



April 12, 2013

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

UPCOMING MEETINGS

- April 16 @ 5:50 Council Meeting
- April 18 @ 9:30 Economic Development Committee Meeting
- April 18 @ 3:30 Post RUCO Committee Meeting
- April 19 – 23 NFBPA Conference, Atlanta, GA
- April 23-24 Intercity Visit, Birmingham, AL

Council Follow-Up Items

• **Downtown Good Repair Ordinance and Zoning Enforcement Process**

As a follow-up to questions from Council at the April 11, 2013 Work Session, attached is a memorandum from Planning and Community Development Director Sue Schwartz, dated April 12, 2013, providing the enforcement processes for the proposed Downtown Good Repair Ordinance.

FaithAction International House Immigrants ID Initiative

Attached is a memorandum from Police Chief Ken Miller, dated April 8, 2013, regarding the FaithAction International House ID initiative.

Heritage House Update

Attached is a memorandum from Deputy City Manager Jim Westmoreland, dated April 12, 2013, providing an update on staff follow-up on the Heritage House.

Cascade Saloon Update

Attached is a memorandum from Assistant City Manager David Parrish and City Attorney Mujeeb Shah-Khan, dated April 11, 2013, providing an update on the Cascade Saloon structure.

District 3 Public Budget Meeting Postpone

Attached is a media release regarding the postponing of the District 3 Public Budget Meeting that was scheduled for April 18, 2013. The new scheduled date is May 14, 2013.

General Assembly Update

Attached is a memorandum from Assistant General Counsel Tom Carruthers, dated April 12, 2013, providing an update on the General Assembly.

Computer Usage and Incident Report

Attached is a memorandum from Interim Library Director Brigitte Blanton, dated April 10, 2013 providing the Computer Usage and Incident Reports for January 1, 2013 through March 31, 2013.

Contact Center Feedback

Attached is the weekly report generated by our Contact Center for the week of April 1, 2013 through April 7, 2013.

Small Group Meetings

Attached is the weekly Small Group Meeting report for the week of April 5, 2013 through April 11, 2013, between City Staff and [more than two but less than five] Councilmembers.

DTR/mm

Attachments

cc: Office of the City Manager
Global Media



April 12, 2013

TO: Jim Westmorland, PE Deputy City Manager

FROM: Sue Schwartz, FAICP, PCD Director

SUBJECT: The Downtown Good Repair Ordinance and the Zoning Enforcement Process

Several questions have arisen concerning how the enforcement of the Good Repair Ordinance would work. The goal of the City's zoning compliance process is to ensure properties adequately meet applicable City ordinances. The City would use the same process to enforce the proposed Downtown Good Repair Ordinance (if approved) as it does to enforce other zoning ordinances throughout the city.

1. If a complaint is received by the City, a code compliance officer would investigate the complaint to determine if there is a violation of City ordinances. If a violation is found, the compliance officer will try and talk with the property owner if available to attempt an informal resolution that complies with City ordinances. If no immediate resolution can be addressed then the City will issue a Notice of Violation (NOV).
2. The NOV specifies the violations of the code and the remedies available. The NOV also states that the recipient has 15 days from receipt of the NOV to appeal the action to the Board of Adjustment. The Board of Adjustment's decision can be appealed to Superior Court. Relative to the Good Repair Ordinance, the NOV will further state that a Type 1 modification (granted by the Planning and Community Development Director) may be requested. Attached is the section of the Land Development Ordinance that explains the Type 1 modification process.

The proposed ordinance states that a property cannot have broken glass in windows or doors, or walls with holes or decayed surfaces for more than 60 days. In these cases the 60 day period begins with the receipt of the NOV.

If the violation is not resolved in the specified time frame, the City can use any of the remedies available in section 30-5-4.3, including:

- Revocation of permits, including privilege licenses.

- Court-ordered repair or abatement of the condition pursuant to the injunctive powers provided by the State.
- Civil penalties, starting at \$50 and escalating to \$100, \$200 and then \$500. Though the ordinance allows each day a violation is not corrected to be considered a separate penalty and subject to additional escalating fines, the City typically allows sometime between the issuance of each civil penalty for the violation to be corrected.

Most zoning violations are resolved after the issuing of the NOV or the first \$50 civil penalty. In cases of multiple violations per property the City typically issues one NOV though the ordinance allows each violation to be treated separately.

- Criminal penalties; each violation of the City ordinance is a Class 3 misdemeanor and carries a maximum fine of \$500.
- In instances where an NOV is issued and compliance is reached, if a similar violation occurs within a five-year period then the City will move forward to issuing a civil penalty rather than starting back at the NOV stage.

Please let me know if there are any other questions or additional information is needed.

SS/wrc

cc: Denise Turner Roth, City Manager
Mayor and Members of Council
Tom Carruthers, Associate General Counsel
Mike Kirkman, AICP, Planner



30-4-11 Modifications

30-4-11.1 Purpose

Recognizing that it is sometimes possible to provide equal or better performance in furtherance of the purposes of this ordinance through use of means other than those specified in this ordinance, the City Council finds it to be reasonably necessary and expedient that provisions be made for limited flexibility in administration of certain standards in this ordinance.

30-4-11.2 Description

- A. There are 5 classes of Modifications: Type 1, Type 2, Type 3, Type 4 and Type 5. These modifications are specified technical exceptions that may be approved without going through the Variance process. Approval is limited to the specified exceptions and adjustments expressly authorized by this ordinance only when the general criteria of Sec. 30-4-11.3 have been met.
- B. The different types of modifications correspond to the increasing sensitivity or impact differential of the proposed change, or the authority responsible for approving the modification. The level of review—ranging from Type 1 to Type 5—is generally intended to be commensurate with the degree of deviation and/or the anticipated impacts of the requested modification.

1. Type 1 Modifications

Final decision-making authority on Type 1 Modifications rests with the department director with general responsibility for administering and interpreting the subject regulation or standard. Type 1 Modifications involve modifications to regulations and standards that are very minor (*de minimis*) in nature. Regulations and standards are eligible for modification through the Type 1 procedure only when expressly authorized by this ordinance.

2. Type 2 Modifications

The Technical Review Committee is authorized to approve most Type 2 Modifications, which involve modifications to regulations and standards that are similar to type 1 modifications but which benefit from inter-agency review. Regulations and standards are eligible for modification through the Type 2 procedure only when expressly authorized by this ordinance.

3. Type 3 Modifications

The Planning Board is authorized to approve Type 3 Modifications after review by the Technical Review Committee. Type 3 modifications involve changes or amendments to conditional zoning districts and special use permits. Regulations and standards are eligible for modification through the Type 3 procedure only when expressly authorized by this ordinance.

4. Type 4 Modifications

The City Council is authorized to approve Type 4 Modifications after review by the Technical Review Committee and Planning Board. Regulations and standards are eligible for modification through the Type 4 procedure only when expressly authorized by this ordinance.

5. Type 5 Modifications

The North Carolina Environmental Management Commission is authorized to approve Type 5 Modifications after review by the Technical Review Committee, Planning Board and the City Council. Type 5 modifications involve modifications to major watershed standards, and state law requires that such decisions be made by the Environmental Management Commission. Regulations and standards are eligible for modification through the Type 5 procedure only when expressly authorized by this ordinance.



30-4-11.3 Decision-making Criteria

A. Type 1, Type 2, Type 3 and Type 4 Modifications

The proposed modification must be made with regard to the purpose of the standard or regulation being modified, this ordinance, and the Comprehensive Plan. Type 1, Type 2, Type 3 or Type 4 Modifications may be approved if the authorized decision-making body determines that at least one of the following criteria are met:

1. that the proposed modification will result in equal or better performance than the standard being modified;
2. that the size, topography, or existing development of the property or of adjoining areas prevents compliance with a standard; or
3. that a federal, state, or local law or regulation prevents compliance with the standard.

B. Perimeter Setback Requirements in RM-26 and RM-40

For townhouse and multi-family buildings located in the RM-26 and RM-40 zoning districts, the Planning and Community Development Director may approve a Type 1 Modification allowing a reduction of up to 50% of the perimeter setback requirement if any of the following criteria are met:

1. The setback being modified abuts a parcel that is in a zoning district of equal or higher density;
2. The setback being modified abuts a collector or higher classification of roadway; or
3. The setback being modified abuts land that is not occupied by a residential use.

C. Type 1 Modifications to Tree Conservation and Landscaping Requirements

1. Alternate tree conservation plans, plant materials, planting methods or reforestation may be authorized when unreasonable or impractical situations would result from application of landscaping or tree conservation requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.
2. The Planning and Community Development Director may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this section. The performance of alternate landscaping plans or tree conservation plans must be reviewed by the Planning and Community Development Director to determine if the alternate plan meets the intent and purpose of this section. This determination must take into account the use of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.
3. Decisions of the Planning and Community Development Director regarding alternate methods of compliance for landscaping, tree conservation and reforestation may be appealed to the Technical Review Committee as requests for modifications.
4. Appeals from decisions of the Advisory Commission on Trees may be taken to the Board of Adjustment in accordance with Sec. 30-4-1.7.

Commentary: Appeals to the Board of Adjustment are heard "on the record," meaning that any and all information necessary to reverse or affirm a decision of the Advisory Commission on Trees must be contained in the written record.

(Amended by Ord. 12-114 on 10/2/12)

A. Type 5 Modifications

The authorized decision-making body may approve Type 5 Modifications if all of the following 3 findings are made:

1. there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the decision-making body must find that all 5 of the following conditions exist:
 - a. that the applicant can secure no reasonable return from, nor make reasonable use of their property if subject to strict compliance with the subject provisions. Merely proving that the modification would permit a greater profit to be made from the property will not be considered adequate to justify the granting of a modification. Moreover, the decision-making body must consider whether

the modification is the minimum possible deviation from the terms of the ordinance that will make possible the reasonable use of the subject property;

- b. the hardship results from the application of the ordinance to the property rather than from other factors such as deed restrictions or other hardship;
 - c. the hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property;
 - d. the hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the ordinance, or who purchases the property and then applies for relief; and
 - e. the hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a modification would be a special privilege denied to others, and would not promote equal justice.
2. the modification is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and
 3. in the granting of the modification, the public safety and welfare have been assured and substantial justice has been done. The decision-making body may not grant a modification if it finds that doing so would in any respect impair the public health, safety, or general welfare.

30-4-11.4 Submittal Requirements

- A. Modification requests must be submitted to the Planning and Community Development Department.
- B. Requests must be submitted at the appropriate time, and the burden is on the applicant to demonstrate that the criteria in Sec. 30-4-11.3 have been met.

30-4-11.5 Review and Decision-Making Bodies

A. Department Directors

Final decision-making authority on Type 1 Modifications rests with the department director with general responsibility for administering and interpreting the subject regulation or standard. Standards and regulations eligible for modification through the Type 1 Modification procedure are expressly identified in the text of this ordinance. In addition, the Planning and Community Development Director is authorized to approve, as a Type 1 Modification, an adjustment to zoning district setback requirements by up to one foot, when a building permit has been issued and there was an unintentional error of the Engineering and Inspections Director in verifying the location of a structure on the property, provided the purpose and intent of the ordinance is not impaired.

B. Technical Review Committee

1. The Technical Review Committee has final decision-making authority on all Type 2 Modifications. Standards and regulations eligible for modification through the Type 2 Modification procedure are expressly identified in the text of this ordinance.
2. The Technical Review Committee must review and make recommendations on all of the following:
 - a. applications for Type 4 and Type 5 Modifications of Water Supply Watershed standards; and
 - b. all applications for Type 3 Modifications of conditions attached to a Conditional Zoning District or Special Use Permit.

C. Planning Board

1. The Planning Board has final decision-making authority on all Type 3 Modifications. Standards and regulations eligible for modification through the Type 3 Modification procedure are expressly identified in the text of this ordinance.
2. The Planning Board also reviews and makes recommendations on all Type 4 and Type 5 Modifications.

D. City Council

1. The City Council has final decision-making authority on all Type 4 Modifications. Standards and regulations eligible for modification through the Type 4 Modification procedure are expressly identified in the text of this ordinance.
2. The City Council must review and make recommendations on all Type 5 Modifications. Standards and regulations eligible for modification through the Type 5 Modification procedure are expressly identified

in the text of this ordinance.

(Amended by Ord. 12-114 on 10/2/12)

30-4-11.6 Decision-making Authority--Final Action

A. Approval

Applications for Modifications that satisfy the approval criteria listed in Sec. 30-4-11.3 may be approved by the authorized decision-making body.

B. Conditions

The decision-making body approving a modification must seek to ensure that the use of the property will be compatible with surrounding properties and will not alter the essential character of the neighborhood. Additional conditions may be imposed by the authorized decision-making body for Type 3 and Type 4 Modifications of a Water Supply Watershed standards. Violations of conditions and safeguards that are part of the terms of modification approval constitute a violation of this ordinance.

30-4-11.7 Modification of Water Supply Watershed Standards

A. Type 5 Modifications--Major Modifications

Recognizing that modifications to watershed standards are only approvable in unique circumstances on a case-by-case basis by the North Carolina Environmental Management Commission pursuant to the North Carolina Administrative Code 15A, North Carolina Administrative Code 02B, 0104(r) of the North Carolina Department of Environment and Natural Resources (NCDENR) "Redbook," the City Council hereby designates the North Carolina Environmental Management Commission as the final decision-making body for Type 5 modifications. The approval procedure is the same as in Sec. 30-4-11.5

B. Notification of Other Affected Jurisdictions

For each request for a Type 3, Type 4 or Type 5 Modification to watershed standards, the Planning and Community Development Director must notify all other local governments having jurisdiction within the same water supply watershed or using the affected water supply for consumption at least 14 days before the Planning Board hearing.

C. Annual Report

A report containing a description of each project receiving a modification of watershed standards and the reasons for approval of the modification must be sent to the North Carolina Environmental Management Commission on an annual basis by January 1.

(Amended by Ord. 10-161 on 12/1/10)

30-4-11.8 Appeals of Modification Final Action

A. Appeals of Type 1 Modification final actions by the appropriate director may be made to the Technical Review Committee and subsequently to the Planning Board and the City Council.

B. Appeals of Type 2 Modification final actions by the Technical Review Committee may be made to the Planning Board and City Council.

C. Appeals of Type 3 Modification final actions by the Planning Board may be made to the City Council.

30-4-11.9 Duration of Approval

An approved modification is part of an approved plan and has the same duration as the plan approval.

(Amended by Ord. 10-156 on 10/19/10. Ord.10-161 on 12/1/10)

Greensboro Police Department
City of Greensboro



April 8, 2013

TO: Denise Turner Roth, City Manager

FROM: Kenneth Miller, Chief of Police

SUBJECT: FaithAction International House Immigrant ID Initiative IFYI

FaithAction International House (FAIH) has been in operation in Greensboro for over 12 years and serves thousands of our newest immigrant neighbors, while educating and connecting our diverse community across lines of culture and faith. Their goal is to help Greensboro become a model multicultural, interfaith and immigrant-friendly city.

FAIH Executive Director Reverend David Fraccaro and members of FAIH staff met with members of the Greensboro Police Department and local clergy serving the Latino communities during 2012 in an effort to establish a meaningful dialogue with members of the Latino community in an effort to build trust between new immigrants and the Department. The process not only involved Latino clergy, but clergy serving Latino and other immigrant congregations resulting in an additional outreach with the Niger (West African) community. As a result, FAIH facilitated three community forums with Latino congregations and one additional forum was held with the Niger community. Based on the feedback from those forums, FAIH sought to pursue an alternative ID that could be used in a very limited manner by those immigrants in our community that could not obtain a valid NC drivers license or ID card. The Greensboro Police Department supports this initiative.

The purpose of the FaithAction ID initiative is to provide hard working, family oriented immigrants who reside in Guilford County and do not have access to government issued ID's the opportunity to receive an ID that would include name, gender, address, birth date, and any chosen cultural and/or religious affiliations, along with a current photograph. Cities such as Los Angeles, Hartford, and more locally Durham and Winston Salem have all recently adopted alternative ID initiatives in cooperation with local law enforcement agencies.

This initiative, while providing dignity and inclusiveness to immigrant residents in our community, will provide Greensboro Police officers with crucial information to better address and resolve legal and criminal concerns involving immigrants who may not otherwise have a valid form of ID. It can save tremendous time and resources by allowing officers to issue citations instead of having to make custodial arrests, keeping our officers in the field and available to respond to calls for service or doing proactive work.

The FaithAction ID will be available to any immigrant resident of Guilford County who is in need of a valid form of identification as long as they can provide proof of identity and residency. The FaithAction ID would be valid for one year from the date of issuance and would need to be renewed each year thereafter to remain valid. The cost for purchasing the original ID would be \$10.00 with the same fee for renewal each year. FAIH would be entirely responsible for purchasing a high quality ID machine approved by the Greensboro Police Department, along with a database management program maintained by FAIH.

Prior to receiving the ID, each individual would be required to go through an orientation describing the purpose, terms, and limitations of a FaithAction ID. FaithAction would draw up a brief agreement in cooperation with the Greensboro Police Department, reviewed by our Police Attorney and/or a legal representative designated by FAIH that clearly describes what the ID is, and what it is not. Eligible individuals would be required to sign and date this form prior to receiving the ID. The original form would reside at FAIH, and each individual would receive a copy.

FAIH staff would be clear with individuals in the orientation, within the accompanying form that while the ID would be considered legitimate by the Greensboro Police Department, the ID does not carry the weight of an official government issued ID and is not in any way a substitute for a driver's license. It will also be made clear that this initiative reflects a partnership with the Greensboro Police Department only and other law enforcement agencies may not recognize or accept the use of the ID card.

FaithAction International House is considering the following timetable for implementation of the ID initiative:

- | | |
|----------------|---|
| April 14, 2013 | Announce the FaithAction ID Initiative during the "Community Conversation on Immigration" hosted by St. Mary's Catholic Church |
| April 15, 2013 | FaithAction International House will begin the process of obtaining the equipment required to produce the ID and develop the required forms (it is anticipated this process will take until the end of May) |
| June 2013 | FaithAction International House, in conjunction with local churches involved in the process, will pilot the initiative and determine if any additional considerations or changes are needed |
| July 8, 2013 | FaithAction International House will officially launch the ID initiative during their normal Immigrant Assistance hours at 705 N. Green St. |

KM

cc: Jim Westmoreland, Deputy City Manager



April 12, 2013

TO: Denise Turner Roth, City Manager
FROM: Jim Westmoreland, Deputy City Manager
SUBJECT: Heritage House Update

The City is continuing to address concerns regarding the Heritage House complex. This week, an audit was conducted to ensure that a complete and accurate record, and level of documentation exists to support all work performed at the complex to-date. As part of the audit, the Planning and Community Development Department (PCD) reviewed all Heritage House records since December 2012. Provided below is a summary of the findings and next steps.

Findings:

1. After the initial December inspections, 60 of the 177 units were found in compliance. As of April 12, 2013, there are 152 units in compliance.
2. Incomplete or insufficient documentation exists to support that staff re-inspected some of the 32 units that were granted extensions to continue repairs.

On April 2, the City reported that 129 of the 177 units were in compliance and 32 units were granted extensions to continue repairs. The audit has documentation of re-inspections being conducted on March 5 and March 27, 2013. However, the audit has failed to uncover documentation associated with the 32 properties that were granted extensions, despite what was previously indicated by the inspector and reported by the Department.

PCD has since performed needed re-inspections and cleared 22 of the 32 properties. Property owners of the remaining properties are being contacted to schedule re-inspections. In addition, 12 units have been condemned and the City is working with property owners to conduct follow-up inspections to bring them into compliance, if possible.

3. No documentation exists to support the initial inspections of 4 units.

As of April 2, there remained 4 units, of which the City did not have records of their initial inspection being completed in December, 2012. The City has now re-inspected each of those units and they were all found to be in compliance.

4. Two cases were closed in error and 1 case was not entered into the system.

Two cases were closed in error and PCD is working with the City's IT Department to reopen the 2 cases within the database and online systems. One unit inspected in December was never added to the City's database as a new housing case and that unit has now been entered.

Next Steps:

Based on the findings of the audit, the following corrective measures have been implemented to ensure the Heritage House inspections and code compliance activities continue forward. In addition, focus is being paid to correcting system data entry, process, and personnel issues so that this does not happen in the future.

- As of April 4, 2013, all follow-up activities for Heritage House have been re-assigned to Code Enforcement Field Supervisor Mark Wayman, with day-to-day oversight of the project being provided by Neighborhood Services Division Manager Barbara Harris.
- Based on the seriousness of the items identified in the audit, PCD is currently reviewing options regarding staff reassignments and/or disciplinary actions.
- PCD will continue to enhance its ongoing enforcement activities at the Heritage House to include inspection of all units that have not yet passed inspection, along with a sampling of those units previously determined to be in compliance.
- Beginning this week, PCD is providing bi-weekly status updates (see below) to the City Manager's Office and City Council until all units are brought into compliance.

Status Update 4-12-13	Units
In Compliance	152
Under Order to Repair	10
Remaining to be Re-inspected	0
Condemned	12
Reopen cases closed in error (violations not cured)	2
Inspected but never entered into database	1
	177

JW/dt

Executive Department
City of Greensboro



April 11, 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 consider 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. Staff provided a memo updating the project on March 1. Below is a second update on both of these activities. Staff plans to bring this item before a Council Work Session in May.

- 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. As noted previously, for the City to be able to acquire the property through condemnation, the City would need to apply for permission to demolish the building. The application was heard at the Commission’s March 19, 2013 meeting. The Commission granted the City’s application, but delayed demolition for 365 days. Ross Strange (the building’s owner) was present at the meeting.

Staff also requested and received an appraisal of the property to determine fair market value. The appraised value is important should the City file condemnation action to acquire the property. The appraised value factored in the value based on comparative sales plus any income from potential tax credits minus an estimated cost to stabilize the structure. This net value is \$26,000. Considering the low return on investment for this property, “the conclusion of the appraiser is that the AS IS market value of this property is zero.” Although the appraised value of the as is property is zero (due to the costs of any proposed repairs needed to make the building structurally sound), we note that in any condemnation case, the value of the building and property will be in question. The owner will have the opportunity to negotiate with the City or bring other evidence of what he contends is the proper value. A judge or jury could end up making the final decision on what the City is required to pay for the property. This could increase what the City would be required to pay in addition to stabilization costs.

- North Carolina Railroad Company (“NCR”) – At a recent meeting with representatives of Preservation Greensboro, the issue of whether or not the NCR has an easement that would mean that the building could be demolished at the NCR’s request. Both the City and Preservation Greensboro note that regardless of whether or not an easement exists, NCR believes one does. Any owner of the building (be it the City or another party) will

need to resolve that issue with NCRR, which may require that issue to be resolved in court. However, until the City determines how it will move forward, it is premature to work toward that resolution.

- Request for Proposals – The RFP was initially advertised in the News & Record on March 10. Staff hosted the mandatory pre-bid conference on site March 21. Three contractors attended this meeting. At this time, the three prospective proposers requested the deadline be moved one week to April 16, 2013 due to the complexity of the project and other construction deadlines in the region. Since it was a unanimous request, staff accommodated this request. Once staff receives the proposals, staff will review and prepare the proposal information for Council consideration.

DP



GREENSBORO

**CITY OF GREENSBORO
FOR IMMEDIATE RELEASE**

Contact: Jake Keys
Phone: 336-373-2105

Council District 3 Public Budget Meeting Postponed to May 14

GREENSBORO, NC (April 12, 2012) – The Council District 3 Budget Meeting originally scheduled for April 18 has been postponed to 6 pm, May 14 at the Greensboro Science Center, 4301 Lawndale Rd.

This public budget meeting is hosted by Councilmember Zack Matheny and City staff. Residents are encouraged to attend the meeting and share ideas to help set priorities for the coming year.

Council District 3

Hosted by Zack Matheny

6 pm on Tuesday, May 14

Natural Science Center

4301 Lawndale Rd.

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The City works with the community to improve the quality of life for residents through inclusion, diversity, and trust. As the seventh largest employer in Greensboro, the City has a professional staff of 3,000 employees who maintain the values of honesty, integrity, stewardship, and respect. The City is governed by a council-manager form of government with a mayor and eight council members. For more information on the City, visit www.greensboro-nc.gov or call 336-373-CITY (2489).



April 12, 2013

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

FROM: Tom Carruthers, Assistant General Counsel

SUBJECT: General Assembly Update

The Senate and House deadline to introduce public bills (nonlocal or statewide) and local bills have passed. The next major deadline will be the May 16, 2013 crossover deadline. This deadline requires any bill to pass either the House or Senate before that date or the bill can no longer be considered this session.

Below is the summary of the status of our legislative agenda.

Local Legislative Agenda

1. *Protect Municipal Revenue.*

No specific legislation was proposed by the City for this item. By the City Manager's May 21 letter to the Delegation, the City informed the Delegation of its opposition to SB 363, Business Tax Reduction and Reforms (discussed below), which will eliminate the City's Privilege License Tax. In the March 28, 2013 legislative update, we noted that SB 394, Lower Tax Rates for a Stronger NC Economy, was introduced. We note that in an April 3, 2013 Senate Finance Committee meeting, a proposed committee substitute was introduced which has the goal of attempting to be revenue neutral for local governments. In the case of the City, it would create a statewide privilege license tax, which would be distributed to cities. We continue to work toward a solution, which holds the City harmless from loss of revenue.

2. *Hold Harmless Resolution.*

Representative Harrison sponsored and introduced H373, Extend State Hold Harmless Tax Funds into the house. It was referred to the House Committee on Finance. It is similar in content to HB389/SB 307, Restore Hold Harmless Sales Tax Funds, which is also pending and also before the House Committee on Finance.

3. *Jordan Lake.*

Senator Wade and Senator Gunn of Alamance County have introduced SB 515, Nutrient Management Standards Reform Act into the Senate Chamber. This bill was referred to the Senate Committee on Agriculture/Environment/Natural Resources.

4. *MWBE/SBE.*
HB 524, Greensboro Charter Amendments, was sponsored by Representatives Harrison, Adams, Brandon and Hardister. It was introduced on April 2nd, received favorably by the House Committee on Government and referred to the House Committee on Finance. Senator Robinson introduced similar legislation, SB 233, Greensboro SBE, in the Senate.
5. *Electronic Notice.*
Senator Wade has introduced SB 186 as statewide legislation; it is before the Senate Commission of Rules and Operations. She has also introduced Senate Bill 287 as a local bill for Greensboro, High Point and Guilford County. This bill is before the Senate Committee on State and Local Government. In addition, HB 504, Local Electronic Notice, was sponsored and introduced by Representative Hardister and applies to local governments in multiple counties, including Guilford County.
6. *Increase Funding for Greensboro Transit Authority ("GTA").*
Representative Harrison sponsored HB 525, City of Greensboro/Motor Vehicle Tax; this bill is before the House Committee on Rules, Calendar and Operations. Representative Brandon has introduced similar legislation, HB 309, for High Point.
7. *Housing Receivership.*
Representatives Brandon, Faircloth, Hardister and Harrison have introduced HB 227, Local Governments/Vacant Housing Receivership. HB 227 is before the Committee on Government.
8. *Greensboro Firemen's Supplemental Retirement System Local Act Amendment.*
Representative Faircloth, Adams, Harrison, Hardister and Brandon sponsored the introduction of HB 347 in the House, and which is now before the House Committee on Government.
9. *Revisions to City Charter Section 5.65 and 5.74.*
This legislation is attached to HB 524, discussed in paragraph 4 above.
10. *Prohibition of Brown Bagging at Sexually Oriented Businesses.*
Senator Wade introduced SB 470, No Beer/Wine if Permit Revoked or Suspended. This bill was received favorably in the Senate Committee on Commerce, amended on the Senate floor and passed the Senate on April 11th.
11. *DMV Registration Blocking for Unpaid Tickets.*
Senator Robinson introduced SB 227, Parking Tickets as Municipal Tax, and the legislation has been referred to the Senate Finance Committee.
12. *Breast Density Awareness.*
Representatives John Faircloth, Alma Adams, Pricey Harrison and Jim Fulghum, M.D. introduced House Bill 467, Breast Density Notification and Awareness, as the primary sponsors. This bill was received favorably in the House Committee on Health and Human

Services and passed the House on April 11th by a vote of 112 to 0. The Senate companion bill, SB 519, was introduced with Senator Robinson and Wade as primary sponsors, and resides in the Senate Committee on Health Care.

13. *ALS Awareness.*

Representatives Faircloth and Brandon sponsored HB 631, Urge ALS Awareness and Research. The bill sits in the House Committee on Rules, Calendar and Operations.

Pertinent Legislation of Local Interest.

1. *Annexation.*

HB 79, Annexation Amendment.

This bill was introduced by Representative Hardister; it would amend the North Carolina Constitution and require a two-thirds vote of all property owners in any area of proposed annexation, ban extraterritorial jurisdiction and restrict the rights of future General Assemblies to modify these laws without a future constitutional amendment.

HB 8, Eminent Domain.

This is a proposed amendment to the North Carolina Constitution. It would amend the power of the state to take property for public use and benefit and restricts this power to public use only. It also clarifies the right of the municipality and other specified entities to extend utility services across private property to new customers. This bill passed the House on February 12, and is before the Senate Judiciary I Committee.

SB 705, Local Condemnors Accountability Act.

This proposed constitutional amendment restricts the power of local boards, commissions or authorities (such as the Piedmont Triad Airport Authority) to exercise condemnation by eminent domain. For such a group to condemn property, the group's boards would need to consist entirely of elected officials. If the group's governing body is not made up entirely of elected officials then a condemnation action can only be instituted if a majority of the members of that group's governing body are appointed by boards consisting of elected officials. Further, a majority of all the entities making appointments to that group's governing board must approve initiation of the condemnation action.

SB 723, Local Accountability Act.

This proposed constitutional amendment incorporates the language above and adds the requirement that the County Board of Commissioners where the local authority is located must also approve the condemnation. These same restrictions are also placed on the right of the local authority to levy ad valorem taxes.

HB 224, Asheville Extraterritorial Jurisdiction and Annexation.

This bill eliminates the ability of the City of Asheville to annex. This bill has passed the House on April 3, was received favorably by the Senate State and Local Government Committee, and is calendared on the Senate floor for April 16.

HB 486, Wake Municipalities/ Doughnut Annexations

This local act would allow municipalities in Wake County to annex areas surrounded by the municipality.

2. Zoning and Inspection Bills.

HB 276, Zoning/Board of Adjustment Changes.

This bill will clarify current standards when a Board of Adjustment may approve a variance from local zoning requirements. It was referred to the Senate Committee on State and Local Government. This bill passed the House on April 9, with a vote of 119 to 0 and is before the Senate Committee on Finance.

HB 150, Zoning/Design and Aesthetic Controls.

Prohibits aesthetic zoning controls from applying to one and two family residential dwellings. Historic Districts and landmarks are exempted. Neighborhood overlays are exempted if specifically approved by the owners of all the property in the proposed overlay district. This legislation passed the House on March 21, and is before the Rules and Operations Committee in the Senate. Staff has expressed the City's opposition to the bill as currently written.

HB 120, NC Building Code Inspections.

This legislation mandates more uniform building inspection procedures. Local inspectors may not require inspections in addition to those required by the NC Building Code without first obtaining approval from the NC Building Code Council. It passed the House on March 12th, and now resides in the Senate Commerce Committee. Staff has expressed the City's opposition to the bill as currently written.

HB 773, Local Government's/Buildings/Structures/Inspections.

This would prevent local governments from charging fees to defray costs of a residential property registration program. It eliminates periodic inspections of repeat violators. The proposed law also defines what a "verified violation" is under the law. We are assessing the impact of the proposed legislation on the post-RUCO ordinance being reviewed by the Post-RUCO Council Committee.

3. *Tax Revenue.*

SB 363, Business Tax Reduction and Reforms.

If adopted, this bill would eliminate municipalities' rights to levy local privilege license taxes after January 1, 2015. The General Assembly provided the municipalities broad powers to levy privilege license taxes over 75 years ago. Greensboro estimates that the city will collect over \$3,165,000.00 during the 2013-14 fiscal year. This amount total typically grows at an annual 2-3% rate. There is no proposed reimbursement in this bill for the loss of revenue to the municipality.

SB 394, Lower Tax Rates for a Stronger NC Economy.

This bill would repeal the current state income tax system and state privilege tax and franchise tax system. It will eliminate electricity franchise payments and beer and wine tax

distributions. It generally lowers effective tax rates and broadens the tax base. The original version of the bill did not identify adequate replacement revenue and did not hold the municipalities harmless from potential negative consequences. Based on estimates from the North Carolina League of Municipalities, it was estimated the City of Greensboro could experience a revenue shortfall of approximately \$16,842,855.00 if this bill was enacted into law. Due to efforts of the various Cities and the League of Municipalities, this bill was modified in the Senate Finance Committee. Under the new version of the bill, cities would receive distributions from a new State business privilege license tax, as well as distributions from the local sales tax on electricity and natural gas. The League now estimates this bill would be revenue neutral, though no “hold harmless” provisions are in the language of this bill.

SB 667, Corporate Income Tax Reduction and Reform.

This bill would reduce the corporate tax rate from 6.9 percent to 6.5 percent in January of 2014, 6.25 percent in January 2015 and 6.0 percent in January 2015.

HB 642, Lower Corporate Income Tax Rate.

The House version of this bill would reduce the corporate rate to 4.9 percent retroactively as of January 1, 2013.

SB 669, Reduce Individual Income Tax Rate.

This bill is understood to be a “placeholder” for a larger income tax reform bills. This would reduce all income tax levels over several years until a ‘flat tax’ rate is established.

HB 822, Three-Fifths Vote to Levy Taxes,

This proposed constitutional amendment would prevent the General Assembly from raising taxes unless three-fifths of both chambers voted for the increase.

4. *Public Records.*

SB 125, Criminalization of Violations of Public Meetings Laws and Public Records Act.

This would make any violation of the public meetings laws and any unauthorized failure to provide public records a Class 3 misdemeanor. Two hearings occurred on this legislation in the Senate Judiciary I Committee. Senators from both parties expressed opposition or concern with the bill as written. No formal votes have occurred.

SB 331, Sunshine Amendment.

This bill would amend the North Carolina Constitution to declare all governmental records to be public records and all meetings of public bodies open meetings unless two-thirds of the House and Senate approve a statutory exemption. Exceptions and exemptions currently in effect would remain in place.

HB 837, Government Transparency Act.

This bill is sponsored by Representative Blust and Harrison. This would open personnel records pertaining to hiring, firing, and performance reviews to public records requests.

HB 870, Record Closed Sessions of Public Bodies.

This bill would require all closed sessions would be recorded in addition to the summary notes now kept by the City Clerk.

SB 617, Public Records/Minimal Cost Recovery.

If adopted, this bill would allow the City to charge for time involved in producing public records at the rate of the current minimum wage per hour for all personnel time involved.

5. *Public Enterprises.*

HB 488, Regionalization of Public Utilities.

This bill is directed at the City of Asheville Municipal Water System. It would transfer this municipal enterprise to the Regional Sewer Authority in Buncombe County.

HB 252, Asheville Transfers.

This bill would prevent the City of Asheville from utilizing Municipal Water System revenue to repair streets damaged by water main repairs.

SB 81/HB 104, Charlotte Regional Airport Authority.

This bill would transfer the City of Charlotte's airport to a regional authority. This passed the Senate by a vote of 84 to 32 and sits in the House Committee on Transportation.

HB 568, Asheville Deannexation.

This bill removes the Asheville Airport from the city limits.

6. *Environment.*

SB 612, Regulatory Reform Act of 2013.

This bill eliminates the ability of municipalities to adopt ordinances more strict than state or local law. This bill also establishes "fast track" permitting and would reduce the ability of the City to regulate storm water and soil and erosion issues that arise in new developments.

HB 612, Environmental Permitting.

This is essentially a duplicate bill to SB 612 discussed above.

7. SB 85, Ordinance First Reading Vote.

This will require governing bodies like the Council to wait seven days after any public hearing to vote on the proposal considered at the hearing. This bill is before the Senate Rules Committee.

8. HB 4, Unemployment Solvency and Program Changes.

This bill passed both Chambers and was signed by the Governor on February 19. It accelerates the reimbursements to the State of benefits paid by local governments and reduces the top-level benefit.

9. HB 284, Local Bidder Preference Act.
Representative Harrison introduced HB 284, which will allow municipalities that seek bids for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment to award to local bidders if they bid within 5% or \$10,000.00 (whichever is less) of the lowest bid. It was referred to the House Committee on Government.
10. SB 264, Abate Nuisances/Drug Sales from Stores.
This bill seeks to revise and expand the definition of a nuisance under Chapter 19 of the General Statutes. The bill would no longer require the Courts to find the sole purpose of the use of the premises was illegal activity before finding a nuisance exists. It also broadens the right of the State or municipality to seize real property under these actions. The bill was referred to the Senate Judiciary I Committee.
11. HB 299, Law Enforcement Fairness Act.
This act would establish a quasi-judicial board for each municipality to review dismissals of and grievances by law enforcement officers. It has moved to the House Rules and Operations Committee.
12. HB 95, Standard of Proof/Public Safety Dispatchers.
This proposed legislation raises the standard of proof that a plaintiff must establish before that individual could recover damages from the actions or inactions of GM911. Typically a plaintiff must prove their case by a “preponderance of the evidence” or the “51% rule” as it is commonly known. This standard will be amended to “clear and convincing”. This legislation passed the house on March 12th. It sits in the Senate Judiciary II Committee.
13. House Joint Resolution 55 & Senate Joint Resolution 147, Reform Workforce Development.
This legislation would consolidate the Greensboro/High Point/ Guilford County Workforce Development Board into a larger board under the Piedmont Triad Regional Council which serves 73 member governments in a 12 county area. No action on this Legislation has occurred since its introduction on February 28th. The Council’s resolution opposing both resolutions was provided to the Delegation, as well as the Speaker of the House, the President Pro Tem of the Senate.
14. SB 105, Regulation of Political Signs.
This would clarify G.S. § 136-32 to allow municipalities to regulate political signage within the entire municipality, including state highways that run through the Cities. This bill was referred to the Senate Transportation Committee.

TDC

Libraries
City of Greensboro



April 10, 2013

TO: Denise Turner Roth, City Manager

FROM: Brigitte Blanton, Acting Library Director

SUBJECT: January 1 – March 31 Computer Usage Report and Incident Report

Please find attached the Library Incident Report for January 1 – March 31 and the Internet Usage Report for January 1 – March 31.

BB/pcs
Attachment

cc: Mary McCollough

Greensboro Public Library Internet Usage Statistics
Third Quarter Report
9:00 am 01/01/2013 – 9:00 pm 03/31/2013

Background Information:

- Number of overall web hits -- 100% of web hits for the period in question -- 382,431,596
- Number of hits on the porn category -- (percent)
145,474 (.04%) seven hundredths of one percent
- Number of Computer Users
135,487

<i>Breakdown by Month</i>	<i>Overall Web Hits</i>	<i>Hits on Porn Category</i>	<i>% Hits on Porn</i>	<i>Number of Computer Users</i>
<i>January</i>	136,395,871	61,444	0.05%	47,390
<i>February</i>	125,011,450	44,818	0.04%	44,518
<i>March</i>	121,024,275	39,212	0.03%	43,579
Total	382,431,596	145,474	0.04%	135,487

<i>Quarter Totals</i>	<i>Overall Web Hits</i>	<i>Hits on Porn Category</i>	<i>% Hits on Porn</i>	<i>Number of Computer Users</i>
<i>Second Quarter 12/13</i>	398,682,635	292,225	0.07%	144,459
<i>Third Quarter 12/13</i>	382,431,596	145,474	0.04%	135,487
<i>Percentage Difference</i>	-4%	-50%	-0.03%	-6%

**Greensboro Public Library
Library Incident Report By Category
January thru March 2013**

Incidents by Category	Central	Benjamin	Glenwood	Hemphill	Kathleen Clay	McGirt-Horton	Vance Chavis	# of Incidents	# of Bans
Accident	0	0	0	0	0	0	0	0	0
Assault	2	0	0	0	0	0	0	2	2
Alcohol	1	0	0	0	0	0	0	1	1
Bomb Threat	0	0	0	0	0	0	0	0	0
Communicating Threat	1	0	0	0	0	0	0	1	1
Computer Misuse	0	0	0	0	0	0	0	0	0
Customer Complaint	0	0	0	0	0	1	0	1	3
Disorderly Conduct	5	0	2	0	0	1	1	9	5
Drug Paraphernalia	0	0	0	0	0	0	0	0	0
Eating	1	0	0	0	0	0	0	1	1
Fire	0	0	0	0	0	0	0	0	0
Indecent Behavior	2	0	1	1	0	0	0	4	3
Littering	0	0	0	0	0	0	0	0	0
Loitering	1	0	0	0	0	0	0	1	2
Lost Property	0	0	0	0	0	0	0	0	0
Medical	3	0	0	0	0	0	0	3	0
Missing Person	0	0	0	0	0	0	0	0	0
Panhandling	0	0	0	0	0	0	0	0	0
Pornography	4	0	0	0	0	0	0	4	4
Potential Problem	0	0	0	1	0	1	0	2	0
Sleeping	1	0	0	0	0	0	0	1	1
Smoking	1	0	0	0	0	0	0	1	1
Theft	11	0	1	0	0	2	2	16	6
Trespassing	5	0	2	2	0	0	1	10	6
Unattended Child	0	0	0	1	0	0	0	1	0
Vandalism	1	0	0	0	0	1	1	3	2
Weapons	0	0	0	0	0	0	1	1	0
Warrant	0	0	0	0	0	0	0	0	0
Grand Total - Jan-Mar 13	39	0	6	5	0	6	6	62	38
Grand Total -Oct - Dec 12	57	2	13	5	0	9	8	94	50
Difference								-32	-12
Percentage Difference								-34%	-24%

Public Affairs
Contact Center Weekly Report
Week of 4/1/13 – 4/7/13

Contact Center

5505 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 1150
IVR/Pay by Phone – 463
New Sign up – 164
Bill Extension – 123
Cutoff Requests – 113

Field Operations

Bulk Guidelines – 121
HHW/Landfill/Transfer – 116
No Service/Garbage – 112
Mattress Collection – 90
Collection Day – 84

All others

Police/Watch Operations – 294
Courts/Sheriff – 59
Privilege License – 38
Tax Department – 36
Parking Enforcement – 27

Comments

We received a total of 5 comments this week:

Executive - 1 comment:

- \$130,000.00 plus to rename a road. Doesn't seem sensible to any fiscally responsible person when the underlying unattractiveness of the road, crime is not being addressed. Changing the name will do nothing to enhance the road unless real work is done. And one major area of need is adequate police coverage. So just vote "no" to the name change and vote "yes" to this found money which can be used for more police protection. Folks want safety, not pretty names.

Field Operations – 1 comment:

- I wanted to recognize the two men that pick up yard waste in my area. I had quite a few bundles out there today and they rolled up with a good attitude and picked it all up with no problems. I really appreciate what they did today and the good work they have done in the past. The city as a whole does a really good job with all public services.

Police – 1 comment:

- There was an officer responding to a car accident on the corner of Elm and Lee yesterday morning and was one of the nicest police officers I have ever met in my life. He made such an impression that I took the time to write this email and I hope that you all celebrate and recognize this service. I wish I had caught his name but either way while representing our community he was kind, cheerful, and had a great demeanor. I hope that you all can pat yourselves on the back and know that your actions speak volumes to your community.

Water Resources – 2 comments:

- Upset that she has to pay a new deposit when she moves. She thinks we should be able to transfer the deposit to a new location when she moves, not have to come up with a new deposit. It is too expensive and very hard on a fixed income.
- Caller is very frustrated with the time-out (on the pay by phone system) when you have to key in your credit card number. It doesn't give enough time for you to get it in the system. This is too hard. We make it too hard for people to pay their bills.

Overall

Calls for Parking Enforcement increased last week. Call volume was busy through the end of the week.



SMALL GROUP MEETINGS

Date	Councilmember	Person Contacted / Department	Subject	Council Notification Date
April 5, 2013	Mayor Perkins Councilmember Matheny Councilmember Vaughan	City Manager Roth	Downtown Greensboro, Inc	April 12, 2013