City of Greensboro

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

Meeting Minutes - Final
City Council

Tuesday, September 2, 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 PM 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 Abuzuaiter, 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, Interim 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 Phil Fleishmann of the Parks and Recreation Department 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.

I. CEREMONIAL AND/OR PRESENTATION ITEMS

1. ID 14-0526 Resolution Honoring the Memory of the Late Marilyn L. Miller

Mayor Pro-Tem Johnson read the resolution into the record; recognized persons in the audience; thanked Ms. Willie Taylor for requesting the resolution; and presented the resolution to Ms. Taylor.

Ms. Taylor accepted the resolution on behalf of the Friends of the Library; thanked Council for the resolution; spoke to the life and work of Ms. Miller; her experience throughout the community and state; and shared a statement written by Florence Gatten.

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

0220-14 RESOLUTION HONORING THE MEMORY OF THE LATE MARILYN L. MILLER

WHEREAS, on May 22, 2014 this community lost one of its outstanding community leaders with the death of the late Marilyn L. Miller at the age of 83;

WHEREAS, Ms. Miller, a native of St. Joseph, Missouri, began her academic career at Graceland University in Iowa; and completed a B.S. degree in Education from the University of Kansas, as well as the A.M.L.S. and the Ph.D. degrees from the University of Michigan;

WHEREAS, her career in school librarianship began in 1952 in Kansas where she worked in high schools and, in 1961, became the first school library consultant for the Kansas State Department of Public Instruction;

WHEREAS, in 1977 Ms. Miller took an appointment as Associate Professor in the School of Library Science at the University of North Carolina at Chapel Hill; and served as Professor and Chair, Department of Library Science and Information Studies at the University of North Carolina at Greensboro from 1987 until 1995 before retiring;

WHEREAS, Ms. Miller was President of the Kansas Association of School Librarians, the Kansas Library Association, the Michigan Association for Media in Education; President of the Association for Service to Children, the American Association of School Librarians; and the American Library Association;

WHEREAS, more recently, Ms. Miller served on the Greensboro Public Library Board; Friends of the Library; and on the North Carolina State Library Commission;

WHEREAS, some of the many awards received by Ms. Miller include the Distinguished School Library Media Specialist Award, 1987; Distinguished Alumna Award, 1988; Award for Professional Contributions to Library and Information Science Education, 1999; and Distinguished Service Award, 2005.

WHEREAS, the Dr. Marilyn L. Miller Scholarship Award was established at UNCG, to recognize her long and distinguished service to the School of Education and to the University as former chair of the Department of Library and Information Studies;

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 Marilyn L. Miller the outstanding contributions she has made to the community, and the legacy she leaves.

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

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 Marilyn L. Miller.

That a copy of this resolution shall be delivered to the family of the late Marilyn L. Miller as a symbol of the gratitude of the people of Greensboro for her many contributions to this community.

(Signed) Yvonne J. Johnson

2. ID 14-0546 Resolution Recognizing the Month of September as National Campus Safety Awareness Month (NCSAM)

Councilmember Fox read the resolution into the record; and presented the resolution to Cheif Herring from UNCG.

Chief Herring spoke to the reflection of campus safety on the surrounding community; thanked Council for the resolution; and encouraged continued cooperation between the City and area campuses.

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

0221-14 RESOLUTION RECOGNIZING THE MONTH OF SEPTEMBER AS NATIONAL CAMPUS SAFETY AWARENESS MONTH (NCSAM)

WHEREAS, every year college students throughout the country become victims of stalking, sexual assault, robbery, homicide, and other crimes;

WHEREAS, law enforcement, mental health facilities, student affairs, and legal professionals who manage violence risk at colleges and universities provide a unique service under challenging circumstances;

WHEREAS, navigating privacy laws, preserving academic freedoms, complying with specific laws to ensure a safe campus and workplace environment is not easily accomplished;

WHEREAS, efforts made to maintain a safe campus are most successful when the community encourages collaboration among campus staff, administration, students, parents and community groups;

WHEREAS, colleges and universities across the United States have recognized September as National Campus Safety Awareness Month since 2005 to address the need for resources and strategies related to crime and safety at campuses of higher education.

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

That it hereby recognizes the month of September as National Campus Safety Awareness Month (NCSAM).

(Signed) Jamal T. Fox

II. PUBLIC COMMENT PERIOD

Shanna Reese, 559 Orchard Ridge Lane, spoke to the work of the Servant Center which focused on Housing disabled veterans; invited Council to the Salute event on October 4, 2014 at the Empire Room from 7:00 – 9:00 p.m. which would raise funds for the Center; and stated this was an awareness event for homeless veterans across the nation.

Barbara Carrano, 3701 South Rockingham Road, elaborated on the work of the Servant Center; announced the All Saints Lobstahrama event to raise funds for the Servant Center; gave the details of the event; added that they had partnered with CrafteD to make fillings for lobster rolls; and provided the website address to preorder lobsters.

Ophelia Moore, 2005 Larchmont Drive, provided tee shirts to Council announcing the Run for the Greenway event scheduled for Saturday, September 6, 2014, from 4:00 – 8:00 p.m. at Center City Park; provided highlights and announced sponsors for the event; thanked the City for their support; and outlined additional work that would be done on the northern phase of the Greenway.

Laura Peebles, 3816 Wayfarer Drive, announced that UNCG and the City of Greensboro were hosting the 2014 Bike Summit in Greensboro; referenced sponsors of the event; thanked Mayor Vaughan and City Manager Westmoreland for agreeing to open the event on Friday, October 10; commended the Greensboro Transit Authority (GTA) for educating residents on how bike lanes were installed; and congratulated the City for its support of GTA.

Mayor Vaughan thanked the speakers for bringing awareness to the events; and invited Council to join her at the Greenway walk at 5:00 p.m.

James Protin, a Pennsylvania resident, announced the relocation of Chester Engineers in Greensboro; voiced that the company was headquartered in Pittsburg; spoke to the makeup of the firm; outlined plans for the firm; added that the firm had contracted with the City of Greensboro's Water Department; introduced Darnetta Craig who would be the local office manager; added that the firm had contacted engineering schools in the area; were community oriented; and stated they would lease space on Green Valley Road through the end of the year.

Shirley Cassell; 820 Lancelot Drive; provided thanks to Councilmember Hightower for her quick response in dealing with the request for the installation of a pedestrian crossing at a busy intersection along Randleman Road near Siler Street.

Councilmember Hightower thanked Ms. Cassell for brining the issue to her attention.

Laura Jackson, 2615 West Court Street, commended the City for the work done in the Ardmore Park neighborhood stream; asked how the complaint driven system worked in Greensboro; referenced brochures she had provided regarding illegal signage along High Point Road; and voiced concern with street light outage along Wendover Avenue.

Samuel B. Johnson, 764 Chestnut Street, voiced concerns with police actions during the incident regarding Dennis Scales; spoke to persons constitutional rights; spoke to public record availability of body camera footage; voiced concerns for the condition of the Police Department; and the responsibility of governments to serve the people.

Interim City Attorney Carruthers explained the plan for body worn cameras; stated there would be a summit held with State and National representatives which would include an open panel discussion on the role of body worn cameras; spoke to competing interests between criminal issues and personnel records; the current North Carolina laws; and how the issue would move forward.

Council provided comments on the technology of body worn cameras; having the opportunity to stand out nationally by making the videos public; hearing the expert's opinions on the issue; disagreement with what the speaker said regarding the Police Department being out of control; voiced appreciation for Mayor's Vaughan's proactiveness on the issue; and respect for Greensboro police officers.

Katei Cranford, 811-A Walker Avenue, spoke to the value of the City's streetscape and streets; spoke to Downtown events; referenced the charm of Downtown; voiced concern with closing Lindsay Street; and spoke to the Master Plan.

III. CONSENT AGENDA (One Vote)

Councilmember Hightower requested Item #6/14-0561 be removed for discussion.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Barber,to approve the Consent Agenda as amended. The motion carried by voice vote.

3. ID 14-0548 Ordinance in the Amount of $76,758 Amending State, Federal and Other Grants Fund Budget for the Appropriation of the Setrac Grant From the Greensboro Convention and Visitors Bureau

14-0115 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF THE SETRAC GRANT FROM THE GREENSBORO CONVENTION AND VISITORS BUREAU

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 name – 2014 SETRAC Coliseum Grant

Account	Description	Amount
220-7501-01.6019	Other Capital Improvements	$76,758
TOTAL		$76,758

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

Account	Description	Amount
220-7501-01.8620	Donations & Private Contributions (GACVB SETRAC Grant)	$76,758
TOTAL:		$ 76,758

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

4. ID 14-0550 Resolution Authorizing Continuation of the Greensboro Police Department Application Process for 2015 North Carolina Governor's Highway Safety Program Grant to Provide Materials and Equipment for Traffic Safety Education Programming

0222-14 RESOLUTION AUTHORIZING CONTINUATION OF THE GREENSBORO POLICE DEPARTMENT APPLICATION PROCESS FOR 2015 NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT TO PROVIDE MATERIALS AND EQUIPMENT FOR TRAFFIC SAFETY EDUCATION PROGRAMMING

WHEREAS, the Greensboro Police Department (herein called the "Agency") has completed an application contract for traffic safety funding; and that the City of Greensboro (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE CITY OF GREENSBORO IN AN OPEN MEETING ASSEMBLED IN THE CITY OF GREENSBORO, NORTH CAROLINA, THIS DAY OF SEPTEMBER 2, 2014, AS FOLLOWS:

That the project referenced above is in the best interest of the Governing Body and the general public.

That Greensboro Police Department's grant analyst Courtney Hemphill is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of $10,862 to be made to the Governing Body to assist in defraying (Federal Dollar Request) the cost of the project described in the contract application.

That the Governing Body has formally appropriated the cash contribution of $ 10,861 as (Local Cash Appropriation) required by the project contract.

That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program.

That certified copies of this resolution be included as part of the contract referenced above.

That this resolution shall take effect immediately upon its adoption.

(Signed) Marikay Abuzuaiter

5. ID 14-0555 Resolution Authorizing Intergovernmental Agreement for Piedmont Greenway-Triad Park Reedy Fork Creek Section Feasibility Study

0223-14 RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT FOR PIEDMONT GREENWAY-TRIAD PARK REEDY FORK CREEK SECTION FEASIBILITY STUDY

WHEREAS, the Greensboro Transportation Planning Division in its effort to support and implement multi-modal transportation needs in the Greensboro Urban Area has directed funding to the Piedmont Greenway – Triad Park

Reedy Fork Creek Section Feasibility Study; and

WHEREAS, the City of Greensboro, Forsyth County, Guilford County, City of Winston-Salem, and the Town of Kernersville are to enter into an Intergovernmental Agreement in order to receive an additional $ 40,000 in federal funding; and,

WHEREAS, the City of Greensboro, Forsyth County, Guilford County, and the Town of Kernersville shall each provide a required additional local match of $2,500 each; and,

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

That the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the intergovernmental agreement with Forsyth County, Guilford County, City of Winston-Salem, and the Town of Kernersville for Piedmont Greenway – Triad Park Reedy Fork Creek Section Feasibility Study.

(Signed) Marikay Abuzuaiter

7. ID 14-0560 Budget Adjustments Approved by Budget Officer 8/12/14 - 8/25/14

Motion to accept the report of budget adjustments of August 12 through August 25, 2014 was adopted.

8. ID 14-0558 Motion to make a part of the official record the listing of contracts that are currently eligible for destruction as per the City Clerk's Office

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

9. ID 14-0557 Motion to approve the minutes of the Special meeting of August 4, 2014.

Motion to approve the minutes of the Special meeting of August 4, 2014 was adopted.

10. ID 14-0556 Motion to approve the minutes of the Regular meeting of August 4, 2014.

Motion to approve the minutes of the Regular meeting of August 4, 2014 was adopted.

6. ID 14-0561 Budget Adjustments Requiring Council Approval 8/12/14 - 8/25/14

Councilmember Hightower inquired about recovering some of the funding for the War Memorial item.

Finance Director Larry Davis responded that the promoter had agreed to pay half; and confirmed this would be a a permanent improvement to the facility.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter, to adopt the report. The motion carried by voice vote.

IV. PUBLIC HEARING AGENDA

11. ID 14-0480 Resolution Closing West Lindsay Street from its Intersection with North Eugene Street Eastward a Distance of Approximately 205 Feet

Mayor Vaughan stated Council would hear speakers similar to zonings allowing fifteen minutes in favor, fifteen minutes against and a five minute rebuttal period for each.

City Manager Westmoreland recognized Planning Manager, Steve Galanti for a PowerPoint Presentation.

Mr. Galanti explained the current status of the street; stated a petition signed by 100% of the abutting property owners had been received; that a formal site plan had not yet been submitted; highlighted where the street closing

was on the proposed plan; outlined the street closing process and requirements of the State Statutes and City Charter; and stated the item was reviewed by the Technical Review Committee (TRC) which found it met the required findings. Mr. Galanti read the required conditions from the Presentation; addressed issues raised during the Planning Board meeting regarding pedestrian and delivery access; stated the Planning Board recommended approval with an added fourth condition regarding reversion of the street right of way should the construction not get completed; reiterated the four conditions that were included in the request; introduced a new Condition # 2 to Council which stated, 'development of the abutting property shall include a pedestrian access so that pedestrians can travel between Battleground Avenue and North Eugene Street, subject to review and approval by the Technical Review Committee as part of the site development plan' which was not in the resolution that was included in the agenda packet; and requested adoption of the resolution with the amended condition by Council.

Interim City Attorney Carruthers confirmed the resolution Council was being asked to adopt reflected the change.

Moved by Councilmember Matheny, seconded by Councilmember Barber to add the new condition # 2 as stated by Mr. Galanti. The motion carried by voice vote.

Mayor Vaughan stated that Council would hear from speakers in support of the item.

Attorney Mike Fox, 100 North Greene Street, representing Carroll Investment Properties, provided a booklet which contained exhibits to Council; reviewed the contents of the booklet which were included in a PowerPoint Presentation; stated Mr. Carroll and Mr. Davenport were present; referenced the State Statute regarding being contrary to public interest; reaffirmed that no one would be deprived of access; reviewed the concept plan; provided the highlights of the applicants traffic impact analysis; referenced Greensboro Department of Transportation's (GDOT) traffic analysis, spoke to concerns regarding interaction with the Performing Arts Center; provided an outline of alternative routes to Battleground Avenue; and asked Mr. Davenport to come forward to speak to the traffic study.

John Davenport, 305 West North Street, Winston-Salem, stated his firm had worked closely with GDOT to conduct the traffic study for the site; added that the decisions were made collaboratively; explained the process for the analysis; referenced the minimal impact on the intersections; outlined their recommendations; and highlighted items considered and included in the analysis.

Councilmember Hightower asked what the traffic count was along the street.

Roy Carroll, 201 North Elm Street, spoke to the development of Bellemeade Village; referenced proponents of the ballpark and visionaries for development surrounding the ballpark; the Performing Arts Center; voiced the need for a mid-tier hotel Downtown; spoke to the makeup of the new development which proposed an urban residential concept with a hotel proponent; recognized the local architect who worked on the project; verified they would continue to use as much local talent as possible; confirmed the development would expand the tax base and create jobs; emphasized the project would support the Downtown economy as well as add to the community; voiced the need for adequate parking which would be screened; spoke to the lack of financial support for structured parking; and stated he could not do the project as presented without closing Lindsay Street.

Attorney Fox spoke to the proposed concept plan with pedestrian access; added that the developer would accept the condition regarding pedestrian access; asked that the final plan be approved by staff; added the developer would like to include retail at the bottom level; was committed to providing pedestrian access; and stated the hotel would not have a full service restaurant.

In response to Councilmember Hightower's question, Mr. Davenport responded that the traffic count was approximately 1,500 to 2,000 trips per day; and between 120 and 130 vehicles during peak hours.

Mayor Vaughan stated that Council would hear from speakers in opposition of the item.

Despina Demetriades, 5403 Tory Hill Drive, co-owner of Zeto Wine Shop, spoke to positive development Downtown; voiced concern with the impact closing the street would have; with items in the traffic study; stated the study of commercial traffic needed to be assessed; requested another study be done prior to Council voting on the item, requested Council review the Davenport study prior to making a decision; suggested conversations take

place to leave Lindsay Street open; spoke to the concerns of citizens regarding decisions being made due to the optimal development; and requested a delay to further study the issue.

Su Peterson, 3201 Trenton Road, co-owner of Zeto Wine Shop, stated she was the property owner of 335 Battleground Avenue as well as a parcel on West Lindsay Street; referenced the length of time Zeto had been in business; provided the background of why they had selected the site for the shop; stated they were retail pioneers in the northern part of town; emphasized she was in favor of development and improvement to Downtown but voiced that closing Lindsay Street would negatively impact traffic; provided reasons the street should not be closed; spoke to upcoming development in the area; to the closing of Battleground Avenue for the Greenway; referenced Mr. Carroll's development experience; and asked Council not to support the item.

Florence Gatten, 4102 Angelica Lane, referenced her experience while serving on City Council; voiced that she disagreed with GDOT's opinion; spoke to closing access from Battleground Avenue; provided the history of closing of Lindsay Street to build the ball park for a public use; referenced the referendum for development of the ball park; emphasized that this would close a public street for a private use; and that the initial plan showed the street open.

Beth Kizhnerman, 931 Woodbrook Drive, owner of Smith Street Diner voiced opposition to the closing of Lindsay Street; made reference to building and maintaining a strong community; suggested pedestrian overpasses rather than closing Lindsay Street; and voiced concern for a negative precedent being made for a private developer.

Mary Ben Roach, 205 East Hendrix Street, property owner of 401 Battleground; spoke in support of development Downtown; voiced issues and concerns regarding the walkability of Downtown; spoke to investments made Downtown; voiced concern with the location of the pedestrian access; and requested that the entire block be closed, if the street was closed at all.

John Hill, 431 Battleground Avenue, stated he was a thirty-year business owner in the 400 block of Battleground Avenue; and that he supported Mr. Carroll's plan but would like to see some options where traffic could continue in and out.

Ten minute rebuttal in favor of the item:

Attorney Fox referenced community support for the project; encouraged Council to listen to the experts; voiced the need for more people and development Downtown; spoke to the promotion of jobs and economic development; emphasized that the major east/west connectors of Downtown were Friendly Avenue and Market Street; reminded Council it was not contrary to the public interest to close the street; and spoke to urban planning.

Mayor Vaughan stated there were several persons who did not get to speak. It was the consensus of Council to provide a total of ten minutes for rebuttal.

Larry Czarda, 418 Woodlawn Avenue, referenced the number of development projects underway Downtown; compromises when making urban development; spoke to the potential of the project; added that changes in traffic patterns could be managed; and voiced support for the project.

Mike Pendergraft, 106 Kensington Road, commented that the closing of the street was an incentive worth approximately $300,000; spoke to David Wharton's 500 foot standard for a block; suggested making the pedestrian right of way over the existing utility right of way; and stated constitutional prohibition against exclusive emoluments and privileges might apply.

Attorney Fox made reference to state law provisions regarding closing of streets; stated the developer was committed to at least one pedestrian walkway; and voiced support for working out the best location of the pedestrian access.

Ten minute rebuttal in opposition of the item:

Ms. Gatten stated that this was not in the public interest; spoke to the proposed condition that the pedestrian access would be worked out behind closed doors, not in public; emphasized that the public deserved an open

hearing to know what the pedestrian access was; voiced the need to look at where the pedestrian access was being proposed; stated it was important that this Council exercise their responsibility to the citizens to protect their public interest; voiced concern that this was a subsidy for a private development worth a half of a million dollars; that the initial plan showed Lindsay Street open; voiced that the project was valuable, but not at the expense of the public's best interest; and asked that Council not strangle Downtown traffic by closing streets/arteries/veins to Downtown.

Moved by Councilmember Matheny, seconded by Mayor Pro-Tem Johnson to close the public hearing. The motion carried by voice vote.

Interim City Attorney Carruthers pointed out that the two issues for Council to consider were whether the closing of the street was contrary to public interest and whether or not individuals owning property in the vicinity would be deprived a reasonable means of ingress or egress to their property; stated the reference of emoluments of the North Carolina Constitution by Mr. Pendergraft was not an appropriate reference; emphasized that no one person or set of persons were entitled to special privileges; and verified that the City's procedure was applied equally to all street closings.

Mayor Pro-Tem Johnson voiced she wanted to support the project; asked if the item was adopted if the persons opposed to the closing would be allowed to voice their concerns once an access location had been identified; and voiced importance that the public be included in the conversation.

Transportation Director Adam Fischer outlined the process for the Technical Review Committee (TRC); stated the public was allowed to attend the meetings but that public input was not part of the meetings; and deferred to Interim City Attorney Carruthers as to whether or not public dialogue could be held at the meeting.

Interim City Attorney Carruthers made reference to the statutory requirement for the closure of the street; and suggested a recommendation that the varied opinions be taken into consideration which was the way staff would normally operate.

Councilmember Hightower inquired about the time the traffic study was conducted; who performed the count and the study; if Mr. Fischer considered traffic to be heavier on a Thursday than a Monday; spoke to vehicular and pedestrian traffic in the area; voiced concern with the value of the section being closed; asked for verification as to how many pedestrians were included in the study; verified that Mr. Carroll owned both entities that signed the petition; and asked how the street closure would not be an incentive for Mr. Carroll.

Mr. Fischer verified that that pedestrian count was targeted specifically on a Monday before a Hoppers game that had approximately 5,000 in attendance; confirmed the City performed the count; that Davenport Engineering performed the study which utilized the City's traffic counts; stated GDOT reviewed and approved any traffic studies; added that pedestrian and vehicular counts were not ordinarily done at the same time; and spoke to why the pedestrian count was done when it was.

Interim City Attorney Carruthers reminded Council of the two issues they needed to consider; confirmed that the City was operating inside of the statutory authority; spoke to a reasonable means of access being preserved; authority of the City to abandon street right of way; referenced the different requirements for an economic incentive; stated that by closing the street, the City would be abandoning the right-of-way and the property would transfer to the owners on both sides of the street; and that the street closing petition was legally sufficient.

Councilmember Barber inquired about the traffic pattern in the turnaround diagram behind Tab 4; asked if there would be room to do a circular concept; spoke to the hard corners in the diagram; referenced the debate about the portion of Lindsay Street closed for the ballpark; spoke to the private investment that would be made as a result of the development by a private citizen; spoke to persons who would occupy the residential units and the hotel; public interest in the street closure; referenced this being an exciting time in and around Downtown Greensboro; and voiced that he did not take this decision lightly.

Attorney Fox outlined the requirements of the law with regard to a turnaround; emphasized that Mr. Carroll had guaranteed that Zeto would have access to their loading dock; stated the Undercurrent owner's concerns had been resolved as well; stated the developer would be happy to host a public meeting to talk to adjoining property

owners about their ideas and concerns before a site plan was submitted; spoke to the complicating factors in providing pedestrian access; referenced the width of the street proposed to be closed; and reiterated that they would be willing to host a neighborhood meeting to receive input.

Mayor Pro-Tem Johnston interjected that she would like to be informed of any neighborhood meetings.

Councilmember Abuzuaiter voiced that she would like to see something circular for the turnaround; asked about public safety of pedestrians getting in and out of the area should the street be closed; referenced the comments made by those opposition; stated she was originally opposed to the proposed closing; that a lot of concessions that had been made; emphasized that this was important to the economy and Downtown; the need to look at the bigger picture; and voiced she would support the item.

Mr. Fischer responded that staff had not seen any safety issues; referenced the TRC process to ensure the street was closed appropriately as well as provide adequate access; spoke to the minimal shifts in traffic; and voiced that the street closing would not have a detrimental impact.

Attorney Fox outlined where persons would walk through; the width of the pedestrian access; added that the access would compliment the neighborhood and the development; and stated that staff would make the final decision.

Councilmember Matheny referenced the interesting process; having friends on both sides of the issue; spoke to the transportation issues; referenced taxes paid by the ballpark owners; emphasized he would like to see the entire street closed; spoke to the significant amount of investment being made; suggested where the pedestrian access should begin; referenced the ball park growth; increase to the tax base; spoke to heads in beds to promote commercial development Downtown; voiced he did not want to stop growth Downtown; and asked that the Property Owners Review Team (PORT) be populated.

Councilmember Hoffmann voiced appreciation to Mr. Carroll for his investment in the City; spoke to what the proposed development which would include retail, entertainment and residential could look like; voiced the need to look at passageways and connectors throughout Downtown; referenced the length of a City block in New York City; and stated that she hoped the City could get the best connection and passageway possible through the entire project.

Mayor Vaughan stated she had looked at this project; voiced that there was not much difference between this decision and the ballpark decision; emphasized that the project would be a good tax generator; spoke to the precedent set when the ballpark was built; referenced heated discussions at the time the ballpark was constructed; emphasized that the growth in Downtown was propping up the rest of the City; reiterated that this was a good project; informed Council she had spoken with the professional staff and was comfortable with the proposed traffic flow; and stated she would support the project.

Councilmember Fox asked when the developer had reached out to the business owners that would be impacted; requested a copy of the traffic impact study in its entirety; voiced that he looked at this as a public commodity and interest; that he had spoken with area business owners; voiced concern for the sacrifice of public interest; and stated he would go on record saying he would not support the closing of the street, period as he did not want to do anything to hurt businesses; and suggested that there was a better compromise the City could do which he would have liked to seen before this evening.

Attorney Fox referenced meetings Mr. Carroll had with owners regarding the closing of the street; spoke to the vision shared by Mr. Carroll before the Planning Board hearing; and confirmed Mr. Carroll would continue to work with neighboring owners.

Mr. Fischer stated that an Executive Summary of the Traffic Impact Study was included in the agenda packet; that an IFYI memo that had gone out; and confirmed that he would provide copies of the complete report.

Councilmember Hightower voiced that this was a great project; voiced concerns with the turnabout and the traffic impact; asked if consideration had been given to reconfiguration of the bus route; spoke to income range of hotel jobs; use of public transportation by City residents; voiced concern for closing the street; and inquired about the

impact of the street closing on the bus route.

Mr. Fischer assured Council that the street closing would not impact the bus route; explained where the route would be once the street was closed; and added that the current bus stops would be in close proximity to where they were should they need to be moved.

Discussion took place regarding impact of bus routes; transportation being a priority concern; rerouting buses; the location of the Marriott Hotel; and the decision made several years ago regarding the Smith Street/Battleground Avenue intersection.

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

Nays, 1 - Jamal T. Fox

0224-14 RESOLUTION CLOSING WEST LINDSAY STREET FROMITS INTERSECTION WITH NORTH EUGENE STREET EASTWARD A DISTANCE OF APPROXIMATELY 205 FEET

WHEREAS, the owner of a majority of the property abutting both sides of West Lindsay Street from its intersection with North Eugene Street eastward a distance of approximately 205 feet has requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, August 19, 2014 at 5:30 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

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

That the City Council hereby finds as a fact that the owner of a majority of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.

That the City Council hereby finds as a fact that the closing of the street to vehicular traffic is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.

That the City shall retain 20-foot utility easements over existing utility lines until such time as the lines are not longer needed for public use.

Development of the abutting property shall include a pedestrian access so that pedestrians can travel between Battleground Avenue and North Eugene Street, subject to review and approval by the Technical Review Committee as part of the site development plan;

That a City approved turn-around shall be constructed on the terminus of Lindsay Street and the roadway connection to Eugene Street must be removed, by the applicant, before the street closing will become effective and within 60 days of TRC approval.

That the applicant shall provide a deed or other acceptable document which will return the right-of-way to the City, at no cost to the City, if the project is not completed.

That the following street is hereby permanently closed to the general public and the City's interest therein released:

WEST LINDSAY STREET FROM ITS INTERSECTION WITH NORTH EUGENE STREET EASTWARD A DISTANCE OF APPROXIMATELY 205 FEET

(Signed) Mike Barber

(A copy of the PowerPoint presentations are filed in Exhibit Drawer W, Exhibit No. 19 which is hereby referred to and made a part of these minutes)

Mayor Vaughan declared a recess at 8:10 p.m. Council reconvened at 8:37 p.m. will all members in attendance.

12. ID 14-0528 Resolution Ordering the Making of Certain Local Improvements - Pleasant Ridge Road Sewer Line Extension from an Existing East Fork Deep River Outfall Approximately 2,173 Lineal Feet to 1138 Pleasant Ridge Road

City Manager Westmoreland stated staff was here for questions.

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

Water Resource Director Steve Drew spoke to the public benefit of running the line to the location; and confirmed the line would add to the service area.

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

P-0196 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

PLEASANT RIDGE ROAD SEWER LINE EXTENSION FROM AN EXISTING EAST FORK DEEP RIVER OUTFALL APPROXIMATELY 2,173 LINEAL FEET TO 1138
PLEASANT RIDGE ROAD.

WHEREAS, due notice has been given that on the 2nd day of September , 2014 at 5:30 p.m. in the Council Chamber in the Municipal Office Building, a public hearing would be held
on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing;

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

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

A. That the Street or streets hereinabove set out is/are:

A SEWER LINE IMPROVEMEMNT ON PLEASANT RIDGE ROAD FROM AN EXISTING EAST FORK DEEP RIVER OUTFALL APPROXIMATELY 2,173 LINEAL FEET TO 1138 PLEASANT RIDGE ROAD.

B. That the local improvements to be made set out above are as follows:

(a) Sanitary Sewer Improvements. Sewer line extension from an existing East Fork Deep
River outfall approximately 2,173 lineal feet to 1138 Pleasant Ridge Road.

C. That the proportion of the cost of the improvements to be assessed against the abutting property at 1137 and 1138 Pleasant Ridge Road and the terms of payment will be as provided in the Notice of Proposed Local Improvements which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Mike Barber

13. ID 14-0495 Ordinance Annexing Territory to the Corporate Limits Property Located at 5529, 5531 and 5603 Sapp Road - 2.087- Acre Contiguous Annexation.

Mayor Vaughan introduced Items #13/ID14-0495, #14/ID14-0554 and #15/ID14-0549 together. Moved by Councilmember Matheny, seconded by Councilmember Barber to close the public hearing. The motion carried by voice vote.

Moved by Councilmember Wilkins, seconded by Councilmember Matheny, 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

14-0116 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 5529, 5531 AND 5603 SAPP ROAD – 2.087 ACRES)

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

Beginning at a point in the existing Greensboro corporate limits (as of May 31, 2014), said point being on the southern right-of-way line of Sapp Road (S.R. 1560); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the eastern line of Nozar N. Hashemzadeh, as recorded in Deed Book 3805, Page 1673, S 03° 27' 36" W 301.31 feet to Hashemzadeh's southeast corner; thence N 88° 15' 24" W 300.09 feet with the southern lines of Hashemzadeh and two properties of Ted and Emma Ray, as recorded in Deed Book 2662, Page 387 and Deed Book 2753, Page 835, to Ray's southwest corner; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the western line of Ray N 03° 04' 27" E 307.97 feet to a point on the southern right-of-way line of Sapp Road; thence with said right-of-way line S 85° 33' 33" E 99.93 feet to a point; thence with said right-of-way line S 88° 21' 28" E 200.21 feet to the POINT AND PLACE OF BEGINNING, containing approximately 2.087 acres.

All deeds referred to herein are recorded in the Guilford County Register of Deeds Office.

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 September 1, 2014, the liability for municipal taxes for the 2014-2015 fiscal year shall be prorated on the basis of 10/12 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 2015-2016 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.

(Signed) Tony Wilkins

14. ID 14-0554 Ordinance Amending the Generalized Future Land Use Map of the Greensboro Connections 2025 Comprehensive Plan, Incorporated By Reference in the Greensboro Code Of Ordinances With Respect to Zoning, Planning And Development Chapter 30, Section 30-1-10 for property located at 5529, 5531, and 5603 Sapp Road

Moved by Councilmember Wilkins, seconded by Councilmember Matheny, 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

14-0117 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the Greensboro Connections 2025 Comprehensive Plan on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification for properties located at 5529, 5531, and 5603 Sapp Road.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

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

Section 3. This ordinance shall become effective upon adoption.

(Signed) Tony Wilkins

15. ID 14-0549 Ordinance Amending Original Zoning From County GO-M (General Office Moderate) to City CD-C-M (Conditional District Commercial-Medium) for property located at 5529, 5531 & 5603 Sapp Road

Moved by Councilmember Matheny, seconded by Councilmember Wilkins, that the Greensboro City Council believes that its action to approve the zoning amendment, located at 5529, 5531 & 5603 Sapp Road from County GO-M (General Office-Moderate) to CD-C-M to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is consistent with the Reinvestment/Infill Goal to promote sound investment in Greensboro's urban areas, it is consistent with the Economic Development Goal to promote a healthy, diversified economy and the request does

implement measures to protect neighborhoods from negative impacts of development 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

14-0118 AMENDING OFFICIAL ZONING MAP

5529, 5531 AND 5603 SAPP ROAD, SOUTH SAPP ROAD AND EAST OF MCCLELLAN PLACE.

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

Section 1. The Official Zoning Map is hereby amended by original zoning from County GO-M (General Office Moderate) to City CD-C-M (Conditional District Commercial-Medium).

The area is described as follows:

Beginning at a point on the southern right-of-way of Sapp Road (S.R. 1560) and being the northwest corner of Michael H. Godwin and Roberta B. Farr property as recorded in D.B. 5177, Pg. 0664 in the Guilford County Registry; thence from the Point of beginning and leaving the right-of-way of Sapp Road ina southerly direction along the western line of said Godwin/Farr property, South 03 degrees 05 minutes 44 seconds West 301.04 to a point, said point being the northeast corner of the James O. Durham and Jane M. Durham property as recorded in D.B. 5965, Pg. 0148 in the Guilford County Registry; thence, leaving the western line of the aforementioned Godwin/Farr property in a westerly direction, and running along the northern line of said Durham property North 88 degrees 44 minutes 57 seconds west 300.09 feet to a point, said point being the southeast corner of the Nickie V. Tsintzos property as recorded in D.B. 2259, Pg. 658 of the Guilford County Registry; thence, leaving the northern line of the aforementioned Durham property in a northerly direction, and running along the eastern line of said Tsintzos property North 03 degrees 04 minutes 27 seconds East307.97 feet to a point lying on the southern right-of-way of Sapp Road and being the northeast corner of said Tsintzos property; thence, running along the southern right-of-way of Sapp Road the following two courses and distances: 1) South 85 degrees 33 minutes 33 seconds East 99.93 feet to a point and 2) South 88 degrees 21minutes 28 seconds East 200.21 feet to the POINT AND PLACE OF BEGINNING, containing 2.087 acres, more or less, as taken from the re-plotting of available maps, deeds, and plats.

Section 2. That the zoning amendment from County GO-M (General Office Moderate) to City CD-C-M (Conditional District Commercial Medium) is hereby authorized subject to the following use limitations and conditions:

Uses: All uses permitted in the C-M district except funeral homes, crematoriums, sexually oriented businesses, junked motor vehicles, and land clearing and inert debris landfills.

Section 3. This property will be perpetually bound to the uses authorized and subject to the development standards of the CD-C-M (Conditional District-Commercial Medium) zoning district unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on September 2, 2014.

(Signed) Zack Matheny

V. GENERAL BUSINESS AGENDA

16. ID 14-0547 Resolution Approving Bid in the Amount of $7,530,000 and Authorizing

Contract 2011-038 Award to Garney Construction Company, Inc for the North Buffalo Creek Water Reclamation Facility Modifications and T.Z. Osborne Construction Package 1

City Manager Westmoreland stated staff was present for questions.

Councilmember Hightower voiced concern with the M/WBE participation, asked how many more packages would be behind this one; and emphasized this would be an opportunity to do some mentoring.

M/WBE Coordinator Gwen Carter responded that there would be a total of three packages; spoke to what the M/WBE goal was based on; spoke to the significant sub-contractors; to the selected firms; and confirmed that the contractor did do the good faith M/WBE review on this project.

Councilmember Hightower voiced appreciation for the information provided by Ms. Carter; and referenced the significance of the M/WBE Coordinator position.

Water Resources Director Steve Drew provided the timeline of when the next two packages would come before Council.

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

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

0226-14 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2011-038 WITH GARNEY CONSTRUCTION COMPANY, INC. FOR THE NORTH BUFFALO CREEK WATER RECLAMATION FACILITIY MODIFICATIONS AND T.Z. OSBORNE CONSTRUCTION PACKAGE 1 PROJECT

WHEREAS, after due notice, bids have been received for the North Buffalo Creek Water Reclamation Facility Modifications (NB-WRF) and TZ Osborne Construction Package 1 (TZO-WRF) project;

WHEREAS, Garney Construction Company, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of $7,530,000 as general contractor for Contract No. 2011-038, 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 Garney Construction Company, Inc. is hereby accepted, and the City is authorized to enter into a Contract with Garney Construction Company, Inc. for the North Buffalo Creek Water Reclamation Facility Modifications (NB-WRF) and TZ Osborne Construction Package 1 (TZO-WRF) 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 $7,530,000 from Account No. 515-7056-02.6019 Activity 14106.

(Signed) Yvonne J. Johnson

17. ID 14-0522 Resolution Authorizing Contract No. 2013-529 with Petra Engineering to Provide Services for the White Street Landfill Gas Utilization Project

Mayor Vaughan stated she would need to recuse herself from the item as her husband represented one of the parties. Moved by Councilmember Barber, seconded by Councilmember Hightower to excuse Mayor Vaughan. The motion carried by voice vote. Mayor Vaughan left the dais at 8:50 p.m.

Brief discussion took place regarding the City having the option to revisit the item in seven years; status of the Cone Mills contract at the seven year mark; this being a win-win for all parties; inclusion of Work Force Development in the recruitment for the position; this being a $3.1 million project; and commending and recognizing Field Operations Director Dale Wyrick for his work on the item.

Mayor Pro-Tem Vaughan recognized athlete Staley Vincent in the audience.

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

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

Excused, 1 - Nancy Vaughan

0227-14 RESOLUTION AUTHORIZING EXECUTION OF CONTRACT NO. 2013-529 WITH PETRA ENGINEERING FOR THE WHITE STREET LANDFILL GAS UTILIZATION PROJECT

WHEREAS, the White Street Landfill is subject to state and federal regulations which require the landfill to operate a gas collection and control system;

WHEREAS, the City currently provides landfill gas to the Cone Denim White Oak Plant, located at 2420 Fairview Street in Greensboro, as an ongoing economic incentive, and is committed to do so in the future in conjunction with the landfill gas utilization project;

WHEREAS, the Landfill Gas Utilization project was vetted through a selection committee and a Request for Qualifications was prepared and issued in January 2013;

WHEREAS, the Cone Denim White Oak project has been a success for both Cone Denim and the City of Greensboro and has been a model for other North Carolina cities to follow;

WHEREAS, a Request for Proposals was issued by HDR Engineering of the Carolinas in May 2013 and three proposals to develop a gas to energy plant at the landfill were received in July 2013;

WHEREAS, HDR presented a summary of the proposals to the selection committee;

WHEREAS, Petra Engineering is recommended to be the developer able to provide a project with the highest benefit to the City of Greensboro;

WHEREAS, the City values Cone Denim White Oak Plant as a stakeholder in this project and has identified a mutually beneficial project solution that optimizes the use of the remaining landfill gas and continues the supply of landfill gas to Cone Denim White Oak Plant for a seven year mutually agreeable contract period;

WHEREAS, Cone Denim White Oak Plant agrees to pay up to $100,000 annually as indicated on the attached scale for the quantity of landfill gas as required;

WHEREAS, Petra Engineering has proposed to finance, design, permit, and construct a landfill gas to energy facility to optimize the remaining landfill gas for a fifteen year contract period;

WHEREAS, Petra has also provided the City with an option for the City to purchase and own the facility around year seven of the contract period;

WHEREAS, any revenue from the Landfill Gas Utilization project will be placed in the Solid Waste Capital Reserve and Operating Fund Account No. 551-4306-04.8600.

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

That Contract No. 2013-529 with Petra Engineering for the White Street Landfill Gas Utilization Project is hereby authorized subject to the conditions outlined above.

(Signed) Zack Matheny

Mayor Vaughan returned to the dias at 8:54 p.m.

18. ID 14-0559 Resolution Authorizing The City of Greensboro, North Carolina to Apply Certain Moneys To The Prepayment Of The Remaining Installment Payments Relating To The City of Greensboro, North Carolina Taxable Refunding Certificates of Participation (Greensboro Coliseum Complex), Series 1999B, The Execution And Delivery Of Certain Documents Relating Thereto And Other Actions In Connection Therewith

Interim City Attorney Carruthers stated he approved the item as to form.

City Manager Westmoreland stated Finance Director Rick Lusk was present for questions.

Discussion took place regarding clarification of the different types of bonds; explanation of payment of the debt; use of the hotel/motel tax; Deed of Trust and interest rate; collateral for the debt; and repayment of the Aquatic Center debt.

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

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

0228-14 A regular meeting of the City Council of the City of Greensboro, North Carolina, was held in the City Council Chamber at the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, North Carolina, the regular place of meeting, at 5:30 P.M. on September 2, 2014.

Present: Mayor Nancy Vaughan, presiding, and Councilmembers Marikay Abuzuaiter, Mike Barber, Jamal T. 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., Interim City Attorney, and Elizabeth Richardson, City Clerk.

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

RESOLUTION AUTHORIZING THE CITY OF GREENSBORO, NORTH CAROLINA TO APPLY CERTAIN MONEYS TO THE PREPAYMENT OF THE REMAINING INSTALLMENT PAYMENTS RELATING TO THE CITY OF GREENSBORO, NORTH CAROLINA TAXABLE REFUNDING CERTIFICATES OF PARTICIPATION (GREENSBORO COLISEUM COMPLEX), SERIES 1999B, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Greensboro, North Carolina (the "City"), acting by and through its City Council, has determined to finance certain improvements to the Greensboro War Memorial Coliseum Complex (the "Coliseum Complex"), including interior renovations, façade improvements, site improvements, expansion of parking facilities and completion of the City's aquatics center, which is now part of the Coliseum Complex, and (ii) to refinance the City's payment obligations under the City's Limited Obligation Note, Series 2012A, pursuant to limited obligation bonds to be issued by the City (the "Limited Obligation Bonds") pursuant to a Master Trust Agreement, dated as of July 1, 2012, between the City and U.S. Bank National Association, as trustee (the "Bond Trustee"), and a Second Supplemental Trust Agreement, to be dated as of October 1, 2014, between the City and the Bond Trustee (the "Second Supplemental Trust Agreement"); and

WHEREAS, in order to secure its obligations under the Limited Obligation Bonds, the City has determined to execute and deliver a deed of trust granting a lien on the City's interests in the Coliseum Complex, other than the

site of the City's aquatics center (the "Mortgaged Property"); and

WHEREAS, the Greensboro Center City Corporation (the "Corporation") has heretofore executed and delivered its $16,750,000 Taxable Refunding Certificates of Participation (Greensboro Coliseum Complex), Series 1999B (the "1999B Certificates"), evidencing proportionate and undivided ownership interests in installment payments to be made by the City pursuant to a First Amended and Restated Installment Purchase Agreement, dated as of March 1, 1995, by and between the Corporation and the City, as amended and supplemented, including as amended and supplemented by a Second Supplemental Installment Purchase Agreement, dated as of September 1, 1999, by and between the Corporation and the City (collectively, the "Installment Purchase Agreement"); and

WHEREAS, the 1999B Certificates were executed and delivered by the Corporation pursuant to the Fifth Supplemental Trust Agreement, dated as of September 1, 1999 (the "Supplemental Trust Agreement"), by and between the Corporation and First-Citizens Bank & Trust Company (now U.S. Bank National Association), as trustee (the "1999B Trustee"), supplementing the First Amended and Restated Trust Agreement, dated as of March 1, 1995 (the "First Amended and Restated Trust Agreement"), by and between the Corporation and the 1999B Trustee; and

WHEREAS, the City's obligations under the Installment Purchase Agreement are secured by a first priority lien on the Mortgaged Property; and

WHEREAS, the City proposes to defease and prepay the outstanding 1999B Certificates in order to enable the City to grant a first priority lien on the Mortgaged Property as security for the Limited Obligation Bonds; and

WHEREAS, Section 4.03 of the First Amended and Restated Trust Agreement provides that Additional Certificates (as defined in the First Amended and Restated Trust Agreement) shall be subject to optional prepayment to the extent provided by the supplemental agreement relating to such Additional Certificates; and

WHEREAS, Section 3.01(a) of the Supplemental Trust Agreement provides that the 1999B Certificates are subject to prepayment in whole or in part, at the option of the City, in the event the City exercises its option under the Installment Purchase Agreements to prepay in whole or in part the principal components of the Installment Payments on any Certificate Payment Date during a Weekly Interest Rate Period, at a prepayment price equal to 100% of the amount thereof to be prepaid; and

WHEREAS, the Series 1999B Certificates currently bear interest at a Weekly Interest Rate (as defined in the Supplemental Trust Agreement); and

WHEREAS, the City has determined to apply certain available moneys to the payment upon redemption of all of the outstanding 1999B Certificates in the aggregate principal amount of $2,850,000 (the "Certificates to be Prepaid") in accordance with the First Amended and Restated Trust Agreement, the Supplemental Trust Agreement, the Installment Purchase Agreement and this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greensboro, as follows:

Section 1. The City Council does hereby delegate to the City Manager or his designee, subject to the limitations contained in the First Amended and Restated Trust Agreement and the Supplemental Trust Agreement, the power to determine and carry-out the following with respect to the prepayment of the Certificates to be Prepaid:

(a) To deposit with the Trustee the amount required to pay the prepayment price of the Certificates to be prepaid of 100% of the principal amount thereof on November 5, 2014 or such later prepayment date to be determined by the City Manager or his designee, together with interest to accrue on the Certificates to be Prepaid to the prepayment date, and to instruct the Trustee to deposit such amount into the Prepayment Fund (as such term is defined in the First Amended and Restated Trust Agreement); and

(b) To instruct the Trustee to call for prepayment the Certificates to be Prepaid on November 5, 2014 or such later prepayment date to be determined by the City Manager or his designee by mailing at least thirty (30) days, but not more than sixty (60) days prior, to such prepayment date a notice of prepayment to all Owners (as defined

in the First Amended and Restated Trust Agreement) of the Bonds to be Prepaid and all other notices required in accordance with Section 4.06 of the First Amended and Restated Trust Agreement.

Section 2. The City Manager or his designee are hereby authorized to take such actions and to execute and deliver such documents, agreements and certificates, including but not limited to an escrow deposit agreement or letter of instructions, as they may, in their discretion, deem necessary or useful in connection with the prepayment of the Certificates to be Prepaid, subject to and upon the advice of counsel.

Section 3. This Resolution shall take effect immediately upon its adoption.
Thereupon the Interim City Attorney stated that he had approved as to form the foregoing resolution.

Upon motion of Councilmember Matheny, seconded by Mayor Pro-Tem Johnson, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE CITY OF GREENSBORO, NORTH CAROLINA TO APPLY CERTAIN MONEYS TO THE PREPAYMENT OF THE REMAINING INSTALLLMENT PAYMENTS RELATING TO THE CITY OF GREENSBORO, NORTH CAROLINA TAXABLE REFUNDING CERTIFICATES OF PARTICIPATION (GREENSBORO COLISEUM COMPLEX), SERIES 1999B, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH" was adopted on roll call vote as follows:

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

Noes: None.

The Mayor thereupon announced that the resolution entitled: "RESOLUTION AUTHORIZING THE CITY OF GREENSBORO, NORTH CAROLINA TO APPLY CERTAIN MONEYS TO THE PREPAYMENT OF THE REMAINING INSTALLLMENT PAYMENTS RELATING TO THE CITY OF GREENSBORO, NORTH CAROLINA TAXABLE REFUNDING CERTIFICATES OF PARTICIPATION (GREENSBORO COLISEUM COMPLEX), SERIES 1999B, THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATING THERETO AND OTHER ACTIONS IN CONNECTION THEREWITH" had passed by a vote of 9 to 0.

* * * * * *

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 the City Council of said City at a regular meeting held on September 2, 2014, as relates in any way to the adoption of a resolution authorizing the application by the City of certain moneys to prepay all of the outstanding City of Greensboro, North Carolina Combined Taxable Refunding Certificates of Participation (Greensboro Coliseum Complex), Series 1999B, the execution and delivery of certain documents relating thereto and other action in connection therewith and that such proceedings are recorded in the official minutes of said City Council.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held in the City Council Chamber in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, North Carolina, on the first and third Tuesdays of each month at 5:30 P.M., and, further, if any such regular meeting day is a legal holiday, the meeting will not be held, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. 143-318.12.
WITNESS my hand and the corporate seal of said City, this ____ day of October, 2014.

_____
City Clerk

[SEAL]

(Signed) Zack Matheny

19. ID 14-0564 Ordinance in the Amount of $1,131,000 Amending FY14-15 Hotel Motel Tax Fund Budget

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

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

14-0119 ORDINANCE AMENDING FY 14-15 HOTEL MOTEL TAX FUND BUDGET

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

Section 1

That the FY14-15 Hotel Motel Tax Fund Budget of the City of Greensboro is hereby amended, as follows:

That the appropriations be increased as follows:

Account	Description	Amount
206-1001-01.5811	Principal on Bonds	$1,131,000

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

Account	Description	Amount
206-1001-01.9526	Transfer from Coliseum Capital Project Fund	$ 920,720
206-1001-01.8900	Appropriated Fund Balance	210,280
Total		$1,131,000

Section 2

And, that the following budget adjustment is approved, as follows:

Account	Description	Amount
From:		
206-1001-01.6526	Transfer to Coliseum Capital Project Fund	$ 339,000
To:		
206-1001-01.5811	Principal on Bonds	$ 339,000

Section 3

And, that this ordinance should become effective upon adoption.

(Signed) Nancy Hoffmann

20. ID 14-0574 Resolution Authorizing the City Manager to Use the Construction Manager at Risk Delivery Method to Construct the Steven Tanger Center for the Performing Arts

City Manager Westmoreland stated staff was present for questions; spoke to use for the construction manager at risk contracting method; that information that had been provided in the agenda; and referenced the achievement of the M/WBE goal.

Moved by Councilmember Hoffmann, 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

0229-14 RESOLUTION AUTHORIZING THE CITY MANAGER TO USE THE CONSTRUCTION MANAGER AT RISK DELIVERY METHOD TO CONSTRUCT THE STEVEN B. TANGER CENTER FOR THE PERFORMING ARTS

WHEREAS, On March 4, 2014, the City Council adopted a Resolution Authorizing the Mayor and City Manager to Enter into a Memorandum of Understanding Between the Community Foundation of Greater Greensboro and the City to design, finance, develop, construct, and manage the operations and programs of the proposed Steven B. Tanger Center for the Performing Arts;

WHEREAS, as part of this Memorandum of Understanding, the Community Foundation of Greater Greensboro, through private donors, agreed to pay up to $5 million of design costs for the facility and $30 million for the construction costs;
WHEREAS, the City also agreed to pay up to $30 million for the construction of the facility; WHEREAS, City staff, working in conjunction with the Community Foundation of Greater
Greensboro, recommends that the City Council select the Construction Manager at Risk construction delivery method to construct the Steven B. Tanger Center for the Performing Arts.

WHEREAS, pursuant to North Carolina General Statutes 143-128.1, the City Council must first compare the advantages and disadvantages of using the Construction Manager at Risk delivery method for this project in lieu of the delivery methods identified in North Carolina General Statutes 143-128(a1)(1) through (a1)(3).

WHEREAS, City staff has prepared a memorandum analyzing the advantages and disadvantages of using the Construction Manager at Risk delivery method in lieu of the separate prime, single prime and dual bidding delivery methods authorized by N.C.G.S. 143-128 (a1)(1) through (a1)(3).

WHEREAS, the City Council concludes that the advantages to using the Construction Manager at Risk delivery method for this project outweigh its few disadvantages.

WHEREAS, the City Council concludes that the six advantages of using the Construction
Manager at Risk delivery method for this project are as follows:

1. Reduction in Significant Change Orders
2. Cost Control
3. Fast Tracking
4. The Construction Manager is Selected by Qualifications, Not Price
5. Increased Opportunities for M/WBE Participation
6. The Experience of Other Municipalities.

WHEREAS, the City Council concludes that the disadvantages of using the Construction Manager at Risk delivery method for this project are that the Construction Manager at Risk delivery method requires a high level of communication with the City and the Construction

Manager, and drafting the contracts that adequately establish the relationships and interactions between the architects and engineers who will be designing the project and the Construction Manager can be difficult.

WHEREAS, the City and the Community Foundation of Greater Greensboro, through their attorneys, have worked very hard to make sure that all of the design contracts with the design professionals contained the necessary language to establish these relationships and responsibilities;

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

That after considering the advantages and disadvantages of using the Construction Manager at Risk delivery method to construct the Steven B. Tanger Center for the Performing Arts pursuant to North Carolina General

Statutes143-128.1(e), the City Council concludes that it is in the best interest of the City and of the project to authorize the City Manager to use the Construction Manager at Risk delivery method to construct the Steven B. Tanger Center for the Performing Arts facility.

(Signed) Nancy Hoffmann

VI. SUPPLEMENTAL AGENDA

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Wilkins to change the November 4th meeting of Council to November 3rd due to Election Day. The motion carried by voice vote.

Boards and Commissions Appointments

Moved by Councilmember Hoffmann, seconded by Mayor Pro-Tem Johnson to appoint Ivan Cutler to Library Board; Ann Hurd to the War Memorial Commission and Adam Marshall to the Zoning Commission. The motion carried by voice vote.

Moved by Councilmember Matheny, seconded by Councilmember Wilkins to appoint Phil Cathcart to the GTA Board; and Brian Clarida to the Parks and Recreation Commission. The motion carried by voice vote.

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to appoint Steve Allen to the Planning Board; Horace Sturdivant to the Minimum Housing Commission; Lakeia Harris to the Human Relations Commission and Brantly Grier to the GTA Board. The motion carried by voice vote.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter to reappoint Chantale Wesley-Lamin to the Human Relations Commission and James Griffin to the Zoning Commission. The motion carried by voice vote.

Moved by Councilmember Matheny, seconded by Councilmember Barber to reappoint John Forbis to the Piedmont Triad Water Authority. The motion carried by voice. vote.

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

Councilmember Hightower requested the City Manager review options for providing the meeting agenda to Councilmembers earlier; and voiced that she would like to have more time to review the agenda. City Manager Westmoreland confirmed he would review options.

Councilmember Hightower referenced back to school events; stated school was back in session; and requested people to watch school zones.

Councilmember Abuzuaiter thanked Councilmembers for their participation in the ALS Ice Bucket Challenge; stated she attended the Citizens Police Academy on Thursday night; challenged Council to take part in the Academy next spring; welcomed Interim Police Chief Holder; and stated she attended the reception for Police Chief Miller.

Councilmember Matheny spoke to events surrounding the Downtown Greenway festivities on Saturday at 4:00 p.m.; invited people to attend the War Memorial Auditorium Final Closing Ceremony on Thursday at noon; and stated tickets would go on sale on Friday at 10:00 a.m. for the United States Figure Skating Championships at the Coliseum in January.

Mayor Pro-Tem Johnson congratulated the North Carolina A&T State University football team for their recent win; and announced she would be participating in the Young Peacemakers Awards on Saturday where young people receive awards for their peacemaking efforts.

Councilmember Barber spoke to feedback he had received from law enforcement staff regarding the Neighborhood Policy effort; requested City Manager Westmoreland provide information on the implementation of the Neighborhood Policing Policy to Council for review and discussion; and requested City Manager Westmoreland bring back the proposed budget impact for additional personnel on ladder trucks.

City Manager Westmoreland stated both items would be on the September 11 Work Session agenda.

Councilmember Fox stated he had attended the Greensboro United Soccer Association Tournament this past weekend at Bryan Park which hosted 300 teams; that Greensboro had hosted the Inaugural Summer Pickleball Classic at the Sportsplex; reminded Council of the Open House/Community Day on Saturday from 11:00 a.m. to 3:00 p.m. at Keeley Park; added that the City would be collecting food for Urban Ministries at the Flip Flop Music Festival this Saturday at 3 p.m. at White Oak Amphitheater; voiced that he would be supporting North Carolina A&T State University Home Game on Saturday; announced the upcoming College Block Party Expo on Saturday September 13th from 11:00 a.m. to 6:00 p.m. at 809 Park Avenue; voiced appreciation for staff sending out information on collections; and asked about the process for collecting uncollected fees.

Interim City Manager Vigue responded on the status of uncollected fees; and stated staff was working with a consultant for collections on ways to collect said fees.

Interim City Attorney Carruthers spoke to debts that fell within small claims.

Councilmember Fox voiced concern for apartment owners not keeping up their apartment complexes; referenced the Minimum Housing Commission process; and requested the ordinance be amended to provide more teeth.

Interim City Attorney Carruthers responded that minimum housing focused on defects for safety and livability rather than appearance; referenced the good repair ordinance which focused on appearance related issues Downtown; and stated he would be glad to meet with Councilmember Fox to discuss the issue.

City Manager Westmoreland interjected that the issue would be brought to Council at a future Work Session.

Mayor Vaughan stated the City would be hosting the Poverty Summit next Wednesday at the Civil Rights Museum from 10:00 a.m. to 2:00 p.m.; spoke to poverty disparity; stated there would be discussion on what other cities were doing to combat poverty; voiced concern with the need to find a way to clean up our cities; encouraged citizens to attend; and stated attendees would be required to register online through the City's website due to limited seating capacity at the Museum.

Councilmember Abuzuaiter thanked Mayor Vaughan for bringing the Homelessness and the Poverty Summits; reminded Council of upcoming community meetings about the Neighborhood Policing issue at the Eastern Division at Craft Center on Yanceyville Street at 6:00 p.m. on Thursday; and Tuesday September 9th at Peeler Recreation Center on Sykes Avenue at 6:00 p.m.

There were no items presented by City Manager Westmoreland or Interim City Attorney Carruthers.

Adjournment

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

THE CITY COUNCIL ADJOURNED AT 9:26 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR