

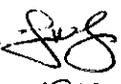


March 01, 2013

IFYI HIGHLIGHTS

- Cascade Saloon Update
- Community Budget Meeting Update
- Enforcement of Internet Sweepstakes Law
- Heritage House Update
- Code Compliance Update
- GTA Sensitivity & Education Training
- Officer Worn Cameras
- Police Headquarters

TO: Mayor and Members of Council

FROM: Denise Turner Roth, City Manager 

SUBJECT: Items for Your Information 

Council Follow-Up Items

• **Cascade Saloon Update**

As a follow-up to a directive by Council at the February 14, 2013 Work Session, attached is a memorandum from Assistant City Manager David Parrish and City Attorney Mujeeb Shah-Khan providing an update on the Cascade Saloon acquisition.

Community Budget Meetings Update

Below is the updated community budget meetings by council districts:

<u>District</u>	<u>Hosted by</u>	<u>Date</u>	<u>Location</u>
District 1	T. Dianne Bellamy-Small	April 6 at 10am	Glenwood Recreation Center
District 2	Jim Kee	March 28 at 6pm	Eastern Division Police Station
District 3	Zack Matheny	April 18 at 6pm	Natural Science Center
District 4	Nancy Hoffmann	April 8 at 6pm	Lindley Recreation Center
District 5	Tony Wilkins	April 4 at 6pm	Western Division Police Station

Enforcement of Internet Sweepstakes Law

Attached is a memorandum from Police Attorney Jim Clark, dated March 1, 2013, regarding the enforcement of the internet sweepstakes law, which will start March 15, 2013.

Heritage House Update

Attached is a memorandum from Planning and Community Development Director Sue Schwartz, dated February 22, 2013, providing an update on the status of the housing code violations at Heritage House.

Code Compliance Update

Attached is a memorandum from Planning and Community Development Director Sue Schwartz, dated February 22, 2013, providing an update on four properties that are in code compliance violations.

GTA Sensitivity and Education Training

Attached is a memorandum from Public Transportation Manager Libby James, dated February 26, 2013, regarding the sensitivity training opportunity recently provided to the GTA employees and the Transportation Department's Public Transportation Division staff.

Officer Worn Cameras

Attached is a memorandum from Police Chief Kenneth Miller, dated March 1, 2013, regarding the new TASER Axon Flex on-officer camera systems that GPD will start using within the next 6 weeks.

Police Headquarters

Attached is a memorandum from Police Chief Kenneth Miller, dated February 25, 2013, regarding the opening of the new Police Headquarters.

Contact Center Feedback

Attached is the weekly report generated by our Contact Center for the week of February 18, 2013 through February 24, 2013.

Small Group Meetings

Attached is the weekly small group meeting report for the week of February 22, 2013 through February 28, 2013, between City Staff and [more than two but less than five] Councilmembers.

DTR/mm
Attachments

cc: Global Media

Executive Department
City of Greensboro



March 1, 2013

TO: Denise Turner Roth, City Manager

FROM: David Parrish, Assistant City Manager
S. Mujeeb Shah-Khan, City Attorney

SUBJECT: Cascade Saloon Update

At the February 14, 2013, City Council Work Session, Council directed staff to pursue acquisition of the Cascade Saloon through Eminent Domain and develop a Request For Proposals (RFP) to solicit contractors to stabilize the structure. Since that time, staff has been working on both fronts. Below is a brief update on both of these activities.

- Eminent Domain – Staff filed an application for Certificate of Appropriateness with the Guilford County Historic Preservation Commission (“Commission”) to obtain permission for the City to demolish the Cascade Saloon Building. The application is expected to be heard at the Commission’s March 19, 2013 meeting. The Commission is required to approve the application, although it may place a demolition delay of up to one year on the property. The application is important as it gives the City the right to begin the process to acquire the property through condemnation. Staff will work on items needed to support condemnation, such as an appraisal to determine the property’s fair market value (which must be deposited with the Court if the City files a condemnation action), in the event Council directs that staff continue working toward acquiring the property.

Staff also received information from Preservation Greensboro on whether or not the North Carolina Railroad Company’s (“NCR”) right of way impacts the property. Preservation Greensboro notes the possibility that NCR may not have a right of way for the property. However, as noted in a November 15, 2006 memorandum from former City Attorney Terry Wood (copy enclosed), the issue the City is concerned with is whether or not there is a “recorded document [in the chain of title], or some intervening factor, dictates” that the NCR has no right of way. We are reviewing the title history to see if any document can shed light on whether the right of way exists and expect to have an answer soon.

- Request for Proposals – Staff has developed a RFP soliciting bids to provide for the minimum level of work to stabilize the structure. The intent is to stabilize the property and “arrest the further deterioration of a historic property in downtown Greensboro.” This RFP is scheduled to be advertised in the News & Record, Sunday March 10, 2013. As part of the process, staff will host a pre-bid conference on site with prospective bidders. The bids will be received through April 9, 2013. Staff will update Council after this date with responses and costs associated with the proposals.

DP/mm
Attachments

Date: November 15, 2006

To: Mayor and City Council
City Manager

From: City Attorney

Subject: **Status of Railroad Rights of Way Within the City of Greensboro**

Background

Over one hundred and fifty years ago the North Carolina Rail Road Company (herein after NCRR) began construction of a track through Guilford County and Greensboro. Since that time several other railroad companies have also constructed, owned, leased, or operated trains over what are now the local tracks. To name a few of those railroads, they are the Piedmont, Southern, Norfolk Southern, Cape Fear and Yadkin Valley, and the Atlantic and Yadkin. Currently all lines through Greensboro are owned by, or leased to, Norfolk Southern.

There are essentially four rail lines running into, or through, Greensboro. Those lines are (1) the northwest line close to Battleground Avenue which eventually runs through the City to Sanford (a portion of this line has been abandoned and now ends its northwesterly track within the City limits); (2) the line paralleling Church Street that runs northward toward Danville from the Depot; (3) the line that runs westward out W. Market Street through Colfax; and (4) the line running up from High Point, eastward down Lee Street to the Depot and on to Burlington. There are also numerous sidings and spur lines. Many of the court cases and referenced documents refer to railroad "easements," or alternatively, "rights-of-way." For purposes of this Memo the term "right-of-way" shall be used to describe the railroads' interest.

The line running from High Point that passes along Lee Street by the Depot to Burlington is owned by the North Carolina Rail Road and is leased to Norfolk Southern (hereinafter referred to as N/S). The NCRR is becoming more aggressive in the protection of its right of way and is undertaking to restrict unauthorized development, construction, and other significant encroachments within the right of way to protect it for, maintenance, future use and to reduce the possibility of injury to persons and property. This increased sensitivity and control by NCRR, called its "Corridor Management and Protection Program," has raised citizen awareness and concern. This citizen concern is exemplified by the recent fax to Council Members and other government officials from a group designating itself as "XX Road PAUSE."

All railroad companies doing business in North Carolina were either Incorporated (Chartered), or otherwise authorized by the State Legislature, and acquired their rights of way in various ways in the early, mid, and late 1800's. Current practices by surveyors, engineers, title companies, and lawyers tend to leave much of the past history of railroad companies undiscovered. There are self imposed limits with reference to title examinations, brought on largely by the requirements of title insurance companies and lending institutions which have for the most part eliminated "ancient history" searches. Many lending institutions now require title searches to only "go back" forty (40) or sixty (60) years unless some compelling reason requires further record research. This leaves much undiscovered historical title lore as it relates to railroad rights of way.

There are numerous other conditions involving the evolution of railroad rights of way upon tracts of land in, and outside of, Greensboro. To name a few: The construction and dedications for sidings, spur tracks, added tracks, relocated tracks, and sales of property both to and by the railroad, as well as lateral support issues (such as retaining walls supporting the rail bed). Add to this maze the possibility that some of the early railroad rights of way were granted simply by owner permission rather than written document; and that written, or oral, permission was sometimes granted before the actual location of the track had been determined and you have a hodge-podge of rights by the parties involved. The status of the railroad right-of-way over the various tracts of land is inconsistent at best. One size does not fit all.

Definitive cases.

The North Carolina Courts and Legislature have been sympathetic to various railroads' efforts to protect and maintain their rights of way. See King Associates v. Bechler Development, 632 S.E. 2d 243 (2006) where the Court of Appeals held that even the use of the term "right of way" in a deed may, with other language and factors, indicate an intent to convey a fee simple interest to the railroad. Also see, Keziah v. Seaboard Air Line, 272 N.C. 299 (1968); Western NC Railroad v. Rollins, 82 NC 523 (1880); Brown v. Weaver-Rogers Assoc., 131 NC App 120 (1998); and Seaboard Air Line v. Olive, 142 NC 257 (1906). *Particularly see* the case of Allen v. Martin Marietta Corporation, 26 NC App 700, 217 SE2d 112 (1975) wherein the Court approved a lease of a portion of the Norfolk Southern right-of-way by the railroad to an independent third party, Martin Marietta, across the lands of the Plaintiff, Allen, for Martin Marietta's spur line for railroad access and cargo shipment purposes. *However*, the North Carolina Supreme Court has held that a railroad could not lease its right of way interest to third parties for non-railroad purposes. See Sparrow v. Dixie Leaf Tobacco, Inc., 232 N.C. 589 (1950) and Hodges v. Western Union Tel. Co., 133 N.C. 225 (1903).

The most recent case to define the nature of a true railroad right of way is Norfolk Southern Railway Company v. Wayne Smith, 169 NC App 784, 611 SE2d 427 (2005). The decision in Smith decided most of the issues raised in response to NCRR's attempts to control right of way. In Smith the Court, calling the landowner's interest the "servient" interest, said: "The railroad may expand its use of the right-of-way, to the extent of its statutory right, for any legitimate purpose as determined by the *railroad's*

sound business judgment.” (Emphasis added) The Court further stated that the phrase “use by the railroad” includes managing safety risks on its right of way since a railroad is held accountable for the condition of the right-of-way; therefore, a servient landowner may not unilaterally create risks that interfere with the railroad’s maintenance of the right-of-way. 169 NC App, at 789. Early North Carolina cases held that a landowner of the servient estate could grow gardens, fruit trees or pasture on the railroad’s easement, but that even crops could be removed by the railroad company if they were inflammable or combustible. See: Bivens v. Southern R.R., 247 N.C. 711 (1958) (crops allowed), Raleigh & A. Air-Line R. Co., 120 N.C. 225 (1897) (not if combustible).

The Smith case also states that a railroad may acquire right-of-way by one of three methods; (1) purchase [by deed], (2) condemnation, or, (3) if no record can be found, title vests by the statutory presumption as set out in the railroad’s Act of Incorporation or Special Legislative Act. In the Smith case no recorded purchase agreement or condemnation could be proven so the Court held that the width of the right of way granted to the Western North Carolina Railroad Company in 1854 by its Charter (Norfolk Southern’s predecessor) was 200 feet from the centerline (100 feet each side of the centerline of the track). The Court further stated that the time limit to challenge the presumption was two years; therefore the Charter established a two year statute of limitation. It is interesting to *note* that the Acts of Incorporation of the North Carolina Rail Road and the Piedmont Railroad Company (the Church Street line) also establish a power of condemnation and a presumed right-of-way of 100 feet each side of the railroad centerline with a two year statute of limitation to challenge the presumption. See the Act Incorporating the North Carolina Rail Road, ratified January 27, 1849, and the Legislative Ordinance to Incorporate the Piedmont Railroad Company, ratified February 8, 1862.

Smith was decided by a unanimous Panel of the Court of Appeals. The Supreme Court of North Carolina was asked to take the case for discretionary review since there was no automatic right of appeal. On November 3, 2005, the Supreme Court refused to consider the matter saying that there were no constitutional issues involved.

The City’s Involvement with Norfolk Southern and the North Carolina Railroad

The City of Greensboro has substantial dealings with the Norfolk Southern Railroad (and NCRR as Lessor of one of the tracks) throughout the year. For example, the City, and various private interests, wish to protect and develop the Battleground rail bed for a “Rails to Trails” and Greenway project when, or if, it is abandoned. The Lee Street Coliseum Parking area is partially developed within the NCRR/NS railway easement. The “Ice House” on East Market Street and its abutting retaining wall provide lateral support to the Piedmont Railroad Line of N/S. The City is frequently constructing, and closing, streets and bridges that cross rail lines and we often bore under rail lines for water, sewer and other utilities.

The grant of right-of-way to the NCRR at the Brown Lumber Company Property site was a grant for so much of the property as the NCRR had authority to condemn by

Sections 27 and 28 of its Act of Incorporation. Those Sections of the Act grant to NCCR the right to acquire or condemn a right-of-way having the width of 100 feet each side of the center of the main line.

In 1998, when Council authorized the acquisition of the Brown Lumber Company Property for Coliseum Parking the City acquired the tract and developed it as such. Part of the parking lot is within the NCCR/NS right-of-way and the City entered into a Lease Agreement with the railroad companies for the encroachment. A one time license fee of \$200.00 was paid to NS Railway and annual lease payments are made to NCCR. The annual lease payments began at \$400.00 in 1998 and are increased 3% per year. Last year's payment to NC Railroad was \$491.95. The lease provision provides the usual indemnities and an agreement on the City's behalf to remove the structures from the right of way upon notification by the Railroad Companies.

Streets State statutes establish the City's right to direct, control, and prohibit interference, by the railroads, with streets and crossings. NCGS § 160A-297. Cost sharing with regard to streets, warning signs, bridges and underpasses are set out in the statute. The statute states that its purpose is to make cost allocation for street crossings and bridge construction uniform throughout the State. The City does not pay an annual fee for such encroachments but only those up-front costs required by the statute.

Property Taxes, Fees, Liens, and Assessments The railroads pay local property taxes on their track, rights-of-way, buildings and rolling stock. For purposes of interstate and statewide consistency the appraisals of railroad property are determined by the NC Department of Revenue and forwarded to the various taxing units for local levy. NCGS Chapter 105, Art. 23. Should the railroad allow encroachment into the right-of-way the encroaching landowner is obligated, by the encroachment agreement, to pay to the railroad, or otherwise satisfy, any taxes, assessments, fees, or liens brought about because of the encroachment. In other words the railroad will not assume liability for the taxes on encroaching improvements. No property taxes are levied against City property within, or out of, the railroad right of way, therefore, the payment of property taxes is not usually an issue. The City does sometimes pay property taxes by agreement with private owners as part of the consideration for using their land or buildings. Any local improvement **assessments** or **fees** arising because of City use of railroad right-of-way are the responsibility of the City unless directed by State Statute to be paid by the railroad.

Insurance The City is, for the most part, self-insured and the railroad, over the years, has accepted a letter from the Executive Director of the Insurance Advisory Committee as sufficient to fulfill its coverage requests for ordinary liability coverage. As to one-time construction casualty protection for boring, etc., railroads require a per project fee for specific railroad protective insurance which is appended to their policy. The current charge is approximately \$800.00 per project.

A Rental or Fee for an Encroachment into the Right-of-Way

A statement was made in the recent Fax to Council Members that Southern Railway, in an old document, set forth the proposition that a landowner should not be charged a fee or rental for constructing an encroachment in the railroad right-of-way. The statement Faxed to Council and other government officials makes the comment that:

“A Southern Railway document from the 1900’s has been uncovered that says that the railroad has a 100 ft. right of way on each side of the tracks. The document also quotes the railroad as saying that land owners in the right of way ‘have certain vested rights . . . which preclude the collection of rental from them . . .’ Fax from “XX Road PAUSE,” January 10, 2006, page 2.

The 1900’s document referred to is a paper captioned “**Rights of Way of the Lines of Railroad of Southern Railway Company,**” compiled by its Assistant Secretary, Washington, D.C. December, 1904. It includes a lengthy list of railroads acquired by Southern including the Cape Fear and Yadkin Valley, the Piedmont Railroad, and the North Carolina Rail Road which run through Greensboro. (Actually the NCRR was not acquired by Southern but rather leases its assets to Southern.) See Werner v. Alexander, 130 N.C. App. 435 (1998)

The Document was prepared for the purpose of instructing Southern’s agents during the negotiations for written agreements with owners and third parties with reference to encroachments into Southern’s rights-of-way. It states that the landowner has the right to use the right-of-way in a “manner consistent with and not adverse to the Company’s rights.” Document at p. 24. It further states that these rights of the landowner include the right to “cultivate” and “raise crops.” It correctly cites Raleigh and Augusta Air Line Railroad v. Sturgeon, 120 N.C. 225 (1897) for this proposition. Sturgeon says that the right-of-way “cannot be used for any other purposes” than “safely and rapidly transporting and conveying passengers and freight” over the railroad. The abutting landowners may cultivate crops, and even then, only when the crops are not combustible. “In such case the (RR) companies would have the *clear right* to enter and remove such crops from their right of way.” See Sturgeon at pp. 229 and 230.

The NS Memo, quoted by PAUSE, ends by informing its contract agents that encroachments by the owner, or third parties, should not be allowed except by written agreement. Instructing that:

“. . .diligence is requisite and it becomes necessary to see that the structures, such as fences, buildings, etc., erected by land owners are covered by written agreements, by which the landowner acknowledges

that he recognizes the superior right of the Company and agrees to remove his encroachment when required. . . .’

“ . . . It is important, therefore, that the right of way should be protected in three ways:

“1. . . .’

“2. . . .’

“3. By seeing that all encroachments are covered by license contract. It is important to obtain such written recognition of the Company’s rights, as the contract is palpable evidence and prevents misunderstanding. In negotiating such contracts with respect to the right of way encroachments of abutting landowners, it should be remembered that *they have certain vested rights as explained above*, which preclude the collection of rental from them, so that in such cases the question of rental should not be insisted upon as it tends to defeat the effect of the contract.” Document at pp. 24-26.

In essence, the instructions of 1904 to railroad agents when negotiating license agreements with landowners is to avoid asking for rental for the growing of crops or other uses not inconsistent with the railroads rights.

A review of the North Carolina case law on the subject of the landowner’s use within the right of way indicates that the owner may use the right-of-way for non-combustible gardens, crops, and pasture. See *Bivens, Raleigh, supra* at p. 3 and *Sturgeon, supra* at p. 5. Further, the North Carolina Articles of Incorporation of the various railroads generally state that the railroad may not condemn a “dwelling house, yard, garden, or burial ground of any individual without his consent.” See NCRRC Charter, Sec. 27. As an example, once dwelling houses or burial grounds, as they existed at the time of taking, are removed the landowner cannot acquire a right to reconstruct, or develop them, with out railroad approval. See NCGS § 1-44 which states that no railroad may be barred from the use of its right of way by occupation by any person. In other words, a person cannot gain title against the railroad by encroachment, occupation, or private use.

The North Carolina Legislature has adopted a statute specifically giving any “**State-owned railroad company**,” i.e., the NCRRC, the power to lease, license, or improve property within its right of way for the purpose of preserving and protecting its railroad corridor and franchise. NCGS § 124-12. All railroads, not just NCRRC, have expenses and costs involved with protecting their rights of way such as inspections, plan review, insurance, attorneys, agents, administration, etc. This is not to mention the hazards which encroachments can create such as: vehicular and pedestrian traffic,

electrical lines and transformers, natural gas, fuel oil, line of sight problems, setback issues, access, faulty construction, fire and police access, storage and handling of dangerous materials, and so on. If the railroad is required to satisfy such costs and eliminate the hazards it is, without question, authorized to charge an annual rental fee to mitigate some of those expenses and control possible hazards from encroachments. NCGS § 124-12 seems to have settled the issue of annual rental fees of encroaching landowners with reference to the NCRR.

The City's Encroachment Requirements

The City also requires approval for encroachments into its easements and rights-of-way. The Greensboro City Charter dictates that encroachments into water, sewer, and storm sewer may be granted by the Greensboro Planning Board with Council approval. Greensboro Charter Sec. 4.128 Council has given such approval. However, encroachments into City streets may *only* be granted by the Council. These encroachments involve a right on the City's part to demand removal, indemnity to the City, and (where not prohibited by State or Federal Law) often a payment to the City for the right of encroachment. *Note* the City's various franchises authorizing street right of way use and Code Sec. 28.1-18.

Conclusion

Wherever a railroad exists in Greensboro there is, at a minimum, a right-of-way running to its benefit for its construction, safety, maintenance, protection, and future use. Any encroachment in the nature of a building or other structure into the right of way may be only with the approval of the railroad. Control by the railroad to protect the integrity of its right-of-way and which is necessary for its construction, maintenance, safety, or "use" is left to the railroad's sound business judgment. The only uses within the right of way, so far discovered, for which an underlying land owner would not need permission would be pasture, gardens, or crops. Unless a recorded document, or some intervening factor, dictates otherwise, the right-of-way of the NCRR is 100 feet each side of the center of the main line and may be protected by the railroad from any use which is inconsistent with its reasonable and sound business judgment.

Office of the City Attorney
City of Greensboro



Friday, March 01, 2013

TO: Denise Turner Roth, City Manager
S. Mujeeb Shah-Khan, City Attorney

FROM: Jim Clark, Police Attorney

SUBJECT: Commencing enforcement of internet sweepstakes law

Previously, the Greensboro Police Department (GPD) issued a public advisory to internet sweepstakes operators concerning GPD plans to enforce the internet sweepstakes law. In essence, GPD elected to give the operators fair notice of its intentions and a date for commencing enforcement. GPD selected this plan in order to allow businesses previously allowed to lawfully operate a chance to alter their business practices without the threat of being surprised with criminal charges.

As part of this plan, GPD understood that the State's court procedures required the North Carolina Supreme Court decision to be remanded to the Guilford County Superior Court, which had earlier issued a preliminary injunction order staying enforcement of the internet sweepstakes law. Earlier this week, Superior Court Judge John O. Craig informed the City Attorney's Office that his order was now void and no longer in effect. Therefore, the start of the two-week grace period to allow businesses to close or change their sweepstakes operation can now begin.

Based on the information from Judge Craig, GPD has sent letters to all known sweepstakes operators informing them that GPD will begin issuing citations (or arrests for subsequent violations) on March 15, 2013.

JAC/

cc: Jim Westmoreland, Deputy City Manager
Ken Miller, Chief of Police



February 22, 2013

TO: Jim Westmoreland, Deputy City Manager

FROM: Sue Schwartz, FAICP Director

SUBJECT: Heritage House Update

Following is an update on the status of housing code violations found in individually owned units and in the common areas during the December 2012 inspections at Heritage House, 310 West Meadowview Road.

- 60 units passed the initial inspection and received Letters of Appreciation.
- On January 17, 2013 hearings were held for the 117 units cited for a total of 562 housing code violations. Property owners, property managers and representatives from the homeowner's association attended the hearings.
- Of the 117 units cited for housing code violations:
 1. There are 61 units with a total of 333 violations that remain uncured. Orders to Repair, Alter or Improve were issued for these units with expiration dates ranging from February 25 to February 28, 2013.
 2. Of the 61 units that still have uncured violations, 51 were originally cited for life/safety violations and issued 48 Hour Notices (to correct the violations). These violations included wiring exposed or unsafe (usually due to missing or inoperable smoke detectors); cooking/heating equipment unsafe; plumbing pipes or fixtures broken, burst or inoperable; and, gas/electric not on at time of inspection. Upon expiration of the Orders to Repair condemnation notices will be issued for any of these units where life/safety violations remain uncured.
- Required City of Greensboro building inspection permits have been pulled for electrical work in the common areas. Members of the homeowner's association (HOA) have expressed that there are money constraints impacting how quickly this work is progressing.

Members of the HOA have also informed us that several units are vacant and that a few are in the foreclosure process due to non-payment of property taxes. Members of the HOA have also stated they do not plan to make repairs in the units in the foreclosure process until they know the outcome of the foreclosure proceedings.

The HOA, private management companies and some individual owners have been diligent in communicating their plans for bringing their respective units into compliance. There have also been some changes in management companies and evictions have occurred in a few units. Many owners have expressed that they do not plan to rent their unit(s), therefore they may take a longer period of time to bring the unit(s) into compliance.

PCD staff will continue to work closely with the City Attorney's office to take required next steps for enforcement of the minimum housing code in any units that continue to demonstrate a threat to public health and safety.



February 22, 2013

TO: Jim Westmoreland, Deputy City Manager

FROM: Sue Schwartz, FAICP Director

SUBJECT: Code Compliance Update - 804 Dillard, 3703 Cameron, 2401
Maywood and 2208 W. Florida

Per your request, following is an update on the history and current status of the above referenced properties. We have also provided a brief summary of enhancements underway to shorten the timeframe for moving cases through the code compliance program.

3703 Cameron Avenue

- Housing case originated in Sept. 2010 as a report from the Greensboro Fire Department
- Property owner boarded the unit in Oct. 2010
- Hearing Notice issued Oct 2010. New Hearing Notice issued Dec 2010 due to additional owners identified in title search
- Hearing held and Order to Repair issued in Feb. 2011
- Updated title search requested (Sept. 2011)
- Two unsuccessful service attempts (for new Hearing Notice) for some of the property owners Oct. & Nov 2011 due to address changes
- Hearing held and Order to Repair issued Feb. 2012
- Condemnation letter issued March 2012
- Case had to be started over because not enough time (30 days required) was allotted between Feb. 2012 hearing and Order to Repair
- New hearing held April 2012
- Order to Repair issued July 2012
- Condemnation letter issued Aug 2012 as violations remained uncured
- Referred to Minimum Housing Commission Sept 2012
- Feb 2013 the code compliance officer again referred the case to the Minimum Housing Commission
- Case is scheduled for the March 2013 Minimum Housing Commission agenda

804 Dillard Street

- Housing case originated in Jan. 2011 as a report from the Greensboro Fire Department
- Hearing Notice issued and title search completed (Jan-Feb. 2011)
- Another Hearing Notice issued Aug. 2011. Hearing Notice also published and posted on the property Sept. and Oct. 2011.
- Order to Repair issued Dec 2011
- Jan. 2012 property owner extension request denied as no work had been performed on property. Owner applied for City housing rehab program and 30 day extension granted.
- Property re-inspected seven times between Feb – July 2012. Still noncompliant
- New title search requested Aug 2012, reflected new address for owners
- New Hearing Notice issued Oct 2012
- New Hearing Notice issued Nov 2012 as owners did not sign for Oct Hearing Notices
- Order to Repair issued Dec. 2012 with expiration date of January 30, 2013
- Case being reviewed (to ensure compliance with ordinance regarding service of notices) for referral to Minimum Housing Commission. Goal is June Minimum Housing Commission agenda (March, April and May agendas already full).

2401 Maywood Street

- 6/24/09 – Housing case originated from tenant complaint
- 6/26/09 – 48 Hour Notice issued to cure electrical violations
- 6/3/2010 – Owner cured violations

- 8/7/2012 – New housing case originated (fire damage)
- 8/8/12 and 9/5/12 – 48 Hour Notice to secure issued and secured by owner(s) both times.
- 9/12/12 – Hearing Notice issued with hearing set for 10/12/12
- 9/26/12 – Inspector spoke with insurance company – they plan to demolish the house
- 10/15/12 – Issued Order to Repair with expiration date of 11/14/12
- 11/8/12 – Structure demolished by owner– case closed

2208 W. Florida Street

- 1/18/12 – Housing code case originated as a report from the Greensboro Fire Department
- 2/1/12 – Hearing Notice issued
- 3/2/12 – Issued order to Repair Notice with expiration date of 4/2/12
- March 2012 – owner stated they are waiting on insurance settlement and expressed intention to demolish the house with insurance proceeds
- 4/4/12 – Code compliance officer granted 30-day extension
- 5/10/12 – Code compliance officer granted 30-day extension
- 6/26/12 – Issued Condemnation notice
- 9/6/12 – Title search indicates an additional owner that has to be notified before going to Minimum Housing Commission

- 9/26/12 – Issued new Hearing Notice with a due date of 10/10/12
- 10/12/12 – Issued a new Hearing Notice with a due date of 10/26/12 (due to owner(s) not signing for mail, used FedEx for service this time)
- 10/26/12 – Issued an Order to Repair with an expiration date of 11/26/12
- 11/29/12 – Issued Condemnation notice
- 12/12/12 – Owner called inspector and stated he was pulling permits to do all repairs
- 1/15/13 – Code compliance officer verified permits were pulled and granted 30-day extension
- 2/19/13 – Code compliance officer inspected property, observed workers on site and granted 30-day extension

Brief Summary of Program Enhancements Currently Underway:

- Revisions to minimum housing & nuisance ordinances that provide for more effective and efficient processes and decreased timeframes
- Reducing code compliance officer's authority to grant extensions
- Caseloads being reviewed weekly (by supervisor) to ensure more timely re-inspections
- Computer software and hardware upgrades for more efficient and effective case management
- Additional program staff being added in FY 2012-13
- Standardizing operating procedures for program staff
- Reduced timeframe for completing title searches
- Creating referral system for property owners (to existing City housing rehab programs)
- Public education campaign scheduled for launch late spring 2013



February 26, 2013

TO: Adam Fischer, GDOT Director

FROM: Libby James, Public Transportation Manager

SUBJECT: GTA Sensitivity and Education Training

During the February 19, 2013 City Council Meeting, a Speaker from the Floor, Ms. Claire Stone, expressed concerns and requested additional information regarding the Sensitivity Training opportunity recently provided to the GTA employees and GDOT-Public Transportation Division staff.

Introduction

The GTA Board has continued efforts to provide the most efficient, appropriate and safe public transportation services that would support the independence and vitality of the riding public. In response to a need expressed by Specialized Community Area Transportation (SCAT) riders and advocates for greater sensitivity among GTA's operators and staff, GTA's Contractor (*Veolia Transportation Services, Inc.*) has offered sensitivity training to its operators through its Safety and Training Programs. There was concern expressed; however, by both advocates and users that the training provided by Veolia's internal staff needed to be more comprehensive in meeting the needs of both the new and current operators. In response to this concern, Veolia and GTA staff developed a revamped sensitivity training program to be provided by a third party.

Planning and Development of Sensitivity & Education Training Content

The training content is as follows:

- I. Sensitivity and Education
- II. Overview of the Americans With Disabilities Act
- III. Environmental Barriers
- IV. Managing Expectations
- V. Summary and "Take-Aways"

In developing a more comprehensive training program, the following meetings/contacts were made.

- ***GTA Operators.*** A meeting was held in October 2012. The purpose of the meeting was to: a) better understand their challenges, b) solicit their concerns and suggestions, and c) to conduct "ride alongs" on fixed route buses and SCAT Paratransit vehicles.

- **City's ADA Coordinator.** A meeting was held in September to discuss curriculum needs. Ms. Donna Gray suggested that we contact local mobility advocates and service providers for their input and participation.
- **Ms. Claire Stone.** In September, contact was made with Ms. Stone. She declined to participate in the training due to her unavailability to participate on Saturdays, and her weekday schedule was full. Ms. Stone did recommend that we go on-line to review the myriad of sensitivity training information, exercises and simulations available on line.
- **Ms. Benita Williams (Shabazz Center).** Ms. Williams declined to be involved in the training, stating that her small staff could not work on Saturdays.
- **Ms. Jeni Kirk and Amy Steiner (Bell House).** Bell House staff was excited to participate in the training and has been an asset to the training sessions. Since the inception of the training sessions, this partnership between Bell House residents and GTA has continued throughout the training, and has afforded the residents of Bell House the opportunity to present in their own words. For their participation, the residents are provided complimentary passes and lunch.

It should be noted that the majority of the operators are only available on Saturdays when transit services are reduced, thereby making Saturday the *only* day to accommodate the majority of the operators. Veolia contracted with the firm, *LD Bennett and Associates*, to design and deliver sensitivity and education training that improves operators and staff's safety skills for ADA passengers, refreshes their awareness of "identifiable challenges" and provides appropriate service capacity and customer relations strategies. Ms. Stone and the Shabazz Center staff were not utilized in the training due to not being available on Saturdays.

Training Format

The Sensitivity and Education Training is highly interactive and includes the following:

- (14) 8-hour interactive, classroom training sessions – Saturday only, to accommodate operator schedules and do not interrupt or interfere with GTA service delivery or operator, dispatch or manager work schedules; classroom, simulation, exercise training
- Provides training and job aide materials for 150 participants
- The design of pre- and post-test assessment instruments to measure participant and class performance.
- Provides "train-the-trainer" coaching and co-training experience and materials to GTA's Safety/Training managers.

Dates and times

The training time period is as follows:

- Saturdays: Beginning October 20, 2012
- November 3, 10, 17
- December 8, 15
- January 5, 12
- February 2, 9, 16, 23
- March 8, 9 (TBD)

Arrangements of the Training and Costs

GTA's Contractor, *Veolia Transportation, Inc.*, hired the consultant, LD Bennett and Associates. The funding breakdown is as follows:

\$21,220 (supports approximately 41.8 percent of total contract costs)

\$28,960 (100 percent of operator wages for 141 operators to attend the training)

Veolia will be responsible for the training and wages for the remaining of 107 operators.

GTA is responsible for the following costs: \$30,000

At the December 18, 2012 meeting, the GTA Board approved funds in the amount of \$30,000 to support the Sensitivity Training.

Responses to Questions Raised at the February 19, 2013 City Council Meeting

1. How much was each contract staff member paid per hour? The information is as follows.

Breakdown of Labor Wages

Web Site Design and Maintenance Services	
Government	
Labor/Task Category	Hourly Rate
Principal/CEO	\$ 200.00
Clerical/Administrative	\$ 50.00
Creative Director	\$ 104.00
Concept Developer	\$ 104.00
Technical Writer - Senior	\$ 104.00
Technical Writer - Staff	\$ 85.00
Graphic Designer	\$ 104.00
Photo Supervisor	\$ 104.00
Production - Multimedia	\$ 104.00
Website Developer	\$ 104.00
Professional & Management Development Training	
Government	
Labor/Task Category	Hourly Rate
Principal/CEO	\$ 200.00
Clerical/Administrative	\$ 60.00
Researcher	\$ 75.00
Project Director/Master Trainer	\$ 200.00
Project Coordinator/Co-Trainer	\$ 150.00
Project Manager/Supervisor	\$ 91.00
Project Director/Senior Manager	\$ 115.00
Account Coordinator	\$ 65.00
Accountant	\$ 75.00
Financial Analyst I	\$ 91.00
Technical Analyst II	\$ 75.00
Technical Writer I	\$ 91.00
Contract Specialist	\$ 75.00
Subject Matter Expert II	\$ 172.00
Subject Matter Expert I	\$ 104.00

2. How were trainers located and hired?

GTA's contractor, *Veolia Transportation, Inc*, hired LD Bennett and Associates based on the following qualifications:

- 35 years experience leadership development and professional staff and training and development program design
- Previous work with NCDOT – Public Transportation Division, NC Public Transportation Association, work with numerous systems throughout the State, NCPTA Conference presenter for number years
- Previous work with GTA

3. Were fulltime staff support and technical support needed for all 96 hours?

GTA's Safety and Training Manager and Training Supervisor are responsible for operator training, including the Sensitivity Training. As noted previously, a total of 141 operators or (73%) have completed the Sensitivity Training since the initial session. GTA staff also coordinated set-up, coordination with Bell House participants and served as support staff to the consultant. The original Scope of the Work and deliverables include the "Train-the-Trainer" manual so that GTA will continue the Sensitivity Training for all future operators and employees' orientation. The participation of GTA's Safety and Training staff are able to observe the facilitator first hand during the sessions:

4. What constituted the \$3,200 in participant materials?

All participants are provided:

- Customized training content
- Participant Training Notebooks
- Participant "Quick Reference" Guides
- Evaluation instrument & Evaluation Report
- Participant Certificate of Completion

The costs also include printing and binding services (external printing services).

5. What constituted the \$1,600 in video and simulation materials and are these, or will these be the property of the City?

The video and simulation materials utilized are consistent with training content, and used to reinforce training content. The following materials will remain the property of GTA for use in future ADA and Sensitivity training.

- a. "Train-the-Trainer" Manual
- b. Videos
- c. Exercise and simulation materials

enhance the social and economic quality of life for all citizens. All of our Civil Rights programs meet the FTA requirements and there are no pending lawsuits against the City of Greensboro or GTA alleging discrimination in our transit services. Whenever a complaint is filed against GTA or the City, staff follows the internal complaint procedure and makes an effort to acknowledge and/or respond to the complainant in writing within 24 hours of receipt of the complaint. Over the past four years, GTA has only received two (2) Civil Rights complaints, which were filed with the Federal Transit Administration alleging unfair treatment due to the complainant's disability.

In May 2009, a SCAT rider filed a complaint with the Region IV Civil Rights Director alleging that GTA would not grant full certification to and from the PART hub due to the fact that she was observed riding the PART bus. Following a conference call with the director, Ms. Claire Holmes (*Stone*) and several GTA staff, the decision was reversed due to the inconsistency regarding client's disability, and the fact that the PART service is a work commuter express service that does not function in the same capacity as a fixed route service.

In January 13, 2011, SCAT fixed route passenger filed a claim alleging that he was injured while riding a bus operated by GTA. Staff was very responsive in responding to the complaint and made several attempts to contact the passenger in response to their written communication, but had difficulty doing so. Staff further cooperated with the passenger's attorney, and based on the results of the investigation, the claim was formally denied due to lack of evidence and witnesses to support the claim.

As a grantee, the FTA conducts compliance, procurement and financial audits of the City's public transportation program and the GTA every three years. FTA considers the City to be in full compliance with all applicable rules and regulations.

If you have questions or need additional information, please contact me.

/lg

Greensboro Police Department
City of Greensboro



March 1, 2013

TO: Denise Turner Roth, City Manager
Jim Westmoreland, Assistant City Manager

FROM: Ken Miller, Chief of Police

SUBJECT: Officer-Worn Cameras

Earlier this week, the Greensboro Police Department received 125 TASER Axon Flex on-officer camera systems. The cameras were purchased under a federal stimulus grant and cost \$148,076.35, or approximately \$1,185 each.

Officer-worn cameras greatly benefit the police department and the community. They have been proven to save time, save money, and increase the safety of the officers and the public. These cameras:

- Improve behavior of all parties during police interactions
- Reduce false complaints and lawsuits by accurately capturing video from the officer's perspective
- Saves time and increase efficiency by reducing the time spent investigating complaints
- Enhance public trust and creates safer communities through greater transparency of police operations
- Hold officers accountable for their actions
- Help identify training and systemic deficiencies
- Capture powerful evidence for court cases

We anticipate fielding these cameras to patrol officers within 4-6 weeks, after familiarizing them with the policy for use of the systems.

We hope to be among the first police department of our size to equip every patrol officer with a body camera. To do this requires an additional 125-150 systems. The Greensboro Police Foundation has taken on the challenge of raising \$150,000 to outfit the remainder of our force. (The Guilford Merchant's Association was the first donor, contributing \$1,000 at last night's banquet.) Until sufficient systems are on-hand, officers on alternating shifts will share the cameras.

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Video footage captured by the cameras is up-loaded to TASER's hosted secure website, evidence.com. Uploads can be done wirelessly. Footage can be shared with others – such as District Attorneys – through permissions.

We are excited about the benefits and efficiencies these officer-worn cameras bring to our city. These small unbiased witnesses are powerful allies in protecting the rights of our officers and the public.

KM

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February 25, 2012

TO: Denise Turner-Roth, City Manager
Jim Westmoreland, Deputy City Manager

FROM: Kenneth C. Miller, Chief of Police

SUBJECT: Changes Associated with Opening of Police Headquarters

As you know, the Police Department has been working diligently to renovate the the old IRS facility acquired in summer 2011, to create a new Police Headquarters and make it operational to the public as early as possible. We have nearly completed the work for which we were originally funded. A number of renovations or maintenance needs were completed by Engineering & Inspections, IT and Field Operations personnel and, without their assistance, the costs to open the facility would have been much higher. Sign-O-Rama, the maker of the signage for the facility, provided a significant discount to the City as a measure its pride in the Police Department and participation in the project. Additionally, support from the CMO and City Council has been essential in getting the facility to the point where we are able to open it to the public.

As we move to open the facility to the public, there are several additional points of information worth conveying.

Scope of Current Renovations

The scope of initial renovations has been to consolidate services to the public and make them available as early as possible. The services in this phase include Central Patrol Division, Records Division, Watch Operations and Public Safety IT. We also moved the Logistics Section from its space in the Justice Center to make room for expansion of the operations and training areas of the GM911 facility. As a result:

- Logistics opened to GPD personnel in June 2012;
- Central Division and Public Safety IT began operating from the building in late January 2013.
- Records Division, Watch Operations and Telephone Reporting Unit will open to the public at 8:00 am on Wednesday, February 27th, 2013.
- Renovations include the following areas of the building:
 - Basement: Logistics service area;
 - 1st Floor: Public support areas, including Records, Watch Operations, Telephone Reporting Unit and Central Patrol Division;

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- 3rd Floor: Public Safety IT, men's and women's locker rooms, facility break room, fitness room;
- Electrical Service Upgrades include the addition of a generator that will power the entire facility to maintain operational continuity, should primary power sources fail at any time.
- Exterior lighted signage on the north and south sides of the building should make it convenient for the public to locate in day or night.
- A front entrance canopy will be erected within the next month, better marking the main entrance and providing some respite from weather as visitors enter the stepped entrance.
- Field Operations removed the post barriers in the front sidewalk, removed the broken sidewalk and repoured the sidewalk area in front of the building.
- Duke Energy will be installing two of the decorative sidewalk lamps in the front of the building within the next several weeks.

Scope of Future Renovations

When additional funding becomes available, the Police Department will complete its effort to consolidate essential services into renovated space at the new Police Headquarters building. Currently, only funding for architectural and engineering design work has been approved, and we have begun the planning and costing process for the following areas and functions:

- 2nd Floor: Offices of the Chief and deputy chiefs, Public Information and Community Outreach, Police Attorney, Professional Standards, Resource Management Division, and Research, Planning and Analysis;
- 3rd Floor: City Command Center and IT/computer training classroom (25-30 seats). Each is considered shared-use with other City Departments;
- 4th Floor: Criminal Investigations Division (CID) and Crime Analysis (consolidates some currently fragmented CID sections);
- 5th Floor: Overflow Criminal Investigations Division, primary facility large conference/media room, general purpose space for continuity of government operations when major disruptions occur (shared use space).

Ceremonial Grand Opening of Facility

In addition to the functional opening of the facility, the Police Department will hold an official grand opening ceremony on Monday, April 15th, 2013, from 10am-12pm. Guided tours will be available and light refreshments will be served. It is anticipated that remaining outdoor renovation and landscaping work will be completed by this date.

Public Guidance for Transition of Services

To facilitate the public adjustment period in transitioning services to the new police facility, we have taken some key steps:

- First, we developed signage to display at the Melvin Municipal Office Building (MMOB) and Water Resources Operations Center (WROC) to help direct citizens to the new police facility;
- Since Watch Operations will no longer be present at the WROC to direct the public to any number of service departments, signage will also be posted at the WROC to direct citizens to the customer service area of Southern Patrol Division, Customer Service/Collections area, and the Water Resources Department for assistance;

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- Signs will also be displayed outside these buildings for after-hours referencing;
- We have also provided information to the media to report changes in access to services;
- We will transition services overnight Tuesday, February 26th, so that there is no disruption to service availability to the public. As we transition during hours of low public demand, we will be able to maintain service delivery at MMOB until 0800 Wednesday, February 27th, when operations will fully switch over to the new building.

Vacated Space Utilization

We have been working with a number of City departments to reallocate space to accommodate their needs as well as ours.

WROC

At the WROC, some patrol division space is being released to City IT to meet their expansion needs. In addition, the small area vacated by the Telephone Reporting Unit will be utilized by the Police Neighborhood Resource Center (PNRC) staff. Because both Southern and Central Patrol Divisions shared space designed for one patrol division, most of the space being vacated by Central Division is being consumed by Southern Patrol Division.

MMOB

At the MMOB, we are currently engaged in discussions with other City departments interested in utilizing space being vacated by Records. Those departments include Engineering & Inspections, Parking Enforcement. In addition, our Crime Analysis Unit is in need of a small amount of expansion space in MMOB to accommodate the newly hired staffing for the unit. City Human Resources is also considering the relocation of some of its staff into areas occupied by the Chief's Office, Professional Standards Division and Resource Management Division. Like the Crime Analysis Unit, these functions will not relocate to the new facility until the remaining renovations are planned, funded and completed.

If you, members of your staff or any member of City Council have questions about the move that are not addressed in this memorandum, I am happy to discuss and/or clarify as needed.

Kenneth C. Miller
Chief of Police

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**Public Affairs
Contact Center Weekly Report
Week of 2/18/13 – 2/24/13**

Contact Center

4105 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 665
IVR/Pay by Phone – 235
New Sign up – 139
General Info – 136
Cutoff Requests – 100

Field Operations

Holiday Schedule – 150
HHW/Landfill/Transfer – 75
Bulk Guidelines – 61
Mattress Collection – 61
No Service/Garbage – 34

All others

Police/Watch Operations – 361
Courts/Sheriff – 104
HR/Employment – 56
Privilege License – 50
Openings/Closings – 47

Comments

We received a total of 2 comments this week:

Field Operations - 2 comments:

- Customer called in just before 11 am today and called back at 12:20 pm to say thank you for the excellent service. The crew went out there and repaired the road and it looks like they did a good job.
- Kudos to expanding the recycling program Greensboro!! Now would be a great time to move trash to every other week and recycling to every week. My family of four always fills the recycling container long before the trash would ever be full. We average a bag and a half of trash per week. Please consider switching the collection. Thank you!

Overall

Calls about the Mattress Go Round collection program and calls about employment remained steady last week. Callers were anxious to know if the City was closed on President's Day but were happy to find we were open and taking calls. Otherwise, we received the normal mix of calls last week.



SMALL GROUP MEETINGS

Date	Councilmember	Person Contacted / Department	Subject	Council Notification Date
February 25, 2013	Councilmember Hoffmann Councilmember Matheny Councilmember Vaughan	Assistant City Manager Scott	Zenke Duplex	March 1, 2013
February 26, 2013	Mayor Perkins Councilmember Matheny Councilmember Vaughan	City Manager Roth	Downtown Greensboro, Inc	March 1, 2013
February 26, 2013	Councilmember Abuzuaiter Councilmember Wilkins	Assistant City Manager Scott	Economic Development	March 1, 2013
February 26, 2013	Mayor Perkins Mayor Pro Tem Johnson Councilmember Matheny Councilmember Vaughan	City Manager Roth	Downtown Greensboro, Inc	March 1, 2013