



# City of Greensboro

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

## Meeting Minutes - Draft City Council Work Session

Tuesday, July 29, 2014

9:00 AM

Plaza Level Conference Room

### 1. Call To Order

This City Council work session of the City of Greensboro was called to order at 9:06 a.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 Abuzaiter, Mike Barber, Jamal Fox, Sharon Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins. Absent: Mayor Pro-Tem Yvonne Johnson.

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

### 2. Presentations

#### **ID 14-0505** Fire Overcrowding Ordinance Modification update

Interim City Attorney Tom Carruthers provided the history of the item; spoke to repeated overcrowding violations at Visions Entertainment located at 4927 West Market Street; outlined the fine process for overcrowding; authority of the Fire Department to issue fines; referenced NCGS 168A-175; and explained what Council would be asked to approve at the August 4th meeting. Attorney Carruthers provided the reason the City was requesting the level of restrictions; made a PowerPoint Presentation which highlighted Article IV of Chapter 17 of the Greensboro Code of Ordinances; explained the changes to the Article; and referenced persons being stamped at clubs.

Council discussed enforcement of payment of the fines; if there would be an incentive to take possession of the club and place a lien on the property; requiring the property owner to pay fines; sculpting a violation for one location; and shutting a business down when they were over 50% capacity.

Fire Chief Greg Grayson provided an estimate of the total fines the club owed; provided the names of prior clubs at the site; explained that the club had a capacity of 900 and at one point had 1800 patrons inside; and stated 911 had been contacted by a patron in the club.

Attorney Carruthers explained the process for a club to pay the fines through negotiations; requirements of the clubs while paying the fines; added that the club did not own the property; that their liquor license had been revoked at one point; and spoke to the legal remedies of the City.

Police Chief Ken Miller stated the situation was similar to the one at Music City.

Council emphasized the need to collect and recover fines from a venue that owed the City approximately \$300,000; discussed putting a lien on the equipment that was owned by the club owner; authority of the City under state law; the need to shut the venue down; entry fees collected by the club owners; if calls for service could be addressed through nuisance abatement; what the collection efforts had been to date; and if Attorney Carruthers would walk Council through the process of shutting a venue down.

Attorney Carruthers explained that the City had been successful in modifying club owners' behavior as a result of fines; the authority of the City allowed under State law; the process for working with a club owner once a fine had been issued; the standard for nuisance abatement; limited authority provided under Chapter 19; added that the City did not have the right to seize the property; spoke to negotiations the City had entered into with about a dozen clubs when the fine was raised several years ago; explained that the volume of calls was not the only thing that determined nuisance abatement; and added that the Legal Department now had an aggressive litigator who could work through the backlog that the City had.

Discussion continued regarding having a conversation with club owners to understand why they continued to violate the ordinance; how long a club remained shut down; the owners making money regardless of the violation; process for getting the clubs back to their posted capacity; patrons being annoyed that the club had been shut down after they had paid a cover charge; the need to make the property owner more accountable; lessee responsibilities under a commercial lease; incident in the common area going against the owner of the property; and the need to put some teeth into the ordinance and to follow up with violations.

Attorney Carruthers informed Council of the process for sending warning letters to the owners; referenced the inability to boot a repeated parking ticket holder if not parked illegally; and bringing in landlords as the City moved forward on the issue.

Attorney Carruthers stated he would revise Chapter 17 Article IV – Nuisances – fire code overcrowding ordinance to reflect a fine for over 25% capacity; look at more than a ten working day shut down; stricter enforcement of the ordinance with more aggressive fine collection; would place the item on the August 19th City Council meeting; and provide an informational summary to Council prior to that date.

## 2b. False Alarm Registration Program

City Manager Jim Westmoreland referenced discussions Council had on the item; and recognized Police Chief Ken Miller for an update.

Police Chief Miller stated Deputy Chief Anita Holder was present; provided the background and history of the item; stated he understood Council was not interested in charging for registration process up front which was removed from the prior proposal; voiced that a registration process was the best practice of alarm companies; stated most cities charged from \$10 to \$25 for registration; stated the registration would assist in reduction to the amount of time for processing false alarms; confirmed that this was a process he recommended even if there was no cost; added that he did think there should be a penalty for not updating the information; and recommended levying a fine if an alarm was not registered within the required timeframe which could be adjusted based on Council's perspective.

Councilmember Hightower voiced concerns with what the benefit and incentive would be for a person to register their alarm; inquired if the fine structure had been set; if persons would get extra security as a result of registering; and whether the contact person would have access to the property.

Police Chief Miller responded that the registration would impact the efficiency of the process of responding to and reporting a situation; spoke to monitoring by the alarm companies; ability of the contact person to meet the police at the scene to assess the situation; and that owners could give police the authority not to respond to false alarms if they were out of town.

Councilmember Wilkins asked for clarification that this was for alarm registration; stated he was not comfortable with the item; voiced concern for the taxpayers covering the administration of the program; asked what the benefit of the registration would be; and the man hours involved if the program were put in place.

Police Chief Miller and Deputy Chief Holder explained the online process for persons to register; that the program would assist the alarm coordinator already in place; that there would be no administration fee; would be an automated process; that the proposed program would benefit on the billing side of the process for false alarms; and emphasized that it was their intention to make it as easy as possible for citizens to comply with the program.

Councilmember Fox inquired who requested additional discussion on the matter; requested the community voice be at the table if the City moved forward; and asked about the level of priority of the item.

City Manager Westmoreland stated he had placed the item on the agenda as there was still a desire for discussion on the item.

Police Chief Miller emphasized that this would be a matter of making the department more efficient and effective; outlined the current process for billing for false alarms; referenced other cities registration process; and voiced that the program would reduce the number of false alarms that consumed the public resources of fire and police.

Councilmember Abuzuaiter referenced discussions regarding the costs involved with answering false alarms; priority one issues; spoke to programs and outreach in the Police Department; requirements for commercial property owners; spoke to the responsibility of the alarm companies; and voiced that it would be a benefit that would save the City money.

Discussion ensued around elderly persons registering; legal requirements of the alarm companies; determination of where the invoice would be sent; difference between housing inspections and alarm notifications; accuracy of the data entered into the program; best practices; requirement of alarm companies to notify new customers of the registration requirement; trial period for the program; and working through the alarm company and local associations to educate citizens of the program. Additional discussion took place regarding public safety concerns; priority of the program; evaluating the program twelve months after implementation; questions as to how the program would assist in reducing false alarm calls; boots on the ground for neighborhood policing; number of contacts made by the alarm companies prior to calling 911; and a request for an updated cost of responding to false alarms.

Police Chief Miller reiterated that the program would provide updated information in their data base for communication with dispatchers; would make field personnel more efficient in responding; spoke to the alarm company contact process; confirmed that the alarm companies supported a registration process; and asked that this model policy be the practice in managing false alarms.

Discussion took place regarding the timeframe for implementation of the program; forwarding emails to residents reminding them to change their batteries; accurate data in the data base; and moving the item forward on a future agenda.

City Manager Westmoreland was requested to have a six month citizen advertising and awareness campaign; a twelve month evaluation period; report the results of the campaign at the end of the 12 month period; provide a spread sheet outlining false alarm costs from July 1, 2013 through June 30, 2014; to reach out to Mayor Pro-Tem Johnson for her thoughts on the item; and to place an item regarding alarm registration on the August 19th meeting of Council for consideration.

Mayor Vaughan declared a recess at 10:30 a.m. Council reconvened at 10:41 a.m. with all members in attendance except Mayor Pro-Tem Johnson.

**ID 14-0519****Resolution Awarding Contracts to Design the Steven B. Tanger Center for the Performing Arts**

City Manager Westmoreland provided the history of the item; stated an update would be provided on the status and governance of the project; emphasized that a lot of public and private effort had been put into the project; and made a PowerPoint Presentation which outlined the funding overview, project timeline, project design and construction update. City Manager Westmoreland added that the item would come before Council at the August 4th meeting; outlined what Council would be asked at future meetings; spoke to the M/WBE participation for the project; confirmed that Boston's House of Jazz had relocated; and recognized Walker Sanders with the Community Foundation to speak to the private financing.

Mr. Sanders recognized those involved in the project in the audience; provided the history of the private financing; stated that \$35 million in private funding sources had been pledged; the Foundation would secure financing from Bank of NC; would provide the letter of guarantee to come to the City; and outlined the three financing components.

Finance Director Risk Lusk spoke to the Memorandum of Understanding (MOU) requirements; security interests as required by the bank; the City's contributions to the project; and provided an outline of the makeup of the financing.

Council discussed whether the \$30 million contribution had or would delay any planned projects for the City; Council reprioritization of projects due to needs; impact to the High Point Road Revitalization project; and a request for a report on the status of the High Point Road project as a result of funding for the Performing Arts Center in the August 4th agenda.

Mr. Sanders provided the proposed makeup and timeline for organization of the Tanger Center Governing Body.

Discussion ensued regarding timing for appointments to the board; development of articles of incorporation; importance in Coliseum Director Matt Brown working with the Board; the City's review of the proposed articles of incorporation; and criteria for the two Council appointments to the Board.

City Manager Westmoreland reviewed the slide of the War Memorial relocation which would be on the grounds of the Greensboro Historical Museum; stated the Memorial would be funded and financed by private donations; and that the relocation met the intent of the MOU.

Councilmember Hightower voiced concerns with the placement of the memorial at the Historical Museum rather than inside of the Performing Arts Center to be preserved; that all people may not be able to come and view the memorial; and voiced disappointment that there would not be a remembrance to the City's War Veterans inside the Performing Arts Center.

Coliseum Director Matt Brown participated in the meeting via telephone; stated that a portion of the original War Memorial would be preserved in the Coliseum Complex; addressed Councilmember Hightower's concerns; voiced that this was an opportunity for a new outdoor monument that could be viewed 24/7 by all visitors to the City; and emphasized that the memorial would be in close proximity to the Performing Arts Center with the proposed location of Davie and Summit Streets.

Discussion took place regarding whether Mr. Brown had any discussions with Veteran groups about the location of the memorial; whether the location met the requirements of the MOU; belief that the community thought the memorial would be located inside the performing arts center; enhancement of the memorial at the coliseum complex; inclusion of Veteran groups going forward; and lifespan of the memorial.

Additional discussion took place regarding revenue from the parking lot; concerns with the private donor funding; request for a fact sheet outlining the current number of pledges and pledges going forward; content of the guarantee letter; security for the loan; worst case scenario; why the Foundation would not borrow the entire \$30 million; clarification as to the selection of the design team; M/WBE participation for the design and construction contracts; and continued citizen engagement throughout the project;

Mr. Sanders provided the history of the public engagement and interest through meetings in 2012. Mr. Brown elaborated on the team makeup; challenges of the project; and outlined the methodical process for the project going forward.

City Manager Westmoreland was requested to continue public engagement on the project; provide periodic updates to Council; and to keep the City website updated on the development/progress of the Performing Arts Center.

## **ID 14-0520**

### **War Memorial and Other Coliseum Improvements updates**

City Manager Westmoreland recognized Mr. Lusk and Coliseum Director Matt Brown to speak to the item. Mr. Lusk made a PowerPoint Presentation which outlined the Coliseum Complex improvements between 2012 and 2014; provided an overview of improvements the Coliseum was requesting which would include an indoor Sport Court; and spoke to proposed funding allocation of the Hotel/Motel Tax Fund.

Council discussed whether the Sport Court would fall under Parks And Recreation; the economic development impact; process for the funding; clarification of the ways the hotel/motel tax fund was allocated for projects; and a request for a spread sheet for the use of the distribution of the hotel/motel tax fund.

Mr. Lusk spoke to the funding for the CVB office renovation; long term debt reimbursement; and the debt service reserve fund.

City Manager Westmoreland confirmed the item would be on the August 4th agenda.

Councilmember Barber requested that Council consider a solid afternoon once a month for a work session,

possibly noon to 5:00 beginning with the fourth Tuesday in August. It was the consensus of Council to do so.

Councilmember Wilkins requested that the High Point Road Revitalization project delay be placed on an upcoming work session; voiced concerns with the difference of M/WBE participation on different projects; referenced participation on the performing arts center project; and increase project costs as a result of rebidding a project due to M/WBE requirements.

Brief discussion took place regarding M/WBE percentage goals and quotas; delaying projects as a result of poor M/WBE participation; appearing close to quotas; awareness of the specificity of numbers; impact as a result of rebidding projects; education of persons; being cognizant of what was going on in the City; the need for people to be engaged in the M/WBE process; and paying more as a result of meeting M/WBE requirements.

Interim City Attorney Carruthers spoke to M/WBE and the rebidding process.

Copies of the PowerPoint Presentations are filed in Exhibit Drawer W, Exhibit No. 15 which is hereby referred to and made a part of these minutes.

**3. Adjournment**

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

THE CITY COUNCIL ADJOURNED AT 12:06 P.M.

ELIZABETH H. RICHARDSON  
CITY CLERK

NANCY VAUGHAN  
MAYOR