



# City of Greensboro

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

## Meeting Minutes - Final City Council

Tuesday, May 19, 2015

5:30 PM

Council Chamber

### **Call to Order**

This City Council meeting of the City of Greensboro was called to order at 4:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

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

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, and City Clerk Elizabeth H. Richardson.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Fox to go into closed session to preserve the attorney-client privilege between the City Attorney and Council pursuant to N.C.G.S. 143-318.11 (a)(3); and to consider the qualifications, competence, performance, character and fitness of public officer or an employee pursuant to N.C.G.S. Sections 143-318.11(a) (6). The motion carried by voice vote.

City Council recessed to closed session at 4:04 p.m.

Council reconvened at 5:35 p.m. with all members in attendance.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Matheny to return to open session. The motion carried by voice vote.

### **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 Austin Homan of the Parks and Recreation Department who served as Courier for the meeting.

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

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

24. [ID 15-0391](#) Public Hearing to Receive Public Comment on the Recommended Fiscal Year 2015-2016 Annual Budget

Mayor Vaughan asked for a motion to postpone the item to the June 2nd meeting of Council without further advertising.

**Moved by Councilmember Matheny, seconded by Councilmember Hoffmann, to postpone the item to the June 2nd meeting of Council without further**

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advertising. The motion carried by voice vote.

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

### **1. [ID 15-0407](#) Resolution Recognizing the Contributions of Greensboro Small Businesses to the Local Economy**

Mayor Pro-Tem Johnson read the resolution into the record; offered comments regarding the value of small businesses; referenced incentives for large businesses; spoke to the importance in recognizing small businesses as the foundation of the economy; and presented the resolution to Ms. Ponson.

Councilmember Barber left the meeting at 5:43 p.m. and returned at 5:44 p.m.

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

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

#### **144-15 RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF GREENSBORO SMALL BUSINESSES TO THE LOCAL ECONOMY**

WHEREAS, the Small Business Administration reports that America's nearly 30 million small business owners are the engine of job creation and economic growth in this country; small businesses represent 99.7% of employer firms in the United States and generate more than 50% of the nation's non-farm gross domestic product;

WHEREAS, more than half of Americans either own or work for a small business, and they create nearly two out of every three new jobs in the U.S. each year. Overall, small businesses have generated over 65% of the net new jobs since 1995;

WHEREAS, Greensboro small businesses continue to be leaders at local, regional, and national levels in creating 21st century jobs, driving innovation, and increasing Greensboro's global competitiveness;

WHEREAS, Greensboro was built and continues to grow on the dreams of unique innovative minds and entrepreneurial spirits that are vital to the success, longevity, and vibrancy of our neighborhoods thanks to their locally tailored services, positive economic impact, and the employment opportunities they provide to residents;

WHEREAS, the City of Greensboro is committed to being an inviting city for small businesses and continues to work on delivering effective services to the Greensboro business community.

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

Wishes to recognize and show appreciation for Greensboro's small businesses for the key role that they play in keeping our economy strong, and encourages residents of Greensboro to both patronize existing small businesses and develop new small businesses throughout the year.

(Signed) Marikay Abuzuaiter

### **2. [ID 15-0295](#) Resolution Recognizing Washington Montessori School on the Celebration of its 100th Year Anniversary**

Councilmember Fox read the resolution into the record; presented the resolution to Principal Jacobs; and recognized students, faculty and parents in attendance.

Principal Jacobs thanked Council for the resolution; stated she was proud that the students left the school prepared to go out in the community; and invited Council to a cookout this Friday at the school.

Councilmember Abuzuaiter thanked everyone for attending; stated that both of her children attended Washington;

and thanked them for their work.

Mayor Pro-Tem Johnson stated she had attended Washington; and thanked thanked them for their work.

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

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

145-15 RESOLUTION RECOGNIZING WASHINGTON MONTESSORI SCHOOL ON THE CELEBRATION OF ITS 100TH ANNIVERSARY

WHEREAS, Washington Street School was established in 1915 as one of the first schools for African American children built in Greensboro;

WHEREAS, Washington Street School, named in honor of Booker Taliaferro Washington, originally housed students in the first through twelfth grades;

WHEREAS, several years later, the school was renamed Washington Elementary School and began serving first through fifth grade students;

WHEREAS, from 1989-1992, Washington went through another change as it became Washington School of Math, Science and Technology;

WHEREAS, 1989 was the same year Pre-Kindergarten and Kindergarten classes were added;

WHEREAS, during the 2007-2008 school year Washington became a Montessori magnet school as it continues to be today;

WHEREAS, the mission of Washington Montessori School is to develop and maintain a caring, positive student-centered learning environment emphasizing academic and social achievement;

WHEREAS, Washington Montessori School is one of three public Montessori Schools in Guilford County and has 415 students and 64 staff members, 23 of which are classroom teachers;

WHEREAS, the four Village Codes Washington Montessori School adheres to are respect yourself, respect others, respect learning and do the right thing.

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

That it hereby recognizes Washington Montessori School on the celebration of its 100th Anniversary.

(Signed) Sharon Hightower

**3. [ID 15-0417](#) Resolution in Support of the CONNECT NC Bond Initiative**

Mayor Vaughan read the resolution into the record.

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

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

159-15 RESOLUTION IN SUPPORT OF CONNECT NC BOND INITIATIVE

WHEREAS, North Carolina Governor Pat McCrory recently unveiled the CONNECT NC bond proposals program that looks to connect NC cities and towns by building roads, upgrading technology, and constructing education facilities;

WHEREAS, it has been fifteen years since the last general obligation bond was authorized to improve public infrastructure, which has resulted in years of deferred investment;

WHEREAS, the State's rapidly growing population presents critical infrastructure needs;

WHEREAS, new school facilities and superior roads and bridges are long-term investments in the State's future that will support growth and make North Carolina more attractive to businesses and residents;

WHEREAS, no tax increases are necessary to finance the bonds given the ample debt service capacity within our existing revenue profile;

WHEREAS, the approximate \$1.5B in statewide bonds are well within current debt affordability as determined by the State Treasurer and the nonpartisan Debt Affordability Committee;

WHEREAS, North Carolina has a long and successful history of judiciously using long-term financing to meet its infrastructure needs;

WHEREAS, the bond proposals contain projects that would directly benefit Greensboro, Guilford County, and the Piedmont Triad Region;

WHEREAS, interest rates are at historical lows and it has never been less expensive to make long term investments.

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

That it hereby supports the CONNECT NC bond initiative pending in the General Assembly.

(Signed) Nancy Vaughan

**4. [ID 15-0418](#) Resolution Recognizing Dr. Irish Spencer for her Work with the Welfare Reform Liaison Project**

Mayor Vaughan recognized former High Point Mayor Bernita Simms in the audience.

Councilmember Fox read the resolution into the record; and presented Ms. Spencer with the resolution.

Ms. Spencer thanked Councilmember Fox and Council for the resolution; spoke to her experience at the White House; voiced that all should be helping the least of these; and recognized her family in the audience.

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

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

146-15 RESOLUTION RECOGNIZING DR. IRISH SPENCER FOR HER WORK WITH THE WELFARE REFORM LIAISON PROJECT AND TO CONGRATULATE HER ON THE RECEIPT OF THE 'CHAMPION OF CHANGE' AWARD

WHEREAS, the Welfare Reform Liaison Project (WRLP) is an organization that began in 1998 as the brain child of Bishop George W. Brooks and Reverend Odell Cleveland, two local leaders at Mount Zion Baptist Church in Greensboro;

WHEREAS, WRLP, Inc. is a federally funded community action agency focused on workforce development which

partners with local charities, schools and other community groups in eradicating poverty in Guilford County;

WHEREAS, the work of WRLP continues under the professional leadership of Dr. Irish Spencer, an award winning local leader who sits on many community boards and committees and has built a wealth of contacts among the Triad's leaders throughout her career as a station manager at Entercom Radio and a partner in the Spencer Group, Inc.;

WHEREAS, on May 1, 2015 Dr. Spencer's hard work and determination to 'Help the least of these' was recognized nationally during a White House ceremony which presented her with the 'Champion of Change' award;

WHEREAS, Dr. Spencer joined VISTA, Volunteers in Service to America and has worked with Big Brothers Big Sisters in Greensboro where she developed new programs that have received statewide recognition and was the first graduate of the liberal studies degree program with a concentration in African American Studies from North Carolina A&T State University; received a master's in humanities from Tiffin University in Ohio and a doctorate in management from Colorado Technical University;

WHEREAS, Dr. Spencer can be heard every Saturday on the Wild Irish Rose Show as the voice of North Carolina A&T State University at 12 noon on 90.1 WNAA ;

WHEREAS, some of the many awards Dr. Spencer has received include the Minority and Women in Business Who's Who Award, Hayes Taylor YMCA Community Service Award, Leslie Advertising Top Media Award, MEAC Leadership Cup, NAACP Trailblazer Award, ACC NCAA Sponsorship Recognition Award, Walter Reed Academic Cup, National Black Achievers Award for Business and Industry and the International Civil Rights Center and Museum Recognition Pioneer Award.

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

That on behalf of the citizens of Greensboro it hereby wishes to recognize Dr. Irish Spencer for her hard work and dedication with the Welfare Reform Liaison Project and to congratulate her on the receipt of the 'Champion of Change' award.

(Signed) Yvonne J. Johnson

## **II. PUBLIC COMMENT PERIOD**

Luther Falls, 1603 Lansdown Avenue stated he enjoyed attending Council meetings; referenced a meeting he had with Deputy Chief Hinson and others regarding the Police Department and community relations; voiced the need to pool resources to help improve relationships; referenced other programs in the works to work with the community and police to create a positive atmosphere; thanked Council for the recognition of small businesses; asked for continued support for small business and entrepreneurship; congratulated Washington Montessori School on the resolution; and thanked Council for their service.

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

Mayor Vaughan asked if anyone wished to remove any items from the Consent Agenda. Councilmember Hightower requested Item #13/ID15-0404 be removed for discussion.

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

5. [ID 15-0392](#) Resolution Authorizing Contract # 2015-10281 with SirsiDynix for Integrated Library System Maintenance for an Estimated Amount Not to Exceed \$349,571.94

147-15 RESOLUTION AUTHORIZING CONTRACT # 2015-10281 WITH SIRSIDYNIX FOR INTEGRATED LIBRARY SYSTEM MAINTENANCE

WHEREAS, the Library uses an Integrated Library System of software, hardware and maintenance that has been

provided by SirsiDynax since 2004; and

WHEREAS, the Library has annually contracted SirsiDynax, the Integrated Library System vendor located in Provo, Utah, for the ILS maintenance services on their system.

WHEREAS, the system was purchased with the intent to use for as long as it meets the needs of the Library; and

WHEREAS, a recent assessment found the system continues to provide staff and patrons with positive experiences and reliable service; and

WHEREAS, the Library wishes to enter into a five-year maintenance agreement with SirsiDynax that will provide a fixed and capped cost, saving the City money over the five-year period; and

WHEREAS, the annual maintenance fee is estimated at approximately \$63,894 per year including capped price adjustments over the five-year contract term; and

WHEREAS, the total value of the 5-year agreement is estimated at approximately \$349,571.94, which covers server replacement fees and provides a small contingency for future upgrades to software and hardware that are anticipated; and

WHEREAS, under the City's current policy, service contracts totaling \$100,000 or more require City Council approval; and

WHEREAS, funding is subject to City Council approval of future fiscal year budget appropriations.

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

That the City is authorized to enter into Contract No. 2015-10281 with SirsiDynax for annual Integrated Library System Maintenance Services. 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 with a five year term for an estimated annual value of \$63,894 per year including capped price adjustments over the five-year contract term for a total estimated contract value of \$349,571.94.

(Signed) Jamal Fox

**6. [ID 15-0350](#) Resolution Authorizing Purchase in the Amount of \$28,000 of Property Located at 5714 West Market Street for the West Market Street/College Road Intersection and Sidewalk Project**

**148-15 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 5714 WEST MARKET STREET FOR THE WEST MARKET STREET/COLLEGE ROAD INTERSECTION AND SIDEWALK PROJECT**

WHEREAS, in connection with the West Market Street/College Road Intersection and Sidewalk project, a portion of the property owned by Public Storage, Inc., Parcel 0075108 is required by the City for said project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$24,982 but the property owner has agreed to settle for the price of \$28,000, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

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

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

That the agreed price of the above mentioned portion of property in the amount of \$28,000 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 401-4547-01.6012 Activity A11168.

(Signed) Jamal Fox

7. [ID 15-0365](#) Ordinance in the Amount of \$5,000 Appropriating State, Federal and Other Grants Fund Budget for the Appropriation of Additional US Secret Service Financial Crimes Task Force Funds FY 14-15

15-058 ORDINANCE APPROPRIATING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF ADDITIONAL 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	\$ 4617
220-3508-04.4510	FICA Contribution	\$ 73
220-3508-04.4520	Retirement Contribution	\$ 310

TOTAL: \$ 5,000

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	\$ 5,000

TOTAL: \$ 5,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

8. [ID 15-0385](#) Resolution Authorizing Termination of Encroachment Agreement Between the City of Greensboro and American Express Travel Related Services Company, Inc at 7701 Airport Center Drive.

149-15 RESOLUTION AUTHORIZING TERMINATION OF ENCROACHMENT AGREEMENT BETWEEN THE CITY OF GREENSBORO AND AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC. AT 7701 AIRPORT CENTER DRIVE

WHEREAS, on April 20, 1999 City Council approved the American Express Travel Related Services Company, Inc. Amex encroachment beneath 7701 Airport Center Drive;

WHEREAS, a partial termination of said encroachment agreement was approved by City Council on September 16, 2008 leaving sixty (60) linear feet of fiber optic lines for continued use;

WHEREAS, Amex has removed the remaining fiber optic connection, sealed the conduit and is requesting to have the agreement fully terminated;



WHEREAS, the encroachment termination has been reviewed and approved by staff;

WHEREAS, any expenses related to the maintenance and repair related to the unused remaining conduit are the responsibility of Amex.

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

That the termination of the encroachment agreement between the City of Greensboro and American Express Travel Related Services Company, Inc. at 7701 Airport Center Drive is hereby authorized.

(Signed) Jamal Fox

**9. [ID 15-0389](#) Resolution Authorizing Global Encroachment Agreement Between the City of Greensboro and AECOM Technical Services of North Carolina, Inc. for Encroachment Into City Right-of-Way**

150-15 RESOLUTION AUTHORIZING GLOBAL ENCROACHMENT AGREEMENT BETWEEN THE CITY OF GREENSBORO AND AECOM TECHNICAL SERVICES OF NORTH CAROLINA, INC. FOR ENCROACHMENT INTO CITY RIGHT-OF-WAY

WHEREAS, AECOM Technical Services of North Carolina, Inc. (AECOM) has requested to use the City right-of-way to check for contamination, investigate any related subsurface or surface conditions and take necessary response actions related to Burnett's Cleaners and Laundry located at 1932 East Market Street;

WHEREAS, AECOM works as a contractor for the North Carolina Department of Environment and Natural Resources and will initially be taking soil, water and air samples within the platted right-of-way of Rankin Street to ensure the dry cleaner's compliance with regard to the North Carolina Dry Cleaning Solvent Cleanup Act program;

WHEREAS, under the temporary global encroachment agreement, AECOM may take other actions related to the investigation of surface and surface conditions by constructing temporary and permanent monitoring wells with each future location to be approved by the appropriate City departments;

WHEREAS, AECOM has agreed to enter into an Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur as a result of construction of temporary and permanent monitoring wells within said right-of-way;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said building in accordance with the terms and conditions of the agreement presented herewith this day.

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

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate global encroachment agreement with AECOM to permit actions related to the investigation of surface and surface conditions by constructing temporary and permanent monitoring wells with each future location to be approved by the appropriate City departments all in accordance with the terms and conditions set out therein.

(Signed) Jamal Fox

**10. [ID 15-0393](#) Resolution Authorizing Municipal Agreement with NC Department of Transportation for West Market Street Improvements and Walker Avenue Sidewalk Project (EL-5101 DP)**

151-15 RESOLUTION AUTHORIZING MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR WEST MARKET STREET IMPROVEMENTS AND WALKER AVENUE SIDEWALK PROJECT (EL-5101 DP)



WHEREAS, the Greensboro Urban Area Metropolitan Planning Organization in an ongoing effort to support and implement multi-modal transportation needs in the Greensboro area, has directed federal funding to the City of Greensboro for Intersection and Sidewalk Improvement Projects; and

WHEREAS, the City of Greensboro and the North Carolina Department of Transportation previously entered into a Municipal Agreement for project EL-5101DP for \$320,000 in federal funds; and,

WHEREAS, an additional \$236,000 in STP-DA funding has been provided; and,

WHEREAS, the City is to provide an additional \$59,000 in bond funds for the required local match.

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

That said project amendment is hereby formally approved by the City Council of the City of Greensboro and that the City Manager and Clerk are hereby empowered to sign and execute the amended agreement with the North Carolina Department of Transportation for Project EL-5101DP.

(Signed) Jamal Fox

**11. [ID 15-0395](#) Resolution Authorizing Amendment to Municipal Agreement with NC Department of Transportation for Market - College - Guilford College Intersection Improvements Project (U-5326)**

152-15 RESOLUTION AUTHORIZING AMENDMENT TO MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR MARKET – COLLEGE – GUILFORD COLLEGE INTERSECTION IMPROVEMENTS PROJECT (U-5326)

WHEREAS, the Greensboro Urban Area Metropolitan Planning Organization in its effort to support and implement multi-modal transportation needs in the Greensboro area has directed federal funding to the City of Greensboro for the Market – College – Guilford College Intersection Improvements Project; and

WHEREAS, the City of Greensboro and the North Carolina Department of Transportation are to enter into an amended Municipal Agreement in order to receive an additional \$320,000 in federal funding; and,

WHEREAS, the City of Greensboro shall provide a required local match of \$80,000.

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

That said project is hereby formally approved by the City Council of the City of Greensboro and that the City Manager and Clerk are hereby empowered to sign and execute the agreement with the North Carolina Department of Transportation for Project U-5326.

(Signed) Jamal Fox

**12. [ID 15-0396](#) Ordinance in the Amount of \$400,000 Amending Street and Sidewalk Capital Projects Fund Budget for Amendment to Municipal Agreement with NC Department of Transportation for Market - College - Guilford College Intersection Improvements Project (U-5326)**

15-059 ORDINANCE AMENDING STREET AND SIDEWALK CAPITAL PROJECT FUND BUDGET FOR PROJECT U-5326: MARKET – COLLEGE – GUILFORD COLLEGE INTERSECTION IMPROVEMENTS PROJECT

Section 1:

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

That additional appropriation for the Project U-5326: Market – College – Guilford College Intersection Improvements Project Budget be established as follows:

Account	Description	Amount
401-4547-01.6012	Land Right-of-Way	\$400,000
TOTAL		\$400,000

And, that this appropriation be financed by increasing the following revenue accounts:

Account	Description	Amount
401-4547-01.7110	State Grant	\$320,000
401-4547-01.9471	Local Matching Funds	\$ 80,000
TOTAL:		\$400,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Jamal Fox

**14. [ID 15-0401](#) Resolution Authorizing Lease Agreement for NCWorks Career Center Relocation and Merger**

**153-15 RESOLUTION AUTHORIZING LEASE AGREEMENT FOR NCWORKS CAREER CENTER RELOCATION AND MERGER**

WHEREAS, the Office of Workforce Development within the Executive Department serves as the administrative entity for the Greensboro/High Point/Guilford County Workforce Development Board (WDB) to provide services under the Workforce Investment Act (which will be replaced by the Workforce Innovation and Opportunity Act on July 1, 2015);

WHEREAS, the Greensboro/High Point/Guilford County Workforce Development Board (WDB) has statutory responsibility for oversight of publicly funded workforce delivery systems for all locations in Guilford County under the Workforce Investment Act (WIA) and the Workforce Innovation and Opportunity Act (WIOA);

WHEREAS, there are currently four (4) workforce service locations in Greensboro funded by US Department of Labor funds administered by the state and the City independently, including two NCWorks Career Centers (one of which currently houses the state employment service), and that Sections 121 and 303 of the new Workforce Innovation and Opportunity Act (WIOA) require that state employment service offices be co-located with workforce career centers and that none of the existing centers is large enough by itself to meet the co-location requirement;

WHEREAS, the WDB voted at its January 23, 2015 meeting to approve authorizing the City's Office of Workforce Development, using WIA/WIOA funds and within City guidelines and approval processes, to negotiate and execute a lease for a 34,109 square foot facility located at 2301 W. Meadowview Road and owned by SN Properties Funding V-Henderson, LLC to serve as the single site in the city to replace the four current locations;

WHEREAS, the property owner, SN Properties Funding V-Henderson LLC has proposed to renovate the entire interior space of the building to meet WDB specifications for a career center and assume 60% of a set renovation cost, while amortizing the balance over a ten (10) year lease and charging the rate of \$10 per square foot, inclusive of utilities (\$340,109 annually) for the entire term;

WHEREAS, the property owner has further agreed to offer the option of ending the lease after five years should the WDB/City deem it reasonable to do so (which would require that a set amount be paid by the City to the

property owner to compensate for unamortized renovation expense);

WHEREAS, the proposed rental rate, per information confirmed by the City's Property Management Section, is approximately 20% lower than comparable properties in the area, that the location has convenient public transportation and that it is the WDB's intention to remain in the building for a minimum of ten years to realize all cost savings;

WHEREAS, upon lease approval, the WDB will finalize a negotiated agreement to share operating expenses for the merged center with the NC Department of Commerce through a formal cost sharing agreement in which the WDB/City pays the building rental cost while the NC DOC pays the other operating expenses for center staff and public usage, such that the overall cost savings to the City would represent an estimated \$40,000 over current annual costs, while creating a positive impact for the citizens of Greensboro by improving the quality and streamlining the availability of workforce-related services;

WHEREAS, it is estimated that occupancy would not occur before December 1, 2015 and that the required funding of seven months of rent (\$198,970) for the expected cost in FY 2015-16 is budgeted in Workforce Investment Act fund accounts (which becomes the Workforce Innovation and Opportunity Act after July 1, 2015) and that no General Revenue funds are requested.

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

That the City Manager is authorized to negotiate and execute a lease agreement with SN Properties Funding V-Henderson LLC for the building at 2301 W. Meadowview Road in Greensboro in the amount of \$341,090 annually for a period of ten (10) years with an option to terminate after five years.

(Signed) Jamal Fox

**15. [ID 15-0378](#) Resolution Approving the Sole Source Purchase of SunGard Public Sector, Inc. for Mobile Computer Terminal and Freedom Software License Upgrade, Implementation and Maintenance**

154-15 RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF SUNGARD PUBLIC SECTOR, INC. FOR MOBILE COMPUTER TERMINAL AND FREEDOM SOFTWARE LICENSE UPGRADE, IMPLEMENTATION AND MAINTENANCE

WHEREAS, Guilford Metro 911 and Guilford County plan to implement a County-wide software licensing upgrade for SunGard Mobile Computer Terminal and Freedom software; and

WHEREAS, the software license upgrade and implementation will convert the current individual licenses to one enterprise-wide license that will be administered by the City through the Guilford Metro 911 Department; and

WHEREAS, to implement the Guilford County enterprise-wide software license upgrade agreements, a purchase agreement between the City and SunGard is required; and

WHEREAS, the savings from the enterprise-wide license upgrade and implementation is expected to total \$1,113,410 across agencies county-wide over ten years; and

WHEREAS, because the software licensing upgrade supports the existing software, which is proprietary, and the cost falls within the statutory formal range for purchase agreements (\$90,000 or above), the purchase with SunGard Public Sector, Inc. meets the requirements set forth in NCGS 143-129 enabling the City to sole source; and

WHEREAS, sole source approval by City Council is necessary in order to purchase the proprietary license upgrade without going out for bid.

WHEREAS, the proprietary software upgrade purchase and implementation contract will cost \$207,500 for software and \$5,480 for project implementation services for a total purchase cost of \$212,980. After the initial upgrade, annual maintenance will cost \$95,821; and

WHEREAS, the savings from the enterprise-wide license upgrade and implementation is expected to total \$1,113,410 across agencies county-wide over ten years; and

WHEREAS, this purchase is eligible under the State funded Guilford Metro 911 Surcharge Account; and

WHEREAS, funds are available in the current year budget.

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

That the City is authorized to enter into Contract No. 2015-10284 with SunGard Public Sector, Inc for Mobile Computer Terminal and Freedom Software License Upgrade, Implementation and Maintenance Services. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro an ongoing contract with an initial cost of \$212,980 and an annual maintenance cost of \$95,821 per year.

(Signed) Jamal Fox

**16. [ID 15-0390](#) Ordinance in the Amount of \$40,500 Amending the General Fund FY14/15 Budget (Economic Development)**

15-060 ORDINANCE AMENDING THE GENERAL FUND FY 14/15 BUDGET (ECONOMIC DEVELOPMENT) FOR THE APPROPRIATION OF FUNDS FOR THE PASS-THROUGH OF A NC DEPARTMENT OF COMMERCE – NC ONE FUND GRANT ECONOMIC DEVELOPMENT INCENTIVE GRANT COILPLUS, INC. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1:

That the FY 14/15 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Economic Development Incentive Fund be increased as follows:

Account	Description	Amount
101-0205-01.5933	Economic Development – Incentives	\$40,500.00
TOTAL:		\$40,500.00

and,

that this increase be financed by increasing the following Revenue Fund account:

Account	Description	Amount
101-0205-01.7110	Economic Development – State Government Grants	\$40,500.00
TOTAL		\$40,500.00

and,

Section 2:

That this ordinance be effective upon adoption.

(Signed) Jamal Fox

17. [ID 15-0402](#) Ordinance Amending Chapter 28.1 of the Greensboro Code of Ordinances with Respect to Telecommunications

15-061 AN ORDINANCE AMENDING CHAPTER 28.1 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO TELECOMMUNICATIONS

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

Section 1. That Sec. 28.1-18 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 28.1-18. - Franchise fees.

(a) [Franchise fees in general.] The city finds that:

(1) The public rights-of-way to be used by the grantee in the operation of its system within the boundaries of the franchise area are valuable public properties acquired and maintained by the county, state, and city at great expense to its taxpayers, and

(2) The grant to the grantee to the said streets is a valuable property right without which the grantee would be required to invest substantial capital in right-of-way costs and acquisitions, and

(3) The administration of this chapter or the franchise imposes upon the city additional regulatory responsibility and expense, and

(4) For the grantee's use of and presence in the city's rights-of-way the grantee of any franchise hereunder shall pay to the city a franchise fee in the amount specified in the franchise. This annual franchise payment shall commence as of the effective date of the franchise and shall be in the amount of thirty cents (\$0.30) per linear foot of the public right-of-way, whether aerial or underground, for the installed telecommunications system. Sharing of the installed telecommunications systems by grantees is permissible provided that the grantee which owns the installed telecommunications system continues timely payment of the franchise fee. The franchise shall contain a current certified statement furnished by the grantee of the total linear footage of the public's right-of-way occupied by the grantee or grantee's facilities. Upon the city's request, the grantee shall provide an independent audited statement with supporting documentation of the grantee's total linear footage presence in the city's right-of-way. The annual franchise payment shall be in addition to any other applicable fee.

(5) Exemptions. Per G.S. § 160A-274, government or governmental entities owning telecommunications systems which provide governmental telecommunications services to governmental facilities shall be exempt from section 28.1-18, franchise fees.

(b) Franchise fee in addition to other tax or payments. This payment shall be in addition to any other tax or payment owed to the governments or other taxing jurisdiction by the grantee, unless such tax or payment is deemed a franchise fee under applicable law.

(c) Acceptance by the city. No acceptance of any payment by the city shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation of the grantee.

(d) Failure to make required payment. In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, grantee shall pay as additional compensation an interest charge, computed from such due date, at the annual rate equal to the commercial prime interest rate of the city's primary depository bank during the period that such unpaid amount is owed.

(e) Payments to be made yearly. The franchise fee and any other cost or damages assessed shall be payable yearly to the city and said payment shall be made to the city not later than thirty (30) days after the expiration of each calendar year.

(f) The city's right to inspection. The city shall have the right to inspect the grantee's records pertaining to the presence and location of the grantee's facilities, system or equipment in the public's right-of-way. Access to the aforementioned records shall not be denied by the grantee on the basis that said records contain "proprietary" information, but the city shall treat all such proprietary information to which it is given access as confidential and not copy or disclose it. Notwithstanding the above, the grantor shall be governed by the requirement of G.S. Ch. 132 relating to public records.

(g) Advance payment. The grantee may prepay the annual fee up to five (5) years in advance, provided that grantee at all times remains responsible for all changes in the number of linear feet of the right-of-way occupied by grantee.

(Signed) Jamal Fox

**18. [ID 15-0394](#) Resolution Approving Contract # 2015-10254 for Mowing and Lot Clean-Up Services**

155-15 RESOLUTION APPROVING CONTRACT # 2015-10254 FOR MOWING AND LOT CLEAN-UP SERVICES

WHEREAS, the Planning Department is responsible for mowing and lot clean up of properties owned by the Redevelopment Commission and Greensboro Housing Development and Partnership; and

WHEREAS, the Planning Department uses contracted services to perform this work; and

WHEREAS, at the request of the Planning Department the Centralized Contracting Division conducted an on-line competitive request for Proposals (RFP) for Mowing and Lot Clean-up Services through the Greensboro Electronic Procurement System; and

WHEREAS, J.W. Wright & Associates Ltd., a business with offices located in Pleasant Garden, NC, is recommended for this contract based on the Best Value standard of award considering pricing, experience and capacity; and.

WHEREAS, the initial contract term begins on June 1, 2015 and is for a 13-month period with the total estimated value for the contract is \$152,425; and

WHEREAS, City Council approval is required for contracts valued at \$100,000 or more; and

Council is requested to adopt the attached Resolution Approving Contract # 2015-10254 for Mowing and Lot Clean-up Services.

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

That the City is authorized to enter into Contract No. 2015-10254 with J.W. Wright & Associates, Ltd. for Mowing and Lot Clean-up Services for properties owned by the Redevelopment Commission and Greensboro Housing Development and Partnership. 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 for one year for an estimated value of \$ 152,425 for a 13 month term.

(Signed) Jamal Fox

**19. [ID 15-0383](#) Motion to Make a Part of the Official Record the Coliseum Contracts that are Currently Eligible for Destruction as per the City Clerk's Office**

Motion to make a part of the official record the Coliseum contracts that are currently eligible for destruction as per the City Clerk's office was adopted.

**20. [ID 15-0412](#) Budget Adjustments Requiring Council Approval 4/28/15-5/11/15**

Motion to approve the budget adjustments of April 28 through May 11, 2015 over the amount of \$50,000 was adopted.

**21. [ID 15-0411](#) Budget Adjustments Approved by Budget Officer 4/28/15-5/11/15**

Motion to accept the report of budget adjustments of April 28 through May 11, 2015 was adopted.

**22. [ID 15-0409](#) Motion to Approve the Minutes of the Regular Meeting of April 21, 2015**

Motion to approve the minutes of the Regular meeting of April 21, 2015 was adopted.

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**23. [ID 15-0415](#) Motion to Approve the Minutes of the Work Session of April 28, 2015**

Motion to approve the minutes of the Work Session of April 28, 2015 was adopted.

**13. [ID 15-0404](#) Resolution Approving a Utility Agreement with the North Carolina Department of Transportation in the Amount of \$420,523**

Councilmember Hightower inquired as to the City's role in the project; if City dollars would be utilized for the project; and about the State M/WBE requirements.

Assistant City Manager David Parrish provided an explanation of the City's role in the project; spoke to the parameters of the project; explained that the State M/WBE requirements superceded the City's; verified the state would use their contractors; and that the item would not come back to Council.

City Manager Westmoreland was requested to research the M/WBE requirements and goal settings for the state contractors utilized for the project.

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

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

156-15 RESOLUTION APPROVING UTILITY AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND THE CITY OF GREENSBORO FOR PROJECT I-5110

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for Project I-5110 for construction of a roadway project that will run from the existing Joseph M. Bryan Boulevard/Airport Parkway interchange near Piedmont Triad International Airport to N.C. 68;

WHEREAS, said Department of Transportation and the City of Greensboro propose to enter into an Agreement to support construction activities related to relocating and abandoning existing water and sewer infrastructure in conflict with the project;

WHEREAS, the lines and associated adjustments have been included in the construction contract with an estimated cost to the City of Greensboro of \$420,523.

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

That the Utility Agreement for Project I-5110 is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of the City are hereby empowered to sign and execute the Agreement with the Department of Transportation; and a budget adjustment in the amount of \$420,523 will be charged to Account No. 503-7024-01.5615.

(Signed) Sharon Hightower

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

**25. [ID 15-0386](#) Resolution Confirming the Assessment Roll for a Water Line Improvement on Four Farms Road from an Existing 8" Line South of Four Farms Road & Horse Pen Creek Road Intersection, Approximately 2500' South to the End of Four Farms Road**

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

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



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

F-186 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

FOUR FARMS ROAD FROM AN EXISTING 8" LINE SOUTH OF FOUR FARMS ROAD & HORSE PEN CREEK ROAD INTERSECTION, APPROXIMATELY 2500' SOUTH TO THE END OF FOUR FARMS ROAD - P04722

WHEREAS, on the 6th day of January, 2009, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Water Main Improvements. That a water main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including sewer laterals where none exist and sewer main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

FOUR FARMS ROAD WATER - EXISTING 8" LINE SOUTH OF FOUR FARMS RD & HORSE PEN CREEK RD INTERSECTION, APPROX. 2500' SOUTH TO THE END OF FOUR FARMS RD

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

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the amount assessed as shown by the preliminary assessment roll shall be held in abeyance, without interest, until such lot is connected to the utility for which assessment was made. At the time of connection the assessment is payable with the terms set out in the assessment resolution.
4. That the general plan map is hereby confirmed at 5:30 p.m., on the 19th day of May, 2015, and is hereby made the final assessment roll for the improvements.
5. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
6. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 90 days from the date of today's May 19, 2015 City Council meeting.
7. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in ten equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
8. That the first of the installments thereon shall become due and payable no later than (1) one year (three hundred sixty-five (365) days) following confirmation, with yearly installments being due and payable each successive year with the final installment being due and payable no later than one hundred twenty (120) months after the confirmation date when assessment should be paid in full.

(Signed) Zack Matheny

26. [ID 15-0387](#) Resolution Confirming the Assessment Roll for a Sewer Line Improvement on Four Farms Road from the End of Four Farms Road at the Brinton Drive Outfall, Approximately 2600' Northerly to 4355 Four Farms Road

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

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

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

#### F-185 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

FOUR FARMS ROAD FROM THE END OF FOUR FARMS ROAD AT THE PROPOSED MH OF BRINTON DRIVE OUTFALL, APPROXIMATELY 2600' NORTHERLY TO 4355 FOUR FARMS ROAD - P04724

WHEREAS, on the 6th day of January, 2009, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Sewer Main Improvements. That a sanitary sewer main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals be laid for the proper connection of abutting property with the sewer main.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

FOUR FARMS ROAD AREA SEWER - END OF FOUR FARMS RD. AT THE PROPOSED MH OF BRINTON DR OUTFALL, APPROX. 2600' NORTHERLY TO 4355 FOUR FARMS RD

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

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the amount assessed as shown by the preliminary assessment roll shall be held in abeyance, without interest, until such lot is connected to the utility for which assessment was made. At the time of connection the assessment is payable with the terms set out in the assessment resolution.
4. That the general plan map is hereby confirmed at 5:30 p.m., on the 19th day of May, 2015, and is hereby made the final assessment roll for the improvements.
5. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.

6. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 90 days from the date of today's May 19, 2015 City Council meeting.

7. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in ten equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

8. That the first of the installments thereon shall become due and payable no later than (1) one year (three hundred sixty-five (365) days) following confirmation, with yearly installments being due and payable each successive year with the final installment being due and payable no later than one hundred twenty (120) months after the confirmation date when assessment should be paid in full.

(Signed) Yvonne J. Johnson

**27. [ID 15-0388](#) Resolution Confirming the Assessment Roll for a Sewer Line Improvement on Brinton Drive from Brinton Drive Cul-De-Sac to Horse Pen Creek Road**

There being no speakers to the item, it was moved by Councilmember Matheny, seconded by Councilmember Barber to close the public hearing. The motion carried by voice.

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

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

**B-332 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS**

**BRINTON DRIVE FROM BRINTON DRIVE CUL-DE-SAC TO HORSE PEN CREEK ROAD - P04726A**

WHEREAS, on the 6th day of January, 2009, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Sewer Main Improvements. That a sanitary sewer main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals be laid for the proper connection of abutting property with the sewer main.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

**BRINTON DRIVE SEWER (AS-BUILT) - BRINTON DR CUL-DE-SAC TO HORSE PEN CREEK RD STA. 0+00.00 TO STA. 5+09.77**

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

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.

2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.

3. That the amount assessed as shown by the preliminary assessment roll shall be held in abeyance, without interest, until such lot is connected to the utility for which assessment was made. At the time of connection the assessment is payable with the terms set out in the assessment resolution.

4. That the general plan map is hereby confirmed at 5:30 p.m., on the 19th day of May, 2015, and is hereby made the final assessment roll for the improvements.

5. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.

6. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 90 days from the date of today's May 19, 2015 City Council meeting.

7. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in ten equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

8. That the first of the installments thereon shall become due and payable no later than (1) one year (three hundred sixty-five (365) days) following confirmation, with yearly installments being due and payable each successive year with the final installment being due and payable no later than one hundred twenty (120) months after the confirmation date when assessment should be paid in full.

(Signed) Zack Matheny

**28. [ID 15-0405](#) Ordinance Amending the Generalized Future Land Use Map (GFLUM) of the Connections 2025 Comprehensive Plan - W. Friendly Avenue and Hobbs Road**

Mayor Vaughan introduced Items #28 and #29 together; stated there were 25 speakers opposed to the item; verified that zoning hearings allowed for 15 minutes in favor, 15 minutes in opposition and 5 minute rebuttal for each side; and asked that those speakers in opposition to organize themselves to speak.

City Manager Westmoreland stated there were additional new conditions; and recognized Planning Manager Mike Kirkman to speak to the item.

City Attorney Tom Carruthers spoke to the amended conditions proposed by the developer; verified that the sections of the ordinance had been revised to include the amended conditions and acreage; confirmed that the revised ordinance had been included in the Council packets; and confirmed that the description had been amended to reflect the correct acreage amount.

The attorney for the opposition stated he had no objection to the amended conditions.

Mike Kirkman read the proposed conditions.

Moved by Councilmember Matheny, seconded by Councilmember Hoffmann to accept the conditions as stated. The motion carried by voice vote with Councilmember Abuzuaiter voting 'no'.

Mr. Kirkman reviewed the request; presented maps; aerial photographs and diagrams to illustrate the site and surrounding property; read the conditions attached to the zoning request; and stated that the Zoning Commission and staff had recommended approval of the request.

Discussion took place regarding a portion of the property being zoned office with the remainder zoned residential; measures put in place to protect the neighbors from negative impact; traffic concerns as Hobbs Road was only

two lanes; information on traffic impact and property values; and the property allowing for a creative and flexible design as there were multiple conditions included in the request.

Speakers in favor of the item:

Attorney Tom Terrell, 300 North Greene Street made a PowerPoint Presentation; provided the historical perspective of the project; spoke to his lifelong residency in Greensboro; referenced the rezoning in 1973; stated the seller's son was in the audience; referenced the opposition to the rezoning for the Shops at Friendly Center; increase in property tax values as a result of that project; verified that the project was classic infill; emphasized that the aged homes would continue to deteriorate; stated that the City had four applications from three developers in the past three years for rezoning of the site; and provided an artist's concept of the proposed project.

Councilmember Wilkins left the meeting at 6:31 p.m. and returned at 6:33 p.m.

Attorney Terrell continued by outlining the maximum amount of retail space allotted for the project; stated a tree survey had been conducted to preserve as many of the existing trees as possible; explained that there had been numerous neighborhood meetings; reviewed the traffic study and impact; and provided numbers for the amount of cars that would be on the road at peak hours and the level of service that would be impacted. Attorney Terrell verified they had heard from citizens throughout the City regarding the project; provided the estimated sales tax revenue that would be recognized as a result of the project; stated that Halpern Developers was willing to work with the neighbors; referenced letters and items in the handout provided to Council; verified an agreement had been reached with the owners whose properties abutted the project; spoke to persons in opposition who lived two to three miles away; emphasized that the Planning Board supported the project as well as staff; stated the rezoning was reasonable and compatible with the adjoining properties; and asked for Council's support of the rezoning.

Discussion took place regarding the sales tax calculation; increased traffic in the area; and what the traffic study was based on.

John Davenport of John Davenport Engineering, Inc. outlined the methodology of conducting traffic studies; spoke to how traffic was elevated; the time for traffic to get through intersections; referenced previous projects and improvements that would be made which would decrease the level of service; referenced the proposed realignment to assist with the level of service; verified improvements would be made to mitigate how the level of service would function; stated that the study did not go into residential areas; and that the increased traffic would be mitigated by the proposed improvements.

Councilmember Abuzuaiter inquired if commercial areas had four lanes; voiced concern with increased traffic along Hobbs Road; asked if the developer would mitigate the two lane road; if counsel was aware that five or six businesses had left the Shops at Friendly; and spoke to the tax value of homes in the area.

Mr. Davenport defined major and minor thoroughfares as well as what were considered major collector streets.

Attorney Terrell addressed the area Hobbs Road currently served; the level of service at the intersection; spoke to high turnover rate at retail centers; replacement factor at the Shops at Friendly; reiterated that the proposed site was a hot retail corner; and stated that the six homes would not be bought by someone who wanted to live in them as single family residences.

Discussion ensued regarding persons speaking in support of the rezoning; and negative points from persons opposing the rezoning; and the proximity of those in opposition to the site.

Councilmember Hightower voiced concern as to how the City solidified that the residential portion would become part of the plan; asked about the restrictive covenants that would be in place; and what would preclude the developer from deciding not to build residential.

Attorney Terrell referenced the language in the agreement with Hobbs Landing; and spoke to language that would be required in the covenants to be used permanently unless released by the homeowners.

City Attorney Carruthers noted that Council was voting on the Comprehensive Plan amendment and the rezoning amendments; emphasized that private contracts were not relevant to the rezoning; spoke to what Council was being asked to consider this evening; and stated that conditional use rezoning was an ordinance which applied to the land and had the full operation of law which would require another rezoning hearing for the developer to change the conditions adopted by Council tonight.

Mayor Vaughan interjected that if the developer chose to change the conditions another rezoning hearing would need to take place; reminded Council what could be discussed this evening; and stated Council would now hear from the opponents.

Speakers in opposition to the item:

Attorney Don Eggleston, 2100 East Wendover Avenue appeared on behalf of the Friendly Coalition; spoke to what made the City a desirable location in which to live; stated Greensboro was an attractive place to live and raise a family; emphasized that just because the site was a hot corner it did not justify that the corner should be rezoned; stated that there needed to be a good and overwhelming need to change what the City fathers had designated was the usefulness of a piece of property; referenced the GFLUM; and voiced that he would argue that the burden should be on the person who wanted to change the zoning to show Council that there was an overwhelming purpose and reason why Council should change the neighborhood. Mr. Eggleston continued that the area residents were concerned about pedestrians and persons crossing the road in the area; that the proposed project would increase the demands of the traffic; would be dangerous, noisy and a burdensome to the area; added that Hobbs Road would need to be redesigned as a result of the expansion; spoke to the entrance and exit of the proposed center; referenced the number of vehicles along Friendly Avenue; emphasized that they were talking about quality of life of the neighborhood; spoke to concerns of residents versus the concerns of a developer who lived in Atlanta; referenced a handout he had provided to Council; asked what a grocery store would add to the neighborhood; provided an aerial view which highlighted other commercial sites available for development which did not need to be rezoned in close proximity to the site; stated the project would take business away from other parts of the City; added that Council needed to hear from the 210 concerned citizens that were here this evening; reminded Council they represented those people; and emphasized the numbers of people who were opposed to the project.

Judith Howle, 2 Ramsgate Court spoke to private citizens working to create beautiful parks two of which would be located 700 feet from the proposed location; reiterated that Hobbs Road was not designed to handle the traffic; voiced concern with the need to cross the street to get from one park to another; reminded Council of the peaceful environment which would be impacted by the increased traffic; emphasized that the citizens were proud of their parks; and asked Council to deny the request.

Mike Skertich, 6233 Stonewick Drive, Jamestown stated he was the owner of Gate City Pharmacy; was at the Center daily; provided his view as a business owner; referenced locally owned businesses and businesses in the community; added that the dollars remained in the local economy; and that the area did not need an additional shopping center.

Discussion took place regarding the size and location of the three alternative commercial sites; the number of people living in the concentrated vicinity of said sites; the interested developers being from out of state; whether local developers had approached the owners regarding development of the proposed site; that an alternative hypothetical proposal was not part of Council's deliberation; confirmation that there was not an offer on the table by a local developer; correction that the alternative three sites were zoned for office and business park use, not commercial; and whether those lots could be rezoned without any residential interference.

Mr. Kirkman spoke to the limitations of office and business park zoning; verified that each case would need to be reviewed individually; spoke to the recent rezoning on a property on the north side of Green Valley Road; and spoke to the surrounding areas.

Councilmember Wilkins spoke to the possible rezoning of the three alternative sites; questioned if those properties could be rezoned without residential opposition; and spoke to the utilization of properties in the area that would not impact residential areas.

Councilmember Matheny spoke to the use of a protest petition in a rezoning issue.

Mayor Vaughan interjected that Council needed to focus on the public hearing at hand.

In rebuttal in favor of the rezoning Jack Halpern, Chairman of Halpern Developers stated he was an Atlanta Developer; spoke to his history in the shopping center business; verified Halpern owned more than 30 shopping centers in 50 different communities; emphasized that Halpern was a long term holder of its properties; stated that Halpern leased and managed their own properties; and asked for Council's support.

Attorney Terrell spoke to there being no philosophy of government whether it decided which businesses would compete; spoke to the formula used by the retailers when choosing a location; outlined the sophisticated calculus to decide where consumers spend their money; reiterated that the City did not have local developers who did site selection for national retailers; and stated that these developers went across the country finding sites for retailers.

Discussion ensued regarding how Greensboro was chosen; if there were specific retailers located in the site; if the center was close to being full; clarification on the jobs that would be created as a result of the project; and restrictive covenants preventing a second grocery store in Friendly Center.

Mr. Terrell referenced the thousands of retailers in the country; stated that Greensboro had been on the development team's radar; that there will be seven to ten smaller shops in the proposed site; and verified that a grocery store could not be located at Friendly Center.

City Attorney Carruthers confirmed that when discussing future use types of stores going into the center, it was for illustrative purposes only.

Randy Rabin, 3516 West Friendly Avenue stated his mother and brother lived at the site; referenced access to the road and noise along Friendly Avenue; voiced concern that the opponents had offered a development that would have 36 townhouses, about 100 residents and about 70 cars; and emphasized that commercial development would be a better alternative on the site than residential.

In rebuttal in opposition to the rezoning Alan Atwell, 536 Audobon Drive stated he represented the Hamilton Lakes community which had over 1900 homes; spoke to when Hamilton Lakes was incorporated into the City; voiced commitment to preserving the residential zoning within the area; and asked that Council reject the rezoning.

Chad Cheek, 3007 Starmount Farms Drive stated he lived less than 100 yards from the proposed site; and voiced concern with the difficulty getting out of the neighborhood.

Walter Phar, 2909 Crossfield Drive stated he was opposed to the rezoning.

Attorney Eggleston voiced appreciation that Council was reminded what their charge was; reiterated that Council's charge was to represent the people of the City of Greensboro; asked those in the audience in opposition to the rezoning to stand; that Council consider the needs of those in opposition; read an eight year old citizen's concern that appeared in the paper; and asked Council to consider those in opposition when deciding the issue.

Moved by Councilmember Fox, seconded by Mayor Pro-Tem Johnson to close the public hearing. The motion carried by voice vote.

Councilmember Hoffmann offered a quote from John F. Kennedy; spoke to society constantly changing and evolving; referenced the conception of Friendly Center; emphasized that the area was a model of living that was urban and highly connected; added that walkability was a citywide goal; referenced neighborhoods of the future where neighborhoods would blend seamlessly into shopping areas; stated this would be the City's contribution to a safer and cleaner planet; that the neighborhood must be prepared to meet the future needs; spoke to changes that were designed carefully and thoughtfully; reminded Council that the free market had spoken three times in the past three years; that the value of the land increased each time; that it would be unlikely that market forces would change in the future; and stated the City would continue to face the drama of the rezoning process. Councilmember Hoffmann continued that Council had heard the case presented by each side; referenced the



difficult decisions which required Council to be thoughtful in reaching a consensus and reachable outcome; emphasized it would require compromise and the parties being flexible; added that the City could not say 'no' to development as it could set the City back; outlined the companies who developed in Greensboro early on; stated that every rezoning must stand on its own merits and the environment in which it was being considered; referenced development in Raleigh; stated she would work to update the City's Comprehensive Plan within the next six months as well as work through the issues; spoke to the obligations of elected officials; reminded Council it needed to be respectful of all points of view; and added that the neighbors at Hobbs Landing had expressed support; and that the church had expressed neutrality. Councilmember Hoffmann reminded Council that the community was highly controversial when Hobbs Landing was built in 1984 and 85; that today it was admired for its design and integration into the neighborhood; referenced neighbors that had expressed opposition to the development; emphasized that she had listened and heard all voices; referenced the vote 'no' emails; read from four supportive emails; voiced that the City needed to move forward with the rezoning request for multi use which was appropriate for the neighborhood's future; stated that leadership was about the next decade, not about the next election; spoke to the need to always strive to be better; and added that all had worked hard to get a solution that integrated into the neighborhood.

Councilmember Abuzuaiter stated she believed in change for the good but that she also believed the City could change for the good by not destroying its neighborhoods; voiced concern that many neighborhoods were fragile; added that she had responded to every email and had gotten responses back from people that lived in the area; spoke to the debate regarding the reopening of the land fill; voiced the need to care about the whole community of Greensboro; and voiced concerns that the development of the residential portion of the project would not occur. Councilmember Abuzuaiter expressed concerns with difficulty in exiting Hobbs Road left onto Friendly Avenue; asked Council to keep in mind that the community was at a crossroads; emphasized that the proposed \$400,000 condos were not affordable housing; stated she stood solid on her stance in opposition to the rezoning for three years; and emphasized the proposed development was not good for the community or Greensboro.

Councilmember Barber voiced appreciation to those who were in attendance; sent emails; and contacted Council by phone; stated that he had spoken with both Attorneys Eggleston and Terrell; verified that both sides were well represented; added that he lived 800 steps from the corner of Hobbs and Friendly; provided his history of residency in Greensboro; stated that the intersection at Hobbs and Friendly was confusing but that this project would fix that; stated that, although there would be additional stores and traffic, that the existing structures which did not look good would be raised; verified the wall for the Wedgewood neighborhood would be extended; commended Councilmember Hoffmann on being steadfast on the project for the past 18 months; and stated she did an excellent job representing her neighborhood. Councilmember Barber continued that Council needed to give those who lived closest some significant weight in the decision; stated he had watched the video of the Zoning Commission; spoke to an economic argument regarding jobs; referenced the tax base; voiced that he did not think there would be commercial creep; referenced the City Streetscape; stated he opposed a residential project on Holden and Friendly; verified that Holden Road was the demarcation line; spoke to things that were mentioned as negative that would be positive; emphasized he was thrilled that someone from Atlanta wanted to do business in Greensboro; that he would be happy for the homeowner if this passed tonight; and that the property values would continue to rise as this would still be a desirable neighborhood.

Mayor Vaughan thanked everyone for being polite; stated she saw a lot of friends and church members in the audience; verified that this would be one of the classic infill development sites; spoke to the work of the developer in working with the neighborhood; that this was a good compromise; provided the definition of the word compromise; reminded Council of what type of development could take place should the rezoning not be adopted this evening; clarified that the developer would need to do the residential piece or it would not make the business plan work and that the developer would be answerable to Council; verified that Council would ensure that happened; commended the neighborhood and developers in making this happen; added that the City did not want to send the message it was closed for business; made reference to East Greensboro; spoke to the increase in property values as a result of the Shops at Friendly; spoke to the limitation of residential units; reiterated that this was not an easy decision; and emphasized she would support the rezoning and that Council would be vigilant in making sure the developer kept their promises.

Councilmember Hightower echoed that this was a hard decision; referenced struggling for development in her district; stated she would be bowled over if someone did one third of this in East Greensboro; confirmed that the developer was going to protect the neighborhood; voiced experience in knowing what it was like to fight

development and compromise; stated that the community mattered and could not be dismissed; that although she had not supported the rezoning in the past she would vote in support of the rezoning this evening; voiced that this might open a door for additional development; asked the community to support the COOP; emphasized that she had much love for the City; that this needed to be done; and stated she would have liked to have seen a local developer for the project.

Mayor Pro-Tem Johnson voiced that her initial position was to vote against the rezoning; stated she had reviewed the plan; voiced concern that the Legislature was looking at doing away with the protest petition; reminded Council that a project far worse could be brought forth; stated she wanted to serve the people and look forward; and that she wanted to explain what her challenge was.

**Moved by Councilmember Hoffmann, seconded by Councilmember Matheny, to adopt the ordinance for Item # 28. The motion carried on the following roll call vote:**

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Zack Matheny

**Nays,** 2 - Marikay Abuzuaiter and Tony Wilkins

#### 15-062 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the Greensboro Connections 2025 Comprehensive Plan on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification for properties located at 3510, 3512, 3514, and 3516 West Friendly Avenue, and 805 and 807 Hobbs Road.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Nancy Hoffmann

**29. [ID 15-0379](#) Ordinance Rezoning Property Located at 3510-3516 West Friendly Avenue and 805 and 807 Hobbs Road**

**Moved by Councilmember Hoffmann, seconded by Councilmember Matheny, to adopt the ordinance for Item #29 and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located at 3510-3516 West Friendly Avenue and 805 & 807 Hobbs Road from R-3 (Residential Single-Family) to PUD (Planned Unit Development) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: it is consistent with the Reinvestment/Infill Goal to promote sound investment in Greensboro's urban areas, it does implement**

**measures to protect neighborhoods from potential negative impacts of developments (Policy 6A.4) and it promotes new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas. (Policy 4C) The motion carried on the following roll call vote:**

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Zack Matheny

**Nays,** 2 - Marikay Abuzuaiter and Tony Wilkins

#### 15-063 AMENDING OFFICIAL ZONING MAP

3510-3516 WEST FRIENDLY AVENUE AND 805 AND 807 HOBBS ROAD, NORTH OF WEST FRIENDLY AVENUE, EAST OF NORTH HOLDEN ROAD AND WEST OF HOBBS ROAD.

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

Section 1. The Official Zoning Map is hereby amended by original zoning from R-3 (Residential Single Family) to PUD (Planned Unit Development).

The area is described as follows:

BEGINNING AT AN IRON PIN OLD 5/8 SOLID ROD AT OR ALONG THE RIGHT OF WAY OF HOBBS ROAD, SAID POINT BEING THE POINT OF BEGINNING (P.O.B); THENCE ALONG HOBBS ROAD SOUTH 01 DEGREES 33 MINUTES 09 SECONDS W FOR A DISTANCE OF 136.06 FEET TO AN IRON PIN OLD 1/2 OPEN TOP PIPE; THENCE SOUTH 01 DEGREES 36 MINUTES 35 SECONDS W FOR A DISTANCE OF 281.84 FEET TO AN IRON PIN OLD 3/4 OPEN TOP PIPE AT THE INTERSECTION OF WEST FRIENDLY AVENUE THENCE ALONG THE SITE FLARE OF WEST FRIENDLY AVENUE 43 DEGREES 03 MINUTES 26 SECONDS W FOR A DISTANCE OF 28.11 FEET TO AN IRON PIN OLD 3/4 OPEN TOP PIPE THENCE ALONG WEST FRIENDLY AVENUE N 72 DEGREES 48 MINUTES 50 SECONDS W FOR A DISTANCE OF 101.24 FEET TO AN IRON PIN OLD 1/2 OPEN TOP PIPE; THENCE N 72 DEGREES 57 MINUTES 10 SECONDS W FOR A DISTANCE OF 100.06 FEET TO AN IRON PIN OLD 3/4 OPEN TOP PIPE; THENCE N 72 DEGREES 48 MINUTES 11 SECONDS W FOR A DISTANCE OF 210.13 FEET TO AN IRON PIN OLD 1/2 OPEN TOP PIPE; THENCE N 72 DEGREES 48 MINUTES 11 SECONDS W FOR A DISTANCE OF 206.59 FEET TO A POINT; THENCE LEAVING WEST FRIENDLY AVENUE N 04 DEGREES 29 MINUTES 04 SECONDS E FOR A DISTANCE OF 414.54 FEET TO AN IRON PIN OLD 3/4 OPEN TOP PIPE; THENCE S 83 DEGREES 23 MINUTES 58 SECONDS E FOR A DISTANCE OF 253.55 FEET TO AN IRON PIN OLD 3/4 OPEN TOP PIPE; THENCE S 83 DEGREES 23 MINUTES 38 SECONDS FOR A DISTANCE OF 82.08 341.74 FEET TO AN IRON PIN OLD 3/4 CRIMP TOP PIPE; THENCE BACK TO THE POINT OF BEGINNING (P.O.B) S 01 DEGREES 36 MINUTES 10 SECONDS E FOR A DISTANCE OF 89.03 FEET; SAID PARCEL CONTAINS ± 6.4 ACRES.

Section 2. That the zoning amendment from R-3 (Residential Single Family) to PUD (Planned Unit Development) is hereby authorized subject to the following use limitations and conditions:

1. Uses shall be limited to those permitted in the PUD District, except that the following uses shall not be permitted: billboards, eating and drinking establishments with drive-through facilities, animal shelters, community scale cultural and community uses, day care centers, educational facilities, governmental buildings, group care facilities, clubs and lodges, brewpubs, indoor shooting ranges, hotels and motels, bed and breakfasts, bars, night clubs, funeral homes and crematoriums, veterinary services and pet grooming, kennels, ABC stores, convenience stores with gas pumps, garden centers, pawn shops, sexually oriented businesses, self-storage, vehicle sales and service, and car washes and tattoo parlors.
2. There shall be no more than 45 22 residential units and 48,500 square feet of non-residential development.
3. All uses except single family dwellings shall be limited to one point of access on Hobbs Road and no more than one point of access on W. Friendly Avenue.
4. There shall be clearly defined pedestrian connections between residential and commercial buildings that are protected from vehicular traffic.
5. Freestanding signs shall be limited to one monument sign on Hobbs Road and one monument sign on W. Friendly Ave. Each sign shall be limited to a maximum of 12 feet in height.

6. Wall signs and monument signs shall not be internally illuminated.
7. Exterior lights shall not exceed 22 feet in height.
8. Vehicular use areas located between any building and W. Friendly Avenue shall be set back at least 15 feet from the right-of-way and landscaped in general accordance with Type C buffer planting yard standards.
9. Building facades that are not separated from Hobbs or West Friendly Avenue by vehicular use areas shall provide the following:
  - (a) Commercial and mixed-use buildings should have at least 35% fenestration (transparent openings) on the ground floor.
  - (b) Entrances should be oriented to pedestrians with clearly defined access.
  - (c) Windows on the ground floor of commercial and mixed-use buildings should be located not more than 36 inches from the ground.
  - (d) Windows, bays, varying shades of brick, or other articulation shall be introduced at least every 15 feet to eliminate blank walls.
10. Building exteriors in the non-residential area, at a minimum, shall consist of 85% brick or stone veneer. In the residential area, building exteriors shall be no less than 90% brick (excluding windows, doors and garages) and use architectural shingles for roof.
11. Residential buildings adjoining the northern property line shall not exceed two 1.5 (one and a half) stories in height and shall not have balconies on the northern side of the buildings.
12. Loading and service areas and dumpsters shall be screened by masonry walls 8 feet in height.
13. Developer shall prepare a tree survey when addressing LDO tree conservation requirements (Section 30-12-1.5).
14. To provide compatibility with surrounding properties, any building located within 50 feet of the northern lot line, and with a facade oriented towards Hobbs Rd, shall include a doorway visible from Hobbs with an ADA compliant pedestrian connection to the public sidewalk.
15. Dumpsters (not including roll-off compactors) shall be non-metal and shall not be emptied between 8:00 p.m. and 8:00 a.m.
16. Product deliveries may not be made between 9:00 p.m. and 7:00 a.m.
17. No retail business may be open prior to 6:00 a.m. Retail businesses other than grocery stores and restaurants shall close by 10:00 p.m. Grocery stores shall close by 11:30 p.m. and restaurants shall close by 12:00 a.m.
18. Building setbacks along the northern boundary shall not be less than 20 feet.
19. Non-residential buildings shall not exceed 35 feet in height.

Section 3. This property will be perpetually bound to the uses authorized and subject to the development standards of the PUD (Planned Unit Development) zoning district unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on May 19, 2015.

(Signed) Nancy Hoffmann

Mayor Vaughan declared a recess at 8:29 p.m. Council reconvened at 8:54 p.m. will all members in attendance.

## **V. GENERAL BUSINESS AGENDA**

30. [ID 15-0397](#) Resolution Authorizing Contract in the Amount of \$2,297,000 with HDR Engineering, Inc. of the Carolinas to Provide Engineering Design, Environmental Studies and Permitting for the Extension of Water and Sewer Utilities to the Greensboro-Randolph Mega Site

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

**Ayes,** 7 - Nancy Vaughan, Yvonne J. Johnson, Mike Barber, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann and Zack Matheny

**Nays,** 2 - Marikay Abuzuaiter and Tony Wilkins

157-15 RESOLUTION AUTHORIZING CONTRACT WITH HDR ENGINEERING, INC. OF THE CAROLINAS TO PROVIDE ENGINEERING DESIGN, ENVIRONMENTAL STUDIES AND PERMITTING FOR THE EXTENSION OF WATER AND SEWER UTILITIES TO THE GREENSBORO-RANDOLPH MEGA SITE

WHEREAS, on March 15, 2015 City Council approved a resolution authorizing staff to proceed with engineering design and permitting activities for extending water and sewer utility services to the Greensboro-Randolph Mega Site;

WHEREAS, the Water Resources Department issued a Request for Qualification (RFQ) on March 4, 2015 to potential engineering firms whereby they could submit their qualifications, capability, performance on similar design projects and proposed M/WBE utilization in support of the utility extension project;

WHEREAS, four firms submitted Statements of Qualification (SOQ) by the April 2, 2015 submission deadline;

WHEREAS, a selection committee comprised of cross departmental representatives was chosen to evaluate and score the SOQ submitted by each firm; and the SOQ submitted by HDR Engineering, Inc. (HDR) received the highest score;

WHEREAS, design services to be provided by HDR include preliminary and final design services, geotechnical investigations, regulatory permitting, environmental assessment and project management for a cost of \$2,297,000;

WHEREAS, the current schedule calls for the completion of the design phase services and environmental assessment by June of 2016.

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

That 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 with HDR, Engineering, Inc. to carry the proposal into effect, payment to be made in the amount of \$2,297,000 from Account No. 507-7013-01.5410.

(Signed) Zack Matheny

- 31. [ID 15-0414](#)** Resolution Approving Bid in the Amount of \$2,296,764 and Authorizing Execution of Contract No. 2013-108 with P-F Plumbing Contractors, Inc. for the Lovett Street Water and Sewer Line Replacement and the Holts Chapel Road Sewer Outfall Replacement

Councilmember Hightower asked about the M/WBE participation; and about the low response.

M/WBE Manager Gwen Carter explained the actual goals for the project; spoke to the outreach for the project; referenced the amount of proposals received; to the nature of the project; and to outreach programs.

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

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

158-15 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2013-108 WITH PF PLUMBING CONTRACTORS, INC. FOR THE LOVETT STREET WATER AND SEWER LINE

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REPLACEMENT AND THE HOLTS CHAPEL ROAD SEWER OUTFALL REPLACEMENT PROJECTS

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WHEREAS, after due notice, bids have been received for the Lovett Street water and sewer line replacement and the Holts Chapel Road sewer outfall replacement projects;

WHEREAS, PF Plumbing Contractors, Inc. a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,296,764 as general contractor for Contract No. 2013-108, 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 PF Plumbing Contractors, Inc. is hereby accepted, and the City is authorized to enter into a contract with PF Plumbing Contractors, Inc. for the Lovett Street water and sewer line replacement and the Holts Chapel Road sewer outfall replacement projects subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$1,138,972 from Account No. 503-7024-01.6016 A15033 and in the amount of \$1,157,792 from Account No. 503-7024-02.6017 A15039.

(Signed) Zack Matheny

## **VI. SUPPLEMENTAL AGENDA**

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

Mayor Vaughan announced that pursuant to the Memorandum of Employment Agreement with City Manager Jim Westmoreland entered into on January 31, 2014, Council shall set the City Manager's salary at \$183,475 per year which would serve as a 2.5 percent merit increase effective tonight based on Council's evaluation; and thanked City Manager Westmoreland for his service and hard work.

City Manager Westmoreland thanked Council for their support; and stated he appreciated the feedback.

**Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower.**

**The motion carried by the following vote:**

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

**Nays,** 1 - Tony Wilkins

Councilmember Wilkins verified the motion was not divided; and spoke to why he voted in opposition regarding the raise portion of the motion.

Councilmember Matheny placed the name of Amanda Lehmert into the databank for future service on a board or commission.

Mayor Pro-Tem Johnson congratulated recent graduates, in particular her two grandsons who would be graduating on Thursday.

Councilmember Wilkins reminded the audience to view the show Survivor tomorrow to see if two Greensboro natives, Jeff Varner and Kelly Wigglesworth would move on; and provided the attendance statistics for the recent Scottish Highland Games that took place at Bryan Park.

Councilmember Abuzuaiter stated she had attended the Library Board Breakfast on May 6th; the Mayor's Forum sponsored by the News & Record on May 12th; spoke to Mayor Vaughan's and Mayor Pro-Tem Johnson's participation in the forum; wished Amanda Lehmert well in her new position; stated she had attended the Police Department Citizen Appreciation Dinner on May 14th; had the pleasure of representing Mayor Vaughan at the Emerging Issues Initiative on Monday at NC State University; and referenced the top concerns being poverty, jobs and transportation.

Mayor Pro-Tem Johnson interjected that she and Police Chief Scott attended the Red Cross Heroes Award event last night.

Councilmember Fox invited the audience to the District 1, 2 and 3 budget meeting scheduled for May 28th from 6:00 - 7:30 p.m. at the Central Library.

Councilmember Hightower placed the names of Philip Gilfus and Jasmine Perry into the data bank for future service on various boards or commissions. Councilmember Hightower referenced the events she had attended over the last several weeks some of which included the Police Citizens Appreciation Dinner; referenced awards that had been given out to those who supported the Heritage House issue; requested Chief Scott to recognize Captain Shon Barnes for his involvement in bringing the congregation of New Jerusalem Church to assist with the Heritage House situation; voiced appreciation for Captain Barnes; added that she had attended the Blues Festival on Saturday at Barber Park; wished a belated Happy 70th Birthday to Reverend Cardis Brown; and invited constituents to attend the District budget meeting.

Moved by Mayor Vaughan, seconded by Councilmember Barber to appoint John Lomax and Andy Zimmerman to the Downtown Greensboro Board (DGI). The motion carried by voice vote. Mayor Vaughan referenced discussions with Police Chief Scott regarding massage parlors; and requested that Chief Scott keep an eye on massage parlors which were opening up again.

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

There were no items for discussion by the City Manager.

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

There were no items for discussion by the City Attorney.

#### **Adjournment**

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

THE CITY COUNCIL ADJOURNED AT 9:14 P.M.

ELIZABETH H. RICHARDSON  
CITY CLERK

NANCY VAUGHAN  
MAYOR