

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

7 NOVEMBER 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, and Thomas M. Phillips. Absent: Councilmembers T. Dianne Bellamy-Small and Goldie F. Wells, excused by action of Council.. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

After the Mayor's comments with regard to the burning of Eastern Guilford High School and the positive response for assistance from citizens of our City and County, the meeting opened with a moment of silence and the Pledge of Allegiance to the Flag led by Interim Police Chief Tim Bellamy.

The Mayor spoke briefly to the importance of the right of citizens to vote on this day and expressed appreciation to the Chief for the Police Department's excellent work under current difficult circumstances. The Manager added his appreciation for the extraordinary work of the Department.

The Manager recognized Sherri Forrest, employee in the Water Resources Department, who served as courier for the meeting.

The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Johnson moved to excuse Councilmember Wells from attendance at this meeting. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council. Councilmember Johnson moved to excuse Councilmember Bellamy-Small from attendance at this meeting. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

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As speakers from the floor, Clair Holmes, residing at 1904 Colonial Avenue; and Chris Fagge and Andrew Blythe, residing at 2400 Summit Avenue; expressed their individual thoughts about Council statements with regard to Specialized Community Area Transportation (SCAT) services and other transportation issues; they offered service comparison information and described the manner in which they believed recent changes in SCAT fares would have a negative impact on disabled and poor citizens.

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Leon Nutes, residing at 214 Peach Orchard Drive, offered his personal thoughts with regard to the Manager's recent comments about transportation bond funds, the recent burning of Eastern Guilford High School, the unnecessary search for a Police Chief when Chief Bellamy was already serving in that position, and Council assistance that should be provided to assist disabled citizens with their transportation needs. The Manager briefly spoke to the 2000 transportation bond and the timeframe for a possible future transportation bond item.

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After its introduction by Mayor Holliday, Councilmember Johnson read into the minutes a resolution honoring the memory of the late Cassandra Coleen Shelton. After brief remarks and the recognition of family members, Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None. After its adoption, copies of the resolution were presented to Ms. Shelton's father who was present in the Chamber and offered comments about the life of his daughter.

220-06 RESOLUTION HONORING THE MEMORY OF THE LATE CASSANDRA COLEEN SHELTON

WHEREAS, on September 17, 2006, this community lost one of its community leaders with the death of the late Cassandra Coleen Shelton at the age of 41;

WHEREAS, Cassandra was a graduate of Page High School, North Carolina State University in Raleigh and received a Masters of Arts in Biblical Interpretation, and Pre-Doctoral and Certificate in Transformational Leadership Coaching from Regent University in Virginia Beach;

WHEREAS, she was employed as vice president of Southeast Fuels, Inc. and CEO of Pro Vision Leadership;

WHEREAS, Cassandra was a strong community advocate and served on numerous boards, committees and organizations including board member of Virtuous Woman Prayer Ministry, YWCA, and International Civil Rights Museum, advisory board member of NC A&T ICFEB Board and UNCG Bryan School of Business, and past board member of Women of Purpose Fellowship Ministries and Triad Stage;

WHEREAS, as a member of Destiny Christian Center, she faithfully served as Singles Pastor and Cell Group Leader;

WHEREAS, while growing up in Providence Baptist Church she was involved in a number of youth activities and a member of the Church Library Staff;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Cassandra Coleen Shelton, the contributions she has made to the community, and the legacy she leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Cassandra Coleen Shelton.
2. That a copy of this resolution shall be delivered to the family of the late Cassandra Coleen Shelton as a symbol of the gratitude of the people of Greensboro for her many contributions to this community.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing property to the corporate limits located at the rear of 204 Avonwood Drive and at 209 Amberwood Drive—28.86 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located south of the terminus of Shimer Drive, east of Amberwood Drive and south of Hilltop Road.

Robert Morgan, Assistant City Manager, presented a map and photographs to describe the subject property and surrounding area, summarized the request and advised the Planning Board and Zoning Commission had

recommended approval of the respective items. In response to Council inquiries, Assistant City Manager Morgan advised this was City-owned property to be used for the new Southwest Park.

After the Mayor asked if anyone wished to be heard, no one indicated that they wished to speak.

Assistant City Manager Morgan stated the proposal conformed with a number of comprehensive plan policies, was consistent with the moderate residential land use classification on the Generalized Future Land Use Map (GFLUM), and advised staff recommended approval.

Councilmember Johnson moved adoption of the ordinance annexing property to the corporate limits located at the rear of 204 Avonwood Drive and at 209 Amberwood Drive—28.86 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-233 ORDINANCE ANNEXING AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT THE REAR OF 204 AVONWOOD DRIVE AND AT 209 AMBERWOOD DRIVE – 28.86 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Being all that certain lot or parcel of land situated between Shimer Drive and Avonwood Drive in Greensboro, North Carolina, Guilford County, in Friendship Township, and is more fully described as follows:

BEGINNING at an existing iron pipe, being the southwest corner of a 28.867 acre parcel known as Gerald C. Pegram Property, Deed Book 3260, Page 153. Also, being the southeast corner of Kenneth Barber, Deed Book 4696, Page 799, located in the north line of Peggy Barber, Deed Book 3712, Page 626; thence in a northern direction, North 01 degrees 18 minutes 38 seconds East, 643.37 feet to an existing iron pipe; thence North 19 degrees 28 minutes 02 seconds West, 250.76 feet to a point in the southern right-of-way of Avonwood Drive; thence along the new Avonwood Drive extension the following four (4) courses and distances: 1) North 87 degrees 54 minutes 00 seconds East, 11.66 feet, thence: 2) along a curve to the right having a radius of 10 feet and a chord bearing and distance of South 47 degrees 06 minutes 00 seconds East, 14.14 feet, thence: 3) North 87 degrees 54 minutes 00 seconds East, 30.00 feet, thence: 4) North 02 degrees 06 minutes 00 seconds West, 13.70 feet; thence leaving Avonwood extension, along a new boundary line between Lot 1 and Lot 2 as shown on a map entitled "Exclusive Plat For: Gerald C. Pegram" prepared by Wilson Surveying, Inc., dated June 16, 2005, Project Number 58884, 2005-145, to be recorded in the Office of the Register of Deeds of Guilford County, the following (3) courses and distances: 1) South 89 degrees 12 minutes 04 seconds East, 433.30 feet, thence: 2) North 03 degrees 09 minutes 53 seconds West, 365.07 feet to an existing iron pipe, thence: 3) North 72 degrees 39 minutes 32 seconds West, 473.19 feet to an existing iron pipe at the southeast corner of Bobby Munsey, Deed Book 2797, Page 880; Lot 71 of the Midway Forest Subdivision Section 3, as shown on plat thereof, recorded in Plat Book 29 Page 6 in the Guilford County Registry, and running thence with southern line of Munsey, now City of Greensboro as described and recorded in Deed Book 6514, Page 2616 in said Guilford County Register of Deeds, South 76 degrees 36 minutes 43 seconds West 180.69 feet to the southwest corner of said Munsey tract; thence along the west line of said Munsey tract North 14 degrees 17 minutes 57 seconds West 135 feet to an iron pin in said line, a northwestern corner of the aforesaid lot of Bobby L. Munsey; thence again with the west line of said Munsey tract North 14 degrees 17 minutes 57 seconds West 68.07 feet to an existing "T" iron in the eastern line of L. Dean Long's Lot 70 of the aforesaid Midway Forest Subdivision, Section 3, also a common corner of Munsey and Richard Cates; thence with the north line of the aforesaid tract of Munsey, and with the lines of Richard Cates and J.J. Brankey South 71 degrees 31 minutes 37 seconds East 105 feet to a new iron pin; thence with said line again South 71 degrees 31 minutes 37 seconds East 117.22 feet to a new iron pipe; thence a new line North 10 degrees 09 minutes 57 seconds West 5.62 feet to an existing iron pipe located in the eastern right-of-way of Shimer Drive; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the southern property line of Lot 51, recorded in Plat Book 25, Page 6, in an eastern direction South 78 degrees 57 minutes 17 seconds East, 415.23 feet to an axle at the southeast corner of Lot 51 of Hilltop Acres, as recorded at Plat Book 25, Page 6 in the Office of the Register of Deeds; thence South 07 degrees 09 minutes 34 seconds East 26.32 feet to an iron pin, thence South 73 degrees 48 minutes 34 seconds East 1,153.67 feet to an existing iron pipe; thence in a southern direction along the western

boundary of Plat Book 94, Page 126, South 01 degrees 33 minutes 55 seconds West, 482.58 feet to an existing iron pipe; thence along the northern boundary of Plat Book 114, Page 28, South 89 degrees 58 minutes 24 seconds West, 477.18 feet to an existing iron pipe; thence along the northern and western boundaries of Plat Book 121, Page 74, the following two (2) courses and distances: 1) South 89 degrees 56 minutes 10 seconds West, 258.24 feet to an existing iron pipe, thence: 2) South 00 degrees 15 minutes 30 seconds East, 605.64 feet to a new iron pipe; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the northern boundary of Plat Book 78, Page 102 and the northern boundary of said Peggy Barber, South 89 degrees 50 minutes 31 seconds West, 716.41 feet TO THE POINT OF BEGINNING. Being all that property identified as Lot 1 on said map entitled "Exclusive Plat For: Gerald C. Pegram". Plat Book 160 Page 78, containing 28.867 acres, now owned by the City of Greensboro as described and recorded in Deed Book 6345, Page 1543 in said Guilford County Registry, and all that property now owned by the City of Greensboro as described and recorded in said Deed Book 6514, Page 2616, containing 0.613 acres, more or less, according to a map of a survey by G. Thomas Moore, Registered Land Surveyor, dated November 1971 and revised November 4, 1975. Total area to be annexed, approximately 28.86 acres.

Back reference; see Deed Book 3260 Page 153, Deed Book 2578 Page 404, Deed Book 2797 Page 880, in the Office of the Register of Deeds, Guilford County, North Carolina.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2007, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2007. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2007.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located south of Shimer Drive from County AG to City RS-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is generally consistent with the Moderate Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, it provides a development framework for the fringe that guides south, sustainable patterns of land use, and it provides the community facilities and services to meet citizens' needs and contributes to quality of life. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-234 AMENDING OFFICIAL ZONING MAP

SOUTH OF THE TERMINUS OF SHIMER DRIVE, EAST OF AMBERWOOD DRIVE AND SOUTH OF HILLTOP ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at an existing iron pipe, being the southwest corner of a 28.867 acre parcel known as Gerald C. Pegram Property, Deed Book 3260, Page 153. Also, being the southeast corner of Kenneth Barber, Deed Book 4696, Page 799, located in the north line of Peggy Barber, Deed Book 3712, Page 626; thence in a northern direction, North 01 degrees 18 minutes 38 seconds East, 643.37 feet to an existing iron pipe; thence North 19 degrees 28 minutes 02 seconds West, 250.76 feet to a point in the southern right-of-way of Avonwood Drive; thence along the new Avonwood Drive extension the following four (4) courses and distances: 1) North 87 degrees 54 minutes 00 seconds East, 11.66 feet, thence: 2) along a curve to the right having a radius of 10 feet and a chord bearing and distance of South 47 degrees 06 minutes 00 seconds East, 14.14 feet, thence: 3) North 87 degrees 54 minutes 00 seconds East, 30.00 feet, thence: 4) North 02 degrees 06 minutes 00 seconds West, 13.70 feet; thence leaving Avonwood extension, along a new boundary line between Lot 1 and Lot 2 as shown on a map entitled "Exclusive Plat For: Gerald C. Pegram" prepared by Wilson Surveying, Inc., dated June 16, 2005, Project Number 58884, 2005-145, to be recorded in the Office of the Register of Deeds of Guilford County, the following (3) courses and distances: 1) South 89 degrees 12 minutes 04 seconds East, 433.30 feet, thence: 2) North 03 degrees 09 minutes 53 seconds West, 365.07 feet to an existing iron pipe, thence: 3) North 72 degrees 39 minutes 32 seconds West, 473.19 feet to an existing iron pipe at the southeast corner of Bobby Munsey, Deed Book 2797, Page 880; Lot 71 of the Midway Forest Subdivision Section 3, as shown on plat thereof, recorded in Plat Book 29 Page 6 in the Guilford County Registry, and running thence with southern line of Munsey, now City of Greensboro as described and recorded in Deed Book 6514, Page 2616 in said Guilford County Register of Deeds, South 76 degrees 36 minutes 43 seconds West 180.69 feet to the southwest corner of said Munsey tract; thence along the west line of said Munsey tract North 14 degrees 17 minutes 57 seconds West 135 feet to an iron pin in said line, a northwestern corner of the aforesaid lot of Bobby L. Munsey; thence again with the west line of said Munsey tract North 14 degrees 17 minutes 57 seconds West 68.07 feet to an existing "T" iron in the eastern line of L. Dean Long's Lot 70 of the aforesaid Midway Forest Subdivision, Section 3, also a common corner of Munsey and Richard Cates; thence with the north line of the aforesaid tract of Munsey, and with the lines of Richard Cates and J.J. Brankey South 71 degrees 31 minutes 37 seconds East 105 feet to a new iron pin; thence with said line again South 71 degrees 31 minutes 37 seconds East 117.22 feet to a new iron pipe; thence a new line North 10 degrees 09 minutes 57 seconds West 5.62 feet to an existing iron pipe located in the eastern right-of-way of Shimer Drive; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the southern property line of Lot 51, recorded in Plat Book 25, Page 6, in an eastern direction South 78 degrees 57 minutes 17 seconds East, 415.23 feet to an axle at the southeast corner of Lot 51 of Hilltop Acres, as recorded at Plat Book 25, Page 6 in the Office of the Register of Deeds; thence South 07 degrees 09 minutes 34 seconds East 26.32 feet to an iron pin, thence South 73 degrees 48 minutes 34 seconds East 1,153.67 feet to an existing iron pipe; thence in a southern direction along the western boundary of Plat Book 94, Page 126, South 01 degrees 33 minutes 55 seconds West, 482.58 feet to an existing iron pipe; thence along the northern boundary of Plat Book 114, Page 28, South 89 degrees 58 minutes 24 seconds West, 477.18 feet to an existing iron pipe; thence along the northern and western boundaries of Plat Book 121, Page 74, the following two (2) courses and distances: 1) South 89 degrees 56 minutes 10 seconds West, 258.24 feet to an existing iron pipe, thence: 2) South 00 degrees 15 minutes 30 seconds East, 605.64 feet to a new iron pipe; THENCE DEPARTING FROM THE EXISTING CITY LIMITS along the northern boundary of Plat Book 78, Page 102 and the northern boundary of said Peggy Barber, South 89 degrees 50 minutes 31 seconds West, 716.41 feet TO THE POINT OF BEGINNING. Being all that property identified as Lot 1 on said map entitled "Exclusive Plat For: Gerald C. Pegram". Plat Book 160 Page 78, containing 28.867 acres, now owned by the City of Greensboro as described and recorded in Deed Book 6345, Page 1543 in said Guilford County Registry, and all that property now owned by the City of Greensboro as described and recorded in said Deed Book 6514, Page 2616, containing 0.613 acres, more or less, according to a map of a survey by G. Thomas Moore, Registered Land Surveyor, dated November 1971 and revised November 4, 1975. Total area to be annexed, approximately 28.86 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing property to the corporate limits located at 1952-2001 Brightwood School Road—8.787 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning RS-12 Residential Single Family for property located north of Brightwood School Road between Holders Road and Bladen Road.

Assistant City Manager Morgan presented a map and photographs to describe the subject property and surrounding area, summarized the request and noted the Planning Board and Zoning Commission had recommended approval of the respective items.

Mayor Holliday asked if anyone wished to be heard.

Ned Armstrong, residing in Apex, NC, stated he represented the property owner and described the request which they believed would make it easier to develop a church facility with additional amenities.

There being no additional speakers, Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Assistant City Manager Morgan stated the proposal was consistent with comprehensive plan policies and the land use shown on the GFLUM, and that the Planning staff recommended approval.

Councilmember Gatten moved adoption of the ordinance annexing property to the corporate limits located at 1952-2001 Brightwood School Road—8.787 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-235 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 1951-2001 BRIGHTWOOD SCHOOL ROAD – 8.787 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEING all that tract of land containing 8.787 acres more or less to be annexed, located in Gilmer and Monroe Townships, Guilford County, North Carolina; and bounded by lands owned by and/or in possession of persons as follow: on the north N C Department of Transportation (Deed Book 5963 Page 1 934 Guilford County Registry), on the east by Norman Scott White (Deed Book 4637 page 285 Guilford County Registry), on the south by the northern right-of line (allowing 60 feet) of Brightwood School Road and on the west by Guilford County Board of Education (Deed Book 2303 Page 57 Guilford County Registry) and being more particularly described as follows:

COMMENCING at NCGS Monument “235E 2” (N C Grid NAD 83 coordinates N=873,534.762 feet E=1,777, 396.658 feet) thence with a tie line South 74 deg. 50 min. 07 sec. East 1,249.97 feet to an iron rod found in the northern right-of-way line (allowing 60 feet) of Brightwood School Road said iron rod found also being the southeast property corner of Guilford County Board of Education thence with the eastern property line of Guilford County Board of Education the following three calls: (1) North 01 deg. 01 min. 51 sec. East 71.43 feet to an iron pipe found, (2) North 01 deg. 01 min. 51 sec. East 45.56 feet to an iron pipe found, and (3) North 01 deg. 01 min. 51 sec. East 39.44 feet to a calculated point located 180 feet from the centerline of Brightwood School Road, said calculated point being the point of BEGINNING, THENCE PROCEEDING WITH THE EXISTING CITY LIMITS and continuing with the eastern property line of Guilford County Board of Education the following eight calls: (1) North 01 deg. 01 min. 51 sec. East 18.91 feet to an iron pipe found, (2) North 01 deg. 01 min. 51 sec. East 99.55 feet to an iron pipe found, (3) North 01 deg. 01 min. 51 sec. East 199.30 feet to an iron pipe found, (4) North 01 deg. 01 min. 51 sec. East 102.10 feet to an iron pipe found, (5) North 01 deg. 01 min. 51 sec. East 98.76 feet to an iron rod found, (6) North 01 deg. 01 min. 51 sec. East 196.73 feet to an iron pipe found, (7) North 01 deg. 01 min. 51 sec.

East 8.19 feet to an iron rod found, and (8) North 01 deg. 01 min. 51 sec. East 73.23 feet to a right-of-way monument found, THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the southern property line of N.C. Department of Transportation the following two calls: (1) South 55 deg. 48 min. 25 sec. East 609.89 feet to a right-of-way monument found, and (2) South 53 deg. 42 min. 16 sec. East 101.04 feet to a right-of-way monument found thence with the western property line of Norman Scott White the following five calls: (1) South 00 deg. 55 min. 24 sec. West 69.20 feet to an iron rod found, (2) South 00 deg. 55 min. 24 sec. West 99.91 feet to an iron pipe found, (3) South 00 deg. 55 min. 24 sec. West 99.93 feet to an iron rod found, (4) South 00 deg. 55 min. 24 sec. West 100.00 feet to an iron pipe found, and (5) South 00 deg. 55 min. 24 sec. West 119.56 feet to a calculated point THENCE PROCEEDING WITH THE EXISTING CITY LIMITS parallel to and 180 feet from the centerline of Brightwood School Road, North 80 deg. 56 min. 26 sec. West 599.85 feet to a calculated point, the BEGINNING point.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2007, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2007. Municipal ad valorem taxes for the 2007-2008 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2007.

(Signed) Florence Gatten

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Councilmember Johnson moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment located north of Brightwood School Road from County AG to City RS-12 to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, it provides a development framework for the fringe that guides sound, sustainable patterns of land use, and it continues to link approvals of annexation petitions to water/sewer extension policies regarding designated growth areas. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-236 AMENDING OFFICIAL ZONING MAP

NORTH OF BRIGHTWOOD SCHOOL ROAD BETWEEN HOLDERS ROAD AND BLADEN ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning RS-12 Residential Single Family uses for the area described as follows:

COMMENCING at NCGS Monument “235E 2” (N C Grid NAD 83 coordinates N=873,534.762 feet E=1,777, 396.658 feet) thence with a tie line South 74 deg. 50 min. 07 sec. East 1,249.97 feet to an iron rod found in the northern right-of-way line (allowing 60 feet) of Brightwood School Road said iron rod found also being the southeast property corner of Guilford County Board of Education thence with the eastern property line of Guilford County Board of Education the following three calls: (1) North 01 deg. 01 min. 51 sec. East 71.43 feet to an iron pipe found, (2) North 01 deg. 01 min. 51 sec. East 45.56 feet to an iron pipe found, and (3) North 01 deg. 01 min. 51 sec. East 39.44 feet to a calculated point located 180 feet from the centerline of Brightwood School Road, said calculated point being the point of BEGINNING, THENCE PROCEEDING WITH THE EXISTING CITY LIMITS and continuing with the eastern property line of Guilford County Board of Education the following eight calls: (1) North 01 deg. 01 min. 51 sec. East 18.91 feet to an iron pipe found, (2) North 01 deg. 01 min. 51 sec. East 99.55 feet to an iron pipe found, (3) North 01 deg. 01 min. 51 sec. East 199.30 feet to an iron pipe found, (4) North 01 deg. 01 min. 51 sec. East 102.10 feet to an iron pipe found, (5) North 01 deg. 01 min. 51 sec. East 98.76 feet to an iron rod found, (6) North 01 deg. 01 min. 51 sec. East 196.73 feet to an iron pipe found, (7) North 01 deg. 01 min. 51 sec. East 8.19 feet to an iron rod found, and (8) North 01 deg. 01 min. 51 sec. East 73.23 feet to a right-of-way monument found, THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the southern property line of N.C. Department of Transportation the following two calls: (1) South 55 deg. 48 min. 25 sec. East 609.89 feet to a right-of-way monument found, and (2) South 53 deg. 42 min. 16 sec. East 101.04 feet to a right-of-way monument found thence with the western property line of Norman Scott White the following five calls: (1) South 00 deg. 55 min. 24 sec. West 69.20 feet to an iron rod found, (2) South 00 deg. 55 min. 24 sec. West 99.91 feet to an iron pipe found, (3) South 00 deg. 55 min. 24 sec. West 99.93 feet to an iron rod found, (4) South 00 deg. 55 min. 24 sec. West 100.00 feet to an iron pipe found, and (5) South 00 deg. 55 min. 24 sec. West 119.56 feet to a calculated point THENCE PROCEEDING WITH THE EXISTING CITY LIMITS parallel to and 180 feet from the centerline of Brightwood School Road, North 80 deg. 56 min. 26 sec. West 599.85 feet to a calculated point, the BEGINNING point.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family and General Office High Intensity to Shopping Center for property located on the north side of Vanstory Street between Veasley Street and Pinecroft Road. He noted that this matter was being heard after receiving a (5-1 with one recusal) vote of the Zoning Commission to recommend approval of the request.

Assistant City Manager Morgan used a map to illustrate the subject property and surrounding area, summarized the request and stated the Zoning Commission recommended approval of the request.

Mayor Holliday asked if anyone wished to be heard.

Steve Showfety, representing Koury Corporation, described the proposed development, advised the traffic impact study had indicated there would be no significant degradation of traffic patterns around the site, and stated that the development of this site with additional property owned by the company would allow more uniform development. He advised only one individual had accepted the company’s invitation to attend a meeting to discuss the proposed development and stated there was no opposition expressed by the nearby church or property owners.

Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Assistant City Manager Morgan stated the proposal conformed with comprehensive plan policies and the GFLUM land use recommendation and that staff recommended approval of the request.

Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment located on Vanstory Street from RS-12 and GO-H to SC,



to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is generally consistent with the Mixed Use Commercial land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, it promotes sound investment in Greensboro's urban area, and it promotes new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-237 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF VANSTORY STREET BETWEEN VEASLEY STREET AND PINECROFT ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family and General Office High Intensity to Shopping Center uses for the area described as follows:

BEGINNING at a point in the southern right-of-way line of Seawell Road (now closed), said point being the northwest corner of Lot 4, Guilford County Tax Map 353, Block 9; thence along the line of said Lot 4 S09°46'02"W 260.51 feet to a point; thence S80°08'17"W 35.44 feet to a point; thence S09°47'54"E 59.21 feet to a point; thence S80°08'17"W 36.00 feet to a point; thence S09°47'54"W 70.5 feet to a point; thence N80°08'17"E 36.00 feet to a point; thence S09°47'54"E 112.69 feet to a point in the northern right-of-way line of Vanstory Street; thence along a curve to the left a chord bearing and distance S58°36'18"W 51.30 feet (R=668.58 feet) to a point; thence S56°02'07"W 269.40 feet to a point; thence along a curve to the right a chord bearing and distance S62°26'37"W 273.79 feet (R=1505.05 feet) to a point; thence along a curve to the right a chord bearing and distance S79°29'39"W 164.32 feet (R=923.77 feet) to a point; thence along a curve to the right a chord bearing and distance N50°51'41"W 9.23 feet (R=5.88 feet) to a point in the eastern right-of-way line of Veasley Street; thence along said eastern right-of-way line the following six bearings and distances: 1) N00°14'27"E 148.94 feet to a point; 2) N00°06'42"E 104.56 feet to a point; 3) N00°06'52"E 90.37 feet to a point; 4) N00°06'18"E 284.08 feet to a point; 5) N00°09'26"E 77.02 feet to a point; and 6) N00°09'26"E 67.55 feet to a point in the intersection with the northern right-of-way line of Seawell Road (now closed); thence along said northern right-of-way line N80°13'29"E 626.51 feet to a point; thence crossing Seawell Road S09°46'02"W 50 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective on the date of adoption..

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances to make the provisions of the section applicable to all currently existing and all future sexually oriented businesses.

At the direction of the City Attorney because of the results of the lawsuit with regard to these types of businesses, Councilmember Gatten stated that due to the recent opinion rendered in the lawsuit brought against the City by several sexually-oriented businesses and pursuant to Section 30-3-15.3 of the City Code, she would moved to waive the provision of Section 30-3-15.2 requiring this text amendment to be referred to the Multijurisdictional Development Ordinance Committee and the City Planning Board prior to being considered by the City Council. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

After comments by the City Attorney, Blair Carr, Assistant City Attorney, reviewed in detail the ordinance proposed for Council's consideration and contained in the following minutes, including prior legislative history, pertinent studies and case law.

Mayor Holliday asked if anyone wished to be heard. There being no one present desiring to speak to this matter, Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Following brief Council discussion with Assistant City Attorney Carr and Bill Ruska, representing the Planning Department, with regard to laws applicable to the sale of sexually oriented clothing and the display of signage specific to this type of business, Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

#### 06-238 AMENDING CHAPTER 30

#### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1: That Section 30-5-2.73.5 is hereby amended to read as follows:

#### 30-5-2.73.5. Sexually oriented businesses.

Sexually oriented businesses (principal or accessory use) (including adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, sexual encounter centers, or any combination of these uses)

(A) *Where Required:* GB, HB, CB, and HI Districts.

(B) *Property Separation:*

(1) No sexually oriented business, **currently and lawfully operating on or before November 7, 2006 or to be lawfully operating after the effective date of this amendment, is permitted** to be located within one thousand two hundred (1,200) feet of any other sexually oriented business.

(2) No sexually oriented business, **currently and lawfully operating on or before November 7, 2006 or to become lawfully operating after the effective date of this amendment, is permitted** to be located within one thousand (1,000) feet of a church, public or private elementary or secondary school, child day care center or nursery school, public park, or residentially zoned property.

(C) *Prohibition in Historic District:* No sexually oriented business **currently and lawfully operating on or before November 7, 2006 or to be lawfully operating after the effective date of this amendment, is permitted to** locate in the Old Greensborough National Register Historic District.

(D) *Prohibition of Sleeping Quarters:* Except for an adult motel, no sexually oriented business, **currently and lawfully operating on or before November 7, 2006 or to be lawfully operating after the effective date of this amendment, is permitted to** have sleeping quarters.

(E) *Restriction of Uses on the Same Property or in the Same Building:* There shall not be more than one (1) sexually oriented business in the same building, structure, or portion thereof. **This subsection applies to all sexually oriented businesses currently and lawfully operating on or before November 7, 2006 or to be lawfully operating after the effective date of this amendment.** No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually oriented business.

(F) *Signs:* Except for business signs permitted by Section 30-5-5 (Sign Regulations) of this Ordinance, **no sexually oriented businesses currently and lawfully operating on or before November 7, 2006 or to be lawfully operating after the effective date of this amendment is permitted to have** promotional materials visible to the public from sidewalks, walkways, or streets.

(G) *Discontinuance of Nonconforming Uses:* All sexually oriented businesses **not in compliance with subsections (a) through (f) and specifically listed below shall be discontinued on or before May 7, 2007.** Uses to be

discontinued under this section, whether principal or accessory, shall include adult arcades, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, nude model studios and sexual encounter centers. Any sexually oriented business currently and lawfully operating on or before November 7, 2006 or to be lawfully operating after the effective date of this amendment that is not in compliance with the requirements of subsections (a) through (f) is hereinafter designated as nonconforming. Any of the aforementioned uses made nonconforming by subsequent amendment to this ordinance shall be discontinued by May 7, 2007. Any property which becomes subject to this ordinance, due to extension of zoning jurisdictional limits, shall have six (6) months to discontinue its use or otherwise come into compliance with the requirements of section. This section does not apply to adult bookstores and adult video stores.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall be effective upon the date of adoption.

(Signed) Sandra G. Carmany

.....

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance designating as an Historic Landmark the W. N. Nelson House located at 903 Bluford Street, Greensboro, NC.

Mayor Holliday asked if anyone wished to speak to this matter.

Julie Curry, representing the Guilford County Planning Department, spoke to the work and makeup of the Guilford County Historic Preservation Commission, reviewed the application process, described the neighborhood in which this structure is located and detailed the proposal to designate this house as an historic landmark.

There being no additional speakers, Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Discussion was held with regard to North Carolina A&T State University's interest in this property and its current position of support for this designation. In response to Councilmember Phillips' inquiry that if the property were not restored as required by the ordinance, would this designation prohibit the University from tearing down or removing the structure, Ms. Curry responded that it would not. She also responded to Mayor Holliday's inquiry that if Council had adopted this ordinance, a future Council could remove the designation.

Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-239 AN ORDINANCE ADOPTED BY THE MAYOR AND THE GREENSBORO CITY COUNCIL DESIGNATING THE W. N. NELSON HOUSE AS AN HISTORIC LANDMARK

WHEREAS, all the prerequisites to the adoption of the ordinance, as prescribed by chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, have been met;

WHEREAS, the Guilford County Historic Preservation Commission has submitted a report, which is incorporated herein by reference, and recommended in a public hearing that the property described below be designated as an historic landmark:

WHEREAS, appropriate notice has been given of the public hearing as required by law;

WHEREAS, the Guilford County Historic Preservation Commission finds that the property described herein is of historical, architectural, educational, and/or cultural significance, and its preservation should be

encouraged so as to safeguard the heritage of the Town and County and to promote the use and conservation for the education, pleasure, and enrichment of the residents of the Town and County.

NOW, THEREFORE, BE IT ORDAINED BY THE GREENSBORO MAYOR AND CITY COUNCIL:

Section 1. The Mayor and the Greensboro City Council accepts the findings of the Guilford County Historic Preservation Commission and adopts the recommendation of the Commission for the preservation of the subject property by the authority set forth in Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and local ordinance adopted pursuant thereto.

Section 2. The designation includes the interior and exterior of the entire structure to include all architectural features, windows, floors, doors, hardware, original light fixtures and the entire parcel Greensboro City Map 46 block 13 lot 22 as described in Guilford County DEED BOOK 2847 PAGE 0600. Owned by Kathleen Mitchell Heirs.

Section 3. The Guilford County Landmark Plaque shall be installed on the property, and such sign shall indicate that such property has been designated as an Historic Landmark. Details of the display of the plaque are to be approved by Guilford County Historic Preservation Commission before installation.

Section 4. The procedures provided by law, including waiting period, shall be observed prior to demolition, alteration remodeling referred to as the Certificate of Appropriateness process or removal of the designation from the property.

Section 5. A certified copy of this ordinance is to be appropriately recorded with the Register of Deeds, the Tax Department, and Inspections Department in accordance with provisions of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and the local ordinance adopted pursuant thereto.

Section 6. This ordinance shall be effective from and after its adoption.

(Signed) Thomas M. Phillips

.....

Councilmember Gatten moved adoption of all ordinances, resolutions and motions listed on the Consent Agenda. The motion was seconded by Councilmember Johnson; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-240 CHAPTER 1

AN ORDINANCE AMENDING CHAPTER 1 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO GENERAL PROVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Sect. 1-7 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 1-7. Severability.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section. **It is further declared that notwithstanding any change or modification of the North Carolina General Statutes or any other state law, all sections, paragraphs, sentences, clauses and phrases of this Code will remain unaffected and in full force and effect, to**

**the extent such described severable parts of the Code do not conflict with the changes and modifications to the General Statutes or other state law.**

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Florence F. Gatten

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06-241 AMENDING CHAPTER 16

AN ORDINANCE AMENDING CHAPTER 16 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Sec. 16-39(d) of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 16-39. Vehicle impoundment, redemption, etc.

(d) An administrative fee incurred by the city to be determined by the city manager or his designee incident to towing an impounded vehicle shall be paid by the owner or person in charge of the impounded vehicle to the city. Upon receipt of said administrative costs, the Greensboro Police Records Division shall issue the person a receipt and a claim check authorizing the release of the impounded vehicle upon payment of appropriate towing and storage fees to the wrecker service company. The impounding fees shall be maintained in "Appendix A" of the "Standards for Wrecker Service" for the City of Greensboro.

"Appendix A" of the "Standards for Wrecker Service" for the City of Greensboro shall be reevaluated **and adjusted** annually **with changes** to be effective on July 1st each year. Any **change** in fees will be based upon the ~~current year's~~ fee schedule **in effect prior to July 1<sup>st</sup>, increased or decreased by the annual plus any percentage change (rounded to the nearest whole dollar) in by which** the Consumer's Price Index for Urban Wage Earners and Clerical Workers **for Transportation, using the Index (1967=100) published for the previous calendar year** by the Bureau of Labor Statistics, United States Department of Labor, ~~to the nearest whole dollar.~~

The storage fee for towed vehicles shall be charged at a rate maintained in "Appendix A" of the "Standards for Wrecker Service", for the City of Greensboro.

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Florence F. Gatten

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221-06 RESOLUTION APPROVING AMENDMENT TO TEN YEAR LEASE FOR PARKING AT THE J. DOUGLAS GALYON DEPOT TO THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION

WHEREAS, the Piedmont Authority for Regional Transportation (PART), a public transportation provider, entered a contract with the City of Greensboro on September 3, 2004 to lease 10 parking spaces in the Depot Parking Lot at the J. Douglas Galyon Depot Building located at the corner of Davie Street and Washington Street;

WHEREAS, PART has requested an amendment to the contract executed in September, 2004, to increase the number of parking spaces rented from the City from 10 to 20 spaces.

WHEREAS, the purpose of the lease is to assist PART in establishing park and ride capabilities for its PART Express Bus Service;

WHEREAS, PART received funding for the lease from the Federal Transit Administration (FTA) contingent upon entering into a ten year lease with the City of Greensboro for the parking spaces to ensure the FTA an appropriate return on its investment;

WHEREAS, the City of Greensboro (City) is authorized to rent space at the Depot to public transportation providers and the City has 10 additional spaces available for rent in the Depot Parking Lot at the corner of Davie Street and Washington Street, for the time remaining on the 10 Years Lease executed in September, 2004, at the agreed amount of \$42,175.00;

WHEREAS, the City desires to rent 10 additional parking spaces to PART for the total cost of \$42,175.00, payable within 30 days after execution of the amendment to the 10 year lease agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City is authorized to amend its ten year lease with PART executed on September 3, 2004 for ten additional parking spaces in the Depot Parking Lot at the corner of Davie Street and Washington Street at the J. Douglas Galyon Depot.

(Signed) Florence F. Gatten

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222-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF VIRGINIA B. KNIGHT FOR THE BATTLEGROUND RAIL TRAIL IMPROVEMENTS PROJECT

WHEREAS, in connection with the Battleground Rail Trail improvements project, the property owned by Virginia B. Knight, Tax Map No. 396-1-5 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$21,734.59, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$21,734.59 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 441-6004-02.6012 Activity #02042.

(Signed) Florence F. Gatten

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223-06 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF TRIO ENTERPRISES FOR THE BATTLEGROUND RAIL TRAIL PROJECT

WHEREAS, in connection with the Battleground Rail Trail project, the property owned by Trio Enterprises, Tax Map No. 273-6-41 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$40,257.37 and the owner has agreed to settle for the price of \$42,257.37, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$42,257.37 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 441-6004-02.6012 Activity #02042.

(Signed) Florence F. Gatten

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224-06 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1<sup>st</sup> meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Florence F. Gatten

(A copy of the report is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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225-06 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF GLEN J. DURHAM AND TERESA J. DURHAM, IN CONNECTION WITH THE BATTLEGROUND RAIL TRAIL PROJECT

WHEREAS, Glen J. Durham and Teresa J. Durham are the owners of certain property located on Isaacs Place, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Battleground Rail Trail Project;

WHEREAS, negotiations with the owners at the appraised value of \$3,377.03 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$3,377.03;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$3,377.03 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 441-6004-02.6012 Activity #02042.

(Signed) Florence F. Gatten

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226-06 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE UTILITY CONTRACTOR, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT "E" PROJECT

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene Utility Contractor, Inc. provides for the rehabilitation of 12,049 linear feet of sewer line by sliplining in various locations around the city;

WHEREAS, Water Resources has identified additional sewer lines that it would like to rehabilitate using this contract and this change order will allow additional work at an excellent price;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a change order in the contract in the amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene Utility Contractor, Inc. for the sanitary sewer rehabilitation project "E" project is hereby authorized at a total cost of \$500,000, payment of said additional amount to be made from Account No. 503-7016-02.6017 Activity 07084.

(Signed) Florence F. Gatten

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06-242 ORDINANCE AMENDING EQUIPMENT SERVICES FUND BUDGET FOR TRANSFERRING NEW ADDITIONS TO THE FLEET FROM DEPARTMENTAL BUDGETS TO EQUIPMENT SERVICES  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1:

That the FY 06-07 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Equipment Services Fund be increased as follows:



<u>Account</u>	<u>Description</u>	<u>Amount</u>
680-1005-18.6051	Licensed Vehicles	\$183,210
680-1005-18.6052	Non-Licensed Vehicles	<u>\$ 36,500</u>
TOTAL:		\$219,710

and, that this increase be financed by increasing the following Equipment Services Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
680-1005-18.9501	Transfer from Water Resources	<u>\$219,710</u>
TOTAL:		\$219,710

and,

Section 2:

That this ordinance be effective upon adoption.

(Signed) Florence F. Gatten

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227-06 RESOLUTION IN SUPPORT OF A SEAMLESS MOBILITY STUDY OF THE URBAN TRANSIT SYSTEMS, PART EXPRESS AND THE HUMAN SERVICE TRANSPORTATION SYSTEMS IN FORSYTH AND GUILFORD COUNTIES

WHEREAS public transportation services are provided to the general public by the Cities of Greensboro, High Point and Winston-Salem and the Piedmont Authority for Regional Transportation;

WHEREAS human services transportation are provided by the Cities of Greensboro, High Point and Winston-Salem; the Piedmont Authority for Regional Transportation and the County of Guilford to meet requirements of ADA and Community Transportation provisions;

WHEREAS the system providers are located in Forsyth and Guilford Counties and provide transportation services in overlapping territories;

WHEREAS the system providers operate on independently planned routes, schedules, fares and policies with limited federal, state and local funding resources;

WHEREAS representatives of all systems in attendance of a meeting held on August 15, 2006 proposed to jointly and cooperatively undertake a Seamless Mobility Study of the urban fixed route, complimentary ADA, and human services transportation in Forsyth and Guilford Counties to assess the effectiveness of services and to assess the efficient utilization of limited funds to maximize the services for the residents, visitors and guests of Forsyth and Guilford Counties;

WHEREAS, the North Carolina Department of Transportation – Public Transportation Division has agreed to provide technical, administrative and financial support for a Seamless Mobility Study in Forsyth and Guilford Counties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Greensboro City Council does hereby approve of a Seamless Mobility Study of all routes, schedules, administrative and operating policies within its service territory, and

BE IT FURTHER RESOLVED that a Steering Committee and a Technical Advisory Committee with appropriate representation be created to oversee and guide the study and the members and staff of the City of Greensboro will cooperate fully and completely by providing all needed information in a timely manner for a successful completion of the study.

(Signed) Florence F. Gatten

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Motion to approve report of budget adjustments covering October 1-31, 2006 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of the regular meeting of October 17, 2006 was unanimously adopted.

\* \* \* \* \*

Mayor Holliday introduced the following order, a copy of which had been provided to each Councilmember, which was read by title and summarized by the Finance Director:

**ORDER AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BONDS, SERIES 2006, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH**

BE IT ORDERED by the City Council of the City of Greensboro, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

(a) At a regular meeting of the City Council held on October 17, 2006, the City Council, by resolution, authorized the filing of an application with the North Carolina Local Government Commission (the "Commission") requesting approval of the issuance of not to exceed \$60,000,000 aggregate principal amount of City of Greensboro, North Carolina Combined Enterprise System Revenue Refunding Bonds, Series 2006 (the "Series 2006 Bonds") for the purpose of providing funds, together with other available funds, to: (i) refund a portion of the City's Combined Enterprise System Revenue Bonds, Series 1998A, Series 2001A and Series 2003A (the "Bonds to be Refunded"), and (ii) pay certain costs incurred in connection with the issuance of the Series 2006 Bonds.

(b) At the above-referenced meeting, the City Council, by resolution, also requested the Commission to sell the Series 2006 Bonds at private sale without advertisement.

(c) The Commission, by resolution and in accordance with G.S. 159-86, has approved the application of the City for the issuance of the Series 2006 Bonds.

(d) The Commission, by resolution, has approved the private sale without advertisement of the Series 2006 Bonds.

(e) The City has determined to issue the Series 2006 Bonds in an aggregate principal amount not to exceed \$60,000,000, for the purpose of providing funds, together with other available funds, to: (i) refund the Bonds to be Refunded and (ii) pay certain costs incurred in connection with the issuance of the Series 2006 Bonds.

(f) The City proposes to sell the Series 2006 Bonds to Wachovia Bank National Association and Banc of America Securities LLC (the "Underwriters") pursuant to the provisions of the Bond Purchase Agreement relating to the Series 2006 Bonds (the "Bond Purchase Agreement"), at such prices as are determined by the Commission, subject to the approval of the City.

(g) There have been presented to the City Council at this meeting drafts of the following documents relating to the issuance and sale of the Series 2006 Bonds:

(1) the Eleventh Supplemental Trust Agreement, to be dated as of December 1, 2006 (the "Eleventh Supplemental Agreement"), between the City and First-Citizens Bank & Trust Company, as trustee (the "Trustee"), supplementing that certain Trust Agreement, dated as of June 1, 1995, as amended by the First Amending Trust Agreement, dated as of May 1, 2001, and the Second Amending Trust Agreement, dated as of July 1, 2003 (collectively, the "Trust Agreement"), each between the City and the Trustee;

(2) the Bond Purchase Agreement, to be dated as of the date of execution and delivery thereof, among the Underwriters, the Commission and the City;

(3) the Preliminary Official Statement for the Series 2006 Bonds, to be dated November 8, 2006 (the "Preliminary Official Statement"), relating to the public offering and sale of the Series 2006 Bonds;

(4) the Escrow Deposit Agreement, to be dated as of December 1, 2006 (the "Escrow Deposit Agreement"), between First-Citizens Bank & Trust Company, as escrow agent, (the "Escrow Agent") and the City, relating to the refunding of the Bonds to be Refunded;

(h) The issuance and sale of the Series 2006 Bonds in the manner provided in this Order is in the best interest of the City.

Section 2. Capitalized words and terms used in this Order and not defined herein shall have the same meanings given such words and terms in the Trust Agreement and the Eleventh Supplemental Agreement.

Section 3. Pursuant to the provisions of The State and Local Government Revenue Bond Act, as amended (the "Act"), the City hereby authorizes the issuance of the Series 2006 Bonds in an aggregate principal amount not to exceed \$60,000,000. The Series 2006 Bonds shall mature at such times and in such amounts as shall be set forth in the Eleventh Supplemental Agreement, subject to the provisions of this Order. No Series 2006 Bonds shall mature later than June 1, 2025.

The Series 2006 Bonds shall be issued as fully registered bonds in the denominations of \$5,000 or any whole multiple thereof and shall be issued pursuant to a book-entry system as provided in the Eleventh Supplemental Agreement. Interest on the Series 2006 Bonds shall be payable on June 1 and December 1 of each year, beginning June 1, 2007, until the principal of the Series 2006 Bonds is fully paid.

Section 4. The Series 2006 Bonds shall be subject to redemption at the times, upon the terms and conditions, and at the prices as shall be set forth in the Trust Agreement and the Eleventh Supplemental Agreement. No redemption premium for any Series 2006 Bonds shall exceed 2% of the principal amount thereof.

Section 5. The proceeds of the Series 2006 Bonds shall be applied as provided in Section 204 of the Eleventh Supplemental Agreement.

Section 6. The Series 2006 Bonds, together with any Parity Indebtedness heretofore or hereafter incurred pursuant to the provisions of the Trust Agreement, shall be secured on a parity basis by a pledge, charge and lien upon the Net Receipts and the money and Investment Obligations held in the various accounts and subaccounts of the Bond Fund in the manner and to the extent provided in the Trust Agreement and the Eleventh Supplemental Agreement.

Section 7. The proposal set forth in the Bond Purchase Agreement submitted by the Underwriters offering to purchase the Series 2006 Bonds at the aggregate purchase price and bearing interest at the rates determined by the Commission and approved by the City as hereinafter provided, such purchase price (exclusive of original issue discount) not to be less than 99% of the aggregate principal amount of the Series 2006 Bonds, and such interest rates not to exceed an effective interest cost of 4.53% per annum and a true interest cost not to exceed 4.49% per annum, is hereby approved. The Commission is hereby directed to sell and award the Series 2006 Bonds to the Underwriters on behalf of the City, subject to the approval of the City, in accordance with the terms and conditions set forth in the Bond Purchase Agreement. The Finance Director or the City Manager is hereby designated to approve on behalf of the City the sale of the Series 2006 Bonds to the Underwriters at such interest rates, for such purchase price and upon such terms and conditions as he shall determine, subject to the provisions of this Section. The Finance Director or the City Manager is hereby authorized and directed in the name and on behalf of the City to execute and deliver the Bond Purchase Agreement in substantially the form presented at this meeting, together with such changes, additions and deletions as he, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 8. The forms, terms and provisions of the Eleventh Supplemental Agreement and the Escrow Deposit Agreement are hereby approved, and the Mayor, the City Manager or the Finance Director and, where contemplated by the pertinent document, the City Clerk or any Deputy City Clerk are hereby authorized and directed to execute the Eleventh Supplemental Agreement and the Escrow Deposit Agreement in substantially the forms presented at this meeting, together with such insertions, modifications and deletions as the Mayor, the City Manager or the Finance Director, with the advice of counsel, may deem necessary and appropriate, including, without limitation, insertions, modifications and deletions necessary to incorporate the final terms of the Series 2006 Bonds as set forth in the Bond Purchase Agreement and to incorporate certain terms and provisions required by the Rating Agencies; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 9. The Preliminary Official Statement is hereby approved. The City hereby approves the use and distribution of the Preliminary Official Statement by the Commission and the Underwriters. The City authorizes and consents to the preparation and distribution of a final Official Statement relating to the Series 2006 Bonds (the "Official Statement"), in substantially the form of the Preliminary Official Statement, together with such changes as are necessary to reflect the final terms of the Series 2006 Bonds. The City Manager or the Finance Director is hereby authorized and directed to execute and deliver the Official Statement, in substantially the form of the Preliminary Official Statement, together with such changes, specifications, and deletions as the City Manager or the Finance Director, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization by the City in all respects of the form and content thereof.

Section 10. The Finance Director, on behalf of the City, is hereby authorized to procure, if he deems it to be in the economic interest of the City, bond insurance for all or any part of the Series 2006 Bonds.

Section 11. The Mayor, the City Manager, the Finance Director, the City Attorney and the City Clerk, or any of them or their deputies, are authorized and directed (without limitation except as may be expressly set forth in this Order) to take such action and to execute and deliver such certificates, agreements, instruments or other documents as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this Order, the Trust Agreement, the Eleventh Supplemental Agreement, the Escrow Deposit Agreement, the Bond Purchase Agreement, the Preliminary Official Statement and the Official Statement. The officers of the City and the agents and employees of the City are hereby authorized and directed to do all acts and things required of them by the provisions of this Order, the Series 2006 Bonds, the Trust Agreement, the Eleventh Supplemental Agreement, the Escrow Deposit Agreement and the Bond Purchase Agreement for the full, punctual and complete performance of the terms, covenants, provisions and agreements of the same.

Section 12. The issuance and sale of the Series 2006 Bonds is hereby approved subject to the terms and conditions set forth in this Order.

Section 13. This Order shall take effect immediately upon its passage.

Thereupon the City Attorney stated that she had approved as to form the foregoing order.

Upon motion of Councilmember Sandra G. Carmany, seconded by Councilmember Thomas M. Phillips, the foregoing order entitled: "ORDER AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BONDS, SERIES 2006, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH" was passed on roll call vote as follows:

Ayes: Councilmembers Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips.

Noes: None.

The Mayor thereupon announced that the order entitled: "ORDER AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BONDS, SERIES 2006, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH" had passed by a vote of 7 to 0.

\* \* \* \* \*

Mayor Holliday introduced an ordinance amending Chapter 26 of the Greensboro Code of Ordinances with respect to Streets and Sidewalks to prohibit the parking of vehicles for the purpose of sale.

After brief discussion and a review of the proposed changes in the ordinance by Walter "Butch" Simmons, Engineering and Inspections Department Director, Councilmember Phillips moved adoption its adoption. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Councilmembers Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-243 AMENDING CHAPTER 26

AN ORDINANCE AMENDING CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREETS AND SIDEWALKS TO PROHIBIT THE PARKING OF VEHICLES, MOTOR VEHICLES, BOATS AND TRAILERS ON THE STREETS OR SIDEWALKS FOR THE PURPOSE OF SALE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 26-230 (a) of the Greensboro Code of Ordinances is hereby amended to read as follows:

(a) It shall be unlawful to display, store, sell or offer for sale any goods, wares, merchandise or any other tangible items on any street or sidewalk within the city. Sidewalks shall mean any portion of property maintained by the city for pedestrian traffic. ~~It shall also be unlawful to park any vehicle, motor vehicle, boat, or trailer on any city street or sidewalk for the purpose of displaying or offering such vehicle for sale in a residentially zoned area except that a person may park his or her own vehicle for sale in front of his, or her own property.~~

Section 2. That Section 26-230 of the Greensboro Code of Ordinances is hereby amended by adding new section (d) to read as follows:

**(d) It shall be unlawful to park any vehicle, motor vehicle, boat, or trailer on any city street or sidewalk for the purpose of displaying or offering such vehicle for sale in a residentially zoned area except that a person may park his or her own vehicle for sale in front of his or her own residence. It shall be unlawful for any person to park a vehicle on a city street or sidewalk in front of property he or she neither owns nor lives upon for the purpose of displaying or offering the vehicle for sale.**

Section 3. That Section 26-230 of the Greensboro Code of Ordinances is hereby amended by adding new section (e) to read as follows:

**(e)(1) Any person who violates section 26-230(a) or (d) shall be subject to assessment of a civil penalty in the amount of \$50 per violation per day. A separate penalty shall be assessed for each separate location of unlawful conduct or condition and for each separate vehicle parked unlawfully. Each day a violation continues shall be a separate violation subject to assessment of a civil penalty, but the civil penalty per location or per vehicle in the same location shall not exceed five hundred dollars (\$500).**

**(2) Prior to assessment of any civil penalty for violation of section 26-230(a) or (d), the person in violation shall be served with a notice of violation that specifies and describes the nature of the violation and that explains what is necessary to end the violation and to comply with all applicable ordinances and laws. Service shall occur by certified mail, personal delivery or by conspicuous posting at the person's last known place of residence. In the case of an unlawfully parked vehicle, in addition to the stated methods of service, service may be obtained by tagging any such vehicle with the notice of violation.**

**(3) Any person served with a notice of violation or any person whose vehicle is tagged with a notice of violation, shall have two (2) days from the date of service to bring an end to the violation and to comply with all applicable ordinances and laws. If the violating condition is not corrected within two (2) days, the above-described civil penalty shall be assessed for the violation starting on the day the notice of violation was issued (the date of the notice of violation). If the violating condition is corrected on or before the second day following service, a civil penalty of \$50 (one single violation) shall be assessed. Any civil penalty assessment under this section shall be in the form of a citation which shall be served in a manner authorized by G.S. § 1A-1, Rule 4(j) for the service of a civil summons. If an assessed penalty is not paid within thirty (30) days following service of the citation, the city may institute a civil action for recovery of the civil penalty.**

**(4) In the case of an unlawfully parked vehicle that remains unlawfully parked five (5) days after notice of violation was served, the City may tow and store the vehicle which shall be released to the owner only after the vehicle owner has (i) been notified of the towing within seventy-two (72) hours after ownership is known by the City, (ii) been advised of his right to a hearing to determine the lawfulness of the towing, (iii) either been given the aforementioned hearing within 48 hours of the owner's request for a hearing or signed a written waiver of the right to a hearing and (iv) paid all assessed civil penalties and storage fees to the City, provided that the owner shall not pay penalties or storage fees and shall be reimbursed for such penalties or fees he or she actually paid if, after a hearing, the hearing officer determines the towing was improper. If the owner does not request a hearing within ten (10) days after notice of towing is served, the right to a hearing shall be deemed to have been waived. Hearings to determine the lawfulness of towing shall be conducted according to a standard procedure promulgated by the city department head in charge of enforcement of Chapter 26 of the Code and approved by the city manager.**

**(5) Civil penalties assessed under this section are considered to be restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amounts declared herein are presumed to provide sufficient restoration to the city for its costs.**

Section 4. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. That this Ordinance shall become effective January 1, 2007.

(Signed) Thomas M. Phillips

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The Mayor introduced an addendum item, a resolution authorizing encroachment agreement with Carroll Investment Properties, Inc. into the City's right-of-way and sidewalk easement adjacent and contiguous to Center Pointe along Friendly Avenue.

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Councilmember Johnson left the Chamber at 6:50 p. m. during the Mayor’s introduction.

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After a brief explanation by the City Manager, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson (in absentia as provided for by law), and Phillips. Noes: None.

228-06 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT WITH CARROLL INVESTMENT PROPERTIES, INC. INTO THE CITY’S RIGHT-OF-WAY AND SIDEWALK EASEMENT ADJACENT AND CONTIGUOUS TO CENTER POINTE ALONG FRIENDLY AVENUE

WHEREAS, Carroll Investment Properties, Inc., has requested that the City permit the proposed construction of balconies and canopies for Center Pointe that will hang over the City’s right-of-way and sidewalk easement on Friendly Avenue;

WHEREAS, the owner has agreed to enter into an Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur due to the balconies and canopies being located over said right-of-way and sidewalk easement;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said building in accordance with the terms and conditions of an Agreement presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate encroachment Agreement with Carroll Investment Properties, Inc., to permit construction of balconies and canopies that will hang over the City’s right-of-way and sidewalk easement on Friendly Avenue all in accordance with the terms and conditions set out therein.

(Signed) Florence F. Gatten

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Councilmember Groat added the name of Mitzi Barber to the boards and commissions data bank for consideration for future service.

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Councilmember Johnson moved that Ken Free, Sr. be appointed to serve a term on the Parks and Recreation Commission in the position formerly held by Cheryl Wilson; this term will expire 15 August 2009. She advised that Mr. Free would resign from the Bryan Park Commission if appointed to this Commission. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

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Councilmember Barber moved that Ginna Freyaldenhoven be reappointed to serve an additional term on the Historic Preservation Commission; this term will expire 15 August 2009. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Councilmember Barber moved that Wayne Abraham be reappointed to serve an additional term on the Human Relations Commission; this term will expire 15 August 2009. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Barber moved that Jane Cauthen be reappointed to serve an additional term on the Commission on the Status of Women; this term will expire 15 August 2009. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

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Councilmember Gatten noted that City Council had undergone emergency training mandated by Homeland Security and stated that she and Councilmember Carmany had completed the second training module directed to elected officials. She commended and expressed appreciation to David Spears of the Fire Department and Robbie Flynt of the Police Department for the conduct of that training. Brief discussion was held with regard to the possibility of rescheduling for other members of Council the training for elected officials.

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After Councilmember Phillips noted that he had received a facsimile from a citizen expressing concern with regard to an access to a development on Battleground Avenue onto a portion of Michaux Road, brief discussion was held with Assistant City Manager Morgan with regard to zoning conditions that pertained to Michaux Road.

In response to Councilmember Phillips' inquiry with regard to his earlier request for specific data related to SCAT service within and outside the Federally-mandated area, Jim Westmoreland stated the information was taking additional time to compile and would be forthcoming to Council.

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Council discussed items and events of interest, including the new roadway pattern at the Piedmont Triad International Airport, the grand opening of the transfer station on November 15 and Moldovan concert on November 18th.

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Mayor Holliday added the name of Bill Strickland to the boards and commissions data bank for consideration for future service on the Board of Adjustment and the Zoning Commission.

In response to the Mayor's inquiry with regard to Council attendance at the National League of Cities Annual Meeting in December, no one indicated that they planned to attend the conference. Councilmember Carmany noted that Greensboro was in the running to receive an award.

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Mayor Holliday advised that Council would need a motion to adjourn to Closed Session to consider personnel action. Noting that the Council might return to open session, the City Attorney advised that should be included in the motion.

Councilmember Gatten moved that Council adjourn to Closed Session for the purpose of considering a personnel matter with the option of returning to open session to take action. The motion was seconded by Councilmember Carmany.

After an inquiry by John Hammer with the Rhino Times and comments by Councilmember Phillips with regard to the Closed Session, the City Attorney advised that the Institute of Government had concurred that for purposes of Closed Sessions, members of the City Council could be considered personnel. After Mr. Hammer took exception to the legality of the Closed Session, the Mayor noted that the specific personnel issue to be discussed was not public information and that assumptions were being made as to the specific purpose for the session. After the



Mayor advised that a motion was on the floor and called for a vote of Council, the motion to adjourn to Closed Session was adopted unanimously by voice vote of Council.

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THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 7:06 P.M.

JUANITA F. COOPER  
CITY CLERK

KEITH A. HOLLIDAY  
MAYOR

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The Council reconvened in open session at 8:25 p.m. with all members present except Councilmembers Bellamy-Small and Wells who had been excused earlier in the meeting. The City Manager, City Attorney and City Clerk were also present.

Councilmember Johnson moved that Council leave Closed Session and return to Open Session. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

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The Mayor took the prerogative of the Chair and read the following statement:

“Three weeks ago the City Council, in Closed Session, directed the City Manager of the City of Greensboro to seek a forensic analysis of the copies of the RMA (Risk Management Associates, Inc.) report previously held by City employees and Council members.

We have received a report from RMA that contains personnel information about City employees as well as Council members.

The Manager has asked us that in order to maintain confidence and trust in our City Government, that we release that portion of the report pertaining to City employees.”

At this time and in response to the Mayor’s inquiry, the City Attorney advised that Council had voted in Closed Session to release some information but could take action in Open Session for the record.

Councilmember Gatten moved the release of information as specified in the Mayor’s statement and as contained in the RMA document analysis. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

The Mayor continued with his statement:

“Following receipt of the employee information, we concluded the

Closed Session.

The Council deemed it necessary, under the Open Meetings Law, to deliver to the public the report that reveals that the source document was produced from Item K-11 formally held by a Council member.”

Mayor Holliday distributed to Council and read into the minutes his personal suggestions for their discussion and consideration at this time.

After brief discussion, Councilmember Gatten explained her intent with regard to motions that she would offer for Council’s consideration that were contained in the Mayor’s suggestions; she moved adoption of the following portion of the Mayor’s statement to empower the Manager to release in full the forensic document. The motion was seconded by Councilmember Carmany and adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

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The Greensboro City Council authorizes the City Manager to release, in full, the forensic document report completed by Durward C. Matheny, a third party authorized by Risk Management Associates, Inc. (RMA) at the request of the City Council. The purpose of this report was to determine the origin of the public release of RMA’s investigative report of December 2005. The copy examined was downloaded directly from the internet by the forensic examiner.

A majority of the City Council approved this action in order to maintain the public trust in the ongoing investigative process and to fulfill the commitment to openness and transparency, as legally appropriate, by this City Council.

\* \* \* \* \*

Councilmember Gatten thereupon moved to adopt points 1-7 and the last paragraph in the Mayor’s suggestions to bring closure and reflect how the Council members feel about the situation. The motion was seconded by Councilmember Carmany. After an inquiry by the Mayor, Councilmember Gatten amended her motion to state that the City Council resolves (the following points and paragraph as listed below). Councilmember Carmany seconded the amended motion. The amended motion was adopted on the following roll call vote: Ayes: Barber, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

\* \* \* \* \*

The City Council hereby resolves that:

1. The public release of the RMA Report represents a serious breach of confidentiality that undermines the trust among Council members that must be maintained in order to create public policy;
2. The public release of the RMA Report is a breach of the confidentiality assured to those interviewed under the Gardner Garrity process of personnel law.
3. The public release of the RMA Report has eroded the credibility of both the City Council and the City staff and diverted attention from the important work being done to identify and address the issues of concern in our police department;
4. Numerous people who had access to the RMA report have been under

- scrutiny for having released the report.
5. The public release of the RMA Report has exposed and potentially endangered some of the individuals mentioned in the report;
  6. The public release of the RMA Report seriously compromises the ability of the City, as well as the State of North Carolina, going forward to investigate and address governance issues within the department; and
  7. The Public release of the RMA Report is not consistent with the City of Greensboro's core values of honesty, integrity, stewardship, and respect.

By this action tonight, the City Council wants citizens to understand the results of the unauthorized release of the RMA investigative report and its context in the larger investigative process. The intention is to bring closure to this sidebar issue so the focus can return to resolving problems relating to operation of the Police Department.

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Councilmember Gatten moved to adjourn the meeting; the motion received no second.

After Councilmember Phillips offered his opinion that information should be provided at this meeting to inform the public as to the identity of K-11, it appeared to be the consensus of Council that the Mayor should announce the end results of the forensic report.

Mayor Holliday stated " that K-11 which is the designated number that was given to it from RMA of all the copies that they identified was assigned to the document formerly held by Councilmember Dianne Bellamy-Small as the source document for which the internet copy appears to have been produced from."

Councilmember Barber moved to adjourn the meeting. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

THE CITY COUNCIL ADJOURNED AT 8:40 P.M.

JUANITA F. COOPER  
CITY CLERK

KEITH A. HOLLIDAY  
MAYOR

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