



City of Greensboro

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

Meeting Minutes - Draft City Council

Tuesday, September 6, 2016

5:30 PM

Council Chamber

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:

Call to Order

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

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

Mayor Vaughan recognized Councilmember Wilkins to lead the Pledge of Allegiance to the Flag.

Recognition of Courier

Assistant City Manager David Parrish recognized Laura Jones of the Greensboro Coliseum who served as Courier for the meeting.

Moved by Councilmember Wilkins, seconded by Mayor Pro-Tem Johnson to excuse Councilmember Barber from attendance at the meeting. The motion carried by voice vote.

City Attorney Tom Carruthers introduced the new staff attorneys Andrew Kelly and Rosetta Davidson; provided their educational and work histories; and stated he was excited about their prospects with the City.

Council Procedure for Conduct of the Meeting

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

I. CEREMONIAL AND/OR PRESENTATION ITEMS

1. [ID 16-0535](#) Recognition of the City of Greensboro Finance Team as the Recipient of the Certificate of Achievement for Excellence in Financial Reporting

Assistant City Manager Parrish spoke to the accomplishments and work of the City's Finance team; acknowledged Finance Director Rick Lusk and the members of his staff; and asked them to come forward.

Mayor Vaughan presented a plaque to Mr. Lusk and his team; and thanked his team for their work.

Mr. Lusk stated that the City was the first city to receive the award in 1975; added that the City had received the award for 45 consecutive years; referenced the AAA Bond rating for the City; spoke to programs that the department was involved in; and introduced the staff members of the Finance Department.

Mayor Vaughan stated Council would like to congratulate City Clerk Betsey Richardson on the receipt of the 2016 North Carolina Clerk of the Year Award by the North Carolina Municipal Clerks Association; spoke to the work of

Ms. Richardson; and to the role of the City Clerk.

Ms. Richardson voiced appreciation for the acknowledgment; and thanked the City Council; the management team; and her staff for the recognition.

Mayor Pro-Tem Johnson stated she had attended the banquet; and congratulated Deputy City Clerk Angela Lord on the receipt of an educational scholarship by the Association.

II. PUBLIC COMMENT PERIOD

Interim Assistant City Manager Barbara Harris provided an overview of the unit and property conditions of the Summit Executive Center; explained what would take place at a hearing to be held on September 22; and outlined the Order to Repair process.

Discussion took place regarding what was mandated by law; clarification of the orders to go into effect; and if the City was being as aggressive as it could be by law to remedy the situation.

Interim Assistant City Manager Harris explained the process when repairs were made during the required timeframe; requirements of the Minimum Housing Standards Commission; spoke to the ninety day period; verified the City was following the law; and outlined the process for the placement of liens on said property.

Mayor Vaughan stated there were four speakers on the issue.

Brett Byerly, Executive Director of the Housing Coalition, 3707 Mulberry Lane provided photos and the background of the condition of the structure; stated 25 units were not fit or habitable to be lived in; emphasized the conditions needed to be improved; provided the history of a resident with bed bugs; stated the Coalition had begun moving people out of the units; and spoke to strengthening the laws.

Mayor Pro-Tem Johnson asked if the City could ban people from moving into the vacant units to which City Attorney Carruthers responded 'no'.

Councilmember Hightower asked if this was worse than the Heritage House; referenced people's ability to pay utilities; and asked about the size of the units.

Councilmember Fox commended Mr. Byerly for his work; referenced the work of the City; and stated the owner needed to come forward.

Mayor Vaughan voiced concern with people being allowed to move into the units; asked if the units could be condemned; and if there was a way the City could prevent people from moving in.

City Attorney Carruthers explained the condemnation procedure; stated this was a situation similar to the Heritage House; spoke to the public risk; opinions of the housing inspectors; and confirmed the units did not reach the level to be condemned for a public health risk.

Discussion took place with regard to the condemnation process for certain violations; verification that the violations in question did not meet condemnation requirements; violations that met the criteria for immediate condemnation; and the expectations of Council for the units not to be rented until repairs were made.

Councilmember Outling asked if there was any leeway in the state law for condemnation of the property; requested clarification of the state law; and emphasized the need for the property to be brought into compliance.

City Attorney Carruthers stated he would research the issue; and referenced the process used for the Heritage House.

Interim Assistant City Manager Harris provided an overview of the role of the Minimum Housing Standards Commission; and verified that the Commission was influenced by community members expressing their concerns.

Additional discussion took place regarding the role of the Guilford County Health Department.

City Attorney Carruthers was requested to amend the City's ordinance with regard to violations that did not warrant closure or prevent the structure from being rented during the repair process.

Benjamin Berryhill, 311 Leftwich Street stated he had performed maintenance on the units for almost 20 years; spoke to the challenges when making repairs; conditions of the ceilings; presence of bedbugs in units; issues with an absentee landlord; challenges of the management of the complex; and voiced the need to look at the deeper issues.

Discussion took place regarding the responsibility and cost for removing bedbugs.

David Wharton, 667 Percy Street spoke to the impact of the complex condition on the Aycock neighborhood; to the length of time the complex had been on the neighborhood's radar; recognized the members of the Aycock neighborhood in the audience; emphasized that the property owner did not want to pay for some of the repairs; that the problem would still be there in six months; and requested Council to tweak the ordinance and aggressively collect fines.

David Magellan Horth, President of the Neighborhood Association, 114 Cypress Street voiced concern with the issues over many years; and stated the parties needed a win-win solution.

Cameron Cooke, Whitsett thanked Council for the bond package that included housing needs and funds for housing; stated that a lot of the needs had been developed; that Council support for the bonds was crucial; spoke to the process for affordable housing; to the median household income; and the shortage of affordable housing in Greensboro.

Luther Falls, Jr., 1603 Lansdown Avenue; voiced excitement for assistance with the Summit Executive Center; congratulations to the City Clerk and Finance team; spoke to the Small and Minority Business Expo taking place later this month; asked people to register to vote in the general election; spoke to the need for persons to be actively educated; and provided information for upcoming community events.

James Womack, 3203 Delmonte Drive provided information on water conservation; urged the City to adopt his recommendation; spoke to steps citizens could take to conserve water during a water shortage; and asked for City assistance. Mr. Womack had cemetery concerns but his time had expired.

Assistant City Manager David Parrish was requested to provide water conservation information provided by Mr. Womack on Greensboro Television Network (GTN); and to have cemetery staff contact Mr. Womack regarding his concerns.

III. CONSENT AGENDA (One Vote)

Moved by Mayor Pro-Tem Yvonne J. Johnson, seconded by Councilmember Jamal T. Fox, that the consent agenda be adopted. The motion carried by voice vote.

2. [ID 16-0634](#) Resolution Calling a Public Hearing for September 20, 2016 on the Annexation of Territory into the Corporate Limits for the Property Located at 5812, 5908 and 5910 Lake Brandt Road and 2000 and 2020 Trooper Road - 16.78-Acres

289-16 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 20, 2016 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 5812, 5908 AND 5910 LAKE BRANDT ROAD AND 2000-2002 AND 2020 TROOPER ROAD – 17.2 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 6th day of September, 2016, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 5812, 5908 AND 5910 LAKE BRANDT ROAD AND 2000-2002 AND 2020 TROSPER ROAD – 17.2 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of June 30, 2016), said point being the intersection of said city limit line and the westwardly projection of the north line of Lot 2 of Michael J. Andrews, as recorded at Plat Book 83, Page 64; THENCE DEPARTING FROM THE EXISTING CITY LIMITS, crossing Lake Brandt Road with said projection, N 71° 08' 49" E approximately 60 feet to the northwest corner of said Lot 2; thence with said north line N 71° 08' 49" E 557.14 feet to the northeast corner of said Lot 2, also being the southeast corner of Lot 30 of Brandt Park, as recorded at Plat Book 9, Page 39; thence with the west line of Richard and Beverly Roberts, as recorded at Deed Book 3896, Page 1533, also being the east lines of Lots 30-32 of Brandt Park, N 07° 48' 10" W approximately 270 feet to the northernmost corner of Roberts, a point in the existing Greensboro city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the northeast line of Roberts S 37° 08' 45" E 933.19 feet to a point in the northwest right-of-way line of Trospers Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said right-of-way line S 41° 42' 02" W 61.16 feet to the easternmost corner of Lot 6 in Block C of Section 3 of Great Oaks, as recorded at Plat Book 46, Page 75; thence with the northeast line of said Lot 6 N 37° 08' 45" W 306.02 feet to the northernmost corner of said Lot 6; thence with the northwest lines of Lots 6, 5, and 4 of said Section 3 S 41° 42' 02" W 343.34 feet to a stake in a west line of said Lot 4; thence with said line S 07° 48' 10" E 60.00 feet to a corner of said Lot 4; thence with the north lines of Lots 4 and 3 of said Section 3 and of Lot 2 of Section 2 of Great Oaks, as recorded at Plat Book 45, Page 22, S 74° 04' 17" W 583.53 feet to the northeast corner of Lot 1 of said Section 2; thence with the east line of said Lot 1 S 15° 50' 30" E 230.87 feet to the southeast corner of said Lot 1; thence crossing Trospers Road S 15° 50' 30" E 60.00 feet to a point in the south right-of-way line of said road; thence with said right-of-way line N 74° 09' 30" E approximately 170 feet to the northwest corner of Lot 18 of said Section 3; thence with the west line of Lots 18-20 of said Section 3 S 06° 37' 57" W 437.05 feet to the northeast corner of Lot 9 of Section 1 of Great Oaks, as recorded at Plat Book 30, Page 88; thence with the north line of said Lot 9 S 82° 22' 00" W approximately 273.38 feet to a point in the east right-of-way line of Lake Brandt Road; thence in a southerly direction with said right-of-way line approximately 280 feet to a point in the existing Greensboro city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS, crossing Lake Brandt Road, approximately 60 feet to a corner in the existing city limit line; thence continuing with the existing city limit line in a northerly direction along the west side of said road approximately 1,500 feet to the point and place of BEGINNING, and containing approximately 17.2 acres. The plats and deeds referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

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 September 20, 2016, the liability for municipal taxes for the 2016-2017 fiscal year shall

be prorated on the basis of 9/12 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, 2017. Municipal ad valorem taxes for the 2017-2018 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.

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

That Tuesday, September 20, 2016 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than September 10, 2016.

(Signed) Yvonne Johnson

3. [ID 16-0676](#) Resolution Authorizing Change Order, in the Amount of \$160,000.00, in Contract No. 2015-067 with Yates Construction Company, Inc. for Stormwater System Improvements

290-16 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2015-067 WITH YATES CONSTRUCTION COMPANY, INC. FOR STORMWATER SYSTEM IMPROVEMENTS

WHEREAS, Contract No. 2015-067 with Yates Construction Company, Inc. provides stormwater system improvements;

WHEREAS, during construction, Water Resources representatives recognized the need add an elliptical stormwater culvert, 30"-42" stormwater culverts, manhole, and additional traffic control, thereby necessitating a change order in the contract in the amount of \$160,000.00.

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

That a change order in the above-mentioned contract with Yates Construction Company, Inc. for the Stormwater System Improvements is hereby authorized at a total cost of \$160,000.00 payment of said additional amount to be made from Account No.: 506-7016-01.6018, A17046 for \$160,000.00.

(Signed) Yvonne Johnson

4. [ID 16-0700](#) Resolution Authorizing Agreement in the Amount of \$108,009.00 Between the City of Greensboro and Norfolk Southern Railway Company for Flagging Expenses on the West Market Street/Guilford College Road Intersection Improvements Project

291-16 RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF GREENSBORO AND NORFOLK SOUTHERN RAILWAY COMPANY FOR THE WEST MARKET STREET/GUILFORD COLLEGE ROAD INTERSECTION IMPROVEMENT PROJECT

WHEREAS, NCDOT and the City are required to compensate Norfolk Southern Railway Company for the costs to provide flagging operations during the adjustments to an existing railroad crossing;

WHEREAS, the City is being requested to reimburse Norfolk Southern Railway Company in the amount of \$108,009.00.

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

That it hereby authorizes the flagging operations agreement between the City of Greensboro and Norfolk Southern Railway Company presented herewith this day, with payment in the amount of \$108,009.00 to be made from the Account No. 401-4547-01.6014 CBR A16102.

(Signed) Yvonne Johnson

5. [ID 16-0726](#) Resolution Authorizing Purchase of Property Located at 3300 Battleground Avenue for the Battleground Westridge Intersection Improvement Project

292-16 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 3300 BATTLEGROUND AVENUE FOR THE BATTLEGROUND WESTRIDGE INTERSECTION IMPROVEMENT PROJECT

WHEREAS, in connection with the Battleground Westridge Intersection Improvement project, a portion of the property owned by Stonebrook of Greensboro, LLC, Parcel 0038923 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised by Steven C. Randall of Foster Appraisal Services, Inc. at a value of \$241,400, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

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

That the appraisal of the above mentioned property in the amount of \$241,400 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 220-4588-01.6012, Activity #A12084.

(Signed) Yvonne Johnson

6. [ID 16-0716](#) Motion to Approve the Minutes of the Special Meeting of August 1, 2016

Motion to approve the minutes of the Special meeting of August 1, 2016 was adopted.

7. [ID 16-0729](#) Motion to Approve the Minutes of the Regular Meeting of August 1, 2016.

Motion to approve the minutes of the Regular meeting of August 1, 2016 was adopted.

IV. PUBLIC HEARING AGENDA

8. [ID 16-0688](#) Public Hearing on Extending Bond Issuance Period From Seven to Ten Years for Natural Science Center General Obligation Bonds Approved November 3, 2009

Being no speakers to the item it was moved by Councilmember Fox, seconded by Councilmember Wilkins to close the public hearing. The motion carried by voice vote.

Discussion took place regarding the timeframe of seven to ten years; time remaining on the bonds; and a shoutout to the Natural Science Center.

V. GENERAL BUSINESS AGENDA

9. [ID 16-0689](#) Order Authorizing an Extension of the Period During Which the City of Greensboro May Issue Bonds Pursuant to an Order Authorizing \$20,000,000 Natural Science Center Bonds

City Attorney Carruthers stated he approved the item as to form.

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

Absent, 1 - Mike Barber

293-16 Thereupon Mayor Vaughn introduced the following order which was read by title and summarized by the City Manager:

ORDER AUTHORIZING AN EXTENSION OF THE PERIOD DURING WHICH THE CITY OF GREENSBORO MAY ISSUE BONDS PURSUANT TO AN ORDER AUTHORIZING \$20,000,000 NATURAL SCIENCE CENTER BONDS

WHEREAS, on June 16, 2009, the City Council of Greensboro, North Carolina (the "City") duly adopted an order authorizing \$20,000,000 Natural Science Center Bonds of the City, which order was approved by a vote of a majority of the qualified voters of the City who voted thereon at a referendum duly called and held on November 3, 2009 and thereupon took effect; and

WHEREAS, the time within which said bonds may be issued will expire on November 3, 2016 unless said time is extended in the manner provided in N.C.G.S. §159-64, as amended; and

WHEREAS, the City has applied to the Local Government Commission of North Carolina (the "LGC") for an extension to November 3, 2019, of the period within which said bonds may be issued, and the LGC adopted an order approving such extension at its meeting on September 6, 2016; and

WHEREAS, pursuant to N.C.G.S. §159-64, as amended, the City has given appropriate notice and duly conducted a public hearing on the question of such extension; now, therefore,

BE IT ORDERED by the City Council of the City of Greensboro:

Section 1. The maximum time period for issuing bonds under an order adopted by the City Council of the City of Greensboro on June 16, 2009, entitled "ORDER AUTHORIZING \$20,000,000 NATURAL SCIENCE CENTER BONDS", which took effect on November 3, 2009, is hereby extended to November 3, 2019.

Section 2. This order shall take effect 30 days after its publication following adoption.

Thereupon the City Attorney announced that he had approved as to form the foregoing resolution.

Upon motion of Councilmember Fox, seconded by Councilmember Wilkins, the foregoing order entitled: "ORDER AUTHORIZING AN EXTENSION OF THE PERIOD DURING WHICH THE CITY OF GREENSBORO MAY ISSUE BONDS PURSUANT TO AN ORDER AUTHORIZING \$20,000,000 NATURAL SCIENCE CENTER BONDS" was passed by roll call vote as follows:

Ayes: Councilmembers Vaughan, Johnson, Abuzuaiter, Fox, Hightower, Hoffmann, Outling and Wilkins.

Absent: Councilmember Barber.

Thereupon the Mayor announced that the resolution entitled "ORDER AUTHORIZING AN EXTENSION OF THE PERIOD DURING WHICH THE CITY OF GREENSBORO MAY ISSUE BONDS PURSUANT TO AN ORDER AUTHORIZING \$20,000,000 NATURAL SCIENCE CENTER BONDS" had passed by a vote of 8 to 0.

(Signed) Jamal Fox

Councilmember Barber entered the meeting at 6:35 p.m.

10. [ID 16-0584](#) Resolution Approving Bid in the Amount of \$1,357,902.00 and Authorizing Execution of Contract 2015-045 with Yates Construction Company, Inc. for Bryan Park Road Culvert Replacement Project

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

Councilmember Wilkins spoke to this being an odd occurrence; inquired as to why there were only two bidders for this project; spoke to lower prices if there were more bidders; and asked how many contractors were available to bid.

Assistant City Manager Parrish spoke to the process; stated it depended on the project and type of work; spoke to the nature of the work; referenced Garney out of Florida that did work for the City; and verified that bids were sealed during the process.

Councilmember Hightower confirmed the bids were sealed; and that the City looked at the lowest responsible bid.

Moved by Councilmember Fox, seconded by Councilmember Hoffmann, to adopt the resolution. The motion carried on the following roll call vote:

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

294-16 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2015-045 WITH YATES CONSTRUCTION COMPANY, INC. FOR BRYAN PARK ROAD CULVERT REPLACEMENT PROJECT

WHEREAS, after due notice, bids have been received for the culvert replacement project;

WHEREAS, Yates Construction Company, Inc. a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,357,902.00 as general contractor for Contract No. 2015-045 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 Yates Construction Company, Inc. is hereby accepted, and the City is authorized to enter into a contract with Yates Construction Company, Inc. for the Bryan Park Road Culvert Replacement 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 \$1,357,902.00 from Account 506-7015-03.6018 A16030.

(Signed) Jamal Fox

11. [ID 16-0658](#) Resolution Approving Bid in the Amount of \$1,710,594.00 and Authorizing Execution of Contract 2016-012 with Yates Construction Company for the Construction of the Downtown Greenway Phases 1b1 and 1b2.

Councilmember Wilkins inquired about having only one bid; asked if a \$1.7 million contract was considered a small contract; asked for the number of and contact information for companies available to bid on the contract; and stated he wanted to know the reason why persons did not bid on the contract.

Assistant City Manager Parrish confirmed there was only one bidder; spoke to the number of persons that could have bid; outlined the nature of the project and contract; spoke to issues with similar contracts; and stated the City was not the only area dealing with issues in the bid process.

Mayor Vaughan suggested a survey be developed regarding the ability for contractors to bid on projects.

Councilmember Barber verified that there were issues on the agenda in which some members had dug into the bid process; suggested Assistant City Manager Parrish provide a one page executive summary of the bid process to Council; spoke to the need to look at the geographical area; stated staff had done an excellent job following the scope of the bids; emphasized the need to respect the process; and added that he was not sure if Council wanted to make direct contact with the bidders as it could create a liability issue.

Councilmember Hightower confirmed the use of a local company; and commended the company for meeting the M/WBE goals.

Assistant City Manager Parrish was requested to provide a one page executive summary of the bid process to Council that outlined the process used for specific contracts with regard to geographical information and specialized requirements.

Moved by Councilmember Hoffmann, seconded by Councilmember Fox, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Marikay Abuzuaiter, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Justin Outling

Nays, 1 - Tony Wilkins

295-16 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2016-012 WITH YATES CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE DOWNTOWN GREENWAY PHASES 1b1 and 1b2

WHEREAS, after due notice, bids have been received for the Downtown Greenway Phases 1b1 and 1b2 construction projects;

WHEREAS, Yates Construction Company a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,710,594.00 as general contractor for Contract No. 2016-012, 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 Yates Construction Company is hereby accepted, and the City is authorized to enter into a contract with Yates Construction Company for the Downtown Greenway Phases 1b1 and 1b2 construction projects 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 \$1,710,594.00 from Account No.: 471-4502-18.6015.

(Signed) Nancy Hoffmann

12. [ID 16-0691](#) Resolution Authorizing One-Year Extension of Service Contract 2012-5485 with Republic Services, Inc. for Municipal Solid Waste Disposal Services

Assistant City Manager Parrish stated Field Operations Director Dale Wyrick had a brief presentation; confirmed the item was for the transitional period until the municipal solid waste disposal services contract was in effect; and provided an overview of said contract.

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, Mike Barber, Marikay Abuzuaiter, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

296-16 RESOLUTION APPROVING A ONE-YEAR CONTRACT EXTENSION FOR CONTRACT #2012-5485 WITH REPUBLIC SERVICES, INC. FOR MUNICIPAL SOLID WASTE DISPOSAL SERVICES

WHEREAS, Contract No. 2012-5485 with Republic Services, Inc. provides for the disposal of municipal solid waste hauled from the City's Burnt Poplar Road transfer station to the Uwharrie Environmental landfill in Montgomery County, NC;

WHEREAS, the Greensboro City Council authorized the City Manager to enter into the original agreement in September of 2012, and the agreement was to have an initial term of 3 years with 2 additional one-year extensions;

WHEREAS, this extension would begin on October 13, 2016 and end on October 12, 2017;

WHEREAS, the City of Greensboro must deliver a minimum of 60,000 tons of municipal solid waste for disposal to the Uwharrie Environmental landfill during the contract year.

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

That a one-year contract extension for Contract 2012-5485 with Republic Services, Inc. for municipal solid waste disposal services is hereby authorized with an estimated total cost of \$1,500,000. Funds for this contract extension are available in the current approved operating budget in account # 551-4306-07.5429.

(Signed) Yvonne Johnson

13. [ID 16-0692](#) Resolution Authorizing Execution of Contract 2016-10480 With Waste Management of Carolinas, Inc. for Municipal Solid Waste Disposal Services

Field Operations Director Dale Wyrick made a PowerPoint Presentation (PPP); outlined the items Council was being asked to consider this evening; spoke to the two active solid waste management contracts, the first being a hauling contract with Hilco Transport and the second being the MSW disposal contract with Republic Services; to the expiration and costs of the current contracts; verified the City had one hauling and one disposal contract; and spoke to the disposal contract extension Council just voted on. Mr. Wyrick provided an overview of the Request for Proposals (RFPs) issued in June of 2016; outlined the three bids that had been received; provided an explanation as to why Waste Connections was eliminated from further consideration in the proposal; spoke to tonnage; the estimated start date; provided an overview for the remaining proposals; and stated that staff recommendation was to award the contract with Waste Management of the Carolinas, Inc. (Waste Management).

Discussion ensued around the contract with Waste Management; possible 2 one-year extensions of the proposed three year contract; if an economic development study for the process had been done; work between staff and the consultant; current recycling savings with ReCommunity; and future savings going forward. Additional discussion took place regarding the reputations of the companies; amending the contract to reflect a commitment for continued and further use of the current transfer station; commitment for additional tonnage coming into the transfer station; what was required under the contract bid; use of the Randolph County landfill by Waste Management; the location of a new transfer station in the vicinity of the current facility; amount of debt and tonnage coming into the existing transfer station; assurance in writing for continued use of the transfer station; and the importance that the transfer station not lose revenue.

Mr. Wyrick recognized Stan Joseph With Waste Management.

Mr. Joseph confirmed the company's intent for a long term partnership with the City; referenced the partnership with Randolph County; stated Waste Management planned to have the City as a beneficiary; and stated the company would issue a letter of intent.

Staff was requested to obtain a written commitment from Waste Management to continuing the use of the current transfer station.

Moved by Councilmember Hightower, seconded by Councilmember Fox, to adopt the resolution. The motion carried on the following roll call vote:

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

297-16 RESOLUTION AUTHORIZING EXECUTION OF CONTRACT 2016-10480 WITH
WASTE MANAGEMENT OF CAROLINAS, INC. FOR MUNICIPAL SOLID WASTE
DISPOSAL SERVICES

WHEREAS, a request for proposals was issued on June 6, 2016, and proposals received to provide municipal solid waste disposal services;

WHEREAS, Waste Management of Carolinas, Inc. was one of three firms that submitted a proposal and was selected to provide the municipal solid waste disposal services that provide the best value for the City, in the estimated annual amount of \$4,000,000;

WHEREAS, Contract 2016-10480 will have an initial term of 3 years with the option of 2 additional one-year extensions.

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

That the proposal submitted by Waste Management of Carolinas, Inc. is hereby accepted, and the City is authorized to enter into a contract with Waste Management of Carolinas, Inc. for municipal solid waste disposal services consistent with the draft agreement provided in the request for proposals. 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, estimated annual payment to be \$4,000,000 over the term of the contract in which funding is subject to future City Council appropriations.

(Signed) Sharon Hightower

**14. [ID 16-0693](#) Resolution Authorizing Execution of Contract 2016-10479 with
Custom Ecology, Inc. for Municipal Solid Waste Hauling Services**

Mayor Vaughan stated there were speakers for the item.

Greg Pheverall, 321 Staffordshire Road, Director of Marketing for Custom Ecology, Inc. (CEI) recognized members of his team in the audience; stated an important piece of the proposal was the partnership with the M/WBE partners; verified CEI operated throughout the southeast; spoke to the formation and reorganization of CEI; and stated the company was looking forward to serving Greensboro.

Councilmember Wilkins left the meeting at 7:06 p.m. and returned at 7:08 p.m.

James MacMillen, 1318 Ryegate Avenue, JMac Hauling thanked CEI for the partnership; and introduced Porsha Jones, the minority woman for his business.

Ms. Jones stated she was a minority business; thanked Council and CEI for the opportunity; and spoke to diversity and inclusion.

Rob Arheiter, 3812 Highland Parkway, Director of Safety for CEI, spoke to the employees, technology investment and operation of CEI; investment by CEI in new equipment; to key personnel and specialists that had been hired; OSHA training; stated the company had invested in drive cams for the vehicles; incident tracker; and explained the education process of employees by the Safety Department.

Mike Fox, 100 North Greene Street stated he represented CEI; that he had known the principles of the organization who had been in the community and waste disposal services for a long time; emphasized the company would provide the City with a good operation; commended City staff for the process; referenced the hauling savings; verified the City would be getting value and good service; and provided recommendation letters to Council.

Jack Bunyan, 3842 Mapleton Parkway, Chief Operating Officer CEI reiterated the company was not a newcomer to North Carolina; provided an overview of the company operation and structure; emphasized his job was to make sure CEI fulfilled its obligation; made reference to the letters of recommendation; and emphasized that CEI was proud to be here.

Mayor Pro-Tem Johnson commended CEI for the minority participation; and inquired about incidents involving fatalities with the company.

Mr. Arheiter explained what was involved in the incidents; verified that counseling and training had taken place; confirmed and provided examples of changes had been made; and spoke to avoiding similar incidents going forward.

Bruce Quigley, 1216 Suncrest Drive, Hilco Transport, Inc. (Hilco) spoke to the per mile pricing requested in the RFP; future changes to tonnage; respondents in the RFP; confirmed that Hilco Transport, Inc. was the low priced bidder for all bands of mileage and ranges of tonnage; referenced ineligible routes; the re-bidding process; cost per tonnage; and spoke to the safety of CEI.

Mr. Wyrick outlined the process for the price per mileage calculations requested in the RFP.

Mr. Quigley spoke to Hilco's understanding during the pre-bid meeting process regarding routes; confirmed that the company had taken over two transfer stations in Harnett County in late 2012; and spoke to service failures that resulted in the termination of CEI's contract.

Councilmember Hightower asked about the development and consideration of routes to the Randolph County Landfill; if either bidder had a proper route in their original bid; and asked about the legality of the companies seeing the other company's bid.

Councilmember Fox left the meeting at 7:25 p.m. and returned at 7:31 p.m.

Mr. Wyrick explained the difference in route development in the original solicitation; spoke to the creation of routes after conversations with Randolph County; difference in routes and costs presented by the companies; outlined the proposed routes of both companies; and stated both parties were comfortable with seeing the other's bid.

City Attorney Carruthers referenced the language in the RFP; stated there was no prejudice to either bidder; and spoke to the route development.

Councilmember Wilkins inquired as to why the project was rebid; if the City had the option to recommend Hilco after the first bids were received; and if it was ethical for the companies to see the other's bid.

Mr. Wyrick provided an overview of the work with the consultant HDR; and explained why the project had been rebid due to new information received regarding the change in routes.

City Attorney Carruthers confirmed that the actions of the City did not prejudice either company.

Gurdey Long, 5801 Stone Hill Drive, President of Hilco stated Hilco had been in business in Guilford County for 71 years; spoke to the number of people and jobs the company had; confirmed it was not unlawful to rebid a project; spoke to the development of routes; to Hilco's process for pricing; referenced the decrease in price by CEI; instances over the last four years where Hilco had replaced CEI prematurely at transfer stations throughout the state; read a statement from OSHA regarding safety and health of CEI employees; voiced concern with CEI's safety record; and requested a one-year extension of the current contract with Hilco.

J. Pat Haywood, 3508 Two Oaks Drive stated he represented Hilco that was locally owned and based in Greensboro; provided a slide regarding the eleven criteria requested for the contract; emphasized that price was not the only criteria to award the contract; provided the details of the eight criteria that Hilco had succeeded in; spoke to safety concerns heard today; and requested Council consider the totality of the package.

Councilmember Hightower asked how long Mr. Wyrick had been in the solid waste field; spoke to the RFP process; companies that had bid; asked Mr. Wyrick if the staff recommendation was made in good faith to Council; and if a bid process had been used previously for the work.

Mr. Wyrick responded in the affirmative; confirmed staff had reviewed the bids; stated he had been in the field since 2005; became director in 2006; and spoke to the history of the current contract.

Councilmember Wilkins asked Mr. Long to re-read the statement issued from OSHA; asked if Council could consider that statement; and asked for CEI's response to said statement.

City Attorney Carruthers verified that Council could consider the statement; and that Council had the option of choosing either bidder.

Mr. Bunyan explained that the statement was made in 2014 when the management structure was very different; provided an overview of the changes to the ownership structure and investments that had been made since that time; spoke to the commitment of the current management team; and to the makeup of the board of directors.

Councilmember Wilkins stated Council had a known and an unknown with regard to a relationship with the companies; that Hilco had provided excellent service; inquired about the type of remedies for the City should there be problems if the contract was awarded to CEI; and thanked staff for the explanation of details.

Mr. Wyrick explained the language in the draft agreement presented in the RFP with regard to performance standards; explained that neither company had requested exceptions; verified that if CEI did not perform the City would move to terminate the contract if they adversely affected the City's ability to keep its transfer station permit in place; confirmed the City had a high expectation for the transfer station; spoke to the clean up process; emphasized the City would continue to operate at those standards; and verified that he would not allow a company to dictate otherwise.

Councilmember Hoffmann spoke to the references for CEI losing contracts in other areas; verified that the staff had addressed that issue; and asked if CEI wished to speak to that.

Mr. Pheferall spoke to the number of agreements CEI had for hauling waste; their creditability in the marketplace; referenced relationships as a result of said contracts that were typically renewed and renegotiated; the acquisition of a company in 2012 affiliated with Waste Industries; referenced former management decisions; explained the previous issues that had jeopardized relationships at the transfer stations; spoke to equipment damage; emphasized the company had a new management structure in place; verified that the company had renewed all of its contracts with Waste Industries; and that it was not CEI's standard to negate contracts.

Mr. Quigley requested the City's consideration of what the safety and service was worth before terminating the ten-year relationship Hilco.

Councilmember Wilkins explained why he did not support the item.

Moved by Councilmember Hightower, seconded by Councilmember Abuzuaite, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 7 - Nancy Vaughan, Mike Barber, Marikay Abuzuaite, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Justin Outling

Nays, 2 - Yvonne J. Johnson and Tony Wilkins

298-16 RESOLUTION AUTHORIZING EXECUTION OF CONTRACT 2016-10479 WITH CUSTOM ECOLOGY, INC. FOR MUNICIPAL SOLID WASTE HAULING SERVICES

WHEREAS, a request for proposals was issued on March 28, 2016, and proposals received to provide municipal solid waste hauling services;

WHEREAS, Custom Ecology, Inc. was one of three firms that submitted a proposal and was selected to provide

the municipal solid waste hauling services that provide the best value for the City, in the estimated annual amount of \$1,750,000;

WHEREAS, Contract 2016-10479 will have an initial term of 3 years with the option of 2 additional one-year extensions.

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

That the proposal submitted by Custom Ecology, Inc. is hereby accepted, and the City is authorized to enter into a contract with Custom Ecology, Inc. for municipal solid waste hauling services consistent with the draft agreement provided in the request for proposals. 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, estimated annual payment to be \$1,750,000 over the term of the contract in which funding is subject to future City Council appropriations.

(Signed) Sharon Hightower

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer Y, Exhibit No. 34 which is hereby referred to and made a part of these minutes)

Mayor Vaughan declared a 10 minute recess at 7:54 p.m. Council reconvened at 8:15 p.m. with all members in attendance.

15. [ID 16-0730](#) Resolution Authorizing Extension 3 of Contract 2012-095 with KRG Utility, Inc. for the Water and Sewer Rehabilitation Project "L" Project

Discussion took place regarding the increase in the M/WBE participation; if there was a mentor protege opportunity; and the program working as it was supposed to.

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

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

299-16 RESOLUTION APPROVING CONTRACT EXTENSION FOR CONTRACT NO. 2012-095 WITH KRG UTILITY, INC. FOR THE WATER AND SEWER REHABILITATION PROJECT "L" PROJECT

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

WHEREAS, Water Resources has identified additional utility lines in the Westerwood, Starmount, and Lindley Park neighborhoods, and other various locations throughout the city that it would like to rehabilitate using this contract;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a contract extension in the amount of \$7,592,000 to provide for additional rehabilitation.

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

That a contract extension in the above-mentioned contract with KRG, Inc. for the additional rehabilitation of water and sewer lines is hereby authorized at a total cost of \$7,592,000 with payment to be made from the following accounts: 503-7026-02.6017 Activity A17039 in the amount of \$5,589,000 and 503-7026-01.6016 Activity A17035 in the amount of \$2,003,000.

(Signed) Yvonne Johnson

16. [ID 16-0732](#) Resolution Approving Bid in the Amount of \$2,232,770 and Authorizing Contract Between the City of Greensboro and Owens Roofing for the Greensboro Coliseum Arena Roofing Project

Councilmember Wilkins asked for the six bids to be displayed on the screen; spoke to the difference in bids; and asked for clarification on the alternative bid figures.

Councilmember Hightower asked about the mentor protege opportunity; and for clarification on the bid process for contracts and service.

Coliseum Maintenance Supervisor Mike Perdue provided an overview of the add alternate bid process; what staff was required to list; stated the contract was a self performing contract; and verified that a mentor protege had not been identified.

Assistant City Manager Parrish provided an overview of the bid process; explained why the information had been provided in a different format; and spoke to companies providing their add alternate figures.

Moved by Councilmember Abuzuaiter, 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, Mike Barber, Marikay Abuzuaiter, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

300-16 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT WITH OWENS ROOFING FOR A NEW COLISEUM ARENA ROOF

WHEREAS, after due notice, bids have been received for the Coliseum Arena Roof Replacement project;

WHEREAS, Owens Roofing, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,232,770 as general contractor for the contract, 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 findings above are hereby adopted and the Contract between the City of Greensboro and Owens Roofing is hereby formally approved and the 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 \$2,232,770.00 from Account No. 528-7501-04.5613.

(Signed) Marikay Abuzuaiter

17. [ID 16-0721](#) Boards and Commissions Listing for September 6, 2016

Mayor Vaughan stated that the Greensboro Housing Authority was in need of members.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Barber to reappoint Margaret Arbuckle to the Human Relations Commission. The motion carried by voice vote. Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Barber to replace Dr. Nurridin on the War Memorial Commission with Maxine Bateman. The motion carried by voice vote. Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hoffmann to reappoint Jim Galyon to the ABC Board. The motion carried by voice vote.

Discussion took place regarding the revised boards and commissions appointment process.

Councilmember Wilkins stated he would like to see Eugene Lester reappointed to the Zoning Commission; and spoke to the work of Mr. Lester on the board. Moved by Councilmember Barber, seconded by Councilmember Wilkins to reappoint Eugene Lester to the Zoning Commission. The motion carried by voice vote.

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to reappoint Clinton Gravely to the Redevelopment Commission. The motion carried by voice vote. Councilmember Fox nominated Woodrow Dawkins, Jr. for appointment on the Greensboro Housing Authority as the resident representative. Moved by Mayor Vaughan, seconded by Councilmember Fox to appoint Woodrow Dawkins, Jr. to the Greensboro Housing Authority. The motion carried by voice vote.

Moved by Councilmember Hoffmann, seconded by Mayor Pro-Tem Johnson to appoint Marsha Glazman to the Parks and Recreation Commission to replace Matt Lojko. The motion carried by voice vote. Councilmember Hoffmann confirmed Councilmember Abuzuaiter was in agreement with the appointment. Councilmember Hoffmann placed the name of Michelle Kennedy in the databank for future service on a board or commission.

Discussion took place regarding representation on the Parks and Recreation Commission; and Councilmember Wilkin's appointment to the Minimum Housing Standards Commission.

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to reappoint Steven Squire to the War Memorial Commission. The motion carried by voice vote.

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

Mayor Pro-Tem Johnson provided kudos to the Commission on the Status of Women for the Equity Breakfast on August 27th; and encouraged citizens to attend the Folk Festival free of charge this weekend.

Councilmember Fox commended the New Zion Missionary Baptist Church grand opening; stated it was a beautiful facility; requested Assistant City Manager Parrish contact NCDOT to perform property maintenance and clean up the Highway 29 corridor near Cone Boulevard to research the dumping of tires along the Highway 29 corridor; and to address infrastructure issues along Highway 29 at Summit Avenue.

Councilmember Abuzuaiter spoke to the enlightening Mental Health Awareness series provided by the Human Relations Commission; encouraged people to attend the series in the future; commended the Women's Equity Breakfast; provided a shout out for the recent Greensboro Citizens Police Academy graduation; spoke to the content of the Academy; and stated she hoped the citizens enjoyed the Folk Festival.

Councilmember Hightower wished Paula Jones a happy 90th birthday; congratulated Deacon Luther Falls on his 89th birthday; congratulated New Zion on the opening of their \$8 million facility in East Greensboro at Bragg Street and Martin Luther King, Jr. Boulevard; stated it would be transitional for the area; commended the opening of the Union Square Campus; and wished New Zion success in their future development.

Mayor Vaughan expressed congratulations to Councilmember Barber on the Wyndham Tournament; spoke to worldwide coverage of the event; and reiterated that this was an exciting 30 days for the City with regard to national events.

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

THE CITY COUNCIL ADJOURNED AT 8:40 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN

MAYOR