



City of Greensboro

Melvin Municipal Building
300 W. Washington Street
Greensboro, NC 27401

Meeting Minutes - Final City Council

Tuesday, June 3, 2014

5:30 PM

Council Chamber

This City Council meeting of the City of Greensboro was called to order at 5:30 PM on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Call to Order

Present: 9 - Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaiteer, Councilmember Mike Barber, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Zack Matheny and Councilmember Tony Wilkins

Also present were Jim Westmoreland, City Manager, Tom Carruthers, Interim City Attorney and Elizabeth H. Richardson, City Clerk.

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

Councilmember Fox led the Pledge of Allegiance to the Flag.

Council Procedure for Conduct of the Meeting

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

Recognition of Courier

City Manager Jim Westmoreland recognized Mack Thompson of the IT Department who served as Courier for the meeting.

CEREMONIAL AND/OR PRESENTATION ITEMS

1. [ID 14-0346](#) Presentation of The Greensboro Mayor's Committee for Persons With Disabilities Scholarship

City Manager Westmoreland recognized Bruce Pomeroy, Committee Chair, who presented the award to Maya Culbreth; spoke to her achievements while attending Dudley High School; and stated she was prepared to become a certified nursing assistant. Mayor Vaughan assisted with the presentation; and congratulated Ms. Culbreth on behalf of Council.

2. [ID 14-0345](#) GYC (Greensboro Youth Council) Recognition

Interim Parks and Recreation Director Wade Walcutt spoke about Parks and Recreation and the Greensboro Youth Council (GYC); stated GYC had provided services for over eighty years; and introduced Director Jasia Stevenson. Ms. Stevenson recognized volunteers in the audience; asked the winners to come forward; announced the volunteer of the year; recognized members who excelled during the year; and presented the annual report of the Greensboro Youth Council which outlined the volunteer hours and economic impact of the GYC. Councilmembers voiced appreciation for the GYC.

3. [ID 14-0356](#) Youth Initiative Update

Human Relations Director Dr. Love Crossling provided a Youth Initiative update; spoke to the success of the Youth Summit that took place on May 31st at the Cultural Arts Center; referenced the vendor participation as well as the student driven initiative; and voiced appreciation for the host of partners.

Councilmember Hightower commended the success of the event; and added that there would not be a teen curfew this year. Mayor Pro-Tem Johnson thanked Councilmember Hightower for taking leadership in the Teen Summit.

Assistant Police Chief James Hinson informed Council about the initiative and the partnership between the Police Department and Mt. Zion Baptist Church regarding an upcoming event; and addressed the positive interaction between youth and the community. Pastor Joseph Frierson, Jr. of Mt. Zion elaborated on the initiative in partnership with the Greensboro Police Department; and stated the Mt. Zion family was excited about the partnership.

Mayor Pro-Tem Johnson acknowledged the positive things the youth were doing; and recognized and acknowledged Attitude with Gratitude for providing bookbags to school children.

Councilmember Fox recognized incoming GYC president Sara Smith in the audience.

Councilmember Hightower requested the City Manager to make City facilities available as collection points for a 'back to school drive' throughout the summer to collect school supplies to be provided to students as an outreach to the community.

PUBLIC COMMENT PERIOD

Ben Holder, 1306 Oak Street, spoke to a Downtown property on being in violation of the Good Repair Ordinance; voiced concern regarding the owner of said property; spoke to hypocrisy; and requested Council consider utilization of the ordinance City wide.

Mayor Vaughan voiced that the Council was looking at doing that; and spoke to Downtown assisting in the cost of renovating buildings.

Councilmember Hoffmann thanked Mr. Holder for his interest in Downtown renovation; provided the history of her ownership of the building since late October 2013; spoke to the planned renovation which would take about 18 months to complete which would allow the property to be returned to the City tax rolls; and spoke to the revitalization of one building at a time.

Ed McKeever, 2204 McLaughlin, spoke to the M/WBE program; voiced concern for an incident on a project; commended Assistant City Manager David Parrish for his work with the M/WBE office; and voiced disappointment in other City departments.

Mayor Vaughan spoke to what had been instituted and provided examples to what Council had done to date with regard to the M/WBE process; stated it was inaccurate to say nothing had changed; spoke to the leadership role of Council with the M/WBE issue; and thanked Mr. McKeever for his comments.

Assistant City Manager David Parrish stated the City was still in the process of securing the M/WBE positions that had been discussed; and explained where staff was in that process.

Council commented on the project Mr. McKeever had referred to; Council commitment to improving the M/WBE process; and voiced the need to have the M/WBE office up and running shortly.

City Manager Westmoreland explained that staff was aware of the incident; and reassured Council that staff understood the priority in getting the office up and running.

Councilmember Matheny suggested that contractors who had not paid their subcontractors requesting future City contracts, not be awarded any new contracts.

Luther Falls, Jr., 1603 Lansdown Avenue, congratulated Ms. Culbreth on her receipt of the scholarship award; spoke to the loss of Dr. Roy Moore from North Carolina A&T State University; and spoke to Dr. Moore's achievements.

Annissa Stevens, 5388 Beechmont Drive, spoke on behalf of her autistic son; referenced an incident which caused him to be removed from SCAT ridership; asked for assistance for a resolution to the issue; and spoke to the alternative for private ridership through Medicaid.

Council thanked Ms. Stevens for coming to the meeting; requested that staff assist Ms. Stevens and research private sector transportation alternatives for special need SCAT riders that had been removed from the public transportation system; and discussed difficulties with restraining SCAT passengers.

City Manager Westmoreland spoke to the GTA policies in place.

Anwar Rasheed, 2021A. Stoneycreek Drive, invited Council and staff to an upcoming event on June 26th for the M/WBE program to be hosted at the North Carolina A&T State University campus from 10 a.m. to 4 p.m.; and provided an overview of the event.

Robert Moore, Sr., referenced his injuries due to an accident at Pearson and Lee Streets; spoke to the traffic in his neighborhood; stated he had attended the last meeting of the County Commissioners; and spoke to those involved. Interim City Attorney Carruthers advised Council of his previous conversations with Mr. Moore. Mayor Vaughan stated people were free to contact Council through the City's website.

CONSENT AGENDA

Moved by Councilmember Abuzuaiter, seconded by Councilmember Matheny to approve the Consent Agenda less Items #4, 5, 6, 17, 18, 19, 20, 21 and 23. The motion carried by voice vote.

7. [ID 14-0310](#) Ordinance in the Amount of \$500 Amending State, Federal, and Other Grants Fund Budget for the Appropriation of the Wal-Mart Foundation/Local Giving Program Grant FY 14

14-058 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF THE WAL-MART FOUNDATION/ LOCAL GIVING PROGRAM GRANT FOR POLICE NEIGHBORHOOD RESOURCE CENTERS 1ST ANNUAL YOUTH CONFERENCE GRANT FISCAL YEAR 2014

Section 1

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

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

Account	Description	Amount
220-3541-01.5237	Program Supplies	\$450
220-3541-01.5431	In-House Printing	\$ 50
TOTAL:		\$500

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

Account	Description	Amount
220-3541-01.8620	Donations & Private Contributions	\$500

TOTAL: \$500

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

8. [ID 14-0304](#) Resolution Authorizing Encroachment Agreement Between the City of Greensboro and Belk, Inc. for Encroachment Into City Right-of-Way at 604 Green Valley Road

0143-14 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT BETWEEN THE CITY OF GREENSBORO AND BELK, INC. FOR ENCROACHMENT INTO CITY RIGHT-OF-WAY AT 604 GREEN VALLEY ROAD

WHEREAS, the Belk, Inc. has requested that the City permit the proposed installation of 80 feet of fiber optic lines beneath Green Valley Road to provide connectivity between the existing Belk Store at 600 Friendly Center Road and the newly constructed Belk Home Goods Store at 604 Green Valley Road;

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 fiber optic lines beneath said right-of-way;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said installation of fiber optic lines beneath Green Valley Road 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 Belk, Inc. to permit the installation of 80 feet of fiber optic lines beneath Green Valley Road to provide connectivity between the existing Belk Store at 600 Friendly Center Road and the newly constructed Belk Home Goods Store at 604 Green Valley Road all in accordance with the terms and conditions set out therein.

(Signed) Marikay Abuzuaiter

9. [ID 14-0315](#) Resolution Authorizing the Conveyance of Property Located at 5002 Beale Avenue

0144-14 RESOLUTION AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT 5002 BEALE AVENUE

WHEREAS, the City of Greensboro owns residual property located at 5002 Beale Avenue, Parcel 0095770 said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, the property has been appraised by Lynn R. Ritchie at a value of \$20,000 and the final and highest bid in the amount of \$20,000 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be credited in Foreclosure Real Estate Account No. 101-0000-00.0400.

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

That pursuant to Section 4.122 of the City Code of Ordinances, the sale of the above mentioned residual property in the amount of \$20,000 is hereby approved and the sale of land is hereby authorized; and the Mayor and City

Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Marikay Abuzuaiter

10. [ID 14-0317](#) Resolution Approving Appraisal in the Amount of \$55,000 and Authorizing the Acquisition of Property Located at 105 College Road for the West Market Street/College Road Intersection/Sidewalk Project

0145-14 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 105 COLLEGE ROAD FOR THE WEST MARKET STREET/COLLEGE ROAD INTERSECTION/SIDEWALK PROJECT

WHEREAS, in connection with the West Market Street/College Road Intersection/Sidewalk project, a portion of the property owned by Timothy Terrell, Parcel 0075701 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised by McNairy & Associates at a value of \$55,000 and includes the installation of a new sidewalk at the building wall and the loss of parking, 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 \$55,000 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 401-4547-01.6012, Activity #A11168.

(Signed) Marikay Abuzuaiter

11. [ID 14-0319](#) Resolution Approving Utility Agreement P-5204 Between the City of Greensboro and the North Carolina Department of Transportation

0146-14 RESOLUTION APPROVING UTILITY AGREEMENT P-5204 BETWEEN THE CITY OF GREENSBORO AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements with the City of Greensboro under Project P-5204, Guilford County for roadway relocation of McLeansville Road from Birch Creek Road to Frieden Church Road;

WHEREAS, said Department of Transportation and the City of Greensboro propose to enter into an Agreement for the above-captioned project for construction of a new water distribution line;

WHEREAS, the construction has been included in the utility agreement with an estimated cost to the City of Greensboro of \$416,000.

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

That Project P-5204, Guilford County, is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of the City are hereby empowered to sign and execute the Agreement with the Department of Transportation.

That a budget adjustment in the amount of \$416,000 will be charged to Account No. 503-7023-01.6016 A14039.

(Signed) Marikay Abuzuaiter

12. [ID 14-0338](#) Ordinance in the Amount of \$187,000 Amending the Street & Sidewalk Capital Project Fund

14-059 ORDINANCE AMENDING THE STREET & SIDEWALK CAPITAL PROJECT FUND

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

Section 1

That the Street & Sidewalk Capital Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased as follows:

Account	Description	Amount
401-4502-05.6012	Land Right-of-Way	\$142,000
401-6010-03.6015	Sidewalk Construction	45,000
	Total	\$187,000

and, that the following revenue finance these appropriations:

Account	Description	Amount
401-4502-05.8616	Sale of Real Estate	\$142,000
401-6010-03.8616	Sale of Real Estate	45,000
	Total	\$187,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

13. [ID 14-0337](#) Resolution Authorizing City Manager to Enter Into Municipal Agreement with North Carolina Department of Transportation for Construction of Sidewalks Within the Limits of the Urban Loop Project (U-2525 B)

0147-14 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF SIDEWALKS WITHIN THE LIMITS OF THE URBAN LOOP PROJECT (U-2525B)

WHEREAS, the North Carolina Department of Transportation in its effort to support and implement multi-modal transportation needs in the Greensboro area has directed requested funding from the City of Greensboro for U-2525 B Urban Loop Project; and

WHEREAS, the North Carolina Department of Transportation has programmed \$84,526.00 in funds to construct sidewalks along the widened portion of McKnight Mill Road and Hicone Road within the Urban Loop project's limits; and

WHEREAS, the City of Greensboro and the North Carolina Department of Transportation are to enter into a Municipal Agreement in order for NCDOT to receive \$42,263.00 in city funding for the required 50% local match; and,

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

That said project is hereby formally approved by the City Council of the City of Greensboro and that the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the North Carolina Department of Transportation for Project U-2525 B.

(Signed) Marikay Abuzuaiter

14. [ID 14-0137](#) Resolution Authorizing Purchase of Property of James and Linda Plummer for the East Cone Boulevard Extension Project

0148-14 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF JAMES AND LINDA PLUMMER FOR THE EAST CONE BOULEVARD EXTENSION PROJECT

WHEREAS, in connection with the East Cone Boulevard Extension project, a portion of the property owned by James and Linda Plummer, Parcels 0126515 and 0126514 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 \$34,617 but the property owner has agreed to settle for the price of \$39,810, 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 \$39,810 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. 401-4502-05.6012.

(Signed) Marikay Abuzuaiter

15. [ID 14-0138](#) Resolution Authorizing Purchase of Property of James and Linda Plummer for the East Cone Boulevard Extension Project

0149-14 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF JAMES AND LINDA PLUMMER FOR THE EAST CONE BOULEVARD EXTENSION PROJECT

WHEREAS, in connection with the East Cone Boulevard Extension project, a portion of the property owned by James and Linda Plummer, Parcels 0126545 and 0126512 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 \$26,130.24 but the property owner has agreed to settle for the price of \$30,051, 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 \$30,051 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. 401-4502-05.6012.

(Signed) Marikay Abuzuaiter

16. [ID 14-0332](#) Resolution Authorizing Purchase of Property of Russell and Sheila Wall

for the East Cone Boulevard Extension Project

0150-14 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF RUSSELL AND SHEILA WALL FOR THE EAST CONE BOULEVARD EXTENSION PROJECT

WHEREAS, in connection with the East Cone Boulevard Extension project, a portion of the property owned by Russell and Sheila Wall, Parcel 0126504 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 \$32,141 but the property owner has agreed to settle for the price of \$36,963, 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 \$36,963 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. 401-4502-05.6012.

(Signed) Marikay Abuzuaiter

22. [ID 14-0326](#) Resolution Approving Submittal of USDA Local Foods Planning Grant Proposal

0151-14 RESOLUTION APPROVING SUBMITTAL OF THE USDA LOCAL FOODS PLANNING GRANT PROPOSAL

WHEREAS, the USDA announced the availability of approximately \$15,000,000 as part of the 2014 farm bill to be awarded to applicants for local foods planning and implementation needs;

WHEREAS, the City of Greensboro plans to request the maximum planning grant allocation of \$25,000 for the stipulated one year performance period;

WHEREAS, the grant period must begin no later than September 30, 2014;

WHEREAS, if awarded, there will be a joint departmental effort between Neighborhood Development, Planning and Parks and Recreation to establish and expand local food enterprises;

WHEREAS, upon completion of the planning grant; an application may be made for the implementation funding for a maximum amount of \$200,000 to be completed within a two year performance period to establish new local and regional food business enterprises, or to improve or expand existing local or regional food business enterprises;

WHEREAS, matching funds are required in the form of cash or an in-kind contribution in an amount equal to 25% of the total cost of the project, approximately \$6,250 and would be provided from in-kind contributions (city staff time) and Community Development Block Grant (CDBG) funds.

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

That the submittal of the USFA Local Foods Planning Grant proposal is hereby approved.

(Signed) Marikay Abuzuaiter

24. [ID 14-0244](#) Motion to approve Greensboro/Guilford County Tourism Development Authority 2014-2015 Fiscal Year Budget

Motion to approve the Greensboro/Guilford County Tourism Development Authority 2014-2015 Fiscal Year Budget was adopted.

25. [ID 14-0353](#) Motion to Make a Part of the Official Record the Listing of Contracts that are Currently Eligible for Destruction as per the City Clerk's Office.

Motion to make a part of the official record the listing of contracts that are currently eligible for destruction as per the City Clerk's office was adopted.

26. [ID 14-0323](#) Budget Adjustments Requiring Council Approval 5/15/14 - 5/26/14

Motion to approve the budget adjustments over the amount of \$50,000 was adopted.

27. [ID 14-0324](#) Budget Adjustments Approved by Budget Officer 5/15/14 - 5/26/14

Motion to accept the report of budget adjustments of May 14 - 26, 2014 was adopted.

28. [ID 14-0314](#) Motion to Approve the Minutes of the Regular Meeting of May 7, 2014.

Motion to approve the minutes of the Regular meeting of May 7, 2014 was adopted.

4. [ID 14-0344](#) Resolution Authorizing Award of Contract 2014-10137 to Otis Elevator Company for City-wide Elevator Maintenance and Repair Services

Councilmember Hightower inquired if Interim City Attorney Carruthers had reviewed the contract with regard to legal form and compliance with City M/WBE policy; and if there would be any mentorship opportunities as the contract would exceed \$300,000 in total value.

Interim City Attorney Carruthers responded that the contract had been reviewed by Assistant City Attorney James Dickens as to form; and voiced that he did not recall the details of the contract..

Councilmember Hightower voiced concern for holding the contractor to the same standard; and verified that the contractor provided a specialized service.

Interim City Attorney Carruthers requested the item be postponed to the June 17th meeting of Council to allow staff time to research the issue and report back to Council.

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to postpone the item to the June 17th meeting of Council. The motion carried by voice vote.

5. [ID 14-0318](#) Resolution Authorizing Award of Contract # 2014-10133 to Total Custodial Services LLC for Janitorial Services for Coliseum Events

Councilmember Wilkins inquired about listing the number and amount of alternative bids; and voiced concern and disappointment that the City could not find a local contractor for a \$1,000,000 contract.

City Manager Westmoreland stated the bids were not typically listed for service contracts.

Deputy Coliseum Director Scott Johnson and Central Contracting Specialist Allison Staton explained the process utilized for the selection; value of the contract over a five-year period; stated a North Carolina HUB search was done; that the process had enlisted the M/WBE Plan currently in place; and verified this was the lowest bid.

Councilmember Matheny clarified that the contractor was located in Kernersville.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Matheny, to adopt the resolution. The motion carried by voice vote.

0152-14 RESOLUTION AUTHORIZING AWARD OF CONTRACT 2014-10133 TO TOTAL CUSTODIAL SERVICES LLC FOR JANITORIAL SERVICES FOR COLISEUM EVENTS

WHEREAS, the Greensboro Coliseum is responsible for managing janitorial labor services during and preparing for events; and

WHEREAS, on behalf of the Coliseum, the Centralized Contracting Division conducted a competitive Request for Proposals for Janitorial Event Services through the Greensboro Electronic Procurement System, Event # 7267; and

WHEREAS, an analysis of the submitted pricing and qualifications of firms found Total Custodial Services to have ranked highest with criteria establishing the best value for this contract; and

WHEREAS, the annual cost for Janitorial services Coliseum events is estimated at \$186,300 annually; and

WHEREAS the terms of the contract are an estimated value of \$558,900 for three years; with two potential one-year renewals for a total estimated value of \$931,500 over the 5 year potential contract lifetime; and

WHEREAS, annual funding for each year over the life of the contract is subject to future City Council budget appropriations; and

WHEREAS, the Coliseum and Centralized Contracting Division concur in their recommendation to award this contract to Total Custodial Services, LLC based on the assessment that this firm's pricing provides the best value for contracted City-wide painting services.

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

That Contract 2014-10133 for Janitorial Services for Coliseum Events is hereby authorized to be executed for the period of July 1, 2014 through June 30, 2017 with two potential additional one-year renewals.

(Signed) Marikay Abuzuaiter

6. [ID 14-0327](#) Resolution Approving Extension of Professional Services Contract 2005-009 with US Infrastructure, Inc. for the Thoroughfare Sidewalks Project

Councilmember Hightower voiced concern with this being the fifth change order; stated she looked for M/WBE participation; asked if there was a reason the contract had been out there since 2005; and if the City reviewed contractors M/WBE participation when awarding change orders.

Business Center Manager Ute Munro spoke to the funding availability at the time of the original contract; voiced that there were changes that needed to be made to the plan since 2006 which impacted the plan design and had created the need for change orders; verified the project was currently under construction; stated there were still two projects under review by the State; added that subcontractors were utilized with construction contracts; and stated that there were no subcontractor opportunities on the contract as it was a professional services contract for project design.

Moved by Councilmember Matheny, seconded by Councilmember Fox, to adopt the resolution. The motion carried by voice vote.

0153-14 RESOLUTION APPROVING EXTENSION OF PROFESSIONAL SERVICES CONTRACT 2005-009 WITH US INFRASTRUCTURE, INC. FOR THE THOROUGHFARE SIDEWALKS PROJECT

WHEREAS, on January 14, 2005, City Council approved a contract for project design for sidewalks along Bessemer Avenue, Cornwallis Drive, Cone Boulevard, Florida Street, O'Connor Street, Lawndale Drive, Market Street, Vandalia Road, and Wendover Avenue;

WHEREAS, nine of the eleven projects still require the preparation of record drawings;

WHEREAS, the projects still under review will require plan revisions for new NCDOT and NCDENR requirements and new construction cost estimates;

WHEREAS, the design work was completed by October 2006 within the contract budget, but the funding for the construction was not available and the projects were delayed;

WHEREAS, the contract extension is required as a result of additional costs which were incurred on all the projects as a result of changes required to make the projects compliant with new NCDOT specifications, revised NCDENR regulations and permits, updated ADA compliance measures, and improved driveway slope limits;

WHEREAS, the cost of the extension is based on an estimate of the time and materials needed to complete the work.

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

That the extension in the amount of \$21,890 of Contract No. 2005-009 with US Infrastructure, Inc. is hereby approved and the Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper extension to carry the proposal into effect, payment to be made in the amount of \$21,890 from Account No. 471-4502-15.5410.

(Signed) Zack Matheny

17. [ID 14-0339](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Properties Helen Machamer and Katherine Kritselis, Located at 315 West Fisher Avenue in Connection With the Downtown Greenway Phase 2E & 3A Project

Councilmember Hightower stated she had pulled the Greenway items to inquire about the Greenway budget; asked how long it would take to complete; and where the funding for the projects would come from.

Assistant City Manager David Parrish verified that the City had funding in place for the condemnations; added that staff had been working with Action Greensboro; and would bring additional information this summer with regard to plans and funding for the full project.

Mayor Vaughan verified that Councilmember Hightower had the same questions for Items #17 - 20; read the remaining resolutions into the record; and stated Council would vote on the items with one vote.

18. [ID 14-0340](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Properties Gregory Stephen Pennington, Located at 313 W. Fisher Avenue in Connection With the Downtown Greenway Phase 2E & 3A Project
19. [ID 14-0341](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Properties Martha Wyeth and Martin J. Wyeth, Located at 510 Battleground Avenue in Connection With the Downtown Greenway Phase 2E & 3A Project
20. [ID 14-0342](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn A Portion Of The Properties AZ Development, LLC, Located At 600 Battleground Avenue in Connection With the Downtown Greenway Phase 2E & 3A Project.

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson, to adopt the resolutions for Items #17/ID 14-0339; #18/ID 14-340; #19/ID 14-341;

and #20/ID 14-0342. The motion carried by voice vote.

0154-14 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF HELEN MACHAMER AND KATHERINE KRITSELIS, IN CONNECTION WITH THE DOWNTOWN GREENWAY PHASE 2E & 3A PROJECT

WHEREAS, Helen MacHamer and Katherine Kritselis, is the owner(s) of certain properties located 315 W. Fisher Avenue, designated as Parcel # 0000693 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Downtown Greenway Phase 2E & 3A Project;

WHEREAS, negotiations with the owner at the appraised value of \$1,655.00 have been unsuccessful and said portion of the 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 portions of the property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner(s) in the amount of \$1,655.00.

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 portions of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$1,655.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 401-4553-01.6012 Activity #A12130.

(Signed) Jamal T. Fox

0155-14 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF GREGORY STEPHEN PENNINGTON, IN CONNECTION WITH THE DOWNTOWN GREENWAY PHASE 2E & 3A PROJECT

WHEREAS, Gregory Stephen Pennington, is the owner(s) of certain properties located 313 W. Fisher Avenue, designated as Parcel # 0000675 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Downtown Greenway Phase 2E & 3A Project;

WHEREAS, negotiations with the owner at the appraised value of \$805.00 have been unsuccessful and said portion of the 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 portions of the property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner(s) in the amount of \$805.00.

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 portions of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$805.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 401-4553-01.6012 Activity #A12130.

(Signed) Jamal T. Fox

0156-14 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF MARTHA WYETH AND MARTIN J. WYETH, IN CONNECTION WITH THE DOWNTOWN GREENWAY PHASE 2E & 3A PROJECT

WHEREAS, Martha Wyeth and Martin J. Wyeth, is the owner(s) of certain properties located at 510 Battleground Avenue, designated as Parcel # 0000695 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Downtown Greenway Phase 2E & 3A Project;

WHEREAS, negotiations with the owner at the appraised value of \$8,845.00 have been unsuccessful and said portion of the 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 portions of the property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner(s) in the amount of \$8,845.00.

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 portions of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$8,845.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 401-4553-01.6012 Activity #A12130.

(Signed) Jamal T. Fox

0157-14 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF AZ DEVELOPMENT, LLC, IN CONNECTION WITH THE DOWNTOWN GREENWAY PHASE 2E & 3A PROJECT

WHEREAS, AZ Development, LLC, is the owner(s) of certain properties located at 600 Battleground Avenue, designated as Parcel # 0001890 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Downtown Greenway Phase 2E & 3A Project;

WHEREAS, negotiations with the owner at the appraised value of \$13,790.00 have been unsuccessful and said portion of the 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 portions of the property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner(s) in the amount of \$13,790.00.

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 portions of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$13,790.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 401-4553-01.6012 Activity #A12130.

(Signed) Jamal T. Fox

21. [ID 14-0320](#) Resolution Authorizing a Reimbursement Agreement Between the City of Greensboro and Shady Grove Wesleyan Church

Councilmember Hightower asked if the City was running water to Colfax which was where the church was located; and if the City would be reimbursed.

Water Resources Director Steve Drew spoke to the water line in the area that was already in place; stated this was a public necessity; verified that the request fit the Master Plan; that the City would be able to upsize the line and participate with the church which would allow the City to address some water issues; and verified that the location was within the City's service area.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Matheny, to adopt the resolution. The motion carried by a voice vote.

0158-14 RESOLUTION TO AUTHORIZE A REIMBURSEMENT AGREEMENT WITH SHADY GROVE WESLEYAN CHURCH

WHEREAS, Shady Grove Wesleyan Church will construct a new church facility at 119 North Bunker Hill Road in Colfax; and

WHEREAS, to support the proposed building fire sprinkler system and the facility wide transition to the city's drinking water supply, it is necessary to extend a city water main across the property frontage; and

WHEREAS, N.C.G.S. 160A-320 permits the city to reimburse a developer for design and construction cost of public enterprise improvements that are in addition to those required by the City's land development regulations; and

WHEREAS, the public cost of these improvements will not exceed the estimated cost of providing these improvements pursuant to public bid requirements, and this cost is reasonable; and

WHEREAS, the reimbursement is in the public interest to assist in the expansion of existing water facilities into areas located outside the corporate limits of the City in order to adequately and efficiently provide water services in the City's Water Sewer Service Area,

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

That the City of Greensboro does agree to reimburse Shady Grove Wesleyan Church the sum not to exceed \$75,000.00 for the extension of a 16-inch water line pursuant to N.C.G.S. 160A-320. This payment shall be made upon completion of the requirements stipulated on page two of the reimbursement agreement and acceptance of this work by the City of Greensboro.

(Signed) Yvonne J. Johnson

23. [ID 14-0347](#) Resolution Authorizing Contract With Triad Tennis Management (TTM) for Tennis Operations and Programs

Councilmember Hightower questioned the length of the contract; if the service was offered Citywide; spoke to the local tennis programs; asked if private lessons were provided; voiced concern with dilapidated tennis courts; and spoke to reaching the entire community.

Interim Assistant City Manager Chris Wilson spoke to the length of the contract; stated staff was looking at an expansion of the facility to allow the City to be more competitive; spoke to the history of the contractor as well as activities the contractor had been involved in with the City; and asked Mr. Belangia to come to the podium.

Mike Belangia outlined the programs he had started with the local recreation centers; spoke to the expansion of said programs; mission of the junior program; and spoke to the rates and financial aid availability.

Councilmember Barber commended Mr. Belangia's work with the youth; added that no child was turned down; Mr. Belangia's collaboration of sports and community focus; and stated his children had gone through the program.

Discussion took place regarding improvements for outlying tennis courts; expansion of the program to all recreation centers to expose all children to tennis; mission of the junior program; disrepair of neighborhood courts; scholarship money awarded by Mr. Belangia last year; diversity of the program; upcoming events coming into the City over the next several weeks; and importance in supporting the program.

Moved by Councilmember Fox, seconded by Councilmember Barber, to adopt the resolution. The motion carried by voice vote.

0197-14 RESOLUTION AUTHORIZING TENNIS DIRECTOR AGREEMENT BETWEEN THE CITY OF GREENSBORO AND MIKE BELANGIA, DBA TRIAD TENNIS MANAGEMENT

WHEREAS, the City of Greensboro desires to contract with a private firm for the operation of designated tennis complexes and programs; and

WHEREAS, the City of Greensboro desires to host multiple recreational and competitive tournaments and programs for all age groups; and

WHEREAS, the City of Greensboro desires to promote the sport of tennis through the provision of a comprehensive and inclusive set of programs and facilities;

WHEREAS, Triad Tennis Management (TTM) has demonstrated prior experience and performance in providing such services as detailed in the Tennis Director Agreement;

WHEREAS, and the CITY wishes to retain Triad Tennis Management (TTM) to perform such services again.

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

That the proposed Tennis Director Agreement between the City and TTM shall commence on January 1, 2014 and shall be for a period of ten (10) years, with automatic renewal for an additional successive three (3) year terms until one party provides to the other party written notice of their intent not to renew the Agreement at least one year prior to the end of the Initial Term or the Renewal Term.

That through the proposed Tennis Director Agreement, TTM shall pay a fixed annual fee to the City in the amount of \$65,000 annually through equal monthly payments. TTM can contribute to a maintenance/capital improvement fund in exchange for a reduction of the annual fee at the rate of \$1 reduction for every \$2 contributed. The maximum annual reduction cannot exceed \$20,000.

That through the proposed Tennis Director Agreement, TTM will donate \$175,000 to the City to be used for an expansion project at Spencer Love Tennis Center. Monies will be applied to the donation revenue line item within the bond project account.

(Signed) Jamal T. Fox

IV. PUBLIC HEARING AGENDA

29. [ID 14-0333](#) Public Hearing to Receive Public Comment on the Recommended Fiscal Year 2014-2015 Annual Budget

Councilmember Barber left the meeting at 6:58 p.m.; and returned at 7:02 p.m.

Mayor Vaughan stated there were speakers for the item.

Loy Newby, 20 Bluff Ridge Court, provided the history and evolution of public libraries in Greensboro; spoke to work of the Friends of the Library; added that over 3.2 million people visited and supported the libraries last year; and thanked Council for their support of the libraries and historical museum.

Mayor Pro-Tem Johnson voiced appreciation for attending the recent library luncheon.

Ms. Coker, 1003 Dover Road, voiced appreciation for Council; explained that she had four children and visited the Children's Museum frequently; commended the activities of the museum and what it taught; stated she was a board member; and asked Council for support of the Children's Museum. Ms. Coker's daughter spoke to enjoying the chickens at the Museum as well as other events.

Clarence McDonald, 620 Woodland Drive, Board Chair of the Children's Museum, thanked Council for their support over the years; expressed some personal thoughts about the museum; spoke to what the museum offered and the number of visitors; added that the museum had reduced pricing; outlined the programs for raising funds; and asked for Council's continued support of the museum.

Marion King, 320 Madison Avenue, CEO of the Children's Museum, thanked Council for their continued support; spoke to the dedication of the museum staff; spoke to how the museum's programs enhanced childhood development and education; and asked Council to reconsider reductions to the museum.

Jerry McGuire, 7014 Pearson Run Court, Summerfield, NC, Chairman of Piedmont Triad Film Commission, spoke to the operations of the Film Commission; stated the Commission appreciated the support shown by Greensboro; and introduced Director Rebecca Clark.

Ms Clark provided an outline of the makeup of the Piedmont Triad Film Commission; outlined what the film commission did; its impact on local economic development; thanked Council for their continued support; referenced the lucrative business of the film industry and job creation; spoke to the process for the recruitment of sites for films; mentioned upcoming projects; and requested Council's continued support of the Film Commission.

Matt Lojko, 4607 Farrar Drive, Chairman of the Parks and Recreation Commission, spoke in support of the Parks and Recreation budget; voiced the importance of quality parks; the economic impact of parks; emphasized enjoyment and quality of life as a result of parks; spoke to the tourism, health and environmental benefits; the social importance of leadership development among the City's youth; and thanked staff and volunteers for their outstanding work.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Matheny, to close the public hearing. The motion carried by voice vote.

30. [ID 14-0286](#) Resolution Authorizing Grant Application and Execution of a Memorandum of Understanding for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2014

City Manager Westmoreland stated Captain Cranford was present should Council have any questions.

There being no one to speak to the item, it was moved by Councilmember Matheny, seconded by Councilmember Barber to close the public hearing. The motion carried by voice vote.

Moved by Councilmember Matheny, seconded by Councilmember Barber, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

159-14 RESOLUTION AUTHORIZING GRANT APPLICATION AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2014

WHEREAS, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, authorized under Federal Regulation 42 U.S.C. 3751(a), is the primary provider of federal criminal justice funding to state and local jurisdictions; and

WHEREAS, the JAG Program (CFDA #16.738) provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs including indigent defense, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs; and

WHEREAS, this grant is a disparate allocation between the Greensboro Police Department, High Point Police Department and Guilford County Sherriff's Department which requires an application process for the funder to approve the proposed use of funds; and

WHEREAS, A disparate allocation occurs when a city or municipality is allocated more funds than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the

municipality's Part 1 violent crimes; and

WHEREAS, approval of the proposed funding and a Memorandum of Understanding (MOU), executed by the participating jurisdiction's is required from all disparate applicants; and

WHEREAS, in accordance with the JAG Program disparate grant formula, the participating jurisdictions agree it is in their best interests to reallocate the \$217,853 in JAG funds to the City of High Point for a total of \$45,783.20; to Guilford County for a total of \$55,431.40; and to the City of Greensboro for a total of \$116,638.40.

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

That, upon conducting a public hearing to receive public comments on the proposed 2014 Justice Assistance Grant application, the City Council approves the application of the JAG grant herein in the total amount of \$217,853 to be divided between the Greensboro Police Department (\$116,638.40); Guilford County Sheriff's Department (\$55,431.40); and the High Point Police Department (\$45,783.20), and such Memorandum of Understanding as required to fulfill the purposes of said grant.

(Signed) Zack Matheny

31. [ID 14-0336](#) Resolution to Amend Interest Rate on Previously Authorized Economic Development Loans for Shovel-Ready Industrial Development Site Grading

Mayor Vaughan stated there was one speaker for the item.

City Manager Westmoreland clarified that the item involved, a correction to make sure the interest rate was in alignment to what was originally in the Request For Proposal (RFP).

Councilmember Fox asked for clarification as to what Council was being asked to vote on with regard to the interest rate.

Interim City Attorney Carruthers responded that the interest rate was being moved from the rate based on the 10 year note referenced in the original resolution adopted last year to a rate based on a 5 year note referenced in the RFP with one additional change, which was to tie the rate to the date as of the RFP which was August 1st rather than the closing rate; and outlined the difference of the two rates.

Buddy Seymour, 5603 New Garden Village Drive, spoke as one of the applicants; stated plans were ready for submission; and asked for Council support of the item.

Kurt Collins, 2207 Fairfield Avenue, requested clarification of why Council was being asked to adopt the item.

Interim City Attorney Carruthers explained the issues that were addressed by the amendment; the process; spoke to the finalization of the incentive agreement; to the request of the recipient; the discrepancy between the RFP and the original resolution adopted by Council; and outlined the repayment terms.

Discussion took place regarding the location of the shovel ready sites; repayment terms; bond funding; assistance to small businesses; definition and makeup of small businesses; negative interest rates; and the purpose for the item.

Councilmember Matheny provided the history of the 2006 bond funds; explained the process for utilization of bond funds; voiced the need for shovel ready sites; added that Mr. Seymour was a small business owner; spoke to the goal of the revolving loan pool; intent of the Economic Development Committee; and requested information on what account repayment of the revolving loan pool funds would go into.

City Manager Westmoreland outlined the purpose and intent of a revolving loan fund; and stated he did not have the details as to where the money went back into but would provide that to Council.

Moved by Councilmember Barber, seconded by Councilmember Fox to close

the public hearing. The motion carried by voice vote.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaiter, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

160-14 RESOLUTION TO AMEND INTEREST RATE ON PREVIOUSLY AUTHORIZED ECONOMIC DEVELOPMENT LOANS FOR SHOVEL-READY INDUSTRIAL DEVELOPMENT SITE GRADING

WHEREAS, on October 15, 2013, the City Council adopted Resolution 301-13 authorizing a loan for \$500,000 to Samet Corporation and authorizing a loan for \$500,000 to McConnell Center Partners, LLC to be used for grading of qualified industrial sites at a interest rate equivalent to the 10 year treasury bond + 50 basis points; and

WHEREAS, on November 12, 2013, the City Council adopted Resolution 322-13 authorizing an additional loan for \$100,000 to Samet Corporation and authorizing an additional loan for \$100,000 to McConnell Center Partners, LLC to be used for grading of qualified industrial sites at an interest rate equivalent to the 10 year treasury bond + 50 basis points; and

WHEREAS, the loans will be funded from the voter approved 2006 Economic Development Bond; and

WHEREAS, the rate for these loans will be amended and now will bear interest at a fixed rate equivalent to the 5 year treasury bond + 50 basis points annually compounded quarterly set as of the date of Request for Proposals and shall be 1.88%.

WHEREAS, all other provisions of the two resolutions shall remain intact.

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

The City of Greensboro hereby amends authorized the interest rate on the Shovel-Ready Industrial Development Site Grading Loans previously approved by Council to McConnell Center Partners, LLC and to Samet Corporation to a fixed rate equivalent to the 5 year Treasury bond + 50 basis points (set at 1.88%) annually compounded quarterly. All other provisions of the Resolution 301-13 and Resolution 322-13 remain unchanged.

(Signed) Yvonne J. Johnson

Mayor Vaughan declared a recess at 7:33 p.m. Council reconvened at 8:06 p.m. with all members in attendance.

V. GENERAL BUSINESS AGENDA

Mayor Vaughan introduced the quasi-judicial hearing; and requested persons who would be speaking to the item to come to the podium to be sworn in..

Mayor Vaughan stated that Libby James, Manager of Public Transportation, would present staff's summary of the Selection Committee recommendation for the Management and Operations of Transit Services Contract. This recommendation was adopted by the GTA Board on May 8, 2013. This protest was first heard by the GTA Board on May 28, 2014, and was denied. This protest was appealed to the City Council and will be heard after Libby James' presentation. At the close of the staff presentation and after questions from Council the Mayor Vaughan stated Council would now hear this protest and decide whether to uphold or deny the protest. These are the procedures we will follow for this hearing: All hearings shall be conducted in a fair, impartial and informal manner. All parties that will testify at the hearing will state their name and title. Sworn or affirmed testimony is required at the hearing. The City Council will accept oral evidence only under oath. All other evidence is accepted unless Council determines otherwise by a majority vote. There will be a record made of the hearing. All potentially affected parties have received notice and will be given the opportunity to be heard at the hearing. These parties are First Transit, Inc. and Veolia Transportation Services, Inc and City Staff. The order of presentation of evidence is as follows: The Public Transportation Manager and/or the attorney for the GTA Board will explain the facts of the matter to City Council and, where appropriate, present written materials or graphic displays for the

purpose of acquainting the City Council with the action being requested. First Transit, Inc. will present evidence. Veolia Transportation Services, Inc. will present evidence. The Public Transportation Manager and/or the attorney for the GTA Board will summarize the evidence. Members of the City Council and other parties in this hearing may ask questions of persons testifying at the hearing. The City Council will discuss and render its decision by majority vote.

Interim City Attorney Tom Carruthers explained the process and requirements of Council during the Quasi Judicial hearing; confirmed that Councilmember Hightower was in attendance at the GTA meeting last week; spoke to standard of the evidence Council would to hear; stated Council would hear the protest of First Transit; would decide if the decision by the Greensboro Transportation Authority was arbitrary and capricious; provided the definition of arbitrary and capricious; spoke to the Administrative Procedures Act; stated Council could not substitute its judgment to that of the selection committee; stated these decisions may be reversed as arbitrary or capricious, in the sense they indicated a lack of fair and careful consideration or failed to indicate any course of reasoning in the exercise of judgment.

Public Transportation Manager Libby James provided an overview of the evaluation and selection process for the item; the background of GTA; informed Council that the current contract was due to expire on June 30, 2014; and stated that that GTA approved for an extension through August 30, 2014. Ms. James made a PowerPoint Presentation which outlined the history of the Two-Part Request for Proposal (RFP) process; makeup of the evaluation and selection committee; evaluation and selection criteria; provided details of the technical and cost proposals; provided the names of the qualified proposers; outlined the evaluation and selection process; independent cost estimate (ICE) for all procurements using federal funds; spoke to the independent cost estimate; reviewed the scoring matrix results; reviewed the overall comments for the proposals; spoke to the recommendation; and outlined the closing comments.

Mayor Vaughan stated that Council would hear from Attorney James Dickens.

Assistant City Attorney James Dickens stated he would speak to and review the issues provided in the appeal; spoke to the process and actions of the evaluation and selection committee; confirmed that the actions were not arbitrary and capricious; elaborated on the appeal filed by First Transit by addressing the items individually; spoke to the consultant's reports and conclusions regarding the full and part time drivers; reviewed the second best and final offers that had been requested by the Committee, the City, and the consultant, Nancy Whelan; addressed the issue of revenue service hours and items in First Transit's appeal; referenced the hearing before the GTA Board; and comments and conclusions in the consultant's reports. Assistant City Attorney Dickens reiterated that there was nothing arbitrary and capricious about the conclusions made by the consultant; summarized the documentation that had been provided to Council which is referenced herein and made a part of these minutes in Exhibit Drawer W, Exhibit No. 12; spoke to the work history, legal issues and evaluation scores of First Transit; and asked that First Transit's appeal of the bid protest be denied.

Mayor Vaughan stated Council would hear from First Transit.

Attorney Alex Maultsby spoke to First Transit's work history and areas of operation; stated Senior Vice President of Business and Development for First Transit, Keith Whalen was present; voiced that the protest was necessary to bring the matter to Council's attention due to the amount of money involved; stated that First Transit wanted Council to have all the information available; referenced the First Transit appeal to Greensboro City Council Exhibits which had been provided to Council and referenced herein and made a part of these minutes in Exhibit Drawer W, Exhibit No. 12. Attorney Maultsby referenced what First Transit had alleged in their protest; outlined the information provided in their protest letter; continued that the City should evaluate the best value; emphasized that First Transit was the low bid; commented on the consultant's conclusions that resulted from haste; referenced and spoke to specific exhibits in the handout; spoke to the confusion in part time and full time staffing information provided in the consultant's analysis; addressed the process and timeframe for the second best and final offer; provided examples of an arbitrary use of information in a way meant to reinforce the decision made in the first analysis of the consultant; reviewed the work history and legal issues of First Transit; and requested Council slow the process down to allow the consultant have additional time to review the reports and give both companies the opportunity to come back before Council and make presentations on their bids.

Mr. Whalen thanked Council for the opportunity to come before Council; emphasized that the company stood

behind its bid; would like to partner with the City; could do the project for the bid amount; spoke to the wage scale proposed by First Transit; addressed the lower benefit costs which were completely compliant and consistent with the collective bargaining agreement in place at this time; explained the legal issues of First Transit in Foot Hills and Boston; referenced what he had read in the paper regarding First Transit; outlined his 25 year history in public transportation; spoke to the efficiencies provided by First Transit in their proposal; voiced concern with the consultant's report; thanked Council for their time; and asked for Council's consideration of the items.

Councilmember Hightower asked how First Transit would handle paratransit riders who did not ride on the fixed routes; asked if a driver would be available to pick up SCAT riders when they called in; asked for confirmation on the number of full time and part time drivers; if First Transit felt the evaluation committee had not been informed; and clarification as to who requested the second best offer and why the request was made.

Messrs. Whalen and Maultsby responded that there was software developed to handle the paratransit riders; referenced the chart in the handout regarding SCAT drivers; spoke to the amount of drivers that would be available for the routes; voiced concern for how the flawed consultant's assessment was presented to the evaluation committee; and stated they could not speak to the consultant's actions.

Attorney Dickens clarified that the evaluation committee had requested the second best and final offer to clarify questions raised by the consultant about the part time and full time employees; stated that all three proposals came back cheaper than the current contract rate; provided an overview of the process for how the eight evaluators reviewed the proposals; use of the consultant's report by the committee; and spoke to the discussions that had taken place during the GTA deliberations.

Attorney Maultsby spoke to confusion around the consultant's report; there being less than a 4% differential in the cumulative total versus the points by the evaluators; and emphasized that First Transit's request was that the Council slow things down.

Councilmember Hightower inquired if there was an interview process in addition to the report; asked if the proposal for the second and third years was \$2 million per year; reiterated she was not in favor of a fare increase; stated that she was concerned with such a low dollar figure; voiced the need for equality and support to users of the transportation system; and to look at not only the dollar figure but customer service as well.

Attorney Dickens outlined the interview process for the interviews both prior to and after the proposers submission of their best and final offers; verified that each party had the opportunity to verbally voice their issues; that the City had informed the proposers of the concerns the committee had with the first proposals which had allowed the proposers to come back with their second round of best and final offers; and addressed the cost differential for the second and third years.

Councilmember Abuzuaiter asked about the second best and final offer on April 28th; voiced concern with the high payroll tax rate of First Transit; asked if there were more supervisors than drivers; and requested clarification of the wage figures provided by First Transit compared with the industry norm.

Attorney Maultsby stated First Transit's best and final offer was submitted on April 28th, provided to the consultant on May 1st; spoke to the number of full time drivers being taxed at a higher rate than part time drivers; and referenced the full benefit package included in their proposal; and health insurance premiums for the companies.

Councilmembers Hightower and Abuzuaiter inquired about the impact of the Affordable Health Care Act on older drivers' benefits; questioned benefit figures; and asked about a \$7 million difference between companies in the industry.

Mr. Whalen referenced the collective bargaining agreement; verified that the employees would have health insurance; that he did not know why other companies insurance costs were so high; did not know how other companies priced their benefits; and stated he could not answer a comparative question.

Attorney Maultsby stated the \$7 million difference and costs savings were in several places throughout the proposal.

Mayor Vaughan introduced Attorney Mike Fox to speak on behalf of Veolia Transportation Services, Inc.

Mayor Vaughan left the chamber at 9:43 p.m. and returned at 9:48 p.m.

Attorney Fox recognized President and Chief Operating Officer of of Veolia Transportation Ken Westbrook who spoke to the history of the twelve year relationship between Veolia and the City; outlined improvements that had been made to the system; recognized the experience of their local team of employees; verified that Veolia's proposal met the requirements of the RFP; confirmed that Veolia had not reduced benefits; voiced that the RFP process had been fair; verified that Veolia knew what it would cost to run the system; spoke to Veolia's safety; use of paratransit software; local union and employee relations; and to Veolia's corporate support and labor negotiations.

Attorney Fox spoke to his goal to make the issues simple for Council; commended staff for their presentations; clarified that this was not a low bid proposal but a best value proposal; voiced that public transportation was an essential public service which needed to be dependable and reliable; referenced Guilford County's history with their transit provider; stated the decision for Council was whether or not to uphold First Transit's protest; elaborated on the standard for upholding the protest; stated a significant amount of funding came from the Federal government through the Department of Transportation; referenced the City had gone through the process five times; and emphasized that Council needed to be deliberate and careful about making a decision which would be reviewed by the Federal Transit Authority. Attorney Fox spoke to the definition of arbitrary and capricious; reminded Council that the question was if the process was so flawed as to be arbitrary and capricious; emphasized that there was no evidence to support that; referenced the numbers questioned by the consultant; spoke to and read an excerpt from the minutes of the GTA hearing last week; and referenced comments made by and the vote of Robert Jones. Attorney Fox asked Council to respect the service of the committee members; voiced that, as a Council they could not do what Mr. Maltsby was asking them to do tonight; referenced the Administrative Procedure Act; spoke to the process in place; to the distraction and talk about specific numbers; and asked that Council remain focused on the big picture which was the process and the integrity of that process of which there was no evidence tonight which showed that there was anything wrong with that process.

Councilmember Wilkins inquired about the amount of the proposal by the third proposer. Ms. James stated it was the highest of the three; and provided the amounts of the proposals.

Mayor Vaughan reminded Council of the decision to be made; stated Council had three options: the first if Council wanted to deny the protest and award the contract; second option, if Council wanted to uphold the protest, and give additional instructions to the Selection Committee, or the third option, if Council wanted to deny the protest, but still give additional instructions to the Selection Committee; and asked if Council had a preference.

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to deny the appeal and the protest.

Mayor Vaughan explained that the standard that Council was voting on was arbitrary and capricious; that Council may not necessarily agree with the committee decision but that Council was voting on the decision which was well reasoned to them. Interim City Attorney Carruthers confirmed that this was the standard.

Councilmember Matheny voiced concern to verbally justify why Council was voting on the process for a substantial contract which would go through intense scrutiny; stated for the record, that both groups made fantastic arguments; stated he had listened to his fellow councilmembers; spoke to Mr. Jones' character with regard to financial decisions; stated he wanted to explain his vote; that he felt the process was correctly done; and stated that he would support it.

Mayor Vaughan confirmed Council was voting on the process; and if Council thought the committee's decision was arbitrary and capricious and had sound reasoning to come up with the decision it did..

(A copy of the PowerPoint presentation is filed in Exhibit Drawer W, Exhibit No. 12 which is hereby referred to and made a part of these minutes)

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson, to deny the appeal and the protest. The motion carried by the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Zack Matheny

Nays, 1 - Tony Wilkins

32. [ID 14-0292](#) Resolution Awarding Service Contract to Veolia Transportation Services, Inc. for the Management and Operations of Transit Services Provided by the Greensboro Transit Authority

Moved by Councilmember Hightower, seconded by Councilmember Abuzaiter, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Zack Matheny

Nays, 1 - Tony Wilkins

0161-14 RESOLUTION AWARDING SERVICE CONTRACT TO VEOLIA TRANSPORTATION SERVICES, INC. FOR THE MANAGEMENT AND OPERATIONS OF TRANSIT SERVICES PROVIDED BY THE GREENSBORO TRANSIT AUTHORITY

WHEREAS, the City of Greensboro and the Greensboro Transportation Authority (GTA) has a contract for the management and operations of transit services provided by the Greensboro Transit Authority which expires August 31, 2014;

WHEREAS, the term of the new contract period begins September 1, 2014 and ends June 30, 2017, with two one year options;

WHEREAS, the Request for Proposal ("RFP") calls for a "full service" contract, in which the contractor would provide the following: manage, train and supervise the GTA contracted (unionized) employees; operate and maintain the vehicles; provide dispatch services; staff the customer service call center; provide the ADA paratransit reservations services; maintain the transit amenities and facilities; and other tasks necessary to operate the GTA transit system;

WHEREAS, the RFP process was conducted in full compliance with the FTA Circular 4220.1F requirements for "Third Party Contracting";

WHEREAS, at the May 8, 2014 GTA Board Meeting, the GTA Board approved a final contract award recommendation for the Management and Operation of Transit Services to Veolia Transportation Service, Incorporated which will allow GTA to operate without any service cuts or fare increases next year;

WHEREAS, the five year total contract costs are as follows:

Year 1	July 1, 2014 – June 30, 2015	\$14,840,367
Year 2	July 1, 2015 – June 30, 2016	\$15,228,026
Year 3	July 1, 2016 – June 30, 2017	\$15,601,177
Year 4 Option	July 1, 2017 – June 30, 2018	\$16,139,564
Year 5 Option	July 1, 2018 - June 30, 2019	\$16,605,398

WHEREAS, beginning with Year 2 through the term of the contract it will be necessary for funds to be approved and appropriated to support the management and operations of the Greensboro Transit Authority.

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

That the service contract to Veolia Transportation Services, Inc. for the management and operations of transit services provided by the Greensboro Transit Authority beginning September 1, 2014 through June 30, 2017, with two one-year options is hereby approved; with payment of said contract to be made as set out above.

(Signed) Sharon Hightower

- 33. [ID 14-0330](#)** Resolution Approving Addendum to Contract with Veolia Transportation Services, Inc. (Contract #2013-5657) for Management and Operation of GTA Services

Mayor Vaughan introduced Items #33/ID 14-0330 and #34/ID 14-0335.

Moved by Councilmember Hightower, seconded by Councilmember Abuzaiter, to adopt the resolution for Item#33/ID 14-0330. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Zack Matheny

Nays, 1 - Tony Wilkins

0162-14 RESOLUTION APPROVING ADDENDUM TO CONTRACT WITH VEOLIA TRANSPORTATION SERVICES, INC. (CONTRACT NO. 2013-5657) FOR MANAGEMENT AND OPERATION OF GTA SERVICES

WHEREAS, in February 2009, the City awarded a three-year contract to Veolia Transportation, Inc. to provide on-going management and operation of the GTA fixed route, demand response and flex route services and ADA complementary paratransit services for the Greensboro community;

WHEREAS, City Council approved a two-year renewal option to extend the contract until June 30, 2014;

WHEREAS, increased growth in GTA ridership resulted in the need for additional contracted transportation services;

WHEREAS, at the December 18, 2012 GTA Board meeting, the Board approved additional funds to support increased growth and demand for additional contracted transportation services;

WHEREAS, the breakdown of the additional expenses is as follows:

Evening Service Expansion	\$1,100,310
Extra Vehicle Usage	151,658
Personnel Costs	73,032
SCAT ADA Paratransit Service	75,000
Total Additional Costs	\$1,400,000

WHEREAS, it is the intent to use Surface Transportation Program-Direct Apportionment (STP-DA) funds to cover the additional funds to support the additional eligible operating expenses, however said funds have not yet been made available from the State and the GTA fund balance must be appropriated in order to fund the addendum.

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

That the addendum to Contract No. 2013-5657 with Veolia Transportation Services, Inc. in the amount of \$1,400,000 is hereby approved; said payment in the amount of \$1,400,000 to be paid in the amount of \$1,325,000 from Account No. 564-4531-02.5423 and in the amount of \$75,000 to be paid from Account No. 564-4531-03.5423.

(Signed) Sharon Hightower

- 34. [ID 14-0335](#)** Ordinance in the Amount of \$1,400,000 Amending FY 13-14 GTA Budget for Addendum to Contract with Veolia Transportation Services, Inc. (Contract #2012-5327) for Management and Operation of GTA Services

Moved by Councilmember Hightower, seconded by Councilmember Hoffmann, to adopt the ordinance for Item #34/ID 14-0335. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Zack Matheny

Nays, 1 - Tony Wilkins

14-060 ORDINANCE AMENDING THE FY 2013-2014 GREENSBORO TRANSIT AUTHORITY BUDGET FOR VEOLIA TRANSPORTATION SERVICES, INC. CONTRACT ADDENDUM

Section 1

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

That the Greensboro Transit Authority Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the FY 2013-2014 Greensboro Transit Authority Fund Budget be increased as follows:

ACCOUNT	DESCRIPTION	AMOUNT
564-4531-02.5423	Contracted Transportation	\$1,325,000
564-4531-03.5423	Contracted Transportation	\$ 75,000
Total		\$1,400,000

And, that this increase be financed by increasing the following FY 2013-2014 Greensboro Transit Authority Fund Account:

ACCOUNT	DESCRIPTION	AMOUNT
564-0000-00.8900	Appropriated Fund Balance	\$1,400,000
Total		\$1,400,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sharon Hightower

35. [ID 14-0289](#) Resolution Supporting the Nomination of the Carolina Cadillac Company Building to the National Register of Historic Places

City Manager Westmoreland stated staff was here should Council have any questions.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

0163-14 RESOLUTION SUPPORTING THE NOMINATION OF THE CAROLINA CADILLAC COMPANY BUILDING TO THE NATIONAL REGISTER OF HISTORIC PLACES

WHEREAS, the Carolina Cadillac Company Building, 304 East Market Street, is under consideration for nomination to the National Register of Historic Places;

WHEREAS, the National Register is the nation's official list of historic buildings, districts, archaeological sites, and other resources worthy of preservation;

WHEREAS, the Carolina Cadillac Company Building was one of the first auto dealerships in downtown Greensboro and is remarkably intact today; and it meets National Register Criterion C for architecture;

WHEREAS, listing in the National Register will make the owner of the building a candidate for state and federal historic rehabilitation income tax credits;

WHEREAS, the Greensboro Historic Preservation Commission supports the nomination of the Carolina Cadillac Company Building to the National Register of Historic Places;

WHEREAS, opportunity for public comment has been provided in the form of a public hearing conducted by the Historic Preservation Commission of Greensboro on May 28, 2014.

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

That the Greensboro City Council, in recognizing the need to preserve properties and areas that embody important elements of the community's architectural and cultural heritage, hereby supports the nomination of the Carolina Cadillac Company Building to the National Register of Historic Places.

(Signed) Yvonne J. Johnson

36. [ID 14-0270](#) Resolution Making Certain Findings With Respect to, and Ratifying the Filing by the Finance Director of an Application With The North Carolina Local Government Commission for Approval of, the Issuance and Private Sale of City of Greensboro, North Carolina Combined Enterprise System Revenue Refunding Bonds, Series 2014A, and Requesting the Local Government Commission to Approve the Financing Team in Connection Therewith

City Manager Westmoreland stated Finance Director Rick Lusk was present should Council have any questions. Interim City Attorney Carruthers stated he approved the resolution as to form.

Moved by Councilmember Matheny, seconded by Mayor Pro-Tem Johnson, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

0164-14 A regular meeting of the City Council of the City of Greensboro, North Carolina was held in the City Council Chamber at the Melvin Municipal Office Building in Greensboro, North Carolina, the regular place of meeting, at 5:30 P.M. on June 3, 2014.

Present: Mayor Nancy Vaughan, presiding, Mayor Pro-Tem Yvonne J. Johnson, Councilmembers Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

Absent: None.

Also present: Jim Westmoreland, City Manager, Richard L. Lusk, Finance Director, Thomas D. Carruthers, Esq., Interim City Attorney, and Elizabeth H. Richardson, City Clerk.

Mayor Vaughan introduced the following resolution, which was read by title and summarized by the Finance Director, a copy thereof having been provided to each Councilmember prior to the meeting:

RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT TO, AND RATIFYING THE FILING BY THE FINANCE DIRECTOR OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT

COMMISSION FOR APPROVAL OF, THE ISSUANCE AND PRIVATE SALE OF CITY OF GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BONDS, SERIES 2014A, AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING TEAM IN CONNECTION THEREWITH

WHEREAS, the City of Greensboro, North Carolina (the "City"), acting by and through its City Council, is authorized by The State and Local Government Revenue Bond Act of North Carolina, Article 5 of Chapter 159 of the North Carolina General Statutes, as amended (the "Act"), and particularly Sections 159-83(a)(5) and 159-81(3) a and b thereof, to issue revenue bonds for the purpose of financing the cost of acquisition, construction, reconstruction, enlargement, equipping, extension, betterment or improvement of facilities for obtaining, conserving, treating and distributing water for domestic or industrial use, irrigation, sanitation, fire protection, or any other public or private use and the collection, treatment, purification or disposal of sewage and to refund revenue bonds issued for such purposes; and

WHEREAS, the City owns and operates facilities for the production, collection, treatment, transmission and distribution of water and the collection, transmission, treatment and disposal of sewage; and

WHEREAS, the City proposes to issue its Combined Enterprise System Revenue Refunding Bonds, Series 2014A (the "Series 2014A Bonds") in an aggregate principal amount not exceeding \$71,500,000, for the purpose of providing funds, together with any other available funds, to (i) refund the outstanding portion of the City's Combined Enterprise System Revenue Bonds, Series 1998B, Combined Enterprise System Revenue Bonds, Series 2001B, Combined Enterprise System Revenue Bonds, Series 2003B, Combined Enterprise System Revenue Bonds, Series 2005B, Combined Enterprise System Revenue Bonds, Series 2007B and Combined Enterprise System Revenue Bonds, Series 2009B (collectively, the "Bonds to be Refunded") if the Finance Director of the City determines that such refunding is beneficial to the City, and (ii) pay certain costs incurred in connection with the sale and issuance of the Series 2014A Bonds; and

WHEREAS, the Finance Director of the City has heretofore filed an application with the Local Government Commission of North Carolina (the "LGC") requesting that the LGC approve the issuance of the Series 2014A Bonds and the financing team to be used in connection with the issuance and sale of the Series 2014A Bonds;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA DOES HEREBY DETERMINE AND RESOLVE, as follows:

Section 1. The City Council hereby finds and determines in connection with the issuance of the Series 2014A Bonds that (i) the issuance of the Series 2014A Bonds is necessary or expedient for the City, (ii) the proposed principal amount of the Series 2014A Bonds is adequate and not excessive for the proposed purposes of such issue, (iii) the refunding of the Bonds to be Refunded is feasible, (iv) the City's debt management procedures and policies are good and the City's finances are managed in strict compliance with law and (v) under current economic conditions, the Series 2014A Bonds can be marketed at a reasonable interest cost to the City.

Section 2. The City Council hereby ratifies the filing by Richard L. Lusk, the Finance Director of the City, of an application on behalf of the City with the LGC for approval of the issuance of the Series 2014A Bonds pursuant to N.C.G.S. §159-86.

Section 3. The LGC is hereby requested to sell the Series 2014A Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such price as the LGC determines to be in the best interest of the City, subject to the approval of the City.

Section 4. The City Council hereby recommends the following financing team members be engaged in connection with the issuance and sale of the Series 2014A Bonds and requests the approval of the LGC thereof:

Co-Bond Counsel	Sidley Austin LLP and McKenzie & Associates
Underwriter and Remarketing Agent	Merrill Lynch, Pierce, Fenner & Smith Incorporated
Underwriter's Counsel	Womble Carlyle Sandridge & Rice, PLLC
Trustee and Bond Registrar	U.S. Bank National Association
Tender Agent	U.S. Bank National Association

Liquidity Provider	Bank of America, N.A.
Liquidity Provider's Counsel	Hunton & Williams LLP
Financial Advisor	DEC Associates, Inc.

Section 5. This resolution shall take effect immediately upon its passage.

The Interim City Attorney then announced that he had approved as to form the foregoing resolution.

After consideration of the foregoing resolution, Councilmember Matheny moved for the passage thereof, which motion was duly seconded by Mayor Pro-Tem Johnson, and the foregoing resolution was passed by roll call vote, as follows:

Ayes: Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy7 Hoffmann, Zack Matheny and Tony Wilkins.

Noes: None.

The Mayor then announced that the foregoing resolution had been passed by a vote of 9 to 0.

Elizabeth H. Richardson, City Clerk of the City of Greensboro, North Carolina, DO HEREBY CERTIFY that the foregoing is an accurate copy of so much of the recorded minutes of the City Council of said City at a meeting held on June 3, 2014, said minutes having been recorded in the official minutes of said City Council, as relates in any way to the passage of a resolution making certain findings with respect to, and ratifying the filing on behalf of the City of an application with the Local Government Commission of North Carolina for said Commission's approval of the issuance and private sale of, City of Greensboro, North Carolina Combined Enterprise System Revenue Refunding Bonds, Series 2014A, and requesting said Commission to approve the financing team in connection therewith.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of the City Council are held in the City Council Chamber at the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, North Carolina on the first and third Tuesdays of each month at 5:30 P.M, and further, if any such meeting date is a legal holiday, the meeting will not be held, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said City, this ____ day June, 2014.

City Clerk

(Signed) Zack Matheny

37. [ID 14-0331](#) Ordinance in the Amount of \$108,000 Amending the Performing Arts Center Fund

City Manager Westmoreland provided the background on the funding for item.

Moved by Councilmember Matheny, seconded by Councilmember Hoffmann, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

14-061 ORDINANCE AMENDING THE PERFORMING ARTS CENTER FUND

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

Section 1

That the Performing Arts Center Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased as follows:

Account	Description	Amount
527-7501-01.5949	Miscellaneous	\$ 15,000
527-7501-01.5943	Awards & Other Legal Expense	5,000
527-7501-01.6011	Land – Demolition Expense	88,000
Total		\$108,000

and, that the following revenue finance these appropriations:

Account	Description	Amount
527-7501-01.7801	Rental of Property	\$ 23,000
527-7501-01.8620	Contributions and Donations	85,000
Total		\$108,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Zack Matheny

38. [ID 14-0297](#) Ordinance in the Amount of \$2,500,000 Amending FY 13/14 Risk Retention Fund to Provide Sufficient Appropriations for Year End

City Manager Westmoreland informed Council the item provided additional information required by Council at the May 20th meeting of Council; and that staff was here to answer any questions.

Moved by Councilmember Fox, seconded by Councilmember Hightower, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

14-062 ORDINANCE AMENDING THE RISK RETENTION FUND

Section 1:

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

That the Risk Retention Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased as follows:

Account	Description	Amount
685-1002-01.5780	General Liability Claims Payments	\$1,000,000
685-1003-01.5780	Auto Liability Claims Payments	500,000
685-1005-01.5780	Public Officials Claims Payments	1,000,000
TOTAL:		\$2,500,000

And, that the following revenue finances these appropriations:

Account	Description	Amount
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685-0000-00.8900 Appropriated Fund Balance \$2,500,000

Section 2:

And, that this Ordinance should become effective upon adoption.

(Signed) Jamal T. Fox

SUPPLEMENTAL AGENDA

40. [ID 14-0352](#) Resolution Authorizing the City Manager to Enter into a Supplemental Agreement to Provide Funding for Preservation Greensboro's Move to Their New Facility

City Manager Westmoreland provided the background of the item.

Council discussed the savings that had resulted over the past several years by keeping material out of the landfill; reiterated that this was part of the City's preservation; that it considered this as a thank you of taxpayers money by not sending materials to the landfill; the company's relocation to District 2; what the City had previously provided to the company; the revenue from salvage going back into the non-profit; and referenced comments made on behalf of Architectural Salvage.

Interim Assistant City Manager Mary Vigue spoke to the funding source for the item; and referenced a second piece of funding for Blandwood Mansion.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Matheny, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

0165-14 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUPPLEMENTAL AGREEMENT TO PROVIDE FUNDING FOR PRESERVATION GREENSBORO'S MOVE TO THEIR NEW FACILITY

WHEREAS, the City of Greensboro entered into a contract with Preservation Greensboro (Architectural Salvage of Greensboro) for Fiscal Year 2013-14 to provide funding in the amount of \$14,850;

WHEREAS, Preservation Greensboro (Architectural Salvage of Greensboro) recently submitted a request to the City Manager to assist in the funding of their upcoming move to a new facility, said request presented herewith this day;

WHEREAS, Architectural Salvage supports the City in allowing it to comply with Section 106 of the National Historic Preservation Act as a form of mitigation for the demolition of historic properties which allows the City to qualify for Community Development Block funding;

WHEREAS, Preservation Greensboro must be out of their current facility by June 15th and it is estimated to cost approximately \$18,000 to cover the move.

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

That the City Manager is authorized to enter into a supplemental agreement to provide funding in the amount of approximately \$18,000 for Preservation Greensboro's move to their new facility.

(Signed) Yvonne J. Johnson

Boards and Commissions Appointments

Councilmember Hoffmann placed the names of Andrew Egbert and Steven Mitchell into data bank for future service on a board or commission.

Matters to be discussed by the Mayor and Members of the Council

Councilmember Hoffmann stated she had attended the event at the Tanger Family Bicentennial Garden on Sunday.

Councilmember Fox voiced appreciation for the Downtown Residents Association's participation in the District 2 Neighborhood Walk; thanked Presbyterian Church of the Cross for providing soccer opportunities for members of the community every Saturday from 9:00 a.m. to noon; spoke to the Council's visit to Raleigh to meet with the Legislature; voiced condolences for the loss of Dr. Maya Angelou; and spoke to her inspiration to the world.

Mayor Pro-Tem Johnson congratulated the Convention and Visitors Bureau (CVB) on their new location at the Coliseum; stated she had attended the CVB ribbon cutting in Councilmember Hightower's district; thanked the library for a wonderful luncheon and yearly report; and spoke to doing a resolution in honor of Dr. Maya Angelou in the future.

Mayor Vaughan stated that Councilmember Fox had mentioned doing a resolution July 15th in order to invite people from Winston-Salem to attend the meeting; and stated she would attend an event at the International Civil Rights Museum where they would be doing a celebration of Dr. Angelou's life on Friday at 6:30 p.m.

Mayor Pro-Tem Johnson inquired about the potential shortfall with regard to the privilege license cuts.

City Manager Westmoreland addressed the revenue bill passed by the Governor which would change the way the City could collect privilege license fees; spoke to the impact it would have beginning in 2015 which would effectively repeal the license tax and have a \$3.1 to \$3.2 million impact; to the commitment of the Governor and other legislative leaders to revisit the privilege license tax during the long session; to the difficulty in balancing the budget as a result of the law; and to the impact of the expected loss of a revenue source to the City.

Discussion took place regarding if the proposed budget figures included the proposed increase in sales tax revenue; reference to the discussion during a work session; the need to address the issue; figures provided by Finance Director Rick Lusk; reason given by the Legislature regarding why they had done this; increased sales tax as a result of increased spending; the need to hold the Legislature's feet to the fire; whether the law would impact the recruitment of new businesses; the reality being that government was telling government what to do which was overreaching and inappropriate; complaints by big box stores regarding the privilege license fees; and the Legislature wanting to broaden the tax base by putting taxes on services local governments were not currently paying.

Councilmember Matheny stated he had attended the Carolina Field of Honor dedication; encouraged families and citizens to visit the memorial; voiced that it was an amazing honor to Veterans; was one of the best dedications he had been to; commended the Employee Appreciation Day for employees involved in the winter storm cleanup; referenced an article by Jerry Rowe about a true hero and athlete, Marty Sheetz; and requested Council support to provide a Key to the City to Mr. Sheetz.

Councilmember Wilkins referenced a call from a reporter regarding the privilege license issue; expressed congratulations to Fred Gregory for receiving the Order of the Long Leaf Pine Award yesterday for 25 years of service in the DEA; and requested Council support to move forward with the idea of the appreciation dinner for the Board and Commission members. It was the consensus of Council to hold a dinner; City Manager Westmoreland was requested to identify funding for the event to take place at the Coliseum.

Councilmember Abuzuaiter commended those who helped with the Teen Summit; voiced that she would like to see a similar event every month, especially during the summer months; stated she attended the library luncheon; the ribbon cutting for the CVB; commended the Employee Appreciation Day; and stated she attended the police graduation at the Carolina Theater as well as the promotion ceremony.

Councilmember Hightower thanked everyone involved in the Teen Summit for their work and effort; reiterated that

it was great event and perfect day; was a way for the City to enjoy and embrace the youth; voiced appreciation to City staff and Mayor Vaughan for the first business walk down Randleman Road; announced Councilmembers would be attending Town Hall Day in Raleigh on Wednesday; and requested City Manager Westmoreland to research assessing over-grown lot clean up fees for repeat offenders after the first violation rather than re-starting the process.

Matters to be presented by the City Manager

City Manager Westmoreland announced that the next Council Work Session was scheduled for June 12th from noon to 3:00 p.m.

Matters to be presented by the City Attorney

Interim City Attorney Carruthers had no items.

Adjournment

Moved by Councilmember Barber, seconded by Councilmember Hightower, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 10:42 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR