



City of Greensboro

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

Meeting Minutes - Final City Council

Tuesday, November 1, 2016

5:30 PM

Council Chamber

Call to Order

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

Also present were Assistant City Manager David Parrish, City Attorney Tom Carruthers, and City Clerk Elizabeth H. Richardson.

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

Mayor Vaughan recognized Boy Scout Troop 216 from Irving Park Elementary School to lead the Pledge of Allegiance to the Flag.

Recognition of Courier

Assistant City Manager David Parrish recognized Mousa Alshanteer of the Legal 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; and stated that Councilmember Barber would participate via telephone at a later point in the meeting.

I. CEREMONIAL AND/OR PRESENTATION ITEMS

1. [ID 16-0759](#) Resolution Recognizing the Guilford College/New Garden Area as a Heritage Community

Mayor Vaughan read the resolution into the record; presented the resolution to Max Carter; and thanked those who had worked on obtaining the recognition.

Max Carter, 905 King George Drive provided a handout to Council; an overview of the historical significance of the area; spoke to the Halloween Cemetery Tour; highlighted owners of the property throughout the years; referenced slavery and the underground railroad; the African American communities and dairy farms that had existed in the area; spoke to battles that had taken place; proposed tourism for the area; and thanked Council for the resolution.

Assistant City Manager Parrish confirmed this was the second Heritage Community to be designated in the City; and highlighted the recognition and program.

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

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

Absent, 1 - Mike Barber

350-16 RESOLUTION RECOGNIZING THE GUILFORD COLLEGE/NEW GARDEN AREA AS A GREENSBORO HERITAGE COMMUNITY

WHEREAS, The Heritage Community program recognizes areas of Greensboro for their contributions to the history and culture of Greensboro that do not meet the criteria for other forms of historic designation;

WHEREAS, Representatives of the Guilford College/New Garden Area have requested designation as a Heritage Community under the recognition program;

WHEREAS, The area proposed for recognition is generally bounded by Bryan Boulevard to the north, Westridge Road to the east, West Market Street to the south, and Interstate 73 to the west;

WHEREAS, the Guilford College/New Garden area is associated with events of regional, national, and international historical significance;

WHEREAS, the Guilford College/New Garden area has home to the New Garden Boarding School, the first coeducational institution of higher learning in the South, engagements of the American Revolution occurred here, the Underground Railroad passed through the area, and it was the birthplace of First Lady Dolley Madison and other important figures in American history;

WHEREAS, At the June 27, 2016 meeting of the Historic Preservation Commission, the Commission unanimously recommended recognition of the Guilford College/New Garden Area as a Heritage Community;

WHEREAS, residents of the Guilford College/New Garden take great pride in the history of their community and continue to work to document and preserve that history for future generations.

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

That it hereby recognizes the Guilford College/New Garden Area as a Greensboro Heritage Community.

(Signed) Yvonne Johnson

Councilmember Hoffmann asked for permission to make a motion.

Moved by Councilmember Hoffmann, seconded by Councilmember Fox to reconsider the vote of Council on October 18, 2016 to inspect the investigative file of Officer Travis Cole's interaction with Dejuan Yourse on June 17, 2016 which failed by a 5 to 4 vote. The motion to reconsider carried by voice vote.

Councilmember Wilkins confirmed that the motion was to allow the item to come up for a new vote.

City Attorney Tom Carruthers verified the vote would open the floor for the next motion.

Moved by Councilmember Hoffmann, seconded by Councilmember Fox to inspect the investigative file of Officer Travis Cole's use of force with Dejuan Yourse on June 17, 2016 and find that it is necessary and essential to the proper function of Council to inspect this investigative file. Councilmember Hoffmann stated she would like to see a time scheduled within the next two weeks for Council to do that.

Councilmember Outling asked if the proposed meeting of Council was a part of the motion; and referenced members' schedules.

City Attorney Carruthers stated that Council found it necessary and essential to inspect the documents.

Mayor Vaughan expressed that she would like to change the way the City released the closed session minutes;

referenced previous Council's regularly releasing minutes once the issue was resolved; and asked that the minutes be released with the exception of personnel.

The motion carried by a 5-3 vote with Councilmembers Abuzuaiter, Outling and Wilkins voting 'no'.

Moved by Councilmember Abuzuaiter, seconded by Mayor Pro-Tem Johnson to release the minutes and the audio recording of the October 18th closed session on the portions that were discussing the investigation matter.

City Attorney Carruthers suggested the motion include language that the release would need the approval of the Assistant City Manager.

Councilmember Abuzuaiter referenced several court cases where it could be Council's decision to release the minutes and audio; spoke to what the Courts had stated regarding discussing the closed session; and emphasized she wished the motion to move forward.

Councilmember Outling stated he respected the motion; referenced what happened at the most recent meeting; stated that Council was constrained as to what they could disclose; voiced concern with Councilmember Barber not being in attendance; reiterated that the sessions were confidential until the matter was over; and spoke to disclosures being a violation of certain subjects.

Councilmember Abuzuaiter confirmed Councilmember Barber was in attendance at the closed session; stated that Council could move forward when a member was not in attendance; spoke to the attorney-client privilege; to what was discussed publicly; and asked that the motion move forward.

Discussion took place regarding former disclosures that were not permitted or lawful; damage that was done as a result of the previous disclosure; possibly bringing the matter up later this evening or at the next meeting when Councilmember Barber was present; and the motion currently on the floor.

Councilmember Outling respectfully asked that Council move the matter until Councilmember Barber was present.

Councilmember Wilkins asked if City Attorney Carruthers concurred with Councilmember Outling.

City Attorney Carruthers voiced agreement with what the case law said; stated he had spoken with Assistant City Manager Parrish who was prepared to give Council an opinion regarding the release of personnel records; and stated it was his understanding that the motion included the minutes in their entirety with the exception of the City Attorney's evaluation and the Armstrong discussion.

Councilmember Abuzuaiter confirmed her motion was only for the portion pertaining to the Cole investigation discussion.

Councilmember Wilkins stated that a conversation took place that played a major role in the vote and included personnel information discussed between Councilmembers Abuzuaiter and Hightower; and asked if said conversation would be released.

Discussion took place regarding unintended consequences should personnel information be released; attorney client privilege; and bringing the item back up when Councilmember Barber participated via telephone.

City Attorney Carruthers spoke to defending the body; the will of the body to open the minutes of the closed session of October 18th; spoke to the process for release of personnel information contained in the requested portion of the record; and suggested the process Council could use going forward.

Councilmember Hightower reminded Council that she had asked multiple times to review the documents; asked if it was a personnel matter; spoke to the audio release; and emphasized certain things needed to be heard.

City Attorney Carruthers spoke to the Manager's authority to find it essential to release the information to maintain public confidence; confirmed that the disclosure of the vote tally and net effect of the vote had nothing to do with

personnel; verified some of the discussion did pertain to personnel; and referenced the enabling statute allowing Council action.

Councilmember Outling spoke to his concerns.

Assistant City Manager Parrish voiced that if it was the the consensus of the body to disclose the minutes, he would agree to do so pending the vote of Council.

Discussion continued regarding clarity of the motion; if personnel related information was included in the portion being requested for release; the ability to release discussions with regard to the investigation; and release of closed session information once the matter was complete.

Mayor Vaughan requested a policy be developed regarding the release of closed session minutes for the first meeting in December; and spoke to the release of the Armstrong case minutes.

City Attorney Carruthers confirmed that some of the information was personnel; spoke to the opinion of Assistant City Manager Parrish; and stated that what Mayor Vaughan described would be public record once it did not frustrate the purpose of the closed session.

Additional discussion ensued regarding if the vote October 18th was considered closed; what the closed session laws allowed; and if it was acceptable to reveal the vote on October 18th.

Councilmember Wilkins asked for confirmation that the vote information released on October 18th was closed; if the release of said vote was acceptable; and if it was normal procedure.

City Attorney Carruthers spoke to the closed session laws regarding releasing information once it no longer frustrated the purpose of the closed session; and spoke to Mayor Vaughan's position to release the vote information.

Councilmember Outling voiced concern with the double talk; emphasized that Councilmember Wilkins had asked a direct question; referenced a memo sent to Council by City Attorney Carruthers; spoke to disclosure that was, or was not permitted; concern with individual members releasing attorney client information; and asked for clarification on the answer provided.

Discussion continued around what should, and should not have been discussed in the closed session; discussion about an investigative file; and clarification for Council on whether or not the disclosure was legal.

City Attorney Carruthers stated there was no legal prohibition for disclosing closed session minutes or votes; that it did not violate the law even if it was attorney client privilege; spoke to opening the door to weaken the ability to defend the body; and to whether the law was violated.

Discussion continued on whether the information was permitted to be released; Council's understanding of City Attorney Carruthers' answer; and the purpose of closed sessions.

Councilmember Hightower interjected that her request in closed session was a courtesy to fellow Councilmembers; stated she could have asked the same question in open session; voiced concern that this was being turned into an issue; and emphasized that she was disturbed Council was still discussing her ability to see the information.

Councilmember Wilkins asked if Council was not restricted by what they could discuss in closed session.

Councilmember Outling voiced that if Council did not need closed sessions, they should not have them.

Mayor Pro-Tem Johnson confirmed that there were some matters that were confidential that Council needed to make decisions on in closed session.

Discussion continued regarding the release of closed session information; clarity that Councilmember Hightower's

request was for the investigative file; City Attorney Carruther's position and reasoning on the issue; whether the wording of the motion to recess to closed session on October 18th was proper; and a reference to Councilmember Wilkins' request to see the file of former Police Chief Wray.

Councilmember Wilkins confirmed that Councilmember Hightower's request was included in the motion to recess to closed session; stated he would support the release of the audio because he wanted the conversation between Councilmembers Hightower and Abuzuaiter made public record if legal, as it had an influence on the vote; and voiced concern that personnel issues were discussed.

City Attorney Carruthers stated that the motion to recess to closed session on October 18th was proper; and spoke to why he wanted the manager's opinion.

Councilmember Abuzuaiter clarified that the motion would include the portions from the discussion of the investigative timeline up until Council took a consensus vote in closed session for the full minutes and audio to be released.

City Attorney Carruthers concurred with the motion.

The motion carried by voice vote. Absent: Councilmember Barber.

Mayor Vaughan reiterated her request for a proposed policy for Council consideration to be on the first meeting in December on the release of closed session minutes once an issue had been resolved.

Councilmember Hightower asked that the information she had requested be made available between now and November 15th; and asked if the information should be reviewed in a closed session.

City Attorney Carruthers asked if Council was in agreement to review the documents together so everyone was on the same page; to his understanding of Councilmember Hightower's request; and stated the better practice would be to have a closed session within the next two weeks for Council review as a body.

Councilmember Hightower thanked Councilmember Hoffmann for bringing the matter back up; voiced that it was disturbing to her that, as a councilperson, she was denied a privilege; voiced that she had not prohibited anyone from seeing information; spoke to the people she served; to disrespect; and emphasized she was looking for fairness and justice.

II. PUBLIC COMMENT PERIOD

Mayor Vaughan stated there were 14 speakers; that Council would hear speakers that had not spoken in the last 30 days; and named the speakers that had spoken in the last 30 days that would be heard at the end of the meeting should they wish to stay.

Councilmember Wilkins confirmed that he needed to get a consensus of Council before he viewed the 54 videos he had requested to see. City Attorney Carruthers confirmed that he did.

William Hurd, 5214 Skylar Drive voiced concerns with Officer Cole's actions; Officer Cole being allowed to resign; stated the public had a right to know how the Police Department conducted investigations; spoke to a zero tolerance policy; to the standards of police officers and supervisors including the Chief of Police; and suggested the need to have civilian oversight of law enforcement.

Sallie Hayes-Williams, 1101 N. Elm Street spoke to her experience working as a canvasser for voting; affirmed that peoples' votes did not count if they did not cast them; referenced voting policies of the past; and encouraged people to take the time to vote.

C. J. Brinson, 504 Gorrell Street acknowledged the spirit of Councilmember Hightower; voiced that this was the season of accountability; thanked Council for the passage of the recent resolution; spoke to the need to chip away at the cornerstone of injustice; to living in a culture that supported police misconduct and abusive power; referenced the 1979 incident; the wrongful conviction of LaMonte Armstrong and the Scales brothers; spoke to political posturing; back door meetings; and asked for the resignation of City Attorney Carruthers.

Delaney Vandergriff, 1601 East Market Street spoke to her experience attending Council meetings; voiced concern with covering up issues for people of color; to the incident at the University of North Carolina at Greensboro (UNCG); to upholding the current culture; and asked Council which side they were on.

Mayor Pro-Tem Johnson confirmed that it was a UNCG officer.

Azuree Bateman, 1402 Cunningham Street spoke to issues in Greensboro; stated that Greensboro had failed; spoke to actions that needed to be taken; and asked what side Council was on.

Nhawndie Smith, 1408 Spring Garden Street voiced concern with the issues that had been brought forward; spoke to maintaining the community; to black and brown policing; to recent interactions of Greensboro and UNCG police; voiced concern with being criminalized by police; referenced inappropriate actions by police; voiced concern with the foundation of community safety; and requested Council uphold the transparency of the Police Department.

David Hamsten, 2304 Golden Gate Drive stated he was advocating on behalf of cycling in Greensboro; thanked Council for the proposed bond package; encouraged people to go out and vote for the bond packages; commended the funding of Participatory Budgeting for a second year; questioned why several cycling projects in Districts 2 and 3 had gotten changed by the Greensboro Department of Transportation to proposals along a major thoroughfare; and asked how he could get the original projects back in place.

Mayor Pro-Tem Johnson requested Assistant City Manager Parrish investigate the issue and communicate with Mr. Hamsten.

Jordan Braswell, 912 Circle Drive spoke to the role of the Police Department; to unarmed black men being killed; referenced the Fourteenth Amendment; voiced the need for the Police Department to protect all citizens; concern with the perception that the African American community was more violent than others; compared the number of African Americans killed than their counterparts; and asked that body worn camera footage be made available to Council as soon as the case began.

Cherell Brown, 417 Arlington Street; provided a quote, by Joseph Pulitzer; encouraged student activism; asked those present to imagine what a safe and just accountable world would look like; referenced people being for or against oppression; the White Street Landfill issue; and stated the 2017 election was around the corner.

Mayor Vaughan stated the other speakers could wait or would be given priority at the next meeting.

Mayor Vaughan suggested that Council research holding Town Hall meetings after the first of the year in order to have effective dialogue; voiced the need to talk about more than policing; referenced issues between different parts of the City; emphasized the need to have fuller discussions outside of Council meetings to include input from students and the community; spoke to the need for discussions to include solutions; and asked that staff place contact information on the City's website for citizens to send in concerns.

Council discussed the engagement of students; the need for contact information to be placed on the City's website; District meetings regarding public safety; and the purpose of the proposed meetings.

III. CONSENT AGENDA (One Vote)

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

Councilmember Hightower asked for clarification on who purchased the parts for the buses for Item number 8; and if the transportation company could provide a match or purchase the items at a lower cost.

Assistant City Manager Parrish stated that the City was responsible for purchasing the capital expenses listed in the item; verified some of the funding was grant funds; confirmed that the buses were the City's assets; that the City looked for ways to piggyback on other contracts in order to obtain lower costs; and verified the City was responsible for the funding.

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

2. [ID 16-0795](#) Resolution Authorizing Municipal Agreement for Schedule D Reimbursement from NCDOT

351-16 RESOLUTION AUTHORIZING MUNICIPAL AGREEMENT FOR SCHEDULE D REMINBURSEMENT FROM NCDOT

WHEREAS, NC General Statutes authorize the City to contract with the NC Department of Transportation (NCDOT) for the installation, repair, operations, and maintenance of highway signs and markings, electronic traffic signals, and other traffic control devices on State Highway System streets within the city; and,

WHEREAS, NCDOT seeks to enter in to an agreement with the City of Greensboro for the maintenance of traffic signal control systems and related equipment and staffing cost on State Highway System streets within the City of Greensboro; and,

WHEREAS, This agreement replaces an existing agreement and provides on-going reimbursement for personnel costs to operate and optimize our Traffic Signal System as well as the cost of equipment leases and central signal system software; and,

WHEREAS, NCDOT will reimburse the City of Greensboro at the latest pro-rata share based on the percentage of overall traffic signals that are on the state highway system (currently 53%) and the City expects to receive additional reimbursement revenues of approximately \$55,000 under this agreement.

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

That said Schedule D Reimbursement Agreement is formally approved by the City Council of the City of Greensboro and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the associated agreement with the North Carolina Department of Transportation.

(Signed) Yvonne Johnson

3. [ID 16-0825](#) Resolution Approving a Contract with HDR Engineering, Inc. of the Carolinas for Professional Services Contract for the Air Harbor Reservoir Evaluation Project

352-16 RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$199,500 WITH HDR ENGINEERING, INC. OF THE CAROLINAS FOR PROFESSIONAL SERVICES CONTRACT FOR THE AIR HARBOR RESERVOIR EVALUATION PROJECT

WHEREAS, The Lake Brandt Pumping Station pumps water from Lake Brandt to the Air Harbor Reservoir, which is used for flow and equalization storage;

WHEREAS the water drains from the reservoir by gravity to the Mitchell WTP for treatment where it is subsequently pumped to supply drinking water to the City of Greensboro;

WHEREAS, the existing reservoir is showing some signs of distress, bowed walls and possible leak on adjacent areas

WHEREAS, the purpose of the project is to determine the structural condition of the reservoir and will help determine if future modifications or replacement of the reservoir is necessary;

WHEREAS, the proposal includes a technical evaluation of the current structural condition of the reservoir, potential required repair work and overall useful life;

WHEREAS, HDR's team includes Waller and Associates, a Minority Business Enterprise within the ten county MSA and part of the HDR on-call services team;

WHEREAS, the anticipated MBE utilization for this contract is 5.5% of the total contract amount;

WHEREAS, the anticipated WBE utilization for this professional services contract is 6% of the total contract amount. Kennerly Engineering and Design, Inc. a local WBE will document the condition of the reservoir.

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

That the City is authorized to enter into a contract with HDR Engineering, Inc. of the Carolinas to provide Professional Services for the design of the Air Harbor Reservoir Evaluation project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$199,500 from Water Resources Capital Fund Account No. 503-7026-04.5410.

(Signed) Yvonne Johnson

**4. [ID 16-0775](#) Resolution Authorizing the Conveyance of Surplus Foreclosure Property
Located at 4120 Causey Street**

353-16 RESOLUTION AUTHORIZING CONVEYANCE OF SURPLUS FORECLOSURE PROPERTY LOCATED AT 4120 CAUSEY STREET

WHEREAS, the City of Greensboro owns residual property located at 4120 Causey Street, Parcel 0048744, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by Howard R. White at a value of \$15,400, and the final highest bid of \$14,000 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be credited in General Fund Account No. 101-0000-00.0400.

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

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$14,000 is hereby approved and the sale of property located at 4120 Causey Street is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Yvonne Johnson

**5. [ID 16-0784](#) Resolution Authorizing the Conveyance of Surplus Foreclosure Property
Located at 1916 Huffine Mill Road**

354-16 RESOLUTION AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT 1916 HUFFINE MILL ROAD

WHEREAS, the City of Greensboro owns residual property located at 1916 Huffine Mill Road Parcel 0083246, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by Lynn B. Ritchy at a value of \$8000, and the final highest bid of \$7200 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be credited in General Fund Account No. 101-0000-00.0400.

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

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$7200 is hereby approved and the sale of property located at 1916 Huffine Mill Road is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Yvonne Johnson

6. [ID 16-0788](#) Resolution Authorizing the Conveyance of Drainageway and Open Space Located at 2003 Yanceyville Street

355-16 RESOLUTION AUTHORIZING CONVEYANCE OF DRAINAGEWAY AND OPEN SPACE LOCATED AT 2003 YANCEYVILLE STREET

WHEREAS, the City of Greensboro owns residual property consisting of drainageway and open space located at 2003 Yanceyville Street Parcel 0026779, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted a single bid in accordance with Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by Jeffrey A. McKee at a value of \$71,500, and the final highest bid of \$64,350 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be credited in the Parks and Recreation Department's General Fund Account No. 411-5017-01.8616.

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

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$64,350 is hereby approved and the sale of property located at 2003 Yanceyville Street is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Yvonne Johnson

7. [ID 16-0776](#) Resolution Authorizing Purchase of Property Located at 3312 Battleground Avenue for the Battleground Westridge Intersection Improvement Project

356-16 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 3312 BATTLEGROUND AVENUE FOR THE BATTLEGROUND WESTRIDGE INTERSECTION IMPROVEMENT PROJECT

WHEREAS, in connection with the Battleground Westridge Intersection Improvement project, a property owned by M.T.M.M. Associates, LLC, Parcel 0038922 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 \$21,873 but the property owner has agreed to settle for the price of \$25,000, 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 \$25,000 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. 220-4588-01.6012, Activity A12084.

(Signed) Yvonne Johnson

8. [ID 16-0794](#) Ordinance in the Amount of \$122,163 Amending GTA Grant Fund
Budget for the Federal Fiscal Year 2015 Section 5307 Transit Security
And Routine Capital Assistance Grant

16-112 ORDINANCE AMENDING GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2015
SECTION 5307 TRANSIT SECURITY AND ROUTINE CAPITAL ASSISTANCE GRANT

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

That the GTA Grant Fund Budget be amended as follows for the FY 2015 FTA Section 5307 Transit Security and Routine Capital Assistance Grant:

Account	Description	Amount
567-4508-01.5235	Small Tools and Equipment	\$122,163
Total		\$122,163

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

Account	Description	Amount
567-4508-01.7100	Federal Grant	\$ 97,730
567-4508-01.9564	Transfer from Transit Fund	\$ 24,433
Total		\$122,163

And, that this budget ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

9. [ID 16-0796](#) Ordinance in the Amount of \$601,644 Amending GTA Grant Fund
Budget for the Federal Fiscal Year 2015 FTA Section 5339 Bus and Bus
Facilities Grant

16-113 ORDINANCE AMENDING GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2015 FTA
SECTION 5339 BUS AND BUS FACILITIES GRANT

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

That the GTA Grant Fund Budget be amended as follows for the FY 2015 FTA Section 5339 Grant:

Account	Description	Amount
567-4509-01.5917	Licenses, Fees & Other	\$ 18,000
567-4509-01.5919	Other Taxes/Assessments	\$ 54
567-4509-01.6051	Licensed Vehicles	\$ 583,590

Total	\$601,644
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And, that this increase be financed by increasing the following revenues:

Account	Description	Amount
567-4509-01.7100	Federal Grant	\$511,397
567-4509-01.9564	Transfer from Transit Fund	\$ 90,247
	Total	\$601,644

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

10. [ID 16-0865](#) Ordinance Amending State, Federal and Other Grants Fund Budget for the Amendment of FY 2015 Fair Housing Training Program Grant Funds

16-114 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE AMENDMENT OF FY 2015 FAIR HOUSING TRAINING PROGRAM GRANT FUNDS

Section 1

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

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

Account	Description	Amount
220-0307-01.4110	Salaries and Wages	\$10,130
220-0307-01.4510	FICA Contribution	\$1,095
220-0307-01.4520	Retirement Contribution	\$1,125
220-0307-01.4610	Health Coverage ~ Active	\$1,200
220-0307-01.4650	Dental Coverage ~ Active	\$300
220-0307-01.4710	Life Insurance ~ Active	\$200
220-0307-01.5253	Rent-Parking Subsidy	\$250
	TOTAL	\$14,300

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

Account	Description	Amount
220-0307-01.7100	Federal Grant	\$14,300
	TOTAL	\$14,300

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

11. [ID 16-0866](#) Ordinance Amending State, Federal, and Other Grants Fund Budget for the Appropriation of FY 2016 Fair Housing Training Program Grant Funds

16-115 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE

APPROPRIATION OF FY 2016 FAIR HOUSING TRAINING PROGRAM GRANT FUNDS

Section 1

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

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

Account	Description	Amount
220-0308-01.5419	Other Services	\$15,000
220-0308-01.4110	Salaries & Wages	\$ 7,000
220-0308-01.5520	Seminar/Training Expenses	\$16,250
	TOTAL	\$38,250

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

Account	Description	Amount
220-0308-01.7100	Federal Grant	\$38,250
	TOTAL	\$38,250

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

12. [ID 16-0814](#) Resolution Calling a Public Hearing for November 15, 2016 on the Annexation of Territory into the Corporate Limits for the Property Located at 1309 Guilford College Road - 4.5-Acres

357-16 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 15, 2016 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 1309 GUILFORD COLLEGE ROAD – 4.5 ACRES

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

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 1st day of November, 2016, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT PROPERTY LOCATED AT 1309 GUILFORD COLLEGE ROAD – 4.5 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point on the existing Greensboro satellite city limits (as of July 31, 2016), said point being the southwest corner of Lot 2 of Property of Unitarian Universalist Church of Greensboro, as recorded at Plat Book 172, Page 127, said point also being in the new eastern right-of-way line of Guilford College Road; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the southern lines of Lots 2 and 1 of said plat S 87° 02' 09" E approximately 350 feet to the northwest corner of Lot 63 of Midway Forest, Section Two, as recorded at Plat

Book 30, Page 22; thence continuing with the south line of said Lot 1 S 87° 02' 09" E 220.00 feet to the northeast corner of said Lot 63; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the western right-of-way line of Hassell Drive, also being the eastern lines of Lots 63, 62, and 61 of said Section Two, along a curve to the right having a radius of 1,174.42 feet along the following three chord courses and distances: 1) S 03° 03' W 124.95 feet to the southeast corner of Lot 63, 2) S 09° 09' W 124.95 feet to the southeast corner of Lot 62, and 3) S 14° 36' W 98.42 feet to a point; thence continuing with said right-of-way line S 17° 04' W 19.90 feet to the southeast corner of Lot 61; thence with the north right-of-way line of Amberwood Drive along a curve to the left having a radius of 849.56 feet and a chord bearing and distance of N 82° 58' W 208.25 feet to the southeast corner of Lot 41 of Midway Forest, Section Two, as recorded at Plat Book 28, Page 28, thence in a westerly direction with said right-of-way line approximately 330 feet to a point in the new right-of-way line of Amberwood Drive; thence with said new right-of-way line N 02° 47' 30" E 4.5 feet to a point; thence continuing with said new right-of-way line N 87° 12' 30" W 13.1 feet to a point; thence with the new right-of-way line of Guilford College Road the following four courses and distances: 1) N 41° 46' 30" W 53.5 feet to a point; 2) N 10° 59' 30" E 137.6 feet to a point, 3) N 19° 57' 30" E 96.8 feet to a point, and 4) N 11° 15' 30" E 66.7 feet to the point and place of beginning, containing approximately 4.5 acres.

All deeds and plats referred to hereinabove are recorded in the Register of Deeds Office of Guilford County.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2016, the liability for municipal taxes for the 2016-2017 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2017. Municipal ad valorem taxes for the 2017-2018 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

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

That Tuesday, November 15, 2016 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than November 5, 2016.

(Signed) Yvonne Johnson

- 13. [ID 16-0812](#)** Resolution Calling a Public Hearing for November 15, 2016 on the Annexation of Territory into the Corporate Limits for the Property Located at 5698 West Gate City Boulevard - 15.3 Acres (including street right-of-way)

358-16 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 15, 2016 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 5698 WEST GATE CITY BOULEVARD – 15.3 ACRES (including street right-of-way)

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

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

WHEREAS, at a regular meeting of the City Council on the 1st day of November, 2016, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 5698 WEST GATE CITY BOULEVARD – 15.3 ACRES (including street right-of-way)

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

Beginning at a point in the existing Greensboro corporate limits (as of July 31, 2016), said point being a monument in the southeast right-of-way line of Harnett Drive (N.C. S.R. #1625), a 40-foot right-of-way, at its northeastern terminus, said monument being in the southwest line of KSL Sedgefield Pilot, LLC, as recorded in Deed Book 6920, Page 1579; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said right-of-way line, also being the northwest line of the property of The John and Lou Ann Mothershead Family Trust – Trust B, as recorded in Deed Book 7059, Page 317, S 42° 04' W 550 feet to the westernmost corner of said property; thence in a southwesterly direction, crossing Harnett Drive, approximately 40 feet to the intersection of the southwest right-of-way line of Harnett Drive and the southeast right-of-way line of W. Gate City Boulevard; thence in a southwesterly direction with said southeast right-of-way line approximately 850 feet to an iron pin and cap at the intersection of said southeast right-of-way line and the north right-of-way line of relocated High Point Road; thence with said right-of-way line of relocated High Point Road in a southeasterly direction approximately 50 feet to an iron pin and cap; thence in a southerly direction approximately 220 feet to a corner in the existing Greensboro city limits on the southeast right-of-way line of High Point Road; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 41° 12' 21" W approximately 100 feet to the easternmost corner of that property shown on City of Greensboro Annexation Drawing D-2408; thence continuing N 41° 12' 21" W 991.30 feet to the northernmost corner of that property shown on said Drawing D-2408; thence continuing in a northwesterly direction approximately 45 feet to a corner in the existing city limits at Atwater Drive, as shown on City of Greensboro Annexation Drawing D-2417; thence in a northeasterly direction approximately 1,200 feet to the northeast corner of the property shown on said Drawing D-2417; thence in an easterly direction approximately 130 feet to an existing iron pin in the centerline of the right-of-way of Norfolk Southern Railway in the north corner of the Tucker/Siegal property; thence with the northeast line of said property the following two (2) courses and distances: 1) S 45° 56' 35" E 99.98 feet to an existing iron pin in the southeast right-of-way line of Norfolk Southern Railway, and 2) S 45° 56' 51" E 12.24 feet to a new iron pin in the northwest right-of-way line of W. Gate City Boulevard; thence across said road S 45° 56' 51" E 200.43 feet to a new iron pin in the southeast right-of-way line of said road; thence across the northeast terminus of Harnett Drive S 45° 56' 51" E 27.35 feet to the POINT AND PLACE OF BEGINNING, containing approximately 15.3 acres.

All deeds referred to herein are recorded in the Guilford County Register of Deeds Office.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of five hundred eighty dollars (\$580.00) per acre for water service and five hundred eighty dollars (\$580.00) per acre for sewer service immediately prior to the time of annexation, provided that each of these utilities are available at the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2016, the liability for municipal taxes for the 2016-2017 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2017. Municipal ad valorem taxes for the 2017-2018 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective upon adoption.

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

That Tuesday, November 15, 2016 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than November 5, 2016.

(Signed) Yvonne Johnson

14. [ID 16-0864](#) Motion to Approve the Minutes of the Work Session of October 4, 2016

Motion to approve the minutes of the Work Session of October 4, 2016 was adopted.

15. [ID 16-0873](#) Motion to Approve the Minutes of the Regular Meeting of October 4, 2016

Motion to approve the minutes of the Regular meeting of October 4, 2016 was adopted.

IV. PUBLIC HEARING AGENDA

Councilmember Barber began participation in the meeting via telephone at 6:50 p.m.

16. [ID 16-0635](#) Ordinance Annexing Territory into the Corporate Limits for Property Located at 5812, 5908 and 5910 Lake Brandt Road and 2000 and 2020 Trosper Road - 16.78-Acres

Assistant City Manager Parrish recognized Planning Manager Mike Kirkman for a presentation.

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.

Councilmember Wilkins inquired as to the impact should Council not take action on the item; how many houses could be built on the property; and if the neighbors were aware of the alternative.

Mr. Kirkman confirmed the zoning would remain as is; spoke to what would be allowed on the property; and stated he did not have the calculation for the number of single family homes that could be built on the property.

Speakers in favor of the item:

Attorney Marc Isaacson, Green Valley Road spoke to the number of houses that could be built on the property; confirmed there were discussions with the neighbors; and stated he was here on behalf of Sun Capital and Ken Miller who was the developer for the property. Attorney Isaacson read the following additional conditions into the record and confirmed they were a result of meetings with nearby owners:

ADDITIONAL CONDITIONS:

3. Buildings facades visible from public rights-of-way shall contain vertical recesses or projections.
4. The ground floor of any building shall contain a minimum of 35% fenestration.
5. Building height shall not exceed twenty-four (24) feet plus roof line.

6. There shall be at least six (6) bicycle racks placed throughout the entire project area.
7. On the property known as tax parcel 0224340 as of October 21, 2016, new improvements shall be limited to pedestrian and bicycle connections or other improvements required by the governing authority with jurisdiction.
8. No structured parking shall be permitted.
9. a. No drug store shall be permitted as a principal use.

Attorney Isaacson confirmed that no national drug store chain would be included in the northeast section of the property but that a local pharmacy could be considered.

Mayor Vaughan asked for clarification on the word fenestration. Mr. Kirkman responded they were doors and windows.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hoffmann to accept the additional conditions. The motion carried by voice vote.

Attorney Isaacson provided a handout to Council; an overview of specific tabs of said handout; reviewed the intent of the developer to develop a neighborhood oriented center; highlighted what would be in the center; spoke to the investment of approximately \$300,000 in transportation improvements that would be made by the developer at their expense which included a traffic signal; and to the level of service should the property remain the same. Attorney Isaacson spoke to the concerns by Jesse Wharton Elementary School; referenced examples of commercial and residential development in close proximity to one another throughout the City; stated the proposed project would have a positive impact on the area that would preserve two-thirds of the land; added that the development supported several objectives of the Comprehensive Plan; and thanked Council for the continuances to allow the parties to meet.

Attorney Marsh Prause, 516 Woodmont Avenue stated he represented two people in the neighborhood, not the entire neighborhood; clarified that he was retained to negotiate with the developer; referenced dialogue he had with Attorney Isaacson in which an agreement had been reached containing further conditions that could not become a part of the rezoning; spoke to different perspectives for commercial development; added that the developer was local; had every intention of building a high quality center; confirmed the terms that had been agreed to in the past several weeks; and referenced the number of people who were not opposed to the development.

Councilmember Outling asked for clarification as to Attorney Prause's clients; and referenced the perspective that commercial development was inevitable.

Attorney Prause responded that only Mr. Lawrence and his wife were his clients; and recognized Mr. Lawrence.

Craig Lawrence, 5726 Oak Tree Road confirmed he had originally opposed the rezoning; voiced the need to find a side in the issue; spoke to why he supported the item now; spoke to alternatives of what could be developed on the property; and stated he reluctantly supported the item.

Mayor Vaughan stated there were seven speakers in opposition to the rezoning; and asked that they select the order in which they wished to speak.

Speakers in opposition to the item:

David Mudd, 1720 Trosper Road provided a presentation; spoke to why he chose to continue to fight the rezoning; asked Council to reject the proposal; referenced safety issues with the 's' curve on a hill; voiced concern with who would be impacted by the development; spoke to the need for detailed planning; voiced that the neighbors had asked the developer to reduce the size of the proposed center; concerns with increased traffic in the area; problems the development could bring; and urged Council not to rezone the property.

Darlene Garrett, 8003 Willow Glen Trail stated she represented the Guilford County Board of Education (School Board) who had voted 11-0 to oppose the rezoning; voiced concerns with safety; emphasized that the project was not in the best interest of the school; asked Council to consider the best and highest use for the property; spoke to safety concerns; and verified that persons using the athletic fields at the school were guests who did not have a

stake in the property.

Rebecca Buffington, 14 Cape May Point referenced other schools in the vicinity of commercial property; voiced concern with the tight 's' curve along the road; and stated that approximately 1,000 children attended Jesse Wharton Elementary.

Councilmember Wilkins asked who attended the Zoning Commission meeting on behalf of the School Board; spoke to the drug store being the reason for the School Board's opposition to the project; referenced Ms. Garrett opposing the item personally; asked if the School Board was aware that a drug store was no longer in the plan; who brought the issue before the School Board; and referenced that this was political.

Ms. Garrett responded that the other venues in the proposed project that could sell alcohol; stated they had just learned recently of the drug store removal; voiced concern that Councilmember Wilkins was making this political; and explained the process for the item coming before the School Board.

Discussion took place regarding an agreement between the School Board and persons utilizing the athletic fields at Jesse Wharton Elementary; an example of products that contained alcohol that a drug store could sell; and the need to look at the issue of who might sell alcohol.

Councilmember Outling stated he had spoken with staff on the issue; shared some concerns; spoke to the actions of the School Board; emphasized that Ms. Garrett did not speak for the School Board but as an individual member; and suggested in the future, the School Board present the issues.

Ms. Garrett confirmed that the vote was 11-0; and that she would relay the information to Chairman Duncan.

Councilmember Abuzuaiter requested clarification regarding the venues in the proposed project that could sell alcohol.

Mr. Kirkman provided a breakdown of said venues; and stated they would need to go through the permitting process.

Rebecca VanDerGoot, 1530 Trosper Road explained that she was a Guilford County resident who paid for the private lake; provided an example of work needed on the lake as a result of previous development; that the developer had spent approximately \$70,000 to maintain the lake to its original status; voiced concern that the neighbors had no commitment by the current developer regarding damage to the lake that had underground springs; stated the residents would remain in the County limits; and asked that Council consider the condition of the lake in their decision.

Mark Gatehouse, 4601 Norsaw spoke to the asset of the trails in the area; asked for clarification regarding the cycling accommodations that would be made; voiced concerns with safety as a result of the proposed development; referenced a blind corner along the route; and stated there was a CVS and Dollar Tree in the area.

Dusten Winebarger, 2920 Martinsville Road provided an overview of a map of the property; voiced concern with the lack of any plan for cycling infrastructure; and spoke to cycling traffic in the area.

Mayor Pro-Tem Johnson asked for clarification regarding the location of the lake; and if there would be significant drainage into the lake.

Mr. Clayton, civil engineer with Hugh Creed Associates outlined the watershed surrounding the property; and highlighted the proposed drainage and impact to the private lake as a result of the development.

Councilmember Hightower inquired about any future plans to widen the road; and how many neighbors had agreed to the additional conditions.

Mayor Vaughan requested that Council hold their questions until the public hearing was closed.

Attorney Isaacson responded that there were several meetings with five or six of the immediate neighbors;

referenced a meeting with approximately 50 in attendance; and spoke to discussions with Attorney Praise.

Attorney Praise spoke to the detailed discussions with neighbors about the conditions.

Attorney Isaacson confirmed that the property being requested for annexation was owned by Mr. Miller.

In rebuttal in favor to the item:

Attorney Isaacson spoke to the process for the way development was done in a community; reviewed what had been presented; confirmed the intent of the developer for the project; reiterated that no national drug store chain would be located in the center; stated the developer had not been given the opportunity to appear before the School Board; referenced compliance with state and local ordinances; and confirmed that traffic safety would be improved.

Mayor Pro-Tem Johnson inquired if the transportation improvements would address bike lanes.

Attorney Isaacson confirmed that bike lanes would be a longer term project; reminded Council that the property would be within the City limits but surrounding areas would not be in the City's jurisdiction; and reviewed the proposed traffic improvements.

Attorney Praise clarified the process for working with his clients who had signed off on an agreement in exchange for extensive conditions; referenced the context of additional meetings that had taken place with the neighbors; confirmed what his clients had asked him to do; and highlighted his experience in negotiating similar agreements.

Councilmember Wilkins inquired about an alternative option for the property; impact should Council annex the property this evening; and questioned if the neighborhood would prefer that option.

Mr. Kirkman provided an overview of the proposed zoning; spoke to accessing City water and sewer; the City's Water and Sewer Policy; and restrictions due to the watershed.

Attorney Isaacson spoke to single family homes that could be placed on the property; and added that no transportation improvements would be made should the rezoning not occur.

Dale Harrell stated he had facilitated the first meeting as a neutral party; that he wanted people to think through the proposed rezoning; and verified that conversations had taken place regarding the impact to the area as a result of residential development.

Councilmember Wilkins asked about the reaction of the neighbors.

Attorney Isaacson provided an overview of the reaction; stated the developer had looked at residential; and referenced working with staff on the planning for the property.

In rebuttal in opposition to the item:

Mr. Gatehouse voiced concern with the cycling issues; referenced conversations with the North Carolina Department of Transportation; emphasized the safety of cyclists; added that Painter Boulevard was in the near future; and stated he would like to see some cycling accommodations.

Angela Houser, 412 O'Brien Place stated she was the principal at Jesse Wharton School; provided an overview of why she opposed the project; emphasized the safety of students; voiced that roadway changes needed to take place; spoke to traffic in the area during school drop off and pick up times; to the possible development of an off site evaluation plan where students would need to travel by foot or bus; and asked that Council not support the item.

Councilmember Hoffmann asked if Ms. House thought the traffic was different from other elementary schools such as Sternberger or Jefferson.

Ms. Houser responded that the road in front of Jesse Wharton was two lanes; and that she could not speak to the other school traffic.

Rebecca VanDerGoot voiced that there was not a plan for the area; stated that the fringe growth was not what was needed; emphasized that the green area needed to be protected; and asked that the green area and the lake remain as is.

Discussion took place regarding the August 25th School Board meeting; if someone representing the School Board spoke at the Zoning Commission; and if there was a substantive discussion by the School Board.

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

Discussion took place regarding hearing the portion of the School Board minutes pertaining to the sale of alcohol; ability for the sale of alcohol to take place at the center; appreciation for the developer and the neighborhood to try to come to a resolution; removal of the national drug store chain; and a request for Mr. Kirkman to read the letter from the School Board.

Mr. Kirkman read the letter from the School Board into the record, a copy of which is filed in Exhibit Drawer Y, Exhibit No. 37, and is hereby referred to and made a part of these minutes.

Additional discussion took place around the opposition of the School Board; transportation improvements to the area; uniqueness of the type of development proposed; thought process of staff's recommendation; and development in the vicinity of the watershed.

Councilmember Outling voiced concern for the best use of the property; stated the non-residential use was inconsistent with the current use; commended the attorneys for their work on the agreement; voiced the need for Council to look at each case individually to consider what the highest and best use of the property would be; stated the development did not lend character to the City; reiterated that the community did not support the project; referenced commercial opportunities in the area; and stated he respectfully disagreed with staff and the proponents,

Councilmember Hightower asked how quickly the stop light would go in; if one would be installed if the property remained single family; and spoke to generating less traffic.

Transportation Director Adam Fischer confirmed that commercial development would generate more traffic; would likely trigger for the need for a traffic signal; referenced the Federal Highway Administration mandates; added that the traffic signal would be installed upon completion of the development; confirmed it was difficult to say if a signal would be warranted for single family development; and added that a traffic signals were typically not allowed to be a condition of rezoning.

Councilmember Hoffmann referenced the development of Friendly Center near Hamilton Lakes; provided a quote from President Kennedy; voiced the need to look towards the future; highlighted the needs of younger people who wanted a more urban environment; spoke to the need to be open to development in the City; voiced that Greensboro was limited in how it could grow; spoke to the increased tax base; and asked Council to think about how it looked at development going forward.

Councilmember Abuzuaiter asked about the process should Council vote to annex but not rezone the property.

City Attorney Carruthers advised that the annexation was not contingent on the zoning; spoke to the order and contingencies of the items; to the number of votes needed to adopt the ordinances; and confirmed the property could be annexed with nothing else occurring.

Councilmember Abuzuaiter voiced her concern for the safety and traffic; stated she had been in the area when buses were leaving the school; that she had nothing against the developer; that her feeling was to vote against the rezoning; added that it was her understanding that the entire neighborhood was in agreement with the conditions which she now saw was not the case; referenced the watershed; community benefit of the lake; voiced

appreciation to citizens for reaching out to Council; voiced concern that the road was not four lanes; and verified she would not be voting for the rezoning.

Councilmember Fox thanked Councilmember Outling for his statements; stated he shared many of the sentiments; referenced safety concerns; the highest and best use for the property; concerns of the community; referenced the environmental issues; voiced appreciation to the parties for trying to work the issues out; the important need to be inclusive of all persons; spoke to what millennials wanted to see in the community; reminded Council to take each rezoning strategically; added that he could not vote to support the item; and thanked the School Board and stakeholders for their input.

Councilmember Outling referenced Councilmember Hoffmann's insights; stated he wanted to provide the benefit of his thinking on the issue; added that this would not be a Friendly Center but spot development which would be inconsistent with surrounding development; spoke to maximizing and doing the best for the City; to who would patronize the center; and spoke to what needed to be taken into consideration.

Councilmember Hightower inquired about the zoning should Council vote in favor of the annexation; asked what entity determined the zoning; and about the number of houses that would be allowed.

City Attorney Carruthers responded that after sixty days the County zoning would apply if Council voted in favor of the annexation but not the rezoning.

Planning Director Sue Schwartz explained the process for rezoning; and voiced concern with setting a precedent should the property be annexed but not rezoned.

Mr. Kirkman spoke to what could happen on the site should the property be annexed but not rezoned; voiced concerns with annexation and no rezoning; and to what could be placed on the property.

City Attorney Carruthers advised Council of the rezoning process should the rezoning be denied this evening.

Mr. Kirkman advised that Council did not have to approve the annexation.

Mayor Vaughan voiced concern with the traffic; stated she did not think the road improvements would be enough; that she would like to see improvements that were more organized; spoke to her reasons for not annexing the property at this time; fairness to both sides; commended and congratulated the parties for working together; added that she had hoped the consensus would have been greater; and asked if the zoning items would be considered should the annexation fail.

Discussion took place regarding if it would benefit the developer to annex the property.

Attorney Isaacson responded that the developer would either want to continue this matter for 30 days and revamp this a bit further or withdraw the annexation petition as it was not fair to request the property come into the City unless the developer could get the rezoning.

Moved by Councilmember Wilkins, seconded by Mayor Pro-Tem Johnson to delay the matter for 30 days.

Discussion took place regarding if the public hearing would remain open; delay to the first of the year rather than 30 days; the number of continuances already granted for the item; knowing how Council would vote; providing additional time to work out details; no reasonable expectation that an agreement will be reached; the highest and best use for the property; Council's vision for the City; and if the opponents had an objection to the motion on the floor.

Attorney Prause reminded Council there was no Homeowners Association for the neighborhood; spoke to conflicts of interest; and stated he could not advise what might happen in 30 days.

Councilmember Barber spoke to the Council erring on the side for an agreement; voiced that he thought a continuance could be granted with a limited open public hearing with regard to the changed conditions; referenced his years on Council; and stated he would support, and that it would be appropriate, to allow another

30 days with the public hearing limited to the changes.

Additional discussion ensued with regard to Council creating an out of the ordinary precedence; allowing the parties to come up with a compromise; comments made by Council regarding a continuance request at the last meeting; and looking at the best use for the property.

Attorney Prause interjected that his clients did not wish to continue the item further from this evening.

Attorney Isaacson stated the developer wished to withdraw the annexation request at this time.

This ordinance was withdrawn as the developer withdrew the request for annexation.

17. [ID 16-0736](#) Ordinance Amending the Future Land Use Map of the Greensboro Connections 2025 Future Land Use Plan

This ordinance was withdrawn.

18. [ID 16-0734](#) Ordinance Establishing Original Zoning for Property Located at 5812, 5908 & 5910 Lake Brandt Road, 2000 & 2020 Trosper Road and a Portion of the Trosper Road Right-of-Way

This ordinance was withdrawn.

19. [ID 16-0735](#) Ordinance Establishing Original Zoning for a Portion of Lake Brandt Road Right of Way

This ordinance was withdrawn.

Mayor Vaughan declared a recess at 9:08 p.m. Council reconvened at 9:32 p.m. with all members in attendance except Councilmember Barber who discontinued participation in the meeting at 9:08 p.m.

V. GENERAL BUSINESS AGENDA

20. [ID 16-0871](#) Boards and Commissions Listing for November 1, 2016

Moved by Councilmember Hoffmann, seconded by Mayor Pro-Tem Johnson to reappoint Deborah Bowers as an alternate to the Board of Adjustment. The motion carried by voice vote.

Mayor Pro-Tem Johnson thanked Steve McCollum for his service on the Community Sustainability Council and asked for a replacement.

Mayor Pro-Tem Johnson stated she had received a call from a citizen concerned with liners in older water lines in the City; and asked if the City had any remaining lead water pipes in the system.

Moved by Councilmember Outling, seconded by Councilmember Wilkins to appoint Hillary Meredith to the Community Sustainability Council. The motion carried by voice vote.

Moved by Councilmember Wilkins, seconded by Councilmember Abuzuaiter to appoint Susanne Nazim to the Community Partners Board. The motion carried by voice vote.

Councilmember Abuzuaiter placed the name of Andrew Pinto into the databank for future service on a board or commission.

Moved by Mayor Vaughan, seconded by Councilmember Fox to appoint Sandy Neerman to the Greensboro Housing Authority. The motion carried by voice vote.

Mayor Vaughan appointed Councilmembers Outling and Wilkins to sit on the 'Say Yes' to Education Community Leaders Council.

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

Councilmember Hightower voiced concern that a plaque with her photo and name had been used without her permission at a retirement event for a City employee; requested City Attorney Carruthers research if the use was legal; and encouraged citizens get out and vote.

Councilmember Abuzuaiter thanked the Parks and Recreation employees who were involved in the opening of two new playgrounds, one in Ole Asheboro by the Kiwanis Club and the Declan playground at Griffin Park to honor Declan Donoghue; and stated that the Declan Donoghue Foundation had been created to build playgrounds across the state.

Councilmember Wilkins commended the happenings in District 5; congratulated the Cornerstone Charter Lady Cardinals High School Women's Volleyball Team for winning the State Title with no juniors or seniors on the team; and thanked Russ Parmele for his six years of service on the Zoning Commission.

Mayor Pro-Tem Johnson congratulated North Carolina A&T State University on their homecoming win; and voiced appreciation to those who visited Greensboro during the homecoming event.

Councilmember Fox thanked everyone for a wonderful Aggie Homecoming; stated he was glad for the win; thanked the Greensboro Police Department for their work during an incident at the event; announced the upcoming Renaissance Community CoOp grand opening at 10:00 a.m. on Saturday, November 5th; thanked the Kiwanis Club for the Nature Play facility in Ole Asheboro; and stated East White Oak Community Center turned 100 years old. Councilmember Fox announced the Job Readiness Fair at Windsor Community Center on November 16th from 9:00 a.m. to 1:00 p.m.; thanked staff for and spoke to the Fresh Start Thrive Gso. event on November 16th at 6:00 p.m. at New Zion Missionary Baptist Church, 408 Martin Luther King, Jr. Drive; referenced sponsors for the event; requested the status of a \$300,000 funding availability for the restoration academy to kick start the program in connection with the event; and encouraged people to get out and vote.

Mayor Pro-Tem Johnson requested an update as to when the skate parks would open.

Councilmember Hightower announced a ribbon cutting on November 12th at the smaller skate park in Glenwood.

Assistant City Manager Parrish responded that he would provide an update in the BiWeekly Report.

Matters to be presented by the City Manager

Councilmember Hightower asked about the status for an update on the Disparity Study.

Assistant City Manager Harris stated an update was scheduled to come to Council in December.

Matters to be presented by the City Attorney

City Attorney Carruthers stated the City was required by law to publish into the minutes the settlement of the LaMonte Armstrong case that was authorized last week in the amount of \$6,420,000; that it was in excess of the City Manager's authority; and stated the funding request would come before Council on November 15th which was to be paid out of the built up reserves that the City used for insurance.

Adjournment

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

THE CITY COUNCIL ADJOURNED AT 9:47 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR