



# City of Greensboro

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

## Meeting Minutes - Draft City Council Work Session

Tuesday, July 18, 2017

4:00 PM

Plaza Level Conference Room

### I. Call To Order

This City Council work session of the City of Greensboro was called to order at 4:00 p.m. on the above date in the Plaza Level Conference Room of the Melvin Municipal Office Building with the following members present: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaiter, Mike Barber, Jamal Fox, Sharon Hightower, Nancy Hoffmann, Yvonne J. Johnson, Justin Outling and Tony Wilkins.

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, Human Relations Director Love Crossing, Coliseum Director Matt Brown, and City Clerk Betsey Richardson.

### II. Presentations

#### 1. [ID 17-0503](#) Overview of Greensboro Ad Hoc PCRB Assessment Committee Findings and Recommendations - David Sevier (Committee Chair)

City Manager Jim Westmoreland recognized David Sevier, Committee Chair of the PCRB (Police Citizens Review Board) Ad Hoc Assessment Committee (Committee) to present the item.

Mr. Sevier made a PowerPoint Presentation (PPP) that provided an overview of the study; outlined potential changes to the process; the discussion process for the Committee; provided an overview of the studies he had done throughout his career; the focus of the study; the analysis that had been done; confirmed that community meetings had taken place; provided a letter from Zac Engle, Chair of the Human Relations Commission in support of the initiative; and spoke to concerns voiced by the community.

Councilmembers Fox, Hoffmann, and Wilkins entered the meeting at 4:03 p.m.

Mr. Sevier explained the two approaches used for the study; that the three models of oversight boards were investigation, review and monitor/advisory; spoke to the effectiveness of the different types of boards; and reviewed the citizen complaints/inquiries for 2015 and 2016.

Councilmember Barber asked if the data included complaints regarding Guilford Metro 911, to which Police Captain Teresa Biffle responded 'no'.

Councilmember Wilkins referenced the low percentage; and inquired if a comparison had been made with other cities.

Mr. Sevier responded that a formal comparison had not been done; and highlighted the number of complaints that went to the PCRB.

Councilmember Hightower asked how persons knew to file a complaint with the PCRB.

Captain Biffle explained the process utilized when persons filed complaints; and stated a letter was forwarded to the complainant outlining the findings and the instructions to appeal a decision.

Councilmember Hightower requested a copy of the letter.

Councilmember Wilkins referenced serving on the Public Safety Committee of Council; the average of 2 to 3 cases a month that went before the PCRB; and asked if that number had decreased.

Dr. Love Crossing spoke to the implementation and focus of the mediation program; explained that should a person go through the mediation program, they may waive their rights to a formal complaint; and confirmed that if a person went through mediation they did not go through the formal complaint process.

Mayor Vaughan requested clarification of the numbers provided.

Councilmember Outling asked if a person's rights who went through the mediation process were automatically waived.

Dr. Crossling explained that persons going through the mediation process would be waiving their right to go through Professional Standards and would not qualify for a complaint through the PCRB.

Mr. Sevier interjected that 28 people had gone through the mediation process.

Captain Biffle outlined the types of allegations that went through the mediation process.

Mr. Sevier recognized Human Relations Commission and PCRB members Irving Allen and Tom Phillips in attendance.

Mr. Phillips stated he had been involved in the study; outlined the process for the interviews; emphasized that a focus on public trust, accountability and transparency were concerns that they had heard; that community members saw the PCRB favoring the Greensboro Police Department (GPD); that police officers felt the PCRB was out to make them look bad; and that the complainants viewed the PCRB as a meaningless black hole.

Mr. Sevier spoke to community perception of the percentage of PCRB agreement with the GPD; stated that the community found that the PCRB was a net negative; did not believe the PCRB was doing what they wanted to see done; stated the report had been completed June 29th; had been unanimously approved by the Committee; and provided proposed recommendations.

Councilmember Barber asked if the Committee would look at using 2016 as an example; referenced the 186 complaints filed for that year; and asked if the Committee could address some trends.

Mr. Sevier provided an explanation regarding the analysis; reminded Council that Greensboro was constrained by state law as it required the PCRB to fall under the Human Relations Commission (HRC); spoke to the role of the PCRB; and stated that the Committee wanted the PCRB to remain in place.

Mr. Phillips interjected that the Committee could be the conduit to review cases; and ask the state for a change in the law.

Discussion took place regarding Council's request to have the PCRB taken out from under the HRC; opposition from the state with regard to that; and the need for enabling legislation.

Councilmember Hightower voiced the need to have more eyes on a process that had not been working; the need for persons to be heard; and that she had concerns about remedy.

Additional discussion took place regarding continued work to improve the process; possibly having an advisory board to review the process from the top down; conversations that had taken place with Police Chief Wayne Scott who was in favor of the recommendation; and the support of the Police Department.

Councilmember Outling voiced concerns with pending a flawed process that people thought was bad, to a new process; the ability of one or two cases poisoning everything; and questioned the value in continuing that process.

Councilmember Hightower left the meeting at 4:25 p.m. and returned at 4:27 p.m.

Mr. Phillips emphasized the need for the City to have a complaint process; spoke to alternatives of letting the City Manager's office conduct the review; to the impact to the PCRB when Council began reviewing videos and cases;

and stated that the Vo and Cole cases never went before the PCRB.

Discussion continued regarding if there were any changes that could be proposed that would address concerns on both sides; constraints under the state law; continuing to utilize a process that did not work; if the Committee would have access to personnel records; and the development of a Criminal Justice Advisory Commission (CJAC) similar to other City boards and commission not under the purview of the HRC.

Councilmember Fox expressed concerns with a new process turning out to be the same as the current process; voiced agreement with Councilmember Outling; and the need to make the process more efficient going forward.

Mr. Sevier explained the proposed community makeup of the new board; and the approach being analytical and streaming of the complaint processes.

Councilmember Wilkins voiced agreement with some of Councilmember Outling's comments; thanked the Committee for their work; voiced concern to having to continue the PCRB via state law; asked if the City had authority to change that process; and if persons had to go through the PCRB.

City Attorney Tom Carruthers stated that the development of the CJAC would not require special enabling legislation as it would not have access to personnel information which the PCRB had; and spoke to the City's legislation.

Discussion took place regarding requirements of the current legislation with regard to the PCRB board; and different processes used by the cities of Charlotte and Winston-Salem.

Mayor Pro-Tem Johnson voiced appreciation for the work that had been done; the need for a process, to look at more than just the complaint; to build trust and accountability; confirmed she would support the recommendation as it was needed; and verified that Council could tweak the process if necessary.

Councilmember Abuzuaiter thanked the team for their work; expressed that it was important that Council review this; that she fully supported the Committee's recommendation; voiced the importance of continuing with something similar to the Complaint Review Committee (CRB) for persons to make complaint; and confirmed that the staff would collaborate with GPD.

Councilmember Barber stated this was good information; suggested that the Committee remain in place for a bit longer based on the enabling statute; that the City possibly set aside the PCRB; and have the Committee be a true advisory committee that would work with City staff to develop an alternative complaint process.

Discussion took place regarding the City participation in the National Association for Civilian Oversight of Law Enforcement (NACOLE); having a representative in attendance at the annual meeting in Spokane, Washington; and the Committee coming back to Council after working with staff in refining some of the issues.

Mayor Vaughan echoed the sentiments of Councilmember Barber; asked about the timeframe for the cases currently under review by the PCRB; and that City Attorney Carruthers research if legislation was needed to make this a reality.

Dr. Crossling provided the status of the cases currently before the PCRB; confirmed that the complainants had been notified; and outlined the process going forward.

Mr. Phillips asked if the process for the PCRB could be changed to allow them to recess to closed session to allow members to ask questions of the complainant; and suggested an additional step for the arbitration process to include that an appeal could be made to the City Managers office.

Mayor Vaughan commended the team for their work; requested the Committee come back to Council; and advised Council was willing to look at the process as it was not working.

Councilmember Hoffmann thanked the Committee for their work; referenced serving on the HRC for five years; spoke to the CRB; to the process being evolutionary; and moving the City to another level.

Councilmember Hightower thanked the Committee for their work on the matter; referenced Winston-Salem's process; spoke to the need for more transparency; to not hiding behind certain rules; stated it was her hope the City could break the thought process to get to a place for understanding the community; and voiced her support.

Moved by Councilmember Barber, seconded by Councilmember Wilkins to suspend the PCRB activity subject to the two remaining cases and await and review the analysis of the Committee. The motion carried by voice vote with Councilmember Fox voting 'no'.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Outling that the City join the NACOLE. The motion carried by unanimous voice vote.

City Manager Westmoreland confirmed the matter would come back to Council at the work session on August 15.

**2. [ID 17-0461](#) Updates on GAC Fourth Pool Expansion Project and Tanger Center Project - Matt Brown and Susan Braman**

City Manager Westmoreland recognized Coliseum Director Matt Brown for an update on the Aquatic Center and the status of the Tanger Center.

Mr. Brown provided an overview of the progress on the Tanger Center; stated Phase I had started; that D. H. Griffin Construction Company had begun their work; explained the Phase I financing; and stated that the estimated completion date was October 31st. Mr. Brown continued that Frank L. Blum Construction (Blum) was the new Construction Manager Advisor to oversee the General Contractor; would work with the architect; would examine any change orders; explained the item Council was being asked to vote on this evening; and provided an overview of meetings with Blum.

Councilmember Fox requested clarification as to when Phase II would be completed.

Councilmember Wilkins asked for clarification as to whether Council was being asked to eliminate the Construction Manager at Risk (CMAR); and if the request was procedural.

City Attorney Carruthers responded that it was a positive step; that the City was deselecting the contract; and spoke to the professional services contract for Phase II.

Councilmember Hightower asked who picked the bid design.

City Attorney Carruthers responded that the process was the standard bid format; and that staff felt this was the appropriate way to proceed.

Mr. Brown confirmed the project was on track; spoke to the CMAR concept; and stated the City had already realized a savings.

Councilmember Hightower asked if the current process allowed staff to break down construction packages; to which Mr. Brown responded that staff was committed to doing that and expanding the amount of minority participation for the project.

Councilmember Abuzuaiter asked if there was a way to guarantee the project would not go over the projected costs to which Mr. Brown responded 'no'.

Discussion took place regarding the CMAR process; guarantees; stop gap issues; price increases; the City's commitment to not rely on taxpayer monies to complete the project; and alternative funding options.

City Manager Westmoreland explained the two processes; stated staff was focused on the overall cost of the project; and added he felt confident the project could be delivered.

Councilmember Fox left the meeting at 4:59 p.m. and returned at 5:00 p.m.

Councilmember Barber spoke to the status of the project; emphasized the importance of local businesses to the community; and asked about the remaining timeline for the project.

Mr. Brown explained that the project was under both local and state code reviews; spoke to the code review process; a fire study being done; stated they were trying to accelerate the process; get prequalified contractors in place; and spoke to the time frame and process when changes were required.

Councilmember Hightower confirmed that local contractors had saved the City money.

Discussion took place regarding a local company saving the City money; local minorities working on Phase I; and the nine to ten week timeframe for state code reviews.

City Manager Westmoreland stated the City had retained Blum under auspices of Phase I in terms of the cost of their work for the project; and their providing counsel to the City for the project in terms of going forward.

Mayor Vaughan stated that Council would hear the Aquatic Center update at the August work session.

(Copies of the PowerPoint Presentations are filed in Exhibit Drawer Z, Exhibit No. 24 which are hereby referred to and made a part of these minutes)

### 3. [ID 17-0513](#) Recess to Closed Session

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox to go into closed session to consult with the attorney and to preserve the attorney-client privilege between the City Attorney and Council and to discuss matters relating to the location or expansion of industries or other businesses in the area, including agreement on a tentative list of economic development incentives that may be offered and to instruct the City's staff concerning negotiations of the price and other material terms of a contract or proposed contract for acquisition by purchase, option, lease or exchange of real property pursuant to N.C.G.S. 143-318.11(a) (3), (a) (4) and (a) (5).

The motion carried by unanimous voice vote.

Mayor Vaughan stated Council would reconvene in the Council Chamber.

Council recessed to closed session at 5:03 p.m. Council reconvened to open session in the Council Chamber at 5:44 p.m. with all members in attendance.

Moved by Councilmember Wilkins, seconded by Councilmember Abuzuaiter to return to open session. The motion carried by unanimous voice vote.

### **III. Adjournment**

Moved by Councilmember Wilkins, seconded by Councilmember Abuzuaiter, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 5:45 P.M.

ELIZABETH H. RICHARDSON  
CITY CLERK

NANCY VAUGHAN  
MAYOR