold the work of the team and encourage council participation throughout the next 30 days as a modified ordinance is developed. This will require interested council members and the working team to produce a solution that both sides can support and have ready for approval at the February 26 meeting.

During the time the working team and council are developing the modified ordinance, our priorities for maintaining our distribution system will be to continue with our emergency and storm/outage related response activities and to respond to requests from our customers to prune on their property. With regard to routine maintenance of our distribution system, it is imperative that we resume tree trimming without further delay. In a good faith effort to proceed with this maintenance, we will resume operations using the recently drafted recommendations from the working team as our guide. In addition, with your concurrence, we will coordinate with

the working team to develop the reengagement plan on a neighborhood-specific basis and we agree that the working team will establish the timeframe for the work. This joint effort will be of value as we work together to finalize the modifications to the ordinance and address the concerns of the community.

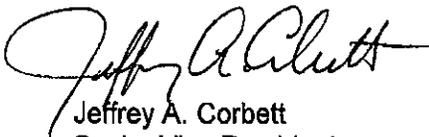
Resuming routine distribution maintenance activity at this time will help ensure reliable electric service, especially now that winter weather has arrived. Last week, we experienced a strong wind and rain/snow event that caused 13,629 customers in Guilford County to be without power due to tree related events on the evening of January 17. Duke Energy's desire is to provide safe, reliable, and affordable service to the community of Greensboro. Continued delays in performing routine maintenance will put Duke Energy's ability to provide reliable service at risk in the event of a significant winter storm. The recent storm was mild in intensity when compared to past events that have historically impacted our service territory at this time of year.

With regard to maintaining our transmission system, Duke Energy will resume its normal operations for routine maintenance within the city limits on January 28. As you know, in mid-December, we voluntarily suspended all vegetation work on our transmission system inside the city limits of Greensboro. At the time, we were reviewing with city representatives our planned work in the Greensboro Beautification Area. We will now resume those talks and coordinate closely with city representatives prior to beginning work on January 28.

In closing, we would appreciate a response to this letter and a commitment to the continuance of the working team to develop modifications to the tree ordinance and to establish the reengagement plan. Trees are part of the natural beauty of Greensboro, but they are also one of the leading causes of outages. Duke Energy is committed to balancing aesthetic concerns with our responsibility to provide safe, reliable, and affordable energy to the homes and businesses in Greensboro that depend upon us.

We look forward to your support and commitment.

Sincerely,



Jeffrey A. Corbett  
Senior Vice President  
Carolinas Delivery Operations



*Jim*

*Kendrick C. Fentress  
Associate General Counsel*

**Duke Energy Corporation**  
P. O. Box 1551  
Raleigh, NC 27602

Tel 919-546-6733  
Fax 919-546-2920

January 23, 2013

S. Mujeeb Shah-Khan, Esq.  
City Attorney  
City of Greensboro  
300 West Washington Street  
Greensboro, NC 27401

Dear Mr. S. Mujeeb Shah-Khan:

This letter is intended to respond to statements made in the January 10, 2013 memo to you from Associate General Counsel Brian K. Leonard and James A. Dickens, regarding Duke Energy Carolinas, LLC's ("Duke" or the "Company") obligations to property owners when trimming trees. Duke would like to clarify its rights and obligations contained in its Vegetation Management Policy ("VMP") with respect to the statements in that memo. This letter is also intended to notify the City of Greensboro ("Greensboro") that, as also explained in Duke's January 23, 2013 letter to Mayor Perkins, Duke intends to resume maintenance of its transmission lines within Greensboro on January 28, 2013, for the reasons set forth below. First, I will address the statements made in the January 10, 2013 memo.

Requirement of a Written Easement or Right of Way:

In the January 10, 2013 memo regarding Duke's VMP, counsel cite Duke's recent filing at the North Carolina Utilities Commission ("Commission") to say that:

If a property owner has concerns about specific rights, including the width of the right of way, the Company will research that right of way and, where a specific easement exists, provide a copy of it to the property owner.

Based upon this statement, counsel assert that Duke will most likely stop all tree cutting or tree trimming activities until an easement agreement is produced for the property owner in order to verify Duke's right to be on the property. Although the statement cited does appear in Duke's November 26, 2012 filing on its VMP, it relates to the information in the preceding paragraph regarding maintenance of transmission lines only. The statement does not refer to maintenance of distribution lines. The cited filing was a continuation of Duke's previous filings at the Commission on its VMP. The complete set of VMP filings in Docket No. E-7,

Sub 1014 explains the differences between Duke's maintenance of its transmission system and its distribution system. As Duke explained in its May 21, 2012 filing on its VMP, it does not always have written easements (also referred to herein as "rights of way") to maintain lower voltage distribution lines. In some older areas, Duke may have prescriptive easements. In other cases, even when Duke has a written right of way for a distribution line, tracking that right of way is difficult, because the property it refers to has changed owners or has been subdivided over the years. The Commission has not required Duke to produce written rights of way to demonstrate its rights to maintain distribution lines, and the Commission has recognized that Duke does not always have them. *See, In the Matter of Joel V. Goad and Richard E. Rorie, v. Duke Power, Recommended Order Denying Complaint, Docket No. E-7, Sub 622, issued April 22, 1999, at p.3 (concluding that Duke's failure to produce a written right of way for a complainant's property did not require Duke to relocate lines because service regulations require complainant to provide Duke a right of way to maintain lines as a condition of receiving service from Duke).*<sup>1</sup>

As noted above, Duke's rights to maintain its distribution lines are outlined in its service regulations, which are approved by the Commission. These service regulations provide that it shall at all reasonable times have the right of ingress and egress from the premises of the Customer for any and all purposes connected with the delivery of service. The service regulations further provide that the Customer shall at all times furnish the Company a satisfactory and lawful right of way over his premises for the Company's lines and apparatus necessary or incidental to the furnishing of service. Duke's obligation to supply service is dependent upon the Company securing and retaining all necessary rights of way, privileges, franchises or permits, for the delivery of such service, and the Company shall not be liable to the Customer for any failure to deliver service because of the Company's inability to secure or retain such rights of way, privileges, franchises, or permits. The service regulations further require the Company, upon request, to provide the customer written information concerning its methods for maintaining right of way clearances, but this service regulation does not mandate Duke to produce a written easement in advance of its maintenance work on distribution lines. A copy of the relevant service regulations is attached hereto as Exhibit A. Based on the foregoing, Duke agrees to provide impacted property owners a copy of the above service regulations upon request, but it does not agree to produce written easements or rights of way to verify its rights prior to commencing maintenance of its distribution lines.

I also note that Duke is obligated to restore power after a storm or other emergency. Therefore, it could not accept a requirement to produce a written easement prior to performing such work in an emergency, nor does it believe that it should have to produce a

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<sup>1</sup> The Commission issued its Final Order Overruling Exceptions and Affirming the Recommended Order on this matter on July 6, 1999.

written easement if a customer has requested tree trimming or if Duke has identified a tree that requires removal because it was the source of a previous outage.

In contrast to rights of way for distribution lines, transmission rights of way involve lines that are the critical infrastructure of the Company's system; proper maintenance of these lines is vital. A transmission line outage can cause the loss of power to thousands of customers. Improper right of way maintenance of transmission lines was considered to be a significant factor in causing the Northeast blackout in August 2003. *In the Matter of Richard Holford v. Carolina Power & Light Co., d/b/a/ Progress Energy Carolinas, Inc.*, Recommended Order Denying Complaint, Docket No. E-2, Sub 835, issued January 16, 2004, at p. 5, n.2. Therefore, Duke typically purchases specific transmission rights of way, and the Commission has indicated that those specific easement agreements will govern a company's rights and obligations with respect to maintenance of that right of way. *See id.* (concluding that Progress Energy Carolinas, Inc. could remove trees based on the clear wording of the transmission easements and other evidence regarding the danger posed by trees). Therefore, Duke typically has written transmission rights of way and, as the statement cited indicates, it would be willing to review a transmission right of way if an affected property owner had questions.

#### Resumption of Right of Way Maintenance along Transmission Lines

Duke's maintenance of its transmission system is not governed only by the terms and conditions of its existing transmission rights of way. Because proper maintenance of the transmission system is so crucial, Duke is also subject to the Federal Energy Regulatory Commission's ("FERC") mandatory reliability standards for the nation's bulk transmission system. FERC's reliability standards include FAC-003, the Transmission Vegetation Management Program Reliability Standard, which is available for viewing in the website of the North American Electric Reliability Corporation ("NERC"), <http://www.nerc.com/>. NERC has introduced a zero-tolerance policy for tree-related outages on higher voltage lines and has required utilities to develop their own transmission vegetation management policies. Those policies are presently on file with the Commission as Appendix A to Duke's VMP.

As discussed earlier, effectively maintaining transmission rights of way is necessary because the downing of a transmission line by a tree can result in an outage for thousands of customers, in contrast to the downing of a distribution line by a tree, which impacts fewer customers. For those reasons, Duke believes it must resume its right of way maintenance along its transmission lines within Greensboro no later than January 28, 2013. Duke is already coordinating this work with Greensboro's Park Services representatives, and Duke intends to continue open communications regarding this work. Duke believes that if it does not resume this tree trimming at this time, the delay will jeopardize its ability both to provide reliable electric service to its customers in and around Greensboro and to restore that service after an outage safely and promptly.

Thank you for this opportunity to clarify the rights and obligations outlined in our VMP. As noted in our January 23, 2013 letter to Mayor Perkins, Duke remains committed to the work team assigned by the mayor to find solutions to the issues raised. Our goal is to develop an outcome that balances the concerns of the public with our responsibility to provide safe, reliable and affordable energy to our customers.

We look forward to discussing this with you in the future. Please do not hesitate to contact me if you have any questions.

Sincerely yours,

A handwritten signature in black ink that reads "Kendrick C. Fentress". The signature is written in a cursive style with a large initial 'K'.

Kendrick C. Fentress  
Associate General Counsel

cc: Brian K. Leonard, Associate General Counsel  
James A. Dickens, Associate General Counsel

## EXHIBIT A

Service Regulations (NC)  
Duke Energy Carolinas, LLC

Electricity No. 4  
North Carolina Second Revised Leaf B  
Superseding North Carolina First Revised Leaf B

### III.

#### Customer's Wiring and Equipment

Equipment which will operate in one location may not operate in another location due to difference in voltage, phase, or frequency of electric service. The Customer shall give the Company notice and shall determine type of service available at the premises before wiring or purchasing equipment. The Company may specify the voltage and type of electric service to be furnished, and may also specify the location of the meter and the point where the service connection shall be made.

All the Customer's wiring and equipment must be installed and maintained in accordance with the requirements of the local municipal and state authorities; otherwise, the Company may refuse to connect service or may discontinue service to the Customer. The Customer shall keep in repair all such wiring and equipment to the point of connection with the facilities of the Company.

#### Changes in Customer's Wiring and Equipment

The Customer shall not use any equipment, appliance or device, or permit the continuation of any condition which tends to create any hazard or otherwise adversely affect the Company's service to the Customer or other customers, without written consent of the Company. When polyphase service is used by any customer, the Customer shall control the use of service so that the load will be maintained in reasonable electrical balance between the phases at the point of delivery.

The Customer shall give the Company reasonable notice in writing of any anticipated increase in demand exceeding 20 KW or ten percent (10%) of the former demand, whichever is greater. The notice shall state the approximate increase and the date required. If the Company determines the unexpired term of the agreement is sufficient to justify the additional investment required, the Company will endeavor to provide additional capacity for any increase requested by the Customer within ninety (90) days of said notice.

The Company will extend its facilities and change the point of delivery only when the investment required is warranted by the anticipated revenue and when the extension is permissible and feasible.

### IV.

#### Access to Customer's Premises

The Company shall at all reasonable times have the right of ingress to and egress from the premises of the Customer for any and all purposes connected with the delivery of service, or the exercise of any and all rights under the agreement.

### V.

#### Right of Way

The Customer shall at all times furnish the Company a satisfactory and lawful right of way over his premises for the Company's lines and apparatus necessary or incidental to the furnishing of service. The Customer shall also furnish satisfactory shelter for meters and other apparatus of the Company installed on the premises, except where the Company elects to install such equipment outdoors.

The Company may change the location of the right of way upon request of the Customer, and may require the Customer to pay the cost of the change. The change will not be made where it will interfere with or jeopardize the Company's service, either to the Customer requesting the change, or to any other customer or customers. All privileges of the Company related to the original location shall apply to the new location.

The obligation of the Company to supply service is dependent upon the Company securing and retaining all necessary rights-of-way, privileges, franchises or permits, for the delivery of such service and the Company shall not be liable to the Customer for any failure to deliver service because of the Company's inability to secure or retain such rights-of-way, privileges, franchises, or permits.

With respect right of way maintenance procedures, the Company shall, upon request, provide the customer written information concerning its methods for maintaining right-of-way clearances.



Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

**MEMORANDUM**

To: The Honorable Robbie Perkins, Mayor  
Denise T. Roth, City Manager

From: Craig Saperstein  
Elizabeth Moeller  
The Honorable Greg Laughlin

Date: January 2013

Re: Year-End Report on Federal Lobbying Activities for the City of Greensboro and Strategy for 2013

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Over the first year of our representation of the City of Greensboro and the Greensboro Partnership, Pillsbury's Public Policy team has been proud to pursue funding for key economic development, transportation, public safety, and education priorities that benefit the city and the surrounding Piedmont Triad region. While local government and community leaders deserve the lion's share of the credit for the strength of their plans and for their forward thinking, we are pleased that our collective efforts on behalf of the City and the Partnership have resulted in the funding for a variety of these priorities. In all, federal funding pursued by Pillsbury has provided a return-on-investment of approximately 550-to-1 for the City and the Greensboro Partnership. This funding includes:

- A \$1 million grant to Greensboro under the U.S. Department of Commerce's Strong Cities, Strong Communities Visioning Challenge to spur progress on several economic development projects already in motion in the city, including leveraging Greensboro's five major industry clusters.
- A grant of \$6.1 million from the Federal Aviation Administration to build a taxiway at the Piedmont Triad International Airport that allows for Honda Aircraft Co. to expand its manufacturing facility.
- A \$35.2 million grant to Guilford County Schools under the U.S. Department of Education's Race to the Top – District program to fund the school's new technology-based learning regimen for middle school students.
- A \$50,000 grant from the U.S. Department of Justice to facilitate the Greensboro Police Department's implementation of the stratified model for operations.

- An opportunity for the Greensboro Police Department to re-program \$250,000 from its Justice Assistance Grant (JAG) formula distribution – previously allocated to purchase bulletproof vests – for other law enforcement purposes, after receiving funding under the Bureau of Justice Assistance’s Bulletproof Vest Program.

In addition, through our consistent outreach to congressional delegation members and staff and with Executive Branch officials, we have successfully raised the profile of Greensboro and the Piedmont Triad in Washington, which will be useful for the city as we seek to access future funding and pursue policies that benefit Greensboro’s residents. Moreover, Partnership and City leaders in Greensboro have established significant credibility with our congressional delegation, high-ranking White House officials, and key staff contacts at the U.S. Departments of Commerce, Transportation, and Justice. We are confident that the inroads we have made with influential decision makers during Greensboro’s first year of consistent engagement with Washington has laid the groundwork for many years of future success for the city. To paraphrase Mayor Perkins’ comments during a recent grant announcement, the City Council’s decision to engage with Washington is paying significant dividends in the short term and is likely to pay even greater dividends in the long term.

This memorandum outlines Pillsbury’s work for the City and the Partnership over the past year and identifies opportunities that Greensboro can pursue during the new year.

## **I. Funding for Greensboro’s Priorities in 2012**

Throughout the year, we have researched federal funding opportunities to provide resources for Greensboro’s economic development and public safety. These priorities have included: (1) expansion of the Piedmont Triad International Airport; (2) growth at the Gateway University Research Park and the Joint School of Nanoscience and Nanoengineering within it; and (3) economic development in Greensboro’s city center. Although there is room for significant progress with respect to each of these top priorities – as well as opportunities to expand our list of priorities – we are happy to report that considerable progress has been made in advancing each one. The funding we have helped secure for Greensboro includes the following:

### **A. Economic Development for the City**

On September 20, 2012, Acting Secretary of Commerce Rebecca Blank announced at a news conference that the Economic Development Administration (“EDA”) would be granting Greensboro \$1 million under the Strong Cities, Strong Communities Visioning Challenge (“SC2 Challenge”) to organize and administer a competition to generate innovative strategies for developing long-term economic and job growth plans. The two-phase competition will allow both local and national multidisciplinary teams – comprised of experts in fields like transportation planning, economic and community development, business incubation, and engineering – to submit ground-breaking plans for economic development. A city-appointed panel of experts will evaluate the proposals and award funds to the teams submitting the top-rated plans. The grant represented the culmination of many months of outreach to EDA, the White House, and congressional delegation officials to highlight Greensboro’s economic growth potential and its strong City Council, city staff, and community leadership.

Apart from the financing that the City can use to spur economic development plans under the competition it administers, the SC2 Challenge also will provide Greensboro with a variety of other less tangible, yet very valuable, resources. In the immediate term, the city is receiving technical assistance from EDA throughout the competition, including a detailed toolkit, training, and web-based support to facilitate the challenge competition process and the creation of economic development plans. In the long term, we understand from EDA that, as a result of the grant, Greensboro will join a select group of cities that will have strong access to technical assistance from the White House's SC2 "Community Solutions Team" and the National Resource Network.

Moreover, the high-profile announcement of the grant by the Acting U.S. Commerce Secretary signifies that White House and other Executive Branch officials are taking notice of Greensboro's dynamic community and its potential for significant economic growth. Greensboro's inclusion in the SC2 community – the members of which, we understand, the White House holds out as national exemplars – will only serve to elevate the city's national profile. These reputational gains should put Greensboro in a strong position for future funding opportunities from a variety of agencies and will make the city a more attractive and visible target for business relocation and development.

#### B. Funding for PTI Expansion

In September 2012, the Federal Aviation Administration ("FAA") announced a grant award to the Piedmont Triad Airport Authority ("PTAA") of \$6,140,296 to extend Taxiway M to the threshold of Runway 23L, providing access to new airport development currently under construction for Honda Aircraft Co. The grant award will provide a significant portion of the funding needed to finish the construction of Taxiway M and will allow the PTAA to now focus on the removal of Colonial pipeline needed to make the taxiway operational.

The PTAA, on its own accord, developed a successful plan to implement construction of Taxiway M to allow Honda to expand its operations at the airport and acted to piece together several million dollars of funding to begin construction. In two meetings with the Deputy Assistant Secretary of Transportation for Intergovernmental Affairs and the White House Director of Intergovernmental Affairs, Mayor Perkins, City Manager Roth, PTAA Executive Director Kevin Baker, and Pat Danahy and Jason Cannon from the Greensboro Partnership persuaded the U.S. Department of Transportation of the need and economic benefits for federal funding to construct the taxiway. Our team also pursued support for airport expansion funding with Senators Kay Hagan and Richard Burr, and with Representatives Howard Coble and Mel Watt and their staffs, and arranged for Greensboro's representatives to make a presentation on the expansion plans in each congressional office during the June visit. Further, we shared information on the airport expansion plan with the Director of the North Carolina Washington office and the Washington, D.C. liaison for the N.C. Department of Transportation. We are confident that the collective outreach to key officials in the White House and the U.S. Department of Transportation, the state, and to our congressional delegation played a significant role in the increase in the size of the grant award from \$1.4 million to \$6.1 million that was made from previously unobligated FAA funds.

In recent months, we have provided legal and political advice to the City about how to achieve FAA approval for building a taxiway and jet bridge over future I-74, and how to pursue federal funds for this project. In particular, we have mobilized Pillsbury's award-winning Aviation team to provide its expertise on how to interface with the FAA when attempting to sell or enter into a long-term lease of airport land. We look forward to working City, Partnership, airport, and other regional economic development officials to make further progress on this strategically significant project going forward.

C. Funding for Stratified Model of Policing

On August 3, 2012, the U.S. Department of Justice Office of Community Oriented Policing Services ("COPS") announced an award to the Greensboro Police Department ("GPD") of \$50,000 to implement the stratified model of community policing strategy. The stratified model combines several policing philosophies and methods to reduce crime through a systematic analysis of crime patterns. The model assigns specific problem-solving responsibilities throughout GPD according to each member's rank and responsibility.

Pillsbury's Public Policy team conducted significant outreach to COPS to ensure that the GPD's application under the Community Policy Development funding opportunity would receive high-level consideration. Our team frequently contacted two of the COPS deputy directors and arranged for meetings with top COPS administrators. In particular, we assembled a meeting for Mayor Perkins and City Manager Roth with two high-ranking COPS officials in January. As follow-up, we arranged for Chief Miller to speak to COPS officials at a conference he attended in Washington, D.C. in April.

We also ensured that Greensboro's congressional delegation would be supportive of the stratified model grant application and other law enforcement priorities. In particular, we scheduled meetings for Chief Miller with key staff for Senators Hagan and Burr and requested that Rep. Watt – an influential member of the House Judiciary Committee – write a letter in support of the application. We are pleased that COPS recognized the strength of the GPD leadership and the city's commitment to crime reduction. We look forward to pursuing a variety of other law enforcement grant priorities in the coming months.

D. Funding for Bulletproof Vests

At a meeting with officials from the Bureau of Justice Assistance ("BJA") in Washington in early 2012, we learned that – instead of allocating \$250,000 from its Justice Assistance Grant (JAG) distribution – the City can re-program those funds for other law enforcement purposes and then apply separately for identical funding under the federal Bulletproof Vest program account. This information was extremely valuable and will allow the GPD to apply the federal funds it receives for other key law enforcement priorities.

E. Guilford County Schools Race to the Top – District Grant

In November, the Partnership asked for guidance regarding whether and how Greensboro's congressional delegation should be encouraged to weigh in on behalf of the grant application submitted by the Guilford County Schools ("GCS") district for funding under the

competitive Race to the Top – District program. The Partnership has identified improvement in Greensboro’s local school system as an integral component of Greensboro’s economic development strategy and properly recognized the catalytic impact that a large grant for instituting a new way of learning in the school system could have in making progress in this area. Our team immediately mobilized on this project by coordinating with staff from GCS to compose draft letters of support for Senators Hagan and Burr and Congressmen Watt and Coble to send to U.S. Secretary of Education Arne Duncan. Concurrently, we reached out to these offices to persuade congressional staff to work with their lawmakers to send the letters of support.

Soon after our outreach, the Department announced a \$35.2 million grant for GCS to implement the PACE Schools Project, which will provide tools and training to change the way that nearly 17,000 students in the district’s 24 middle schools will learn. This funding for the program will provide students daily access to technology that is personalized for their learning goals. The district believes that the PACE project is a needed change to help GCS students graduate with the initiative and drive to pursue college and careers successfully.

## **II. Visit of Greensboro Representatives to Washington, D.C.**

As highlighted briefly above, on two separate occasions Mayor Perkins and City Manager Roth visited Washington, D.C. for two full days of meetings. On the second trip, the Mayor and City Manager were joined by Pat Danahy and Jason Cannon from the Greensboro Partnership and Kevin Baker from the PTAA. These visits provided the opportunity to (1) identify the strategic priorities discussed above; (2) discuss these priorities with key congressional delegation and federal agency staff; and (3) establish a course of future action on these items. As described above, the internal and external meetings during both trips were quite productive and a good use of time for all involved. Our meetings included the following:

- **White House Office of Intergovernmental Affairs:** We twice secured meetings with the influential Director of Intergovernmental Affairs at the White House, as well as the Deputy Director. Those meetings, combined with the Director’s outreach to Mayor Perkins in the interim, confirm that Greensboro’s ambitious plan for progress is a White House priority. As noted above, the Deputy Assistant Secretary for Intergovernmental Affairs at the U.S. Department of Transportation also joined our White House meeting upon an invitation from the White House (we had reached out to the Deputy Assistant Secretary independently, but were pleased to learn that the White House wanted a coordinated meeting). The high-level audience provided a valuable forum to share the City’s priorities for airport expansion, downtown economic development, and progress at the Gateway University Research Park.
- **Economic Development Administration:** Our meeting with EDA officials provided us the opportunity to demonstrate the unity of Greensboro’s government and business community in support of the city’s major economic development priorities. Specifically, we chose to highlight the airport expansion project, the Gateway University Research Park, and downtown redevelopment priorities. EDA staff shared with us several potential funding opportunities for Greensboro’s key economic development initiatives, information that proved valuable as we applied for several of them. As a consequence of this positive meeting, we are now working closely with both EDA headquarters and

regional staff to identify funding opportunities for specific components of the City's economic development projects.

- **Greensboro's Congressional Delegation:** We were pleased to have the opportunity to hold in-person meetings with Senators Hagan and Burr (along with key staff), and a phone meeting with Rep. Watt (while in-person with his chief of staff), to describe Greensboro's major federal priorities. During the June visit, we also arranged for the Mayor to have a private lunch with Sen. Hagan preceding the larger meeting. We twice had fulsome discussions with Rep. Coble's chief of staff, transportation policy advisor, and appropriations advisor regarding key transportation objectives. As a result of these meetings and our consistent communications before and after, our delegation has assisted us repeatedly with federal grant opportunities, legislative authorizations and appropriations, and other opportunities to highlight all of the exciting activities taking place in Greensboro.
- **North Carolina Washington Office:** We had positive conversations with the director of the Governor's Washington office and with the N.C. Department of Transportation's Washington liaison to discuss our airport and other transportation priorities. The support of the North Carolina Washington Office is vital to ensuring that the state demonstrates its support for our objectives. Moreover, as a result of our frequent communication, the North Carolina Washington Office is, and should continue to be, a valuable information source for us as new opportunities arise.
- **U. S. Department of Justice:** We had productive meetings with top officials at BJA and COPS. At the BJA meeting in January, we learned about the Bulletproof Vest Program re-allocation opportunity described above. In addition, at our COPS meeting, the Deputy Director of the agency recommended a strategy for future COPS grant applications and offered to arrange a future visit to Greensboro by a senior agency official in the near future. Further, our COPS visit was likely influential in helping to secure the grant funding obtained for the stratified model.
- **Visit of Chief Miller:** In April, we hosted GPD Chief Ken Miller for a day of full of meetings in conjunction with his attendance at the Police Executive Research Forum ("PERF") conference in Washington. We conducted a strategy meeting with the Chief to discuss potential law enforcement priorities and then took him to meetings with the law enforcement policy advisors to Senators Hagan and Burr. It was at these meetings that we advocated for the senators to support the GPD's grant application to implement the stratified model. We also attempted to facilitate informal side meetings for Chief Miller with key BJA and COPS staff at the PERF conference.

### III. Outreach, Research, Monitoring, and Policy

Throughout the course of the year, we have gathered "intelligence" on and monitored funding opportunities and key policymaking activities that could have an impact on Greensboro. We frequently send funding opportunity announcements to City and Partnership staff and speak to Greensboro's congressional delegation and to agency staff to learn about such opportunities and to inform them about activities taking place in Greensboro. We have also visited

Greensboro on several occasions over the past year and met with City staff, Greensboro-based congressional delegation staff, officials from the Greensboro Partnership, and the executive director of the Piedmont Triad Airport Authority, among others. Through these meetings, we continually gain a greater understanding of municipal and regional priorities and have provided strategic counsel as situations involving the federal government have arisen.

In particular, we provided strategic counsel to the City Manager and her staff and participated in negotiations with Department of Commerce officials in advance of the SC2 grant. We have also arranged for federal officials – including the regional manager for EDA – to visit the airport and the Gateway University Research Park to showcase these state-of-the-art facilities in advance of our applications to receive EDA funding for them. Finally, we kept Greensboro officials updated on legislative and regulatory activity – such as the recently enacted transportation and transit policy bill, the forthcoming Water Resources Development Act reauthorization bill, and the potential reallocation of transportation earmark funds – that could have a significant impact on the City’s finances and infrastructure.

On the policy front, we worked with City staff to ensure that our congressional delegation was aware of the potential closure of the Four Seasons U.S. Postal Service (“USPS”) branch. As a result of this outreach, Senator Hagan’s staff made an inquiry to USPS on our behalf and Rep. Coble insisted in a letter that the branch receive fair consideration as the USPS makes its closure decisions.

On behalf of the Greensboro Partnership, we worked with UNC-Greensboro’s lobbyist, Michael Tarrant, to develop a strategy to attempt to salvage funding for the SERVE Center regional educational laboratory (“REL”). We have also communicated with congressional staff on this issue to determine how our congressional delegation may be able to assist the SERVE Center with its challenge to the U.S. Department of Education’s unfavorable decision on the REL contract.

With respect to workforce development activities, the relationships we have developed with key White House staff have borne immediate fruit. In April, the Deputy Director of Intergovernmental Affairs reached out to our team to invite a workforce development official from Greensboro to participate in a call with representatives from major cities to discuss a White House/Department of Labor Summer Jobs program. Lilian Plummer from the Guilford County Workforce Development Board joined the call, along with representatives from San Francisco, Philadelphia, New Orleans, Washington, D.C., Denver, Austin, Chicago, Jackson, Raleigh, and Charlotte. The invitation to join these cities illustrated the effectiveness of our collective efforts to raise Greensboro’s profile among national policymakers. Later in the year, our team gathered intelligence on the chances for reauthorization of Workforce Investment Act policies that are important to the city and the county.

#### **IV. Strategy for 2013**

Over the coming months, Pillsbury’s Public Policy team aims to continue to identify and pursue funding opportunities and policy measures that could help Greensboro. In particular, we look forward to organizing a planning meeting with the City’s department heads to discuss how federal funding could benefit priorities being pursued by each component of the city government.

In preparation for this planning meeting and for our future advocacy efforts, we hope to identify opportunities for the following priorities:

- **Transportation:** We look forward to strategizing with City and Greensboro Partnership leadership on Greensboro's key transportation priorities, including road construction and local and regional transit service. In particular, we hope to have an in-depth discussion with the City's transportation planners and with the Piedmont Authority for Regional Transit service about how federal funds can be leveraged to improve their programs and infrastructure. After these discussions take place, we will keep our congressional delegation abreast of any transportation priorities identified and will actively monitor competitive funding opportunities that arise as a result of the transportation policy reauthorization legislation. In particular, we will be active in trying to locate funds that went unobligated from previous federal grants or earmarks. We already informed the city about one such opportunity and we expect future opportunities to arise.
- **Gateway University Research Park:** Although the Gateway University Research Park was not awarded funding under the Advanced Manufacturing Jobs and Innovation Accelerator Challenge, we made significant progress in making federal officials – including those at EDA and the White House – aware of the state-of-the-art facility, the groundbreaking research taking place at the facility, and the economic development potential (both for white collar and manufacturing jobs) of its outputs. We will continue to promote the Park with agency officials and congressional delegation staff. Moreover, we will continue to seek out opportunities for funding with EDA, as well as several other agencies, including the Department of Labor, the National Science Foundation, the Department of Defense, and the National Institute for Standards and Technology.
- **Business Relocation:** We will continue to promote Greensboro in Washington as city that features a business-friendly climate, a strong public-private partnership, and a motivated and well-trained workforce for companies that may wish to re-locate their headquarters or build facilities in the city. In particular, we will monitor opportunities that may arise among our firm's client base and our strong international network. We will also explore the potential of leveraging federal funding to help incentivize a company to locate facilities and workers in the city.
- **Housing/Community Development:** We have had a few conversations about how our team can assist with securing funds under competitive solicitations relating to housing and community development activities. Recently, we spoke to Sue Schwartz about some such priorities and we now look forward to learning more about Greensboro's needs in this regard and pursuing funding streams to meet such needs. As appropriate, we will also work with Jason Cannon on any future needs related the CDFI Fund at the Treasury Department.
- **Further Airport Expansion:** Having made key decision makers in Washington, D.C. aware of the airport's ambitious, yet achievable, expansion plan, we will continue to press the case that federal resources are vital to the completion of the expansion. In particular, we will pursue funding opportunities with EDA and the FAA to complete the construction of Taxiway M and to support the funding for the taxiway and jet bridge that

will allow PTI to expand over top of future I-74. As noted above, we have already enlisted the services of our well-respected Aviation practice to pursue creative funding authorizations and to provide advice on how to gain FAA approval for land use decisions. We will remain in frequent contact with PTAA Executive Director Kevin Baker, Piedmont Triad Partnership leader David Powell, and Partnership officials to ensure that we are aware of important developments that arise that could merit federal attention and/or funding.

- **Law Enforcement:** Following up on our success in securing funds for bulletproof vests and for the stratified policing model, we look forward to finding resources to support the GPD's other key priorities, including extension of the successful Electronic Monitoring program for post-conviction parolees and purchase of new equipment to analyze ballistics. To obtain funding for these initiatives and others that arise, we hope to have the opportunity to re-introduce Chief Miller to key staff at the BJA, which administers the majority of federal law enforcement funding programs. We also look forward to assisting the GPD in its forthcoming joint application with the Winston-Salem Police Department to pursue funding to investigate "violent crime cold cases" that have the potential to be solved using DNA analysis, and to locate and analyze the biological evidence associated with these cases. We have already reached out to Winston-Salem's federal representatives to coordinate a strategy for success.

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Over our first year as your federal representatives, we have enjoyed the opportunity to identify concrete priorities for Greensboro, advocate for those priorities, and, in several cases, achieve them. We continue to appreciate the Mayor, the Council, the City's staff, and the Greensboro Partnership's decision to engage with Washington and are proud that such decision is already reaping benefits for Greensboro.

Transportation  
City of Greensboro



January 24, 2013

**TO:** Denise Turner Roth, City Manager  
**FROM:** Adam Fischer, PE, Transportation Director  
**SUBJECT:** NCDOT Transportation Improvement Project R-4707, Reedy Fork Parkway/ US 29 Interchange Status Update

The Reedy Fork Parkway/ US 29 Interchange Project, also known as NCDOT TIP# R-4707, would reconstruct the existing interchange to replace a structurally deficient bridge and accommodate anticipated traffic growth. The project would include realignment of Reedy Fork Parkway and widening of Summit Avenue from the interchange to Bryan Park Road.

The MPO submitted the project to NCDOT to be ranked under their Prioritization Process for construction funding during the FY 2014-2020 period. The Prioritization Process is heavily data driven and seeks to identify the projects with highest need (i.e., congestion, safety, and traffic benefit/cost). However, interchange projects tended to do relatively poorly under the evaluation criteria used. NCDOT's Prioritization Process ranked the project 282 out of 304. Therefore, the project did not receive funding for construction. The final phase of environmental documentation for this new interchange will be put on hold until a future date when funding is approved for this project.

Because of the structural condition of this bridge, NCDOT does plan to replace the bridge structure and the NCDOT Division 7 Office has added TIP bridge project B-5354 to replace the bridge in Fiscal Year 2018. MPO staff has communicated to NCDOT the continued need for R-4707 and its importance to the City of Greensboro as this area has been identified as a key growth area. The MPO will continue to seek funding and expects to resubmit the project for the next round of NCDOT Prioritization in 2014. In addition, the MPO has asked NCDOT to take the R-4707 interchange design into account during the bridge replacement project to minimize future cost.

AF

cc: Tyler Meyer, AICP, Transportation Planning Manager



Alternative One  
 Single Point Urban Interchange  
 Recommended  
 US 29 / Reedy Fork Parkway Interchange Improvements  
 NCDOT T.I.P. Project # R-4707

FIGURE 2:  
 Alternative One

Water Resources Department  
City of Greensboro



January 25, 2013

**TO:** David Parrish, Assistant City Manager  
**FROM:** Steven Drew, Water Resources Director  
**SUBJECT:** Mitchell Clearwell Demolition

Demolition of the Mitchell Water Treatment Plant Clearwell, the large aluminum dome structure situated at the intersection of Battleground Avenue and Benjamin Parkway, will begin early next week. The three million gallon finished water storage reservoir constructed in the late 1920's will be replaced with a smaller concrete ground storage tank. The existing clearwell has reached a point where structural failures, concrete deterioration, and severe leaks along the base make it no longer viable.

D. H. Griffin Wrecking Co., Inc. was awarded the demolition contract for the amount of \$69,800. Work should begin Monday, January 28<sup>th</sup> to remove the aluminum dome and tank, which is constructed of concrete and brick. Trucks will frequently enter Benjamin Parkway at Battleground Avenue in order to remove the demolition debris over the next several weeks. Work on this phase of the treatment plant improvement project is scheduled to be complete by March 30.

The entire project, including design, demolition, construction of the new, smaller clearwell, and other related water plant improvements is estimated at \$3.7 million and is projected to be complete in mid-2014.

SD



**GREENSBORO CITY COUNCIL RETREAT  
AGENDA**

**January 28, 2013 2pm**

**Plaza Level Conference Room, MMOB**

1. **FY 2012-2013 Six-month Financial Update**  
Staff will provide Council with an update on the first six-months of fiscal year 2012-2013 with anticipated year-end projections.
2. **FY 2013-2014 Operating and Capital Budgets' Development**  
This session will provide Council with a current look at the City's financial situation and how that will impact the FY 2013-2014 budget. Staff will discuss the allocated authorized bond funding for capital projects.
3. **FY 2013-2023 Capital Improvement Program**  
Staff will provide an update of authorized bond funded projects. There will also be an update on projects submitted that are not funded at this time.
4. **Economic Development Strategies**  
Staff will review with Council economic development/quality of life concepts that have been discussed over the last several months.

Office of the City Attorney  
City of Greensboro



January 25, 2013

**TO:** Denise Turner Roth, City Manager

**FROM:** S. Mujeeb Shah-Khan, City Attorney

**SUBJECT:** Resolution in Support of Municipal Water System Independence

During the North Carolina League of Municipalities' Advocacy Goals Conference held on Thursday, January 24, 2013 in Raleigh, Asheville Vice-Mayor Ester Manheimer asked the members of the League to support its opposition to legislation to take control of Asheville's water system. To that end, she asked members to pass the attached model resolution opposing the General Assembly's attempt to forcibly take control of the Asheville water system and consolidate it into a new authority. Councilmember T. Dianne Bellamy-Small would like Council to consider this resolution at a future Council meeting.

Attachment

**RESOLUTION OPPOSING LEGISLATION THAT PROVIDES FOR THE FORCED  
TAKING OF MUNICIPAL WATER SYSTEM**

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WHEREAS, Statewide legislation was introduced in the 2011 Session of the North Carolina General Assembly that would have forced the involuntary conveyance of a city-owned water system to a Metropolitan Sewer District; and

WHEREAS, prior to the beginning of the 2012 Session of the North Carolina General Assembly, the Legislative Research Commission recommended legislation that would force the City of Asheville to transfer its Municipal water system to a Metropolitan Sewer District; and

WHEREAS, the 2012 Session of the North Carolina General Assembly enacted legislation to begin the process of the forceful taking of a Municipal water system; and

WHEREAS, it is anticipated that legislation will be introduced at the beginning of the 2013 Session of the North Carolina General Assembly that will force the transfer of a Municipal water system; and

WHEREAS, public utilities have the unique responsibility to be protectors of public health and the environment, while serving as partners in the community's growth and development; and

WHEREAS, the forced taking of any local government infrastructure sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for citizens here and across the State.

NOW, THEREFORE, BE IT RESOLVED BY THE \_\_\_\_\_ AS  
FOLLOWS:

1. The \_\_\_\_\_ is opposed to legislation that forces the transfer of any City's municipal water system to another entity.
2. The \_\_\_\_\_ is convinced that local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of local government assets.
3. The \_\_\_\_\_ is opposed to the forced taking of any local government infrastructure because such taking sets a dangerous precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for our citizens here and across the State.

Read, approved and adopted this the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney



January 23, 2013

**TO:** Denise Turner Roth, City Manager

**FROM:** Susan Crotts, Grants Manager and Centralized Contracting Division Manager

**SUBJECT: 2012-13 Fire Prevention and Safety Grant Application for a Smart Fire Safety and Emergency Training Trailer**

Per the City's Grant Policy, grant applications requiring match funds require City Council authorization. The Fire Department applied on January 17, 2013 for a \$93,585.00, grant in Federal funds administered through the Assistance to Firefighters Grant (FEMA). The project budget totals \$93,585.00 and requires a \$18,717.00 match in City funds. The grant funds will support the purchase of a Smart Fire Safety and Emergency Training Trailer that will be used to improve the level of fire and emergency safety awareness and preparedness for Greensboro citizens.

The match funds are available for purchase of the smart fire safety trailer in the general fund. If the grant is awarded, the City's \$18,717.00 match will leverage \$74,868.00 to support the fire safety goals.

A request for City Council approval will be submitted for the February 5, 2013 meeting. Additional information will be provided in the Council agenda packet. Please contact Deputy Chief Clarence Hunter at 373-2357 if you have questions in advance of the agenda publication.

AS/SC

cc: Greensboro Deputy Fire Chief, Clarence Hunter

**Public Affairs**  
**Contact Center Weekly Report**  
**Week of 1/14/13 – 1/20/13**

**Contact Center**

4136 calls answered this week

**Top 5 calls by area**

**Water Resources**

Balance Inquiry – 842  
IVR/Pay by Phone – 230  
General Info – 127  
New Sign up – 123  
Cutoff Requests – 83

**Field Operations**

Bulk/Recycle Calendar – 77  
Bulk Guidelines – 54  
No Service/Garbage – 53  
Collection Day – 51  
HHW/Transfer – 39

**All others**

Police/Watch Operations – 294  
Courts/Sheriff – 95  
Closings/Delays – 70  
GTA – 39  
Tax Department – 37

**Comments**

We received a total of 4 comments this week:

**Field Operations - 3 comments:**

- Hunter Hills Community Watch wants to thank Field Operations for picking up the yard debris on the dead end of Fireside St.
- Wishes we would put out more information about the new recycling guidelines. Is confused by things like new plastics, but what about lids? What does "pots and pans" cover? It says items need to be cleaned of food – if I can't get it off, should I just put it in the trash, or is partially clean ok? This type of practical tips would be much appreciated.
- Green Valley Rd is a major thoroughfare and on the snow emergency route. A short stretch of Green Valley between Market St and Madison is one way. So even though Green Valley carries a lot of N to S traffic, S to N traffic between Market and Friendly is restricted by the need to detour via Homewood and a very short stretch of Madison. I suggest that Homewood and that short stretch of Madison be added to the Snow Emergency route.

**Water Resources – 1 comment:**

- Hunter Hills Community Watch wants to thank Water Resources for the superb job done on Buffalo Creek. I hope the beavers now know where not to go.

**Overall**

Calls related to the winter weather on Friday caused an increase to our call volume last week. Otherwise, call volume was steady for the week.