

DRAFT

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING

4 MARCH 2014

The City Council of the City of Greensboro met in the Regular Meeting at 5:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Nancy Vaughan, presiding; Councilmembers Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zachery Matheny, and Tony Wilkins. Absent: None. Also present were Jim Westmoreland, City Manager; Terry Wood, Interim City Attorney; and Elizabeth H. Richardson, City Clerk.

Moved by Councilmember Zack Matheny, seconded by Councilmember Tony Wilkins, to recess into closed session to consult with legal counsel concerning pending litigation in the following action: Charles E. Cherry, Joseph L. Pryor, and Robert Reyes, vs. The City of Greensboro (1:12-cv-217) pursuant to G.S. 143-318.11(a)(3).

The motion unanimously carried by a majority voice vote.

Mayor Vaughan stated Council would return to open session at 5:30 p.m.

City Council recessed to closed session at 5:01 p.m.

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Council reconvened at 6:01 p.m. with all of members in attendance.

Moved by Councilmember Zack Matheny, seconded by Councilmember Marikay Abuzuaite to return to open session at 6:02 p.m. The motion carried by unanimous voice vote.

**Moment of Silence**

The meeting opened with a moment of silence.

**Pledge of Allegiance to the Flag**

Mayor Vaughan recognized Justin Neal of Boy Scout Troop #536 from Saint James Baptist Church and the troop to lead the Pledge of Allegiance to the Flag; and spoke to Justin's recent Eagle Scout Award accomplishment.

Councilmember Hightower spoke to Justin's upcoming Eagle Scout Ceremony on March 29<sup>th</sup> at Saint James Baptist Church.

**Recognition of Courier**

City Manager Jim Westmoreland recognized David Alex Arnett, Waste Reduction Supervisor of the Field Operations Department, who served as courier for the meeting; and voiced appreciation for the work of the Field Operations Department during recent inclement weather.

**Council Procedure for Conduct of the Meeting**

Mayor Vaughan explained the Council procedure for conduct of the meeting; and stated Council would take a break around 8:00 p.m.

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**Recognition of Water Resources Operations Division STAR Recertification by Water Resources Director Steve Drew.**

Water Resource Director Steve Drew spoke to being honored and privileged to recognize the Water Resources Operations division for receipt of the STAR Recertification; recognized the work that they had done to promote safety; spoke to the benefits of the award; recognized committee members in the audience; and thanked the City Manager's office and City Council for creating a good progressive work environment.

City Manager Westmoreland stated the Manager's office was proud of the accomplishment of the Department; and of the employees' efforts to focus on safety.

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**Presentation on Erin's Law by Senator Gladys Robinson and Reverend Raymond King, Jr.**

Reverend Raymond King spoke to the need to rethink the method of dealing with issues and the initiative to prevent Child Sexual Molestation (CSM); referenced the number of registered sex offenders in Guilford County; asked for Council support for educating and empowering children to recognize attempted incidences of molestation; spoke to teen sexual activity and pregnancies, disciplinary issues, scholastic deficiencies, drug addiction and alcohol addiction as a result of CSM; spoke to the goal of the group Be Wise Kids, Inc.; and the work of the faith based community and school districts.

Senator Gladys Robinson spoke to public safety and child molestation; outlined what the proposed draft legislative bill would do; spoke to the establishment of a task force to study the issue; the need to gather information on the matter to identify state wide goals to prevent child abuse; spoke to identifying methods for increasing awareness of the issue; and stated the recommendations of the task force would be submitted during the 2015 Legislative Session.

Councilmember Hightower thanked Reverend King and Senator Adams for attending; and asked for Council's support of the issue.

Council discussed consideration of a resolution for placement on the City's 2014 Legislative Agenda; and requested staff to prepare a resolution in support of Erin's Law.

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**Presentation on the Convention and Visitors Bureau by Henri Fourrier.**

Mayor Vaughan recognized Henri Fourrier from the Convention and Visitors Bureau for the presentation of a video.

Mr. Fourrier ran the video; explained that the video was a new format in promoting Greensboro; and spoke to making additions to the video as needed.

Councilmembers thanked Mr. Fourrier for attending; spoke to the highlights of things to do in Greensboro; and voiced appreciation for the work of the Convention and Visitors Bureau in promoting tourism and events in Greensboro.

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**PUBLIC COMMENT PERIOD**

Al McAlvley, 3214 Martin Avenue, spoke to the dress code and appearance of GTA customers on buses throughout the City; in favor of administering fines as a result of inappropriate appearance; and voiced concern with disabled rider's wheelchair restraints shifting as a result of the way the drivers used the brakes.

Council discussed bringing the concern to the GTA Board; requesting Councilmember Hightower to address the issue with the task force; and requested City Manager Westmoreland research language regarding administering fines to persons with sagging attire in public from sister cities, as well as, New Jersey.

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William Heasley, 236 Tamworth Road, Denton, NC, commented on the previous video; spoke to what Guilford County did not produce; economic development; government participation in projects; and number of local jobs compared to Raleigh and Charlotte.

Council commented on the comparison made to Raleigh and Charlotte; Greensboro being a mid-size city; the investment being made to Downtown; number of jobs that had been lost in the area; and spoke to the assets of Greensboro.

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David Moore, spoke to mentoring young men and women; the need to leave a legacy to our youth; to the value and importance of community; referenced a quote from Nelson Mandela; and voiced the responsibility to protect children.

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Timothy Blackmon, 2402 Bywood Road, stated he was the owner of Prestige Barber College; was a supporter of the Coalition of Family and Community Improvement; addressed the issue of neglected neighborhoods; stated he supported growth in Greensboro; voiced concern that the economic development was not balanced throughout the City; and spoke to the need for financial support, training, and endorsement from City Leaders for small businesses.

Council discussed the charge of the Economic Development Committee to support small businesses.

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Earnestine Surgeon, 2411 Phillips Avenue, spoke to being the president of the Neighborhood Board; spoke to what the Claremont community had to offer in the area; spoke to struggling mothers; what the neighborhood had done; asked Council to work with the community; and invited councilmembers to a community meeting on March 17 at 6:30 p.m. to find out what the Coalition had to offer.

Mayor Vaughan referenced that Council would be forming an East Greensboro Study Committee to research issues in East Greensboro that would be comprised of herself; Mayor Pro-Tem Johnson and Councilmembers Fox and Hightower.

Councilmember Hightower stated that the next teen meeting was scheduled for March 10<sup>th</sup> at 10:30 a.m. in the Melvin Municipal Building.

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Ralph Mitchell, 1483 Alamance Church Road, supporter of the Coalition of Family and Community, referenced community mindset and beliefs; provided a biblical quote; outlined the brain model; referenced a quote from Nelson Mandela; and invited Council to a community meeting scheduled for 6:30 p.m. on March 17th.

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Charles Byrd, 1618 Glenridge Road, spoke to the Coalition of Family and Community Improvements; provided a scripture; spoke to the service to others of the Coalition; proclaimed that the walls of Apartheid in Greensboro had fallen; spoke to the dreams and strategies of others and what Greensboro needed; provided a quote from the 2014 State of the City address; and stated the community meeting would take place on Monday, March 17 at Trinity AME Zion Church located at 631 East Florida Street.

Mayor Vaughan requested Mr. Byrd send an invitation to Council.

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George Hartzman, 2506 Baytree Drive, provided an overview of a reimbursement from the City to Koury Corporation; referenced items that did not get before Council; City emails regarding the reimbursement; and stated the reimbursement was not legally owed.

City Manager Westmoreland was requested to provide a copy of the history of the settlement paid to Koury Corporation for the improvements they had made.

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William Marshburn, Long Valley Road, referenced an incident that happened in the Council Chamber in 2008; spoke to elected officials perjuring themselves; acts of certain elected officials at that time; and voiced concerns regarding corrupt government.

Council briefly discussed the reason for the incident; and action taken against Mr. Marshburn.

### **CONSENT AGENDA**

Moved by Councilmember Marikay Abuzuaiter, seconded by Mayor Pro-Tem Johnson to accept the Consent Agenda. The motion unanimously carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, Nancy Vaughan, and Tony Wilkins.

NAYS: None.

#### **53-14 RESOLUTION AUTHORIZING WATER CONNECTION TO SERVE 9609 WEST MARKET STREET IN ACCORDANCE WITH THE CITY OF GREENSBORO POLICY WATER AND SEWER SERVICES “OUTSIDE THE CORPORATE LIMITS”**

WHEREAS, the Water Resources Department has received a request from National Pipe and Plastics, Inc. requesting consideration of a two-inch connection to the water main adjacent to 9609 West Market Street which will support the manufacturing expansion activities at the site and support Water Resources Department’s goal to reduce the amount of non-revenue flushing water on the emergency interconnect line with Winston-Salem;

WHEREAS, City Council approval is necessary since the property is located in Colfax, outside the City’s Water Sewer Service Area (WSSA) and because the Water and Sewer Services “Outside the Corporate Limits” policy does not administratively allow approval of this type of request;

WHEREAS, the connection has been reviewed for capacity availability and is recommended by the Water Resources Department;

WHEREAS, the owner is responsible for all costs associated with the sewer connection.

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

That the construction of the above mentioned water line adjacent to 9609 West Market Street in accordance with the City of Greensboro Policy Water and Sewer Services “Outside the Corporate Limits” to serve 9609 West Market Street which will support the manufacturing expansion activities at the site and support Water Resources Department’s goal to reduce the amount of non-revenue flushing water on the emergency interconnect line with Winston-Salem is hereby authorized.

(Signed) Marikay Abuzuaiter

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**54-14 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF THOMAS R. FARMER AND JUANITA M. FARMER, IN CONNECTION WITH THE BATTLEGROUND-CONE-BENJAMIN PROJECT**

WHEREAS, Thomas R. Farmer and Juanita M. Farmer, are the owners of certain property located at 2622 Battleground Avenue, designated as Tax Map # 273-5-12A/Parcel #0030323, said property being as shown on the map attached hereto as Exhibit A;

WHEREAS, a portion of each of the said property is required by the City in connection with the Battleground-Cone-Benjamin Project;

WHEREAS, negotiations with the owners at the appraised value of \$61,591.00 for 2622 Battleground Avenue have been unsuccessful and said portions of this property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn a portion of each of the said property as herein described and that the Director of Finance be authorized to a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$61,591.00 for 2622 Battleground Avenue, designated as Tax Map # 273-5-12A/Parcel #0030323.

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

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire the portion of the property identified herein, and the Director of Finance is hereby authorized to issue a draft to the Clerk of Superior Court in the amount of \$61,591.00 as compensation to the owners for 2622 Battleground Avenue, designated as Tax Map # 273-5-12A/Parcel #0030323, these payments to be made from Account No. 220-4587-01.6012 Activity #A12082.

(Signed) Marikay Abuzuaiter

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**55-14 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF THOMAS R. FARMER AND JUANITA M. FARMER, IN CONNECTION WITH THE BATTLEGROUND-CONE-BENJAMIN PROJECT**

WHEREAS, Thomas R. Farmer and Juanita M. Farmer, are the owners of certain property located at 2306 West Cone Boulevard, designated as Tax Map # 273-5-20/Parcel #0030330, said property being as shown on the map attached hereto as Exhibit A;

WHEREAS, a portion of each of the said property is required by the City in connection with the Battleground-Cone-Benjamin Project;

WHEREAS, negotiations with the owners at the appraised value of \$1,835.00 for 2306 West Cone Boulevard have been unsuccessful and said portions of this property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn a portion of each of the said property as herein described and that the Director of Finance be authorized to a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$1,835.00 for 2306 West Cone Boulevard, designated as Tax Map # 273-5-20/Parcel #0030330.

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

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire the portion of the property identified herein, and the Director of Finance is hereby authorized to issue a draft to the Clerk of Superior Court in the amount of \$1,835.00 as

compensation to the owners for 2306 West Cone Boulevard, designated as Tax Map # 273-5-20/Parcel #0030330, these payments to be made from Account No. 220-4587-01.6012 Activity #A12082.

(Signed) Marikay Abuzuaiter

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**56-14 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OWNED BY TED R. WATSON, TRUSTEE  
LOCATED AT 2625 BATTLEGROUND AVENUE FOR THE BATTLEGROUND/CONE/BENJAMIN  
INTERSECTION IMPROVEMENT PROJECT**

WHEREAS, in connection with the Battleground/Cone/Benjamin Intersection Improvement project, a portion of the property owned by Ted R. Watson, Trustee, Parcel 0030372 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 \$21,930 but the property owner has agreed to settle for the price of \$26,981, 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 \$26,981 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. 220-4587-01.6012 A12082.

(Signed) Marikay Abuzuaiter

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**57-14 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OWNED BY WILLIAM G. ROGERS TRUST  
LOCATED AT 2612 BATTLEGROUND AVENUE FOR THE BATTLEGROUND/CONE/BENJAMIN  
INTERSECTION IMPROVEMENT PROJECT**

WHEREAS, in connection with the Battleground/Cone/Benjamin Intersection Improvement project, a portion of the property owned by William G. Rogers Trust, Parcel 0030318 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 \$49,738 but the property owner has agreed to settle for the price of \$53,924, 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 \$53,924 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. 220-4587-01.6012 A12082.

(Signed) Marikay Abuzuaiter

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**58-14 RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF GREENSBORO AND CENTRAL CAROLINA HEALTH NETWORK (CCHN) FOR ADMINISTRATION OF THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) GRANT**

WHEREAS, in 2011 The Department of Housing and Urban Development (HUD) notified the City that it was part of an Eligible Metropolitan Statistical Area (EMSA) newly eligible to receive Housing Opportunities for Persons with AIDS (HOPWA) grant funds;

WHEREAS, a second HOPWA grant in the amount of \$316,214 was awarded in January 2012 and the City has continued to contract with CCHN for administrative services;

WHEREAS, as part of the adopted Fiscal Year 2013-14 budget City Council approved an ordinance in the amount of \$301,455 for the federal Housing Opportunities for Persons with AIDS (HOPWA) grant;

WHEREAS, the US Department of Housing and Urban Development (HUD) has recommended that the City contract with Central Carolina Health Network (CCHN) for local-profit agency experienced in the delivery of HOPWA services;

WHEREAS, the City Council is being requested to approve the proposed agreement between the City of Greensboro and Central Carolina Health Network for administration of the Housing Opportunities for Persons with AIDS (HOPWA) grant, said agreement presented herewith this day.

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

That the Professional Services Agreement between the City of Greensboro and Central Carolina Health Network for administration of the Housing Opportunities for Persons with AIDS (HOPWA) grant is hereby authorized and the Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper agreement to carry the proposal into effect, payment in the amount of \$301,455 to be made from Account #220-2282-01.5931.

(Signed) Marikay Abuzuaiter

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**59-14 RESOLUTION AUTHORIZING GRANT APPLICATION FOR THE NC GOVERNOR'S HIGHWAY SAFETY PROGRAM EQUIPMENT GRANT FOR TRAFFIC DATA ANALYSIS EQUIPMENT**

WHEREAS, the Greensboro Police Department's Traffic Safety Unit in accordance with their commitment to promote highway safety and reduces the number of traffic crashes through planning and execution of safety programs; and

WHEREAS, the proposed project supports the City Council Priority of Crime Reduction and aligns with the Police Department's initiative of Community Policing recognizing Traffic Safety as a key component; and

WHEREAS, On February 12, 2014, the Greensboro Police Department submitted a grant application for a project totaling \$11,904.00 to the NC Governor's Highway Safety Program, under the funding area of Roadside Safety; and

WHEREAS, the grant requires a 25% cash match of \$2,976.00, to be provided by the City with NC State Drug Tax funds; and

WHEREAS, federal funds shall be used to purchase four StealthStat with Traffic Statistics Computers; and

WHEREAS, if approved by Council and awarded by the North Carolina Governor's Highway Safety Program, this project will provide technology to aid in traffic enforcement, collection of statistical data for reporting and related prosecutions in the Greensboro and Guilford County area.

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

That the request to apply to the North Carolina Governor's Highway Safety Program for \$8,928.00 in federal funds with a \$2,976.00 cash match from the City of Greensboro is hereby approved for a total project budget of \$11,904.00.

(Signed) Marikay Abuzuaiter

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**60-14 RESOLUTION APPROVING JOINT SPONSORSHIP OF ATLANTIC COAST CONFERENCE (ACC) BASEBALL TOURNAMENT**

WHEREAS, the 2014 Atlantic Coast Conference (ACC) Baseball Tournament is scheduled to take place from May 20 through May 25, 2014 at New Bridge Bank Park;

WHEREAS, the City is being requested by the Greensboro Sports Commission to jointly sponsor and provide police services and assistance in order to ensure public safety, traffic support and venue security;

WHEREAS, the City is also being requested by the Greensboro Sports Commission for the Greensboro Department of Transportation to bag approximately 350 meters in order to provide daytime parking for the event;

WHEREAS, the City has jointly sponsored such events in the past;

WHEREAS, the athletic event stimulates the local economy and add to the quality of life;

WHEREAS, it is in the City's interest to ensure public safety and protect the general welfare.

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

1. That the City will jointly sponsor the 2014 ACC Baseball Tournament.
2. That joint sponsorship shall mean the provision of \$7,500 for police services through in-kind services by the Police Department and GDOT estimates that at most it could lose \$7,000 in revenue from the meters which is based on \$5 per day per meter.

(Signed) Marikay Abuzuaiter

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Motion to accept the report of budget adjustments of February 11 through 24, 2014 was adopted.

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

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**PUBLIC HEARING AGENDA**

**Resolution ordering the making of certain local improvements on Euclid Street from Talley Street to Larson Street with Curb and Gutter. THIS ITEM WAS POSTPONED FROM THE FEBRUARY 4th MEETING OF COUNCIL WITHOUT FURTHER ADVERTISING.**

City Manager Westmoreland stated Transportation Director Adam Fischer was present to provide additional information should Council desire.

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Councilmember Barber left the meeting at 7:11 p.m. and returned at 7:14 p.m.

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Chauncey Gordon, 3309 Euclid Street, provided a photograph of his property; voiced concern that his son had fallen in the creek; stated he had followed the petition process and was in favor of the item; spoke to why he wanted the improvements; cost of the project; and zoning issues for the property.

Council discussed the property being located in a flood plain; clarification as to the improvements Mr. Gordon was requesting; if the flood plain issue had been revealed to Mr. Gordon prior to him purchasing the property; and requested clarification of the issue from Mr. Fischer.

Mr. Fischer provided a PowerPoint Presentation; spoke to the history and estimated cost of the project; sufficiency of the petition; alternatives to constructing a bridge in the area; referenced the flood plain; and spoke to the recommendation of staff.

Council discussed concerns with children crossing the creek; inquired if the photograph shown by Mr. Fischer was a City pipe; whether the pipe was structurally sound; similar bodies of water throughout the City; depth of the creek; City's responsibility; managing expectations; making improvements to a piece of land that was not buildable; what would be covered in the improvements; responsibility of the owner to cover costs; and the need to fund the improvements.

City Manager Westmoreland provided an overview of the petition process allowed by the City Charter; and other projects under the Capital Improvements Project.

Moved by Councilmember Mike Barber, seconded by Councilmember Jamal T. Fox to postpone the item to the March 18<sup>th</sup> meeting of Council without further advertising to allow staff to research alternative solutions.

Additional discussion took place regarding the proximity of the property to Interstate 40 and Holden Road; homeless camp in the area; getting clarity and some options for safety for the issue; and insurance coverage for the property.

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

The motion to postpone the item carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Nancy Vaughan, and Tony Wilkins.

NAYS: Zack Matheny.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer W, Exhibit No. 6 which is hereby referred to and made a part of these minutes).

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**Ordinance for reconsideration of Amending Section 30-7-1.4, Table 7-1, Table 7-2, Table 7-3, Table 7-4, Table 7-5, Table 7-6, Table 7-7, Table 7-8, and Section 30-7-3.4 of the Land Development Ordinance related to contextual infill development and to include a transition period.**

City Manager Westmoreland stated Planning Manager Steve Galanti was available for questions.

Moved by Councilmember Mike Barber, seconded by Councilmember Jamal T. Fox to adopt the ordinance. The motion unanimously carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, Nancy Vaughan, and Tony Wilkins.

NAYS: None.

**14-27 AMENDING CHAPTER 30 (LDO)  
AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH  
RESPECT TO ZONING, PLANNING AND DEVELOPMENT**

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs)

Section 1. That Subsection (A) of Section 30-7-1.4, Setbacks, is hereby amended to read as follows:

**(A) Street Setbacks**

Street setbacks are computed by the horizontal distance from the existing or proposed (whichever is further from the centerline) street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line. The future street right-of-way line will be determined by the Street Design Standards Manual using the street centerline or other appropriate reference point which satisfies the intent of the street design standards and its roadway classification. Determination of any future street right of way line shall only apply to those streets that have been identified on the Thoroughfare Plan or Collector Street Plan as requiring improvements or widening.

**1) Front**

a) Any setback from a street right-of-way line other than a side street setback. A through lot has 2 front street setbacks. The property owner shall designate the front and side setback on a corner lot.

**b) Single Family Detached Dwellings**

Where 50% or more of the lots on the same block face as the subject lot are occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback determined by calculating the average (mean) setback that exists on the 2 lots on either side of the subject lot (total of 4).

i) If one or more of the lots included in the average calculation is vacant, the vacant lot will be deemed to have a setback equal to the minimum street setback of the underlying zoning district.

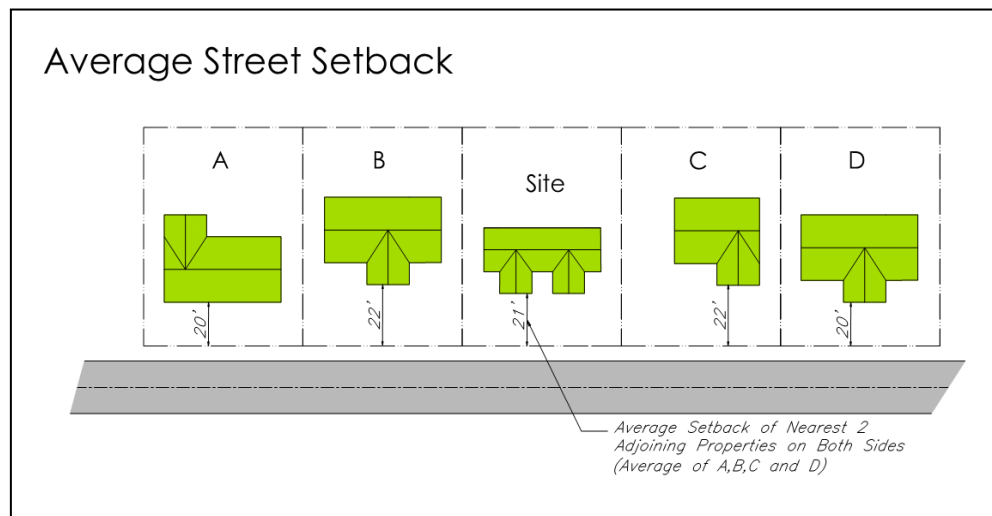
ii) Lots with buildings oriented to a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average street setback.

iii) When the subject lot is a corner lot, the average street setback will be computed on the basis of the nearest 2 lots occupied by buildings oriented to the same street as the subject lot.

iv) When the subject lot abuts a corner lot occupied by a building oriented to the same street, the average street setback will be computed on the basis of the abutting corner lot and the nearest 2 lots occupied by buildings oriented to the same street as the subject lot.

v) For lots where the calculated average street setback does not result in achieving a buildable area equal to or greater than the percentage of building coverage for that zoning district, the Planning Director may approve a Type 1 Modification (see Sec. 30-4-11) as follows:

- a. The rear setback is to be first reduced to 15 feet;
- b. Then the street setback may be reduced by 10% or 5 feet, whichever is greater.
- c. Upon the granting of a modification to this section, the Planning Director shall notify the owners of property abutting the subject lot and each lot used in determining the average street setback.



vi) Where 50% or more of the lots on the same block face as the subject lot are not occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback for the underlying zoning district.

vii) Application Requirements

In addition to any other application requirements, applicants subject to the average (mean) setback must submit detailed plans showing building footprints for existing buildings in the area. These plans must be annotated with building setbacks, and other information that the Planning Director may require to determine compliance with these requirements.

2) Side

Side street setback is a required street setback that is not a front street setback.

3) Thoroughfare

Thoroughfare (major or minor) setback is the setback required for any portion of a lot abutting a thoroughfare right of way line.

4) Street Setback Reduction

a) Nonresidential Uses and Multifamily Dwellings

Where 50% or more of the lots on the same block face as the subject lot are occupied by buildings containing nonresidential uses or multifamily dwellings with less than the minimum street setback requirement of the subject zoning district, buildings on the subject lot may comply with the minimum street setback requirement of the district or the ~~contextual (average)~~ average setback requirement calculated in accordance with ~~30-7-3.4(F)-(1)~~ 30-7-1.4(A)1)b).

Section 2. That Table 7-1 in Subsection 1) of Section 30-7-3.2 (A), R-3 Residential Single-family 3, is hereby amended by changing the footnote reference in the row for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (6) to (9).

Section 3. That Table 7-1 in Subsection 1) of Section 30-7-3.2 (A), R-3 Residential Single-family 3, is hereby amended by adding a new Footnote (9) to read as follows:

Street Setback

(9) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 4. That Table 7-2 in Subsection 1) of Section 30-7-3.2 (B), R-5 Residential Single-family 5, is hereby amended by changing the footnote reference in the rows for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (7) to (10).

Section 5. That Table 7-2 in Subsection 1) of Section 30-7-3.2 (B), R-5 Residential Single-family 5, is hereby amended by adding a new Footnote (10) to read as follows:

Street Setback

(10) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 6. That Table 7-3 in Subsection 1) of Section 30-7-3.2 (C), R-7 Residential Single-family 7, is hereby amended by changing the footnote reference in the rows for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (7) to (10).

Section 7. That Table 7-3 in Subsection 1) of Section 30-7-3.2 (C), R-7 Residential Single-family 7, is hereby amended by amending Footnote (7) and by adding a new Footnote (10) and to read as follows:

~~(7) Minimum setback requirements may be established in accordance with Sec. 30-7-3.4(F).~~ (Reserved)

Street Setback

(10) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 8. That Table 7-4 in Subsection 1) of Section 30-7-3.2 (D), RM-5 Residential Multi-family 5, is hereby amended by changing the footnote reference in the rows for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (8) to (12).

Section 9. That Table 7-4 in Subsection 1) of Section 30-7-3.2 (D), RM-5 Residential Multi-family 5, is hereby amended by amending Footnote (8) and by adding a new Footnote (12) to read as follows:

~~(8) Minimum setback requirements may be established in accordance with Sec. 30-7-3.4(F). (Reserved)~~

Street Setback

(12) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 10. That Table 7-5 in Subsection 1) of Section 30-7-3.2 (E), RM-8 Residential Multi-family 8, is hereby amended by changing the footnote reference in the rows for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (8) to (12).

Section 10. That Table 7-5 in Subsection 1) of Section 30-7-3.2 (E), RM-8 Residential Multi-family 8, is hereby amended by amending Footnote (8) and by adding a new Footnote (12) to read as follows:

~~(8) Minimum setback requirements may be established in accordance with Sec. 30-7-3.4(F). (Reserved)~~

Street Setback

(12) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 11. That Table 7-6 in Subsection 1) of Section 30-7-3.2 (F), RM-12 Residential Multi-family 12, is hereby amended by changing the footnote reference in the rows for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (8) to (10).

Section 12. That Table 7-6 in Subsection 1) of Section 30-7-3.2 (F), RM-12 Residential Multi-family 12, is hereby amended by amending Footnote (8) and by adding a new Footnote (10) to read as follows:

~~(8) Minimum setback requirements may be established in accordance with Sec. 30-7-3.4(F). (Reserved)~~

Street Setback

(10) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 13. That Table 7-7 in Subsection 1) of Section 30-7-3.2 (G), RM-18 Residential Multi-family 18, is hereby amended by changing the footnote reference in the rows for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (8) to (10).

Section 14. That Table 7-7 in Subsection 1) of Section 30-7-3.2 (G), RM-18 Residential Multi-family 18, is hereby amended by amending Footnote (8) and by adding a new Footnote (10) to read as follows:

~~(8) Minimum setback requirements may be established in accordance with Sec. 30-7-3.4(F). (Reserved)~~

Street Setback

(10) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 15. That Table 7-8 in Subsection 1) of Section 30-7-3.2 (H), RM-26 Residential Multi-family 26, is hereby amended by changing the footnote reference in the rows for “Street setback – Front, Side and Thoroughfare” for the columns “Single-family Detached and Zero Lot Line” and “Traditional House” from (8) to (10).

Section 16. That Table 7-8 in Subsection 1) of Section 30-7-3.2 (H), RM-26 Residential Multi-family 26, is hereby amended by amending Footnote (8) and by adding a new Footnote (10) to read as follows:

~~(8) Minimum setback requirements may be established in accordance with Sec. 30-7-3.4(F). (Reserved)~~

Street Setback

(10) Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

Section 17. That Subsection 1) of Section 30-7-3.4(F), Setbacks, is hereby amended to read as follows:

1) Street Setback

a) Single Family Detached Dwellings

Minimum setback requirements shall be established in accordance with Sec. 30-7-1.4(A)1)b).

b) Nonresidential Uses and Multifamily Dwellings

Minimum setback requirements may be established in accordance with Sec. 30-7-1.4(A)4)a).

~~a) Under the contextual infill development option, the contextual street setback may be determined by calculating the average (mean) setback that exists on the 2 lots on either side of the subject lot.~~

~~b) If one or more of the lots included in the contextual (average) calculation is vacant, the vacant lot will be deemed to have a setback equal to the minimum street setback of the underlying zoning district.~~

~~c) Lots with buildings oriented to a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average street setback.~~

~~d) When the subject lot is a corner lot, the average street setback will be computed on the basis of the nearest 2 lots occupied by buildings oriented to the same street as the subject lot.~~

~~e) When the subject lot abuts a corner lot occupied by a building oriented to the same street, the average street setback will be computed on the basis of the abutting corner lot and the nearest 2 lots occupied by buildings oriented to the same street as the subject lot.~~

~~f) The average street setback calculated in accordance with these requirements is the minimum front contextual setback that applies to the subject lot.~~

Section 18. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 19. This ordinance shall become effective on April 4, 2014.

(Signed) Mike Barber

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Mayor Pro-Tem Johnson left the meeting at 7:43 p.m. and returned at 7:46 p.m.

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**Ordinance annexing territory to the corporate limits for property located at 1705 Youngs Mill Road - .46 acres. And Ordinance rezoning from County RS-40 (Residential Single-Family) to City R-3 (Residential Single-Family) for property located at 1705 Youngs Mill Road, generally described as east of Youngs Mill Road and south of Sharon Donna Drive.**

City Manager Westmoreland stated Mr. Galanti was available to speak to the items.

Moved by Councilmember Zack Matheny, seconded by Councilmember Tony Wilkins to close the public hearing. The motion carried by voice vote.

Moved by Councilmember Sharon Hightower, seconded by Councilmember Jamal T. Fox to adopt the ordinance for Item #20. The motion unanimously carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, Nancy Vaughan, and Tony Wilkins.

NAYS: None.

**14-28 ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 1705 YOUNGS MILL ROAD -- .46 ACRES)**

Section 1. Pursuant to G.S. 160A-58.1 the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a stake on the eastern margin of Young's Mill Road, said stake being located 278.5 feet southeastwardly along said eastern margin from Nova Williams' corner in said road by her corner shown in the first tract in the deed from Clarence Phipps to Nova Williams, recorded at Deed Book 2081, Page 360; thence with the northwestern line of Codella R. Phipps N 50° 55' E 200 feet to her northernmost corner; thence S 39° 05' E 100 feet with her northeastern line to her easternmost corner; thence S 50° 55' W 200 feet with her southeastern line to a stake on the eastern margin of Young's Mill Road; thence with said margin N 39° 05' W 100 feet to the point and place of BEGINNING, being all of Tract 2 as recorded at Deed Book 7272, Page 171, and containing approximately 0.46 acres. All deeds referred to hereinabove 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. 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 June 30, 2014, the liability for municipal taxes for the 2014-15 fiscal year shall be prorated on the basis of 3/12 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, 2014. 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.

(Signed) Sharon Hightower

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Moved by Councilmember Zack Matheny, seconded by Councilmember Jamal T. Fox that the Greensboro City Council believes that its action to approve the zoning amendment located at 1705 Youngs Mill Road from County RS-40 to City R-3 is consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Growth at the Fringe Goal to promote sound and sustainable land use patterns, the request is consistent with the Housing and Neighborhoods Goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing. The motion unanimously carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, Nancy Vaughan, and Tony Wilkins.

NAYS: None.

**14-29 AMENDING OFFICIAL ZONING MAP**

1705 YOUNGS MILL ROAD, EAST OF YOUNGS MILL ROAD AND SOUTH OF SHARON DONNA DRIVE.

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

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County RS-40 (Residential Single-Family) to City R-3 (Residential Single-Family).

The area is described as follows:

BEGINNING at a stake on the eastern margin of Young's Mill Road, said stake being located 278.5 feet southeastwardly along said eastern margin from Nova Williams' corner in said road by her corner shown in the first tract in the deed from Clarence Phipps to Nova Williams, recorded at Deed Book 2081, Page 360; thence with the northwestern line of Codella R. Phipps N 50° 55' E 200 feet to her northernmost corner; thence S 39° 05' E 100 feet with her northeastern line to her easternmost corner; thence S 50° 55' W 200 feet with her southeastern line to a stake on the eastern margin of Young's Mill Road; thence with said margin N 39° 05' W 100 feet to the point and place of BEGINNING, being all of Tract 2 as recorded at Deed Book 7272, Page 171, and containing approximately 0.46 acres. All deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the R-3 (Residential Single-Family) zoning district unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

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

Section 5. This ordinance shall be effective on March 4, 2014.

(Signed) Zack Matheny

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Mayor Vaughan left the chamber at 7:47 p.m. and returned at 7:50 p.m.

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**Resolution authorizing an economic development incentive grant for MWI Veterinary Supply Company not to exceed \$42,049.**

Economic Development and Business Support Manager Kathi Dubel made a PowerPoint Presentation which outlined the history of the company; number of jobs with the average wage that would be created; proposed location of the business; outlined the incentive request which met one of the three requirements of the Economic Incentive Guidelines; economic impact analysis and expected return on the City's investment.

Cindy Dancy, Greensboro Economic Development and Alliance Partnership, referenced the incentive that would be provided by the State; and spoke to the growth of the company.

Paul McClellan, representing MWI Veterinary Supply, provided a PowerPoint Presentation which outlined the work and history of the company; outline of where the company's existing distribution centers were located; a breakdown of the proposed \$3.15 million investment the company would be making; details of the 47 new jobs; and commitment and the diversity of the company.

Council discussed the percentage of wholesale and retail business the company would be involved in; if the company would commitment to Greensboro this evening should Council approve the request; whether the company had approached the County for incentives; tax revenue for the company; and sales format of the company.

Mr. McClellan responded that the company would make a decision in the next several weeks; that the County had declined an incentive request; referenced that sales were taken electronically; and that he could not speak to the sales revenue.

Ms. Dubel clarified the model that the numbers were based on.

Mayor Vaughan stated there was a speaker to the item.

Kurt Collins, 2207 Fairfield Avenue, provided a quote by Ralph Waldo Emerson; voiced concern that the City was not a bank; and referenced the declining jobs in Greensboro.

Council discussion ensued regarding the amount of the incentive; M/WBE participation of the company; amount of time incentives had been in existence; frustration of constituents with taxpayer money spent on incentives; whether there were other companies in North Carolina that would be in competition with MWI; if the company would exclude consideration of Greensboro should the incentive request not be granted; the need for 47 jobs in the area; to be fair and consistent; that MWI had not met two or three of the criteria; and clarification of the tax issue.

Mr. McClellan clarified the jobs that would be created; reiterated that the company offered all types of opportunities; and verified that there were competitors within the state.

Councilmember Matheny stated he could not support the item.

Councilmember Barber called the question.

Moved by Mayor Pro-Tem Yvonne Johnson, seconded by Councilmember Zack Matheny to close the public hearing.

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

AYES: Mike Barber, Jamal T. Fox, Nancy Hoffmann, Yvonne J. Johnson, and Nancy Vaughan.

NAYS: Marikay Abuzuaiter, Sharon Hightower, Zack Matheny, and Tony Wilkins.

**61-14 RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR MWI  
VETERINARY SUPPLY COMPANY NOT TO EXCEED \$42,049.00.**

WHEREAS, on May 17, 2005, the City Council adopted New Economic Development Guidelines whereby the City may participate financially in the development of certain private improvements to promote economic development in accordance with the Guidelines and NCGS Section 158-7.1;

WHEREAS, the company is evaluating an investment in new real property improvements and machinery and equipment on an existing site in Greensboro;

WHEREAS, the Company has requested that the City provide for a grant reimbursement for the real property and equipment being acquired to add capacity to the local plant which amount of participation is presently estimated at no more than \$42,049.00 based on a portion of anticipated new sales, use, and property taxes to be derived by the City and new employment upon completion of the project;

WHEREAS, it is further anticipated that the Company will invest at least \$3,140,000.00 in capital, and create up to 47 new jobs over the next three years (by December 31, 2016);

WHEREAS, the site where the company will be adding capacity is located at 6105 Corporate Park Drive in the City limits of Greensboro;

WHEREAS, the addition of 47 new jobs paying an average wage of approximately \$28,007 per year with benefits valued at 20% of the average annual wage, are expected to generate public benefit by positively impacting the City's ad valorem, use, and sales tax revenues in addition to increasing business prospects for the City and surrounding area, City Council authorizes an Economic Development Incentive Grant of up to \$42,049.00 if the company chooses to expand in the City of Greensboro;

WHEREAS, a public hearing was held in accordance with N.C.G.S. 158-7.1 setting out the particulars of the request and the public benefits to be derived from said improvements;

WHEREAS, it is deemed in the best interest of the City to enter into a participatory agreement with the Company to share the cost of the above mentioned improvements whereby the City shall reimburse the company up to a maximum of \$42,049.00 to be paid in three equal payments of \$14,016.33 for real property and machinery and equipment costs based on a portion of new anticipated taxes to be received from the new project and upon the creation of new employment. The grant shall be paid after the jobs are created, the capital investment has been made and all has been confirmed with the City.

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

That in accordance with the City's Economic Development Incentive Guidelines and pursuant to N.C.G.S. 158-7.1, a grant reimbursement and participatory agreement between the City of Greensboro and the Company not to exceed \$42,049.00 for \$3,100,000.00 of new capital investment, the creation of 47 new jobs over the next 3 years is hereby approved, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement.

(Signed) Jamal T. Fox

(Copies of the PowerPoint Presentations are filed in Exhibit Drawer W, Exhibit No. 6 which is hereby referred to and made a part of these minutes).

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Mayor Vaughan declared a recess at 8:10 p.m. Council reconvened at 8:29 p.m. with all members in attendance.

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**Resolution authorizing the Mayor and City Manager to enter into a Memorandum of Understanding between the Community Foundation of Greater Greensboro and the City of Greensboro regarding the Steven B. Tanger Center for the Performing Arts.**

City Manager Westmoreland, provided the history of the item; voiced appreciation for those involved in the collaboration of the process; emphasized that the Center was an incredible opportunity to enhance the City; outlined the partnership and process in the project; thanked the task force; outlined the Board membership; and stated that the Community Foundation of Greater Greensboro Board had approved the Memorandum of Understanding, a copy of which was included in Council's packets with the incorporated changes from the Work Session.

Walker Sanders, President of the Community Foundation of Great Greensboro (CFGG), outlined the proposed activities of the center; goal of the donors; location of the center; funding for the design and construction of the center; naming opportunities and donor benefits; outlined of the governance of the center; operations; and next steps for the center.

Discussion ensued regarding use of the center as collateral for the loan; maximum amount that taxpayers would be responsible for; concern that this would be a blank check going on the table; caps on other City owned venues; coverage for overages; \$35 million provided by private donors; reinvestment of net positive operating amounts into

the center; possibility of change orders; funding the \$5 million budget gap; worst case scenario; additional sources of rental income; the goal to have a successful performing arts center; and possible donor shortfall.

Additional discussion took place regarding the process for collection of donor funds; interest rates; naming opportunities; M/WBE goals and requirements; conversations with Guilford County Schools and higher education entities; reference to the local partnerships with the Aquatic Center; definition and outline of 'construction manager at risk' process to be used; utilization of limited obligation bonds; creation of an Arts Stabilization Fund through a \$1 ticket surcharge; and importance of the local arts community.

Council spoke to concerns with additional ticket fees; letting the governing board have discretion on how to utilize fees; scheduling local events for students at the center; support for the local arts community; confirmation that the facility would not be exempt from sales tax; ticket surcharge for the Durham Performing Arts Center; and the proposed 2016 grand opening.

Mayor Vaughan stated there were speakers to the item.

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Councilmember Barber left the Chamber at 9:37 p.m. and returned at 9:40 p.m.

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William Heasley, Denton NC, spoke in opposition to the center; and referenced generation of tax revenues.

Councilmember Matheny referenced the speaker being from Denton; and clarified that Greensboro had not had a tax increase in several years.

George Hartzman, 2506 Baytree Drive, spoke in opposition to the item; language in the MOU; unknowns of the financing; makeup of the board; and fiduciary disservice to the community.

Kurt Collins, 2207 Fairfield Avenue, asked questions regarding funds raised by the non-profit; match by Mr. Tanger; what would happen should the non-profit not raise the amount committed; voiced the need to be prepared for the worst case scenario and financing for the center. Members of Council responded to Mr. Collins' questions; spoke to the time spent vetting the process for the center; legitimacy of Mr. Collins' questions; success of the Aquatic Center; and suggested that future questions be submitted to Council and the City Manager for review and response.

Former Mayor Bill Knight, 214 Ridgeway Drive voiced accolades to the City staff; referenced the Carolina Field of Honor; stated his position had not changed regarding the performing arts center; that he would be in favor of the center if it were not built with government funds; referenced DPAC; voiced concern for the lack of discussions regarding privatization of the center; and requested the process be open going forward.

Mayor Vaughan provided an outline of the funding model for DPAC; referenced Durham's debt service fund; clarified that a third of the scheduled performances would be reserved for local community events which would benefit the entire community.

Tom Phillion, 2319 Regents Park Lane, spoke in support of the performing arts center; referenced a similar project in Seattle Washington; voiced support for the \$1 user fee to support the local arts community; and voiced the need to find a sustainable source of revenue to realize the potential of local organizations.

Larry Czarda, 418 Woodlawn Avenue, referenced his involvement in the project; stated he was in support of the MOU; spoke to the unique advantage of Coliseum Director Matt Brown and his staff; voiced the need for a stable arts community; and asked Council to support the item.

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Councilmember Wilkins left the meeting at 10:09 p.m. and returned at 10:12 p.m.

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Laura Way, 311 Isable Street, informed Council that she was an anchor tenant at the Cultural Arts Center; spoke in support of the \$1 surcharge; referenced that the arts community needed to be stabilized; and added that the center would be an important element in ensuring arts were available to the entire community.

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Councilmember Hightower voiced concerns that all residents be able to attend performances; that the center would run in the red; inquired where funding would come from should the goals run short; what would happen to the War Memorial Auditorium; expressed concerns regarding the lack of language in the MOU regarding compensation for the transfer of the center to the non-profit; questioned why the City would not want to own the center; and the existence of the non-profit.

Council discussed researching worst case scenarios; referenced the current number of events hosted by the War Memorial Auditorium; utilization of the War Memorial Auditorium site for VIP parking; responsibilities of the non-profit; option should the City decide it no longer wanted to own the center; respect for the questions people had; the City not being obligated to repay the non-profit's loan; the need to discuss future ownership of the center; and accountability of the non-profit board.

Councilmember Abuzuaiter voiced concern that some Councilmembers appeared to be opposed to the arts, which they were not, and clarified that they were asking the hard questions which needed to be answered; reiterated that Council represented the citizens and needed to ensure their questions were answered; expressed concern for accountability of the non-profit board who would govern the center; voiced concern for the lack of term limits for board members; questioned if the City would be responsible for payment of the debt should the non-profit go into foreclosure; stated the City's money would be invested in the project; requested to make an friendly amendment to the upcoming motion when made; and asked if the citizens and City would be privy to any records and minutes of the non-profit board other than if they were forwarded to a Councilmember.

City Manager Westmoreland confirmed that the term limits for the non-profit members had been negotiated in the MOU.

Mayor Vaughan stated that the City would be entitled to the minutes, budget and audits of the non-profit.

Interim City Attorney Wood spoke to the responsibility of the non-profit board's records with regard to the public records law; and referenced records that the City would have access to.

Councilmember Wilkins voiced concern with the lack of having a plan in place to minimize the risk of the taxpayers; not knowing what the risk of the taxpayers would be; provided a map of the City referencing 20% of the population being below the poverty line; and requested a delay of the item until Council had additional information to provide to the taxpayers.

City Manager Westmoreland stated he could not say what the operational performance of the center would be; and spoke to the role of Council on the allocation of City dollars; and addressed the funding for the center.

Councilmember Matheny referenced this being a healthy debate; stated it was telling that there were only three speakers here in opposition to the project; reiterated that Council had vetted the project extensively; made reference to annual taxpayer dollars used on Hilltop Park; provided the clarification and history of funding utilized by Durham for DPAC, the baseball stadium and their Carolina Theatre; spoke to DPAC's costs and overruns; thriving small businesses in Downtown Durham; spoke to the way the MOU was structured; commended Mayor Vaughan for her effort, time, patience and diligence in the project; commended the Community Foundation and volunteers for their work in raising an unprecedented amount of private funding pledges; emphasized that the community had never done a project like this before; and stated he was proud to say he would support the project.

Mayor Vaughan stated that Council was not flying blind; spoke to the need to sometimes take a calculated risk; referenced the success of the Aquatic Center; spoke to the potential of the performing arts center; read an excerpt

regarding the impact of DPAC on Downtown Durham; the difficult decisions by Council to invest in real quality of life issues; referenced net operating losses for libraries and park and recreation venues and the tax impact they had on a \$150,000 house; provided the figures for the worst case scenario tax impact on \$150,000 house for the performing arts center; spoke to difficult decisions made by the elected officials; reiterated this was a really good project; that the City would get a \$65 million investment for \$30 million; and reiterated that this would grow the City's tax base and bring people into the community.

Mayor Pro-Tem Johnson referenced the impact on persons who used the City's libraries and parks; stated she supported the project; voiced the need to keep students and young people in the area; added that everyone was entitled to their opinion; stated she did not know of any place else where donors had raised such an amount of funding; emphasized that she was passionate about balance, as well as, people having what they need; spoke to the need to have a variety of events that all people could attend; referenced the Learn to Swim Program at the Aquatic Center; stated she was in support of the arts; this project and allowing persons the opportunity to experience all types of activities; and reiterated that Council did not need to make decisions that were either/or, but could do both.

Councilmember Barber referenced the lively debate; spoke to the diligence of the Mayor and staff to work through the issue; added that no document was perfect and referenced changes to the constitution; spoke to the War Memorial Auditorium being raised to be turned into a revenue producing VIP parking area which would be a net positive; spoke to the reinvestment of private funds; stated the City was challenged with its velocity of money; spoke to proposed purchase of Lorillard and R. F. Micro; referenced a future substantial investment by an investor in Downtown who was awaiting Council's decision on this project; and commended those who had been involved in and worked on the project.

Councilmember Fox stated before coming tonight he did not know how he would vote on the issue; voiced that it was time City stepped up and thought about where the City could go which was only higher; referenced the time involved in the project; voiced that he truly believed the City had a good product; requested the City be transparent throughout the process to ensure that the community was kept in the loop with what was happening; emphasized that this was the time for Greensboro to step up, bring the community together, and support the arts; and stated he supported the item.

Councilmember Hoffmann stated that the City had turned the corner and was on the precipitous of great and exciting things; explained that the City was expected to provide services but it was what it layered on top of that, which would make Greensboro a better city; spoke to the variety of programming that would appeal to all; that people could decide what they wanted to see and hear; referenced the two years working on the project which had been deliberate, thoughtful, and analytical; voiced she was confident that the citizens would be proud of the center; and thanked all involved in the process.

Councilmember Barber called the question.

Moved by Mayor Pro-Tem Yvonne Johnson, seconded by Councilmember Mike Barber to adopt the resolution.

Councilmember Abuzuaiter requested a friendly amendment to amend the MOU to include language that the non-profit board would be under public records law.

Council discussed if the non-profit would fall under public records law.

Councilmember Barber stated he and Mayor Pro-Tem Johnson would accept the friendly amendment that stated that, to the extent that it did not compromise the functioning business aspect of the LLC, that any minutes, audits and budgets would be made available to the public. Councilmember Abuzuaiter requested that emails be included. Councilmember Barber stated he would not accept emails. Councilmember Abuzuaiter stated that if the City would own the center with the non-profit board running it, that any documents and correspondence of the non-profit board have accountability and transparency. Councilmember Barber inquired as to the value of the emails. Councilmember Abuzuaiter clarified that any correspondence going back and forth between the City and the non-profit board be included. It was clarified that any City emails would fall under the public records law. Councilmember Abuzuaiter clarified, that according to public records law, non-profit boards were not subject to public records law, but that this non-profit would be a hybrid which would consist of City officials, private donors, and other people selected at-large by the City; stated she believed the proposed non-profit hybrid should be open to public records law. Councilmember

Barber stated that in an attempt to partially accommodate the amendment aspect, that if the emails were part of the amendment he would respectfully decline that, however to accommodate Councilmember Abuzuaiter he would certainly make the provision that to the extent it did not compromise the LLC, any audits, budgets or minutes of meetings were available and then of course with the proviso that any emails, by operation of state law, emails to and from City staff members would be available.

The friendly amendment was accepted by voice vote of Council.

Mayor Vaughan stated Council would vote on the main motion moved by Mayor Pro-Tem Yvonne Johnson, seconded by Councilmember Mike Barber, to adopt the resolution.

The motion carried by the following roll call vote:

AYES: Mike Barber, Jamal T. Fox, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, and Nancy Vaughan.

NAYS: Marikay Abuzuaiter, Sharon Hightower, and Tony Wilkins.

**62-14 RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY FOUNDATION OF GREATER GREENSBORO AND THE CITY OF GREENSBORO REGARDING THE STEVEN B. TANGER CENTER FOR THE PERFORMING ARTS**

WHEREAS, the City of Greensboro and the Community Foundation of Greater Greensboro have been working together to draft a Memorandum of Understanding for Council approval regarding the design, financing, development, construction, management, operations and programming of the Steven B. Tanger Performing Center for the Performing Arts;

WHEREAS, the City of Greensboro and the Community Foundation of Greater Greensboro have jointly decided to enter into a public-private partnership arrangement to help insure the successful development and operations of the Steven B. Tanger Center for the Performing Arts (with the City of Greensboro contributing \$30 million to advance the project and the Community Foundation of Greater Greensboro via private donors, contributing \$35 million to advance the project);

WHEREAS, the Memorandum of Understanding memorializes the following elements of the public-private partnership between the parties:

- Location of Tanger Center
- Funding of the Design and Construction of the Tanger Center
- Naming Opportunities and Donor Benefits
- Design and Construction of the Tanger Center
- Governance of the Tanger Center
- Operations of the Tanger Center
- Miscellaneous items defining other responsibilities of the public-private partnership;

WHEREAS, the overall goal of the MOU and the public-private partnership is to provide the City of Greensboro and our community with a state of the art performing arts facility that will provide a wide-array of diverse, top-quality, and community based programming opportunities;

WHEREAS, Council is being requested to consider approving the Memorandum of Understanding presented herewith this day and authorizing the Mayor and City Manager to enter into the agreement.

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

That the Mayor and City Manager are hereby authorized to enter into the Memorandum of Understanding presented herewith this day between the Community Foundation of Greater Greensboro and the City of Greensboro regarding the Steven B. Tanger Center for the Performing Arts.

(Signed) Yvonne J. Johnson

.....

**Ordinance in the amount of \$200,000 amending the Performing Arts Center Fund.**

City Manager Westmoreland spoke to the ordinance.

Kurt Collins, 2207 Fairfield Avenue, asked questions regarding the use of rental income to demolish buildings; impact on the budget; focus on fiscal responsibility; and inquired if the demolition costs were factored into the \$30 million cost for the Center.

Council discussed future rental income from the buildings; cost of demolition of the War Memorial Auditorium; whether the demolition costs were figured in the cost for construction of the Center; clarification as to the properties included in the demolition; and expected revenues from the Chamber of Commerce Building;

Assistant City Manager David Parrish and Coliseum Director Matt Brown responded by addressing the cost for demolition; the decrease in rental revenue as the structures were demolished; stated this was a win-win for the City as the rental revenues would cover the costs of demolition; confirmed that the demolition costs were not factored into the \$30 million construction costs for the center; that the revenue would offset the costs of demolition; spoke to the estimate provided to demolish the War Memorial Auditorium; and to the relocation negotiations for Bostons House of Jazz.

Finance Director Rick Lusk clarified the funding budgeted in the Performing Arts Center Fund; and spoke to the cost of the land.

Moved by Councilmember Mike Barber, seconded by Mayor Pro-Tem Yvonne J. Johnson to adopt the ordinance. The motion carried by the following roll call vote:

AYES: Mike Barber, Jamal T. Fox, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, Nancy Vaughan, and Tony Wilkins.

NAYS: Marikay Abuzuaiter, and Sharon Hightower.

**14-30 ORDINANCE AMENDING THE PERFORMING ARTS CENTER FUND**

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

**Section 1**

That the Performing Arts Center Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
527-7501-01.5613	Building Maintenance	\$200,000

and, that the following revenue finance these appropriations:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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527-0000-00.7801

Rental of Property

\$200,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Mike Barber

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**Resolution authorizing change order in the amount of \$1,710,189 in Contract No. 2012-095 with KRG Utility, Inc. for the Sanitary Sewer Rehabilitation Project "L" project.**

City Manager Westmoreland stated Water Resources Director Steve Drew was here to answer any questions.

Moved by Councilmember Mike Barber, seconded by Councilmember Jamal T. Fox, to adopt the resolution.  
The motion carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, and Nancy Vaughan.

NAYS: Tony Wilkins.

**63-14 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2012-095 WITH KRG UTILITY, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT "L" PROJECT**

WHEREAS, Contract No. 2012-095 with KRG Utility, Inc. provides for the rehabilitation of sewer line by slip lining, pipe bursting and cured-in-place pipe in various locations around the city;

WHEREAS, Water Resources has identified additional sub standard water lines, valves and fire hydrants in various locations throughout the city in need of rehabilitation which this contract and change order will allow the additional work at an excellent price;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a change order in the contract in the amount of \$1,710,189.

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

That a change order in the above-mentioned contract with KRG Utility, Inc. for the sanitary sewer rehabilitation project "L" project is hereby authorized at a total cost of \$1,710,189, payment of said additional amount to be made from Account No. 503-7023-01.6016 Activity A14041.

(Signed) Mike Barber

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**Resolution approving contract with INFOR for a software subscription and professional services agreement for the Enterprise Resource Planning (ERO) System.**

Moved by Councilmember Marikay Abuzuaiter, seconded by Councilmember Jamal T. Fox, to adopt the resolution.  
The motion unanimously carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, Nancy Vaughan, and Tony Wilkins.

NAYS: None.

**64-14 RESOLUTION APPROVING CONTRACT WITH INFOR FOR A SOFTWARE SUBSCRIPTION AND PROFESSIONAL SERVICES AGREEMENT FOR THE ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM**

WHEREAS, in 2003, the City of Greensboro implemented an ERP system with Lawson Software (now Infor) which supports our core financial, procurement/contracting, and human resources functions; and

WHEREAS, the Information Technology Department and Finance Departments propose to enter into a five-year professional services & license agreement with Infor to migrate this software and support for the City's ERP System to a subscription license hosted offsite in the Amazon Web Service (AWS) data center; and

WHEREAS, The estimated net savings for the initial five-year period is \$175,000. However, significant net savings will be realized in the subsequent five-year period, estimated at \$470,000, for a total net savings over the ten-year period of \$645,000; and

WHEREAS, the tem of this contract is for five years, with five potential one-year renewals; and

WHEREAS, the first year costs total \$1,076,781.80; the costs for years two through five are estimated at \$3,355,865 and for the potential ten-year cost, the contract value is estimated at \$9,527,000; and

WHEREAS, First year costs totaling \$1,076,781.80 will be funded from current annual appropriations in the Capital Leasing fund in the amount of \$96,782 and an appropriation of fund balance in the Network Services fund in the amount of \$980,000; and

WHEREAS, annual funding for each year over the life of the contract is subject to future City Council budget appropriations;

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

Hereby approves a five-year contract with Infor for the period beginning March 17, 2014 and ending March 16, 2019, with five potential additional one-year renewals thereafter, not to exceed a maximum of 10 years and the City Manager is hereby authorized and directed to take such other actions and to execute and deliver such other documents, contracts, undertakings, agreements or other instruments as may be necessary.

(Signed) Marikay Abuzuaiter

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**Ordinance in the amount of \$980,000 amending Fiscal Year 13-14 Network Services Fund and Fiscal Year 13-14 Capital Leasing Fund.**

Moved by Councilmember Jamal T. Fox, seconded by Councilmember Mike Barber, to adopt the ordinance. The motion unanimously carried by the following roll call vote:

AYES: Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Zack Matheny, Nancy Vaughan, and Tony Wilkins.

NAYS: None.

**14-31 ORDINANCE AMENDING FY 13-14 NETWORK SERVICES FUND AND FY 13-14 CAPITAL LEASING FUND**

**Section 1**

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

That the FY 13-14 Network Services Fund Budget of the City of Greensboro is hereby amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
682-0720-02.5251	Capital Leases	<u>\$980,000</u>
TOTAL		\$980,000

And, that the following revenue finances these appropriations:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
682-0720-02.8900	Appropriated Fund Balance	<u>\$980,000</u>
TOTAL		\$980,000

And, that the FY 13-14 Capital Leasing Fund Budget of the City of Greensboro is hereby amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
686-1001-01.5415	Software Maintenance	\$774,785
686-1001-01.5413	Consultant Services	<u>205,215</u>
TOTAL		\$980,000

And, that the following revenue finances these appropriations:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
686-1001-01.7950	Misc. Internal Charge	<u>\$980,000</u>
TOTAL		\$980,000

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal T. Fox

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Councilmember Barber voice appreciation for staff remaining at the meeting to respond to questions.

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## SUPPLEMENTAL AGENDA

### Boards and Commissions Appointments.

Mayor Vaughan asked that Council make only board and commission appointments; welcomed and thanked Interim City Attorney Terry Wood for his assistance; and stated she would like to establish the East Greensboro Study Committee which would be chaired by Councilmember Hightower; and consist of herself, Mayor Pro-Tem Johnson, and Councilmember Fox. It was the consensus of Council to form the Committee.

Councilmember Hightower placed the names of Horace Sturdivant for future service on the Housing Commission; Sharon Graeber for future service on the Historic Preservation Commission; and Lakeia Harris for future service on the Human Relations Commission into the databank.

Councilmember Wilkins placed the name of Dan Collison into the databank for future service on a board or commission.

**Matters to be presented by the City Manager**

City Manager Westmoreland reminded Council that there would be a Work Session on Monday at 2:00 p.m. to receive an overview of the budget.

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Moved by Mayor Pro-Tem Yvonne J. Johnson, seconded by Councilmember Mike Barber, to adjourn the meeting. The motion carried by unanimous voice vote.

THE CITY COUNCIL ADJOURNED AT 11:15 P.M.

ELIZABETH RICHARDSON  
CITY CLERK

NANCY VAUGHAN  
MAYOR

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