



# City of Greensboro

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

## Meeting Minutes - Final City Council

Tuesday, May 2, 2017

5:30 PM

Council Chamber

### **Call to Order**

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

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

Mayor Vaughan stated there were 23 speakers; that Council would like to move through the agenda as quickly as possible; and would hear from the speakers at the end of the agenda.

### **Moment of Silence**

The meeting opened with a moment of silence.

### **Pledge of Allegiance to the Flag**

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

### **Recognition of Courier**

City Manager Jim Westmoreland recognized Kym Smith of the Transportation 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 reiterated that speakers would be heard at end of the meeting.

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

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

#### **2. [ID 17-0195](#)**

Resolution Calling a Public Hearing for May 16, 2017 on the Annexation of Territory into the Corporate Limits for the Property Located at 4403-4405 Pine Vista Lane - .98-Acres

93-17 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 16, 2017 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 4403-4405 PINE VISTA LANE – .98 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of

Greensboro, has 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 2th day of May, 2017, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4403-4405 PINE VISTA LANE – .98 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 northeastern right-of-way line of Pine Vista Lane, said point being the southern corner of Lot 7 of Arrowhead Acres, as recorded in Plat Book 34, Page 27, in the Guilford County Register of Deeds Office; thence with said right-of-way line N 59° 35' W 200.00 feet to the west corner of Lot 8 of Arrowhead Acres; thence with the northwest line of said Lot 8 N 30° 25' E 225.01 feet to the north corner of said Lot 8; thence with the northeast lines of said Lots 8 and 7 S 59° 35' E 113.00 feet to a corner of said Lot 7; thence with the east line of said Lot 7 S 17° 45' E 116.83 feet to the east corner of said Lot 7; thence with the southeast line of said Lot 7 S 30° 25' W 147.10 feet to the point and place of BEGINNING, being all of said Lots 7 and 8 and containing 0.98 acres.

Section 2. The owner agrees 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 owner shall be fully responsible for extending water and sewer service to the property at said owner's 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 May 16, 2017, the liability for municipal taxes for the 2016-2017 fiscal year shall be prorated on the basis of 1/12 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, May 16, 2017 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 May 6, 2017.

(Signed) Yvonne Johnson

3. [ID 17-0196](#)

Resolution Calling a Public Hearing for May 16, 2017 on the Annexation of Territory into the Corporate Limits for the Property Located at 3911 Hickory

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Tree Lane - .47-Acres

94-17 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 16, 2017 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 3911 HICKORY TREE LANE – .47 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has 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 2th day of May, 2017, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 3911 HICKORY TREE LANE – .47 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 eastern right-of-way line of Hickory Tree Lane, said point being the southwest corner of Lot 28 of Young Acres, as recorded in Plat Book 47, Page 77, in the Guilford County Register of Deeds Office; thence with said eastern right-of-way line N 03° 38' 45" E 120 feet to the northwest corner of said lot; thence with the north line of said lot S 85° 21' 00" E 162.49 feet to the northeast corner of said lot; thence with the east line of said lot S 02° 52' 30" E 125 feet to the southeast corner of said lot; thence with the south line of said lot N 85° 57' 40" W 174.50 feet to the point and place of BEGINNING, being all of said Lot 28 and containing 0.47 acres.

Section 2. The owner agrees 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 owner shall be fully responsible for extending water and sewer service to the property at said owner's 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 May 16, 2017, the liability for municipal taxes for the 2016-2017 fiscal year shall be prorated on the basis of 1/12 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, May 16, 2017 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 May 6, 2017.

(Signed) Yvonne Johnson

**4. [ID 17-0300](#)**

Budget Adjustments Requiring Council Approval 4/12/17-4/24/17

Motion to approve the budget adjustments of April 12 - 24, 2017 over the amount of \$50,000 was adopted.

(A copy of the report is filed in Exhibit Drawer Z, Exhibit No. 15 which is hereby referred to and made a part of these minutes.)

**5. [ID 17-0301](#)**

Budget Adjustments Approved by Budget Officer 4/12/17-4/24/17

Motion to accept the report of budget adjustments of April 12 - 24, 2017 was adopted.

(A copy of the report is filed in Exhibit Drawer Z, Exhibit No. 15 which is hereby referred to and made a part of these minutes.)

**6. [ID 17-0292](#)**

Motion to Approve the Minutes of the Work Session Meeting of April 4, 2017

Motion to approve the minutes of the Work Session of April 4, 2017 was adopted.

**7. [ID 17-0293](#)**

Motion to Approve the Minutes of the Regular Meeting of April 4, 2017

Motion to approve the minutes of the Regular meeting of April 4, 2017 was adopted.

**I. CEREMONIAL AND/OR PRESENTATION ITEMS****1. [ID 17-0223](#)**

Resolution Declaring the Month of May as 'Bike Month' in Greensboro

Councilmember Abuzuaiter read the resolution into the record; spoke to Bike Month; and requested the resolution be provided to the Transportation Department.

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

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

**95-17 RESOLUTION DECLARING THE MONTH OF MAY AS 'BIKE MONTH' IN GREENSBORO**

WHEREAS, National Bike Month provides an opportunity to increase public awareness of the many benefits of bicycling, to promote bicycle safety, and to encourage residents of the City to consider the bicycle as an alternative mode of transport; and

WHEREAS, bicycling provides an economical form of transportation, recreation and physical exercise, and is an important part of the transportation mix in Greensboro and the surrounding areas;

WHEREAS, growing numbers of Greensboro residents are currently bicycling in the community, and bicycling travel demand is expected to continue to grow in the years ahead;

WHEREAS, enhanced public awareness of bicycle safety issues is key to reduction of crashes;

WHEREAS, general promotion of bicycling as an active means of transportation and a healthful recreational activity has been shown to improve citizens' health, well-being, and quality of life;

WHEREAS, to help raise awareness of bicycling as an alternative mode of transportation, May 15-19, 2017 is designated as "Bike to Work Week";

WHEREAS, the City of Greensboro, consistent with the Bicycle, Pedestrian, Trails and Greenways Master Plan, seeks to improve bicycle facilities, encourage bicycling as a healthful and environmentally sound activity and to increase the popularity of bicycling;

WHEREAS, the Greensboro Department of Transportation has a goal to install 75 miles of bicycle lanes in the City of Greensboro by the end of 2022, primarily through resurfacing and delivery of major roadway projects that include bicycle accommodations.

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

That the month of May 2017 is hereby declared 'Bike Month' and the week of May 15-19, 2017, as Bike to Work Week; and all residents are encouraged to participate in the events planned and all road users are urged to share the road safely with bicyclists.

(Signed) Jamal Fox

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

There were no public hearing items for this agenda.

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

8. [ID 17-0058](#)

Resolution Authorizing the Conveyance of Surplus Foreclosure Property  
Located at 1322 Bothwell Street

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to not sell the property at this time. Councilmember Hightower voiced that the transfer needed to be done in a responsible manner; and spoke to the Benbow Park area.

Councilmember Wilkins confirmed the motion was to deny the item; indicated that information had been added to the item; and stated the proposed buyer had plans for a residence to serve homeless veterans.

Assistant City Manager Barbara Harris referenced conversations with, and stated staff had not heard back from, the prospective purchaser.

Discussion took place regarding if a lease ownership or a rezoning request was required; the lack of a written commitment; the item being tabled three times; and work that needed to be completed.

City Attorney Tom Carruthers reminded Council of the state law; and to the authority of Council.

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

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

9. [ID 17-0228](#)

Resolution Authorizing a Conditional Commitment of Funds to Multi-Family  
Affordable Housing Development Projects

Assistant City Manager Harris provided a summary and overview of the item; referenced the PowerPoint Presentation (PPP); stated there were commitments to five projects; addressed the tax credit issues; and stated staff would bring the M/WBE information to Council.

Councilmember Fox asked that if one of the projects was selected that staff would go back and look at the traffic impact study, particularly along Sixteenth Street.

Councilmember Hightower thanked staff for the information; and for placing the funding into the community.

Assistant City Manager Harris stated for the record that the resolution needed to be corrected to read \$ 532,423 instead of \$400,000 in the Partnership Place Apts. line item.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer Z, Exhibit No. 15, which is hereby referred to and made a part of these minutes.)

**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, Mike Barber, Marikay Abuzuaiter, Jamal T. Fox, Sharon M. Hightower, Nancy Hoffmann, Justin Outling and Tony Wilkins

**96-17 RESOLUTION AUTHORIZING A CONDITIONAL COMMITMENT OF FUNDS TO MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT PROJECTS**

WHEREAS, \$800,000 of federal HOME program funds and \$3,100,000 of City Housing Bond funds were included in a competitive Request for Proposals for Multi-family Affordable Housing Development;

WHEREAS, the Planning Board has made a recommendation for City Council consideration to award HOME program and Housing Bond funds as follows:

Project Name	Location	Developer	Amount
Bells Summit	2400 Summit Ave	Carr-Theismann, LLC/Beacon Management Corp .	\$ 706,147
16th St. Commons	2571 16th Street	Carr-Theismann, LLC/Beacon Management Corp.	\$ 885,069
Mullin's Run Apts	2755 Horse Pen Creek Road	Weaver-Kirkland LLC/Well Spring Services, Inc.	\$1,000,000
Ryan Ridge Apts	4410-4412 Rehobeth MC Morgan & Assoc. Church Road		\$ 573,449
Partnership Place Apts.	603 W. Terrell St.	Partnership Homes, Inc.	\$ 532,423
TOTAL			\$3,697,088

WHEREAS, several projects must have City commitment letters prior to their final application submittals to the North Carolina Housing Finance Agency;

WHEREAS, the HOME program funds are included in the FY 2017 and prior year budgets;

WHEREAS, the Housing Bond funds are anticipated to be available in the FY 2018 budget;

WHEREAS, the recommendation is for issuance of a time-limited commitment conditioned on successful projects receiving all necessary financing, MWBE compliance documentation, and availability of City funds;

WHEREAS, the successful projects would be brought back to City Council for further action to authorize contract funding.

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

That it authorizes conditional commitments for the affordable housing development projects as recommended by the Planning Board.

(Signed) Sharon Hightower

**10. [ID 17-0234](#)**

Resolution Approving Bid for \$4,736,587.30 and Authorizing Execution of

Contract 2009-004 (U-5326) with Triangle Grading & Paving, Inc. for the Construction of the W. Market Street at Guilford College Road Intersection Improvements Project.

Councilmember Hightower inquired about the state funds; and for identification of the DBEs.

Assistant City Manager David Parrish provided an overview of the DBE goals and participation; and spoke to the process for reporting the information.

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

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

97-17 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2009-004 (U-5326) WITH TRIANGLE GRADING & PAVING, INC. FOR THE CONSTRUCTION OF THE WEST MARKET STREET AT GUILFORD COLLEGE ROAD INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the West Market Street at Guilford College Road Intersection Improvements project;

WHEREAS, Triangle Grading & Paving, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$4,736,587.30 as general contractor for Contract No. 2009-004, 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 Triangle Grading & Paving, Inc. is hereby accepted, and the City is authorized to enter into a contract with Triangle Grading & Paving, Inc. for the West Market Street at Guilford College Road Intersection Improvements project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$4,736,587.30 from the following Street and Sidewalk Capital Project Fund account: 401-4547-01.6014 A16102.

(Signed) Nancy Hoffmann

**11. [ID 17-0257](#)**

Resolution to Enter into a Downtown Development Agreement (DDA) with CHI Greensboro, LLC to Design and Build a Public/Private Parking Structure

Mayor Vaughan thanked the speakers for their patience.

Councilmember Hightower voiced concern with the lack of M/WBE goals; and requested staff look at the criteria and requirements for Professional Service Contracts.

City Manager Westmoreland explained that staff would work with the company; and inform them of the City's M/WBE requirements.

City Attorney Carruthers referenced that this was for professional services; and confirmed that compliance with the M/WBE Program was a requirement of the agreement.

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

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

**98-17 RESOLUTION TO ENTER INTO A DOWNTOWN DEVELOPMENT AGREEMENT (DDA) WITH CHI GREENSBORO, LLC TO DESIGN AND BUILD A PUBLIC/PRIVATE PARKING STRUCTURE**

WHEREAS, the City's four (4) parking structures are at or near capacity with monthly and transient parkers;

WHEREAS, over the past twelve months the City of Greensboro has experienced a significant growth in parking demand due to new and anticipated development in downtown Greensboro;

WHEREAS, within the downtown core, the City is projecting a deficit of parking spaces within the next two (2) years due to new residential, office development, commercial, and hotel development;

WHEREAS, over the past eight months the City has been in discussion with CHI Greensboro, LLC (Developer) about the redevelopment of the Eugene/Bellemeade area and the development of a new public/private parking structure that would serve the proposed public parking demands in the area and the Developer's parking demands for their new mixed use project;

WHEREAS, the Developer would agree to design and construct an eight (8) story parking structure that will contain approximately 1,050 public parking spaces for the City of Greensboro;

WHEREAS, the Developer plans to include basement parking and ground level retail space with the parking structure (Phase I) and has future plans to build an approximate 15-20 story mixed use facility on top of the parking structure (Phase II);

WHEREAS, in order to take advantage of economies of scale and avoid duplication of effort and expenses, the City is currently exploring options to partner with the Developer in the design and construction of the public parking structure;

WHEREAS, upon completion of the project, the City will own, operate, and maintain the public parking spaces in the structure:

WHEREAS, the Developer has plans to lease up to 450 parking spaces from the City at market rates in the future and an adjacent proposed development has plans to lease up to 350 parking spaces from the City at market rates in the future;

WHEREAS, the current estimated cost to design and construct the public components of the parking structure is approximately \$30 million;

WHEREAS, annual operating expenses and debt service costs totaling approximately \$2.5 million will be funded from operating revenues from the new deck, existing parking fund revenues, and general fund revenues.

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

That the City Manager is authorized to enter into a Downtown Development Agreement (DDA) with CHI Greensboro, LLC to design not to exceed \$2 million and possibly build a public/private parking structure in the Eugene/Bellemeade area.

(Signed) Justin Outling

## **II. PUBLIC COMMENT PERIOD**

Councilmember Wilkins inquired if there were any district representation restrictions with regard to the Police Citizens Review Board (PCRB).

City Attorney Carruthers responded that Council had moved the membership to nine members; and confirmed



there would be one per district but no more than three in any single district.

Sara Blevins, 1626 Willomore Street spoke to issues that were coming before Council; shared the Oath of Office required by City officers; reminded Council that the country had been founded on strong principals; and reminded Council of why people were present this evening.

Brian Watkins, 1903 Taylor Street provided a video.

Lindsay Caesar, 2332 Hiawatha Drive referenced her relationship with her mother; spoke to the mother of Jose Charles who continued to fight against the system; to the review of the body worn camera footage; referenced the decision of the PCRB; asked Council to stand with the community and the PCRB; added that Council had asked the District Attorney (DA) to drop charges in other cases; and stated she stood with Jose Charles and his mother.

Mayor Vaughan asked City Attorney Carruthers to address the issues in the Scales Brothers and Yourse cases; and asked the audience to be quiet.

City Attorney Carruthers provided the history and overview of both cases; referenced the review of the CRC and PCRB in said cases; verified the role of the City Manager with regard to making a determination of violations of procedure which had been reported to the DA; explained the actions of the DA with regard to dismissal of the charges; spoke to the review of excessive use of force; officer resignations; and stated that Council released the body worn camera video footage and a timeline of the investigation in accordance with the law at that time. City Attorney Carruthers spoke to the process by Council in reviewing the documents; and for contacting the State Licensing Board.

Kirstin Cassell, 3403 Kenmore voiced she stood in support of Jose Charles; acknowledged Chantelle Wesley; voiced concern for her African American child growing up in the community; to trusting police actions; emphasized the need for transparency; and ended with a quote from Angela Davis.

Councillmember Hightower asked if it would be appropriate for her to make a motion to ask the City Manager to direct the Police Chief to request the DA drop the charges; and made the motion.

City Attorney Carruthers spoke to the speaker's specific request; responded that informing the DA of the position of the elected body was not prohibited under the law; referenced the separation of bodies; the constitution; judicial proceedings; the right to a fair trial in the United States of America; spoke to the duty expected of all judges, prosecutors and Civil Courts; and stated that if he were being asked if the motion would violate the law, his answer was 'no'.

Councillmember Hightower responded that she was trying to get through this; needed to understand the issue; referenced the emotion and passion of the issue; voiced the need to find a resolution; and verified she could make a motion.

City Attorney Carruthers responded that there was nothing to prevent the motion; reminded Council it would be one that would go against the separation of the legislative and judicial bodies; reiterated that he had given his view point on public policy; and reminded Council it could be dangerous when elected bodies sought to determine what a criminal or civil court should do through a resolution.

Mayor Vaughan interjected that Council would clear the Chamber if they could not get through the speakers.

Mayor Pro-Tem Johnson asked everyone to respect each other; stated that there were those who cared very deeply as the audience did; reminded them that laws changed; that a gag order had been placed on Council; that they were trying to get it right; and added that those speaking out in the audience did not respect what people were saying.

Councillmember Hightower spoke to her concerns for the gag order adding to the lack of transparency; stated she was disheartened; reminded those present Council could not discuss the video; and stated that violating the law did not help anyone.

Mayor Vaughan stated there was an advocate trying to speak; and that she would clear the chamber. Mayor Vaughan referenced that the oath taken by Council was to respect the law; reminded the audience of the separation of powers; and the authority of Council.

Councilmember Hightower stated Council swore to affirm and uphold the laws of North Carolina; reminded the audience Council was listening and trying to get to a resolution; spoke to there being no perfect answer; voiced the need to uphold and respect the law as well as each other; and added that the speakers had good points and arguments but needed to learn to respect one another.

Mayor Vaughan reminded the audience of the legal issues when dealing with a juvenile case; stated a mother could not waive her child's confidentiality; referenced releasing video in the past; and the ability of Council on the issue.

Mayor Vaughan asked that a member of the audience be removed from the Chamber; stated that Council would not engage in conversations with members of the audience; and that the motion made by Councilmember Hightower died for lack of a second.

Mayor Vaughan requested the audience remain in their seats.

Moved by Councilmember Barber, seconded by Councilmember Outling to recess the meeting.

Mayor Vaughan declared a recess at 6:28 p.m.

Council reconvened at 7:11 p.m. with all members in attendance.

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

There were no comments by the Mayor and Members of Council.

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

There were no items for discussion by the City Manager.

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

There were no items for discussion by the City Attorney.

#### **Adjournment**

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

THE CITY COUNCIL ADJOURNED AT 7:12 P.M.

ELIZABETH H. RICHARDSON  
CITY CLERK

NANCY VAUGHAN  
MAYOR