



# City of Greensboro

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

## Meeting Minutes - Draft City Council

Tuesday, February 2, 2021

5:30 PM

VIRTUAL

### Call to Order

This virtual City Council meeting of the City of Greensboro was called to order at 5:30 p.m. on the above date. Mayor Vaughan took a roll call to confirm the following members were present:

Present: 8 - Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaiter, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Justin Outling, Councilmember Tammi Thurm and Councilmember Goldie F. Wells

Absent: 1 - Councilmember Michelle Kennedy

Also present were City Manager David Parrish, City Attorney Chuck Watts, and City Clerk Angela Lord.

### 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 21-0067](#) Resolution Honoring the Memory of the Late C. William "Bill" Britt

Councilmember Abuzuaiter read the resolution into the record; spoke to personal interactions; and stated a copy would be provided for the family.

Lee Britt and Jenny Caviness voiced appreciation for the resolution.

Mayor Vaughan spoke to Mr. Britt's contributions to the City.

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

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

**Absent,** 1 - Michelle Kennedy

#### 029-21 RESOLUTION TO HONOR THE MEMORY OF THE LATE C. WILLIAM "BILL" BRITT

WHEREAS, the City of Greensboro lost one of its outstanding community, national, and international leaders with the passing of the late C. William "Bill" Britt, on December 5, 2020 at the age of 87;

WHEREAS, Mr. Britt, after graduating from Roxboro High School, enlisted in the United States Army, and served as a Signal Corps radio operator;

WHEREAS, in 1953, he served in Korea after being assigned to the 23rd Infantry Regiment of the 2nd Division as a private first class;

WHEREAS, upon returning to the United States, Mr. Britt continued his education with enrollment at the North

Carolina State University on the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill, which benefits help pay for college;

WHEREAS, Mr. Britt, well known throughout the City for his passion of sports, was evident through a 33-year career with the City of Greensboro, Parks and Recreation Department where he pioneered many youth and adult sports programs as he served as a life-long baseball coach and mentor for many generations of athletes; and served as Assistant Director and City Athletic Director until his retirement in 1992; and as a result of the impact he made on many young lives, two Bronco League baseball fields at Latham Park were named in his honor upon his retirement;

WHEREAS, for over four decades, Mr. Britt served with Protect Our Nation's Youth (PONY) Baseball and Softball, serving as Vice President and Chairman of the International Board of Directors; established long-lasting friendships due to the extensive travel; and encouraged youth to engage to their fullest potential;

WHEREAS, in addition to his membership in the Greensboro Kiwanis and Christ United Methodist Church, Mr. Britt served as a board member of the Greensboro Municipal Credit Union;

WHEREAS, his uncompromising philosophy of hard work and dedication to country and community outreach was evident in the accolades and awards Mr. Britt received which included the National Defense Service Medal; Korean Service Medal; United Nations Service Medal; Good Conduct Medal; North Carolina (NC) Jaycees Physical Fitness Leadership Award; Greensboro Youth Coaches Association Award; Greensboro Tennis Association Recognition of Excellence Award; NC Recreation and Park Society Meritorious Service Award; the City of Greensboro Service Award; NC State Parks, Recreation, and Tourism Management Partner Award; NC State University Parks Recreation and Tourism Management Outstanding Alumnus Award; PONY Special Appreciation for Years of Service and Dedication to Youth of America; and

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

1. That the City Council wishes to express its condolences, and offer its sincere appreciation and gratitude for the many years of dedicated public service of the late C. William "Bill" Britt. His legacy will be remembered by the outstanding contributions he made.
2. That a copy of this resolution shall be delivered to the family of the late C. William "Bill" Britt as a symbol of the gratitude of the people of Greensboro for his devoted support and contributions to the community.

(Signed) Marikay Abuzuaiter

**2. [ID 21-0069](#) Resolution Honoring the Memory of the Late Fred Dewey McKoy**

Mayor Vaughan asked for a motion to postpone the item due to Councilmember Kennedy being unable to attend the meeting.

**Moved by Councilmember Thurm, seconded by Councilmember Wells, to postpone the resolution to the March 2nd meeting of Council. The motion carried on the following roll call vote:**

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

**Absent,** 1 - Michelle Kennedy

**3. [ID 21-0068](#) Resolution Honoring the Memory of the Late George Robert Johnson, Jr**

Councilmember Outling read the resolution into the record; spoke to the contributions to Greensboro; stated Mr. Johnson had been a respected deacon and dean; and recognized family in attendance.

Mayor Vaughan left the meeting at 5:43 p.m. and returned at 5:49 p.m.

Linda Morris voiced appreciation for the recognition.

Will Johnson stated the family was honored for the resolution; spoke to his father's excitement to be a part of the City; and to Mr. Johnson's endeavors in Greensboro.

Mayor Vaughan spoke to the contributions of the Elon Law School in Greensboro; to his pro-bono work; and acknowledged accomplishment of the law school under his tutelage.

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

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

**Absent,** 1 - Michelle Kennedy

030-21 RESOLUTION TO HONOR THE MEMORY OF THE LATE GEORGE ROBERT JOHNSON, JR.

WHEREAS, on November 15, 2020 the Greensboro community lost one of its outstanding leaders with the passing of the late George Robert Johnson, Jr., born in Columbus, Georgia on February 25, 1951 after a brave battle with lung cancer;

WHEREAS, Mr. Johnson attended Muscogee County public schools in Columbus, Georgia; and graduated as the class valedictorian from Carver High School in 1969;

WHEREAS, Mr. Johnson continued his educational track at Amherst College, Amherst, Massachusetts, in 1973, earning a Bachelor of Arts degree Cum Laude in American Studies;

WHEREAS, while at Amherst College he played an active role in the Afro American Society; served as Vice Chair of the college newspaper, The Amherst Student; was representative of the graduation class by speaking during the commencement exercises; and earned a Juris Doctorate in 1976 from the prestigious Columbia Law School, New York, New York;

WHEREAS, Mr. Johnson began a legal career as Assistant Counsel for the United States House of Representatives, Committee on Banking, Finance and Urban Affairs; and was welcomed by the Carter Administration to the Executive Office of the President as Assistant General Counsel for the White House Council on Wage and Price Stability in 1979;

WHEREAS, Mr. Johnson began a teaching career at George Mason University School of Law, Fairfax, Virginia, in 1981; joined Howard University School of Law, Washington, D.C. as a visiting professor in 1988; served as President of LeMoyne-Owen College in Memphis, Tennessee from 1996 to 2002; conducted collegiate searches for Presidents, Chancellors, and Senior Administrators while working as a Senior Consultant with Academic Search Consultation Service in Washington, D.C., the nation's oldest and largest Executive search firm; and entered a private law practice at Saint Louis & Johnson, Washington, D.C. in 2003;

WHEREAS, Mr. Johnson partnered with the founding faculty of Elon University School of Law in 2006; served as the first Associate Dean of Academic Affairs; was named Dean of Elon University School of Law in 2009; received full accreditation from the American Bar Association during his tenure at Elon University School of Law; served as a mentor to its law students; and was named as Dean Emeritus in 2015;

WHEREAS, Mr. Johnson held memberships with the District of Columbia Bar Association; the Fellow of the American Bar Association; the Alpha Phi Alpha fraternity; and the Beta Epsilon Boule of Sigma Pi Phi;

WHEREAS, Mr. Johnson served as Board Chair of the National Center for Community and Justice (NCCJ) Greensboro; sat on both the Triad Stage and Greensboro College Boards, as well as his alma mater, Amherst College;

WHEREAS, as a devout Christian, Mr. Johnson Chaired the Deacon Board of Shiloh Baptist Church, Washington, D.C., as well as serving on the Board of Trustees; and he was a member of the Deacon Board at Providence Baptist Church; and

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

1. That the City Council wishes to express its condolences, and offer its sincere appreciation and gratitude for the many years of dedicated public service of the late George Robert Johnson, Jr. His legacy will be remembered by the outstanding contributions he made.
2. That a copy of this resolution shall be delivered to the family of the late George Robert Johnson, Jr. as a symbol of the gratitude of the people of Greensboro for his devoted support and contributions to the community.

(Signed) Justin Outling

**4. [ID 21-0033](#) Resolution Honoring the Memory of the Late Larsina Michelle Johnson**

Mayor Pro-Tem Johnson and Councilmember Hightower read the resolution into the record.

Mayor Pro-Tem Johnson spoke to Ms. Johnson's advocacy for equitable fares for persons with disabilities.

Nancy Gravely spoke to her grief; voiced appreciation; and spoke to her daughter's dedication.

Friend of the family, Paula, referenced high school memories; and shared accolades.

Councilmember Hightower echoed her advocacy for blind and disabled riders; spoke to contributions to the transportation services; and stated a copy of the resolution would be provided to the family.

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

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower,  
Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

**Absent,** 1 - Michelle Kennedy

**031-21 RESOLUTION HONORING THE MEMORY OF THE LATE LARSINA MICHELLE JOHNSON**

WHEREAS, on November 26, 2020, this community lost one of its outstanding community leaders with the passing of the late Larsina Michelle Johnson;

WHEREAS, Ms. Johnson, affectionately known as "Missy" by her family and close friends, was born in Rockingham County, North Carolina on October 9, 1970;

WHEREAS, Ms. Johnson graduated from Rockingham County High School and being a lover of knowledge throughout her life, pursued further education at Rockingham Community College, Gardner-Webb College, Greensboro College and the University of North Carolina at Greensboro;

WHEREAS, Ms. Johnson lived a life of service to humanity; enjoyed a lifelong passion for singing; was a chorus member in high school; and was a member of Mt. Zion Baptist Church;

WHEREAS, Ms. Johnson served Greensboro Urban Ministry as a Guidance Counselor; and retired from the North Carolina Industries of the Blind;

WHEREAS, Ms. Johnson lived a tireless life of advocacy in both Greensboro and throughout the state of North Carolina; was a mentor, counselor, advisor and event organizer; served on several organizations for the handicap and disabled; was a member of the National Federation of the Blind, Guilford County Chapter, where she served as both Vice President and President; and was instrumental in bringing the North Carolina National Federation of the Blind Convention to Greensboro;

WHEREAS, Ms. Johnson was a member of the Greensboro Transit Authority (GTA) Riders Advisory Committee (RAC); held offices of Chairperson, Vice President and President of the RAC; served on the Greensboro Transit Authority Steering Committee for Equitable Paratransit Fares; served on the Specialized Transportation Advisory Committee (STAC) for a number of years; served on the Greensboro Mayor's Committee for Persons with Disabilities (GMCPD); was an integral part of the City-sponsored mediation to bring GTA leadership and community advocates to common ground; and frequented Greensboro City Council meetings as an advocate regarding equitable policies and fares for handicapped and disabled riders;

WHEREAS, in honor of her dedicated service and advocacy, the Greensboro Transit Authority Riders Advisory Committee was renamed The Larsina Johnson Memorial Riders Advisory Committee on December 8, 2020;

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

1. That the City Council wishes to express its sense of loss and offer its condolences, sincere appreciation and gratitude for the many years of dedicated public service by Larsina Michelle Johnson. The legacy she leaves will be remembered by the people of Greensboro.
2. That a copy of this resolution shall be delivered to the family of the late Larsina Michelle Johnson as a symbol of the gratitude of the citizens of the City of Greensboro and the State of North Carolina for her many contributions to this community and beyond.

(Signed) Yvonne Johnson

## **5. [ID 21-0077](#) Recognition of the 2020 Employee Innovation Award Winners**

Budget and Evaluation Director Jon Decker spoke to the fourth year for the awards; to employee innovation during the pandemic; and thanked Guilford Merchants Association (GMA) for support. Mr. Decker made a powerpoint presentation; provided a historical perspective of the program; spoke to cash awards; stated there were approximately 22 applications representing 14 departments and divisions; and announced the 2020 award winners as follows:

### **Innovation Award**

First Place - Captain Curtis Woody - attachable decontamination shower head

Second Place - Walter Jordon - parking deck alarm system

### **Impact Award**

First Place - Dana Clukey, Officer Trent Walker, and Vonda Wingate - Census parade

Second Place - Phil Hardin, Chamreece Diggs, and Austin Homan - R.E.D. Zone Football

### **Honorable Mentions**

Discover GSO magazine; Summer Stay Camp; GSO Summer Online; Community Face Covering Project; Employee Resource Groups (ERGs); Kindermusik; GSO Aquatic Center Bipolar Ionization System; and Virtual "MacBeth".

Mayor Vaughan commended Captain Woody for the life-saving device; spoke to participation in the census parade; and thanked GMA for the sponsorship.

City Manager Parrish voiced appreciation to City Council and GMA for support; and recognized Captain Woody.

Captain Woody extended gratitude for the recognition.

Mayor Vaughan read a letter of appreciation into the record for downtown workers maintaining Center City.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer D, Exhibit No.3, which is hereby referred to and made a part of these minutes.)

## **II. PUBLIC COMMENT PERIOD**

Jackie Freeman voiced concerns with a Greensboro Police Department (GPD) complaint and investigation.

GPD Police Chief Brian James provided an overview of the case and review; outlined the alleged complaint; spoke to the involvement of the District Attorney's (DA) office; and confirmed the complaint had been thoroughly investigated.

Discussion took place regarding false reporting; multiple interviews with Ms. Freeman; the DA's office decline to prosecute; and the option to appeal to the Greensboro Criminal Justice Advisory Committee (GCJAC).

Michael Bronowicz spoke to public debate; quoted portions of the Declaration of Independence; to transparency; voiced concerns with a recently adopted ordinance; and spoke to the return of meeting in Council Chamber.

Jolinda Babcock voiced concerns with Greensboro water and sewer extension discussion for Summerfield; spoke to financial responsibility; to a public referendum; to a signed petition; and voiced appreciation for Council work in the community.

Discussion ensued regarding a costly project; a review of current discussions; the benefits for Summerfield and Guilford County; and confirmation the City had no commitment to date.

Hester Petty voiced concerns regarding the Marcus Smith case; with merit increases and promotions for officers involved in the incident; and with police conduct.

Bill Marshburn voiced concerns with communications regarding the Covid-19 pandemic.

Ben Holder made a powerpoint presentation; voiced concerns with former GPD officer James Hinson; and with alleged child abuse.

Marcia Foutch voiced concerns regarding the Marcus Smith incident; and spoke to settlement of the case.

Lewis Pitts voiced concerns regarding the Marcus Smith lawsuit; with the use of the rip hobble device; review of body worn camera footage; and spoke to government transparency.

Selena Williamson voiced concern regarding child protection.

Discussion continued regarding Council involvement in the hiring of an employee; child welfare; due diligence; and the State Bureau of Investigation review.

William Rogers voiced concerns regarding the Marcus Smith case; the James Hinson group home; and with the Guilford County Sheriff office review of the Hinson incident.

## **III. CONSENT AGENDA (One Vote)**

Mayor Vaughan asked if anyone wished to remove any items from the Consent Agenda; and reminded Council that any items removed from the consent agenda, other than for a recusal or for the purpose to vote 'No' would be placed on the next business meeting agenda as a business item.

**Moved by Councilmember Thurm, seconded by Councilmember Abuzuaiter, to**

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**adopt the consent agenda. The motion carried by the following vote:**

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

**Absent,** 1 - Michelle Kennedy

**6. [ID 21-0118](#) Budget Adjustments Requiring Council Approval 1/12/2021 through 1/25/2021**

Motion to approve the budget adjustments of 1/12/2021 through 1/25/2021 over the amount of \$50,000 was adopted.

(A copy of the report is filed in Exhibit Drawer D, Exhibit No.3, which is hereby referred to and made a part of these minutes.)

**7. [ID 21-0119](#) Budget Adjustments Approved by Budget Officer 1/12/2021 through 1/25/2021**

Motion to accept the report of budget adjustments of 1/12/2021 through 1/25/2021 was adopted.

(A copy of the report is filed in Exhibit Drawer D, Exhibit No.3, which is hereby referred to and made a part of these minutes.)

**8. [ID 21-0056](#) Motion to Approve the Minutes of the Work Session of January 5, 2021**

Motion to approve the Work Session minutes of January 5, 2021 was adopted.

**9. [ID 21-0057](#) Motion to Approve the Minutes of the Regular Meeting of January 5, 2021**

Motion to approve the minutes of the Regular meeting of January 5, 2021 was adopted.

#### **IV. PUBLIC HEARING AGENDA**

There were no public hearing items for this agenda.

#### **V. GENERAL BUSINESS AGENDA**

**10. [ID 21-0111](#) Ordinance Amending State, Federal, and Other Grants Fund Budget for the Appropriation of US Department of Treasury Emergency Rental Assistance Funds in the Amount of \$8,949,177.90**

Councilmember Hightower voiced appreciation to Neighborhood and Development Director Stan Wilson for securing mortgage and rental assistance funding.

Mayor Vaughan commended the quick turnaround.

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

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

**Absent,** 1 - Michelle Kennedy

21-014 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANT FUNDS BUDGET FOR THE APPROPRIATION OF US DEPARTMENT OF TREASURY EMERGENCY RENTAL ASSISTANCE FUNDS IN THE AMOUNT OF \$8,949,178

## 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
212-2120-84.5931	Contributions to Nongovernmental Agencies	\$8,054,261
212-2120-84.5413	Consultant Services (Administrative Cost)	\$894,917
Total		\$8,949,178

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

Account	Description	Amount
212-2120-84.7100	Federal Grant	\$8,949,178
Total		\$8,949,178

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sharon Hightower

**11. [ID 21-0106](#) Resolution of the City of Greensboro Regarding Amending the Policy for Settlement of Tort Claims against the City of Greensboro and Partial Waiver of Governmental Immunity**

Councilmember Hightower requested clarification on the item.

City Attorney Chuck Watts spoke to 'for cause' and 'negligence' based claims; and explained the policy allowed for payment.

Assistant City Manager Trey Davis referenced instances of property damage; good faith effort to pay for damages; and spoke to no employee negligence.

Discussion ensued regarding subjective damages; financial limits; police and fire actions; and eligibility and criteria for settlement.

Deputy City Attorney Al Andrews explained situational examples; existing policy limitations; stated the revised policy would allow for payment without reduction of government immunity; spoke to fiscal responsibility; liabilities; and reduction of exposure from common law.

Mayor Vaughan spoke to denied insurance claims; and reiterated the policy would allow payment for said claims.

Mayor Pro-Tem Johnson called the question.

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

**Ayes,** 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm and Goldie F. Wells

**Absent,** 1 - Michelle Kennedy



032-21 RESOLUTION ADOPTING POLICY REGARDING SETTLEMENT OF TORT CLAIMS AGAINST THE CITY OF GREENSBORO AND PARTIAL WAIVER OF GOVERNMENTAL IMMUNITY

WHEREAS, the City of Greensboro has neither waived the defense or governmental immunity in certain tort cases through the purchase of liability insurance nor participated in a local government risk pool pursuant to N.C.G.S. § 160A-485(2000); but has purchased liability insurance which by its terms excludes claims to which governmental immunity is a complete bar and defense;

WHEREAS, the City Attorney has recommended that the City of Greensboro adopt a written Waiver Policy by which the decision to settle some tort claims, to which the defense of governmental immunity would otherwise apply, is determined and applied in a consistent manner as to all claimants to insure due process and equal protection pursuant to law;

WHEREAS, the City of Greensboro recognizes that notwithstanding the beneficial purpose of governmental immunity in allowing the City to conserve public funds which would otherwise be expended in lengthy negotiations and costly suits against the City, there are some claims to which the immunity might apply where it would be to the financial interest of the City to settle to avoid a costly defense and to promote the interest of fairness and equity for our citizens;

WHEREAS, the City of Greensboro recognizes that the services provided by the Police and Fire Departments involve reasonable and necessary actions that may cause harm and damage to persons and property that are not involved, in any way, in the course of the duties performed by the Police and Fire Departments;

WHEREAS, in an effort to promote the interest of fairness and equity for our citizens, the City of Greensboro seeks to provide limited financial assistance to those who are not involved and have been injured or to those whose property has been damaged in the course of the duties performed by the Police and Fire Departments;

WHEREAS, it is in the public interest to provide for the prompt investigation, disposition, compromise, and settlement of such claims without the delay occasioned by trial and extended negotiations, or the bringing of such matters before the City Council.

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

1. Except as specifically set out herein, it is the Policy of the City of Greensboro to assert the defense of governmental immunity as a complete bar and defense in all cases, based upon law and fact, in which it is applicable, and to pursue the defense, in addition to all other appropriate defenses, at all stages of the proceedings including the claim stage, and the trial and appeal stages, of any judicial, arbitration, mediation, administrative, or other procedure.
2. All negligence claims will be initially reviewed by the Office of the City Attorney to determine the applicability of the defense and bar of governmental immunity. If the City Attorney's Office determines that the defense of governmental immunity applies to the claim this Waiver Policy will be in forced. If governmental immunity does not apply, the claim will be treated as any other liability claim.
3. The City retains the right to plead and interpose governmental immunity on unique claims, and cases of first impression, about which there are no clearly established precedents. No claim to which the City Attorney's Office deems governmental immunity applies, pursuant to law and facts, shall be otherwise settled by the City or an agent acting on behalf of the City.
4. If it is determined that, but for the defense of governmental immunity, the City would be liable for property damage, personal injury damages, or wrongful death to a claimant the defense shall be waived, only to the extent described in this Policy and only if the stated conditions in this Waiver Policy are met.
  - a. In making these determinations, the Office of the City Attorney, or specially retained legal counsel, or other

settlement agent, shall consider conclusions, presumptions, and evidence such as, but not limited to: statements and observations of witnesses, statements and evaluations of the parties, oral and written reports (including investigative reports), affidavits, admissions, and any other facts and observations usually relied upon by claims adjusters or other persons usually charged with the duty to evaluate liability claims.

b. The injury or damage claim must be meritorious pursuant to established negligence law in North Carolina. Among other legal requirements the loss, damage or injury, must have resulted from the breach of a duty, to the injured party or deceased, on the part of a City employee. The injury must have been foreseeable, and solely, and proximately caused by a negligent act, or omission, of a City employee, or officer, who was at the time of the occurrence acting within the course and scope of her/his employment and which resulted in injury to the person or property of the claimant. The following conditions must also be met:

- i. There must have been no contributory negligence, to any degree, on behalf of the claimant, or his or her deceased, agent, guest, or tenant leading to the injury complained of;
- ii. The claim must not be time barred by any provision of law, including the limitation of action, laches, or statute of repose;
- iii. The claimant, or deceased, must not have otherwise been able to avoid the injury of which she/he complains;
- iv. No other defense arising from common law, such as (but not limited to) last clear chance or assumption of risk by court precedent, or statute must apply;
- v. There must be no other joint tortfeasors, contributors, or other parties, which are fully able to compensate the claimant for the loss, damage or injury;
- vi. The claim must not be based in whole, or in part, upon a subrogation, contribution, or indemnity claim of a third party;
- vii. No release, or covenant not to sue, shall have been, or shall be given to any third party, without the City's prior approval;
- viii. The damage, injury, or loss may not be claimed, or be, recoverable from insurance (including, but not limited to, underinsured and uninsured coverage) or any other collateral source; the claimant must voluntarily reveal all such sources;
- ix. The damage or loss must not be the result of any gross negligence, willful misconduct; or intentional, fraudulent, malicious, corrupt, criminal, or lascivious, act by an employee, public official or officer; nor, any act while such employee, public official or officer, was acting under the influence of drugs, or alcohol or was otherwise not in control of her, or his, mental or physical faculties.
- x. The injury, or loss, or damage was not the act of an independent contractor.
- xi. In the event a claimant is indebted, or becomes indebted, to the City, or the City has a claim, or counter claim, against the claimant such amount owed to the City, whether arising from the occurrence or accident, or otherwise, may be set off against the compensable damages payable to the claimant.

c. In the event a claimant is unwilling to settle her/his claim within the guidelines set forth in this policy or should any administrative, mediation, judicial, agency, or other involuntary process be instituted against the City or its employees or officers on behalf of the claimant, or any third party, based upon the occurrence giving rise to the injury, loss or damage, then this policy will not apply and the City shall raise the issue of governmental immunity along with any others it may have in the proceeding as a complete defense and bar to the claim.

5. If the defense and bar of governmental immunity is waived pursuant to this Policy it shall be waived only to the extent of allowing the following amounts of compensatory damages. The total sums of \$30,000.00 because of bodily injury, or death, of one person, in any one accident or occurrence; and subject to the said limit of \$30,000.00 for each person, the amount of \$60,000.00 because of bodily injury or death of two, or more, persons in any one accident or occurrence; and in the amount of \$25,000.00 because of injury to, or destruction of, tangible property in any one accident or occurrence.

6. If a claim arises out of the alleged acts of an employee of the City of Greensboro Fire or Police Departments, and if the City Attorney's Office determines that the employee is acting within the scope of his/her employment and that, regardless of the defense of governmental immunity, the facts of the claim do NOT impose liability upon the City, the City may reimburse the claimant for actual damages incurred to property or to person up to a maximum

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amount of TWO THOUSAND AND FIVE HUNDRED (\$2,500.00) DOLLARS.

a. In making these determinations, the Office of the City Attorney, or specially retained legal counsel, or other settlement agent, shall consider conclusions, presumptions, and evidence such as, but not limited to: statements and observations of witnesses, statements and evaluations of the parties, oral and written reports (including investigative reports), affidavits, admissions, and any other facts and observations usually relied upon by claims adjusters or other persons usually charged with the duty to evaluate liability claims.

b. The following conditions must also be met:

i. There must have been no contributory negligence, to any degree, on behalf of the claimant, or his or her deceased, agent, guest, or tenant, leading to the injury complained of;

ii. The claim must not be time barred by any provision of law, including the limitation of action, laches, or statute of repose;

iii. The claimant, or deceased, must not have otherwise been able to avoid the injury of which she/he complains;

iv. No other defense arising from common law, such as (but not limited to) last clear chance or assumption of risk by court precedent, or statute must apply;

v. There must be no other joint tortfeasors, contributors, or other parties, which are fully able to compensate the claimant for the loss, damage or injury;

vi. The claim must not be based in whole, or in part, upon a subrogation, contribution, or indemnity claim of a third party;

vii. No release, or covenant not to sue, shall have been, or shall be given to any third party, without the City's prior approval;

viii. The damage, injury, or loss may not be claimed, or be, recoverable from insurance (including, but not limited to, underinsured and uninsured coverage) or any other collateral source; the claimant must voluntarily reveal all such sources;

ix. The damage or loss must not be the result of any gross negligence, willful misconduct; or intentional, fraudulent, malicious, corrupt, criminal, or lascivious, act by an employee, public official or officer; nor, any act while such employee, public official or officer was acting under the influence of drugs, or alcohol or was otherwise not in control of her, or his, mental or physical faculties.

x. The injury, or loss, or damage was not the act of an independent contractor.

c. In the event a claimant is indebted, or becomes indebted, to the City, or the City has a claim, or counter claim, against the claimant such amount owed to the City, whether arising from the occurrence or accident, or otherwise, may be set off against the compensable damages payable to the claimant.

7. The following elements of damages, only, will be compensable pursuant to this policy:

a. Actual monetary loss sustained for personal injury, or for injury to real, or tangible, personal property, including reasonable loss of time and wages, actual medical expenses (including a maximum of \$1,000.00 for State licensed chiropractic care), ambulance costs, and any other compensable out of pocket loss actually incurred and not prohibited by this Policy;

b. After settlement agreement, a court filing fee, plus a fee for guardian ad litem for minor's settlements only in the maximum amount of \$250.00; and a fee for the attorney for the minor, or guardian, in a friendly suit not to exceed \$250.00.

c. Reasonable attorney's fees to be determined and paid in the sole discretion of the City. In determining reasonable attorneys fees, only those fees incurred between the date of the injury, or damage, and the date the City agrees to offer settlement pursuant to this policy (plus ten working days for the injured or damaged party to determine whether to accept the proposed settlement), but in no event later than the date of the institution of any judicial, administrative, arbitration, mediation, or other involuntary trial or settlement proceeding. The City does not, by the adoption of this policy, consent to any such proceeding.

- d. Excluded, among other similar elements, from any damage or loss payment by the City are:
- i. Lost profits or business loss, pain and suffering, mental anguish, other economic loss, disfigurement or scarring; exemplary, vindictive, punitive or aggravated damages, penalties, loss of consortium or other injury to spousal or familial relationships, or any other payment other than to the person actually suffering physical injury or impact, or his, or her, legal representative; also excluded are payments to anyone claiming injury because of observing, or witnessing, the accident or occurrence;
  - ii. Loss of intangible property;
  - iii. Damages paid from a collateral source, including, but not limited to workman's compensation, insurance, or contribution; should any part of the loss, or damage, be so compensated the City will only consider those elements of damage not so paid;
  - iv. Interest, or delay damages, on any settlement;
  - v. Libel, slander, or injury to reputation,
  - vi. Loss of use, or rental value, for a motor vehicle or other equipment.
  - vii. Any subrogated, indemnified, or third party claims' as a result of the occurrence.
  - viii. Lost contract revenues as a result of the occurrence;

8. Other conditions of this Waiver Policy are:

- a. This Policy shall not be retroactive and shall apply to all claims filed as the result of accidents or occurrences after the date of its adoption.
- b. The City Manager's authority to settle claims pursuant to Section 7.03 of the City Charter shall be subject to the terms and conditions of this policy. Nothing in this policy shall be construed as otherwise restricting or expanding the authority of the City Manager to settle claims within the limits granted to her, or him, by the Charter.
- c. This policy is not a waiver of any other immunity including, but not limited to, legislative, quasi-judicial, public official, officers, or employees immunity, immunity, qualified immunity, volunteers immunity, or any other immunity established by statute or law. Nothing in this policy shall be construed as a total waiver of the defense of governmental immunity as to the City, its officers or employees. This policy shall not create any rights of claimants for which the City, but for governmental immunity would not otherwise be liable.

9. In the event liability, or casualty, insurance has been purchased by the City, or any entity for it, for any hazard or loss pursuant to NCGS § 160A-485 (2000), with the intent to waive governmental immunity, the provisions of the insurance policy shall prevail and this Waiver Policy shall be of no force or effect. In the alternate event the City, or any entity for it has purchased liability, or casualty, insurance policies which by their terms exclude losses, injury, and damage occurring from accidents to which governmental immunity would otherwise apply; then, in that event, this Waiver Policy will apply to such losses. Such insurance policies, which by their terms do not waive governmental immunity, are hereby affirmatively approved, both retrospectively and prospectively.

10. This policy does not apply to claims, which arise from the exercise of judgment, discretionary policy decisions, or ministerial decisions made by public employees or officers in the exercise of their official duties.

11. If the Office of the City Attorney, or retained legal counsel, determines that the defense of governmental immunity does not apply to specific claims, then the claims will be evaluated, settled, or defended, based upon the factors and criteria traditionally applied in the evaluation of claims, and in accordance with applicable, ordinances, statutes, resolutions, laws, and policies adopted by the City from time to time with respect to such claims.

12. The words, terms and phrases used in this Policy shall be given their usual and reasonable meaning. In the event the intent, or meaning, of any such words, terms or phrases is questioned, the City Attorney's Office shall make a determination of such meaning or intent and that determination shall be final.

(Signed) Tammi Thurm

**12. [ID 21-0110](#) Boards and Commissions Listing for February 2, 2021**

Taking the prerogative of the Chair Mayor Vaughan combined Boards and Commissions appointments with Council Comments.

Moved by Mayor Vaughan, seconded by Councilmember Thurm to reappointment Jeff Lail to the Participatory Budgeting Committee. The motion carried by the following roll call vote:

Ayes: Mayor Vaughan, Mayor Pro-Tem Johnson, Councilmember Abuzuaiter, Councilmember Hightower, Councilmember Hoffmann, Councilmember Outling, Councilmember Thurm, and Councilmember Wells.

Absent: Councilmember Kennedy.

Moved by Mayor Vaughan, seconded by Councilmember Hightower to remove Suzanne Nazim from the Greensboro Criminal Justice Advisory Commission (GCJAC) for breach of confidentiality. The motion carried by the following roll call vote:

Ayes: Mayor Vaughan, Mayor Pro-Tem Johnson, Councilmember Abuzuaiter, Councilmember Hightower, Councilmember Hoffmann, Councilmember Outling, Councilmember Thurm, and Councilmember Wells.

Absent: Councilmember Kennedy.

Mayor Vaughan voiced appreciation to the Guilford County Commissioners on the securing of vaccines; spoke to collaboration with State Legislatures; and commended Commissioner Skip Alston and Coliseum Complex Director Matt Brown for the large scale vaccination event.

Councilmember Abuzuaiter voiced appreciation for vaccinations; and spoke to the 3 W's.

Councilmember Hightower spoke to adding the names of Kianna Dixon and Drew Wofford for the Alcohol and Beverage Commission (ABC) into the databank.

City Clerk Angela Lord confirmed all residents were added to the databank upon receipt of an interest form.

Councilmember Hightower echoed appreciation for vaccinations; spoke to a free webinar; and to Black History Month.

Mayor Vaughan highlighted the Civil Rights Museum Gala.

Councilmember Hoffmann commended efforts for hosting a large scale vaccination event.

Councilmember Outling provided information regarding an upcoming Java with Justin event; and applauded groups holding safe events during the pandemic.

Councilmember Thurm voiced concern regarding inaccurate information on the website for Boards and Commission rosters; and spoke to an automated process.

Councilmember Wells voiced appreciation for the representation of Ron McNair tribute by Mayor Vaughan; offered kudos for the innovation award winners; and spoke to vaccines and practicing the 3 W's.

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

Taking the prerogative of the Chair Mayor Vaughan combined the Boards and Commissions appointments with Council Comments.

### **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 Hightower, seconded by Councilmember Abuzuaiter, to adjourn the meeting. The motion carried by the following roll call vote:

Ayes: Mayor Vaughan, Mayor Pro-Tem Johnson, Councilmember Abuzuaiter, Councilmember Hightower, Councilmember Hoffmann, Councilmember Outling, Councilmember Thurm, and Councilmember Wells.

Absent: Councilmember Kennedy.

THE CITY COUNCIL ADJOURNED AT 7:45 P.M.

ANGELA R. LORD  
CITY CLERK

NANCY VAUGHAN  
MAYOR