



# City of Greensboro

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

## Meeting Minutes - Final City Council

Monday, November 3, 2014

5:30 PM

Council Chamber

### **Call to Order**

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

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

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

### **Moment of Silence**

The meeting opened with a moment of silence.

### **Pledge of Allegiance to the Flag**

Mayor Vaughan led the Pledge of Allegiance to the Flag.

### **Recognition of Courier**

City Manager Jim Westmoreland recognized Chad Paris of the Greensboro Aquatic Center who served as Courier for the meeting.

### **Council Procedure for Conduct of the Meeting**

Mayor Vaughan explained the Council procedure for conduct of the meeting; and recognized Guilford County Commissioners Kay Cashion, Linda Shaw, Hank Henning, Ray Trapp, and Carolyn Coleman and County Manager Marty Lawing in the audience.

## **I. CEREMONIAL AND/OR PRESENTATION ITEMS**

### **1. [ID 14-0678](#) Resolution Honoring the Memory of the Late Michael B. Fleming**

Mayor Vaughan read the resolution into the record; and invited the family to come forward to receive the resolution.

Mr. Fleming's sister-in-law voiced appreciation for the resolution on behalf of the family.

**Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower, 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

0266-14 RESOLUTION HONORING THE MEMORY OF THE LATE MICHAEL B. FLEMING

WHEREAS, on October 6, 2014, this community lost one of its outstanding community leaders with the death of the late Michael B. Fleming at the age of 94;

WHEREAS, Fleming, a native of Greensboro, was a graduate of Greensboro Senior High School and High Point College (now University) magna cum laude, attended George Washington University, did graduate work at American University in Washington and American University Beirut; and received an honorary Doctor of Humane Letters degree from the University of North Carolina at Greensboro (UNCG);

WHEREAS, in 1942 Fleming enlisted as an apprentice seaman in the United States Navy; was commissioned in 1949; and served 35 years' active and reserve duty before retiring as Captain, U.S. Navy Reserve in 1977;

WHEREAS, Fleming was Retired President and co-owner of Fleming-Shaw Transfer & Storage, Inc.;

WHEREAS, his involvement in civic activities over the years included, but was not limited to, General Chairman of the United Way of Greater Greensboro Campaign in 1985 and Chairman of the Board in 1987, founder of the local Alexis de Tocqueville Society, President of the Guilford County Reserve Officers' Association, the Greensboro Unit, American Cancer Society, the Better Business Bureau of Guilford County, the Greensboro Civitan Club, the Shepherd's Center of Greensboro, President and Board Chairman Junior Achievement of Greensboro, Board of Trustees at Oak Ridge Military Academy, Chairman Organization and Extension, General Greene Council, Boy Scouts of America and Chairman of the Board of Advisors Friends Homes, Inc.;

WHEREAS, Fleming was a charter member of the Greensboro Opera Company and the Greensboro City Club; served on the Board of Directors of the Greensboro Chapter, American Red Cross, United Arts Council, Greensboro Lyric Theater, Guilford County March of Dimes, Triad Sickle Cell Foundation, Goodwill Industries, Old Greensboro Preservation Society, Greensboro Historical Museum, United Services for Older Adults, Mental Health Association in Greensboro and was an honorary life member of the Greater Greensboro Chamber of Commerce;

WHEREAS, his service also included governmental commissions and task forces of the Greensboro Dialogue Task Force, Greensboro One Task Force, Greensboro One Bond Committee, Coliseum Study Committee, Finance Committee of Greensboro Visions, Greensboro Human Relations, Finance Committee of the Guilford County Bi-Centennial Commission, and he was a member of the North Carolina Board of Transportation representing Guilford, Alamance, Caswell, Orange and Rockingham Counties;

WHEREAS, Fleming was named High Point College Alumnus of the Year in 1962, was the first recipient of the "Outstanding Civic Leader of the Year"; recipient of the Chamber of Commerce Nathaniel Greene Award; and recipient of the Greensboro Chamber's top "Distinguished Citizen" Award;

WHEREAS, his involvement in activities at UNCG included serving as a trustee for two terms, eight years on the Board of Excellence Foundation, and in 1994, the gym in the Health and Human Performance building was named the Michael B. Fleming Gymnasium;

WHEREAS, in the early 1960's Fleming spearheaded the integration of the Chamber of Commerce, the Reserve Officers' Association, the Greensboro Interclub Council, the Greensboro Civitan Club and other local organizations;

WHEREAS, Fleming was a member of Christ United Methodist Church where he served on the Administrative Board, Finance Committee, Endowment, Long-Range Planning, Pastor-Parish Relations, Visitation, Communion to Shut-ins; chaired the Annual Stewardship Campaign in 1986, and was a member of the Asbury Sunday School class as well as the United Methodist Men.

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Michael B. Fleming, the outstanding contributions he has made to the community, and the legacy he leaves.

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

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Michael B. Fleming.

2. That a copy of this resolution shall be delivered to the family of the late Michael B. Fleming as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Yvonne J. Johnson

2. [ID 14-0748](#) Resolution to Support Funding for the Guilford County Family Justice Center and Authorizing the City Manager to Negotiate an Agreement With Guilford County

Councilmember Abuzuaiter read the resolution into the record.

Councilmember Fox inquired about the amount of square footage Greensboro would occupy in the Center; requested that there not be duplication of services; and that all parties be at the table going forward.

Councilmember Hightower voiced concerns with some non-profit entities not being at the table; and asked how the figure of \$250,000 was decided on.

City Manager Westmoreland spoke to the framework of the item; stated the City had worked in partnership with the County and wanted to match the County's contribution of \$250,000; added that the City would provide police resources and parking; and recognized Director of the Guilford County Family Justice Center, Catherine Johnson to speak to the item.

Council inquired about what the \$250,000 would cover; hours of operation for the Center; and providing funding to non-profits not already receiving funds.

Ms. Johnson explained that the \$250,000 would go towards renovation and construction; stated that Guilford County would cover the operational costs; spoke to the hours of operation and special security features that would be in place; and added that new partnerships would be added going forward.

City Manager Westmoreland interjected that he would provide Council with the Police funding option for the Center.

Councilmember Abuzuaiter explained that the County had donated the building; was paying for the director and other staff; reiterated that the City funds would only go towards renovations; read from the business plan; outlined security measures that would be in place to ensure victims felt safe; and voiced that the Center would ensure citizen safety.

Mayor Vaughan thanked Councilmember Abuzuaiter for her work; and verified this would free up space in the Police facility.

Councilmember Matheny thanked the County Commissioners in the audience for attending; emphasized that the Center would do a lot of good for the community; spoke to the fiduciary responsibility of Council; voiced concerns with taking \$250,000 from Police when their building still needed renovations; duplication of services; stated he would support the item; and asked Guilford County to do the same should the City ask for assistance in the future.

Mayor Vaughan recognized Commissioner Jeff Phillips in the audience.

Councilmember Wilkins voiced concern with taxpayers having to pay twice for the Center.

Councilmember Barber spoke to this being a tremendous opportunity; added that he had been involved with Family Children Services over the years; and referenced a cost cutting measure item to be discussed later in the meeting.

**Moved by Councilmember Barber, 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

**0267-14 RESOLUTION TO SUPPORT FUNDING FOR THE GUILFORD COUNTY FAMILY JUSTICE CENTER AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH GUILFORD COUNTY**

WHEREAS, the City of Greensboro is a strong advocate of governmental and private efforts to stem the tide of violence against those victims by providing support services or enforcement and prosecutorial actions;

WHEREAS, the Guilford County Family Justice Center is a new public safety community initiative launched as a collaborative approach to fighting family violence;

WHEREAS, Guilford County in partnership with many area non-profits, private sector resources and law enforcement agencies, is working toward streamlining services provided by the various entities into a singular location;

WHEREAS, the Guilford County Family Justice Center is envisioned to be a one-stop shop that will serve as a help center for victims of domestic violence, sexual assault, child maltreatment and elder abuse;

WHEREAS, the Family Justice Center model is an evidence-based approach used in a growing number of communities across the United States and Internationally;

WHEREAS, the United States Department of Justice views the Family Justice Center model to be a best practice approach in responding to domestic violence and abuse;

WHEREAS, rates of family violence locally are very high and establishing a Family Justice Center in the community is an important step in ensuring the safety and well being of children, families and vulnerable populations in the community;

WHEREAS, Guilford County is requesting a one-time funding support in the amount not to exceed \$250,000 for renovation costs for the Center which will be located at 201 South Greene Street;

WHEREAS, Guilford County will be responsible for ongoing building maintenance, repairs, upgrades and utilities of the facility and the Greensboro Police Department will utilize existing department funds or seek grants to fund or offset the County requested match of funding for this community initiative.

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

That it hereby supports the Family Justice Center facility renovations and authorizes the City Manager to negotiate an agreement with Guilford County for funding not exceed \$250,000 for the Center.

(Signed) Mike Barber

Mayor Vaughan thanked her colleagues across the courtyard for their support of the item.

Councilmember Barber asked that the record reflect that there were open arms; and that Council looked forward to future partnerships with the County.

Councilmember Abuzuaiter presented the resolution to those in the audience; and recognized persons involved in the project.

Ms. Johnson thanked Council for their support; commended Councilmember Abuzuaiter for her leadership; and thanked the Police Department for their assistance and hard work.

County Commissioner Kay Cashion voiced appreciation for the partnership; spoke to the crisis of family violence; and voiced appreciation for this and future collaborative efforts; stated this was a great day for both elected boards for standing up for those who suffered at the hand of abuse; and recognized members of the Board in the

audience who had worked on the project.

Captain Karen Walters thanked the elected officials for their support; and spoke to the model this program would provide in going after family violence.

Council referenced the upcoming City/County basketball game on December 13th.

3. [ID 14-0702](#) Resolution Recognizing the Importance of the Aviation and Aerospace Manufacturing Industry in the Piedmont Triad

Mayor Pro-Tem Johnson read the resolution into the record; recognized Kip Blakely of TIMCO, and Dr. Randy Parker, President of GTCC in the audience; and presented them with the resolution.

**Moved by Councilmember Fox, seconded by Councilmember Hoffmann, 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

0268-14 RESOLUTION RECOGNIZING THE IMPORTANCE OF THE AVIATION AND AEROSPACE MANUFACTURING INDUSTRY IN THE PIEDMONT TRIAD

WHEREAS, growth in Aviation and Aerospace represent Greensboro's fastest growing industry cluster;

WHEREAS, companies in the Aviation and Aerospace sector employ an estimated 18,600 people in the Piedmont Triad, with estimated annual revenues of \$3.1 billion;

WHEREAS, wages in Aviation and Aerospace manufacturing jobs in North Carolina are 69% higher than other manufacturing jobs in the state and 110% higher than the average in the state;

WHEREAS, the Aviation and Aerospace sectors are growing globally, at rates between 4% and 10% annually;

WHEREAS, the United States Aviation and Aerospace sector is physically moving, by investing in new facilities, to the southeastern United States;

WHEREAS, there are more than 200 companies in the Piedmont Triad Region in the Aviation and Aerospace supply chain, with two of the largest, HAECO Americas and Honda Aircraft Company located in Guilford County.

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

That it recognizes the importance of Aviation and Aerospace Manufacturing to the local economy and that the City of Greensboro will continue to support the growth and expansion of the Aviation and Aerospace Manufacturing Industry.

(Signed) Jamal Fox

4. [ID 14-0710](#) Resolution for Economic Development Support of the Aviation Triad Marketing Initiative not to Exceed \$35,000 in Fiscal Year 2014-15

City Manager Westmoreland spoke to what was discussed at the Work Session; and recognized Christine Warren with WFMY News 2 for a presentation.

Ms. Warren made a PowerPoint Presentation which reviewed the objectives of the campaign; spoke to the project being launched in 2013; outlined the targets they were reaching through the campaign; provided a listing of partners involved in the project; spoke to the different campaign elements of the video branding campaign as well as a digital connection custom built website; provided a listing of persons visiting the website; inquiries received as a result of the website; spoke to the social media and digital marketing campaign; outlined the results over the past year; addressed what they hoped to target during year two; spoke to returning military personnel getting into

the field; and thanked Council for their support.

Councilmember Hightower inquired about partnering with GTN; working with WorkForce Development; asked how they would target persons not on social media; inquired about the balance in the Economic Development Fund; the total amount being contributed; and asked about getting a match.

Ms. Warren responded she was working with Donnie Turlington and Lillian Plummer; spoke to airing spots on local television; reaching out to people through job fairs; and stated that community colleges had contributed the most to the campaign.

City Manager Westmoreland verified that approximately \$200,000 remained in the fund balance; and spoke to agenda items that would utilize said funds.

Interim Assistant City Manager Mary Vigue spoke to funding; tax revenue; and added that the City would need to look at upcoming commitments during the budget process.

Ms. Warren provided the breakdown of contributions from sister cities and Forsyth County; and stated that going forward they would try to get all cities on the same level.

Councilmember Fox spoke to social media; reaching out to the community; and asked if there could be an equitable match across the board in year two.

Councilmember Wilkins referenced the successful first year; asked if they had any indication if it was successful with the aviation program; and asked if WFMY was the only media outlet used.

City Manager Westmoreland provided an explanation as to why WFMY was used.

Mr. Kip Blakely, a representative of TIMCO provided the history of the partnership and reason for using WFMY for the campaign; spoke to what TIMCO had seen; referenced the hits the website had; and voiced excitement of receiving at least one hit a week from military personnel returning from overseas.

Councilmember Matheny voiced his reasons for support of the item; spoke to the quality of work on the commercials; emphasized the need for Greensboro to market itself; stated he would like to see a plan to partner and do collaborative efforts using Aviation Triad; and spoke to promoting the aviation cluster.

Councilmember Hoffmann reminded those present that the libraries provided internet service; reiterated that this was a terrific way to market and brand the City; and spoke to this being a great opportunity to move into a new sector and job cluster for Greensboro.

Mayor Pro-Tem Johnson voiced agreement with Councilmembers Hoffmann and Matheny; referenced clusters the City supported; stated she would support the item; and hoped it would be unanimous.

Mayor Vaughan emphasized the need to focus on wage growth; referenced the resolution recognizing the importance of the Aviation and Aerospace Manufacturing Industry in the Piedmont Triad; referenced a statement from Kevin Baker; spoke to the spinoff jobs that supported airport jobs; and emphasized that this was a good way to focus City investment.

**Moved by Councilmember Barber, 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

0269-14 RESOLUTION AUTHORIZING SUPPORT OF THE AVIATION TRIAD INITIATIVES, "AVIATION  
THRIVES HERE" CAMPAIGN IN AN AMOUNT NOT TO EXCEED \$35,000

WHEREAS, the "Aviation Thrives Here" branding campaign launched on 8/28/2013 and has made significant progress over the past year toward advancing awareness of job opportunities in aviation, connecting talent to the

workforce, and promoting the aviation sector in the Piedmont Triad;

WHEREAS, the aviation industry represents a growing and important component of our local and regional economy;

WHEREAS, Year Two "Aviation Thrives Here" initiatives will build on the successes from Year One to expand the awareness of aviation-related education and to increase the diversity of students applying to aviation programs through targeted media exposure and sponsorship of area events;

WHEREAS, Other funding partners include: City of High Point, City of Winston-Salem, GTCC, Davidson County Community College, Forsyth Tech, Randolph County Community College, Rockingham Community College, Alamance Community College, TIMCO, HondaJet, North State Aviation, Purolator, PTI, Embry-Riddle Aeronautical University, WFMY;

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

That the City of Greensboro is hereby authorized to grant sponsorship of the Aviation Triad branding campaign, "Aviation Thrives Here," not to exceed the amount of \$35,000 in FY 14-15.

The City Manager and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement with WFMY Television Corp.

(Signed) Mike Barber

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer W, Exhibit No. 28 which is hereby referred to and made a part of these minutes)

## **II. PUBLIC COMMENT PERIOD**

Jim Bright, 412 Howards Creek School Road spoke to the Tarheel Challenge Academy for at-risk youth; provided an outline of the program; referenced the staff and housing setup for the Academy; and qualifications for attending the Academy.

Christopher Carruthers, 40626 Blue Road, addressed the 2011 Disparity Study; current M/WBE data; provided M/WBE statistics; and spoke to M/WBE and MBE disparity.

Ted Szostak, 1103 Dover Road, voiced concerns with local school diving teams having access to practice at the Aquatic Center; referenced the Center being built by a bond referendum; condition of the local high school pools; and asked for additional help to get access to the Center for practice.

Council discussed conversations with the Greensboro Aquatic Center director; not micromanaging the Aquatic Center staff; available times that had been offered to the school; the need to accommodate the schools; difference between a year long client and a quarter of a year client; and the need for open dialogue with the Aquatic Center director.

Luther Falls, 1603 Lansdown Avenue, referenced the good things going on in the City; voiced that he would like to see a change in the M/WBE numbers; referenced the recent event at Hayes Taylor YMCA; and spoke to attending the African American Education Conference for Caregivers.

Gerry McCants, 2192 McLaughlin Drive, voiced concerns with the M/WBE numbers; requested the matter be discussed at a Work Session; voiced the need to impact the community with additional percentages which would increase jobs; and stated the process for improving the M/WBE program had stopped.

Councilmember Hoffmann left the meeting at 6:56 p.m. and returned at 6:58 p.m.

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

Council discussed supporting Mayor Vaughan to lead the process; emphasized that the City had stepped up the

process; holding contractors accountable; the need to understand the policy the City was putting forward; commended staff for doing a good job; addressed the need to be transparent; have a Work Session; concerns with residents not having access to the internet; and the need to build on the process in place.

City Manager Westmoreland spoke to the current process; and verified the item would be placed on an upcoming Work Session for discussion.

Councilmember Fox recognized Guilford County School Board member Dena Hayes in the audience.

Additional discussion ensued regarding regionalism and moving forward; Guilford County doing away with its M/WBE program; reference to contracts between the City and Mr. McCants; the program benefitting minorities; reference to the executive summary for the M/WBE consultant contract; and filling the M/WBE positions.

Mr. McCants explained his role in the contracts with the City.

Selena Young, 447 Arlington Street, stated she was a member of the SCR Team; spoke to the work that was done in working with each department head during the consultant work; verified that SCR put forth a true effort for getting the best practices in place; emphasized that there was still work to be done; voiced her hope the City would continue to push forward with the M/WBE Program; referenced why the City lost the Crowson case; and asked that Council continue to set goals and follow the M/WBE program.

Pastor Debra White, CEO of the Church of Restoration, spoke to her son's death two years ago; stated she had started a Center to educate young men; spoke to the work of the Center in reaching out to the community; voiced the need to have the backing of leaders; and emphasized the need for people to come together.

Council inquired about referrals to the Center; and the recent walk the Center held.

Pastor White spoke to the number of persons who attended the walk; stated there had been 140 drug related deaths since 2012; voiced the need to educate all persons; and stated persons could contact the Reginald Center of Turn Around.

Ed McKeever, 2204 McLaughlin Drive, voiced concern with the M/WBE program getting delayed; voiced the need for the City to have a better way of communicating for the program; referenced the issue with Yates Construction; and stated the program had not moved forward.

John Greene, 454 Gorrell Street, stated the M/WBE program did not have any teeth; voiced the need to look at other models; referenced the process utilized by UCG for awarding contracts; voiced the need to get more African American contractors involved; and spoke to job creation.

Council discussed the City's investment in the program; the problem that America had gone through for hundreds of years; the need to be vigilant in making changes; how the \$300,000 had been spent with regard to the M/WBE program; the need to prove contractors were using minority sub-contractors; and the City's commitment to doing the right thing.

### **III. CONSENT AGENDA (One Vote)**

With regard to Item #6/ID14-0694, Councilmember Hightower stated some Liberty Road area residents had expressed concerns with buffer issues; and verified that they could express those concerns at the public hearing.

**Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox to approve the Consent Agenda. The motion carried by voice vote.**

5. [ID 14-0707](#) Resolution Approving Contract Extension in the Amount of \$64,315 with Shermin Ata, Architect, PLLC for the Barber Park Master Plan Phase 2 Project

0270-14 RESOLUTION APPROVING CONTRACT EXTENSION WITH SHERMIN ATA, ARCHITECT, PLLC FOR THE BARBER PARK MASTER PLAN PHASE 2 PROJECT



WHEREAS, the contract between the City of Greensboro and Shermin Ata, Architect, PLLC provides for the designs of the new Barber Park Maintenance Building and the new Community and Women's Memorial Building with site upgrades;

WHEREAS, portions of the project were completed but the remainder of the project was delayed and, as a result of the delay, the scope of the amendment includes completion of the foundation design changes for the Barber Park Maintenance Building due to soil conditions, building and other structural code updates to the overall project and an updated project schedule; thereby necessitating an extension in the contract in the amount of \$64,315.

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

That an extension in the above-mentioned contract with Shermin Ata, Architect, PLLC for the Barber Park Master Plan Phase 2 project is hereby authorized at a total cost of \$64,315, payment of said additional amount to be made from Account No. 472-5008-01.5410.

(Signed) Yvonne J. Johnson

6. [ID 14-0694](#) Resolution Calling a Public Hearing for November 18, 2014 on the Annexation of Territory Into the Corporate Limits Located at 5209-R1 & R2 Liberty Road and 5101-5103 Foxworth Drive- 33.746-Acres

0271-14 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 18, 2014 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 5209 R1 AND R2 LIBERTY ROAD AND 5101-5103 FOXWORTH DRIVE – 33.746 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 3rd day of November, 2014, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5209 R1 AND R2 LIBERTY ROAD AND 5101-5103 FOXWORTH DRIVE – 33.746 ACRES

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pipe at the northeast corner of Lot 3 of Property of Forest Oaks Commons, as recorded in Plat Book 170, Page 131, also being the northeast corner of Forest Oaks Commons Townhomes, Phase 1, Section 1, as recorded in Plat Book 171, Page 60; thence N 88° 09' 21" W 611.50 feet along the north line of said Lot 3 to an existing iron pipe at its northwest corner; thence S 02° 46' 53" W 399.67 feet along the west line of said Lot 3 to an existing axle at the northeast corner of Paul Fields, Sr. & wife Ada B. Fields, as recorded in Plat Book 58, Page 133; thence N 84° 56' 32" W 676.27 feet along the north line of said Fields property to an existing axle at its northwest corner; thence S 38° 45' 38" W 249.48 feet along the northwest line of said property to an existing axle in the northeast right-of-way line (100-foot right-of-way) of Liberty Road (NCSR 3549); thence along said right-of-way line N 57° 08' 51" W 152.91 feet to the southernmost corner of Lot 1 of Ada B. Fields Estate, as recorded in Plat Book 127, Page 80; thence along the east line of said Lot 1 the following four courses and distances: (1) N 18° 12' 17" E 297.92 feet to an existing iron pipe, (2) S 78° 34' 56" W 154.14 feet to an existing iron pipe, (3) N 13° 37' 30" E 185.33 feet to an existing iron pipe, and (4) N 13° 40' 44" E 119.26 feet to an existing iron pipe at the northeast corner of said Lot 1; thence along the east line of Paul Fields, Jr. and Pamela Joan Fields Amick, as recorded in Deed Book 6089, Page 2586, the following four courses and distances: (1) N 13° 40' 50" E 55.83 feet to an existing nail, (2) N 74° 55' 18" E 129.72 feet to an existing iron pipe, (3) N 04° 03' 51" W 276.76 feet to an existing iron pipe, and (4) N 18° 47' 03" E 510.66 feet to an existing iron pipe in concrete at the northeast corner of said property; thence N 89° 02' 04" W 325.16 feet along the north

line of said property to an existing iron pipe in concrete in the east line of the 60-foot right-of-way of Field-Horney Road (NCSR 3332); thence N 23° 41' 17" E 54.17 feet along said right-of-way line to an existing iron pipe; thence N 84° 30' 07" E 3.58 feet to an existing iron pipe; thence S 88° 52' 59" E 725.83 feet along the south lines of Forest Oaks Country Club, Section 12, Maps 2 and 1, as recorded in Plat Book 44, Pages 66 and 65, to an existing iron pipe; thence S 89° 19' 18" E 31.65 feet along the south line of said Map 1 to an existing iron pipe; thence S 89° 08' 04" E 567.16 feet along the south line of said Map 1 to an existing iron pipe at the northwest corner of Lot 20 in Block GGG of Forest Oaks Country Club, Section 11, Map 1, as recorded in Plat Book 46, Page 96; thence along the west line of said Map 1 the following six courses and distances: (1) 02° 03' 56" W 209.03 feet to an existing iron pipe, (2) S 02° 10' 38" W 67.74 feet to an existing iron pipe, (3) S 02° 09' 49" W 239.09 feet to an existing iron pipe, (4) S 01° 58' 04" W 120.62 feet to an existing iron pipe, (5) S 02° 04' 12" W 143.80 feet to an existing iron pipe, and (6) S 01° 44' 38" W 217.18 feet to the point and place of BEGINNING, and containing approximately 33.746 acres. All plats and deeds referred to above are recorded in the Office of the Register of Deeds of Guilford County.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

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

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

Section 5. From and after November 18th, the liability for municipal taxes for the 2014-15 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2015. Municipal ad valorem taxes for the 2015-16 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

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

That Tuesday, November 18, 2014 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than November 8, 2014.

(Signed) Yvonne J. Johnson

7. [ID 14-0695](#) Resolution Calling a Public Hearing for November 18, 2014 on the  
Annexation of Territory Into the Corporate Limits Located at 5672 - 5696  
Millstream Road 12.547 Acres

0272-14 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 18, 2014 ON THE ANNEXATION OF  
TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 5672-5696 MILLSTREAM ROAD -12.547 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 3rd day of November, 2014, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS LOCATED AT 5672-5696 MILLSTREAM ROAD -12.547 ACRES

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point marking the northeastern corner of Carolina Tractor and Equipment Co., Lots 9-11, Millstream Business Park, Section 2, Phase 1 as shown on a map recorded in Plat Book 149 Page 120 in the office of the Register of Deeds of Guilford County, North Carolina, said beginning point being located North 84°15'00" East 356.26 feet from the PC into Roosevelt Court, said beginning point also being in the southern margin of Millstream Road (State Road 3143); thence running said southern margin of said Millstream Road (State Road 3143) North 84°15'00" East 812.46 feet to a point marking the northwestern corner of Southern Log Homes Realty, LLC, Lot 1, Millstream Business Park, Section 1, Phase 1 as shown on a map recorded in Plat Book 124 Page 18 in said Guilford County Registry; thence along the western line of said Southern Log Homes Realty, LLC South 19°56'00" West 237.79 feet to a point marking the southwestern corner of said Southern Log Homes Realty, LLC; thence along the southern line of said Southern Log Homes Realty, LLC North 84°19'37" East 300.44 to a point in the western line of Arthur Jerome Williamson as recorded and described in Deed Book 1293 Page 0303 in said Guilford County Registry; thence along said western line of said Williamson South 19°51'30" West 543.81 feet to a point in the northern line of property owned by Guilford County as recorded and described in Deed Book 4706 Page 0926 in said Guilford County Registry; thence along said northern line of said Guilford County, the following three (3) courses and distances: 1) North 72°50'09" West 82.91 feet to a point; thence 2) South 74°51'14" West 269.98 feet to a point; thence 3) South 36°44'58" West 409.22 feet to a point in the eastern line Drainageway & Open Space & Utility Easement, Guilford County as shown on said map recorded in said Plat Book 149 Page 120 and as recorded and described in Deed Book 6142 Page 2077 in said Guilford County Registry; thence along said eastern line of said Drainageway & Open Space & Utility Easement, Guilford County the following seven (7) courses and distances: 1) North 43°20'59" West 50.19 feet to a point; thence 2) North 23°23'50" West 66.12 feet to a point; thence 3) North 21°58'04" East 346.31 feet to a point; thence 4) North 04°06'49" East 81.43 feet to a point; thence 5) North 43°15'52" West 54.44 feet to a point; thence 6) North 48°55'08" West 131.02 feet to a point; thence 7) South 62°04' 18" West 25.53 feet to a point in said eastern line of said Carolina Tractor and Equipment Co.; thence along said Carolina Tractor and Equipment Co., said Lots 10-9 the following two (2) courses and distances: 1) North 28°56'47" West 190.07 feet to a point; thence 2) North 20°21'04" West 232.73 feet to the point and place of BEGINNING containing approximately 12.547 acres, more or less, being all that portion of Guilford County PIN 8814508354, south of said Millstream Road (State Road 3143).

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

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

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

Section 5. From and after November 18th, the liability for municipal taxes for the 2014-15 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2015. Municipal ad valorem taxes for the 2015-16 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

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

That Tuesday, November 18, 2014 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than November 8, 2014.

(Signed) Yvonne J. Johnson

8. [ID 14-0685](#) Resolution Approving Extension in the Amount of \$66,807.92 of Professional Services Contract 2012-0780 With Kimley-Horn, Inc. for the Holts Chapel Road and Lowdermilk Street Roadway Improvements and Sidewalks Project (TIP No. EL-5101DM).

0273-14 RESOLUTION APPROVING EXTENSION OF PROFESSIONAL SERVICES CONTRACT 2012-0780 WITH KIMLEY-HORN, INC. FOR THE HOLTS CHAPEL ROAD AND LOWDERMILK STREET ROADWAY IMPROVEMENTS AND SIDEWALKS PROJECT (TIP NO. EL-5101DM)

WHEREAS, Contract No. 2012-0780 with Kimley-Horn, Inc. provides for design work for the Holts Chapel Road and Lowdermilk Street Roadway Improvements and Sidewalks Project (TIP No. EL-5101DM);

WHEREAS, the contract extension is required to add design work in surveying and mapping of property required for new right-of-way and easements; thereby necessitating a change order in the contract in the amount of \$66,807.92.

WHEREAS, the extension amount will be included as a reimbursable item in the municipal agreement.

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

That an extension in the above-mentioned contract with Kimley-Horn, Inc. for the design work in surveying and mapping of property required for new right-of-way and easements for TIP No. EL-5101DM improvements is hereby authorized at a total cost of \$66,807.92, payment of said additional amount to be made from Account No. 401-4551-01.5410.

(Signed) Yvonne J. Johnson

9. [ID 14-0687](#) Resolution Authorizing Conveyance of Surplus Foreclosure Property Located at 1008 North Raleigh Street

0274-14 RESOLUTION AUTHORIZING CONVEYANCE OF SURPLUS FORECLOSURE PROPERTY LOCATED AT 1008 NORTH RALEIGH STREET

WHEREAS, the City of Greensboro owns residual property located at 1008 North Raleigh Street at Parcel 0033609, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the property for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised at a value of \$55,000 and the final highest bid of \$60,500 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be deposited in General Fund 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 Charter, the sale of the above mentioned residual property in the amount of \$60,500 is hereby approved and the sale of property located at 1008 North Raleigh Street 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) Yvonne J. Johnson

**10. [ID 14-0709](#) Resolution Approving Appraisal in the Amount of \$57,000 and Authorizing Purchase of Property Located at 2737 Horse Pen Creek Road for the Horse Pen Creek Road Widening Project**

0275-14 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 2737 HORSE PEN CREEK ROAD FOR THE HORSE PEN CREEK ROAD WIDENING PROJECT

WHEREAS, in connection with the Horse Pen Creek Road Widening project, a portion of the property owned by Federal Home Loan Mortgage Corporation, Parcel 0081300 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised by Colvin, Sutton, Winters & Associates, LLC at a value of \$57,000 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 \$57,000 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 471-4502-08.6013, Activity #A14074.

(Signed) Yvonne J. Johnson

**11. [ID 14-0684](#) Resolution Authorizing Conveyance of Surplus Foreclosure Property Located at 1605, 1605YY, 1609 and 1611 Randolph Avenue**

0276-14 RESOLUTION AUTHORIZING CONVEYANCE OF FORECLOSURE PROPERTIES LOCATED AT 1605, 1605YY, 1609 AND 1611 RANDOLPH AVENUE

WHEREAS, the City of Greensboro owns residual property located at 1605, 1605 YY, 1609 and 1611 Randolph Avenue at Parcels 0008038, 0008037, 0008036, and 0008035, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised at a value of \$9,900 and the final highest bid of \$9,000 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be deposited in General Fund 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 Charter, the sale of the above mentioned residual property in the amount of \$9,000 is hereby approved and the sale of property located at 1605, 1605 YY, 1609 and 1611

Randolph Avenue 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) Yvonne J. Johnson

**12. [ID 14-0729](#) Resolution Amending Infrastructure Funding Agreement not to Exceed \$180,000 for Eligible Infrastructure Improvements Related to the A-1 Site of the MLK North Initiative within the Ole Asheboro Redevelopment Area**

0277-14 RESOLUTION AMENDING INFRASTRUCTURE FUNDING AGREEMENT FOR ELIGIBLE INFRASTRUCTURE IMPROVEMENTS RELATED TO THE A-1 SITE OF THE MLK NORTH INITIATIVE WITHIN THE OLE ASHEBORO REDEVELOPMENT AREA

WHEREAS, the Ole Asheboro Redevelopment Plan was amended in 2004 to incorporate the MLK North Initiative which proposed mixed use development in the Ole Asheboro Redevelopment Area on the A-1 site;

WHEREAS, pursuant to a 2007 development agreement with the Redevelopment Commission, the Greensboro Housing Development Partnership (GHDP) has served as the master developer for the A1 and A2 sites;

WHEREAS, the sub-developer, New Zion Missionary Baptist Church has requested an additional \$80,000 in funding for infrastructure components related to storm water, water and sewer and shared use parking facilities to serve the entire development site;

WHEREAS, the City has negotiated with the sub-developer the leasing of sixty (60) parking spaces in the shared use parking facility being constructed on the A1 site at a rate of \$35/space/month for a period not to exceed four (4) years;

WHEREAS, the leased spaces will support the surfacing parking needs associated with the Union Square Campus development when operations commence in the fall of 2016;

WHEREAS, Community Development Block Grant (CDBG) funds are available within the existing allocation to the Ole Asheboro Redevelopment Area and will be provided on a reimbursement basis for qualifying infrastructure expenses up to \$180,000.

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

That the amendment for the infrastructure funding agreement for eligible infrastructure improvements related to the A-1 site of the MLK North Initiative within the Ole Asheboro Redevelopment area is hereby approved with funding up to \$180,000 to come from Account No. 212-2213-16.5285 and Account No. 212-2214-16.5285.

(Signed) Yvonne J. Johnson

**13. [ID 14-0719](#) Ordinance in the Amount of \$250 Amending GTA Planning and Grant Fund Budget for the Federal Fiscal Year 2010 Section 5307 FTA Surface Transportation Program Grant Funding**

14-0133 ORDINANCE AMENDING GTA PLANNING AND GRANT FUND BUDGET FOR THE FFY2010 SECTION 5307 FTA SURFACE TRANSPORTATION PROGRAM GRANT

Section 1

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

That the Section FFY 2010 5307 FTA Surface Transportation Program Grant Fund Budget of the City of Greensboro be amended as follows:

Account	Description	Amount
565-4580-01.5917	Licenses, Fees, and Others	\$ 250

And, that this increase be financed by increasing the following revenue account:

Account	Description	Amount
565-4580-01.9564	Transfer from Transit System Fund	\$ 250

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne J. Johnson

- 14. [ID 14-0708](#)** Ordinance in the Amount of \$54,500 Amending the State, Federal and Other Grants Fund Budget to Establish Funding for Year Twelve of The Piedmont Triad Water Quality Partnership

14-0134 ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS FUND BUDGET TO ESTABLISH FUNDING FOR YEAR TWELVE OF THE PIEDMONT TRIAD WATER QUALITY PARTNERSHIP

## 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
220-7070-01.5221	Advertising	\$54,500
TOTAL		\$54,500

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

Account	Description	Amount
220-7070-01.7170	Local Government Grant	\$ 47,000
220-7070-01.9505	Transfer from Stormwater Mgt.	\$ 7,500
TOTAL		\$ 54,500

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne J. Johnson

- 15. [ID 14-0545](#)** Resolution Approving Bid in the Amount of \$590,321.50 and Authorizing Contact 2013-063 with Triangle Grading and Paving, Inc. for the Dunstan Road Sanitary Sewer Outfall Extension

0278-14 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2013-063



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WITH TRIANGLE GRADING AND PAVING, INC. FOR THE DUNSTAN ROAD SANITARY SEWER OUTFALL EXTENSION PROJECT

WHEREAS, after due notice, bids have been received for the Dunstan Road Sanitary Sewer Outfall Extension project;

WHEREAS, Triangle Grading & Paving, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$590,321.50 as general contractor for Contract No. 2013-063, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

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

That the bid hereinabove mentioned submitted by Triangle Grading and Paving, Inc. is hereby accepted, and the City is authorized to enter into a Contract with Triangle Grading and Paving, Inc. for the Dunstan Road Sanitary Sewer Outfall Extension project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$590,321.50 from Account No. 503-7024-02.6017 Activity 15039.

(Signed) Yvonne J. Johnson

**16. [ID 14-0722](#) Budget Adjustments Approved by Budget Officer 10/14/14 - 10/27/14**

Motion to accept the report of budget adjustments of October 14 - 27, 2014 was adopted.

**17. [ID 14-0724](#) Motion to Approve the Minutes of the Work Session of September 23, 2014**

Motion to approve the minutes of the September 23, 2014 Work Session was approved.

**18. [ID 14-0704](#) Motion to Approve the Minutes of the Work Session of October 6, 2014**

Motion to approve the minutes of the October 6, 2014 Work Session was approved.

**19. [ID 14-0726](#) Motion to Approve the Minutes of the Regular meeting of October 7, 2014**

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

Mayor Vaughan declared a recess at 7:30 p.m. Council reconvened at 8:00 p.m. with all members in attendance.

#### **IV. PUBLIC HEARING AGENDA**

**20. [ID 14-0730](#) Resolution for Economic Development Support of an Entrepreneurship Ecosystem Initiative not to Exceed \$100,000 in FY14-15**

City Manager Westmoreland deferred to Andy Scott to speak to the item.

Mr. Scott provided the history of the item; and introduced Cecelia Thompson with The Greensboro Partnership for a presentation.

Ms. Thompson provided the history of the project; an update on Co//ab, spoke to the upfit made; and attracting and retaining young talent. Ms. Thompson made a PowerPoint Presentation which showed photos of co-working space for developing entrepreneurs; meeting space with fast internet; higher education learning space; verified the building was owned by Elon University and leased for \$1.00 per year; that Entrepreneur Connection would move to 220 North Greene Street; would assist to get folks on their feet; thanked those who provided the space and furniture; spoke to the proximity of other areas Downtown; to financial and in-kind support that had been



received from private donations and corporations; and introduced Dennis Sterns.

Mr. Sterns continued the PowerPoint Presentation; addressed ideas, mentoring and capital; clarified that the project was a completely separate entity from the Chamber; spoke to the mentors involved in the program; providing capital for ideas; and outlined the summer start-up program. Mr. Sterns explained additional smaller programs that would be launched; outlined the early wins; spoke to State and City programs; outlined the benefits of the program to Greensboro; and asked for Council's support of the request.

Councilmember Wilkins asked if the presentation was the same as what was presented in the Work Session; verified the ask from the City was \$100,000; asked for clarification of the total project cost; voiced concern with not hearing about exceeding the amount until now; referenced items Council had prior concerns about being zeroed out; inquired about the change in the presentation; asked for clarification on the shortage figure; asked which Councilmember sponsored the item; and stated he would like to see the sponsorship going forward.

Mr. Scott provided an explanation on the breakdown of the figures; addressed the shortage figure; and the in-kind support.

City Manager Westmoreland stated the item came to Council as a result of the Work Session.

Brief discussion took place regarding sponsorship of agenda items; support and history of items; and placement of items on the agenda.

Councilmember Abuzuaiter voiced concern with seeing a different presentation at the Work Session; referenced questions that had not been fully answered; spoke to the reason for the confusion; and asked for clarification on what was presented at the Work Session regarding funds that had been spent.

Ms. Thompson verified that Co//ab would house a number of different things; outlined what community programs would utilize the space; stated the project would be a roof over the head of entrepreneur opportunities; and stated they wanted to highlight the private and corporate investment and donations.

Councilmember Matheny spoke to working through the issues at a Work Session to get to the end product; and voiced confusion over the different columns on the agenda item attachment.

City Manager Westmoreland stated staff had placed the attachment in the agenda item.

Councilmember Hightower referenced the overview regarding the reduction; asked for clarification on the one-to-one match; amount of funding needed for internships; inquired about the \$76,000 allocated for salaries; asked if the Partnership would be reimbursed; and the balance of funding from the Partnership.

Ms. Thompson outlined the in-kind funding for the project; and what Co//ab would fund.

Mr. Sterns provided an explanation for the salary piece; spoke to in-kind services; the role of the volunteer mentors; involvement of the project; and role of the interns.

Pat Danahy of The Greensboro Partnership provided the history of the \$50,000 commitment from the Bryan Foundation; payment of the accelerator costs and cash flow to date; verified that \$96,000 had been spent over the summer on the accelerator; spoke to the in-kind pieces; the incubator; and explained how the \$100,000 contribution from the City would be allocated for the winter portion of the program.

Councilmember Wilkins reviewed the handout that was provided at the Work Session; requested clarification for the \$64,000 listed as 'other'; and voiced concerns with regard to a different presentation this evening.

Mr. Scott reviewed the makeup of the total budget; spoke to the parts assigned to City funding; and in-kind support.

City Manager Westmoreland spoke to the funding level from the Bryan Foundation; transfer or repurposing for funds; and the amount specifically assigned to the accelerator and other support.

Councilmember Fox referenced the number of times the item had come before Council.

**Moved by Councilmember Fox, seconded by Councilmember Hightower, to provide \$50,000 rather than \$100,000. The motion failed on the following roll call vote:**

**Ayes,** 4 - Marikay Abuzuaiter, Jamal T. Fox, Sharon M. Hightower and Tony Wilkins

**Nays,** 5 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Nancy Hoffmann and Zack Matheny

Councilmember Wilkins asked why the item came to Council after the budget.

Councilmember Hightower voiced concerns with receiving information in bits and pieces; spoke to the Co//ab in-kind space, and to what Co//ab would provide.

Councilmember Barber respectfully called the question.

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

**Ayes,** 6 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Nancy Hoffmann and Zack Matheny

**Nays,** 3 - Marikay Abuzuaiter, Sharon M. Hightower and Tony Wilkins

0279-14 RESOLUTION AUTHORIZING A GRANT IN THE AMOUNT OF \$100,000 TO THE GREENSBORO PARTNERSHIP TO SUPPORT THE PARTNERSHIP'S ENTREPRENEUR CONNECTION ACCELERATOR PROGRAM

WHEREAS, The Greensboro Partnership is developing an entrepreneurial eco-system to connect entrepreneurs with the resources and relationships necessary to create and grow jobs; and

WHEREAS, The Partnership has conducted a successful pilot Business Accelerator program which is a necessary component of the entrepreneurial eco-system; and

WHEREAS, a local foundation and Elon University have provided funding and services to assist in the enhancement and continuation of the Accelerator Program; and

WHEREAS, funds are available in the City of Greensboro Economic Development Fund; and

WHEREAS, the City Council of Greensboro wishes to support this endeavor.

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

That the City is authorized to enter into a grant agreement with the Greensboro Partnership to support the next phase of Accelerator activity in the amount of \$100,000. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute a grant agreement on behalf of the City of Greensboro.

(Signed) Nancy Hoffmann

(A copy of the PowerPoint presentation is filed in Exhibit Drawer W, Exhibit No. 28 which is hereby referred to and made a part of these minutes)

21. [ID 14-0713](#) Resolution Authorizing an Economic Development Incentive Grant to Ecolab, Inc., not to Exceed the Amount of \$166,980.00 for new Capital Investment in Real Property and New Jobs

There being no speakers to the Item it was moved by Councilmember Matheny, seconded by Councilmember

Abuzuaiter to close the public hearing. The motion carried by voice vote.

**Moved by Councilmember Hightower, 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

0280-14 RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR ECOLAB, INC. NOT TO EXCEED \$166,980.00.

WHEREAS, on May 17, 2005, the City Council adopted New Economic Development Guidelines whereby the City may participate financially in the development of certain private improvements to promote economic development in accordance with the Guidelines and NCGS Section 158-7.1;

WHEREAS, the company is evaluating an investment in new real property improvements on an existing site in Greensboro;

WHEREAS, the Company has requested that the City provide for a grant reimbursement for the real property to add capacity to the local plant which amount of participation is presently estimated at no more than \$166,980.00 based on a portion of anticipated new sales, use, and property taxes to be derived by the City and new employment upon completion of the project;

WHEREAS, it is further anticipated that the Company will invest at least \$11,000,000. 00 in capital, and create up to 45 new jobs by December 31, 2016;

WHEREAS, the site where the company will be adding capacity is located at 8300 Capital Drive in the City limits of Greensboro;

WHEREAS, the addition of 45 new jobs paying an average wage of approximately \$48,029 per year with benefits valued at approximately 30% of the average annual wage, are expected to generate public benefit by positively impacting the City's ad valorem, use, and sales tax revenues in addition to increasing business prospects for the City and surrounding area, City Council authorizes an Economic Development Incentive Grant of up to \$166,980.00 if the company chooses to expand in the City of Greensboro;

WHEREAS, a public hearing was held in accordance with N.C.G.S. 158-7.1 setting out the particulars of the request and the public benefits to be derived from said improvements;

WHEREAS, it is deemed in the best interest of the City to enter into a participatory agreement with the Company to share the cost of the above mentioned improvements whereby the City shall reimburse the company up to a maximum of \$166,980.00 to be paid in three equal payments of \$55,600.00 for real property costs based on a portion of new anticipated taxes to be received from the new project and upon the creation of new employment. The grant shall be paid after the jobs are created, the capital investment has been made and all has been confirmed with the City.

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

That in accordance with the City's Economic Development Incentive Guidelines and pursuant to N.C.G.S. 158-7.1, a grant reimbursement and participatory agreement between the City of Greensboro and the Company not to exceed \$166,980.00 for \$11,000,000.00 of new capital investment, the retention of 212 existing office jobs, and the creation of 45 new jobs by December 31, 2016 is hereby approved, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement.

(Signed) Sharon Hightower

**22. [ID 14-0734](#)**

**Resolution to Provide Financial Assistance to the Greensboro Community Development Fund to Provide Loans to Small**

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### Businesses in Greensboro

There being no one to speak to the item, it was moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to close the public hearing. The motion carried by voice vote.

Council inquired if this was in addition to or a reduction of the money the City had previously provided; asked about the timeframe for allocating the \$150,000 previously provided; timeframe for spending this request being quicker; what types of projects the funding would be used for; and clarification on leveraging the funds to better understand the multiplier effect.

Mr. Jerome Gray, Executive Director of the Greensboro Community Development Fund (Development Fund), verified that this would be in addition to the funding previously provided; provided the history of the funding allocation for the 2012 \$80,000 Block Grant; outlined the amount spent in 2012 and 2013; spoke to work he had done since coming to the Development Fund in 2013; to funding received by CDFI; explained that they would obtain a federal government match for the \$150,000 being requested; spoke to the timeframe for deploying the funds; and added that Cheesecakes by Alex and a local maintenance business that covered territories in three or four states were requesting funding that had been approved by the Board. Mr. Gray provided an explanation on how the federal funds were awarded; the Development Fund's process for lending money; and verified this would allow the Development Fund to apply for federal funding from the U.S. Treasury to match funds that were raised.

Councilmember Hightower verified that as the program moved forward, the funding would assist some of the M/WBE businesses to be in a position to do some of the things they wanted to do.

Mr. Gray responded that he had submitted a plan to show how the process could partner with the M/WBE program to provide capital and technical assistance to businesses.

Councilmember Matheny asked how much money the Development Fund had raised since 2011; for clarification on the \$200,000 federal grant; amount of money available in their reserve; voiced concerns with lending money to a local company to grow their business and jobs outside the City of Greensboro; with creating a sustainable entity; granting money to a company that did not have a sustainable plan; and voiced that he could not support the item at this time as there were too many questions and not enough pertinent answers.

Mr. Gray provided an outline of money raised by the Development Fund; spoke to the impact on their reserve should the funding not be received; commitments made to lend the funds; spoke to why businesses might not qualify for bank loans; and verified that the money would be paid back by the companies.

Councilmember Abuzuaiter commended Mr. Gray for his work; spoke to struggles small businesses went through; referenced information Mr. Gray had provided to her; added that sometimes small businesses needed extra assistance; verified that the Development Fund would receive the federal money if the item was adopted by Council; and stated she would support the item.

Councilmember Hightower verified the \$150,000 would be matched; reminded Council that they talked about supporting small businesses; referenced the creative loan pool which would assist small businesses; emphasized she supported the item which would help small businesses and M/WBEs to become better businesses as well as bring money into the community; and stated she was willing to invest in the Development Fund.

Councilmember Hoffmann spoke to Mr. Gray's banking career; and asked about the Development Fund's business plan.

Mr. Gray provided the makeup of the loan committee; the process used when he made presentations; and confirmed that the Development Fund made solid loans that had been paid back.

Councilmember Matheny stated it was Council's duty to ask the tough questions.

Councilmember Fox referenced meetings with Mr. Gray; stated he understood what the Development Fund was doing; would support the item; and asked Mr. Gray to provide Council with data showing progress of the Development Fund along the way.

Mayor Pro-Tem Johnson referenced a small penny banking project in India that was now a multi-million dollar bank.

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

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower and Nancy Hoffmann

**Nays,** 2 - Zack Matheny and Tony Wilkins

0281-14 RESOLUTION AUTHORIZING A GRANT IN THE AMOUNT OF \$150,000 TO THE GREENSBORO COMMUNITY DEVELOPMENT FUND TO PROVIDE COMMUNITY DEVELOPMENT LOANS IN GREENSBORO

WHEREAS, The Greensboro Community Development Fund is a certified Community Development Financial Institution (CDFI) that provides a variety of financial services to residents and business in low and moderate income neighborhood's in Greensboro; and

WHEREAS, The CDFI industry has invested over Five Billion Dollars across the country with 79% of that funding being provided to financially distressed Communities; and

WHEREAS, The Greensboro Community Development Fund has the opportunity to apply for a 100% matching grant from the Federal Government which will double the amount of loan capital available in Greensboro; and

WHEREAS, funds are available in the City of Greensboro's Economic Development Fund.

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

That the City is authorized to enter into a grant agreement with the Greensboro Community Development Fund in the amount of \$150,000 for the purposes of providing financial services to low and moderate income neighborhoods in Greensboro. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute the grant agreement on behalf of the City of Greensboro.

(Signed) Sharon Hightower

**23. [ID 14-0740](#) Ordinance to Impose a Temporary Moratorium on New Electronic Gaming Operations in the City of Greensboro**

City Manager Westmoreland deferred to City Attorney Tom Carruthers to speak to the item.

Attorney Carruthers provided the background for the item; referenced legislation on the matter; stated the courts were split on gambling; outlined the types of machines held to be illegal sweepstakes and/or gambling; added that some District Attorneys in Guilford, Alamance, Randolph and Winston-Salem had decided not to prosecute on this type of business; spoke to the constitutional rights of business owners; stated more illegal businesses were starting up around the City; referenced the moratorium of the City of Thomasville; outlined the requirements of the Ordinance; referenced businesses along Randleman Road; spoke to the number of businesses that had applied for sweepstakes licenses to date; and verified that if this were adopted, a thirty day moratorium would go into effect.

Mayor Pro-Tem Johnson asked for clarification that if a business were operating today the moratorium would not apply to them.

Attorney Carruthers responded that if they had applied as of 5:00 p.m. today they will be grandfathered; and spoke to the July 1 deadline for the privilege license.

Councilmember Barber inquired if the City notified the businesses prior to the deadline; verified that the City did not miss the businesses in existence; and asked if the ordinance could be modified if a business could prove it was in existence prior to the 5:00 p.m. deadline.

Attorney Carruthers explained the process used by the City staff to notify the businesses; stated information had been relayed to them regarding a potential moratorium; assured that staff had done everything they could do to notify businesses; and verified that the City had advertised the proposed moratorium in both the Peacemaker and the Greensboro News & Record in accordance with State requirements.

Councilmember Matheny reminded Council that he had brought this up previously; that the goal had been to stop the run on the businesses; verified the District Attorney would not prosecute; and asked what the point of a thirty day moratorium would be.

Attorney Carruthers explained the process for collecting fees in 2011; and spoke to the \$50.00 optional fee.

Councilmember Matheny emphasized the reason he brought this up two months ago; voiced the need to look at how the City could maximize the revenue per machine; stated the idea had gotten shut down two months ago when he brought it up; spoke to alternative options; and verified that the goal was to adopt the ordinance and establish zoning.

Attorney Carruthers responded that the moratorium was a limited tool; that the ordinance would allow the City thirty days to look at the zoning issues; spoke to possible zoning requirements; and outlined what the City had done previously.

Mayor Vaughan referenced the privilege tax going away July 1; voiced the need to establish correct zoning districts for the matter; and asked if the businesses would be paying for their machines.

Council briefly discussed the amount of revenue collected from sweepstakes.

Attorney Carruthers confirmed that the existing businesses would pay \$50.00 per year for the machines.

Assistant Collections Manager, Richard Hawk, spoke to the process used in notifying businesses that would be impacted; explained that 24 of the 74 locations would not fall under the new business category; stated that the potential revenue would be an estimated \$205,000 from the 24 locations; spoke to the locations staff had planned on visiting; process for informing businesses if they needed to obtain a license; and confirmed any unlicensed businesses would be instructed not to operate unless they were licensed to do so.

Councilmember Hightower inquired as to how long it would take staff to come back with zoning requirements; spoke to concerns with clusters in the same area; voiced the need to prevent sweepstake businesses from saturating one area; and spoke to possibly implementing design standards.

Attorney Carruthers stated that the item would be before Council at the December 2nd Council meeting for Council to discuss and decide if it wanted to move forward with the moratorium.

Councilmember Abuzuaiter added that some businesses used sweepstakes as a secondary business; asked for clarification on what would be considered a new business; and voiced concern with punishing businesses that had discontinued the sweepstakes and been in compliance.

Mr. Hawk explained the process for determining when a business would be considered a new business; spoke to the wording of the new business regulations; and to how businesses got around the different angles.

Councilmember Barber spoke to the other side being that there were landlords with vacant space; stated the velocity of money that had increased in the City; referenced the positive side; spoke to clusters of similar businesses; voiced the need to look at what had occurred so far as a guide; and the need to be cognizant of the needs of the districts.

Councilmember Fox left the meeting a 9:24 p.m. and returned at 9:26 p.m.

Councilmember Wilkins asked for clarification on the 2011 ruling by Council regarding the \$50.00 for any business.

Attorney Carruthers verified that the new business exception had nothing to do with sweepstakes but was adopted around 2006 to spur new business around the City.

City Attorney Carruthers was directed to come back before Council with proposed zoning changes.

**Moved by Councilmember Hightower, seconded by Councilmember Fox, 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

**14-0135 AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM FOR NEW ELECTRONIC GAMING OPERATIONS WITHIN THE CITY OF GREENSBORO, NORTH CAROLINA**

WHEREAS, the City Council finds that the zoning ordinance currently does not have an effective manner to regulate electronic gaming operations, known commonly as sweepstakes businesses, or internet cafes, or electronic sweepstakes operations, defined by Section 13-119 of the Greensboro Code of Ordinances as "any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to, computers or other electronic terminals (collectively the "electronic sweepstakes machines"), to reveal the content of a sweepstakes entry, whether by a simulated electronic game or otherwise, and where cash, merchandise, or other items of value are redeemed or otherwise distributed at the location where the electronic sweepstakes operation is conducted, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic sweepstakes operations shall not include any lottery approved by the state of North Carolina or any nonprofit operation that is otherwise lawful under state law (for example church or civic organization fundraisers)."

WHEREAS, numerous such operations have opened throughout the City and this City has attracted such operations in far greater numbers than similar communities in this local area; and

WHEREAS, the regulatory provisions of Greensboro's zoning ordinance with respect to these operations is far less comprehensive than nearby jurisdictions, and does not afford the protection to patrons of those businesses and to the general public as do those of other nearby cities; and

WHEREAS, the City Council further finds that the law of the state of North Carolina is unsettled at the current time because of continuing appellate court decisions and recent enactments of the North Carolina General Assembly; and

WHEREAS, the staff of the City of Greensboro has requested a temporary moratorium to permit it to further research possible legislative remedies to provide for the more orderly development of regulations to allow such business to operate in a safe manner in harmony with the commerce and greater development of the Greensboro community.

WHEREAS, in pursuance of North Carolina General Statute 160A-381(e), the Council specifically finds that:

1. The continuing addition of new sweepstakes businesses cannot be effectively regulated in the short-term without reviewing and improving the zoning ordinance, and there is no other way to address the deficiencies in the zoning ordinance to address the issue, short of a moratorium;
2. No businesses with an existing Sweepstakes Privilege License, as defined by Section 13-119 of the Greensboro Code of Ordinances, will be subject to the moratorium, but the issuance of new Privilege Licenses for such businesses will cease during the moratorium;
3. A 30 day moratorium concluding on December 3, 2014 is necessary because numerous changes and additions to the zoning ordinance are contemplated; and

WHEREAS, this public hearing was properly noticed in accordance with North Carolina General Statutes Section 160A-381 for a meeting of the Council on Monday, November 3, 2014.

NOW THEREFORE, be it enacted that, as of this date, a temporary moratorium for all new electronic gaming

operations, commonly known as sweepstakes businesses, or internet cafes, or electronic sweepstakes operations as defined by Section 13-119 of the Greensboro Code of Ordinances, for any business using such an operation as a principal or accessory use, is hereby imposed, and the issuance of any Privilege License to an electronic gaming operation, known also as a sweepstakes business, or internet café, or electronic sweepstakes operation as defined by Section 13-119 of the Greensboro Code of Ordinances, for any business using such an operation as a principal or accessory use, shall be suspended, said moratorium continuing in effect until December 3, 2014. No businesses with an existing Sweepstakes Privilege License, as defined by Section 13-119 of the Greensboro Code of Ordinances, will be subject to the moratorium.

(Signed) Sharon Hightower

**24. [ID 14-0727](#) Resolution Making Certain Findings and Determinations Regarding the Financing of a New Performing Arts Center and the Refinancing of Prior Installment Financing Obligations for the City of Greensboro, North Carolina Pursuant to an Installment Financing Agreement and Requesting the Local Government Commission to Approve the Financing Arrangement**

Mayor Vaughan introduced Items #24. ID14-0727, 25, ID14-0731 and Item 26, ID 14-0732 at the same time.

City Manager Westmoreland stated staff was here for questions.

Finance Director Rick Lusk spoke to the deficit amount; private donations; cost of design services; parking rental revenue; the existing installment financing agreement; and requirements to subdivide the property. Mr. Lusk continued by outlining the variable interest rate; and issuance of bonds.

Council discussed the funding used to purchase the property; parking lot revenue; ability to subdivide the land; ability to lock in an interest rate; and the amount used to leverage the \$35 million loan.

Mayor Pro-Tem Johnson left the meeting at 9:27 p.m. and returned at 9:34 p.m.

Mr. Lusk explained the process for refinancing; and verified that some attorney fees would be included.

It was the consensus of Council to close the public hearing.

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

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 2 - Marikay Abuzuaite and Sharon M. Hightower

0282-14 The City Council of the City of Greensboro, North Carolina met in a regular meeting in the Council Chambers in the Melvin Municipal Office Building located at 300 West Washington Street in Greensboro, North Carolina, the regular place of meeting, at 5:30 p.m. on November 3, 2014.

Present: Mayor Nancy B. Vaughan, presiding, and Council Members Marikay Abuzuaite, Mike Barber, Jamal Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny and Tony Wilkins.

Absent: None.

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

The Mayor announced that this was the hour and day of the public hearing on a proposed installment financing agreement (the "Agreement") to be entered into by the City of Greensboro, North Carolina (the "City") pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended (the "Act"), in a principal amount not to



exceed \$30,000,000 for the purpose of providing funds, together with other available funds, to (a) finance the cost of acquiring, constructing and equipping a new performing arts center for the City to be located in the downtown area of the City and bounded by Lindsey Street, Summit Avenue, Bellemeade Street and Elm Street (the "Project") and (b) refinance certain prior installment financing obligations of the City (the "Prior Obligations") entered into by the City to finance the cost of acquiring various parcels of land constituting the site where the Project will be located. To secure its obligations under the Agreement, the City will grant a lien on all or a portion of the site of the Project, together with any improvements or fixtures located or to be located thereon.

The Mayor acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in said City as required by Section 160A-20(g) of the Act and directed the City Clerk to attach the affidavit showing publication in said paper on a date at least ten days prior to the date hereof as Exhibit A hereto.

The Mayor then announced that the City Council would immediately hear anyone who might wish to be heard on advisability of entering into the Agreement to finance the proposed Project and refinance the Prior Obligations as so described.

A list of any persons making comments and a summary of such comments are attached as Exhibit B hereto.

All statements and comments were duly considered by the City Council.

Thereupon, Mayor Vaughn introduced the following resolution the title of which was read and summarized by the Finance Director and copies of which had been distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF A NEW PERFORMING ARTS CENTER AND THE REFINANCING OF PRIOR INSTALLMENT FINANCING OBLIGATIONS FOR THE CITY OF GREENSBORO, NORTH CAROLINA PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT

BE IT RESOLVED by the City Council (the "City Council") of the City of Greensboro, North Carolina (the "City") as follows:

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

(a) There exists in the City a need to finance the cost of a new performing arts center for the City to be located in the downtown area of the City and bounded by Lindsey Street, Summit Avenue, Bellemeade Street and Elm Street (the "Project").

(b) The City has also determined to refinance certain outstanding installment financing obligations relating to a Master Installment Financing Agreement, dated as of September 6, 2013, between the City and Bank of America, N.A., together with three Schedules related thereto (collectively, the "Prior Obligations"). The Prior Obligations were incurred by the City to finance the cost of acquiring various parcels of land constituting the site where the Project will be located.

(c) After due consideration, the City has determined to enter into an installment financing agreement (the "Agreement") in an aggregate principal amount not to exceed \$30,000,000 to provide funds, together with other available funds, to (i) pay the costs of the Project, (ii) refinance the Prior Obligations and (iii) pay certain financing costs in connection therewith.

(d) The City will enter into the Agreement with PNC Bank, National Association (the "Bank"), pursuant to which the Bank will advance to the City, from time to time, amounts sufficient, together with other available funds, to pay the costs of the Project, refinance the Prior Obligations and pay the related financing costs, and the City will repay the advancement with interest (the "Installment Payments").

(e) In order to secure its obligations under the Agreement, the City will execute and deliver a deed of trust (the "Deed of Trust"), granting a lien on all or a portion of the site of the Project, together with all improvements and fixtures located or to be located thereon.

(f) It is in the best interest of the City to enter into the Agreement and the Deed of Trust in that such transaction will result in the financing of the Project and the refinancing of the Prior Obligations in an efficient and cost effective manner.

(g) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue in that (i) the City does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the City has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing of the Project or the refinancing of the Prior Obligations without an election; (ii) the nature of the Project does not allow for the issuance of revenue bonds to finance the costs of the Project or the refinancing of the Prior Obligations; (iii) the costs of the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to commence acquisition, construction and equipping of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of acquisition and construction of the Project by several months; and (v) there can be no assurances that the Project would be approved by the voters and the necessity of the Project dictates that the Project be financed by a method that assures that the Project will be acquired, constructed and equipped in an expedient manner.

(h) It has been determined by the City Council that the financing of the Project and the refinancing of the Prior Obligations through the Agreement is reasonably comparable to the costs of issuing general obligation bonds or notes or other available methods of financing and is acceptable to the City Council.

(i) Counsel to the City will render an opinion to the effect that the proposed Agreement is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(j) The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

(k) No tax rate increase is expected to be necessary to pay the Installment Payments under the Agreement.

Section 2. The City Council hereby authorizes and approves the filing of an application with the Local Government Commission for approval of the Agreement and requests the Local Government Commission to approve the Agreement and the proposed financing and refinancing in connection therewith. All actions heretofore taken by the City or its officers or employees in regard to the Agreement is hereby authorized, ratified and approved.

Section 3. The law firm of Womble Carlyle Sandridge & Rice, LLP is hereby appointed to serve, but solely at the pleasure of the City, as bond counsel to the City in connection with the Agreement. DEC Associates, Inc. is hereby appointed to serve, but solely at the pleasure of the City Council, as financial advisor to the City in connection with the Agreement.

Section 4. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member Matheny seconded by Council Member Johnson, the foregoing resolution entitled "RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF A NEW PERFORMING ARTS CENTER AND THE REFINANCING OF PRIOR INSTALLMENT FINANCING OBLIGATIONS FOR THE CITY OF GREENSBORO, NORTH CAROLINA PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT" was adopted by the following vote:

Ayes: Councilmembers Barber, Fox, Hoffmann, Johnson, Matheny, Vaughan and Wilkins.

Noes: Councilmembers Abuzuaiter and Hightower.

(Signed) Zack Matheny

25. [ID 14-0731](#) Resolution Authorizing the Execution and Delivery of an Installment Financing Agreement, a Deed of Trust and Related Documents in Connection With the Financing of a New Performing Arts Center and the Refinancing of Prior Installment Financing Obligations for the City Of Greensboro, North Carolina

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

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 2 - Marikay Abuzuaiter and Sharon M. Hightower

0283-14 Thereupon, Mayor Vaughn introduced the following resolution the title of which was read and summarized by the Finance Director and copies of which had been distributed to each Council Member:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF A NEW PERFORMING ARTS CENTER AND THE REFINANCING OF PRIOR INSTALLMENT FINANCING OBLIGATIONS FOR THE CITY OF GREENSBORO, NORTH CAROLINA

BE IT RESOLVED by the City Council (the "City Council") of the City of Greensboro, North Carolina (the "City") as follows:

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

(a) There exists in the City a need to finance the cost of a new performing arts center for the City to be located in the downtown area of the City and bounded by Lindsey Street, Summit Avenue, Bellemeade Street and Elm Street (the "Project").

(b) The City has also determined to refinance certain outstanding installment financing obligations relating to a Master Installment Financing Agreement, dated as of September 6, 2013, between the City and Bank of America, N.A., together with three Schedules related thereto (collectively, the "Prior Obligations"). The Prior Obligations were incurred by the City to finance the cost of acquiring various parcels of land constituting the site where the Project will be located.

(c) After a public hearing and due consideration, the City Council has determined that the most efficient manner of financing the Project and refinancing the Prior Obligations will be through entering into an Installment Financing Agreement, to be dated as of the date of delivery thereof (the "Agreement"), with PNC Bank, National Association (the "Bank") pursuant Section 160A-20 of the General Statutes of North Carolina, as amended. Pursuant to the Agreement, the Bank will advance moneys to the City from time to time in amounts sufficient, together with other available funds, to pay the costs of the Project, refinance the Prior Obligations and pay the related financing costs, and the City will repay the advancement in installments, with interest (the "Installment Payments").

(d) In order to secure its obligations under the Agreement, the City will execute and deliver a deed of trust (the "Deed of Trust") granting a lien on all or a portion of the site of the Project, together with all improvements and fixtures located or to be located thereon.

(e) There has been presented to the City Council at this meeting proposed forms of the Agreement and the Deed of Trust.

Section 2. In order to provide for the financing of the Project and the refinancing of the Prior Obligations, the City is hereby authorized to enter into the Agreement and receive an advancement pursuant thereto in a principal amount not to exceed \$30,000,000. The City shall repay the advancement in the amounts and at the times set forth in the Agreement. The payments of the installment payments shall be designated as principal and interest as provided in the Agreement. The interest rate payable under the Agreement shall be a variable rate and shall be calculated as provided in the Agreement.

Section 3. The City Council hereby approves the Agreement and the Deed of Trust in substantially the forms presented at this meeting. The Mayor, the Mayor Pro Tempore, the City Manager, any Assistant City Manager and the Finance Director of the City are each hereby authorized to execute and deliver on behalf of the City said documents in substantially the forms presented at this meeting, containing such insertions, deletions and filling in of blanks as the person executing such documents shall approve, such execution to be conclusive evidence of approval by the City Council of any such changes. The City Clerk or any Deputy or Assistant City Clerk of the City is hereby authorized and directed to affix the official seal of the City to said documents and to attest the same.

Section 4. No deficiency judgment may be rendered against the City in any action for breach of any contractual obligation authorized pursuant to this resolution and the taxing power of the City is not and may not be pledged directly or indirectly to secure any moneys due under any contract herein authorized.

Section 5. The Mayor, the City Manager, the Finance Director and the City Clerk of the City, and any other officers, agents and employees of the City, are hereby authorized and directed to execute and deliver such closing certificates, opinions, agreements and other items of evidence as shall be deemed necessary to consummate the transactions described above.

Section 6. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member Hoffmann, seconded by Council Member Matheny, the foregoing resolution entitled "RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF A NEW PERFORMING ARTS CENTER AND THE REFINANCING OF PRIOR INSTALLMENT FINANCING OBLIGATIONS FOR THE CITY OF GREENSBORO, NORTH CAROLINA" was passed by the following vote:

Ayes: Councilmembers Barber, Fox, Hoffmann, Johnson, Matheny, Vaughan and Wilkins.

Noes: Councilmembers Abuzuaiter and Hightower.

I, Elizabeth H. Richardson, City Clerk of the City of Greensboro, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said City Council of said City at a regular meeting held on November 3, 2014, as it relates in any way to the holding of a public hearing and the passage of the foregoing resolutions relating to an installment financing agreement by said City and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said City 5th day of November, 2014.

\_\_\_\_\_  
City Clerk

[SEAL]

(Signed) Nancy Hoffmann

**26. [ID 14-0732](#) Ordinance in the Amount of \$917,000 Amending the Performing Arts Center Fund**

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

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 2 - Marikay Abuzuaiter and Sharon M. Hightower

14-0136 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
527-7501-01.5821	Interest Expense	\$495,000
527-7501-01.5831	Bond Issue Expense	150,000
527-7501-01.5831	Maintenance & Repair - Buildings	272,000
Total		\$917,000

And, that this increase is financed by the following revenue:

Account	Description	Amount
527-7501-01.8620	Donations & Contributions	\$248,000
527-0000-00.7586	Parking Revenue	669,000
Total		\$917,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne J. Johnson

## **V. GENERAL BUSINESS AGENDA**

**27. [ID 14-0403](#) Boards and Commissions Listing for Appointments on November 3, 2014**

Councilmember Wilkins placed the names of Chequita Warfield, Esther Idassi and Adamou Mohamed in the databank for future service on board or commission.

Mayor Pro-Tem Johnson placed the name of Scott Fuller in the databank for future service on a board or commission.

**28. [ID 14-0716](#) Resolution Approving the Selection of HDR Constructors, Inc. as the Construction Manager for the Townsend Water Treatment Facility Basin and Gravity Filter Improvements Project and Authorizing the City Manager to Negotiate and Execute a Preconstruction Phase Services Contract Not To Exceed \$393,396 with the Selected Construction Manager**

Councilmember Hightower asked for clarification on the construction manager at risk process; and asked about the M/WBE participation.

Water Resources Director Steve Drew spoke to looking at a variety of construction manager projects; and verified that the process would allow for a greater outreach for M/WBE participation.

A representative of HDR Constructors, Inc. spoke to meeting the M/WBE goals; and verified that the company was based in Charlotte, North Carolina.

**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

0284-14 RESOLUTION APPROVING THE SELECTION OF HDR CONSTRUCTORS, INC. AS THE CONSTRUCTION MANAGER FOR THE TOWNSEND WATER TREATMENT FACILITY BASIN AND GRAVITY FILTER IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PRECONSTRUCTION PHASE SERVICES CONTRACT WITH THE SELECTED CONSTRUCTION MANAGER

WHEREAS, on June 30, 2014, the City issued a Request for Qualification (RFQ) for Construction Manager at Risk Services for the Townsend Water Treatment Facility Basin and Gravity Filter Improvements Project;

WHEREAS, the best value contracting program element provides for the opportunity to engage the construction contractor during the design phase, who in turn, can provide value engineering and construction insight on complex portions of the proposed work;

WHEREAS, the added benefit allows the opportunity to adjust the project scope prior to completion of design to meet budget constraints, if necessary;

WHEREAS, five firms submitted a Statement of Qualification (SOQ) by the August 12, 2014 submission deadline;

WHEREAS, a selection committee comprised of internal and external representatives evaluated the submissions based on experience, qualifications, project approach, project team members, proposed M/WBE utilization plan, and safety record;

WHEREAS, the SOQ submitted by HDR received the highest score by the committee;

WHEREAS, with the selection and approval of a Construction Manager, negotiations to finalize a preconstruction services contract can proceed;

WHEREAS, preconstruction services to be provided by HDR include design phase constructability reviews and value analysis, operations focused reviews, plant start-up and commissioning planning during design, collaborative workshops during preconstruction, project execution planning, and procurement (buy-out) planning;

WHEREAS, funding in the amount of \$393,396 is budgeted in the Water Resources Capital Improvements Fund.

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

That the selection of HDR Constructors, Inc. as the Construction Manager for the Townsend Water Treatment Facility Basin and Gravity Filter Improvements project is hereby approved and the City Manager is hereby authorized to negotiate and execute a Preconstruction Phase Services contract with the selected Construction Manager, payment in the amount of \$393,396 to be made from Account No. 515-7025-01.6019.

(Signed) Yvonne J. Johnson

29. [ID 14-0717](#) Resolution Approving the Selection of Garney Companies as the Construction Manager for the T.Z. Osborne Water Reclamation Facility 56 MGD Upgrade - Package 3 Project and Authorizing the City Manager to Negotiate and Execute a Preconstruction Phase Services Contract Not To Exceed \$444,506 with the Selected Construction Manager

Councilmember Hightower asked the representative of Garney Companies if the company would be amenable to the process; and would help the department connect with M/WBE partners.

The representative of Garney Companies responded that the process would allow the company to meet the goals; referenced what they had done on their proposal; verified the company would mentor a minority company; and assist in educating them.

**Moved by Councilmember Hightower, 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 Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

0285-14 RESOLUTION APPROVING THE SELECTION OF GARNEY COMPANIES AS THE CONSTRUCTION MANAGER FOR THE T.Z. OSBORNE WATER RECLAMATION FACILITY 56 MGD UPGRADE – PACKAGE 3 PROJECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PRECONSTRUCTION PHASE SERVICES CONTRACT WITH THE SELECTED CONSTRUCTION MANAGER

WHEREAS, on June 30, 2014, the City issued a Request for Qualification (RFQ) for Construction Manager at Risk Services for the T.Z. Osborne Water Reclamation Facility (WRF) 56 MGD Upgrade – Package 3 Project;

WHEREAS, the best value contracting program element provides for the opportunity to engage the construction contractor during the design phase, who in turn, can provide value engineering and construction insight on complex portions of the proposed work;

WHEREAS, the added benefit allows the opportunity to adjust the project scope prior to completion of design to meet budget constraints, if necessary;

WHEREAS, four firms submitted a Statement of Qualification (SOQ) by the August 12, 2014 submission deadline;

WHEREAS, a selection committee comprised of internal and external representatives evaluated the submissions based on experience, qualifications, project approach, project team members, proposed M/WBE utilization plan, and safety record;

WHEREAS, the SOQ submitted by Garney Companies received the highest score by the committee;

WHEREAS, with the selection and approval of a Construction Manager, negotiations to finalize a preconstruction services contract can proceed;

WHEREAS, preconstruction services to be provided by Garney Companies include design phase constructability reviews and value analysis, operations focused reviews, plant start-up and commissioning planning during design, collaborative workshops during preconstruction, project execution planning, and procurement (buy-out) planning;

WHEREAS, pre-purchase approval of significant process equipment will be requested;

WHEREAS, funding in the amount of \$444,506 is budgeted in the Water Resources Capital Improvements Fund.

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

That the selection of Garney Companies. as the Construction Manager for the T. Z. Osborne Water Reclamation Facility (WRF) 56 MGD Upgrade-Package 3 project is hereby approved and the City Manager is hereby authorized to negotiate and execute a Preconstruction Phase Services contract with the selected Construction Manager payment in the amount of \$444,506 to be made from Account No. 515-7056-02.5410.

(Signed) Sharon Hightower

**30. [ID 14-0749](#) Motion to Direct Staff to Pursue Stated Cost Cutting Measures**

City Manager Westmoreland spoke to the efforts of Councilmember Barber on the proposal to reduce costs; the work of staff; added that he had information to present tonight which focused on the budget process; spoke to past budget processes; internal processes that had been looked at; monitoring legislative processes; referenced the impact of losing the privilege license tax; verified he was looking at ways to provide sustainable elements for the budget; that he was receptive to cost saving measures; added that he would offer an opportunity to have Councilmember Barber go through his revised proposal; or have Interim Assistant City Manager Mary Vigue go through staff's proposal.

Moved by Councilmember Matheny, seconded by Councilmember Wilkins to adopt the proposal.

Councilmember Barber stated he had spoke with Councilmembers; had modified the original goal to hopefully make staff more comfortable; referenced conversations with City Manager Westmoreland and Interim City Manager Vigue; verified the motion was to direct the City Manager and staff, as a matter of Council policy, to set a goal of achieving a reduction in full time equivalency (FTE's) to 2950 by July 1, 2015 prior to the budget preparation, so departments could recognize the City's greatest asset and expense were the employees and look for areas to achieve this goal; spoke to how the goal could be achieved; confirmed that public safety would be exempt but that Council would ask public safety to look at a \$500,000 reduction as well; spoke to the numbers behind his research; referenced programs discussed; added that a conservative estimate was \$3.575 million in salaries; and that the City could eliminate the \$3 million shortfall and could allow for monies to be reallocated. Councilmember Barber continued with the reduction of roster employees which would impact the Coliseum and Parks and Recreation departments; spoke to the placement of a moratorium on plan development; redirecting services; get back to core work task for the remainder of the budget year; asked that the City Manager contract approval threshold be reduced from \$300,000 to \$100,000 in order to increase transparency, with the exceptions for settlement authority and contracts related to capital projects; place moratorium on hiring consultants for non-capital projects; and direct department heads to reduce meeting times by 25 to 50%.

Councilmember Hightower voiced concerns with the positions to be eliminated; asked who would be impacted by said elimination; emphasized that she had a lot of questions; had not had a conversation with Councilmember Barber; verified that contracts currently under \$300,000 did not go on the agenda; and spoke to the number of contracts that could go on the consent agenda should the threshold be reduced. Councilmember Hightower continued by voicing additional concerns regarding the placement of a moratorium on hiring consultants for capital projects; reductions in meeting times; moved that the item be moved to a Work Session to allow for more definitive answers to be provided by City Manager Westmoreland, the motion was seconded by Mayor Pro-Tem Johnson; and spoke to processes already in place. The friendly amendment was declined.

Attorney Carruthers clarified the order of the motions on the floor.

Interim City Manager Chris Wilson stated staff had a presentation available.

City Manager Westmoreland spoke to the contracts that were approved internally by the City Manager; and added that Council might want to postpone their discussion to allow time for additional review of the item.

Councilmember Barber interjected that he emailed to this to Council about three weeks ago; stated this was a matter of policy which asked the City Manager to set goals; was for the City Manager to decide and report back to us in about three months; verified it did not impose the will of Council on any specificity or micromanage the way the City Manager approached this; addressed the amount of salary reduction; meeting time reduction; voiced the need to leave the details to the staff to manage, more specifically the City Manager; spoke to the importance for the City to be customer focused; and asked that the item not be placed on a Work Session.

Councilmember Hightower spoke to the role of the City Manager; voiced that she could not support the item; verified that she wanted to save the citizens money, but that the item should be given more time and not be handled at 10:00 p.m.

Councilmember Fox stated he understood the intentions and good suggestions of Councilmember Barber; emphasized that Council did not know the true impact; voiced the need for a Work Session to discuss the impact



of the items prior to a meeting discussion; stated although he understood the intent, he was not sure he could support the item; spoke to skeleton crews in departments; added that public safety had increased over the last several years; that other departments would have to make cuts; and emphasized that he had faith in City Manager Westmoreland to bring a budget to Council.

Councilmember Wilkins voiced he was supportive of the item; stated he attended a luncheon with Dr. Don Judd who spoke about property tax rates and a reduction in North Carolina municipalities employment by 2 - 3 %; stated the City had increased its employment 11%; asked about the difference in the trend; requested Dr. Judd make a presentation at an upcoming Work Session; and added that he was okay with public safety looking at a reduction; spoke to the water and property tax rates; hoped there would be a discussion on a possible reduction in tax rates; and emphasized he was ready to vote on the item.

City Manager Westmoreland referenced that staff had issues with Dr. Judd's data.

Mayor Vaughan referenced the impact on the City's employment increase when public safety had been taken out.

Councilmember Matheny voiced support for the item; reminded Council they were a board of governors which was policy driven; were here to help make strategic decisions for the betterment of the efficiency of the government; referenced the unfilled positions that would be included; added that it would be at the discretion of the Department Head and Managers to make the decision regarding position cuts; referenced the use of skeleton crews in the organization; verified the City was looking at proper ways to manage the organization; referenced a quote by Jack Welch; voiced that the City was nickel and diming itself into a hole; emphasized it was time for Council to get out of the weeds; direct the City Manager to manage; emphasized the need to streamline the organization; and stated he supported the item.

Councilmember Abuzuaiter stated she believed there were some good thoughts; voiced the concern of whether everyone was at the table; and asked if employees understood the impact the proposal might have on them.

Councilmember Barber emphasized this was a policy motion; that the language had been modified to make sure Council was giving the City Manager direction on policy only; and spoke to the process the City Manager would use to evaluate vacant positions based on goals received from Council.

Councilmember Abuzuaiter voiced she had an issue with the language exempt public safety departments but request efficiency measures from police and fire totaling \$500,000.

Councilmember Barber confirmed the language could be deleted; added that he did not want to put the City Manager through a presentation at a Work Session; suggested the City Manager come back to Council in three months with suggestions; and verified this was the beginning of the process which would advise the City Manager of what areas Council wanted him to look at.

Mayor Pro-Tem Johnson voiced concern with the impact should the City Manager come back with only a portion of the request.

Councilmember Hoffmann stated that she would be supportive of the item; spoke to being intrigued by how the City would apply the principal of the private business world to the public sector; to the responsibility of Council to set policy and provide a level of direction; voiced the need for the organization to be lean and efficient; have a plan in place in how the organization would reduce should there be a business downturn; was looking forward to additional discussions on the item to get closer to the citizenry; and stated she would support the item.

Discussion took place regarding going through each line item; fiscal year end in June; alternative funding tied to some of the plans; impact of the proposal on the search for a Police Chief; and consultant fees.

City Manager Westmoreland responded that he was receptive to look into the items; voiced the need to give more review of some of the items; asked for additional clarification with regard to what would be subject to the moratorium; spoke to his understanding of the request; stated that he would come back with an option for cutting 140 positions between now and July; could provide options on what could potentially be achieved; verified he would like some time to bring information back to Council so they were aware of how staff would effectively

achieve the request and have information regarding the impact on the organization; stated that Councilmember Barber had modified his proposal to allow more flexibility; and spoke to contracts involved in the proposal.

Councilmember Fox interjected that he did not feel the item needed a motion; and that the City Manager had the direction of Council.

Councilmember Barber amended his request by substituting the word 'moratorium' with the word 'evaluate'; and spoke to the focus to eliminate any unnecessary consultants or plans.

Council verified City Manager Westmoreland would come back with recommendations; that this would not impact the Police Chief search; and discussed elimination of the positions during the previous budget cycle.

City Manager Westmoreland outlined the criteria for jobs listed on the vacancy list; verified he had asked departments to look at the needs of the organization and the budget gap the organization was solving for; added that the process was not in alignment with the proposal here to use only the vacancy list; spoke to how the City looked at programs, departments, people and services; stated the City had gone through and eliminated positions to solve budget gaps in the past; had added in public safety; reduced in general government operations; and emphasized at the idea of just cutting positions off the vacancy list was not aligned with how the City typically reduced the workforce.

Council discussed their direction to City Manager Westmoreland; possibly having a job fair; the City Manager needing more time to work on this prior to a vote; reference to a hiring freeze; and the timeframe for City Manager Westmoreland to come back to Council.

Councilmember Hightower amended her motion to give the City Manager the opportunity to review the item and come back to Council, not necessarily at a Work Session.

City Manager Westmoreland voiced that heard the intent of the proposal in trying to find ways to reduce costs in the organization; stated he would take what had been amended this evening; and come back to provide an update to Council.

Councilmember Barber stated the discussion was an example of good government; reiterated that this provided categories for goals set by Council; that the City Manager would come back to Council with a proposal of whether the organization could move in that direction; emphasized that the proposal was not an absolute; and asked that Council adopt the policy. Councilmember Barber continued that he would change the ninety days to thirty days for the City Manager to come back with a recommendation; and would remove the language regarding the contract threshold for a separate motion.

City Attorney Carruthers verified that the will of Council was to remove previous motions; and have Councilmember Barber restate his motion.

Council discussion ensued regarding the content of the motion.

Councilmember Barber restated the motion that the City Manager be directed to pursue the cost cutting measures provided with the following modifications: remove the final sentence beginning with the word 'exempt public safety departments' in the first paragraph; replace/substitute the word 'moratorium' with the word 'evaluate' in several places, remove the contract threshold language to a separate motion, and to have the City Manager bring back to Council in the next 45 days not yet to a date certain.

**Moved by Councilmember Matheny, seconded by Councilmember Wilkins, to adopt the modified motion as restated by Councilmember Barber. The motion carried on the following roll call vote:**

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 2 - Jamal T. Fox and Sharon M. Hightower

**Moved by Councilmember Barber, seconded by Councilmember Matheny, to**

reduce the City Manager threshold from \$300,000 to \$100,000 to increase transparency and better monitor spending, exceptions to be left at \$300,000 are settlement authority by the City Manager and contracts related to capital projects. The motion carried on the following roll call vote:

**Ayes,** 7 - Nancy Vaughan, Marikay Abuzuaiter, Mike Barber, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 2 - Yvonne J. Johnson and Jamal T. Fox

## **VI. SUPPLEMENTAL AGENDA**

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

There were no items discussed by City Council.

Matters to be presented by the City Manager

There were no items for discussion by the City Manager.

Matters to be presented by the City Attorney

There were no items for discussion by the City Attorney.

## **Adjournment**

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Matheny, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 10:46 P.M.

ELIZABETH H. RICHARDSON  
CITY CLERK

NANCY VAUGHANN  
MAYOR