



City of Greensboro

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

Meeting Minutes - Draft City Council

Tuesday, September 16, 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

Councilmember Abuzuaiter led the Pledge of Allegiance to the Flag.

Recognition of Courier

City Manager Jim Westmoreland recognized Luke Carter of the Planning and Community Development 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.

ID 14-0583 Resolution Approving the Prequalification of Prime Contractors Bidding on the T. Z. Osborne Water Reclamation Facility 56 MGD Upgrade Package II Construction Contract (2011-038A)

Mayor Vaughan stated Council had been requested to remove the item from the agenda.

Brief discussion took place regarding clarification of the pre-qualification process and State requirements; and verification that with regard to this project, the item was being removed permanently.

Mayor Pro-Tem Johnson recognized students from Bennett College in the audience.

Moved by Councilmember Fox, seconded by Councilmember Hightower to remove the item from the agenda. The motion carried by voice vote.

I. CEREMONIAL AND/OR PRESENTATION ITEMS

ID 14-0601 BE Greensboro Employee Recognition

City Manager Westmoreland recognized the BE Greensboro employees in the audience; asked them to stand; voiced appreciation for their time and service; and thanked the citizens for nominating employees.

Councilmember Matheny requested the names of the BE Greensboro employees be placed in an IFYI and on the City website.

ID 14-0608 Recognition of Guilford Metro 911 employees

City Manager Westmoreland deferred to Interim Guilford Metro 911 Director Melanie Neal to recognize employees who received state wide awards at the North Carolina Association of Public Safety Officials Annual Conference.

Ms. Neal recognized employee Kimberly Burkley as the North Carolina NENA Employee of the Year recipient.

Ms. Burkley voiced appreciation for the receipt of the award; and for her job.

Ms. Neal recognized Clay Kennedy who was the recipient of the North Carolina APCO Support Person of the Year.

Mr. Kennedy voiced appreciation for the award; and the opportunity to serve the City working in Metro 911.

City Manager Westmoreland recognized Interim City Manager Wesley Reid who was the recipient of the Order of the Long Leaf Pine Award; spoke to the prestigious award from the Governor; added that Mr. Reid had been with the City since 1987; and spoke to the good work of Guilford Metro 911.

Mayor Vaughan recognized Senator Gladys Robinson in the audience.

ID 14-0600 Resolution Recognizing the Month of September as Sickle Cell Awareness Month

Councilmember Hightower read the resolution into the record; spoke to the work of the local Piedmont Health Services and Sickle Cell Agency; and presented the resolution to Senator Gladys Robinson.

Senator Robinson thanked Council for the resolution; acknowledged Mayor Pro-Tem Johnson being a founding board member; introduced C.J. and Jayla Summers; acknowledged their mother Monica Summers in the audience; thanked Council for their support; spoke to those who had sickle cell; to the services provided by the organization; and thanked Council for the resolution.

C.J. Summers stated he was a student at Phoenix Academy; and voiced it was a great honor for him to be here.

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

0225-14 RESOLUTION RECOGNIZING THE MONTH OF SEPTEMBER AS SICKLE CELL AWARENESS MONTH

WHEREAS, Sickle-cell disease is an inherited condition that affects the red blood cells causing pain, infection, disability, economic strain and even death;

WHEREAS, it is estimated that approximately 100,000 people are living with sickle cell disease in the United States and millions are affected globally;

WHEREAS, Sickle Cell Disease is most common among persons with ancestry from Africa, South or Central America, Caribbean Islands, India, Saudi Arabia and Mediterranean countries such as Turkey, Greece, and Italy;

WHEREAS, the Sickle Cell Trait occurs in approximately one out of twelve African Americans;

WHEREAS, diagnostic procedures have been improved as well as the ability to combat life-threatening

complications;

WHEREAS, since 1970, Piedmont Health Services and Sickie Cell Agency has provided education, counseling, testing, case management, Summer Camp and other support services for more than 500 people living with sickle cell disease and their families.

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

That it hereby recognizes the month of September as Sickie Cell Awareness Month.

(Signed) Yvonne J. Johnson

II. PUBLIC COMMENT PERIOD

Councilmember Hoffmann spoke to the passing of Mr. Leon Nutes on Saturday September 6th; referenced Mr. Nutes' attendance at Council meetings; and stated he would be missed.

Mayor Pro-Tem Johnson suggested Councilmember Hoffmann get information for a resolution.

Beth McKee Huger, 408 Woodmont Avenue, thanked Council for the work they were doing to improve housing in the community; announced the upcoming Healthy Homes Bus Tour on Thursday at 3:00 p.m.; spoke to those who would be in attendance and speaking on the tour; and stated people could call 691-9521 to reserve a spot.

Brett Byerly, 122 N. Elm Street, Healthy Homes Team Manager, voiced appreciation for working with the Council and City staff over the past several years on the Healthy Homes Initiative.

Dr. Pamela Shaheen, consultant with the Kresge Foundation stated she talked about Greensboro wherever she went; provided the history of the Foundation; stated she developed Advancing Safe and Healthy Housing for Children and Families, the target of which was to improve health for small children vulnerable in the inner cities; identified 28 organizations that had submitted Request for Proposals for the program; announced Greensboro was one of six finalists; commended the commitment the Foundation saw with Greensboro; commended the Housing Coalitions' work and stellar program; spoke to money leveraged through the program; the advocacy of Greensboro; commended Ms. McKee Huger for her ability to get things done; referred to her as the stealth changer; and thanked Council for their support.

Mayor Vaughan stated she would miss the bus tour as she would be out of town but would meet with Ms. McKee Huger; spoke to information she received regarding the Kresge Foundation in San Francisco; and referenced an announcement that would be made on Thursday.

Ed McKeever, 2204 McLaughlin Drive, referenced Councilmember Matheny's comment about how good the Greensboro Police Department was; asked how Councilmember Matheny measured accountability in the Police Department; referenced the number of police shootings over the past five years; and Interim Police Chief Holder's appointment. Mr. McKeever spoke to information he received regarding money coming out of Districts 1 and 2; Councilmember Matheny's role as Chair of the Economic Development Committee; voiced concern with lack of investment in East Greensboro; and Councilmember Matheny's recent run for Congress.

Council discussed comments made to councilmembers by Mr. McKeever; Mr. McKeever's facts about the Police Department being incorrect; and the need for consistency when Council engaged dialogue with speakers from the floor.

Councilmember Matheny responded to Mr. McKeever's comments; spoke to his length of service on City Council; voiced the need to maintain integrity; voiced that he would continue to stand up for the Police Department; and thanked the officers for their work in the community.

Kay Hutchins Self, 5300 Fieldbrook Drive, spoke to an email she sent to Council and others; referenced the North Carolina statutes regarding utilities; voiced that Time Warner, Duke Power and AT&T were violating the twelve-foot rule; provided the history of her conversations with the utilities; and commended the Police Department for their work.

Discussion took place regarding Interim City Attorney Carruthers providing contact information to Ms. Self; whether the City had any standing in the issue; clarification of Ms. Self's complaint; and the dispute between Ms. Self and Duke Energy.

Sam Helmi, 200 South Elm Street, announced the grand opening party of his restaurant KoShary on September 23rd at 1:00 p.m.; explained that the restaurant served Mediterranean and Egyptian food; and invited Council to the grand opening event.

Mayor Vaughan and Mayor Pro-Tem Johnson spoke to having dinner on the patio recently.

III. CONSENT AGENDA (One Vote)

Mayor Vaughan stated there was a speaker for Item #11.

Moved by Councilmember Abuzuaiter, seconded by Mayor Pro-Tem Johnson to approve the Consent Agenda with the exception of Item #11. The motion carried by voice vote.

ID 14-0563 Ordinance Amending State, Federal and Other Grants Fund Budget for the Appropriation of Interest Earned on Justice Assistance Grant (JAG) Funds Awarded 2013

14-0119 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF INTEREST EARNED ON JUSTICE ASSISTANCE GRANT (JAG) FUNDS AWARDED 2013

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 – JAG 2013

Account	Description	Amount
220-3529-01.5415	Software Maintenance	\$6
TOTAL:		\$6

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

Account	Description	Amount
220-3529-01.8504	Interest Earned-Nccmt	\$6
TOTAL		\$6

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

ID 14-0577 Ordinance in the Amount of \$212,600 Amending the State, Federal, and

Other Grants Fund Budget for the Fiscal Year 2015 FTA Section 5303
Planning Assistance Grant

14-0120 ORDINANCE AMENDING THE STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE FISCAL YEAR 2015 FTA SECTION 5303 PLANNING ASSISTANCE GRANT

Section 1

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

That the Grant Project Budget for the FY 2015 FTA Section 5303 Planning Assistance Grant be established as follows:

Account	Description	Amount
220-4504-01.4110	Salaries & Wages	\$ 56,613
220-4504-01.4510	FICA Contribution	\$ 4,259
220-4504-01.4520	Retirement Contribution	\$ 3,952
220-4504-01.4610	Health Coverage-Active	\$ 5,952
220-4504-01.4650	Dental Coverage-Active	\$ 444
220-4504-01.4710	Life Insurance-Active	\$ 390
220-4504-01.4750	Long Term Disability	\$ 536
220-4504-01.5111	Telephone-Equipment Cost	\$ 425
220-4504.01.5410	Professional Services-Capital Projects	\$115,029
220-4504-01.5413	Consultant Services	\$ 25,000
Total		\$212,600

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

Account	Description	Amount
220-4504-01.7100	Federal Grant	\$170,080
220-4504-01.7110	State Grant	\$ 21,260
220-4504-01.9564	Transfer From Transit System Fund	\$ 21,260
Total		\$212,600

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

ID 14-0597 Ordinance in the Amount of \$21,723 Amending State, Federal, and Other Grants Fund Budget for the Appropriation of the 2015 NC Governor's Highway Safety Program Grant For Greensboro Police Department's Traffic Safety Education Program

14-0121 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF THE 2015 NC GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FOR GREENSBORO POLICE DEPARTMENT'S TRAFFIC SAFETY EDUCATION PROGRAM

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:

GHSP Traffic Safety Edu. FY15

Account	Description	Amount
220-3561-01.5235	Small Tools & Equipment	\$10,862
220-3561-01.5237	Program Supplies	\$10,861
TOTAL:		\$21,723

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

Account	Description	Amount
220-3561-01.7100	Federal Grant	\$10,862
220-3561-01.7123	State Drug Excise Tax	\$10,861
TOTAL:		\$21,723

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

ID 14-0576 Resolution Authorizing a One-Year Contract Extension with ACS Benefits for Dental Benefit Administration Services

0230-14 RESOLUTION AUTHORIZING A ONE-YEAR CONTRACT EXTENSION WITH ACS BENEFITS FOR DENTAL BENEFIT ADMINISTRATION SERVICES.

WHEREAS, the Human Relations Department oversees the management of the City's Dental Benefit Administration Services; and

WHEREAS, the Human Resources Department has determined it is in the City's best interests to extend the current two year contract with ACS Benefits for Dental Benefit Administration Services for an additional year; and

WHEREAS, the original contract total was \$144,000 annually for two years for a total value of \$288,000; and

WHEREAS, the one-year contract extension increases the total contract value by \$144,000; from \$288,000 to \$432,000; and

WHEREAS, in accordance with current City requirements set forth in the Charter of the Greensboro Code of Ordinances, City Council authorization is required to execute service contracts of \$300,000 or greater in total value.

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

That the Greensboro City Council hereby authorizes the City of Greensboro to extend the current contract with ACS Benefits for one additional calendar year to provide dental benefit administration services for the City.

(Signed) Marikay Abuzuaiter

ID 14-0585 Resolution Calling a Public Hearing for October 7, 2014 on the Annexation of Territory Into the Corporate Limits Located at 128 Birch Creek Road - 24.41-acre Satellite Annexation

0231-14 RESOLUTION CALLING A PUBLIC HEARING FOR OCTOBER 7, 2014 ON THE ANNEXATION OF

TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 128 BIRCH CREEK ROAD – 24.41 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has 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 16th day of September, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 128 BIRCH CREEK ROAD – 24.41 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 in the existing Greensboro satellite city limits (as of August 1, 2014), said point being an axle at the northeast corner of Lot 125 on Sheet 1 of Phase III of Birch Creek Ridge, as recorded in Plat Book 156, Page 135, said point also being the southeast corner of Jackson P. and Helen W. Keeton, et al, as recorded in Deed Book 2632, Page 176; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS along Keeton's east line N 03° 03' 02" E 407.85 feet to an existing iron pipe; thence along said line N 05° 57' 35" E 155.66 feet to an existing axle at the southernmost corner of Charles G. and Virginia M. Duke, as recorded in Deed Book 4408, Page 430; thence N 06° 46' 49" E 505.12 feet along Duke's east line to a new iron pipe at Duke's northeast corner; thence N 88° 43' 26" W 98.00 feet along Duke's north line to a point in the right-of-way of McLeansville Road (NCSR 2819); thence N 52° 22' 19" E 144.00 feet to a point in said right-of-way; thence S 11° 45' 38" E 92.83 feet along the west line of Betty Lou Neese, as recorded in Deed Book 4410, Page 1999, to a new iron pipe at Neese's southwest corner; thence S 88° 43' 26" E 258.94 feet along Neese's south line to an existing iron pipe at her southeast corner; thence N 04° 44' 26" W 112.64 feet along Neese's east line to a new iron pipe in the south line of Curtis G. Clapp, as recorded in Deed Book 2889, Page 420; thence N 71° 40' 54" E 76.76 feet along Clapp's south line to an existing iron pipe at his southeast corner; thence N 10° 16' 31" W 176.11 feet along Clapp's east line to an existing iron pipe in the right-of-way of McLeansville Road; thence N 54° 35' 25" E 251.53 feet to a point in said right-of-way; thence S 23° 01' 16" E 107.14 feet to a point in the west line of the 60-foot right-of-way of Birch Creek Road (NCSR 2826); thence with said right-of-way line the following three courses and distances: (1) S 18° 02' 25" W 368.03 feet to a new iron pipe, (2) along the arc of a curve to the left having a radius of 730.13 feet and a chord bearing and distance of S 01° 30' 28" W 415.53 feet to a new iron pipe, and (3) S 15° 01' 29" E 969.77 feet to an existing iron pipe at the northeast corner of Jannette D. Dumas, as recorded in Deed Book 2743, Page 595; thence S 74° 23' 22" W 365.80 feet along Dumas' north line to an existing iron pipe at her northwest corner; thence S 05° 36' 30" W 233.66 feet along Dumas' west line and the west line of a second lot of said Dumas, as recorded in Deed Book 2656, Page 678, to an existing iron pipe at the northeast corner of Lot 186 of Birch Creek Ridge, Phase II, Section A, as recorded in Plat Book 136, Page 76, said point being in the existing satellite city limits; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS along the north line of said Section A N 86° 57' 53" W 489.38 feet to an existing iron pipe in the east line of Phase II, Section B of Birch Creek Ridge, as recorded in Plat Book 143, Page 61; thence along said east line N 06° 26' 43" E 220.15 feet to an existing iron pipe at the northeast corner of Lot 159 in said Section B; thence along the east line of Sheet 1 of Phase III N 06° 26' 07" E 376.67 feet to the point and place of BEGINNING, and containing approximately 24.41 acres. All plats and deeds referred to above are recorded in the Office of the Register of Deeds of Guilford County.

Section 2. The owner agrees 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 owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

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

Section 5. From and after September 30, 2014, the liability for municipal taxes for the 2014-15 fiscal year shall be prorated on the basis of 9/12 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, October 7, 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 September 27, 2014.

(Signed) Marikay Abuzuaiter

ID 14-0562 Resolution Authorizing Continuation of the Greensboro Police Department
Application Process for 2015 North Carolina Governor's Highway Safety
Program Grant to Provide Traffic Data Analysis Equipment

0232-14 RESOLUTION AUTHORIZING CONTINUATION OF THE GREENSBORO POLICE DEPARTMENT APPLICATION PROCESS FOR 2015 NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT TO PROVIDE TRAFFIC DATA ANALYSIS EQUIPMENT

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 16, 2014, AS FOLLOWS:

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

That the 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 \$8,928 to be made to the Governing Body to assist in defraying (Federal Dollar Request) the cost of the project described in the contract application; and

That the Governing Body has formally appropriated the cash contribution of \$2,976 as (Local Cash Appropriation) required by the project contract; and

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; and

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

That this resolution shall take effect immediately upon its adoption.

(Signed) Marikay Abuzuaiter

ID 14-0598 Ordinance in the Amount of \$11,904 Amending State, Federal, And Other Grants Fund Budget for the Appropriation of the 2015 NC Governor's Highway Safety Program Grant For Greensboro Police Department's Traffic Data Analysis Equipment

14-0122 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF THE 2015 NC GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FOR GREENSBORO POLICE DEPARTMENT'S TRAFFIC DATA ANALYSIS EQUIPMENT

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
220-3562-01.5235	Small Tools & Equipment	\$11,904
TOTAL:		\$11,904

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

Account	Description	Amount
220-3562-01.7100	Federal Grant	\$ 8,928
220-3562-01.7123	State Drug Excise Tax	\$ 2,976
TOTAL:		\$11,904

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

ID 14-0584 Resolution Authorizing Purchase in the Amount of \$165,000 of the Entire Property Located at 4309 Brinton Drive for the Horse Pen Creek Road Widening Project

0233-14 RESOLUTION AUTHORIZING PURCHASE OF THE ENTIRE PROPERTY LOCATED AT 4309 BRINTON DRIVE FOR THE HORSE PEN CREEK ROAD WIDENING PROJECT

WHEREAS, in connection with the Horsepen Creek Road Widening project, the entire property of the property owned by Joan Caudle Murray, Parcel 0078233 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$132,000, plus an additional \$37,900 for qualified replacement housing payments to persons required to move from their primary residence due to government takings, for a total of \$169,900.

WHEREAS, the property owner has agreed to settle for the price of \$165,000, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

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

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

That the agreed price of the above mentioned portion of property in the amount of \$165,000 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 471-4502-08.6012, Activity A14074.

(Signed) Marikay Abuzuaiter

ID 14-0593 Budget Adjustments Approved by Budget Officer 8/26/14 - 9/8/14

Motion to accept the report of budget adjustments of August 26 through September 8, 2014 was adopted.

ID 14-0589 Motion to approve the minutes of the Special meeting of August 19, 2014.

Motion to approve the minutes of the Special meeting of August 19, 2014 was adopted.

ID 14-0596 Motion to approve the minutes of the Regular meeting of August 19, 2014.

Motion to approve the minutes of the Regular meeting of August 19, 2014 was adopted.

**ID 14-0588 Resolution Supporting the Nomination of Proximity Print Works to the
National Register of Historic Places**

Jim Peeples, 200-4Q King Street, stated he was involved with Revolution Mills; provided photographs of the area; outlined the history of the area; spoke to the timing of getting into the National Register; referenced the number of mills that were developed; historic and architectural significance of the mill; and provided the name of Benjamin Briggs for a contact person for a tour of the mill.

Councilmember Matheny asked if Mr. Peeples was developing the mill; spoke to the error in tearing down some significant buildings; and voiced appreciation for Mr. Peeples work.

Mr. Peeples responded that he hoped to make the facility appealing to an investor as retail development.

**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

**0234-14 RESOLUTION SUPPORTING THE NOMINATION OF PROXIMITY PRINT WORKS TO THE
NATIONAL REGISTER OF HISTORIC PLACES**

WHEREAS, Proximity Print Works, 1700 Fairview Street, Greensboro, NC is under consideration for nomination to the National Register of Historic Places;

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

WHEREAS, Proximity Print Works meets National Register Criterion A in the area of Industry because it was the first textile printer in the South;

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

WHEREAS, the Greensboro Historic Preservation Commission supports the nomination of Proximity Print Works

to the National Register of Historic Places;

WHEREAS, opportunity for public comment has been adequately provided.

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

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

(Signed) Mike Barber

IV. PUBLIC HEARING AGENDA

ID 14-0479 Ordinance Amending Section 30-8-1 (Table 8-1), and Subsection 2 of Section 30-7-4.3 of the Land Development Ordinance (LDO) Permitting "Pawnshops" as a Use in the Neighborhood Support (NS) Zoning District and Clarify Provisions for Fenestration (Doors and Windows) for New Construction.

City Manager Westmoreland recognized Planning Manager, Steve Galanti for a presentation.

Mr. Galanti made a PowerPoint Presentation which provided the history of the zoning districts; High Point Road Corridor Plan; spoke to creation of Central Gateway Corridor Partnership which formulated three zoning districts adopted in January 2014; provided an explanation of the three districts, read the purpose of the Neighborhood Support District; outlined what the text amendment included and would clarify; reiterated that the Partnership had approved this change; and that the Planning Board recommended adoption.

Moved by Councilmember Barber, seconded by Councilmember Wilkins to close the public hearing.

Council discussed how the issue had been discovered; existing businesses currently in the Districts; concern with the size of the windows; and if the amendment would exclude small businesses.

Mr. Galanti spoke to permitted uses that would be allowed in the districts; to the purpose of the large windows and security; and verified that small businesses would not be excluded as a result of the amendment.

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

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

Nays, 1 - Sharon M. Hightower

14-0123 AMENDING CHAPTER 30 (LDO)

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

(As Recommended By Planning Board on July 16, 2014)

Section 1. That Subsection 2) of Section 30-7-4.3 (D), AO, Auto Oriented, is hereby amended to read as follows:

2) Patterns of Window and Door Placement

The facade that is facing and within 5 feet of the public right-of-way and the façade which contains the principal entrance shall comply with the following:

- a) Commercial and mixed-use buildings should have at least 35% fenestration (transparent openings) on the ground floor.
- b) Entrances should be oriented to pedestrians with clearly defined access.

- c) Windows on the ground floor of commercial and mixed-use buildings should be located not more than 36 inches from the ground.
- d) Windows, bays, or other articulation shall be introduced at least every 15 feet to eliminate blank walls.

Section 2. That Subsection 2) of Section 30-7-4.3 (E), UMU, University Mixed Use, is hereby amended to read as follows:

2) Patterns of Window and Door Placement

The facade that is facing the public right-of-way and the façade which contains the principal entrance shall comply with the following:

- a) Commercial and mixed-use buildings should have at least 35% fenestration (transparent openings) on the ground floor.
- b) Entrances should be oriented to pedestrians with clearly defined access.
- c) Windows on the ground floor of commercial and mixed-use buildings should be located not more than 36 inches from the ground.
- d) Windows, bays, or other articulation shall be introduced at least every 15 feet to eliminate blank walls.

Section 3. That Subsection 2) of Section 30-7-4.3 (F), NS, Neighborhood Support, is hereby amended to read as follows:

2) Patterns of Window and Door Placement

The facade that is facing the public right-of-way and the façade which contains the principal entrance shall comply with the following:

- a) Commercial and mixed-use buildings should have at least 35% fenestration (transparent openings) on the ground floor.
- b) Entrances should be oriented to pedestrians with clearly defined access.
- c) Windows on the ground floor of commercial and mixed-use buildings should be located not more than 36 inches from the ground.
- d) Windows, bays, or other articulation shall be introduced at least every 15 feet to eliminate blank walls.

Section 4. That Table 8-1, within Section 30-8-1, Permitted Use Table, is hereby amended by inserting a "P" in the NS column for the row labeled "Pawnshops" within the Office, Retail, And Commercial Uses (Retail sales and service subcategory).

Section 5. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 6. This ordinance shall become effective upon date of adoption.

(Signed) Mike Barber

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer W, Exhibit No. 21 which is hereby referred to and made a part of these minutes)

V. GENERAL BUSINESS AGENDA

ID 14-0579 Resolution Approving Contracts Totaling \$2,047,000.00 with K-M Machine Company, Inc., Laughlin-Sutton Construction Company, T.A. Loving Company and Via Electric Company to Provide Mechanical, Electrical, Collection and Distribution System Maintenance Services for the Water Resources Department

City Manager Westmoreland stated staff was available for questions.

Councilmember Hightower inquired about how far the MSA extended for professional services contracts; why there were four companies for this item; asked if the four had specific qualifications; and inquired about the M/WBE participation.

M/WBE Director Gwen Carter responded regarding the counties included in the ten county MSA area; stated one contractor was not included; referenced that this was for an on call for service contract; and deferred to Mike Borchers.

Water Resources Engineering Division Manager Mike Borchers provided clarification on the types of services involved in the contracts; the history of the Request For Proposal (RFP) process for the item; the work that was solicited out; stated they had reached out to contractors through workshops; explained that the contractors were an extension of what the Water Resource maintenance staff could not do; and spoke to the M/WBE participation.

Councilmember Hightower voiced appreciation for the explanations provided by Ms. Carter and Mr. Borchers.

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

0235-14 RESOLUTION APPROVING CONTRACTS WITH K-M MACHINE COMPANY, INC., LAUGHLIN-SUTTON CONSTRUCTION COMPANY, T.A. LOVING COMPANY AND VIA ELECTRICAL COMPANY TO PROVIDE MECHANICAL, ELECTRICAL, COLLECTION AND DISTRIBUTION SYSTEM MAINTENANCE SERVICES FOR THE WATER RESOURCES DEPARTMENT

WHEREAS, on July 16, 2014, the Water Resources Department issued a Request for Proposal (RFP) in order to identify licensed general contractors who could provide labor, equipment, materials, and supervision for mechanical, electrical and/or distribution and collection maintenance at the City's water treatment facility, water reclamation facility and on distribution and collection system infrastructure;

WHEREAS, the result of this procurement will be to establish an on-call list of mechanical, electrical, and distribution and collection maintenance contractors for the department;

WHEREAS, Water Resources is requesting to enter into a three-year contract with all four contractors to establish an on-call mechanical, electrical, and distribution and collection maintenance contractor pool;

WHEREAS, funding for the contracts in the amount of \$2,047,000 is budgeted as follows:

FY 2014-2015 is budgeted in the following Water and Sewer Operating Budget other contracted services accounts: 501-7023-01.5429 (\$150,000.00), 501-7051-01.5429 (\$100,000.00), 501-7056-01.5429 (\$250,000.00), and 501-7071-01.5429 (\$149,000.00). Funding for year two in the amount of \$699,000.00 is budgeted in the following Water and Sewer Operating Budget other contracted services accounts: 501-7023-01.5429 (\$200,000.00), 501-7051-01.5429 (\$100,000.00), 501-7056-01.5429 (\$250,000.00), and 501-7071-01.5429 (\$149,000.00) and for year three in the amount of \$699,000.00 will follow the same distribution percentage per account as year two, provided that sufficient appropriations are approved by City Council in succeeding fiscal years.

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

That the contracts with K-M Machine Company, Inc., Laughlin-Sutton Construction Company, T.A. Loving Company and Via Electrical Company to provide mechanical, electrical, collection and distribution system maintenance services for the Water Resources Department are hereby approved subject to the funding outlined above.

(Signed) Zack Matheny

ID 14-0578

**Resolution Approving the Bid in the Amount of \$2,462,000 and
Authorizing Execution of Contract 2013-079 With Wharton-Smith, Inc.**

for the Mitchell Sediment Basin Building Structural Improvements and
Filter Plant HVAC Improvements

City Manager Westmoreland stated staff was present for questions.

Mayor Pro-Tem Johnson spoke to concerns regarding differences in the M/WBE participation; asked why the project went back out for bids; expressed concern for the commitment by the City; verified that both contractors had 16% participation; and commended Ms. Carter for her charge in overseeing the program.

Mr. Borchers, Ms. Carter and Interim City Attorney Carruthers responded that there was only one bid and to be in accordance with the City Charter a second solicitation was necessary; provided clarification as to the M/WBE participation of the bidders; addressed Ms. Carter's determination regarding good faith efforts and participation; and her responsibility to ensure the policy was being followed.

Councilmember Hightower stated she had the same concerns as Mayor Pro-Tem Johnson; voiced appreciation for Ms. Carter; asked why the MBE portion of the M/WBE participation had been decreased; addressed good faith and responsible bidding; the policy guidelines; expressed that something was not right; and stated she would not support the item.

Ms. Carter verified the MBE on the project was decreased; spoke to the local M/WBE policy; referenced the requirements of the ten county area; added that both firms selected the same subcontractor/vendor; that her staff had conducted a good faith effort review; and spoke to non-competitive bids.

Assistant City Attorney James Dickens stated he had spoken with Ms. Carter; addressed the scope of work of the Charlotte firm; stated there were no MBE firms within the ten county area to do this scope of work; outlined the process used by the contractor; added that the contractor did not realize until after the bid, that they could not get credit; reiterated that the City could not make a contractor take a higher sub-contractor bid; provided the requirements of the North Carolina General Statute with regard to what the City could mandate; verified that the contractor did make an error but did act in good faith; and spoke to the basis for Ms. Carter's decision.

Ms. Carter emphasized that staff looked at what the other bidders did; explained that the other bidder used the exact same firm for the same scope of work; spoke to the contractor's misunderstanding of the plan; spoke to the MBE issue and certification requirements; stated the MBE firms had the opportunity to bid; and voiced that she supported the item.

Discussion took place regarding both firms having 16% participation; asked if the jobs were different within the 16%; selection of the MBEs; confirmation of Ms. Carter's support of the project; appreciation for Ms. Carter being in charge of the program; manipulation of paperwork under the program with the ability to pull the sub-contractor; the electrical service work that would be done; if the contractor had an office here; location of the vendor in Charlotte; the goals established for the project; unintentional error of the contractor; and the electrical services package.

Councilmember Wilkins spoke to concerns on the Request for Proposal (RFP) process; the possibility of a Florida company receiving \$2.5 million for the project; asked why the City only received two bids; if the City had the option for putting the project back out for bids; and stated this would be difficult for him to support.

Assistant City Manager David Parrish addressed the need to generate competition for multiple bids; explained that this was a specialized project; stated that the City could not always go for local preference; explained if the process were started over it would delay the project and would not guarantee additional participation or a different outcome;

Councilmember Matheny verified Assistant City Manager Parrish was not in favor of another re-bid process; spoke to the situations where the City kept rebidding projects; the perception being that it was difficult to do business with Greensboro; voiced concern with rebidding a lot of projects; that the City could not force local companies to bid; referenced the fiduciary responsibility to citizens; and emphasized the City had staff to handle the process.

Assistant City Manager Parrish spoke to the RFP process; and reiterated that the lowest responsible bidder was

staff's recommendation.

Discussion ensued regarding the plethora of projects that were re-bid; the desire to implement Council's M/WBE Program; amount of time that had been spent by staff to fix the M/WBE Program; difficulty in changing something that had been in existence for a long time; rate of return on the consulting contracts for the M/WBE Program; time and courage needed to do things differently; that the two companies used the same firm; if there had been a drop in participation due to a more complex system; and the need to move on with the meeting.

Mayor Vaughan stated there was a speaker on the item.

Gerry McCants, 2192 McLaughlin Drive, spoke to the difficulty of the process; pushback by prime contractors who did not want to comply; voiced the need for the City to invest in the Program; having a staff committed to what the City was trying to do to have meaningful results as they related to M/WBE; referenced companies going out of business; commended the work of Ms. Carter and the City Manager's office; emphasized the need to get serious about the Program; suggested a work session to discuss M/WBE; and spoke to the issues that needed to be dealt with.

Council discussed Mr. McCants' relationship with the City; reference to several contracts the City had with Mr. McCants; if Mr. McCants was here this evening in a paid format; if Mr. McCants had a small business in the City; and the possibility of having a work session with the School of Government regarding M/WBE and HUB businesses.

City Manager Westmoreland stated there was a proposed Work Session on October 16th.

Brief discussion took place regarding conflicts of several Councilmembers for that date.

City Manager Westmoreland stated it was important that the entire Council attend; and was requested to get a new date for the School of Government meeting with Council.

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

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

Nays, 1 - Sharon M. Hightower

0236-14 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2013-079 WITH WHARTON-SMITH, INC. FOR THE MITCHELL SEDIMENT BASIN BUILDING STRUCTURAL IMPROVEMENTS AND FILTER PLANT HVAC IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Mitchell Sediment Basin Building Structural Improvements/Mitchell Filter Plant HVAC Improvements Project;

WHEREAS, Wharton-Smith, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,462,000 as general contractor for Contract No. 2013-079, 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 Wharton-Smith, Inc. is hereby accepted, and the City is authorized to enter into a Contract with Wharton-Smith, Inc. for the Mitchell Sediment Basin Building Structural Improvements/Mitchell Filter Plant HVAC Improvements 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 \$2,462,000 from Account No. 515-7023-01.6019 A14088.

(Signed) Zack Matheny

ID 14-0590

Resolution Authorizing a Deed in Lieu of Foreclosure From Everitt-Spencer Limited Partnership for the Properties Located at 2115, 2116 and 2128 Everitt Street and Subsequent Transfer of Ownership to the Redevelopment Commission of Greensboro

Moved by Councilmember Hightower, 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

0237-14 RESOLUTION AUTHORIZING A DEED IN LIEU OF FORECLOSURE FROM EVERITT-SPENCER LIMITED PARTNERSHIP FOR THE PROPERTIES LOCATED AT 2115, 2116 AND 2128 EVERITT STREET AND SUBSEQUENT TRANSFER OF OWNERSHIP TO THE REDEVELOPMENT COMMISSION OF GREENSBORO

WHEREAS, in November 2013, Council approved an amendment to the Morningside/Lincoln Grove (Willow Oaks) Redevelopment Plan to allow 25 blighted residential units located at 2115, 2116 and 2128 Everitt Street to be added to the acquisition list for the redevelopment area;

WHEREAS, the units have reached the end of their useful life, are not recommended for rehabilitation and staff anticipates demolition with redevelopment in conformance with the Willow Oaks Redevelopment Plan;

WHEREAS, the units were restricted to low income tenants and in order to preserve the rents at a level affordable to tenants, the loan was structured for the owner to pay a portion of the interest annually, with the remaining interest accruing;

WHEREAS, the owner has offered title to the properties through deed in lieu of foreclosure for the existing loans currently totaling \$359,288 in the original principal and \$145,522.40 in accumulated interest;

WHEREAS, ownership of the properties (with the land tax value of \$125,000) will be transferred to the Redevelopment Commission of Greensboro for future redevelopment in the Willow Oaks neighborhood.

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

That a deed in lieu of foreclosure from Everitt-Spencer Limited Partnership for the properties located at 2115, 2116 and 2128 Everitt Street and subsequent transfer of ownership to the Redevelopment Commission of Greensboro is hereby authorized subject to the conditions outlined above.

(Signed) Sharon Hightower

VI. SUPPLEMENTAL AGENDA

Boards and Commissions Appointments

Moved by Mayor Vaughan, seconded by Councilmember Barber to appoint Gary Hill to the Greensboro Housing Authority. The motion carried by voice vote.

Councilmember Hightower voiced concern for the poor representation on the board. Mayor Vaughan advised Ms. Akers-Brown had requested the appointment; and confirmed that the appointments to the Authority were made by the Mayor.

Councilmember Hightower placed the names of Bernard Evans and Tyler Swanson into the databank for future service on a board or commission.

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

Councilmember Hightower voiced concern for the Lindsay Street closing from two weeks ago; verified she voted in the affirmative; asked if a roundabout would be constructed; voiced concern with emergency vehicles navigating a roundabout; and asked if anyone had looked into the bus route in the area.

City Manager Westmoreland clarified it would be a cul-de-sac that would allow for emergency vehicle turnaround.

Assistant City Manager Parrish provided information on the public safety aspect; stated that the final plan would be reviewed by the Technical Review Committee; clarified that the bus route would be relocated one street up; and outlined the proposed route.

Councilmember Hightower stated she would be attending the Mexican event on Sunday; thanked Mayor Vaughan for the Poverty Summit; voiced the importance of dialogue throughout the community; and spoke to the need to look at solutions.

Mayor Vaughan voiced appreciation for the overwhelming support of Council; commended City staff for the work they did putting the event together; and added that lunch was provided by the Bryan Foundation.

Councilmember Abuzuaiter thanked Mayor Vaughan for the Poverty Summit; stated she had attended a lot of September 11 events during the week; mentioned the public safety stair climb; opening of the Reedy Fork Fire Station; thanked all who attended Keeley Park Day; voiced appreciation for the work done by public safety personnel; stated she had attended the goodbye/farewell at War Memorial Auditorium; the Phillipino American Association Gala last Saturday night; reminded those in attendance of the City/County Flag Football game at Jaycee Park at 11:00 a.m. on Saturday; and added that coaching a football team was on her bucket list..

Councilmember Wilkins wished the football team well; and announced the Boards and Commissions Appreciation Dinner on September 23rd at 6:00 p.m.

Councilmember Matheny expressed concern with the tragic cycling accident in District 3; voiced the need to pay attention when on the roads; stated he attended the event at Fire Station 59 on September 11; stated that a truck that had survived September 11 was at the event; and commended the staff for their work on the event.

Councilmember Matheny referenced that the War Memorial Auditorium demolition item was not on the agenda; stated he had conversations with City Manager Westmoreland about the item; spoke to time constraints in the War Memorial Complex; verified that D.H. Griffin had been a local longtime partner with the City; and directed City Manager Westmoreland enter into a contract to move the demolition forward. Councilmember Barber stated he would second that if it was a motion with no legal prohibition; and Councilmember Matheny questioned why the item was being held up.

City Manager Westmoreland provided the background and history of the bids for the item; spoke to the reason staff rebid the project; confirmed three of the four bids were found to be non-responsive; stated that the facility would be demolished to provide room for premium parking; confirmed that the plans to construct the parking lot would not be ready until November; voiced that the timing was not initially what it was three months ago; and added that the process used was in the best interest of the M/WBE Program implementation.

Councilmember Matheny emphasized that Council could choose whether to direct staff to rebid a contract; and asked if it would be appropriate to provide the directive to enter into negotiations with D.H. Griffin with a goal of obtaining the level of M/WBE and moving the project forward.

Interim City Attorney Carruthers explained the requirements of the current City policy; stated that staff was following the directions for competitive bidding; explained that demolition was a separate category from construction under state law; added that the local bidder acknowledged a mistake in the bid; stated that it was staff's recommendation to stay with the policy and rebid the item; and added that given this situation, the best thing was to remain with the competitive bidding program and the contract policy.

Councilmember Matheny asked if it was legal for Council to direct the City Manager with parameters to begin

negotiations for the demolition of this facility.

Interim City Attorney Carruthers responded in the affirmative.

Councilmember Matheny moved to direct City Manager Westmoreland to enter into negotiations with locally owned D.H. Griffin to raise the War Memorial Auditorium; and work with Gwen Carter in said negotiations to determine the proper M/WBE level.

Interim City Attorney Carruthers stated the directive would need to be in accordance with the M/WBE procedures.

Councilmember Matheny provided the reason for his motion.

Councilmember Hightower voiced the need for discussion; stated the motion was irresponsible, arrogant and unfair; voiced the need to listen to staff; emphasized she disagreed with the motion; that procedure needed to be followed; spoke to the need to be consistent and transparent; stated that she was the District 1 representative where the facility was located; and added that Council did not need to vote on something they were not informed about.

Mayor Pro-Tem Johnson asked if D. H. Griffin was the lowest bidder; if they had a M/WBE percentage; and voiced the need to do what was recommended by staff.

City Manager Westmoreland responded that D. H. Griffin was not the lowest bidder.

Interim City Attorney Carruthers explained the WBE and MBE goals; confirmed there were three competitive bids; outlined the error made by D. H. Griffin in the bidding process that was not allowed to be corrected under the Good Faith Program; and spoke to the other non-responsive bids.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower for a substitute motion that the City receive the bids again; that she was in favor of using local companies; and spoke to the need to for the City to be fair.

Councilmember Barber called the question.

Interim City Attorney Carruthers stated Council would vote to consider the substitute motion. The motion carried by a 7- 2 vote of Council with Councilmembers Barber and Matheny voting 'no'.

Interim City Attorney confirmed the substitute motion was on the floor now to be voted on.

Councilmember Matheny reiterated that his goal was to move the project forward with a local company; and to have a financial partner that made sense.

Mayor Pro-Tem Johnson confirmed that the substitute motion was to go out for new bids. The motion carried by a 7-2 vote of Council with Councilmembers Barber and Matheny voting 'no'.

Councilmember Matheny spoke to the legality of sweepstakes; asked if the City should be charging for sweepstakes; referenced that Rockingham County sweepstakes had gotten through the state law; that the law had loopholes; stated he recommended a moratorium be placed on any new sweepstakes for internet shops until the City understood the legislation; and voiced the need to start billing.

Interim City Attorney Carruthers confirmed that the position of the Greensboro Police Department was that the law had not changed; that the most current version of internet gaming remained illegal; addressed the issuance of privilege licenses; spoke to points the Council adopted being called into question by the Supreme Court of NC; and spoke to the remaining timeframe for privilege licenses.

Discussion took place regarding the possibility of a moratorium on sweepstakes/internet/gaming facilities; venues within the City slipping through the cracks; the need collect on privilege licenses; directing citizens to contact the City if they saw an establishment operating illegally; an investigation by the City of any venues reported; and

taking steps to shut them down. Discussion continued regarding responsibility of the Sheriff's Department; a Councilmember's reference to illegal operations when traveling in Guilford County; and a new version of an internet game which claims to be a game of dexterity as a hand swipe is required.

Councilmember Matheny announced that Chris Daughtry would be returning to the Greensboro Coliseum, November 7; spoke to the Central Carolina Fair through September 21st; and stated that Eric Church would be at the Greensboro Coliseum on September 27.

Mayor Pro-Tem Johnson thanked Mayor Vaughan and staff for the Poverty Summit; emphasized that Phase I was a good start; encouraged Mayor Vaughan to push for a Phase II; stated she would talk to Dudley High School Football Players on Saturday morning; that she had represented Council at the National Council of Negro Women on Saturday; referenced speaking with Newcomers several weeks ago; encouraged persons new to the City to contact the Newcomers; and added that she attended the final performance of the O'Jays at the Greensboro Coliseum.

Councilmember Barber voiced concerns from a legal standpoint about the consistent discussion about M/WBE percentages and local versus national contractors on City bidding; stated he thought there was potential for a lawsuit; and requested Interim City Attorney Carruthers to develop language regarding being cautious about what Council said publicly.

Interim City Attorney Carruthers referenced time spent with Norma Houston of the School of Government talking about the state law requirements regarding M/WBE; stated Ms. Houston would be one of the presenters to Council when they met with the School of Government; provided the history of the City's M/WBE Program; recognized Gwen Carter's charge with administration of the Program; and referenced the 2012 Disparity Study.

Councilmember Barber requested Attorney Carruthers to provide Council with any case law reflecting inappropriate statements that led to court challenges.

Brief discussion took place around the City's M/WBE program; the City's bidding policy; quotas being unconstitutional; providing positive comments about Greensboro; focus to spend money locally; and frustration when people disparaged the City and City departments.

Councilmember Fox emphasized the need to tout what was good in Greensboro; spoke to body worn cameras in the Police Department; voiced the need for the City to show what it was good at; spoke to Community Day at Keeley Park; stated he addressed young people from Aycock Middle School; attended the Reedy Fork Fire Station event on September 11; voiced the hope to have more joint partnerships with the County, EMS and Fire; and announced the upcoming City/County Challenge Flag Football Game on Saturday. Councilmember Fox thanked Mayor Vaughan for the Homeless and Poverty Summits; issued a challenge to the five district representatives to tackle one aspect of poverty; stated he would take on food deserts; and stated he would like to see how a Community Garden could be done in Northeast Greensboro.

City Manager Westmoreland was requested to review options for planting fruit trees/orchards and community gardens within the City Parks; and to involve the Boy/Girl Scouts in the process.

Councilmember Fox announced the mobile food market kickoff at the Department of Social Services and in the Warnersville Neighborhood October 1st through November 26th.

Councilmember Hoffmann referenced Out of the Garden which was a non-profit community garden partner in District 4; reminded people that the City was in the middle of 17 Days Arts, Cultural and Entertainment Festival; announced the arrival of three young digital projection artists; stated their exhibit would take place on Thursday at 8:00 p.m. in the parking lot next to Cheesecakes by Alex; spoke to the public arts endowment; and stated the art would move to other locations throughout the City over the next two weeks.

Matters to be presented by the City Manager

There were no items from City Manager Westmoreland.

Matters to be presented by the City Attorney

Interim City Attorney Carruthers announced the body worn camera summit Tuesday, September 30th at 9:00 a.m. in the Council Chamber; announced the panelists that would participate; confirmed that the event would be televised; and spoke to the difficulty in re-scheduling the event to the evening.

Adjournment

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

THE CITY COUNCIL ADJOURNED AT 8:06 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR