



City of Greensboro

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

Meeting Minutes - Final City Council

Tuesday, January 6, 2015

5:30 PM

Council Chamber

Call to Order

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

Moved by Councilmember Matheny, seconded by Councilmember Hightower to excuse Councilmember Barber from attendance at the meeting.

The following members present:

Present: 8 - Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne J. Johnson, Councilmember Marikay Abuzwaiter, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Zack Matheny and Councilmember Tony Wilkins

Excused: 1 - Councilmember Mike Barber

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

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

Recognition of Courier

City Manager Jim Westmoreland recognized Ashley Smith of the Field Operations Department who served as Courier for the meeting.

Council Procedure for Conduct of the Meeting

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

24. [ID 15-0023](#) Resolution Approving the Sale and Option of Land in the South Elm Redevelopment Area to Union Square Campus, Inc.

Mayor Vaughan asked for a motion to postpone the item to the January 20th meeting of Council.

City Manager Jim Westmoreland stated he had forwarded information to Council explaining alternatives discussed at the Redevelopment Commission meeting with regard to Union Square Campus, Inc. (USCI); reviewed the options they were considering; stated there would be another Redevelopment Commission meeting on Thursday; outlined Alternative C which would relocate the building on the west side of Elm and Lee Streets; spoke to the level of due diligence for the alternative site; stated Mr. Kitchen expressed on behalf of USC, that the campus would consider any of the three sites but voiced concern that USCI did not have resources budgeted to be able to do due diligence on the third site; and would request that the City be responsible for the cost of the due diligence of approximately \$60,000 to cover the two components for the work and for any additional costs for placing the building on that site should it be chosen. City Manager Westmoreland outlined the work that would need to be done for the site; outlined the costs the City would be responsible for; voiced that he would like to request that Council authorize him to enter into a reimbursement agreement for the preliminary design work to

look at the site in the event that the Commission recommended Alternative C as the site; spoke to what would happen should the Redevelopment Commission decide not to use the site; and to what he anticipated the Redevelopment Commission would do on Thursday.

Councilmember Fox voiced the community had been waiting for the project to come online; moved that Council decline City Manager Westmoreland's request for funding of the alternative site; stated the area would unify the community; and emphasized the hope that Council would support him in directing the Commission to move forward with entertaining discussions with USCI at Arlington and Lee Streets.

Councilmember Hightower seconded the motion; voiced concerns that City Manager Westmoreland wanted Council to reimburse USCI for their costs; spoke to concerns and unknowns of USCI; voiced that the City could spend the money in other avenues; and stated the project needed to move forward.

Discussion took place regarding Mr. Kitchen's request; work that had been done by USCI on the two locations to date; the Redevelopment Commission wanting to use Alternative C; moving forward with the project as it was currently; and importance in investing in other projects along the corridor.

Councilmember Matheny spoke to the question of order; and inquired if Council could make a decision prior to the decision and recommendation of the Redevelopment Commission.

City Attorney Carruthers addressed the Commission's responsibility to make a recommendation to Council; spoke to the contract between the Commission and South Elm Development Group (SEDG) and with USCI; explained that Council had veto power over the recommendation of the Redevelopment Commission but their Commission's recommendation needed to come first; verified that the Manager's request was unrelated to the recommendation; asked for clarification for the motion made by Councilmember Fox; referenced discussions that had taken place previously; and revisions that would need to be made by USC which had not been determined by the Commission.

Councilmember Matheny reiterated that a lot needed to happen before Council acted; stated four of the nine councilmembers were privy to the conversation of the Redevelopment Commission; emphasized that it would be inappropriate to make a decision without having the full knowledge of the Commission's conversation; and asked if the Council could legally make a decision based on the fact that the Commission had not yet finalized a decision.

City Attorney Carruthers advised that it was his legal recommendation that Council not attempt to make a decision with regard to any of the contracts between the Redevelopment Commission and the parties.

Councilmember Matheny stated that the Council needed to understand the in-depth conversations of the Redevelopment Commission; voiced that this would be a catalytic project for the entire City; spoke to the original site location on Elm Street; added that any building on the site would be transforming; reminded Council that five members were not at the Redevelopment Commission; asked Council to support the City Manager and the Redevelopment Commission; and discuss the issue at the January 20th meeting of Council.

Councilmember Abuzuaiter voiced concern with Council directing the City Manager to take action prior to the Redevelopment Commission making a decision regarding the City contributing \$60,000 should the Alternative C site be selected; and concern that it might sway a decision should the information have media coverage.

City Attorney Carruthers confirmed Councilmember Abuzuaiter's statement; reminded Council the statement was both legal and accurate; and that the Redevelopment Commission was a Legislative body.

City Manager Westmoreland reiterated that he was conveying the request that came from Mr. Kitchen should the Commission decide to advance Alternative C; stated Mr. Kitchen had been clear on what conditions USCI would look at for the feasibility of the site; and added that on behalf of USCI, Mr. Kitchen was requesting some assistance from the City should Alternative C be chosen.

Councilmember Hoffmann reiterated comments made by Councilmember Matheny; voiced it was not appropriate for Council to question the responsibility and authority of the Redevelopment Commission at this point; stated at

the time the Commission made the decision regarding the Arlington location, it was not made in conjunction with the consideration of parking; stated there would be a 250 space surface parking at the corner of Lee and Arlington which would cost approximately \$500,000; and emphasized Council should let the Commission continue their work and make a recommendation to Council.

Mayor Vaughan stated there was a motion on the floor for the City Manager to do nothing.

City Manager Westmoreland spoke to what a 'no' vote would mean.

Discussion took place regarding importance in not delaying the USCI project; that a 'yes' vote would allow the City Manager to do nothing; the City Manager coming back to Council to see if they were interested in funding the site should the Commission choose Alternative C; there being three options; letting the City Manager manage; concerns with what had happened with the Arlington and Lee site; and directions Council could provide to the Redevelopment Commission.

Mayor Pro-Tem Johnson called the question.

City Attorney Carruthers advised that a lot of the discussion was the subject of closed session which was not appropriate to go into at this point; advised that the Redevelopment Commission be allowed time to modify the agreements with SEDG and USCI prior to Council taking any further action to ratify the contracts; stated that the three options were Arlington, East side of Elm and West side of Elm; verified that Council had made a motion not to authorize the City Manager to negotiate a contract; and that to vote 'yes' would mean the City Manager would not negotiate a contract.

Moved by Councilmember Fox, seconded by Councilmember Hightower, to decline the request of the City Manager to negotiate with USC should Alternative C be chosen . The motion failed on the following roll call vote:

Ayes, 4 - Yvonne J. Johnson, Marikay Abuzuaiter, Jamal T. Fox and Sharon M. Hightower

Nays, 4 - Nancy Vaughan, Nancy Hoffmann, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

City Attorney Carruthers reminded Council that the direction for the City Manager to do nothing was not adopted because the vote was a tie; stated there was some inherent contracting authority of the City Manager; reiterated that the City Manager had asked for a consensus of Council which he did not receive; and stated it would be up to the City Manager to decide how he moved forward as there was not a clear vote at this time.

City Attorney Carruthers stated Council needed to vote on the postponement of the item to the January 20th meeting of Council. The motion carried by voice vote.

City Manager Westmoreland outlined the cost; and the funding alternatives should Alternative C be chosen.

I. CEREMONIAL AND/OR PRESENTATION ITEMS

There were no ceremonial or presentation items.

II. PUBLIC COMMENT PERIOD

Andrew Brod, 4 Dunford Place, spoke to the entry of Cityfi for the Strong Cities Strong Communities Challenge; stated they were one of six finalist for city wide wi-fi; spoke to the timeline for the project; stated that the concept would provide public internet access to all of Greensboro; explained that the City owned an extensive network of fiber optic cable; that the project would not require a master build out; spoke to the utilization of existing infrastructure; to advances in wifi technology; added that the project would provide a free path to the internet for City residents; would assist businesses; and that broadband access should be wireless and available to as many people as possible.

Roch Smith, 3605 Wilshire Drive, stated they intended to involve the community in moving forward with the

project; that citizens could learn more about Cityfi as well as provide suggestions through Cityfi.org; could purchase a sweat shirt that was made locally to support the project; and spoke to the local teams who were competing for the project.

Luther Falls, Jr., 1603 Lansdown Avenue, wished Council a Happy New Year; spoke to small African American businesses; to mentoring organizations; asked Council to keep the family of Mr. Stewart Scott and ESPN in their thoughts; spoke to the work of Mr. Scott; asked Council to have open minds going into the New Year to discuss new opportunities which would help Greensboro be everything it could be; and voiced that Greensboro needed to do what it could to improve itself.

George Hartzman, 2506 Baytree Drive, spoke to the executive management of the City of Greensboro with regard to investment of the 457 Retirement Plan, provided comparisons in retirement fees for surrounding cities; spoke to fee reduction when assets grew; referenced the length of time he had worked on the issue; and asked why no changes had been made to the City's plan.

Councilmember Matheny stated meetings would take place with ICMA in the coming week.

III. CONSENT AGENDA

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

Councilmember Hightower requested that Item #13/ID 15-0034 be removed for discussion.

Councilmember Wilkins asked about the funding for Hester Park improvements with regard to Item #14/ID15-0030. Assistant City Manager Chris Wilson explained that the improvements were associated with Bond funding; that Council did not move forward with installation of artificial turf at the Park; and stated a portion of the funds had been reallocated to match the contractor.

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to adopt the Consent Agenda as amended. The motion carried by voice vote.

1. [ID 15-0004](#) Ordinance in the Amount of \$25,000 Appropriating State, Federal and Other Grants Fund Budget for the Appropriation of Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) Overtime Allocation FY 14-15

15-01 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (ATF) OVERTIME ALLOCATION FY 14-15

Section 1

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

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

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

| Account | Description | Amount |
|------------------|-------------------------|----------|
| 220-3507-04.4221 | Premium Pay | \$23,419 |
| 220-3507-04.4510 | FICA Contribution | \$ 363 |
| 220-3507-04.4520 | Retirement Contribution | \$ 1218 |
| TOTAL: | | \$25,000 |

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

| Account | Description | Amount |
|------------------|---------------------|----------|
| 220-3507-04.7100 | Federal Grant Award | \$25,000 |
| TOTAL: | | \$25,000 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

2. [ID 15-0005](#) Ordinance in the Amount of \$52,123 Appropriating State, Federal and Other Grants Fund Budget for Federal Grant Funds for Participation in the Federal Bureau of Investigation - Safe Streets Task Force FY 14-15
Federal Bureau of Investigation Safe Streets Task Force FY 14-15

15-02 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR FEDERAL GRANT FUNDS FOR PARTICIPATION IN THE FEDERAL BUREAU OF INVESTIGATION – SAFE STREETS TASK FORCE FY 14-15

Section 1

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

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

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

Account name –Safe Streets Task Force FY15

| Account | Description | Amount |
|------------------|-------------------------|-----------|
| 220-3509-04.4221 | Premium Pay | \$ 48,829 |
| 220-3509-04.4510 | FICA Contribution | \$ 756 |
| 220-3509-04.4520 | Retirement Contribution | \$ 2538 |
| TOTAL: | | \$52,123 |

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

| Account | Description | Amount |
|------------------|---------------------|----------|
| 220-3509-04.7100 | Federal Grant Award | \$52,123 |
| TOTAL: | | \$52,123 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

3. [ID 15-0033](#) Ordinance in the Amount of \$17,373 Appropriating State, Federal and Other Grants Fund Budget for Federal Grant Funds for Participation in the Federal Bureau Of Investigation - NC Joint Terrorism Task Force FY

14-15

15-03 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR FEDERAL GRANT FUNDS FOR PARTICIPATION IN THE FEDERAL BUREAU OF INVESTIGATION – NC JOINT TERRORISM TASK FORCE FY 14-15

Section 1

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

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

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

Account name –NC Joint Terrorism Task Force FY15

| Account | Description | Amount |
|------------------|-------------------------|----------|
| 220-3514-04.4221 | Premium Pay | \$16,276 |
| 220-3514-04.4510 | FICA Contribution | \$ 252 |
| 220-3514-04.4520 | Retirement Contribution | \$ 846 |
| TOTAL: | | \$17,374 |

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

| Account | Description | Amount |
|------------------|---------------------|----------|
| 220-3514-04.7100 | Federal Grant Award | \$17,374 |
| TOTAL: | | \$17,374 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

4. [ID 15-0012](#) Ordinance in the Amount of \$2,000 Appropriating State, Federal and Other Grants Fund Budget for the Appropriation of Internal Revenue Service Task Force Funds FY 14-15

15-04 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF INTERNAL REVENUE SERVICE TASK FORCE FUNDS FY 14-15

Section 1

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

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

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

| Account | Description | Amount |
|------------------|-------------------------|---------|
| 220-3536-02.4221 | Premium Pay | \$ 1874 |
| 220-3536-02.4510 | FICA Contribution | \$ 29 |
| 220-3536-02.4520 | Retirement Contribution | \$ 97 |

TOTAL: \$ 2,000

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

| Account | Description | Amount |
|------------------|---------------|----------|
| 220-3536-02.7100 | Federal Grant | \$ 2,000 |
| TOTAL: | | \$ 2,000 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

5. [ID 15-0008](#) Ordinance in the Amount of \$13,834 Appropriating State, Federal and Other Grants Fund Budget for the Appropriation of USMS Joint Fugitive Task Force Funds FY 14-15

15-05 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF USMS JOINT FUGITIVE TASK FORCE FUNDS FY 14-15

Section 1

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

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

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

| Account | Description | Amount |
|------------------|-------------------------|-----------|
| 220-3510-04.4221 | Premium Pay | \$ 12,959 |
| 220-3510-04.4510 | FICA Contribution | \$ 201 |
| 220-3510-04.4520 | Retirement Contribution | \$ 674 |
| TOTAL: | | \$ 13,834 |

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

| Account | Description | Amount |
|------------------|---------------|-----------|
| 220-3510-04.7100 | Federal Grant | \$ 13,834 |
| TOTAL: | | \$ 13,834 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

6. [ID 15-0013](#) Ordinance in the Amount of \$2,000 Appropriating State, Federal and Other Grants Fund Budget for the Appropriation of US Secret Service Financial Crimes Task Force Funds FY 14-15

15-06 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF US SECRET SERVICE FINANCIAL CRIMES TASK FORCE FUNDS FY 14-15

Section 1

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

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

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

| Account | Description | Amount |
|------------------|-------------------------|----------|
| 220-3508-04.4221 | Premium Pay | \$ 1874 |
| 220-3508-04.4510 | FICA Contribution | \$ 29 |
| 220-3508-04.4520 | Retirement Contribution | \$ 97 |
| TOTAL: | | \$ 2,000 |

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

| Account | Description | Amount |
|------------------|---------------|----------|
| 220-3508-04.7100 | Federal Grant | \$ 2,000 |
| TOTAL: | | \$ 2,000 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

7. [ID 15-0041](#) Ordinance in the Amount of \$35,788 Establishing State, Federal and Other Grants Fund Budget for the Appropriation of FY 2014 Fair Housing Training Program Grant Funds

15-07 ORDINANCE ESTABLISHING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF FY 2014 FAIR HOUSING TRAINING PROGRAM GRANT FUNDS

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 established as follows:

| Account | Description | Amount |
|------------------|---------------------------|----------|
| 220-0306-01.4110 | Salaries and Wages | \$12,075 |
| 220-0306-01.4510 | FICA Contribution | \$ 1,343 |
| 220-0306-01.4520 | Retirement Contribution | \$ 1,125 |
| 220-0306-01.4610 | Health Coverage ~ Active | \$ 1,200 |
| 220-0306-01.4650 | Dental Coverage ~ Active | \$ 795 |
| 220-0306-01.4710 | Life Insurance ~ Active | \$ 500 |
| 220-0306-01.5253 | Rent-Parking Subsidy | \$ 500 |
| 220-0306-01.5520 | Seminar/Training Expenses | \$16,250 |
| 220-0306-01.5949 | Miscellaneous | \$ 2,000 |

TOTAL \$35,788

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

| Account | Description | Amount |
|------------------|---------------|----------|
| 220-0306-01.7100 | Federal Grant | \$35,788 |
| TOTAL | | \$35,788 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

8. [ID 15-0025](#) Resolution to Accept Matching Funding from NC Department of Transportation to Reduce Local Match for Federal Fiscal Year 2013 FTA Congestion Mitigation Air Quality Grant

01-15 RESOLUTION TO ACCEPT MATCHING FUNDING FROM NC DEPARTMENT OF TRANSPORTATION TO REDUCE LOCAL MATCH FOR FEDERAL FISCAL YEAR 2013 FTA CONGESTION MITIGATION AIR QUALITY GRANT

WHEREAS, on March 18, 2014, City Council approved a budget establishing FY 2013 FTA Congestion Mitigation Air Quality (CMAQ) Grant funding in the amount of \$1,681,928;

WHEREAS, these funds will be used to replace two (2) 40 foot fixed route buses and five (5) paratransit buses that have exceeded FTA's useful life standards, both in years of service and mileage (12 years or 500,000 miles for a fixed route bus and 5 years or 200,000 miles for a paratransit bus);

WHEREAS, the North Carolina Department of Transportation recently approved a state funding match request in the amount of \$33,157 for the purchase of five (5) replacement paratransit vehicles to be purchased and delivered in fiscal year 2015;

WHEREAS, acceptance of these matching funds will allow the City to decrease its local match by \$33,157;

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

That the Department of Transportation and Greensboro Transit Authority are authorized to accept \$33,157 from the North Carolina Department of Transportation to be used as matching funds for the FY 2013 Congestion Mitigation Air Quality grant, thus allowing the City to reduce the local match required for the grant.

(Signed) Jamal Fox

9. [ID 15-0009](#) Ordinance in the Amount of \$12,500 Appropriating State, Federal and Other Grants Fund Budget for the Greensboro Police Foundation Donation FY 15

15-08 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE GREENSBORO POLICE FOUNDATION DONATION FY 15

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 name – Greensboro Police Foundation Donation for software FY 15

| Account | Description | Amount |
|------------------|----------------|----------|
| 220-3565-01.5917 | Licensing Fees | \$12,500 |
| TOTAL: | | \$12,500 |

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

| Account | Description | Amount |
|------------------|-----------------------------------|----------|
| 220-3565-01.8620 | Donations & Private Contributions | \$12,500 |
| TOTAL: | | \$12,500 |

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

10. [ID 15-0007](#) Resolution Authorizing the Conveyance of a Temporary Construction Easement located at 801 North Regional Road

02-15 RESOLUTION AUTHORIZING CONVEYANCE OF A TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 801 NORTH REGIONAL ROAD

WHEREAS, the City of Greensboro owns property located 801 North Regional Road at Parcel 0097699, said property being shown on the attached map;

WHEREAS, the North Carolina Department of Transportation (NCDOT) is in the process of constructing a portion of the future I-73 Interstate Highway and Regional Road will be closed in the vicinity of this interchange which will eliminate the current access to a Water Resources' water tower on this site from Regional Road;

WHEREAS, a new permanent access road to the tower site from Highway 68 will be built by NCDOT which requires a temporary easement during its construction;

WHEREAS, the temporary construction easement will consist of approximately 21,040 square feet and will expire upon completion of the project;

WHEREAS, NCDOT's Right of Way contractor Telics has used previous sales to determine the value of the property, said temporary easement was valued at \$24,550;

WHEREAS, revenue proceeds from this conveyance will be credited in the Water Resources General Fund, Account No. 502-0000-00.8616.

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

That the sale of the above mentioned temporary construction easement in the amount of \$24,550 is hereby approved and the conveyance of said easement is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Jamal Fox

11. [ID 15-0011](#) Resolution Authorizing Utility Relocation Agreement with the Plantation Pipe Line Company for Utility Relocation for Horse Pen Creek Road

Widening Project

03-15 RESOLUTION AUTHORIZING UTILITY RELOCATION AGREEMENT WITH PLANTATION PIPELINE COMPANY FOR UTILITY RELOCATION FOR THE HORSE PEN CREEK ROAD WIDENING PROJECT

WHEREAS, on March 15, 2011, City Council approved the Horse Pen Creek Road Widening Project;

WHEREAS, the Transportation Department has approved the project with construction scheduled to begin in 2016;

WHEREAS, prior to construction, Plantation's major fuel pipeline located in their own easement under the roadway must be relocated with the full cost of moving and adjusting the pipelines to be borne by the City;

WHEREAS, the relocation will be funded by 2008 Transportation Bond Funds in the amount of \$658,424.

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

That the Utility Relocation Agreement with Plantation Pipeline Company for the utility relocation for the Horse Pen Creek Road Widening Project is hereby authorized and the Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper Agreement to carry the proposal into effect, payment in the amount of \$658,424 from Account No. 471-4502-08.6014.

(Signed) Jamal Fox

13. [ID 15-0028](#) Ordinance in the Amount of \$5,191 Amending State, Federal and Other Grants Fund Budget for the Appropriation of Piedmont Triad Regional Council Area Agency on Aging Senior Center General Purpose Grant

15-09 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF PIEDMONT TRIAD REGIONAL COUNCIL AREA AGENCY ON AGING SENIOR CENTER GENERAL PURPOSE GRANT

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 name – FY 14/15 Senior Center General Purpose Grant

| Account | Description | Amount |
|------------------|------------------|---------|
| 220-5069-01.5221 | Advertising | \$1,945 |
| 220-5069-01.5237 | Program Supplies | \$3,246 |
| TOTAL: | | \$5,191 |

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

| Account | Description | Amount |
|------------------|----------------------------|----------|
| 220-5069-01.9101 | Transfer from General Fund | \$1,298 |
| 220-5069-01.7170 | Local Government Grant | \$3,893 |
| TOTAL: | | \$ 5,191 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

14. [ID 15-0030](#) Ordinance in the Amount of \$190,000 Establishing a Project Budget for Spencer Love Tennis Complex Improvements

15-010 ORDINANCE AMENDING PARKS AND RECREATION BOND FUND BUDGET TO ESTABLISH A BUDGET FOR SPENCER LOVE TENNIS COMPLEX IMPROVEMENTS

Section 1

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

That the Parks and Recreation Bond Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Parks and Recreation Bond Fund Budget be increased as follows:

| Account | Description | Amount |
|------------------|----------------------------|-----------|
| 472-5010-01.5413 | Consultant Services | \$15,000 |
| 472-5010-01.6019 | Capital Other Improvements | \$175,000 |
| TOTAL: | | \$190,000 |

And, that this increase be financed by increasing the Parks and Recreation Bond Fund Balance:

| Account | Description | Amount |
|------------------|-------------|-----------|
| 472-5010-01.8620 | Donations | \$190,000 |
| TOTAL: | | \$190,000 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

15. [ID 15-0036](#) Budget Adjustments Requiring Council Approval 12/9/14-12/29/14

Motion to approve the budget adjustments of December 9 - 29, 2014 over the amount of \$50,000 was adopted.

16. [ID 15-0035](#) Budget Adjustments Approved by Budget Officer 12/9/14-12/29/14

Motion to accept the report of budget adjustments of December 9 - 29, 2014 was adopted.

17. [ID 15-0024](#) Motion to approve the minutes of the Regular meeting of December 2, 2014.

Motion to approve the minutes of the Regular meeting of December 2, 2014 was adopted.

18. [ID 15-0039](#) Motion to Approve the Minutes of the Work Session of December 11, 2014

Motion to approve the minutes of the December 11, 2014 Work Session was approved.

12. [ID 15-0034](#) Resolution to Allow Utility Extension/Connection - Resolution Allowing Heron Pointe, Phase 5, to Extend and Connect onto City Water and Sanitary Sewer without Immediate Annexation by the City of Greensboro.

Councilmember Hightower requested clarification on the eligibility for Heron Pointe to be annexed into the City.

Planning Manager Steve Galanti responded that future annexations would move the primary Greensboro line closer to the site which would allow for annexation without the need to go through Sedalia.

Moved by Councilmember Matheny, seconded by Councilmember Fox, to adopt the resolution. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

04-15 RESOLUTION ALLOWING HERON POINTE, PHASE 5, TO EXTEND AND CONNECT ONTO CITY WATER AND SANITARY SEWER WITHOUT IMMEDIATE ANNEXATION BY THE CITY OF GREENSBORO

WHEREAS, municipal growth through annexation is essential to sound urban development and continued economic development in Greensboro and Guilford County; and

WHEREAS, the North Carolina General Statutes provide for annexation by municipalities according to certain legislative standards, and with the provision of certain services; and

WHEREAS, there are areas within Guilford County that are not currently eligible for annexation by the City of Greensboro under the North Carolina General Statutes; and

WHEREAS, on April 3, 2012, City Council adopted the "City of Greensboro Policy - Water & Sewer Services Outside the Corporate Limits" to address the extension of water and sanitary sewer lines and revised said policy on May 20, 2014; and

WHEREAS, said adopted policy allows for the City Council to grant approval of extensions and connections outside of the City of Greensboro's corporate limits;

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

Section 1 - That City of Greensboro water and sanitary sewer lines may be extended to provide serve and connections to development located within Heron Pointe, Phase 5 (Lots #186 through #231) as depicted on Exhibit A in consideration of the "Utility and Development Agreement and Petition for Annexation" signed by the current property and delivered to the City of Greensboro. This agreement shall be recorded in the chain of title by the current property owner and disclosed to all prospective new property owners by the current property owner.

Section 2 - That when the ownership of any portion of the property contained in Section 1 above changes, a new "Utility and Development Agreement and Petition for Annexation" signed by the new property owner will be delivered to the City of Greensboro.

Section 3 - That when eligible under North Carolina General Statutes, the property contained within Section 1 above will be annexed into the City of Greensboro's Corporate Limits.

Section 4 - That upon any violation of the terms of this resolution, said resolution shall be deemed null and void

and any connections made after the effective date of this resolution to the City's water or sanitary sewer lines will be terminated immediately.

Section 5 - That this Resolution shall become effective immediately upon adoption.

(Signed) Zack Matheny

IV. PUBLIC HEARING AGENDA

There were no public hearing items.

V. GENERAL BUSINESS AGENDA

19. [ID 15-0001](#) Boards and Commissions Listing for January 6, 2015

Moved by Councilmember Matheny, seconded by Mayor Pro-Tem Johnson to appoint Lindsay Burkhart to the Human Relations Commission to replace Paul Ksieniewicz. The motion was carried by voice vote.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Matheny to appoint Steven McCollum to the Community Sustainability Council. The motion carried by voice vote.

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to appoint Jay Murphy to the Human Relations Commission to replace Reverend Clarence Shuford and to appoint David Wharton to the Historic Preservation Commission to replace Christina Cantrell. The motion carried by voice vote.

Councilmember Hoffmann placed the name of Amanda Wise in the databank for consideration on the Commission on the Status of Women.

20. [ID 15-0020](#) Ordinance Amending Chapter 2 of the Greensboro Code of Ordinances with Respect to Administration

Mayor Vaughan introduced Items #20/ID15-0020; #21/ID15-0022 and #22/ID15-0037 at the same time; spoke to the work that she and City Attorney Carruthers had done on the ordinances; and stated there were several speakers to the item.

City Attorney Carruthers spoke to the City's longstanding policy not to discriminate; stated the ordinances were designed to include the protected classes regarding sexual orientation; referenced the Chapter 2 changes; stated City Manager Westmoreland would conduct a survey and analysis of City facilities; explained what the analysis would entail; spoke to persons who could utilize a private dressing room in facilities; and stated City Manager Westmoreland would report recommendations back to Council. City Attorney Carruthers continued with an update of the Chapter 21 codifications; explained that the changes made in Chapter 12 would address housing discrimination practices; spoke to the Department of Housing and Urban Development (HUD's) agreement with the City to enforce the regulations; and added that the City was being encouraged to adopt the changes.

Mayor Vaughan spoke to why the City was looking at the ordinances; stated that when codified, the ordinances would ensure all persons would be treated equally in the future.

Chris Sgro, 337 Gorrell Street thanked Council for their attention to the matter; voiced support of the proposed ordinances which provided a crucial update to the City Code of Ordinances; spoke to equal protections; emphasized that the policies were business friendly; referenced North Carolina businesses that were key partners in the programs; to cities and companies that had similar policies in place; and added that the policies were good business sense.

Todd Haley, 5537 Worthlake Drive, thanked Council; read a statement; spoke to losing a job and housing because of his sexual preference; spoke to his experience when trying to rent a home; and encouraged Council to adopt the ordinance to avoid his experience happening to someone else.

Councilmember Wilkins asked for clarification on the costs for modifying City facilities; and if there was a federal mandate.

City Attorney Carruthers verified that facilities would include a gender neutral restroom locker facility which would have some cost; voiced that staff had looked at Winthrop University which had similar facilities; spoke to the options for privacy rooms; and explained that this would be an evaluation process for the gender neutral facilities. City Attorney Carruthers continued that the City was opting to do this voluntarily; and spoke to fair housing requirements.

Councilmember Wilkins verified that staff would come back to Council prior to any monies being spent.

Councilmember Hightower requested staff explore options to incorporate gender neutral restrooms into new City facility construction; and spoke to persons who would use it.

Mayor Vaughan added that the construction phase would be the cheapest time to incorporate the change.

Moved by Mayor Vaughan, 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, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

15-011 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

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

Section 1. That Chapter 2, ARTICLE VI. CITY DEPARTMENTS, of the Greensboro Code of Ordinances is hereby amended by adding a new Section following Section 2-201 to read as follows:

Sec. 2-202. Prohibition against discrimination in City services.

It is the policy of the City that the City will not discriminate on the basis of sex, race, gender, color, ethnicity, national origin, age, familial status, marital status, military status, political affiliation, religion, physical or mental disability, genetic information, sexual orientation, gender expression, or gender identity in authorizing or making available the use of city facilities or in the delivery of city programs, services or activities.

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Nancy Vaughan

21. [ID 15-0021](#) Ordinance Amending Chapter 21 of the Greensboro Code of Ordinances with Respect to Personnel

Moved by Mayor Vaughan, seconded by Councilmember Hightower, to adopt the ordinance. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

15-012 AMENDING CHAPTER 21

AN ORDINANCE AMENDING CHAPTER 21 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO PERSONNEL

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

Section 1. That Section 21-5 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 21-5. Qualifications for appointment.

(a) Appointments to positions within the city service shall be made on the basis of merit and fitness, and in accordance with the provisions of this chapter and any rules which may be established under its authority.

(b) The city manager may prescribe reasonable general and minimum qualification standards for all positions within the city service as well as specific occupationally-related qualifications for any class of positions, and may use any such requirements as the basis for rejecting or refusing to examine an applicant.

(c) The city manager shall prescribe the form of application and the information to be contained thereon, and may utilize such valid tests, examinations and investigations as he deems necessary to determine the fitness of an applicant for a particular position.

(Code 1961, § 14-5)

(d) Non-Discrimination policy.

The policy of the City is to foster, maintain, and promote equal employment opportunity. The City shall select employees on the basis of an applicant's suitability for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to sex, race, gender, color, ethnicity, national origin, age, familial status, marital status, military status, political affiliation, religion, physical or mental disability, genetic information, sexual orientation, gender expression or gender identity except where certain physical and mental requirements are bonafide occupational qualifications.

(e) Implementation of policy.

All personnel responsible for recruiting and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable job-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of sex, race, gender, color, ethnicity, national origin, age, familial status, marital status, military status, political affiliation, religion, physical or mental disability, genetic information, sexual orientation, or gender identity.

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Nancy Vaughan

22. [ID 15-0022](#) Ordinance Amending Chapter 12 of the Greensboro Code of Ordinances Ordinance to Include Sexual Orientation, Gender Identity, and Gender Expression as Prohibited Categories of Discrimination

Moved by Mayor Vaughan, seconded by Councilmember Fox, to adopt the ordinance. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

15-013 ORDINANCE AMENDING THE FAIR HOUSING ORDINANCE

AN ORDINANCE AMENDING THE FAIR HOUSING ORDINANCE OF THE GREENSBORO CODE OF ORDINANCES

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

Section 1. That Section 12-131 of the Greensboro Code of Ordinances is hereby amended to read as follows (amended portion in bold italics):

Sec. 12-131. - Title and purpose.

This division shall be known and may be cited as the "Fair Housing Ordinance of the City of Greensboro." The general purpose of this article is to secure for all individuals within the city freedom from discrimination because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services or in the availability of residential real estate-related transactions. By providing rights and remedies for violation of this division substantially equivalent to the rights and remedies provided by the Federal Fair Housing Act (42 U.S.C. 3601, et seq.).

Section 2. That Section 12-134 of the Greensboro Code of Ordinances is hereby amended to read as follows (amended portion in bold italics):

Sec. 12-134. - Discrimination in housing practices.

(a) It is a discriminatory housing practice for an owner or any other person engaging in a real estate transaction or residential real estate-related transaction, because of the race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin of a person or of a person residing with that person or of friends or associates of that person:

- (1) To refuse to sell, exchange, rent or lease any real property.
- (2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the provision of services or facilities in connection therewith.
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.
- (4) To refuse to negotiate for a real estate transaction with a person.
- (5) To represent to a person that real property is not available for inspection, sale, rental or lease, when in fact it is so available, or to intentionally fail to bring a property listing to a person's attention, or to refuse to permit a person to inspect real property.
- (6) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- (7) To offer, solicit, accept, use or retain a listing of real property for sale, rental or lease with the understanding that a person may be discriminated against in the sale, rental or lease of that real property or in the provision of facilities or services in connection therewith.
- (8) For a person for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, gender identity, gender expression, familial status, or national origin or with a handicap.
- (9) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which limits the conveyance, lease, or use or occupancy of real property on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin, is a discriminatory practice and is void, except a limitation of conveyance or use of real property on the basis of religion, held by a religious or charitable organization operated, supervised or controlled by a religious institution or organization and used for religious or charitable purposes.
- (10) For any person, because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin, to intimidate, threaten, coerce or interfere with any other individual on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this division.

(11) For any person, because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin, to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or development.

(12) To refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to the handicapped person's full enjoyment of the premises; except that, in the case of a rental unit, the landlord may, where it is reasonable to do so, condition permission for modifications on agreement by the renter to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted.

(13) To refuse to make reasonable accommodations in rules, policies, practices, or services, when these accommodations may be necessary to a handicapped person's equal use and enjoyment of a dwelling.

(14) To fail to design and construct covered multifamily dwellings available for first occupancy after March 13, 1991, so that:

a. The dwellings have at least one (1) building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual site characteristics; or

b. With respect to dwellings with a building entrance on an accessible route:

1. The public and common use portions are readily accessible to and usable by handicapped persons;

2. There is an accessible route into and through all dwellings and units;

3. All doors designed to allow passage into, within, and through these dwellings and individual units are wide enough for wheelchairs;

4. Light switches, electrical switches, electrical outlets, thermostats, and other environmental controls are in accessible locations;

5. Bathroom walls are reinforced to allow later installation of grab bars; and

6. Kitchens and bathrooms have space for an individual in a wheelchair to maneuver.

(15) Otherwise make unavailable or deny housing.

Section 3. That Section 12-135 of the Greensboro Code of Ordinances is hereby amended to read as follows (amended portion in bold italics):

Sec. 12-135. - Discrimination in financial practices.

It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin. Unlawful conduct under this section includes, but is not limited, as follows:

(1) To discriminate against the applicant because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin.

(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, an intent to make a limitation, specification or discrimination as to race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin.

(3) To fail or refuse to provide to any person, in connection with a residential real estate-related transaction, information regarding the availability of loans or other financial assistance, application requirements, procedures or standards for the review and approval of loans or financial assistance, or providing information which is inaccurate or different from that provided others, because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin.

(4) With respect to a person or entity engaged in the purchasing of loans or other debts or securities which support the purchase, construction, improvement, repair or maintenance of a dwelling, or which are secured by residential real estate, to refuse to purchase such loans, debts, or securities, or to impose different terms or conditions for such purchases, because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin.

(5) With respect to a person or entity engaged in the making of loans or in the provision of other financial assistance relating to the purchase, construction, improvement, repair or maintenance of dwellings or which are secured by residential real estate to impose different terms or conditions for the availability of such loans or other financial assistance because of race, color, religion, sex, sexual orientation, gender identity, gender expression,

handicap, familial status, or national origin.

Section 4. That Section 12-136 of the Greensboro Code of Ordinances is hereby amended to read as follows (amended portion in bold italics):

Sec. 12-136. - Discrimination in the provision of brokerage services.

It is a discriminatory practice for any person or other entity whose business includes engaging in the selling, brokering or appraising of residential real property to deny any person who is otherwise qualified by state law, access to, or membership or participation in, any real estate broker's organization, multiple listing service or other service, organization or facility relating to the business of engaging in real estate transactions, or to discriminate against any person in the terms or conditions of such access, membership, or participation, making available such services, or in the performance of such services, because of race, color, religion, sex, sexual orientation, gender identity, gender expression, handicap, familial status, or national origin.

Section 5. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective upon the date this ordinance is approved by the United States Department of Housing and Urban Development.

(Signed) Nancy Vaughan

Mayor Vaughan stated the City of Charlotte would be following Greensboro at the end of the month.

Councilmember Matheny commended Mayor Vaughan on the effort she had put into the amendments.

23. [ID 15-0037](#) Resolution Authorizing Steven B. Tanger Performing Arts Center Construction Manager at Risk Contract

City Manager Westmoreland recognized Coliseum Director Matt Brown to speak to the item.

Mr. Brown introduced the Steven Tanger Performing Arts Center Construction Manager as Risk Evaluation and Ranking Committee; spoke to the time and effort they put into the project; announced the names of the members of the Committee; recognized those in the audience who had worked on the project; expressed gratitude to the community members for their work; emphasized the success of the Committee in meeting the M/WBE goals and objectives; commended Gwen Carter in her efforts in recruiting and soliciting young candidates for submitting the protégé and construction manager partners; emphasized that this would be the first protégé program implemented in the State of North Carolina for a construction manager project; and spoke to the City's commitment in exceeding the goal of 20% for the breakout packaging.

Council commended Mr. Brown and those involved for their work on the project; and referenced the Center location changing several times.

Mr. Brown recognized representatives present from Sterling Construction Company and Skanska/Retenbach Company; stated the Committee had approved the rankings of the three firms that were listed; outlined the process that would be used in the ranking order; stated that the number one ranked team was being submitted; spoke to the process used by the Committee; and stated Council was being asked to approve the number one ranked team and authorize staff to enter into negotiations for a contract for the pre-construction services with the Skanska/Retenbach team.

Mayor Vaughan asked if two separate motions would be needed; City Attorney Carruthers responded that it could be done with one motion.

Councilmember Hightower requested clarification on the 2% and 5% M/WBE participation figures.

Assistant City Attorney James Dickens clarified that the 2% pertained to the pre-construction contract which was a separate contract; outlined the work that would be done under the contract; stated input had been received

regarding the industry practice for these types of programs for protégés in the pre-construction phase; and outlined the pre-construction percentages.

Mr. Brown stated that staff had budgeted \$300,000 for the preconstruction costs.

M/WBE Manager Gwen Carter spoke to the protégé receiving the benefit of experience; and to other additional benefits they would receive in the role of protégé on the project in addition to the 2% fee.

Councilmember Hightower asked who Sterling Construction was; for clarification should the City chose another company; who the protégé was; and asked if the commitment to Sterling Construction was guaranteed.

Ms. Carter responded that Sterling Construction was a local MBE out of Winston-Salem; spoke to their construction experience; outlined the evaluation matrix and selection criteria; and stated RFI was the protégé on the project who was located in Greensboro.

Assistant City Attorney Dickens referenced the condition listed in the resolution for the construction management team requirements; spoke to what would be in the contract; outlined the real benefits of being in the protégé position for the performing arts center which would be known nationally; added that the protégé would develop relationships with companies; gain credibility for working on a \$46 million project; and emphasized that the contacts and relationships to the protégé would be invaluable. Assistant City Attorney Dickens added that young people would have the opportunity to get involved in City projects; voiced that the process had brought people to the table on the other ranked teams that the City did not know existed; and emphasized the City was successful in this Request For Qualification (RFQ).

Mr. Brown interjected with how highly Sterling Construction was ranked.

Councilmember Hightower voiced concern with hearing low numbers for M/WBE participation which was disconcerting; stated that experience was valuable; and voiced agreement that this would assist the City's young people in gaining experience.

Ms. Carter verified that the annual aspirational goal for contracting based projects was taken into consideration; and confirmed the City had come in with a 4 and a 6 when the goal was a 3 and a 5 for M/WBE participation.

Mayor Vaughan added that this was just a portion of the Performing Arts Center contract; and stated this was the first project where the goal had been set at twenty percent.

Mr. Brown added that the expectation was to exceed the twenty percent M/WBE goal for the bid packages.

City Attorney Carruthers stated the motion would be to adopt the rankings of the Evaluation Committee; to authorize the City to enter into negotiations with the number one ranked team which was Skanska/Retenbach, to enter into contract if the negotiations were successful, and if not, to negotiate with either the second, or even the third ranked team if necessary, to continue this negotiation process.

Mr. Brown stated that the City was looking at September or October 2016 for construction to begin.

Moved by Councilmember Matheny, seconded by Councilmember Wilkins, to adopt the resolution. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

05-15 RESOLUTION APPROVING THE SELECTION OF SKANSKA USA BUILDING, INC. AND RENTENBACH CONSTRUCTORS, INCORPORATED AS THE FIRMS WHO ARE THE MOST QUALIFIED TO SERVE AS THE CITY'S CONSTRUCTION MANAGER AT RISK FOR THE STEVEN B. TANGER PERFORMING ARTS CENTER AND AUTHORIZING THE NEGOTIATION OF A CONTRACT FOR PRE-CONSTRUCTION SERVICES WITH SKANSKA USA BUILDING, INC. AND RENTENBACH CONSTRUCTORS, INCORPORATED

WHEREAS, on Friday October 17, 2014, the City of Greensboro formally issued a Request for Qualifications for firms to serve as the Construction Manager at Risk (CMAR) to build the Steven B. Tanger Performing Arts Center (STPAC).

WHEREAS, on November 17, 2014, the City received five (5) responses from interested CMAR firms and joint ventures:

- 1) Skanska USA Building, Inc./ Rentenbach Constructors, Incorporated;
- 2) JE Dunn Construction Group, Inc. / T.A. Loving Company;
- 3) Samet Corporation / Barnhill Contracting Company / SRS, Inc., a Joint Venture
- 4) Landmark Builders of the Triad / Messer Construction Company / Miles-McClellan Construction Company
- 5) PCL Construction Services Inc./ Weaver Cooke Construction, LLC/ R. J. Leeper Construction , LLC

WHEREAS, on November 24, the STPAC CMAR Evaluation & Ranking Committee (Committee) reviewed and evaluated the five (5) proposals and determined the three (3) STPAC CMAR finalists to be invited to make Oral Presentations to the Committee using a 100 point scale rating system and blind balloting based on the five (5) criteria defined in the RFQ.

WHEREAS, the following three firms/joint venture candidates received the highest scores:

- | | |
|------------------------------------|-------|
| 1. Skanska/Rentenbach | 96.55 |
| 2. Messer/Landmark/Miles-McClellan | 80.27 |
| 3. JE Dunn/TA Loving | 78.00 |

WHEREAS, Oral Presentations to the Committee were held on December 12, 2014, and after the presentations were made, the Committee used a blind balloting system to rank the three finalists using the 100 point scale rating system on the same five (5) criteria defined in the RFQ. The final results were:

- | | |
|------------------------------------|-------|
| 1. Skanska/Rentenbach | 98.45 |
| 2. JE Dunn/TA Loving | 86.09 |
| 3. Messer/Landmark/Miles-McClellan | 85.45 |

WHEREAS, the City of Greensboro's MWBE Coordinator has reviewed the three finalists' MWBE Good Faith Efforts documents and has determined that each STPAC CMAR firm has met the City MWBE Good Faith Efforts standards outlined in the RFQ, has selected MWBE Protégés and MWBE Construction Management Partner candidates that meet the City of Greensboro's MWBE HUB qualifications and North Carolina General Contractor License Certifications, and has proposed scope of work and the fees to be paid to the MWBE Protégé and MWBE Construction Management Partner candidates to ensure that the scope of work and fees to be paid meets or exceeds the City of Greensboro MWBE HUB goals.

WHEREAS, Skanska USA Building, Inc./ Rentenbach Constructors, Incorporated was ranked as the most qualified firm to serve as the City's Construction Manager at Risk for the Steven B. Tanger Performing Arts Center.

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

1. That the STPAC CMAR Evaluation & Ranking Committee's rankings of the three CMAR finalists are adopted;
2. That the City is hereby authorized to enter into negotiations with the STPAC CMAR Evaluation & Ranking Committee's number one ranked firm, Skanska USA Building, Inc./ Rentenbach Constructors, Incorporated, to serve as the City's Construction Manager at Risk for the Steven B. Tanger Performing Arts Center, and if the negotiations are successful, to enter into a contract for Pre-Construction Services Skanska USA Building, Inc. and Rentenbach Constructors, Incorporated.
3. That if the City is unable to negotiate a contract with the STPAC CMAR Evaluation & Ranking Committee's number one-ranked firm to serve as the City's Construction Manager at Risk for the Steven B. Tanger Performing Arts Center and conduct Pre-Construction Services, the City is authorized to enter into negotiations with the

STPAC CMAR Evaluation & Ranking Committee's second ranked firm, and if the City is unable to negotiate a contract for Pre-Construction Services with the second-ranked firm, the City is authorized to enter into negotiations with the STPAC CMAR Evaluation & Ranking Committee's third ranked-firm to enter into a contract for Pre-Construction Services.

(Signed) Zack Matheny

25. [ID 15-0006](#) Ordinance in the Amount of \$25,000 Amending State, Federal and Other Grants Fund Budget for the Appropriation of the 2014 Local Food Promotion Program Grant

Brief discussion took place confirmng this was a federal planning grant; and that the City's match would be in-kind contributions.

Moved by Councilmember Fox, seconded by Councilmember Hightower, to adopt the ordinance. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

15-014 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF THE 2014 LOCAL FOOD PROMOTION PROGRAM GRANT

Section 1

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

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

| Account | Description | Amount |
|------------------|-------------|----------|
| 220-2285-01.5413 | Consultants | \$25,000 |
| TOTAL | | \$25,000 |

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

| Account | Description | Amount |
|------------------|-------------------------------|----------|
| 220-2285-01.7100 | 2014 Local Food Federal Grant | \$25,000 |
| TOTAL | | \$25,000 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

26. [ID 15-0027](#) Ordinance Amending in the Amount of \$2,518,072 the GTA Grant Fund Budget For The Federal Fiscal Year 2014 FT Congestion Mitigation Air Quality Grant

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, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

15-015 ORDINANCE AMENDING THE GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2014
FTA CONGESTION MITIGATION AIR QUALITY GRANT

Section 1

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

That the budget for the FFY 2014 Congestion Mitigation Air Quality Grant Program be established as follows:

| Account | Description | Amount |
|------------------|------------------------|-------------|
| 567-4502-01.5917 | Licenses, Fees & Other | \$ 4,000 |
| 567-4502-01.5919 | Other Taxes/Assessment | \$ 24 |
| 567-4502-01.6051 | Licensed Vehicles | \$2,514,048 |
| Total | | \$2,518,072 |

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

| Account | Description | Amount |
|------------------|----------------------------|-------------|
| 567-4502-01.7100 | Federal Grant | \$2,090,000 |
| 567-4502-01.9564 | Transfer from Transit Fund | \$ 428,072 |
| Total | | \$2,518,072 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sharon Hightower

- 27. [ID 15-0044](#)** Resolution Approving Bid in the Amount of \$26,640,000 and Authorizing Execution of Contract No. 2011-038A with Garney Companies, Inc. for the T. Z. Osborne Water Reclamation Facility Expansion Project - Package 2

Mayor Vaughan introduced Items #27/ID 15-044 and #28/ID 15-0045 together.

Councilmember Hightower inquired about the M/WBE participation.

Assistant City Manager Parrish explained the process for the M/WBE goals; and outlined the bids that were received.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox, to adopt the resolution. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

06-15 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2011-038A WITH GARNEY COMPANIES, INC. FOR THE T.Z. OSBORNE WATER RECLAMATION FACILITY EXPANSION PROJECT – PACKAGE 2

WHEREAS, after due notice, bids have been received for the T.Z. Osborne Water Reclamation Facility Expansion Project – Package 2 project;

WHEREAS, Garney Companies, Inc. a responsible bidder, has submitted the low base and alternate bid in the total amount of \$26,640,000 as general contractor for Contract No. 2011-038A, 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 Garney Companies, Inc. is hereby accepted, and the City is authorized to enter into a contract with Garney Companies for the T.Z. Osborne Water Reclamation Facility Expansion Project – Package 2 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 \$26,640,000 from Account No. 515-7056-03.6019.

(Signed) Yvonne Johnson

28. [ID 15-0045](#) Ordinance in the Amount of \$26,640,000 Amending the Water Resources Capital Project Bond Fund - Series 2014 Budget to Establish Funding for the T. Z. Osborne Water Reclamation Facility Expansion Project - Package 2

Councilmember Hightower inquired about Package 3.

Water Reclamations Manager Elijah Williams outlined the process and timeframe for Package 3.

Moved by Councilmember Matheny, seconded by Councilmember Fox, to adopt the ordinance. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

15-016 ORDINANCE AMENDING THE WATER RESOURCES CAPITAL PROJECT BOND FUND – SERIES 2014 BUDGET TO ESTABLISH FUNDING FOR THE T. Z. OSBORNE WATER RECLAMATION FACILITY EXPANSION PROJECT – PACKAGE 2.

Section 1

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

That the Water Resources Capital Project Bond Fund – Series 2014 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Water Resources Capital Project Bond Fund – Series 2014 Budget be increased as follows:

| Account | Description | Amount |
|------------------|--------------------|--------------|
| 515-7056-03.6019 | Other Improvements | \$26,640,000 |
| TOTAL | | \$26,640,000 |

And, that this increase be financed by increasing the following Water Resources Capital Project Bond Fund – Series 2014 Budget account:

| Account | Description | Amount |
|------------------|-----------------------|--------------|
| 515-0000-00.9005 | Revenue Bond Proceeds | \$26,640,000 |
| TOTAL | | \$26,640,000 |

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Zack Matheny

29. [ID 15-0029](#) Resolution Approving Bid in the Amount of \$961,000.00 and Authorizing Execution of Contract No. 2012-066 with Bar Construction Company, Inc. for the Jaycee Park Parking and Stormwater Improvements Project

Councilmember Hightower inquired about the M/WBE participation; and asked for a listing of the subcontractors.

Assistant City Manager Parrish recognized M/WBE Manager Gwen Carter who provided information on the sub-contractors as well as the M/WBE participation.

Moved by Councilmember Matheny, seconded by Councilmember Hoffmann, to adopt the resolution. 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, Zack Matheny and Tony Wilkins

Absent, 1 - Mike Barber

15-015 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2012-066 WITH BAR CONSTRUCTION COMPANY FOR THE JAYCEE PARK PARKING AND STORMWATER IMPROVEMENTS

WHEREAS, after due notice, bids have been received for the Jaycee Park Parking and Stormwater Improvements project;

WHEREAS, Bar Construction Company, Inc. a responsible bidder, has submitted the low base and alternate bid in the total amount of \$961,000 as general contractor for Contract No. 2012-066, 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 Bar Construction Company, Inc. is hereby accepted, and the City is authorized to enter into a contract with Bar Construction Company, Inc. for the Jaycee Park Parking and Stormwater improvements 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 \$961,000 from Account No. 506-7014-04.6018 A15045.

(Signed) Zack Matheny

VI. SUPPLEMENTAL AGENDA

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

Mayor Vaughan asked for a member to serve on the Audit Committee. Moved by Councilmember Wilkins, seconded by Councilmember Matheny to appoint Mayor Vaughan to the Audit Committee. The motion carried by voice vote.

Mayor Vaughan requested Councilmember Hightower replace her on the Greensboro Housing Development Partnership (GHDP) Board.

Mayor Pro-Tem Johnson requested information and the cost for the backflow prevention incentive.

Water Resources Engineering Manager Mike Borchers explained the purpose of the backflow preventor was to keep water from backing up into a distribution program; spoke to the backflow requirements of the City; and stated he did not know what the cost was but would provide that information to Council.

Councilmember Matheny wished all a Happy New Year; and announced that tickets were available for the upcoming United States Figure Skating Championship which had a tremendous economic impact for the City.

Councilmember Wilkins placed the name of Chloe Keveryn in the databank for future service on a board or commission; and congratulated Herman and Betty Wade on the celebration of their 72nd wedding anniversary.

Councilmember Abuzuaiter wished everyone a Happy New Year; and voiced congratulations to Angela Lord for her promotion to Deputy City Clerk.

Councilmember Hightower voiced congratulations to Ms. Lord on her promotion; spoke to the Coliseum Employee Appreciation lunch; thanked the Coliseum employees; wished all a Happy New Year; and stated there would be an East Greensboro Study Committee meeting the last week of January.

Mayor Vaughan congratulated the Grimsley students in attendance for sitting through an entire meeting; thanked them for coming out; wished everyone a Happy New Year; and announced that tomorrow Council would hold a special meeting at 2:30 to discuss the nightclub ordinance.

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

THE CITY COUNCIL ADJOURNED AT 7:09 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR