



# City of Greensboro

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

## Meeting Minutes - Draft City Council

Tuesday, December 2, 2014

5:30 PM

Council Chamber

### **Call to Order**

This City Council meeting of the City of Greensboro was called to order at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present: 9 - Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaiter, Councilmember Mike Barber, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Zack Matheny and Councilmember Tony Wilkins

### **Moment of Silence**

The meeting opened with a moment of silence.

### **Pledge of Allegiance to the Flag**

Mayor Vaughan recognized students from Grimsley High School to lead the Pledge of Allegiance to the Flag.

### **Recognition of Courier**

City Manager Jim Westmoreland recognized Wayne Simmons of the Parks and Recreation Department who served as Courier for the meeting.

### **Council Procedure for Conduct of the Meeting**

Mayor Vaughan explained the Council procedure for conduct of the meeting.

**ID 14-0778** Ordinance Amending Sections 30-15-6, 30-8-10.3, 30-8-1, Table 8-1, and 30-8-7.2 of the Land Development Ordinance related to Electronic Sweepstakes Operations

Mayor Vaughan asked for a motion to postpone Item #36/ID14-0778 to the January 20, 2015 meeting without further advertising.

Councilmember Hightower asked why the item was being postponed; and if the postponement would impact the zoning.

Councilmember Wilkins inquired when the current moratorium was due to expire.

City Attorney Carruthers provided the history of the moratorium; referenced the recent Court of Appeals ruling; stated the current moratorium would expire this evening; added that pursuant to state law, the City could place a sixty day moratorium which would expire on January 30, 2015; spoke to the zoning; and stated staff would bring the item at the January 20, 2015 meeting of Council.

**Moved by Councilmember Matheny, seconded by Councilmember Hoffmann, to postpone the ordinance to the January 20, 2015 meeting of Council without further advertising. The motion carried by voice vote.**

### **I. CEREMONIAL AND/OR PRESENTATION ITEMS**

**ID 14-0795** Resolution Recognizing the Center for Outreach in Alzheimer's, Aging and Community Health at North Carolina A&T State University

Councilmember Hoffmann read the resolution into the record; stated she had attended the ribbon cutting last week; and recognized those in the audience to come and receive the resolution.

Goldie Byrd, 1601 East Market Street accepted the resolution on behalf of North Carolina A&T State University; spoke to Alzheimer's disease; provided the risk factors; stated they were delighted that North Carolina A&T State University could open the Center to provide support to the community and nationally; voiced appreciation for the resolution; referenced working with caregivers; and invited the entire community to come to the Center to received support and training.

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

**Ayes,** 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**0299-14 RESOLUTION RECOGNIZING THE CENTER FOR OUTREACH IN ALZHEIMER'S, AGING AND COMMUNITY HEALTH AT NORTH CAROLINA A&T STATE UNIVERSITY**

WHEREAS, the Center for Outreach in Alzheimer's, Aging and Community Health has established a vision to advance Healthy Aging in all communities;

WHEREAS, the Center for Outreach in Alzheimer's, Aging and Community Health has a mission to promote the science and application of healthy aging through research, education, capacity building and community empowerment so that individuals can live life with quality, dignity and independence;

WHEREAS, the Center for Outreach in Alzheimer's, Aging and Community Health promote the core values of scholarship, excellence, inclusion, respect, service and empowerment;

WHEREAS, the Center for Outreach in Alzheimer's, Aging and Community Health is recognized as a university established Center to be housed at 2105 Yanceyville Street in Greensboro, North Carolina;

WHEREAS, the ribbon cutting ceremony for the new Center for Outreach in Alzheimer's, Aging and Community Health took place on Friday, November 21st, 2014 at 2105 Yanceyville Street.

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

That the City Council hereby recognizes the Center for Outreach in Alzheimer's, Aging and Community Health at North Carolina A&T State University.

(Signed) Jamal Fox

**ID 14-0811** Resolution Honoring the Life and Work of the late Stephen D. Hyers and Renaming of the City Arts Studio Theater as the Stephen D. Hyers Studio Theater

Councilmember Abuzuaiter read the resolution into the record; recognized Mr. Hyers' family to come forward; spoke to his work; and provided a quote from Mr. Hyers.

Mrs. Hyers thanked Council for the resolution; and voiced appreciation for their support of City Arts.

**Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower, to adopt the resolution. The motion carried on the following roll call vote:**

**Ayes,** 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

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0300-14 RESOLUTION HONORING THE LIFE AND WORK OF THE LATE STEPHEN D. HYERS, AND APPROVING RENAMING REQUEST FOR THE CITY ARTS STUDIO THEATER

WHEREAS, the late Stephen D. Hyers was employed by the City of Greensboro Parks and Recreation Department from 1990 through 2014, serving in several capacities within the City Arts Drama Center, most recently as the Director of the Drama Center; and

WHEREAS, many of the accomplishments of the City Arts Drama Center resulted from Hyers' creativity, dedication, and leadership, including the creation of the Greensboro Playwrights Forum and numerous unique production series which provided a forum for theater artists of all levels throughout the years including The New Play Project, Evening of Short Plays, and Shakespeare in the Park; and

WHEREAS, Hyers tirelessly brought both theater arts and drama to the greater Greensboro community not only through his work with the City of Greensboro but also through a variety of additional volunteer and paid roles with area agencies and associations, including service as a playwright and stage combat instructor at NC A&T State University, Elon University, and Wesleyan Christian Academy; as well as a volunteer with Guilford County Schools; and

WHEREAS, Hyers received recognition as president of the Carolina Theater Conference from 2002-2004 and further served his profession as a workshop leader at numerous state and regional theater conferences; and

WHEREAS; the City of Greensboro owns and operates the City Arts Studio Theater at the Greensboro Cultural Center; and

WHEREAS, the Greensboro Parks and Recreation Commission received a citizen-led petition to rename the City Arts Studio Theater as the Stephen D. Hyers Studio Theatre at its October 8, 2014 regular meeting and approved a motion to rename the studio theater as such.

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

That the request to rename the City Arts Studio Theater as the Stephen D. Hyers Studio Theatre is hereby approved.

(Signed) Yvonne J. Johnson

## **II. PUBLIC COMMENT PERIOD**

David Craft, 605 North Church Street spoke to maintenance issues and rules for Green Hill, Maplewood and Forest Lawn cemeteries; activities that occurred in the cemeteries; explained that his father had turned Green Hill Cemetery into a botanical garden; and asked if the rules could be amended regarding plant size to ensure that plants could be replaced.

City Manager Westmoreland was requested to discuss the cemetery rule amendments with Mr. Craft; and bring a proposed resolution back to Council.

Dawayne Crite, President of Crite Engineering Group, stated his company was a local minority owned company which opened its doors in July; voiced appreciation for Steve Drew and Mike Borchers of the Water Department in working with him; emphasized they had been very informative about the M/WBE goals; and stated he was excited about the opportunity to work with the City.

Luther Falls, Jr., 1503 Lansdown Avenue, commended the North Carolina A&T State University Center project; asked people to consider shopping at small businesses during the holiday season, especially M/WBE firms; voiced appreciation for, and spoke to working with the courier Mr. Simmons; voiced concern about the issue with the International Civil Rights Museum; referenced his mother working at the lunch counter; wished Council a happy holiday season; commended Councilmember Hightower for her service; and asked that continued communication take place to talk out community disagreements.

Sally Hayes-Williams, 1101 North Elm Street, spoke to attending the Christmas Parade growing up and while in High School; stated she was a new member of the International Civil Rights Museum Board; and extended an open invitation for people to join them at the Museum at 5:30 p.m. on Thursday if they wished to participate in the Holiday Parade on Saturday, December 6th.

Robert Moore, wished Council a happy holiday season; voiced concern with running across a young man this week who touched his heart; explained the man was living in his mother's car; and asked for assistance in helping the young man find a place to live.

City Attorney Carruthers was asked to get contact information from Mr. Moore.

### **III. CONSENT AGENDA**

Mayor Vaughan asked if anyone wished to remove any items from the Consent Agenda.

Councilmember Hightower requested Items #11/ID14-0799, #12/ID 14-0805 and #13/ID14-0806 be removed for discussion.

**Moved by Councilmember Abuzuaiter, seconded by Councilmember Fox, to adopt the Consent Agenda as amended. The motion carried by voice vote.**

#### **ID 14-0781            Resolution Granting an Easement to Duke Energy for Electric Service to the Hayes Taylor YMCA at the Barber Park at 1500 Dans Road**

0301-14 RESOLUTION GRANTING AN EASEMENT TO DUKE ENERGY CORPORATION FOR ELECTRIC SERVICE AT HAYES TAYLOR YMCA FOR BARBER PARK LOCATED AT 1500 DANS ROAD

WHEREAS, Hayes Taylor YMCA at Barber Park needs electrical service installed for the facility which is in the process of construction;

WHEREAS, installation of new underground lines, transformer and electrical equipment to provide both above and below ground electrical services is necessary;

WHEREAS, an easement will need to be granted to Duke Energy Corporation for the installation and maintenance of said electrical equipment;

WHEREAS, in the opinion of the City Council, such easement will not interfere with the proper use by the City of the property in which such easements are granted and that the City has no governmental or other public need which would be in conflict with the easements granted therein or the use made thereof.

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

That an easement to Duke Energy Corporation for the installation and maintenance of electrical equipment for the Hayes Taylor YMCA at Barber Park located at 1500 Dans Road is hereby granted.

(Signed) Marikay Abuzuaiter

#### **ID 14-0802            Resolution Authorizing the Conveyance of Surplus Property Located at 315 West Camel Street**

0302-14 RESOLUTION AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT 315 WEST CAMEL STREET

WHEREAS, the City of Greensboro owns residual property located at 315 West Camel Street, Parcel 0020257, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by McNairy and Associates Appraisal Services, Inc. at a value of \$500,000 and the final highest bid of \$500,000 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be deposited in the Nussbaum Housing Partnership Revolving Fund, Account No. 211-0000-00.8616.

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

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$500,000 is hereby approved and the sale of property located at 315 West Camel Street is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Marikay Abuzuaiter

**ID 14-0803**                      Resolution Authorizing the Conveyance of Surplus Property Located at  
1601 Autumn Drive

0303-14 RESOLUTION AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT 1601 AUTUMN DRIVE

WHEREAS, the City of Greensboro owns residual property located at 1601 Autumn Drive, Parcel 0018832, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by McNairy and Associates Appraisal Services, Inc. at a value of \$300,000 and the final highest bid of \$300,000 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be deposited in the Nussbaum Housing Partnership Revolving Fund, Account No. 211-0000-00.8616.

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

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$300,000 is hereby approved and the sale of property located at 1601 Autumn Drive is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Marikay Abuzuaiter

**ID 14-0804**                      Resolution Authorizing the Conveyance of Portions of Surplus Property  
Located at 1216 & 1218 Boston Road

0304-14 RESOLUTION AUTHORIZING CONVEYANCE OF A PORTION OF PROPERTY LOCATED AT 1216  
AND 1218 BOSTON ROAD

WHEREAS, the City of Greensboro owns residual property located at 1216 and 1218 Boston Road, Parcels 0048790 and 0048789, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by Foster Appraisal Services, Inc. at a value of \$72,000 and the final highest bid of \$64,800 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be deposited in the Stormwater Management Enterprise Fund Account No. 505-0000-000.8616.

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

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$64,800 is hereby approved and the sale of portions of property located at 1216 and 1218 Boston Road is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Marikay Abuzuaiter

**ID 14-0809** Resolution Authorizing Agreement with Greensboro Downtown Greenway, LLC for Installation of Traffic Signals along the Downtown Greenway

0305-14 RESOLUTION AUTHORIZING AGREEMENT WITH GREENSBORO DOWNTOWN GREENWAY, LLC FOR INSTALLATION OF TRAFFIC SIGNALS ALONG THE DOWNTOWN GREENWAY

WHEREAS, as part of the construction of the Downtown Greenway, Greensboro Downtown Greenway, LLC (GDG) would like to upgrade traffic signals at various intersections from standard span wire to mast arm traffic signals with underground wiring;

WHEREAS, the City is being requested to enter into an agreement for the installation of traffic signals along the Downtown Greenway, said agreement presented herewith this day;

WHEREAS, GDG will provide upfront payment for the purchase and installation of the equipment along with the related electrical work;

WHEREAS, mast arm signals will be installed at the following intersections: Smith Street at Spring Street; Edgeworth Street at Smith Street; Eugene Street at Smith Street; Battleground Avenue at Eugene Street; Eugene Street at Fisher Street and Fisher Street at Greene Street;

WHEREAS, the total estimated cost for the project is \$186,817 with funding to be provided by GDG.

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

That the City Manager is hereby authorized to execute said agreement presented herewith this day for the installation of traffic signals along the Downtown Greenway to be funded by Greensboro Downtown Greenway, LLC.

(Signed) Marikay Abuzuaiter

**ID 14-0738** Ordinance in the Amount of \$186,817 Amending State, Federal, and Other Grants Fund Budget for Installation of Traffic Signals along the Downtown Greenway

14-0144 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR INSTALLATION OF TRAFFIC SIGNALS ALONG THE DOWNTOWN GREENWAY

Section 1:

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

That the State, Federal, and Other Grants Fund Budget be amended as follows:

Account	Description	Amount
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220-4568-01.5239	Miscellaneous Supplies	\$ 68,016
220-4568-01.5429	Other Contracted Services	\$118,801
Total		\$186,817

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

Account	Description	Amount
220-4568-01.8620	Donations and Private Contributions	\$186,817
Total		\$186,817

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

**ID 14-0754** Ordinance in the Amount of \$65,943 Amending State, Federal, and Other Grants Fund Budget for the Appropriation of Federal Forfeiture Account for Greensboro Police Department's Hazardous Device Team FY 15

14-0145 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF FEDERAL FORFEITURE ACCOUNT FOR GREENSBORO POLICE DEPARTMENT'S HAZARDOUS DEVICE TEAM FY 15

Section 1

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

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

Account	Description	Amount
220-3505-01.6059	Other Capital Equipment	\$65,943
TOTAL:		\$65,943

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

Account	Description	Amount
220-3505-01.7104	Federal Forfeiture	\$65,943
TOTAL:		\$65,943

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

**ID 14-0772** Ordinance in the Amount of \$9,037 Amending State, Federal, and Other Grants Fund Budget for the Appropriation of the Greensboro Police

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Department's K9 Teams Donation FY 15

14-0146 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF THE GREENSBORO POLICE DEPARTMENT'S K9 TEAMS DONATION FY 15

## Section 1

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

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

Account	Description	Amount
220-3503-01.5235	Small Tools & Equipment	\$9,037
TOTAL:		\$9,037

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

Account	Description	Amount
220-3503-01. 8620	Donations & Private Contributions	\$9,037
TOTAL:		\$9,037

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

**ID 14-0810** Resolution Approving Municipal Agreement With The North Carolina Department of Public Safety, Division of Emergency Management to Accept One 1995 International Crew Cab Tractor With 250 HP Engine (Prime Mover)

0306-14 RESOLUTION APPROVING MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT TO ACCEPT ONE 1995 INTERNATIONAL CREW CAB TRACTOR WITH 250 HP ENGINE (PRIME MOVER)

WHEREAS, the North Carolina Department of Public Safety, Division of Emergency Management, hereafter referred to as NCEM, and the City of Greensboro, hereafter referred to as City, have a lengthy history of cooperation with respect to regional emergency response activities;

WHEREAS, the NCEM and the City have statutory authority to enter into this Agreement by virtue of Section 166A-19.12 of the North Carolina General Statutes;

WHEREAS, the NCEM desires to loan the City one (1) 1995 International Crew Cab Tractor with 250 HP engine (Prime Mover) to be used on-scene by first responders and state personnel to prepare for threatened or actual Weapons of Mass Destruction or domestic terrorist attacks, major disasters, and other emergencies to protect human life, property, and the environment;

WHEREAS, the Greensboro Fire Department is ready, willing, and able to properly use and maintain the 1995 International Crew Cab Tractor with 250 HP engine (Prime Mover) in order to protect human life, property, and the environment in accordance with the terms of the Agreement between the NCEM and the City;



WHEREAS, the City will be responsible for the maintenance, inventory, upkeep and operation of the aforesaid equipment while being stored and used by the Greensboro Fire Department;

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

Section 1. That the Agreement with the North Carolina Department of Public Safety, Division of Emergency Management is hereby formally approved for the City to accept the loan of one (1) 1995 International Crew Cab Tractor with 250 HP engine (Prime Mover) and the City Manager and Clerk are authorized to sign and execute the Agreement.

(Signed) Marikay Abuzuaiter

**ID 14-0813** Resolution Approving Update in Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with Amendments Effective December 2, 2014

0307-14 RESOLUTION APPROVING UPDATE IN RULES AND REGULATIONS FOR THE OPERATION OF THE WATER AND WASTEWATER SYSTEM OF THE CITY OF GREENSBORO WITH AMENDMENTS EFFECTIVE DECEMBER 2, 2014

WHEREAS, Section 6.81(b) of the Greensboro City Charter and Section 29-6 of the Greensboro Code of Ordinances authorizes the adoption of the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro;

WHEREAS, the City Council has approved and adopted the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments through May 7, 2013;

WHEREAS, the changes proposed in the attached copy of the Rules and Regulations with amendments will become effective December 2, 2014;

WHEREAS, it is deemed in the best interest of the City to adopt the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments be become effective December 2, 2014.

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

That the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments to become effective December 2, 2014, as authorized by Section 6.81(b) of the City Charter and Section 29-6 of the Greensboro Code of Ordinances, and which is presented herewith this day, is hereby in all respects approved, and the City Manager is directed to place an official copy thereof in the office of the City Clerk.

(Signed) Marikay Abuzuaiter

**ID 14-0814** Resolution Approving EnviroCare International Wet Scrubbing Emission Control System with Integrated Mercury Removal Modules for the T.Z. Osborne Water Reclamation Facility

0308-14 RESOLUTION APPROVING ENVIROCARE INTERNATIONAL WET SCRUBBING EMISSION CONTROL SYSTEM WITH INTEGRATED MERCURY REMOVAL MODULES FOR THE T.Z. OSBORNE WATER RECLAMATION FACILITY

WHEREAS, in 2011, the Environmental Protection Agency (EPA) finalized new source performance standards and emission guidelines for new and existing Sewage Sludge Incinerator (SSI) units located at publically owned wastewater treatment works;

WHEREAS, these standards are based on Maximum Available Control Technology (MACT) provisions of the

Clean Air Act Section 129, subjecting SSIs to more stringent air emission requirements;

WHEREAS, in order to meet the new SSI emission limits using technology with a proven ability in the SSI industry to reduce both Sulfur Dioxide (SO<sub>2</sub>) and Mercury (Hg) below the new regulatory limits, the Water Resources Department recommends that the wet scrubber with integrated mercury capture system by EnviroCare International be used;

WHEREAS, the cost of the wet scrubbing system is \$342,475 and the City's design engineer has reviewed the quote to ensure the quoted system is compatible with the existing SSI's, meets the required performance specifications, and is quoted at a fair and reasonable cost;

WHEREAS, a sole source purchase from EnviroCare International is being requested to ensure that the system utilizes technology that is readily compatible with the existing incinerator unit process and has been demonstrated to meet the new EPA emission limits for both Sulfur Dioxide (SO<sub>2</sub>) and Mercury (Hg) at the T.Z. Osborne Water Reclamation Facility.

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

That the sole source purchase of \$342,475 for the wet scrubbing system provided by EnviroCare International is hereby approved, payment to be made in the amount of \$342,475 from the Water Resources Capital Improvements Fund, Account No. 503-7024-06.6019.

(Signed) Marikay Abuzuaiter

**ID 14-0817**                      Resolution Authorizing Memorandum of Agreement Between City of Greensboro, Guilford County and City of High Point for the Donation of Metropolitan Medical Response System (MMRS) Equipment

0309-14 RESOLUTION APPROVING MEMORANDUM OF AGREEMENT WITH GULFORD COUNTY, NORTH CAROLINA, AND MEMORANDUM OF AGREEMENT WITH HIGH POINT, NORTH CAROLINA, FOR THE CITY OF GREENSBORO TO DONATE EQUIPMENT PURCHASED WITH FY 2011 STATE HOMELAND SECURITY GRANT PROGRAM FUNDS

WHEREAS, the City of Greensboro as the controlling agency for the 2011 Metropolitan Medical Response System received FY 2011 Homeland Security Grant Program funds to purchase emergency response equipment and the conduct of planning, exercise and training activities and the enhancement of all hazard preparedness;

WHEREAS, Guilford County and the City of High Point, have a lengthy history of cooperation with the City of Greensboro, with respect to many matters affecting their mutual interests and the benefit of their respective citizens;

WHEREAS, Guilford County, the City of High Point and the City of Greensboro have statutory authority to enter into Agreements concerning equipment purchased with funds from the City of Greensboro's FY 2011 Homeland Security Grant Program funds by virtue of Section 160A-274 of the North Carolina General Statutes;

WHEREAS, the City of Greensboro desires to donate to Guilford County the equipment purchased with FY 2011 Homeland Security Grant Program funds as designated in Exhibit A, attached hereto and incorporated herein by reference, to be used in implementing the State of North Carolina's goals and strategies of the State Homeland Security Strategy;

WHEREAS, Guilford County shall be responsible for the maintenance, inventory, upkeep and operation of the donated equipment identified in Exhibit A, and shall hold the City of Greensboro harmless against all claims regardless of nature arising out of Guilford County's use of the donated equipment in accordance with the terms of the Agreement between the City of Greensboro and Guilford County;

WHEREAS, the City of Greensboro desires to donate to the City of High Point the equipment purchased with FY

2011 Homeland Security Grant Program funds as designated in Exhibit B, attached hereto and incorporated herein by reference, to be used in implementing the State of North Carolina's goals and strategies of the State Homeland Security Strategy;

WHEREAS, the City of High Point shall be responsible for the maintenance, inventory, upkeep and operation of the donated equipment identified in Exhibit B, and shall hold the City of Greensboro harmless against all claims regardless of nature arising out of the City of High Point's use of the donated equipment in accordance with the terms of the Agreement between the City of Greensboro and the City of High Point;

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

That the Agreement with Guilford County for the City of Greensboro to donate the equipment identified in the attached Exhibit A, that the Agreement with the City of High Point for the City of Greensboro to donate the equipment identified in the attached Exhibit B, are hereby approved and the City Manager and Clerk are authorized to sign and execute the Agreements.

(Signed) Marikay Abuzuaier

**ID 14-0763** Resolution Authorizing the Creation of an Umbrella Stream and Wetland Mitigation Bank ("Mitigation Bank") for the City of Greensboro

0310-14 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENSBORO CREATING AN UMBRELLA STREAM AND WETLAND MITIGATION BANK ("MITIGATION BANK") FOR THE CITY OF GREENSBORO

WHEREAS, the City of Greensboro has a Mitigation Bank Instrument, signed by North Carolina's Mitigation Banking Review Team which consists of USACE, EPA, NCDENR, and several other state and federal agencies, and was signed by Mitch Johnson, City Manager at the time the Mitigation Bank was created in 2006; and

WHEREAS, Government entities were disallowed from creating mitigation banks by the North Carolina Legislature in 2012, but the Mitigation Bank Instrument allows Greensboro's Umbrella Stream and Wetland Mitigation Bank ("Mitigation Bank") to be grandfathered in and to operate under the authority of the North Carolina Legislature; and

WHEREAS, the Mitigation Bank will allow the City of Greensboro to undertake future City projects that may impact or destroy streams or wetlands in the area; and

WHEREAS, creation of a Mitigation Bank allows the City of Greensboro to accumulate credits based upon proactive projects that functionally improve stream quality; and

WHEREAS, the credits set aside in the Mitigation Bank may be used for future City projects that may encroach upon surrounding streams and wetlands; and

WHEREAS, the credits set aside in the Mitigation Bank will allow the City of Greensboro to save money, gain permitting efficiency, and avoid violating Environmental Protection Agency ("EPA") regulations on future City projects; and

WHEREAS, the City of Greensboro has designated 30 sites to be included in the Mitigation Bank, and the EPA gave approval for these sites; and

WHEREAS, a declaration of restrictions will be placed on these sites, by recording the easements with the Guilford County Recorder of Deeds, to ensure their compliance with EPA standards, and compliance with these standards is of no additional cost to the City of Greensboro, and the City was already in compliance with EPA regulations prior to initiating this project; and

WHEREAS, by establishing this Mitigation Bank, the City of Greensboro will not need to purchase credits from other entities to undertake City projects, will be in compliance with EPA regulations, will be able to carry out

projects in an efficient, less time-consuming manner; and

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

That it hereby authorizes the Umbrella Stream and Wetland Mitigation Bank project by directing the Water Resources Department to record the easements with the Guilford County Recorder of Deeds and to oversee and utilize the Mitigation Bank for future projects.

(Signed) Marikay Abuzuaiter

**ID 14-0798**                      Resolution Authorizing Contract with the Piedmont Authority for Regional Transportation for the Transfer and Operation of the City of Greensboro's Career Express Transit Service

0311-14 RESOLUTION AUTHORIZING CONTRACT WITH THE PIEDMONT AUTHORITY FOR REGIONAL TRANSPORTATION FOR THE TRANSFER AND OPERATION OF THE CITY OF GREENSBORO'S CAREER EXPRESS TRANSIT SERVICE

WHEREAS, the CITY has requested and PART has agreed to assume, operate, and manage the CITY'S Career Express Transit Service, beginning September 1, 2014; and

WHEREAS, it is deemed to be in the best interests of both the CITY and PART to enter into an agreement for PART to assume, operate, and manage the CITY'S Career Express Transit Service; and

WHEREAS, PART has been selected as a sub-recipient of the CITY'S Section 5316 Job Access and Reverse Commute ("JARC") Funds by the Federal Transit Administration ("FTA"); and

WHEREAS, the CITY and PART desire to utilize funds for the above-referenced purposes: and

WHEREAS, PART is uniquely positioned to assume, operate, and manage the JARC program and to address transportation challenges faced by welfare recipients and low-income individuals seeking to secure and maintain employment; and

WHEREAS, on the 13th day of August, 2014, the PART Board of Trustees authorized the PART Executive Director to execute this Agreement with the City of Greensboro; and

WHEREAS, on the 21st day of October, 2014, the Greensboro City Council approved and adopted a Budget Ordinance amending the GTA Planning and Grant Fund budget for the Federal Fiscal Year 2015, Section 5316 JARC grant; and

WHEREAS, PART will receive \$500,000 (\$250,000 for each of the two fiscal years that comprise the service period) in JARC operating funds to be matched by local funds provided by PART; and

WHEREAS, the GTA Board voted on November 20, 2014 to recommend to the City Council to enter into a contract with PART for the transfer and operation of the City of Greensboro's Career Express transit service; and

WHEREAS, the City desires to enter into a contract with PART for the transfer and operation of the City of Greensboro's Career Express transit service.

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

That the City Manager is authorized to enter into a contract with the Piedmont Authority for Regional Transportation for the transfer and operation of the City of Greensboro's Career Express transit service.

(Signed) Marikay Abuzuaiter

**ID 14-0818**                      Loans and Grants for City Council Approval

## 0312-14 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at the March 1, 2005 meeting of City Council, the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

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

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 Council meeting.

(Signed) Marikay Abuzuaiter

**ID 14-0779** Motion to adopt 2015 City Council Meeting and Work Session Schedule

Motion to approve the 2015 City Council meeting and Work Session schedule was adopted.

**ID 14-0815** Budget Adjustments Requiring Council Approval 11/11/14-11/24/14

Motion to approve the budget adjustments over the amount of \$50,000 was adopted.

**ID 14-0816** Budget Adjustments Approved by Budget Officer 11/11/14-11/24/14

Motion to accept the report of budget adjustments of November 11 - 24, 2014 was adopted.

**ID 14-0824** Motion to Approve the Minutes of the Work Session of October 28, 2014.

Motion to approve the minutes of the October 28, 2014 Work Session was adopted.

**ID 14-0823** Motion to Approve the Minutes of the Regular Meeting of November 3, 2014.

Motion to approve the minutes of the Regular meeting of November 3, 2014 was adopted.

**ID 14-0799** Resolution Approving the Bid in the Amount of \$853,757.50 and Authorizing Contract No. 2010-113 (C-5555A) to Atlantic Contracting Company, Inc., for General Sidewalk Improvements.

Councilmember Hightower asked why one of the bids was incomplete; inquired how the sidewalk projects were decided on; and asked about the status of the 2014 sidewalk projects remaining on the list.

Assistant City Manager Parrish responded that the bid may have been unresponsive and was not the low bid; explained that projects were chosen off a master list by balancing the needs and funding availability; verified the projects were spread throughout the City; spoke to obstacles when purchasing right-of-way for projects; addressed utility issues that were involved; and stated staff would provide the status of the 2014 sidewalk projects to Council.

Engineering and Inspections Director Kenny McDowell explained that a complete package had not been submitted with the bid.

City Manager Westmoreland spoke to the process when deciding to move forward with specific sidewalk projects.

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**Moved by Councilmember Hightower, seconded by Councilmember Fox, to adopt the resolution. The motion carried by voice vote.**

0313-14 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2010-113 (C-5555A) TO ATLANTIC CONTRACTING COMPANY, INC. FOR GENERAL SIDEWALK IMPROVEMENTS

WHEREAS, after due notice, bids have been received for the General Sidewalk Improvements Project for 2.4 miles of concrete sidewalks; along with driveways, retaining walls, ADA compliant concrete curb cuts and safety rails along various sections of the City;

WHEREAS, Atlantic Contracting Company, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$853,757.50 as general contractor for Contract No. 2010-113, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

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

That the bid hereinabove mentioned submitted by Atlantic Contracting Company, Inc. is hereby accepted, and the City is authorized to enter into a contract with Atlantic Contracting Company, Inc. for the 2.4 miles of sidewalk project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$853,757.50 from Account No. 401-4555-01.6015 A13079.

(Signed) Sharon Hightower

**ID 14-0805**

**Resolution Approving Contract in the Amount of \$285,000 With Duke's Root Control, Inc. to Provide Chemical Treatment Services to Inhibit the Growth of Roots in the Sanitary Sewer System**

Councilmember Matheny left the meeting at 6:12 p.m. and returned at 6:17 p.m.

Councilmember Hightower asked if this was the only company that performed this type of work.

Water Resources Engineering Manager Mike Borchers responded that only one company had replied to the Request for Proposal; referenced two companies that did not qualify under the City's M/WBE program; and addressed subcontracting issues.

**Moved by Councilmember Hightower, seconded by Councilmember Abuzuaiter, to adopt the resolution. The motion carried by voice vote.**

0314-14 RESOLUTION APPROVING CONTRACT WITH DUKE'S ROOT CONTROL, INC. TO PROVIDE CHEMICAL TREATMENT SERVICES TO INHIBIT THE GROWTH OF ROOTS IN THE SANITARY SEWER SYSTEM

WHEREAS, Water Resources is requesting the City enter into a three-year contract with Duke's Root Control, Inc. to provide chemical treatment of sanitary sewers to inhibit the growth of roots which are one of the primary causes of sanitary sewer backups;

WHEREAS, Duke's Root Control, Inc. was the only respondent to the City's August 2014 Request for Proposals;

WHEREAS, after surveying over a dozen other utilities in the surrounding area that use root control services, only two vendors were found to provide this type of service in this area and neither vendor qualified under the City's M/WBE program;

WHEREAS, funding for year one of the contract is budgeted in the Water and Sewer Operating Fund account and funding for years two and three will also be from this account provided that sufficient appropriations are approved by City Council in succeeding fiscal years.

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

That the contract with Duke's Root Control, Inc. to provide chemical treatment services to inhibit the growth of roots in the sanitary sewer system is hereby approved with funding in the amount of \$285,000 to come from the Water and Sewer Operating Fund, Account No. 501-7041-01.5429.

(Signed) Sharon Hightower

**ID 14-0806****Resolution Authorizing Extension in the Amount of \$68,690 of Contract No. 2012-5599 With Cox Utility Services, Inc. to Provide Utility Location Services**

Councilmember Hightower asked if this was the only company that provided this type of service; and asked if the City looked at vendor rotation.

Councilmember Wilkins asked how a comparison was done when the City only had one bidder.

Mr. Borchers responded that the item was an extension to a three year contract with the option for extensions; explained the reason for doing this since the City had become part of 811; stated they would reach out to additional vendors upon completion of this extension; spoke to comparison on past history when only one bid had been received; and verified the costs were in alignment for this type of service.

Assistant City Manager Parrish interjected that this was an extension of the contract; and spoke to why the item was not bid.

**Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson, to adopt the resolution. The motion carried by voice vote.**

0315-14 RESOLUTION AUTHORIZING EXTENSION OF CONTRACT NO. 2012-5599 WITH COX UTILITY SERVICES, INC. TO PROVIDE UTILITY LOCATION SERVICES

WHEREAS, the City of Greensboro's Water Resources Department has entered into an agreement with Cox Utility Services, Inc. to provide the location of utility services;

WHEREAS, professional underground locating services are needed to properly locate the City's water and sewer lines at the request of customers and contractors who plan to dig near City assets;

WHEREAS, this will allow the Water Resources Department to meet the "Underground Damage Prevention Act" law of North Carolina;

WHEREAS, the existing two-year contract is expiring and the demand for locate requests has increased since the City became a member of NC811 in September, 2014.

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

That the extension in the amount of \$68,690 of Contract No. 2012-5599 with Cox Utility Service, Inc. is hereby approved 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 extension to carry the proposal into effect, payment to be made in the amount of \$68,690 from Account No. 501-7071-01.5429.

(Signed) Sharon Hightower

**IV. PUBLIC HEARING AGENDA****ID 14-0693**

Resolution closing a portion of South Edgeworth Street from its intersection with Spring Garden Street southward a distance of approximately 282 feet

Mayor Vaughan stated the item was postponed from the November 18th meeting of Council; that the public

hearing was closed at that meeting; and added that there were two speakers to the item.

Councilmember Hightower asked if the parties had come to a resolution; and inquired about the small business currently in the facility.

Attorney Mike Fox, 100 North Greene Street responded that Ms. Comer was unable to be here but was still in support of the street closing; stated that they had been in communication with the parties; that the owner of the building was here should Council have questions; that the amendment adopted on November 18th addressed Mr. Dalton's concerns; that the contract expired last Friday; and that they were all in agreement that the road needed to be closed.

Councilmember Fox asked if the street closing would impact pedestrian walkability.

Transportation Director Adam Fischer responded that it would not; and spoke to the process of the Technical Review Committee when reviewing sidewalk requirements.

Councilmember Wilkins verified that no one was present to speak on behalf of Ms. Comer.

Attorney Carruthers stated the amended condition was in the proposed resolution; and advised Council to close the public hearing.

Mr. Krusch, owner of the building voiced support of the street closing.

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

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

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 1 - Jamal T. Fox

0316-14 RESOLUTION CLOSING A PORTION OF SOUTH EDGEWORTH STREET FROM ITS INTERSECTION WITH SPRING GARDEN STREET SOUTHWARD A DISTANCE OF APPROXIMATELY 282 FEET

WHEREAS, the owners of all of the property abutting both sides of a portion of South Edgeworth Street from its intersection with Spring Garden Street southward a distance of approximately 282 feet have requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, November 18, 2014 at 5:30 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

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

That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.

That the City Council hereby finds as a fact that the closing of the street to vehicular traffic is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.

That the City shall retain 20-foot utility easements over existing utility lines until such time as the lines are not



longer needed for public use. The closed portion of the right of way shall be divided in half and shall merge with the abutting properties.

The following improvements shall be installed by the applicant before the street closing will become effective and within 60 days of Technical Review Committee approval:

a) A City approved turn-around shall be constructed on the terminus of Eugene Court and the roadway connection to Eugene Court shall be eliminated by removing the existing pavement from new City approved turn-around northward 50 feet; and

b) The roadway connection to Spring Garden Street shall be eliminated by installing city approved curb and gutter along Spring Garden Street and removing the existing pavement from Spring Garden Street southward 50 feet.

That the Greensboro Transportation Department and the Technical Review Committee would ensure an adequate easement or right of way to allow the property described in Deed Book 4700, Page 68 (current owner, Ernie Dalton) to receive deliveries.

That the following street is hereby permanently closed to the general public and the City's interest therein released:

A PORTION OF SOUTH EDGEWORTH STREET FROM ITS INTERSECTION WITH SPRING GARDEN STREET SOUTHWARD A DISTANCE OF APPROXIMATELY 282 FEET

(Signed) Zack Matheny

**ID 14-0697**

**Ordinance Annexing Territory into the Corporate Limits Located at 5672  
- 5696 Millstream Road - 12.547-Acres**

Mayor Vaughan introduced Items #27/ID 14-0697 and #28/ID14-0712 together; and stated there were speakers to the items if they wished to speak.

City Manager Westmoreland stated staff was here for questions and a presentation if needed.

Gerald Parker, 214 West Friendly Avenue, stated he was the owner of the property; provided the history of development of the property; and thanked Council for their consideration.

Moved by Councilmember Hoffmann, seconded by Councilmember Fox to close the public hearing. The motion carried by voice vote.

Councilmember Matheny verified the items were the annexation and rezoning for Millstream Road.

**Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower,  
to adopt the ordinance. The motion carried on the following roll call vote:**

**Ayes,** 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

14-0147 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS LOCATED AT 5672-5696 MILLSTREAM ROAD -12.547 ACRES

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

BEGINNING at a point marking the northeastern corner of Carolina Tractor and Equipment Co., Lots 9-11, Millstream Business Park, Section 2, Phase 1 as shown on a map recorded in Plat Book 149 Page 120 in the office of the Register of Deeds of Guilford County, North Carolina, said beginning point being located North 84°15'00" East 356.26 feet from the PC into Roosevelt Court, said beginning point also being in the southern

margin of Millstream Road (State Road 3143); thence running said southern margin of said Millstream Road (State Road 3143) North 84°15'00" East 812.46 feet to a point marking the northwestern corner of Southern Log Homes Realty, LLC, Lot 1, Millstream Business Park, Section 1, Phase 1 as shown on a map recorded in Plat Book 124 Page 18 in said Guilford County Registry; thence along the western line of said Southern Log Homes Realty, LLC South 19°56'00" West 237.79 feet to a point marking the southwestern corner of said Southern Log Homes Realty, LLC; thence along the southern line of said Southern Log Homes Realty, LLC North 84°19'37" East 300.44 to a point in the western line of Arthur Jerome Williamson as recorded and described in Deed Book 1293 Page 0303 in said Guilford County Registry; thence along said western line of said Williamson South 19°51'30" West 543.81 feet to a point in the northern line of property owned by Guilford County as recorded and described in Deed Book 4706 Page 0926 in said Guilford County Registry; thence along said northern line of said Guilford County, the following three (3) courses and distances: 1) North 72°50'09" West 82.91 feet to a point; thence 2) South 74°51'14" West 269.98 feet to a point; thence 3) South 36°44'58" West 409.22 feet to a point in the eastern line Drainageway & Open Space & Utility Easement, Guilford County as shown on said map recorded in said Plat Book 149 Page 120 and as recorded and described in Deed Book 6142 Page 2077 in said Guilford County Registry; thence along said eastern line of said Drainageway & Open Space & Utility Easement, Guilford County the following seven (7) courses and distances: 1) North 43°20'59" West 50.19 feet to a point; thence 2) North 23°23'50" West 66.12 feet to a point; thence 3) North 21°58'04" East 346.31 feet to a point; thence 4) North 04°06'49" East 81.43 feet to a point; thence 5) North 43°15'52" West 54.44 feet to a point; thence 6) North 48°55'08" West 131.02 feet to a point; thence 7) South 62°04'18" West 25.53 feet to a point in said eastern line of said Carolina Tractor and Equipment Co.; thence along said Carolina Tractor and Equipment Co., said Lots 10-9 the following two (2) courses and distances; 1) North 28°56'47" West 190.07 feet to a point; thence 2) North 20°21'04" West 232.73 feet to the point and place of BEGINNING containing approximately 12.547 acres, more or less, being all that portion of Guilford County PIN 8814508354, south of said Millstream Road (State Road 3143).

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' 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 December 2nd, the liability for municipal taxes for the 2014-15 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2015. Municipal ad valorem taxes for the 2015-16 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

(Signed) Yvonne J. Johnson

**ID 14-0712**

Ordinance Establishing Original Zoning from County LI (Light Industrial) to City CD-LI (Conditional District Light Industrial) for Properties Located at 5672-5696 Millstream Road, Generally Described as South of Millstream Road and West of Village Road

**Moved by Councilmember Hightower, seconded by Councilmember Matheny, that the Greensboro City Council believes that its action to approve the zoning amendment, located at 5672-5696 Millstream Road from County LI**

(Light Industrial) to City CD-LI (Conditional District-Light Industrial) to be 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: It is consistent with the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use; the request is consistent with the Interim Corporate/Business Park Future Land Use designation for this site; and the request is consistent with the Economic Development Goal to promote a healthy, diversified economy to adopt the ordinance. The motion carried on the following roll call vote:

**Ayes,** 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

14-0148 AMENDING OFFICIAL ZONING MAP

5672-5696 MILLSTREAM ROAD, SOUTH OF MILLSTREAM ROAD AND WEST OF VILLAGE ROAD.

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

Section 1. The Official Zoning Map is hereby amended by original zoning from County LI (Light Industrial) to City CD-LI (Conditional District Light Industrial).

The area is described as follows:

BEGINNING at a point marking the northeastern corner of Carolina Tractor and Equipment Co., Lots 9-11, Millstream Business Park, Section 2, Phase 1 as shown on a map recorded in Plat Book 149 Page 120 in the office of the Register of Deeds of Guilford County, North Carolina, said beginning point being located North 84°15'00" East 356.26 feet from the PC into Roosevelt Court, said beginning point also being in the southern margin of Millstream Road (State Road 3143); thence running said southern margin of said Millstream Road (State Road 3143) North 84°15'00" East 812.46 feet to a point marking the northwestern corner of Southern Log Homes Realty, LLC, Lot 1, Millstream Business Park, Section 1, Phase 1 as shown on a map recorded in Plat Book 124 Page 18 in said Guilford County Registry; thence along the western line of said Southern Log Homes Realty, LLC South 19°56'00" West 237.79 feet to a point marking the southwestern corner of said Southern Log Homes Realty, LLC; thence along the southern line of said Southern Log Homes Realty, LLC North 84°19'37" East 300.44 to a point in the western line of Arthur Jerome Williamson as recorded and described in Deed Book 1293 Page 0303 in said Guilford County Registry; thence along said western line of said Williamson South 19°51'30" West 543.81 feet to a point in the northern line of property owned by Guilford County as recorded and described in Deed Book 4706 Page 0926 in said Guilford County Registry; thence along said northern line of said Guilford County, the following three (3) courses and distances: 1) North 72°50'09" West 82.91 feet to a point; thence 2) South 74°51'14" West 269.98 feet to a point; thence 3) South 36°44'58" West 409.22 feet to a point in the eastern line Drainageway & Open Space & Utility Easement, Guilford County as shown on said map recorded in said Plat Book 149 Page 120 and as recorded and described in Deed Book 6142 Page 2077 in said Guilford County Registry; thence along said eastern line of said Drainageway & Open Space & Utility Easement, Guilford County the following seven (7) courses and distances: 1) North 43°20'59" West 50.19 feet to a point; thence 2) North 23°23'50" West 66.12 feet to a point; thence 3) North 21°58'04" East 346.31 feet to a point; thence 4) North 04°06'49" East 81.43 feet to a point; thence 5) North 43°15'52" West 54.44 feet to a point; thence 6) North 48°55'08" West 131.02 feet to a point; thence 7) South 62°04'18" West 25.53 feet to a point in said eastern line of said Carolina Tractor and Equipment Co.; thence along said Carolina Tractor and Equipment Co., said Lots 10-9 the following two (2) courses and distances; 1) North 28°56'47" West 190.07 feet to a point; thence 2) North 20°21'04" West 232.73 feet to the point and place of BEGINNING containing approximately 12.547 acres, more or less, being all that portion of Guilford County PIN 8814508354, south of said Millstream Road (State Road 3143).

Section 2. That the zoning amendment from County LI (Light Industrial) to City CD-LI (Conditional District Light Industrial) is hereby authorized subject to the following use limitations and conditions:

1. Uses limited to automobile/ recreational vehicle sales and service with a retail component.
2. Maximum building size limited to 45,000 square feet of useable floor space.

Section 3. This property will be perpetually bound to the uses authorized and subject to the development standards of the CD-LI (Conditional District 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 November 18, 2014.

(Signed) Sharon Hightower

**ID 14-0143**

Resolution confirming the Assessment Roll for water and sewer line improvements on Crosswinds Court from existing 8" lines at the intersection of Crosswinds Court and Covered Wagon Road northeast to 5309 Crosswinds Court.

Mayor Vaughan introduced Items #29/ID14-0143, #30/ID14-0149, #31/ID14-0151, #32/ID14-0154 and #33/ID14-0155 for a public hearing.

City Manager Westmoreland stated staff was here to answer any questions.

Cynthia Bradley, 1400 Covered Wagon Road, referenced what they were told when annexed several years ago; voiced concern that some residents had connected to City water and sewer at a great expense; that it was her understanding that those who did not connect would not need to pay the assessment; asked that all homeowners be treated the same; and spoke to a previous Council decision.

City Attorney Carruthers assured Council that all homeowners would be treated equally; spoke to assessments that would be held in abeyance until the owners hooked up to City water and sewer; stated that the owners would be required to pay the fee the other owners had already paid; and spoke to the timeframe for owners to connect to City water and sewer.

Council discussed everyone needing to pay the same fee in the end; resident concerns with homeowners not being required to hook up within a ten year period; clarification on some owners stating they would not be charged; and reference to an owner's assertion regarding a previous Council decision to not charge owners.

City Attorney Carruthers explained that the time frame had been changed but the fee would remain the same; confirmed that the City did not agree to waive any fees; and that residents would still have the ten year financing payout option.

Council discussed what it had previously decided on with regard to assessment fees; and not voting on the items until it had a full understanding of what had transpired previously.

City Attorney Carruthers was requested to provide clarification on the previous Council decision regarding the status of waiving assessment fees for local improvements.

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

It was the consensus of Council to have City Attorney Carruthers research the previous Council meeting minutes; and place the items on the December 16th Council meeting agenda without further advertising.

**This resolution was postponed to the December 16th meeting of Council without further advertising.**

**ID 14-0149** Resolution confirming the Assessment Roll for a water line improvement on Crosswinds Road from a proposed 8" line at the intersection of Crosswinds Court and Covered Wagon Road to approx. 380' west to an existing 6" line

**This resolution was postponed to the December 16th meeting of Council without further advertising.**

**ID 14-0151** Resolution confirming the Assessment Roll for a water line improvement on Covered Wagon Road from an existing 12" line at intersection of Millstream Road and Covered Wagon Road north to the intersection of Crosswinds Court and Covered Wagon Road

**This resolution was postponed to the December 16th meeting of Council without further advertising.**

**ID 14-0154** Resolution confirming the Assessment Roll for a sewer line improvement on Covered Wagon Road from an existing 8" line at 1507 Covered Wagon Road north to the intersection of Crosswinds Court and Covered Wagon Road

**This resolution was postponed to the December 16th meeting of Council without further advertising.**

**ID 14-0155** Resolution confirming the Assessment Roll for a 8" water line improvement on Covered Wagon Road from an 8" line at the intersection of Crosswinds Road and Covered Wagon Road to north approx. 365 linear feet to and existing 8" line.

**This resolution was postponed to the December 16th meeting of Council without further advertising.**

**ID 14-0777** Ordinance amending Table 12-4, Table 12-5, and Sections 30-12-3.9, 30-12-3.4, and 30-15-1 of the Land Development Ordinance related to Stream Buffers

City Manager Westmoreland stated staff was available for questions.

Council asked if this was a change for the entire City; and if it would be less money than it was originally.

City Attorney Carruthers responded that the City had vetted this through DENR; that it was appropriate with the new legislation as it applied to the Jordan Lake reforms; and would result in savings under development of land when crossing land for stream buffers for roadways and utilities which would make Greensboro more competitive with surrounding communities that were not part of Jordan Lake Watershed.

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

**Ayes,** 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

14-0149 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 Table 12-4 within Section 30-12-3.9(F), Explanation of Stream Buffer Zones, is hereby amended to read as follows:

Table 12-4

Stream Buffer Width (1) Requirements in Watershed Districts and in  
Other Water Supply Watershed Districts

Low Density Option

Watershed District	Perennial Streams, Lakes & Ponds			Intermittent Streams		
	Zone 1	Zone 2	Zone 3	Zone 1	Zone 2	Zone 3
All Watershed Districts	0-30	30-50	N/A	0-30	30-50	N/A

High – Density Option

Watershed District	Perennial Streams, Lakes & Ponds			Intermittent Streams		
	Zone 1	Zone 2	Zone 3	Zone 1	Zone 2	Zone 3
Upper Randleman Lake	0-30	30-50	50-100	0-30	30-50	N/A
Lower Randleman Lake						

Greensboro

Lake Mackintosh

Polecat Creek

Other Watershed Districts	0-30	30-50	N/A	0-30	30-50	N/A
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(1) Distances on all sides of water bodies are in feet and are with reference to top of bank for streams and normal water level for all other water bodies. This, "0" equals top of bank or normal water level and "30" equals 30 feet landward from top of bank or normal water level.

Section 2. That Subsection (2) of Section 30-12-3.9(G), Associated Requirements, is hereby amended to read as follows:

2. Requirements for Categories of Activities and Structures in Stream Buffers

Activities and structures designated in Table 12-5 as allowable exempt, allowable with restrictions, and allowable with mitigation within a riparian protection area shall have the following requirements:

a. Allowable Exempt

Activities and structures designated as allowable exempt are permissible provided that they adhere to the limitations of the activity as defined in Table 12-5. In addition, allowable structures and activities shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.

b. Allowable with Restrictions

Activities and structures designated as allowable are permissible with restrictions and may proceed provided that there are no practical alternatives to the requested use pursuant to 30-4-26.11. This includes construction, monitoring, and maintenance activities.

c. Allowable with Mitigation

Activities and structures designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to 30-4-26.11 and an appropriate mitigation strategy has been approved pursuant to 30-12-3.9(G)4). These activities and structures require a determination of no practical alternative from the city in accordance with 30-4-26.11.

Section 3. That Subsection (1) of Section 30-12-3.4(C), Modifications, is hereby amended to read as follows:

1. Watershed Modification that is Minor in Nature

Modification of the watershed regulations of 30-12-3, 30-12-4 or 30-12-5 that meets one of the following criteria: (A) Modification of any standard of Article 12 but not in the EMC Rules; (B) Modification of any standard on which the level of performance required by Article 12 exceeds that required by the corresponding section of the EMC Rules, provided that approval of the modification does not lower the level of performance below that required by the EMC Rules; (C) Activities that will impact only Zone 2 of the stream buffer; or (D) Modification from the EMC Rules that results in a relaxation, by a factor of up to 5%, of density, or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to 10%, of any management requirement under the low-density option, shall be considered minor in nature.

Section 4. That Subsection (A) of Section 30-4-26.11, Determination of No Practical Alternatives is hereby amended to read as follows:

A. Persons who wish to undertake uses designated as allowable exempt or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the City of Greensboro. Submission may be made as part of a Stormwater and/or Watershed Development Plan. The applicant shall certify that the project meets all the following criteria for a determination that there is no practical alternative:

1. The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
2. The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
3. Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

Section 5. That Table 12-5, Table of Activities and Structure in Stream Buffers (Zone 1 and Zone 2), within Section 30-12-3.9(G) 2), Requirements for Categories of Activities and Structures in Stream Buffers, is hereby amended by adding a new row in alphabetical order and amending one row to read as follows:

The following chart sets out potential new activities and structures within the buffer and categorizes them as allowable exempt, allowable with restrictions, or allowable with mitigation. All activities and structures not categorized as allowable exempt, allowable with restrictions, or allowable with mitigation are considered prohibited and may not proceed within the riparian protection area if the use would impact the buffer.

Table 12-5 Table of Activities and Structures  
In Stream Buffers (Zone 1 and Zone 2)

Activities and Structures In Stream Buffers	Exempt	Allowable	Allowable with Mitigation
Piping of a stream, outside of the Upper Randleman Lake and Lower Randleman Lake Watershed Districts under a permit issued by the U.S. Army Corps of Engineers		X	
Utility, non-electric, other than perpendicular crossings {4.5}			
• Outside of the Upper Randleman Lake and Lower Randleman Lake Watershed Districts with impacts in Zone 2	X		
• Within of the Upper Randleman Lake and Lower Randleman Lake Watershed Districts with impacts in Zone 2		X	
• Within all Watershed Districts and with impacts in Zone 1 {1}			X

Footnotes: {6} There is no stream buffer required over the portion of a stream that has been piped.

Section 6. That the term "Airport Facilities" within Section 30-15-1, Terms Beginning with "A," is hereby amended to read as follows:

**Airport Facilities**

Means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases 'air navigation facility', 'airport', or 'airport protection privileges' under G.S. 63-1; the definition of 'aeronautical facilities' in G.S. 63-79(1); the phrase 'airport facilities' as used in G.S. 159-48(b)(1); the phrase 'aeronautical facilities' as defined in G.S. 159-81 and G.S. 159-97; and the phrase 'airport facilities and improvements' as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, aeronautic industrial facilities that require direct access to the airfield, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of 'airport facilities':

A. Satellite parking facilities;

B. Retail and commercial development outside of the terminal area, such as rental car facilities; and

C. Other secondary development, such as hotels, industrial facilities, freestanding offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of 'airport facilities'.

Section 7. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 8. This ordinance shall become effective upon date of adoption.

(Signed) Sharon Hightower

**ID 14-0840**

**Ordinance to Impose a Temporary Moratorium on New Electronic Gaming Operations in the City of Greensboro**

**Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson, to adopt the ordinance. The motion carried on the following roll call vote:**

**Ayes,** 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzwaiter, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**14-0150 ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM FOR NEW ELECTRONIC GAMING OPERATIONS WITHIN THE CITY OF GREENSBORO, NORTH CAROLINA**

WHEREAS, a November 18, 2014 North Carolina Court of Appeals decision held that sweepstakes operations that use pre-reveal software are in violation of NCGS 14-306.4; and

WHEREAS, The City of Greensboro wants to await the outcome of any appeal to this ruling and wants to study and make recommendations about zoning requirements for such businesses; and

WHEREAS, the City Council finds that the zoning ordinance currently does not have an effective manner to regulate electronic gaming operations, known commonly as sweepstakes businesses, or internet cafes, or electronic sweepstakes operations, defined by Section 13-119 of the Greensboro Code of Ordinances as "any



business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to, computers or other electronic terminals (collectively the "electronic sweepstakes machines"), to reveal the content of a sweepstakes entry, whether by a simulated electronic game or otherwise, and where cash, merchandise, or other items of value are redeemed or otherwise distributed at the location where the electronic sweepstakes operation is conducted, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic sweepstakes operations shall not include any lottery approved by the state of North Carolina or any nonprofit operation that is otherwise lawful under state law (for example church or civic organization fundraisers)."

WHEREAS, numerous such operations have opened throughout the City and this City has attracted such operations in far greater numbers than similar communities in this local area; and

WHEREAS, the regulatory provisions of Greensboro's zoning ordinance with respect to these operations is far less comprehensive than nearby jurisdictions, and does not afford the protection to patrons of those businesses and to the general public as do those of other nearby cities; and

WHEREAS, the staff of the City of Greensboro has requested a temporary moratorium to permit it to further research possible legislative remedies to provide for the more orderly development of regulations to allow such business to operate in a safe manner in harmony with the commerce and greater development of the Greensboro community.

WHEREAS, in pursuance of North Carolina General Statute 160A-381(e), the Council specifically finds that:

1. The continuing addition of new sweepstakes businesses cannot be effectively regulated in the short-term without reviewing and improving the zoning ordinance, and there is no other way to address the deficiencies in the zoning ordinance to address the issue, short of a moratorium;
2. No development approvals will be subject to the moratorium, but the issuance of Privilege Licenses and Certificates of Occupancy for such businesses will cease during the moratorium;
3. A 60 day moratorium concluding on January 30, 2015 is necessary because numerous changes and additions to the zoning ordinance are contemplated; and
4. The planning and zoning staff and other employees of the city will develop proposals to address and remedy the situation.

WHEREAS, a public hearing is conducted by the City Council pursuant to North Carolina General Statutes Section 160A-381, in order to study this issue and to consider a moratorium for the purpose of developing legislative remedies, and said public hearing was properly noticed in accordance with North Carolina General Statutes Section 160A-381 for a meeting of the Council on Tuesday, December 2, 2014. The notice of hearing was published in the Greensboro News & Record as required for moratoriums of 60 days or shorter in length, in accordance with North Carolina General Statutes Section 160A-381(e).

NOW THEREFORE, be it enacted that, as of this date, a temporary moratorium for all new electronic gaming operations, commonly known as sweepstakes businesses, or internet cafes, or electronic sweepstakes operations as defined by Section 13-119 of the Greensboro Code of Ordinances, for any business using such an operation as a principal or accessory use, is hereby imposed, and the issuance of any Privilege License or Certificate of Occupancy to an electronic gaming operation, known also as a sweepstakes business, or internet café, or electronic sweepstakes operation as defined by Section 13-119 of the Greensboro Code of Ordinances, for any business using such an operation as a principal or accessory use, shall be suspended, said moratorium continuing in effect until January 30, 2015.

(Signed) Sharon Hightower

**ID 14-0826**

Ordinance to Repeal Portions of Chapter 30, Article 8 of the Land Development Ordinance as it Relates to the Entertainment Facilities Use Ordinance and to adopt an Entertainment Facility Security Ordinance to Chapter 18 of the Greensboro Code of Ordinances

Mayor Vaughan stated there was one speaker for the item.

City Attorney Carruthers reminded Council that there was not a public hearing at the last meeting; referenced the direction received from Council; spoke to maintaining the current entertainment ordinance; to what would be strengthened; stated security personnel would need to be trained and certified; that staff had preliminarily identified 28 businesses that were distinct from bars and restaurants; outlined the appeals process, compliance timeline and requirements; referenced the state statutes; and reiterated that the changes were a result of direction from Council.

Council inquired if there were any recommendations for establishments with no violence history to be exempt; referenced situations with people in the parking lots who were not patrons; the 14 day timeframe for club personnel to become trained; definition and exemption of private clubs; voiced concerns with the requirement for four armed guards; and concern with compromising the City's way out of something it was doing.

City Attorney Carruthers confirmed that if clubs had operated three years without an act of violence they would be exempt; provided the definition of 'act of violence'; emphasized that clubs would need to provide visible security outside the club to deter acts of violence; outlined the reason for the 14 day training recommendation for security; asked that an amendment be made to reflect that non-profit, public bodies and private clubs would not be affected by this ordinance; provided an example of a private club; and spoke to the requirements when a club went from being public to private.

Councilmember Matheny spoke to the reality for uniformed officers; voiced concern with taking officers off the streets to be in front of nightclubs; spoke to the need for the nightclubs to supply their own security which was the ultimate goal and intent for the uniform guards; spoke to how businesses could get around the public/private club requirement; referenced the work of the public safety task force; and voiced the need for additional officers and proper certifications.

City Attorney Carruthers stated he would remove the suggestion as to private clubs but urged that Council still allow educational institutions and non-profit governmental entities exemption.

Council discussed consistency when changing legislation; whether new businesses would need to adhere to the three year operation restriction; concern for new and small businesses; and issues surrounding a revolving door for certain businesses closing and reopening at another location.

Thurston Reeder, 119 North Chimney Rock Road, voiced concern both for and against the item; stated he knew his business would be exempt but voiced the need to look for a solution to the issue; referenced the North Carolina ALE and ABC laws pertaining to private clubs; voiced that the ordinance was not written well; referenced businesses not on the list; asked if the ordinance would apply to country clubs; referenced previous meetings he had taken part in; and asked about the cost and who would check the certifications of the security guards.

Councilmember Matheny respectfully disagreed with Mr. Reeder; added that the ordinance as written tonight would have some teeth in it; stated he wanted the ordinance to be inclusive of the community and business owners; and referenced valid points Mr. Reeder had brought before Council at the last meeting.

Brief discussion ensued regarding club patron limits; if all establishments that sold alcohol should abide by the ordinance; and reference to clientele of establishments.

Councilmember Abuzuaiter thanked Mr. Reeder for coming; spoke to the ABC license restrictions which were numerous and extremely regulated; voiced concerns with when a patron left the premises and returned to the parking lot where a violent act might occur; with Council regulating something as a knee jerk reaction; emphasized the need to address violent acts; spoke to the impact to small businesses; voiced the need to figure out a way for everyone to come to the table on the issue; referenced the same few businesses having recurring problems which needed to be taken care of; and voiced concern with passing something Council may regret later.

City Attorney Carruthers spoke to looking at what Greenville, South Carolina had done; responded that the list was an initial draft which was dependent on the definition of dance club and night club; stated he anticipated further refinement of the ordinance; referenced the direction of Council; and stated staff would continue

discussions and looking at other options.

Councilmember Abuzuaiter asked that the item be postponed until the ordinance was more than a draft; and voiced hesitation with voting when Council had not yet heard from all of the citizens.

Councilmember Fox verified the three year limit; asked if the timeframe could be changed from 14 to 30 days; voiced the need to have discussions with the community regarding the use of handguns; stated this was just a step in the right direction to get something in place to assist with acts of violence; and asked for a friendly amendment that it be changed to 30 days and be brought back to Council in 120 days for refinement and/or reconsideration.

Councilmember Matheny stated he did not agree with 120 days; that he did not accept a friendly amendment; and stated he would not accept the 120 days because it would not allow enough time for the ordinance to be in motion.

Discussion took place regarding Council seeing results within 120 days; not waiting nine months to a year to evaluate the ordinance; the right for Council to modify ordinances at anytime that they deemed necessary; the need for clarity on the difference between a bar and a nightclub; the amendments being well vetted and thought out; and Council reviewing the matter again.

City Attorney Carruthers emphasized that staff would continue to look at the difference between a bar and a nightclub; would look at other communities; and come back to Council.

Councilmember Fox asked that the committee structure be reviewed, specifically the Public Safety Committee to ensure that committee did not get abandoned.

Councilmember Matheny voiced the need to work with universities and colleges; stated this was not an end all, be all solution; voiced Council had taken steps in the right direction to ensure people would have the proper certification; emphasized that business owners would share in the responsibility for public safety; stated he hoped Council could get full support to move the item forward; and stated that there was not a lot of animosity from club owners about the ordinance.

Councilmember Barber asked that the private club exception remain in the ordinance; asked if staff received feedback that this was an egregious issue that it be placed on the next agenda for continued discussion; credited Council with moving quickly during the past year; and reiterated that this was a good thing for the City.

City Attorney Carruthers confirmed that the not for profit language would apply to country clubs; and that the ordinance had been placed in Chapter 18 of the Greensboro Code of Ordinances which would not require advertisement.

Mayor Vaughan referenced that some strip clubs masqueraded as private clubs; spoke to the need for Council to be careful how it did this; referenced persons at the table during previous meetings; emphasized that Council was revisiting what it did not amend previously; stated there may be a need for some refinement in the future; emphasized that doing nothing was not the answer; that she would support the item which did not mean Council would not refine it at some point; reiterated that the City would put club owners on notice that this could occur; and requested City Attorney Carruthers continue assessment of the difference in definition between a 'bar' and a 'nightclub'.

Councilmember Hightower voiced the need to ensure the amendment did not hurt the small clubs; stated that some venues did not need six police officers, particularly if they were non-profits; added that not all events needed to have armed guards; and asked who would monitor and follow up with the clubs to ensure the staff had proper certification.

Brief discussion took place regarding VFWs and smaller venues.

Attorney Carruthers stated that the clubs would be required to provide a list for security as well as their security plan; spoke to the equipment that would be used for the security of the club; that certificates of the completion of

the courses would be required; confirmed that the ALE and Fire Department already inspected the clubs; and outlined the process should the clubs fail to comply with the ordinance requirements.

Councilmember Hoffmann voiced that this amendment was a good first step that needed to be moved tonight; stated legislating was a process; and verified that laws were tweaked over a period of time.

Councilmember Abuzuaiter asked for clarification on whether the nuisance abatement ordinance was strong enough to enforce this and had enough teeth; and asked to hear from the Police Department on the item.

City Attorney Carruthers outlined the processes and types of nuisance abatement uses in Chapter 19 of the Code of Ordinances; spoke to the City's power to determine nuisances and enforce elimination of said ordinances; and spoke to the power of the City through the tool kit for nuisance abatement.

Interim Police Chief Anita Holder voiced that she realized there was a sense of urgency to increase perceived levels of safety Downtown; voiced her concerns with multiple ordinance amendments regarding enforcement and setting up a staffing process; clarification on the definition of what qualified as a 'bar', a 'restaurant' or a 'nightclub'; and stated she understood the intent of the ordinance.

Councilmember Wilkins stated he planned to support the item; voiced concerns with a new business having to adhere to the restrictions; and asked if there was a way for new business owners avoid having an undue financial burden.

City Attorney Carruthers responded that he would continue to look at the issue; and report back to Council.

Discussion took place regarding clubs closing and opening up under a new name; expense for reopening a business at another location; essence and threshold of the nuisance abatement power; ensuring businesses did not relocate in another section of the City; lack of legislation to cover every possible issue; devotion of City assets to a small amount of businesses in the City; and the need for businesses to step up.

Mayor Pro-Tem Johnson called the question.

**Moved by Councilmember Matheny, seconded by Mayor Pro-Tem Johnson, to adopt the ordinance. The motion carried on the following roll call vote:**

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 1 - Marikay Abuzuaiter

14-0151 ORDINANCE AMENDING ARTICLE 8, CHAPTER 30-8-13.2(B), AND AMENDING CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES, ENACTING ARTICLE VI., ENTERTAINMENT FACILITY SECURITY

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

Section 1. Chapter 30-8-13.2(B) of the Greensboro Code of ordinances is hereby amended to read as follows:

B. The term "Entertainment Facilities" shall mean and refer to Entertainment Facilities operating after 9:00 p.m., at which alcohol is sold, served or consumed and the occupancy capacity of the facility as determined by the Greensboro Fire Department is 150 persons or more unless otherwise stated within this Article, "Entertainment Facilities" includes facilities at which any of the following occur:

1. Bars;
2. Clubs or lodges where an event open to the public is being held or conducted and which include dancing or a live entertainment performance;
3. Special events facilities where an even open to the public is being held or conducted which includes dancing or a live entertainment performance;
4. Temporary events open to the public where dancing or live entertainment performance is being held or conducted; and/or

5. Sexually oriented businesses at which some kind or type of dancing or live entertainment occurs, without regard to the occupancy capacity of the Entertainment Facility

Section 2. Chapter 18 of the Greensboro Code of ordinances is hereby amended to read as follows:

#### ARTICLE VI. ENTERTAINMENT FACILITY SECURITY

##### Sec. 18-71. – Purpose.

The city council finds and declares that criminal acts of violence have repeatedly occurred at Night Clubs, Dance Clubs, and After-hours Clubs and such occurrences constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city. This condition requires the enactment of regulations which impose minimum security requirements upon entertainment facilities in order to prevent or reduce the occurrence of future acts of violence.

##### Sec. 18-72. - Definitions.

(a) "Night Clubs" and "Dance Clubs" shall mean and refer to commercial establishments where the principal use is for dancing, musical entertainment, comedy, or other similar types of performances and activities at which alcohol is sold, served or consumed. The term Night Club shall include Dance Clubs. Admission to a Night Club may, but need not, take place by payment of a direct or indirect charge, fee, donation, or any form of consideration, or by the purchase, possession, or presentation of a ticket or token. A Night Club may also be known as a discothèque (disco) or a dance hall, and is an entertainment venue which usually operates late into the night. A Night Club may have live music and is generally distinguished from bars, pubs or taverns by the inclusion of a dance floor and a DJ booth, where a DJ plays recorded music or a stage for live entertainment.

(b) The definitions of Night Clubs and Dance Clubs shall also include "After Hours Clubs" which are businesses open to the public after 3am (Eastern Standard Time) where alcohol is consumed.

(c) "Act of violence" shall mean and refer to any violent act: 1) resulting in injury to a person which requires the victim to receive transportation and/or treatment at a medical facility; or 2) which involves the use of any weapon which may reasonably cause injury requiring transportation and/or treatment at a medical facility; or 3) results in the death of a person; or 4) involves a sexual assault or robbery.

(d) The Planning Director or the Planning Director's designee shall make the final determination as to whether an entertainment facility qualifies as a Night Club that is subject to the provisions of this ordinance. Appeals to the decision of the Planning Director or the Planning Director's designee shall be made to the Board of Adjustment.

##### Sec. 18-73. – Minimum security requirements for all Night Clubs with occupancy of 100 or more persons.

(a) The following table depicts the required number of qualified security staff based upon the occupancy capacity:

Occupancy Capacity	Security Staff Required
100-200	2
201-300	3
301-400	4
401-600	5
601-800	6
801-1100	7
1101-1400	8

Each facility with an occupancy capacity over one hundred (100) patrons shall provide a minimum of two (2) uniformed off-duty sworn law enforcement officers or two (2) armed security guards as defined by NCGS Chapter 74C. Each facility shall provide one (1) additional unarmed security guard for every additional one hundred (100) patrons up to four hundred (400) patrons in attendance. At a capacity above four hundred (400) patrons, each facility shall provide one (1) additional unarmed security guard for every additional two hundred (200) patrons in attendance.

(b) All security staff for Night Clubs shall meet the following requirements:

1. The security staff shall be required to be on duty when the public entertainment begins or 9:00 p.m., whichever occurs first in time, and shall remain on duty for at least one-half hour after the facility has closed or after all patrons have vacated the area immediately surrounding the premises and the adjacent parking lots used by patrons, whichever occurs later in time.
2. The security staff shall provide security that is plainly visible to patrons inside the premises of the facility. Security staff will also maintain plainly visible security outside of the facility at parking sites immediately adjacent to the premises which are used by patrons, as well as the perimeters of the building in which the facility is located and areas within one hundred and fifty (150) feet of the entrances to the facility at which a line of patrons has formed.
3. Security staff shall make every reasonable effort to remove disruptive persons separately and ensure that each departs the premises and parking area prior to the next disruptive person being removed from the premises and parking area.
4. If found, security staff shall remove any illegal contraband from patrons, report its existence to the Greensboro Police Department, identify the person in possession of the illegal contraband and immediately turn it over to the proper law enforcement authorities.
5. All unarmed security staff shall register and maintain a valid certification as an unarmed security guard pursuant to the requirements of North Carolina General Statute 74C-13, et. seq., and shall attend and obtain certification by successfully completing the Unarmed Security Officer Training Course offered pursuant to the North Carolina Private Protective Services Board. Law enforcement officers who act as unarmed security shall hold a valid and current certification as a law enforcement officer issued by either North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education & Training Standards Commission. At no time shall any security staff be registered with the state at any level that is less than that of an unarmed security guard. Proof of application and registration for all security staff shall be kept by the entertainment facility and available for inspection on the premises. The proof shall consist of copies of all relevant documentation including: application forms, receipts for application fees and live scan fees, and actual proof of certification.
6. Armed security staff shall register and maintain a valid certification as an armed security guard pursuant to the requirements of North Carolina General Statute 74C-13, et. seq., or shall hold a valid and current certification as a law enforcement officer issued by either North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education & Training Standards Commission. In addition, all armed security staff shall at all times while engaged in employment as such, be in possession of and provide to the Chief of Police or his designee upon request the following documentation:
  - a. A copy of the license issued to him or her by the appropriate state or local agency authorizing him or her to possess such firearm;
  - b. A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency); and
  - c. A copy of his or her state driver's license or state identification card.
7. At closing time, the security staff shall be responsible for clearing the patrons of the facility from the sidewalk and street areas in front of the premises and from other areas accessible to persons around the perimeter and within one hundred and fifty (150) feet of the premises.
8. While on duty, each member of security staff shall have a nameplate containing that person's full name and the word "SECURITY" printed in bold, capital letters. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. The nameplate shall be a minimum of three inches high and nine inches wide, with the required information printed in capital letters, at least two and one-half inches high and in a contrasting and highly visible color. As an alternative to a nameplate, the security personnel's name and the word "SECURITY" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.

9. The facility shall not allow any security staff to, and no security staff shall, sit at the bar, consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any other violations of law while on duty. Additionally, the high capacity Night Club facility shall not allow any security staff to, and no security staff shall at any time, serve any patron any food, drink, alcohol or other consumable item or items.

10. The facility shall not allow any security staff to be, and no security staff shall be, in possession of any firearm while on the premises without first having obtained a license from the appropriate state or local agency authorizing that person to be in possession of a firearm.

11. Security staff shall be responsible for maintaining order at the facility premises and shall ensure the patrons do not carry concealed weapons, including but not limited to guns and knives.

(c) The owner(s) and manager(s) of a facility are jointly responsible for compliance with this Article without regard to assignment or sub-lease of the premises to any other person or entity for any entertainment. If the use of a facility is assigned or sub-leased to another person or entity, the assignee or sub-tenant (which may be referred to as a "promoter"), said assignee or sub-tenant shall be jointly responsible with the owner(s) and manager(s) for compliance with this Article.

(d) The applicant shall provide a written security plan which describes in detail all procedures which the entertainment facility shall use. The security plan shall also include the following:

1. A list of equipment to be used for facility security purposes; and
2. A list of employees, agents, or contractors of the facility whose responsibilities include compliance with the security plan, including a description of the duties of each such employee, agent or contractor.

#### Sec. 18-74. - Exemptions.

(a) This ordinance shall apply to all Night Clubs, Dance Clubs, and After-Hours Clubs. If any Night Club, Dance Club, or After-Hours Club existing as of the date of this ordinance has operated for a period of three (3) years without an incident involving an act of violence, as defined in this ordinance, that business shall be exempt from the required security regulations until such time as an act of violence shall occur at the facility. A determination of exemption shall be made by a records review conducted by the Greensboro Police Department and the records reviewed shall relate back to the previous three (3) years from the date of the requested review. Appeals to a determination of exemption shall be made to the Board of Adjustment.

(b) The following uses and activities are exempt from the provisions of this article:

1. Uses, activities and facilities owned or operated by any Federal, State, County, or local government agency or government sponsored entity.
2. Uses, activities and facilities owned or operated by any private educational institution.
3. Facilities operated by an organization designated as a non-profit entity under section 501(c) of the Internal Revenue Code.

#### Sec. 18-75. – Standard of Proof.

In determining any civil violation of this ordinance, the occurrence of any act of violence or other fact need only be proved to a preponderance of the evidence.

#### Sec. 18-76. – Violations and Enforcement.

(a) It is a violation of this Article for an owner, manager, assignee and/or sub-tenant of an entertainment facility to fail to provide the minimum security requirements described herein.

(b) Failure to comply with the security regulations set forth herein is hereby declared a public nuisance. The City

shall abate nuisances occurring under this Article by seeking abatement and other equitable remedies which may be imposed by a court of competent jurisdiction as allowed in North Carolina General Statute § 160A-175. The terms of such order of abatement sought by the City may include:

1. Ordering the entertainment facility to cease all business at the location where the nuisance occurred; or
2. Requiring additional security measures including camera systems, metal detection systems or other physical changes which reduce the danger of future acts of violence.

This sub-section does not preclude the City from seeking other terms of abatement or injunctive relief which may be appropriate under the circumstances.

Section 3. That this ordinance shall become effective upon adoption and shall require all Night Clubs to upgrade security in conformity with this section within 14 days.

Section 4. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Zack Matheny

Mayor Vaughan declared a recess at 7:25 p.m. Council reconvened at 7:46 p.m. with all members in attendance.

## **V. GENERAL BUSINESS AGENDA**

### **ID 14-0405                      Boards and Commissions Listing for December 2, 2014**

Councilmember Hightower placed the name of Brady Patton in the databank for future service on the Planning Board, Redevelopment Commission or Zoning Commission; the name Sadie Blue in the databank for future service on the ABC Board; and the name of Timothy Charles Adams Leisman in the databank for future service on a board or commission.

Councilmember Matheny placed the names of Amber Ward and Doug Bartow in the databank for future service on a board or commission.

Councilmember Fox placed the name of Freeman Jay Murphy in the databank for future service on the Planning Board, Redevelopment Commission, Parks and Recreation Commission or Human Relation Commission; the name of Terail LeSane in the databank for future service on the Greensboro Housing Authority, GTA , Library Trustees, Zoning Commission, Redevelopment Commission or ABC Board; and the name of James Hairston in the databank for future service on the Human Relations Commission.

Brief discussion took place regarding the District 2 vacancy on the GTA Board.

### **ID 14-0780                      Resolution Approving the Recombination and Subdivision Plats for the Steven B. Tanger Performing Arts Center and Conveying to the Community Foundation of Greater Greensboro or Any Non-Profit, Charitable Organization Owned By It, the Subdivided Property to be Used as the Performing Arts Center's Surface Parking Lot.**

City Manager Westmoreland stated staff was available to answer any questions.

Councilmember Hightower asked Mayor Vaughan to explain to the audience what she had explained to her regarding the purpose for the item.

Mayor Vaughan stated it was a good deal for the City; explained the process for securing the \$25 million loan from the Community Foundation with a \$3.1 million asset; and asked Finance Director Rick Lusk what the proportion was for the remaining figure on the surface parking lot.

Mr. Lusk responded the recent appraisal was \$3.1 million for the surface parking lot.



Mayor Vaughan stated the City would be able to secure a \$25 million loan from the Community Foundation with a \$3.1 million asset; stated the loan was being collateralized with the parking lot; that the City would be collecting revenue from the parking lot for the life of the lease; and stated that the parking lot would revert back to the City after the ten years.

Councilmember Hightower asked for clarification as to the revenue the City would be taking in; asked if the City would retain ownership of the Chamber Building; and stated she wanted the people watching to be clear on the financing piece for the item.

Mayor Vaughan responded that the revenue from the Chamber building would be approximately \$176,000 per year; spoke to the role of the Community Foundation in the loan; and stated this was a very unique circumstance which would become a model for other communities on how the City would finance the Performing Arts Center through a series of user fees.

**Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Matheny, to adopt the resolution. The motion carried on the following roll call vote:**

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

**Nays,** 1 - Marikay Abuzuaiter

0317-14 RESOLUTION APPROVING THE RECOMBINATION AND SUBDIVISION PLATS FOR THE STEVEN B. TANGER PERFORMING ARTS CENTER AND CONVEYING TO THE COMMUNITY FOUNDATION OF GREATER GREENSBORO OR ANY NON-PROFIT, CHARITABLE ORGANIZATION OWNED BY IT, THE SUBDIVIDED PROPERTY TO BE USED AS THE PERFORMING ARTS CENTER'S SURFACE PARKING LOT.

WHEREAS, on March 4, 2014, the City Council adopted a resolution authorizing the Mayor and City Manager to enter into a Memorandum of Understanding (MOU) between the City of Greensboro and the Community Foundation of Greater Greensboro (Foundation) to design, finance, develop, construct, and manage the operations and programs of the Steven B. Tanger Center (Center) for the Performing Arts;

WHEREAS, the MOU stated that the City and the Foundation, on behalf of the private donors, would have to obtain financing to cover each party's share of the costs of the project, and that either party could use a portion of the Center as collateral for financing;

WHEREAS, in order for the Foundation to obtain financing for their \$30 million portion of the construction costs, the City must convey to the Foundation or any non-profit charitable organization owned by it property the City acquired for the Center's surface parking lot.

WHEREAS, the City must combine all of the seven parcels of property that it purchased for the Center into one parcel and then subdivide the portion of the property to be used as the surface parking lot to be conveyed to the CFGG, said plats and metes and bounds description presented herewith this day;

WHEREAS, N.C.G.S. 160A-279 allows the City to convey the property to any public or private entity which carries out a public purpose and to which the City is authorized to appropriate funds;

WHEREAS, the Foundation is a public, non-profit, charitable organization whose mission is to strengthen the community for present and future generations by addressing emerging community issues, managing permanent endowments, and working with individuals, families, corporations, private foundations, and nonprofit organizations in achieving their charitable objectives;

WHEREAS, the City is authorized to appropriate and has appropriated funds to the Foundation for these purposes;

WHEREAS, in accordance with N.C.G.S. 160A-279, the City will attach conditions to the conveyance of this property to the Foundation or any non-profit charitable organization owned by it, that will required the property to be used for a public purpose, and the City will retain leasing rights to control the use of the property

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

That the recombination and subdivision plats for the Steven B. Tanger Performing Arts Center is approved, and the conveyance of the subdivided property to be used as a surface parking lot for the Steven B. Tanger Performing Arts Center to the Community Foundation of Greater Greensboro or any non-profit, charitable organization owned by it, is hereby authorized.

(Signed) Yvonne J. Johnson

City Manager Westmoreland stated there were no addendum items this evening.

## **VI. SUPPLEMENTAL AGENDA**

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

Councilmember Fox reminded Council that on Friday, December 5th from 5:00 p.m. to 9:00 p.m. Duckhead would open a flagship store Downtown at 816 South Elm Street; and spoke to developer Andy Zimmerman who partnered with H/Q Raleigh for renovations at 109-111 West Lewis Street which would house private office space, meeting rooms, outside patios and a coffee shop.

Mayor Vaughan spoke to the exciting initiative; stated the City would also be partnering with H/Q Raleigh for the new incubator which was a building formerly owned by Councilmember Hoffmann; spoke to the private turnaround over the past year; referenced going to the Forge which was right next door; referenced the Colab; and added that Greensboro was getting unique facilities for a unique factor and vibe.

Councilmember Hoffmann spoke to the history and resurrection of Duckhead.

Councilmember Fox announced the Forge and GTCC were hosting an Aviation Affirmation night on Thursday from 6:00 p.m. to 8:00 p.m. at 115 West Lewis Street which would help people understand aviation as well as assist Honda Jet and other aviation outlets to secure people that they needed; announced the Guilford Cup Basketball game on Saturday, December 11th at 2 p.m. at Griffin Recreation Center; stated Council was looking forward to bringing home the victory; asked people to bring canned goods to support Urban Ministry; and spoke to highlights that would take place at the event.

Councilmember Matheny announced that the parent company of Duckhead, Prospects Brands which owned Gerbings and Creighton out of Kentucky added another label to what was now a Greensboro headquartered brand; announced the ACC Swimming event at the Aquatic Center; stated there were still tickets available for the ice skating event; and announced tickets were on sale for the upcoming Disney on Ice event, Frozen.

Councilmember Abuzuaiter announced the Holiday Parade Saturday at 12 noon; spoke to participants in the parade; referenced the tragic accident on Westridge Road; and asked parents to talk to their teens about the need to be careful while driving.

Councilmember Hightower voiced concerns for vendors selling hot dogs and sausage rolls in front of the Food Lion; inquired if they should have a license; spoke to the sanitation of the equipment; asked City Attorney Carruthers to look into the legality of hot dog stand operations throughout the City; referenced sales of the Family Dollar owner at another location; a recent News & Record article; and requested that the regulation of UBER be placed on the City's 2015 Legislative Agenda. Councilmember Hightower announced the 2014 Swimming Championships which would begin on Wednesday; USA Gymnastics coming to the Coliseum in June; spoke to good events at the Coliseum; and thanked the Coliseum for having a City Employee Night as well as a recognition of Veterans for the Universal Soul Circus event several weeks ago.

City Manager Westmoreland asked Councilmember Hightower to provide the locations so staff could look into the situation regarding hot dog sales.

City Attorney Carruthers spoke to having Code Enforcement look into the matter; referenced the mobile food

vendor ordinance developed several years ago; to the Legislature having a committee which was investigating UBER as well as other entities; stated UBER had been banned from the State of Nevada; and stated the General Assembly would look at the issue in the spring.

Councilmember Wilkins requested City Manager Westmoreland to provide to Council the definition of the role and responsibility of a Council liaison to the City boards and commissions.

Councilmember Hightower spoke to her role as the liaison to the GTA Board; and provided an update to a disabled citizen concern that had been brought to the board several months ago.

Mayor Vaughan wished Council a Happy Anniversary; stated this Council had been together for one year today; had been through alot and had weathered it very well; referenced some of Council's accomplishments over the past year; spoke to world class events and concerts that had been hosted at the Coliseum over the past year; spoke to the benefits of the Aquatic Center; and thanked Council for working together as a team and moving forward. Mayor Vaughan stated she was excited to see what Council would accomplish in the next year; commended the City staff for their hard work and availability in the community; recognized the partnership between Council and City staff; thanked staff for being available 24/7; and announced the Employee Recognition Event on December 3rd at the Sportplex.

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

There were no items for discussion by the City Manager.

#### Matters to be presented by the City Attorney

There were no items for discussion by the City Attorney.

#### **Adjournment**

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

THE CITY COUNCIL ADJOURNED AT 8:19 P.M.

ELIZABETH H. RICHARDSON  
CITY CLERK

NANCY VAUGHAN  
MAYOR