



City of Greensboro

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

Meeting Minutes - Draft City Council Work Session

Monday, October 6, 2014

12:00 PM

ACC Hall of Champions Board Room

1. Call To Order

This City Council work session of the City of Greensboro was called to order at 12:25 p.m. on the above date in the ACC Hall of Champions Board Room, 1921 West Lee Street, Greensboro, with the following members present: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaite, Mike Barber, Jamal Fox, Sharon Hightower, Nancy Hoffmann, and Tony Wilkins. Absent: Mayor Pro Tem Yvonne Johnson and Councilmember Zack Matheny.

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

2. Presentations

2a. Work Session Purpose and Objectives

City Manager Jim Westmoreland opened the meeting; welcomed guests Carl Stenberg, Norma Houston, and Jonathan Morgan from the North Carolina School of Government; spoke to the purpose of the work session; outlined the three topics that would be discussed; and introduced Carl Stenberg for the presentation on Council-Manager Roles and Expectations.

2b. School of Government Presentations

Mr. Stenberg made a PowerPoint Presentation which provided an outline of the Council-Manager roles and responsibilities; provided an explanation for the dimensions of Governmental Process graph; spoke to the changes in local government; emphasized that there could be a mingling between the roles, but that elected officials made policy which staff executed; spoke to the possibility of mixed messages of citizens; outlined the four compasses of whom local officials worked for; confirmed that the elected officials were there to represent, not to bring knowledge as the staff was full time and elected officials were part time. Mr. Stenberg addressed the differing staff-board views and values; outlined the gap between professional and political learning; spoke to the potential for misunderstanding and referenced the tug of war that sometimes occurred.

Discussion took place regarding pledges made by candidates during the campaign; responsibilities of elected officials during public meetings regarding ideas brought forth by citizens; reality of getting things done; and citizens' expectations.

City Manager Westmoreland spoke to both staff and elected officials serving the public; having a process for getting things done; and communication regarding what they could and could not do in their respective roles.

Mayor Vaughan asked for clarification on guidelines for releasing information discussed in closed session; and posting meeting notices regarding social events.

Mr. Stenberg deferred to Norma Houston.

Ms. Houston provided an explanation of what could and could not be discussed by a majority of councilmembers when at a social gathering before it became a public meeting of the body.

Interim City Attorney Tom Carruthers advised that when at a neighborhood meeting, it was appropriate for Council to state they were present to receive citizen's comments/suggestions and advise that an official meeting would

need to be held for the body to take action on the concern.

Ms. Houston advised that if there was a possibility an event could turn into a mini-town hall meeting it was best to have the Clerk post a notice; advised Council to be cautious about engaging in the transaction of public business at a social event; outlined the procedure for discussing items outside of a closed session; advised what was a criminal offense if discussed outside a closed session; and spoke to statutory sanctions.

Discussion ensued regarding concerns with getting kickback from the press for information discussed in closed session; clarification as to when meetings should be announced; and the 48 hour requirement.

Attorney Carruthers advised that a schedule of regular meetings and work sessions was posted annually; and that if a special meeting needed to be announced, it needed to be posted at least 48 hours prior to the date of the meeting.

Mr. Stenberg reviewed what had been discussed; outlined the helpful protocols slide; voiced the need for agreement on how elected officials and staff would treat one another; spoke to effective ways of communicating; asked Council what their greatest challenge was; and what high performance habits needed to be maintained in order to meet the challenge.

City Manager Westmoreland referenced things that had been established for a communications protocol; stated that he had recently developed a bi-weekly status report that included the status and next steps for items; and voiced that although not perfect, it was helpful in keeping all of the Councilmembers informed.

Council discussed the communications process; appreciation for being updated on items through the bi-weekly status report; concerns with not receiving the agenda at least a week before a council meeting; challenges in satisfying constituents; going to a committee structure similar to Winston-Salem to prepare items for the Council agenda; Council becoming more effective; issues with a committee structure with regard to the timing of an agenda item; reference to the Council committees that Council had used over the past several years; demand that government move faster and more efficiently; and still doing business from a decade ago.

City Manager Westmoreland voiced concern with a missed opportunity with not having Council come together more often with a long term vision; referenced demands placed on Council; referenced items that were not currently active; and important items that would guide and direct the future of the City. City Manager Westmoreland spoke to the budget development process; revenue issues going into next year; creation of a need for programs; Council priorities; and the need to make decisions regarding what the commitment would look like.

Mr. Stenberg emphasized the importance in looking at the big picture; spoke to the expectation that things would be done differently; to what needed to be emphasized; what needed to be dropped; and the need to provide a framework.

Mayor Vaughan declared a recess at 1:50 p.m. Council reconvened at 2:00 p.m. with all members in attendance except Mayor Pro-Tem Johnson and Councilmember Matheny.

Mayor Vaughan introduced Norma Houston for a presentation on historically underutilized business participation legal requirements.

Ms. Houston thanked Council for being here, and explained that she would use the term HUB – Historically Underutilized Businesses as that was the terminology used by the State which incorporated Minority and Women Business Enterprise. Ms. Houston outlined what would be discussed; made a PowerPoint Presentation (PPP); and began by asking Council's opinion on three different scenarios.

Councilmember Fox left the meeting at 2:04 p.m. and returned at 2:12 p.m.

Discussion took place regarding Good Faith Effort; requirements of the Mini-Brooks Act; statutory requirements; rotation of companies for services; and the difference between on-call services and actual services.

Ms. Houston continued with the PPP which outlined the procurement requirements; standard of award; failure to

comply; when a contract became void; and outlined the basic principles of the HUB Program which highlighted that it was a goal, not a quota; focused on opportunity to compete for bids; application of lowest responsive bidder standard requirement; and non-discrimination requirements. Ms. Houston stated the three basic requirements were the goals set by local government; participation efforts by both the local government and the bidder; the reporting requirements; and provided information from the Anti-Discrimination Statute.

M/WBE Director Gwen Carter clarified the annual aspiration goal for the City was developed by the consultant who performed the disparity study.

Discussion ensued regarding different aspiration goals for different services; the City goals double what the State required; referenced the construction portion of catalytic projects such as the GPAC, Wyndham Hotel and Union Square; clarification on the requirements of participants to attend the pre-bid conference; and requirements when the contractor was self performing or did not need sub-contractors.

Ms. Houston reviewed the informal and formal Good Faith Effort requirements for local governments and bidders; spoke to what needed to be included in the formal bid format; reviewed forms that would need to be submitted when a contractor would self-perform or not require sub-contractors; and outlined what would cause a contractor to be disqualified under State law.

Interim City Attorney Tom Carruthers outlined the requirements of the City's program; and explained that Greensboro had added good faith efforts and self-performance requirements.

Councilmember Barber left the meeting at 2:44 p.m.

Council discussed good faith efforts; whether the requirements made it more difficult to do business in Greensboro; similarities between the City's and Charlotte's plan; requirements to choose the lowest bidder; outreach process; and the legal method of advertising for projects.

Attorney Carruthers verified that a contract could not be issued based on race; spoke to the requirement to choose the lowest bidder; and the bid process.

Ms. Houston advised on the bidder requirements; outlined formal documentation that needed to be provided by the winning bidder; outlined the requirements for providing notice to contractors; and verified that notice did not need to go in a local newspaper.

Ms. Carter advised Council of the City's process for notification to contractors; and where the M/WBE lists were posted for contractors.

Attorney Carruthers advised as to the City requirements for advertisement; and added that staff was reviewing the City's policies and procedures.

Councilmember Hightower voiced concern for the process used by the City to advertise for projects.

Ms. Houston interjected that there was a balancing act that the local governments needed to adhere to; reviewed the HUB requirements summary which outlined the goals, good faith efforts and reporting requirements for contracts below \$30,000; between \$30,000 and \$300,000; and \$300,000 and above; spoke to the informal HUB range and the amount of the contract when awarded; added that if the contract was close to the formal HUB requirement that a local municipality needed to go with the more formal process; and provided the School of Government's position with regard to starting with formality as it could create an unfair competitive advantage.

Discussion took place regarding the rules for the formalized process; whether a bid could be changed once the bid process was complete; clarification of a non-responsive bid; the need for a contractor to comply with the local municipalities' requirements; and the City's audit provisions.

Councilmember Wilkins left the meeting at 3:02 p.m. and returned at 3:04 p.m.

Ms. Houston clarified why a contractor could not swap out subcontractors; outlined the State affidavit

requirements; spoke to the constitutional standards for the HUB program; and provided a breakdown of the slide illustrating the strict scrutiny process for compelling interest and narrowly tailored requirements.

Mayor Vaughan introduced Jonathan Morgan for the presentation on City roles in building an effective Economic Development Program at 3:12 p.m.

Mr. Morgan provided a PowerPoint Presentation on City Roles in Building an effective Economic Development Program; provided an outline of the learning objectives; stated they would look at the components and objectives of high performing economic development programs; and spoke to the role of the City.

Mr. Morgan reviewed the components of high performing programs; spoke to measuring results; promoting Economic Development that benefited people and places; the need to be 'business friendly'; balance transparency; and invest in local assets which included people, infrastructure and amenities. Mr. Morgan voiced the need to operate with a strong strategic plan; be customer driven; innovative; willing to take risks; to build strong alliances and networks; referenced the DELL project; and asked to what extent Greensboro had a high-performing Economic Development Program.

Mr. Morgan spoke to building an Economic Development Program; visioning/planning and strategy for leaders; strategic thinking; asked where Greensboro stacked up; where Greensboro wanted to go; and outlined what type of structure was needed to organize an Economic Development Program. Mr. Morgan stated there was no scientific answer; referenced the trend of the public/private partnerships spoke to alternatives for organizing Economic Development; stated things were changing at the State level; outlined the continuum of alternatives for Economic Development organization; addressed the advantages and disadvantages for using a Statutory Economic Development Commission; addressed the accountability issue when outsourcing; conflicts of interest; misuse of local funds; and reviewed the trends in Economic Development structure. Mr. Morgan voiced the importance to ensure everyone understood their respective roles; and asked if Greensboro had the optimal structural arrangement for implementing economic development.

Council discussed the community discussion within the City; discussions with the Greensboro Partnership; and what was most successful.

Mr. Morgan verified that he could not point to any hard data; stated that any form or structure could work and be effective; that the leadership would need to know what would work for Greensboro at this time; emphasized the need to have an evolution in thinking and to have a structure in place that was consistent with what had changed in the City and what the focus was.

City Manager Westmoreland interjected that the question about the structure would play out over the next couple of months; spoke to the roles the City could and should play with regard to Economic Development; and added that he was developing an action plan to present to Council for direction in moving forward.

Mr. Morgan reviewed the leadership and governance for professional staff; elected officials and governing boards; private investors; advisory committees and stakeholder and allies; spoke to the Economic Development roles; to who would expect to take the leadership role; the need for investments in infrastructure to be made by the City; spoke to the important leadership roles of Council; the role of staff; addressed how to engage the private sector; and reviewed the Economic Development leadership traits.

Discussion took place regarding to what extent the Economic Development roles in Greensboro were clearly specified and understood.

Mr. Morgan reviewed the funding for Economic Development programs; funding by type of organization; trends in Economic Development funding; measuring results of what success looked like and what it meant to be effective in Economic Development; spoke to performance metrics; and the latest in measuring Economic Development results.

Discussion took place regarding the decrease in unemployment levels; jobs being replaced with low wage jobs; and people working two jobs rather than one.

Mr. Morgan addressed the unemployment statistics; verified that Council had a special, distinctive role; spoke to the need to look to area colleges and universities; quality of life amenities; the need to ensure leadership and accountability mechanisms were in place; spoke to the struggles with how to allocate resources; and emphasized the need to specify what the City's role was to put Greensboro on the map.

Copies of the Power Point Presentations are filed in Exhibit Drawer W, Exhibit No. 23, which are hereby referred to and made a part of these minutes.

2c. Closed Session

Moved by Councilmember Hoffmann, seconded by Councilmember Fox to recess to closed session to preserve the attorney-client privilege between the City Attorney and Council, to consult with legal counsel concerning pending litigation in the matter of Terry Walsh, Greensboro Cabaret, Inc. v. City of Greensboro, and to consider and give instructions concerning the settlement of this judicial action, pursuant to G.S. 143-318.11(a) (3). The motion carried by voice vote.

Council recessed to closed session at 4:05 p.m. Council reconvened to open session at 4:29 p.m. with all members in attendance except Mayor Pro-Tem Johnson and Councilmembers Barber and Matheny.

3. Adjournment

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

THE CITY COUNCIL ADJOURNED AT 4:30 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR