



July 19, 2013

TO: Mayor and Members of Council  
FROM: Denise Turner Roth, <sup>SM</sup>City Manager <sup>FoV</sup>  
SUBJECT: Items for Your Information

UPCOMING MEETINGS

- July 22 at 10:30 am Economic Development Committee Meeting
- August 5 at 5:30 pm City Council Meeting

**Council Follow-Up Items**

• **Ashley Creek Apartment Flooding**

As a follow-up to Councilmember Matheny's question at the July 16, 2013 City Council meeting, attached is a memorandum from Deputy Director Kenney McDowell and Stormwater Engineering Supervisor Virginia Spillman, dated July 17, 2013, regarding the ongoing floor hazards at Ashley Creek Apartments.

**Election Campaign 2013**

Attached is a memorandum regarding the internal procedures for interacting with declared candidates and the policies affecting you as incumbents of the City Council.

**Lawndale Drive Corridor Study**

Attached is a memorandum from Planning and Community Development Director Sue Schwartz, dated July 19, 2013, providing an update on the Lawndale Drive Corridor Study.

**General Assembly Update**

Attached is an update on the activity in the General Assembly from Assistant General Counsel Tom Carruthers.

**Public Information Request Report**

Attached is the weekly Public Information Request Report for the week of July 19, 2013.

**Contact Center Feedback**

Attached is the weekly report generated by our Contact Center for the week of July 8, 2013 through July 14, 2013.

**Small Group Meetings**

Attached is the Small Group Meeting report for the week of July 15, 2013 through July 19, 2013, between City Staff and [more than two but less than five] Councilmembers.

**Grant Report**

Attached is an updated list of grants for which the City intends to apply that do not require a match. Under the policy adopted by City Council, grants that do not require a match are not required to receive formal Council action.

DTR/mm  
Attachments

cc: Global Media

Water Resources Department  
City of Greensboro



July 17, 2013

**TO:** David Parrish, Assistant City Manager

**FROM:** Kenney McDowell, PE, Water Resources Deputy Director  
Virginia Spillman, PE, Stormwater Engineering Supervisor

**SUBJECT:** Ashley Creek Apartment Flooding

The Water Resources Department has worked for a number of years with multiple complex owners, potential purchasers and other City Departments to address the ongoing flood hazards of this complex. Based on a recent request, the Department has recently re-reviewed the current Federal Emergency Management Agency (FEMA) flood mapping data available in this area along with other records. As a part of this evaluation, the Department has corresponded with Jewell Engineering, current proposed buyer's engineering resource, and their evaluation of the flooding potential of the site generally matches with the City assessment.

In this particular case, when enough water comes down the creek it has to go somewhere and the mapping indicates that this is the topographic location that the water will seek. Any alternative that could alleviate actual flood water from arriving at this site would be prohibitively expensive and also move the flooding from one area to another. This is somewhat similar to Latham Park and other areas in the City that are identified as flood storage areas in the FEMA models and are generally known as being flood prone areas of the City.

As such, the Department finds that the area is accurately mapped by FEMA and represents an ongoing flooding risk. Particularly to the units that have been condemned, we believe the current proposal to convert these units to storage or parking is in the best interest of public safety and welfare. Given that the construction of NCDOT improvements has created a downstream flooding control, which was addressed through a settlement, no feasible construction options to alleviate the flood elevations have been identified by the City or Jewell Engineering.

KM

cc: Steve Drew, Water Resources Director



July 19, 2013

**TO:** Mayor and Members of Council  
**FROM:** Denise Turner Roth, City Manager  
**SUBJECT:** 2013 Election Campaign

As the filing period comes to a close, I wanted to remind you of the internal procedures that have been established for interfacing with declared candidates and of policies impacting you as incumbents of the City Council.

#### Requests for Information

During the course of the 2013 campaign, candidates may well have a variety of questions about City services or procedures. In order to handle such requests, candidates can contact the City via the [inforequest@greensboro-nc.gov](mailto:inforequest@greensboro-nc.gov) email address.

In 2011, candidate requests were not shared with other candidates. However, this year, I recommend that we provide all requests online. Starting the week of July 22, the City will make candidate requests and the information used to fulfill those requests available at [www.greensboro-nc.gov/2013elections](http://www.greensboro-nc.gov/2013elections).

In addition, agendas and other information related to City Council meetings and briefings are always available online at [www.greensboro-nc.gov](http://www.greensboro-nc.gov).

Sitting Councilmembers should continue to engage with the City Manager's Office and City staff to obtain any needed information, as is our customary process.

#### City Media

City policy prohibits use of City media resources for campaign purposes. This includes the Greensboro Television Network (GTN), the City's website, and City-authored social media sites.

Upon declaration of official candidacy, City Council members will be shown on GTN only while serving in their official duties as duly elected City Council members. Any other use of their image during the official campaign period is prohibited. Candidates are asked to please respect this restriction during their campaign.

City standards also require employees to be professional and neutral in their dealings with all candidates. City staff may provide candidates with answers or documents directly, but they have been asked also to notify the City Manager's Office of all requests made of them by candidates. This information will be shared on the City's website as stated above.

Candidate Speakers from the Floor

The rules managing the conduct of speakers at Council meetings will apply to all candidates. However, the speech of candidates, and by extension presentation materials, cannot be restricted unless it runs afoul of conduct rules governing meeting operations. This question has been tested in the courts and has been upheld.

If you have any questions or concerns about this process, please contact me.

Thank you for your interest in serving the community.

DTR/dt



July 19, 2013

**TO:** Jim Westmoreland, PE Deputy City Manager

**FROM:** Sue Schwartz, FAICP Director

**SUBJECT:** Update on Lawndale Drive Corridor Study / Development Standards for Residential Lot Widths and Setbacks

To encourage continued quality growth along Lawndale Drive and protect adjacent neighborhoods, City Council directed Planning and Community Development (PCD) to lead two processes: a study of the Lawndale Drive corridor and a study of residential development standards for lot widths and set-backs that could have applications across the City.

#### **Lawndale Drive Corridor Study**

The study area encompasses a 3.6 mile stretch of Lawndale Drive from West Cornwallis Drive to the future interchange with the Urban Loop in the area of Cotswold Avenue that includes 712 properties, 208 businesses, and an estimated 3,972 residents.

The primary objectives of the corridor study is the development of a shared vision for the future character of the corridor and the creation of tools and strategies that support stability in adjacent neighborhoods while accommodating quality growth along the Lawndale Drive corridor.

The corridor study is progressing according to schedule. Data collection and analysis is complete which includes a review of existing plans for the area, current and future land use, demographics, retail conditions and redevelopment potential. Maps of the existing land use and analysis of redevelopment potential are attached.

The existing conditions report will be completed by the end of July. The corridor has been divided into three study areas to allow for more in-depth analysis and direct stakeholder engagement. In September, stakeholder meetings will begin in the Kirkwood study area. PCD will have a meeting schedule and an executive summary of the existing conditions report for a future IFYI in August.

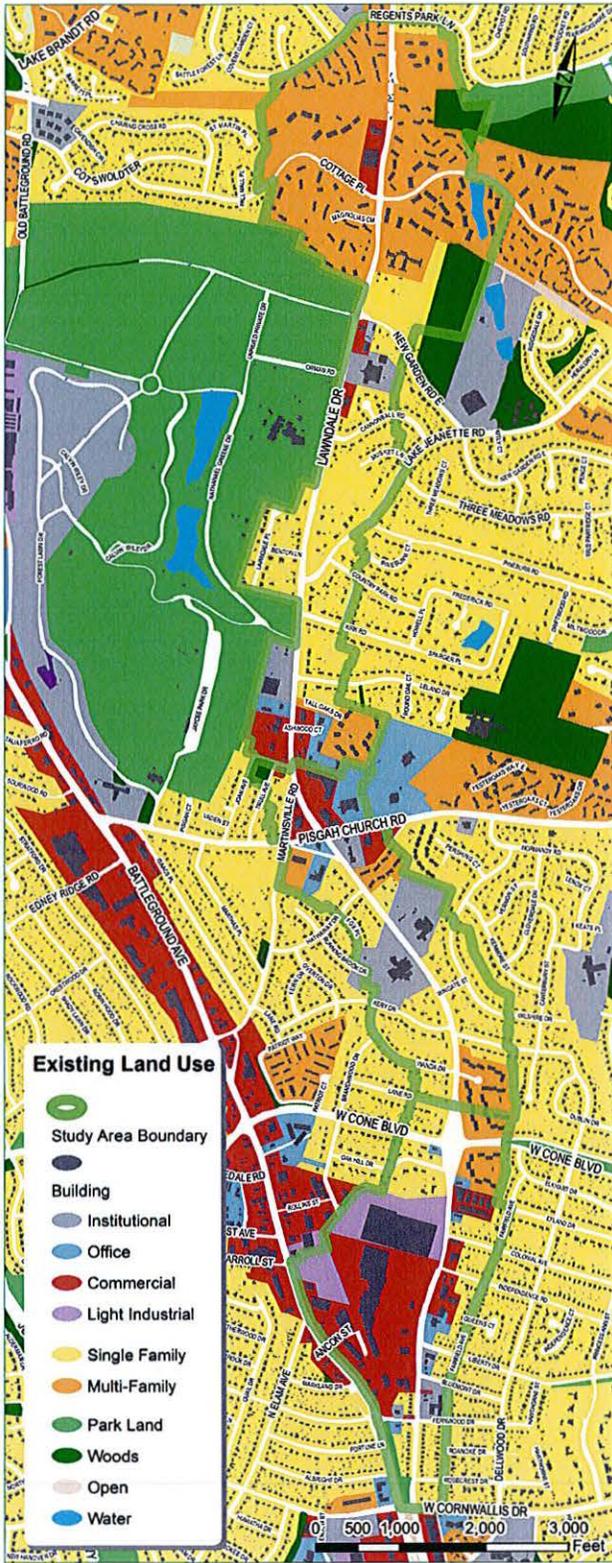
#### **Development Standards for Residential Lot Widths and Setbacks**

One role of zoning is to provide a framework so that new development is compatible with and beneficial to existing neighborhoods. To this end City Council has asked staff to evaluate the City's development standards for residential lot widths and building setbacks in comparison with the development patterns already existing in neighborhoods. The results of the process will be to recommend changes to the Land Development Ordinance that will help new development blend in harmoniously with existing neighborhoods.

PCD has met with stakeholders and is continuing to conduct research on how other communities address this type of residential infill development issue. Work is on target to deliver a recommendation to Council by the end of August.

SS/jc  
Attachments

# Attachment A. Lawndale Drive Corridor Study Existing Land Use and Analysis of Redevelopment Potential





July 19, 2013

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

**FROM: Tom Carruthers, Assistant General Counsel**

**SUBJECT: General Assembly Update**

The primary stated goal of the leaders of the General Assembly this session was enactment of tax reform. Both the House and Senate approached this goal with divergent legislation that continually changed in content as the legislative leadership and the Governor negotiated. On Monday July 15<sup>th</sup> a resolution was announced by the leadership. The House and the Senate Conference Committees adopted the new language and House Bill 998, Tax Simplification and Reduction Act, was ratified and presented to the Governor on July 17<sup>th</sup> for anticipated approval. Resolution of this issue will allow both chambers to address the future budget of the State in the near future and points toward a coming end of this session. The League of Municipalities has performed an initial evaluation of this bill and found it does not negatively impact municipal revenue. The remainders of this update deals with our legislative agenda and other bills of interest.

**Local Legislative Agenda**

1. *Protect Municipal Revenue.*

No specific legislation was proposed by the City for this agenda item. Some of the various tax reform proposals would have had significant negative impact on the City's revenue stream. City leaders, our local delegation, and the League of Municipalities exerted substantial effort to convince the leadership of the General Assembly to protect municipal revenue. With ratification and presumed passage of H998, Tax Simplification and Reduction Act, this Legislative Agenda item has apparently succeeded.

2. *Greensboro Firemen's Supplemental Retirement System Local Act Amendment.*

HB 347, Amend Greensboro Firefighter's Retirement, was amended in the Senate Committee on Pensions and Retirement to include additional revisions to the City of Greensboro Charter *Section 5.65 and 5.74*. These revisions are also part of the Local Legislative Agenda. This passed the Senate on June 25<sup>th</sup> and was concurred with in the House on July 8<sup>th</sup>. This legislation is now ratified as SL 2013-252.

3. *Breast Density Awareness.*

House Bill 467, *Breast Density Notification and Awareness*, was amended slightly on June 19<sup>th</sup> in the Senate Committee on Health. It passed the Senate on July 9<sup>th</sup>. The bill was concurred with in the House on July 15<sup>th</sup>. Since this is a statewide bill, it must be considered by the Governor who may sign or veto the legislation. It was presented to the Governor for signature on July 17<sup>th</sup>.

4. *Jordan Lake.*

SB 515, Nutrient Management Standards Reform Act, passed the Senate on May 15<sup>th</sup>. It repealed the entire body of Jordan Lake regulations, and appropriated money to draft revised regulations to be considered during next session. This bill was amended the House Committee on the Environment on July 18<sup>th</sup>. It is scheduled for consideration and adoption by the House on Monday July 22nd. The legislation now delays the implementation dates of the Jordan Lake Rules that begin after July 1, 2013 for a period of three years. It modifies the existing riparian buffers rules to allow all utilities to be placed in the stream buffers and also permits piping of perennial streams if a Corps of Engineers permit is issued. These specific modifications to the Jordan Lake Rules were requested by the City of Greensboro in its Legislative Agenda.

5. *Prohibition of Brown Bagging at Sexually Oriented Businesses.*

SB 470, No Beer/Wine if Permit Revoked or Suspended, passed the Senate on April 11<sup>th</sup>. Since that date it has remained in the House Committee on Commerce and Job Development, the Subcommittee on Alcoholic Beverage Control. It is anticipated that our local delegation will seek to amend this bill to include the recently adopted addition to our Legislative Agenda to permit private convention centers, outside of redevelopment zones, to qualify for appropriate alcohol permits.

6. *Dynacon.*

This latest addition to the Legislative Agenda was delivered to our local delegation who will seek to amend existing legislation as noted in item 5 above.

**Pertinent Legislation of Local Interest.**

- SB 264, Abate Nuisances/Drug Sales From Stores.

This bill expands the definition of “nuisance” under Chapter 19 of the North Carolina General Statutes. This will enhance the ability of the City to seek judicial relief to close businesses that permit or allow prostitution, gambling, or illegal possession of alcohol or drugs. Under the former law the City was required to prove these impermissible activities were the sole purpose of the business. Under this legislation, the activity sought to be abated no longer needs to be the sole purpose of the building or place in order for it to constitute a nuisance under this Chapter. This bill was signed by the Governor on July 3<sup>rd</sup> and is now SL 2013-229.

- SB112, Create Jobs Through Regulatory Reform.

This bill passed the Senate in May and originally placed in the Committee for the Environment. In July it was referred to the Committee on Commerce and Job Development, Subcommittee on Energy and Emerging Markets. There it was substantially amended, moved to the House floor and passed by the House on July 11<sup>th</sup>. It was scheduled was a concurring vote in the Senate on

July 16<sup>th</sup>, but was withdrawn from the calendar. The bill remains pending before the Senate Committee on Rules and Operations. This legislation is most significant in two respects. The original bill restricts the ability of a municipality to enact an environmental measure more strict than state or federal law. This will impact the ability of the City to address local soil and erosion and local water shed protection issues. This bill was also amended in the House to eliminate the “protest petition” rights of citizens. The General Assembly originally enacted the protest petition rights in N.C.G.S. §160A-385(a) and §160A-386 in the 1920s. Greensboro was excluded from this legislation until 2006. In that year, the City Council as part of its legislative agenda, requested the General Assembly to place the City within the requirements of this bill. Essentially it allows surrounding property owners to protest a pending rezoning and require the City Council to adopt the measure by a 3/4ths majority rather than a simple majority. This pending legislation will repeal in its entirety N.C.G.S. §160A-385(a) and §160A-386. If this legislation becomes law, protest petitions filed prior to its enactment will remain valid.

- SB 81/HB 104, Charlotte Regional Airport Authority.

This bill would transfer the City of Charlotte’s airport to a regional authority. It is the second action by the General Assembly to transfer a significant municipal enterprise to a separate authority. (HB 488, Regionalization of Public Authorities transferred Asheville’s water system to the Buncombe County Regional sewer Authority – which Asheville stopped by obtaining a restraining order.) This passed the House July 16<sup>th</sup> and was concurred with by the Senate on July 18<sup>th</sup>. Since this was local, rather than statewide legislation, it would have transferred the Charlotte Airport upon signature of Senator Berger and Speaker Tillis. No signature of the Governor is required for local legislation. However after the Senate vote and prior to the ratification of the bill, the City of Charlotte filed suit in Mecklenburg Superior Court alleging this action by the General Assembly is an unconstitutional taking. The City of Charlotte obtained a Temporary Restraining Order preventing this transfer. By the terms of this Order, a hearing to consider a Preliminary Injunction to prevent this transfer while this case moves to trial will occur within 10 days.

TDC



# Current Public Records Requests Update July 19, 2013

Date Requested	Requestor	Subject	Status
1/16/2013	Eric Ginsburg	Socialist request Email Search - 141,954	Four batches have been completed. (4/23/2013 & 5/24/13, 6/17/13, & 6/25/13) and made available to requestor. Staff continuing to review emails.
2/8/2013	Eric Ginsburg	Palestine, Candlelight Vigil, Gaza Email Search - 120,215	Four batches have been sent to the requestor (5/10/13, 5/17/13, 6/7/13, & 6/17/13. Staff is continuing to review emails.
3/26/2013	Bill Knight	Project Homestead Emails Email Search - 5,323	Legal has begun reviewing emails. Requestor has received three batches of emails (5/23/13, 5/31/13, & 6/27/13).
4/29/2013	Roch Smith	Surveillance Camera Info	Original request unfulfilled due to City error in saving camera footage. Request is being closed per agreement from requestor.
5/20/2013	Billy Jones	Communication for last 90 days (follow up to 2472)	Email search was completed and Legal reviewing emails. First batch of emails was sent to the requestor on 5/31/13.
5/30/2013	Charles Cherry	Pending GPD Lawsuits	Initial documents were provided on 6/14/13. Legal is reviewing remaining documents.
6/10/2013	George Hartzman	Renaissance / Bessemer Shopping Center Email Search - 7,973	Documents have been provided. Email search has been conducted and staff is reviewing emails.
6/18/2013	Eric Ginsburg	Noise Calls	Staff is continuing to process this request and has provided progress updates to requestor.
6/17/2013	George Hartzman	Council Small Groups	First batch of information provided on 7/16. Second batch available on 7/19. Staff continuing to review remaining items.
6/27/2013	Lechelle Yates	Contact Center Calls & Emails	Records do not exist in the form requested. Staff is working with WFMY to clarify request.
7/3/2013	Sal Leone	Weekend & Holiday Cost: Downtown Police Officers	Requestor has agreed to modify request for Saturday and Sunday costs only.
7/5/2013	Roch Smith	Downtown Video	Staff has received this request and is identifying and reserving available video footage.
7/8/2013	George Hartzman	Business Tax Received by City	Staff is working to fulfill the request.
7/8/2013	George Hartzman	Video from Center City Park & Festival Park	Staff has received this request and is identifying and reserving available video footage.

Date Requested	Requestor	Subject	Status
7/8/2013	Eric Ginsburg	Curfew Emails Emails; 406	Staff emails have been provided. City Attorney is soliciting personal emails from Councilmember's.
7/8/2013	Tigress McDaniel	316 S Elm St.	The Legal Office is reviewing this email.
7/9/2013	GH Christian	Outstanding/Active/Open Balance Report	Staff is working to fulfill the request.
7/12/2013	Sal Leone	Economic Impact Reports	Staff is working to see if the information is available.
7/12/2013	Sal Leone	Former Police Lawsuits Cost to City	Staff is working to fulfill the request.
7/12/2013	Sal Leone	Melvin Skip Alston	Staff is working to fulfill the request.
7/15/2013	George Hartzman	Council's Economic Development Projects	Economic Developmet staff is working to fulfill the request.
7/16/2013	Sal Leone	Fight Downtown - Video	Staff has received this request and is identifying and reserving available video footage.
7/16/2013	George Hartzman	Multi-Family Rental Properties: housing code violations	PCD Staff is working to fulfill this request.
7/18/2013	Roch Smith	Mayor Perkins' Emails and Texts	IT and City Council working to fulfill this request.
7/18/2013	Roch Smith	GPD Database Indexes	IT and GPD working to fulfill this request.
7/18/2013	Ben Holder	Calls for Service at Kave	GPD is pulling the CFS report.
7/19/2013	Tigress McDaniel	316 S Elm St	PCD and E&I are working to fulfill.
7/19/2013	Sal Leone	District 1 & 2: Economic Development Projects	Economic Developmet staff is working to fulfill the request.
7/19/2013	Sal Leone	HRD - Waste Contract Cost	Field Operations staff is working to fulfill.
7/19/2013	Sal Leone	How many forgiveable loans approved by Council	Staff is working to fulfill the request.

<b>Weekly Totals (7/15/13-7/19/13):</b>	
Number of PIRTS Opened	20
Number of PIRTS Closed	15
Average Completion Time	3.07 days
<b>Totals Since January 1, 2013:</b>	
Number of PIRTS Opened	400
Number of PIRTS Closed	420
Average Completion Time	7.77 days

**Public Affairs  
Contact Center Weekly Report  
Week of 7/8/13 – 7/14/13**

**Contact Center**

5680 calls answered this week

**Top 5 calls by area**

Water Resources

Balance Inquiry – 1187  
IVR/Pay by Phone – 322  
New Sign Up – 171  
Payment Extension - 134  
Disconnection req. – 126

Field Operations

HHW/Landfill/Transfer – 104  
Bulk Guidelines – 97  
Mattress Go Round – 78  
Missed green can - 75  
Repair Can/Garbage – 63

All others

Police/Watch Operations – 335  
Courts/Sheriff – 81  
HR/Employment – 58  
Privilege License – 59  
Overgrown lots - 46

**Comments**

We received a total of 4 comments this week:

**Field Operations – 1 comment:**

- Thank you to the green can crew who collected a missed green can this week, it was much appreciated.

**Public Affairs – 1 comment:**

- Call to Contact Center about a late water payment, wanted us to know how much she appreciates being treated with courtesy even though she is late. Makes all the difference, just wanted us to know that this is always her experience when she calls 373-CITY.

**Transportation – 1 comment:**

- Caller states that Tanger Rd signs cause confusion. Caller is from out of town, and sees Hobbs Rd, then Tanger Rd, then Hobbs Rd again, doesn't make any sense.

**Water Resources – 1 comment:**

- Customer received quarterly bill that was just storm water charges and HHW charges, objects to the storm water charges. Says it is like taxing rain.

**Overall**

In general, call volume was up last week, with calls for Police, overgrown lots, and water bills all going up.



*2013*  
**SMALL GROUP MEETINGS**

<b>Small Group Meeting Dates &amp; Times</b>	<b>Councilmember Attending</b>	<b>Person Contacted / Department</b>	<b>Subject</b>	<b>Council Notification Date</b>
July 15, 2013	Mayor Perkins Mayor Pro Tem Johnson Councilmember Kee Councilmember Vaughan	City Manger Roth	Beloved Community Center	July 19, 2013
July 16, 2013	Councilmember Hoffmann Councilmember Matheny Councilmember Vaughan	City Manager Roth	Greensboro Performing Arts Center	July 19, 2013



## City of Greensboro Grant Applications Submitted

<b>Grantor</b>	<b>Grants Projects / Description of Purpose</b>	<b>Amount Requested</b>	<b>Department Requesting Funding</b>	<b>Council Notification Date</b>	<b>Status</b>
National Tactical Officers Association (NTOA)	The Forced Entry Tactical Training Explosive Breaching Grant will pay the registration fees for two (2) Hazardous Device Team members to attend the Tactical Explosive Breacher Course being held in Las Vegas, NV, October 21-26, 2013. Attendance for officers is contingent upon grant being awarded.	\$2,800.00	Greensboro Police Department	July 19, 2013	Approved by Department on July 17, 2013
Wal-Mart Foundation Facility Giving Program	The grant funds will be used to purchase educational materials and supplies for Fire Prevention Week Open House. The materials purchased will be utilized to convey fire safety messages and informational brochures to children and adults.	\$1,233.00	Greensboro Fire Department	July 19, 2013	Approved by Department on July 17, 2013