



City of Greensboro

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

Meeting Minutes - Draft City Council Work Session

Tuesday, March 20, 2018

3:00 PM

Plaza Level Conference Room

I. Call To Order

This City Council work session of the City of Greensboro was called to order at 3:00 p.m. on the above date in the Plaza Level Conference Room of the Melvin Municipal Office Building with the following members present: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaite, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

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

II. Presentations

City Manager Jim Westmoreland stated Council would hear the budget item first; then the update for the next steps of the Greensboro Criminal Justice Advisory Commission; and the Local Preference Policy before recessing to a closed session.

2. [ID 18-0161](#) Fiscal Year 17/18 Budget Update

Budget Director Larry Davis made a PowerPoint Presentation (PPP); explained the City Council program initiatives; spoke to the 4% difference over previous years; and stated that the property tax rate remained the same. Mr. Davis highlighted the total revenues; property tax; general sales tax; utility sales tax from the past four years; addressed the decrease in the utility sales tax; spoke to perspective increases for the current year; and outlined the challenges that the City was facing going forward as well as the gap in funding. Mr. Davis provided an overview of the Fiscal Year (FY) 17-18 General Fund Budget; selected revenue performance; reviewed the General Fund expenditures which included personnel costs (salaries and benefits), full time and roster salaries; addressed the cost of health insurance, maintenance/operations; and transfers to Other Funds and to the Debt Service Fund.

Discussion took place regarding health insurance increases; cost being based on coverage; and percentage of health insurance costs covered by the City and the employees.

Mr. Davis explained use of the debt service fund; the process for using the fund balance reserves; outlined the actual expenditure and revenue figures; and provided the overview of fund balance allocations for the past four years.

Discussion continued regarding the amount of fund balance reserves that had been budgeted and utilized; the need to look at budgeted and actual expense allocations; and additional revenues that would come in.

Councilmember Kennedy inquired about the revenue items that could not be collected.

Mr. Davis responded that most had been collected in a timely manner.

City Attorney Tom Carruthers addressed the collection of parking tickets; stated that the City had asked the General Assembly for amended legislation regarding said collection; and confirmed that approximately five to ten percent of revenue items went uncollected.

Councilmember Abuzuaite asked if vacancies were factored in with the salary figures. Mr. Davis replied that it was.

Councilmember Hoffmann asked for clarification on the debt service and 2016 bond allocations.

Councilmember Thurm requested that Mr. Davis provide the budget items at the cost category level.

Mayor Vaughan requested that staff schedule four dates for budget/meetings/discussions between staff and Council; expressed that community workshops had not been effective; suggested someone contact the Neighborhood Congress to possibly schedule meetings; and to also look at putting something on Greensboro Television Network (GTN) and the City website.

Mayor Pro-Tem Johnson requested that Council be provided with an overview of the merit increase process at a future meeting.

Mayor Vaughan suggested that the merit discussion take place at one of the first budget meetings in order for Council to learn the impact to the upcoming budget.

Councilmember Outling requested that Council hear from Department Heads regarding merit raise allocations in the larger departments.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer A, Exhibit No. 7, which is hereby referred to and made a part of these minutes.)

1. [ID 18-0090](#) Greensboro Criminal Justice Advisory Commission (GCJAC) Update
 - School of Government Review of City role in Police Oversight
 - Update on GCJAC Framework

City Manager Westmoreland reminded Council of previous discussions with regard to the Greensboro Criminal Justice Advisory Commission (GCJAC) and the Police Citizens Review Board (PCRB); and recognized City Attorney Carruthers for the first portion of the presentation.

City Attorney Carruthers spoke to the new technology of body worn cameras; to the reason he had invited Professor Jeff Welty from the North Carolina School of Government; and recognized Professor Welty.

Professor Welty spoke to his experience in the criminal law field; the role of the School of Government; referenced questions regarding oversight of a police department; spoke to the best practices in the area; Council's role in setting policy, direction and dictating vision; and outlined the role of the City Manager and Police Chief with regard to management of police departments and the day to day operations of the City. Professor Welty explained systemic oversight of a police department; spoke to political interference; the distinction between meddling and oversight; public and media interest in an incident; referenced a recent incident involving an Asheville police officer; highlighted a Council's authority and legal scope under North Carolina law; and provided several examples of a council's purview in personnel matters that had gone to court. Professor Welty informed Council of the role of a District Attorney when interacting with an elected body; stated that there was no formal mechanism for input between an elected body and the District Attorney regarding criminal court proceedings; advised that there was limited case law in North Carolina; and of best practices.

Councilmember Outling inquired if Professor Welty had additional examples of courts stating an elected body had crossed the line; if the judge in the Fayetteville case had explained his reasoning; if there were additional cases outside of the police/public safety context; and requested clarification on who would have the right and authority to bring a suit against an elected body.

Professor Welty stated that the law was limited; referenced researching Westlaw for cases; stated that other cases he had found related to different states; spoke to an opinion of Roy Cooper prior to becoming Governor; and confirmed that the party who was disadvantaged could bring a lawsuit.

Councilmember Hightower referenced Council's recent decision to go back to the judge; and asked about any further action.

Professor Welty responded that he was not aware of any legal impediment from an elected body requesting a District Attorney or judge to do something; reminded Council that they did not have any supervisory authority; and stated that type of request might not have the intended effect.

City Attorney Carruthers spoke to staff attending a conference in Spokane Washington; added that Greensboro was located in a right to work state; referenced union authority in other states; processes in place in Charlotte and Asheville regarding Civil Service Boards; mentioned restrictions that other North Carolina cities had; spoke about Department of Justice intervention; stated staff was proposing an updated monitoring system; and recognized Assistant City Manager Barbara Harris.

Assistant City Manager Harris outlined the history of the GCJAC and PCRB discussions; stated she had attended the conference in Spokane; that staff had worked with the advisory committee for the creation of a new framework; provided a handout to Council outlining the GCJAC membership appointment process; terms; reporting structure; qualifications; and roles/responsibilities of the commission. Assistant City Manager Harris reviewed the issues that needed to be addressed; and proposed that the current PCRB remain in place until legislative changes allowed for the formation of a new group.

Mayor Vaughan provided her understanding that the new board would review all cases to see if they could identify and monitor trends.

Assistant City Manager Harris concurred with Mayor Vaughan's understanding.

City Attorney Carruthers provided a handout of a proposed bill entitled 'An act to allow the City of Greensboro to disclose limited personnel information concerning the disposition of disciplinary charges against police officers to a board or committee designated by the City Council'; spoke to the proposed changes to the City's enabling legislation; reiterated the GCJAC's role to look at and monitor all outside complaints to identify trends; stated the PCRB would fall under the GCJAC; reviewed the role of both commissions; and stated he would be bringing the Legislative Agenda before Council at an upcoming meeting to ensure that the General Assembly could move the proposal through their study committee.

Advisory Committee Member Tom Phillips requested that the education component be added.

Assistant City Manager Harris confirmed what staff was asking for today; reminded Council they wished to leave the current PCRB in place; and spoke to the appointment process for both boards.

Councilmember Hightower requested that the PCRB membership be increased from five to seven members.

Mr. Phillips reviewed the previous appointment process for the PCRB; outlined the proposed appointment process which would fall under the realm of the City Manager's office; and explained the selection process for the new committee members.

Discussion took place regarding the desire for a diverse intentional committee; agreement with the trend identification analysis; and the need for the additional definition around the requirements for both groups.

Mayor Vaughan added that there would be a mental health professional included in the membership.

Mr. Phillips spoke to what the committee saw as qualifications for both groups; to the reasons for keeping it somewhat general and open; the need to ensure a balance; emphasized the need for ongoing training for both groups; and referenced an example of the definition and meaning of 'use of force'.

Mayor Pro-Tem Johnson agreed with the need for training; voiced concern that an ordinary citizen have the ability to serve once they had received training; and that training needed to be mandatory.

Assistant City Manager Harris added that one of the elements would include an ongoing required training as well as annual training.

Advisory Committee Member David Sevier advised that academic and practical criminal justice experience would also be a consideration.

Discussion ensued regarding similar board makeups; and some boards including police officers.

Councilmember Hightower stated she appreciated the work on the item; expressed the need to look at black and brown persons being targeted; requested the PCRB membership be increased from five to seven; and expressed the need for Council to be responsible and inclusive with their appointments.

Councilmember Kennedy spoke to her experience while serving on the Human Relations Commission (HRC) and the PCRB; to challenges of the boards; voiced agreement with the need for persons with different experiences and perspectives; for street level experience; emphasized that people could exist together in ways that were right; the need for training; and stated this would be a good opportunity.

Assistant City Manager Harris verified that with the increase to seven members for the PCRB, four members would be appointed by the GCJAC Chair leaving three members to be appointed by the Mayor.

Mayor Vaughan thanked Messrs. Sevier and Phillips as well as other members for their work; and voiced appreciation for the unique process for Council to consider.

Councilmember Abuzuaiter voiced her appreciation for the work; and referenced the time spent on the issue.

Mr. Phillips added that they had reached out to Elon School of Law who suggested they provide an educational piece in the local schools for teens; and stated that the Advisory Committee would be doing that.

Assistant City Manager Harris requested Council endorse the general framework today; spoke to the proposed legislation; and advised that Council would be provided with a list of qualifications for candidates.

It was the consensus of Council to move forward.

(Copies of the handouts are filed in Exhibit Drawer A, Exhibit No. 7, which are hereby referred to and made a part of these minutes.)

3. [ID 18-0157](#) Local Preference Policy Proposal - Councilmembers Outling and Thurm

City Manager Westmoreland recognized Councilmembers Thurm and Outling for an update on the proposed policy.

Councilmember Thurm provided the history of the item; stated they wanted to develop a policy for local preference guidelines; that she and Councilmember Outling had performed research; that the City was mandated by the state legislature; emphasized that Council wanted to support local businesses; retain the tax revenue; and stated the proposal allowed some flexibility.

Councilmember Outling reminded Council they had campaigned for support of local businesses; explained that they had developed a path to move the ball forward; that the changes would help local business; provided an overview of how the policy would work; the two types of contracts the policy would impact; spoke to the differences between businesses inside and outside Guilford County limits; stated that, with regard to the lowest responsible bid, the City would be open to a five or ten percent difference in bids; and confirmed the local businesses would be given the opportunity to match the lowest responsible bid.

Councilmember Abuzuaiter confirmed that the definition of 'local business' was a business located within Guilford County, to which Councilmember Outling responded in the affirmative.

Councilmember Outling outlined the process for allocating points to local businesses; the impact on the Minority and Women Business Enterprise (M/WBE) process; and stated the policy was complimentary to the Minority Business Enterprise (MBE) process.

Council discussion took place regarding contract rotation; impact on M/WBE businesses; a policy adopted by Council awarding minority contractors contracts below \$30,000; eliminating a process that the City was not currently implementing; and the importance in supporting local businesses.

Councilmember Wells provided the history of the previous policy; addressed the reason said policy was adopted; referenced previous disparity studies; voiced that both policies could work together; spoke to the importance in implementing and following through with the policies; and provided the background for the vendor rotation clause and priority for contracts below the \$30,000 threshold.

Councilmember Thurm responded that the proposal included a rotation basis.

Discussion continued regarding the need for implementation and enforcement of adopted policies; the need to reorganize the larger goal while supporting local businesses; blending the policies; and the need to have the tools in place to monitor policies.

Mayor Pro-Tem Johnson emphasized the need to take action on the current policies.

Councilmember Hightower voiced concern with the timing of the presentation; referenced the updated \$300,000 Disparity Study (Study) the City was required to perform under the M/WBE program guidelines; spoke to the information in the Study; added that the ten percent difference in bids was too broad; and voiced concern for the proposed policy.

Discussion continued with regard to the existing policy; the need to stay on topic; priority of Council; the need to take action and move forward; Council's review and input on the proposal; the need to wait for the results of the Study; location of the company that did the Study; the ability to amend the proposal once Council had received the Study results; the need for additional discussion; and whether Council was in agreement with the Request for Qualification (RFQ) process, and, if so, moving that portion forward. Additional discussion ensued regarding Points 4 and 5 of the proposal; moving the item forward; and placement of the item on the April 17th meeting of Council for consideration.

Councilmember Hoffmann interjected that there was a consensus of Council to place the item on an agenda.

Mayor Pro-Tem Johnson voiced that she would like to have additional conversation in conjunction with the Study as there might be some intertwining points that would make a difference.

Mayor Vaughan requested a staff explanation regarding why the City had not been implementing the vendor rotation on contracts.

Councilmember Hightower voiced her concerns and disagreement with the proposed policy; and spoke to the need for additional staff in the M/WBE Department.

City Manager Westmoreland confirmed that the proposed policy could be implemented with the existing staff; and stated that staff would come back to Council should additional staff be needed.

It was the consensus of Council to place the item on the April 17th meeting of Council.

(A copy of the proposed policy is filed in Exhibit Drawer A, Exhibit No. 7, which is hereby referred to and made a part of these minutes.)

4. [ID 18-0160](#) Recess to Closed Session

Moved by Councilmember Abuzuaiter, seconded by Councilmember Kennedy to go into closed session to preserve the attorney-client privilege between the City Attorney and Council and to consult with the City Attorney and the attorney retained by the City concerning pending litigation in the matter of Greater Greensboro Entertainment Group, et al., pursuant to G.S. 143-318.11 (a)(3), and to consider the qualifications, competence, performance, character, fitness and conditions of appointment of an employee pursuant to N.C.G.S. Sections 143-318.11(a)(6). The motion carried by voice vote.

Council recessed to closed session at 5:05 p.m. Council reconvened at 6:00 p.m. with all members in attendance except for Councilmembers Hightower and Kennedy.

Moved by Councilmember Hoffmann, seconded by Councilmember Wells to return to open session. The motion carried by voice vote.

III. Adjournment

Moved by Councilmember Thurm, seconded by Councilmember Abuzuaiter, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 6:03 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR